

# **Leave Administration**

## **The Mystery Unraveled**

### **Participant Guide**

NPS Technology Enhanced Learning (TEL)

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Revised February 27, 2004



# Welcome

Welcome to this TEL (Technology Enhanced Learning) training event. We are excited that you will be joining us today for Leave Administration: The Mystery Unraveled and look forward to helping you get as much out of this time as possible.

Your classroom today is not very large, 125 or fewer students from as many as forty different locations across the NPS. We purposely keep the class size small to assure that if you have a question, there is time to get it answered. Don't hesitate to ask, if you have a question, there are probably several others in the class who have the same question – you might as well be the one to ask. It is our goal that you leave class today with no unanswered questions.

## How to Interact with the Instructor

We encourage you to ask questions and share your comments with the instructor(s) throughout this TELNPS course. If you were physically in the classroom with the instructor, you would raise your hand to let her/him know you had a question or comment. Then you would wait for the instructor to recognize you and ask for your question. We are all familiar with that “protocol” for asking questions or making comments.

With TELNPS courses, there is also a “protocol” to follow to ensure you can easily

ask questions and others can participate as well. It may seem a little strange at first asking a question of a TV monitor. Remember, it is the instructor you are interacting with and not the monitor. As you ask more questions and participate in more TELNPS courses, you will soon be focusing only on the content of your question and not the equipment you are using to ask it.

As part of the TEL station equipment at your location, there are several push to talk microphones. Depending on the number of students at your location, you may have one directly in front of you or you may be sharing one with other students at your table.

**When you have a question, press and hold down the push to talk button maintaining at distance at least 12-18 inches and say,**

*“Excuse me [instructor’s first name], this is [your first name] at [your location]. I have a question (or I have a comment).”*

Then release the push to talk button. This is important. Until you release the button, you will not be able to hear the instructor.

The instructor will acknowledge you and then ask for your question or comment. Stating your name and location not only helps the instructor, but also helps other students who are participating at different locations to get to know their classmates.

**LEAVE ADMINISTRATION: THE MYSTERY UNRAVELED  
COURSE MAP**



**COURSE OBJECTIVES**

After completing this course, you should be able to:

1. Describe employee entitlements under the major leave programs available to federal employees and the rules relating to each type of leave
2. Explain the purpose and elements of a local leave policy.
3. Demonstrate how to deal with common leave problems.

**REGULATORY AUTHORITY FOR LEAVE**

5 CFR Parts 630 and 890

## ANNUAL LEAVE

Annual leave is used for:

- Vacations
- Rest and relaxation
- Personal business
- Emergencies

Full time employees accrue annual at the following rates:

- Less than 3 yrs service = 4 hrs per pay period (service includes military time)
- 3-15 yrs service = 6 hrs per pay period
- 15 plus years of service = 8 hrs per pay period (you've earned it!)

Part time service is prorated. Temporary/seasonal employees whose appointment is expected to last > 90 days accrue annual leave. Intermittent employees do not accrue annual leave. Maximum carryover each leave year = 240 hours

Restoring "use or lose" annual leave that is lost

- Must have been scheduled and approved in advance (documented)
- Can be restored if the loss of the leave was due to one of the following:
  - Administrative error
  - Exigency of the public business
  - Employee sickness

Advance annual leave is limited to the amount of leave the employee will accrue through the remained of the leave year.

Annual leave is a right of employees. The supervisor has a right to schedule when the leave is taken.

### **The Case of Use or Lose Louise**

Louise is a full-time employee with 17 years of Federal service. She entered this leave year with a carryover of 225 hours of annual leave. How many hours will she need to use during this leave year in order to not lose her excess leave?

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Louise scheduled her hours of "use or lose" throughout the leave year. She scheduled 40 hours of that time during the Christmas Holidays and received written approval from her supervisor in October. One week prior to her Christmas leave, Louise has appendicitis and is off work for 3 weeks. If she requests to change her annual leave to sick leave, will she lose the 40 hours? Why or why not?

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## **SICK LEAVE**

Sick leave is used for:

- Personal illness, injury, pregnancy, childbirth
- Medical/dental/optical exam or treatment
- Family care and bereavement
- Exposure of you or family member to communicable disease
- Adoption related purposes

Full time employees accrue 4 hours per pay period.

Part time employees accrue 1 hour for each 20 hours worked.

All temporary/seasonal employees accrue sick leave.

Intermittent employees do NOT accrue sick leave.

Employee should follow NPS/local procedures for notification or request.

For extended leave, employees should provide 30 days advance notice if possible.

Supervisors may require medical certification for absences of more than 3 workdays.

Supervisors may establish a time limit for providing medical certification and may request additional information.

Advance sick leave may be granted within the following limits:

- 240 hours maximum for own needs
- 40 hours maximum for family care
- 240 hours maximum for adoption related purposes

### **The Dental Dilemma**

Bruce requested sick leave today (Monday) for a dental appointment tomorrow (Tuesday). He works in the accounting department, and the quarterly status of funds is due on Wednesday. Must the sick leave be granted?

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## **SICK LEAVE FOR FAMILY CARE AND BEREAVEMENT**

Employees may use up to 13 days (104 hours) of sick leave to care for a family member incapacitated as a result of physical or mental illness; to attend to a family member for medical/dental/optical exam; to arrange for or attend a funeral of a family member.

- All employees may use 5 days (40 hours).
- To use the additional 8 days, an employee must maintain a balance of 80 hours or more.

Employees may use up to a maximum of 12 weeks to care for a family member with a “serious medical condition.”

Employees must maintain a balance of 80 hours to use more than 40 hours for family care.

If an employee uses any or all of the 13 day entitlement, that amount is subtracted from the 12 week entitlement.

The maximum entitlement of using sick leave for family care and bereavement each leave year is 12 weeks or 480 hours.

For the purposes of using sick leave for family care and bereavement, a family member is defined as:

- Spouse and his/her parents
- Children (including adopted) and their spouses
- Parents
- Brothers/Sisters and their spouses
- Any individual related by blood or affinity whose close association is equivalent of a family relationship

### **Betty's Bypass**

Bob's mother, Betty, had by-pass surgery and is recuperating at home. Bob's wife, Beatrice, has gone to Betty's house to care for her. Bob has requested sick leave to stay home with his children (Ben, Bruce and Brenda) because Beatrice is at Betty's. Bob says that sick leave is appropriate because Beatrice cannot care for Betty unless he is with the children. Can you grant sick leave to Bob to care for Ben, Bruce and Brenda so Beatrice can go to Betty's?

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## FAMILY AND MEDICAL LEAVE ACT (FMLA) OF 1993

FMLA provides a total of 12 work weeks of leave without pay during any 12 month period to care for family members with a serious health condition.

All employees who have completed at least 12 months of service are entitled to the provisions of the FMLA.

Employee's job and benefits are protected during this leave.

Leave under the FMLA applies to:

- Birth of child and care of newborn
- Placement of child with employee or adoption or foster care
- Care of spouse, child or parent with serious health condition
- Employee's own serious health condition

Under the FMLA, a family member is defined as:

- Spouse by legal marriage or common law
- Biological parent or "loco parentis"
- Biological, adopted, foster or step child
- Legal ward who is under 18 or over 18 and incapable of self care

Under the FMLA, a serious health condition is any illness, injury, physical or mental condition that involves:

- Inpatient care
- Any condition that results in incapacity of 3+ calendar days
- Continuing treatment by health care provider for chronic condition

The 12 month period begins on the date an employee first takes FMLA leave. Holidays are NOT counted against the 12 week entitlement.

Employees must invoke FMLA. When the need is foreseeable, the employee must provide 30 days notice.

**FAMILY AND MEDICAL LEAVE ACT (FMLA) OF 1993 (CONT.)**

Employees may use 12 weeks of sick leave for a family member with a serious health condition AND then invoke his/her entitlement to LWOP under the FMLA for an additional 12 weeks to care for a spouse, son/daughter, or parent with a serious health condition.

In the case of leave for childbirth, the birth mother may:

- Use sick leave for "incapacitation" from pregnancy or childbirth
- Use annual leave for newborn bonding and other responsibilities
- Use up to 12 weeks of LWOP under the FMLA for childbirth and care of newborn (in addition to or in combination with annual leave or sick leave)

In the case of leave for childbirth, the birth father may:

- Use up to 12 weeks of sick leave to care for biological mother during pregnancy, childbirth and recovery
- Use up to 13 days of sick leave to care for newborn when ill or to accompany to medical exams  
Use annual leave for bonding
- Use up to 12 weeks of LWOP under the FMLA for childbirth and care of newborn (in addition to or in combination with annual leave or sick leave.)

Employees are entitled to be restored to the same position or an equivalent position with same benefits, pay, status and other terms and conditions of employment.

**The Mystery of the Maternal Matriarch**

Doris is a Federal employee whose 22-year old daughter is pregnant. The daughter's husband has been called to active duty for Operation Allied Force. Doris has requested 6 weeks of unpaid leave under the FMLA to care for her daughter when the daughter gives birth. Is she entitled to this leave?

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Doris says she is entitled to FMLA leave for "childbirth and care of the newborn". Is she?

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## **VOLUNTARY LEAVE TRANSFER PROGRAM**

The voluntary leave transfer program allows Federal employees to donate annual leave directly to other employees who have a personal or family medical emergency, and have exhausted all of their own leave.

To qualify as a recipient under this program:

- You, or a family member, must be affected by medical emergency
- Absence from duty for medical emergency without available paid leave must be at least 24 hours
- Use OPM Form 630 to apply (see participant manual)

A medical emergency is a medical condition of employee or family member likely to result in prolonged absence from duty and substantial loss of income. The broad definition provides flexibility.

For the purposes of the Voluntary Leave Transfer Program, a family member is defined as (same as sick leave for family care):

- Spouse and his/her parents
- Children (including adopted) and their spouses
- Parents
- Brothers/Sisters and their spouses
- Any individual related by blood or affinity whose close association is equivalent of a family relationship

### **The Case of Great Expectations**

Emily has worked for the NPS for 3 years and is expecting twins. She had another baby 15 months ago and as a result has only 60 hours of sick leave accrued. Her doctor has informed her that she will need to be off for at least 6 weeks following the birth of the twins. Does Emily's normal maternity care qualify as a "medical emergency" under the leave share regulations?

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Ed, Emily's coworker, has volunteered to donate 80 hours of sick leave to her. Is this appropriate?

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## LEAVE WITHOUT PAY (LWOP)

Temporary absence from duty and pay requested by the employee. LWOP should be granted only when there is a mutual benefit to the employee and the NPS. LWOP may affect certain federal benefits.

LWOP must be granted for the following:

- FMLA – 12 weeks for family and medical needs
- USERRA – period of military service
- Medical exams for disabled vets
- OWCP – when receiving compensation

### The Case of Anna and the Alaskan Adventure

Anna is a 10 year employee with an annual leave balance of 220 hours as of May 31st. On June 5th, she submits a request for two weeks of LWOP to go on an Alaskan cruise in August. Currently, she has no other leave requests submitted for this year. Should the supervisor approve the LWOP request? Why or why not?

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### ABSENCE WITHOUT LEAVE (AWOL)

Absence from duty without authorization or approved leave.

Employee receives no pay for time coded AWOL.

Not a disciplinary action in itself, but may be basis for future action.

Employee should be notified in writing when placed on AWOL.

## ADMINISTRATIVE LEAVE

Administrative leave may be appropriate when the absence is directly related to department of mission; is officially sponsored or sanctioned by agency head; or will clearly enhance professional development of employee in his/her current position.

Administrative leave:

- Should be brief and determined to be interest of the agency
- Normally must be approved by the superintendent
- Is not to be used as a substitute for other types of leave

Administrative leave may be used for:

- Registration and/or voting
- Blood donation
- Taking Civil Service exams
- Day of an “on the job” injury
- Union representative attending training sponsored by labor organization

### Doug’s Dilemma

Doug is a human resources specialist. In the evenings and on weekends, Doug volunteers as an EMT for Dade County. He will need time away from work to complete final requirements for his EMT certification. Should the supervisor grant administrative leave? What other options might be appropriate?

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**COURT LEAVE**

Court leave may be an authorized excused absence for:

- Jury Duty
- Summoned as witness for city, county, state, or Federal government  
No loss of pay - no charge to leave
- No limit

**MILITARY LEAVE**

15 days of paid leave each FY for inactive or active duty training or service. 22 days each year when called to “enforce the law or for the purpose of providing assistance to civil authorities in the protection or saving of life or property or the prevention of injury”

**FUNERAL LEAVE**

Limited to employee whose immediate relative dies as a result of wounds, disease, or injury incurred as a member of the Armed Forces in a combat zone. Not to exceed 3 days. No loss of pay, no use of other leave.

**LOCAL LEAVE POLICY**

A local leave policy should clearly communicate your expectations for your work unit.

If employees belong to a union, the local leave policy may be subject to negotiations with the union.

A local leave policy should include:

- Arrival and departure times
- Lunch periods
- Leave request and approval procedures
- Additional appropriate information

**SAMPLE OF A LOCAL LEAVE POLICY**

(Note: This is an example of a local leave policy. Not all workplace situations lend themselves to these particular guidelines.)

The following leave policy for (*your Division, Branch, office*) is established in addition to applicable law and regulation, and established NPS, regional and/or park leave policies.

1. All planned annual leave should be requested in advance. Annual leave involving advance planning, such as vacations, family events, etc. should be submitted for approval as early as possible so that neither the employee or the staff in workplace will be inconvenienced.
2. Emergency annual leave should be requested as soon as the employee knows he or she will have to take it and is able to notify the workplace.
3. All planned sick leave should be requested in advance. This includes doctor and dentist appointments.
4. Emergency sick leave should be requested as soon as the employee knows he or she will have to take it and is able to notify the workplace.
5. To request emergency annual and/or sick leave the employee should call his or her immediate supervisor within the first half-hour of the workday on which the leave will be incurred. If the immediate supervisor is not available, the employee should speak to the acting supervisor or someone who can get a message to the supervisor. Ideally, a message should also be left on the supervisor's voicemail if the supervisor has voicemail.
6. After the first day of emergency annual and/or sick leave it is up to the employee to call in on a daily basis with an update of his/her additional leave requirements.

**Name That Leave!!!**

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**POST COURSE ASSIGNMENT**

Ensure you print your name on the attendance roster.

Complete the online evaluation for this course. The evaluation is found at [www.telmps.net/evals](http://www.telmps.net/evals)

**HELPFUL RESOURCES**

OPM Leave Administration Web Site: [www.opm.gov/oca/leave](http://www.opm.gov/oca/leave)

