



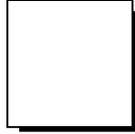
Leave Administration: The Mystery Unraveled

Participant Guide



National Park Service TEL Training

December 17, 2009



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 we look forward to helping you to get as much out of this time as possible.

If you have a question, don't hesitate to ask – 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 instructors 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 that 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 a distance of 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.



Course Overview

Why a Leave Administration: The Mystery Unraveled program?

Many changes over the years to leave entitlements, particularly in the area of family-related leave, have made balancing employee leave entitlements and organizational needs somewhat of a mystery. This training helps supervisors to unravel the mystery of managing the leave use of their employees in accordance with the law and with agency regulations and policies, and in such a way as to be able to accomplish the goals of the organization.

Target Audience

Anyone who administers leave and oversees use of employees' leave, including supervisors at all levels and administrative staff who interpret the leave rules. This course has been approved as part of the 40-hour annual training requirement for supervisors.

Program Timing

Leave Administration: The Mystery Unraveled is a three-hour TELNPS course.

Learning Objectives

After completing this program, you will be able to:

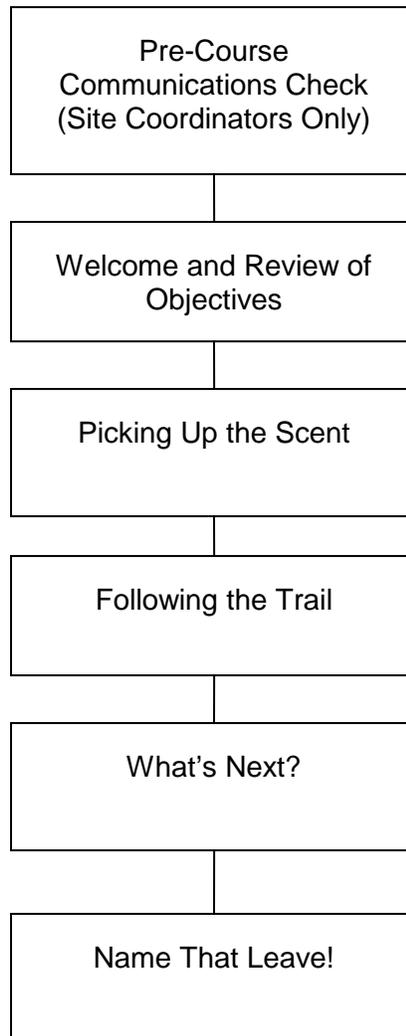
- Describe employee entitlements under the major leave programs available
- Explain the rules relating to each type of leave
- Explain the purpose and elements of a local leave policy

Site Point-of-Contact Responsibilities

The TEL Station Site Point-of-Contact must reserve the training room, notify employees that the park will be participating in this TEL training event, make sure the Participant Guide is available to students, set up the TEL Station on the day of the training, ensure students sign in on the attendance roster, and finalize the Class Attendance Roster in DOI Learn.

Leave Administration: The Mystery Unraveled

Course Map





Exercise: Why Correct Employee Problems?



You have 3 minutes to complete this activity

What questions do you have about leave?

List 3 questions here:



Here are some more. Do you know the answers to these questions?

- How do I decide who gets to take annual leave when more than one employee wants off at the same time and I just can't let them both go?
- Are employees automatically entitled to leave without pay when their accumulated leave runs out?
- If my employee doesn't show up for work or call in today, do I put them on leave without pay?
- Can I require my employee to bring me a doctor's excuse to support her use of sick leave?
- Can I cancel my employee's previously scheduled and approved annual leave?
- Can my employee use sick leave to take her daughter to a doctor's appointment?



Picking Up the Scent

Where To Go for Help

You have 3 main sources of information to help you answer your questions about leave administration:

1. **Regulations** at 5 CFR Parts 630 and 890
2. **OPM's website**
www.opm.gov/oca/leave
3. Your local **HR Specialist**

Be sure to consult these sources to get you headed in the right direction! Also be sure and check for local leave policies in your work region, park, or individual work unit.



Exercise: The Case of Use or Lose Louise



You have 3 minutes to complete this activity

AL-1: 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?

AL-2: Louise scheduled her hours of “use or lose” throughout the leave year. She scheduled 40 hours of that time during the Christmas holiday and received written approval from her supervisor in October. One week prior to her Christmas leave, Louise has an 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?



Following the Trail



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.

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
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- Employees 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.



Exercise: The Dental Dilemma



You have 2 minutes to complete this activity

SL-1: Bruce requested 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?

Sick Leave for Family Care and Bereavement

("Family-Friendly" Leave)

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; or to arrange for or attend a funeral of a family member.

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

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 (480 hours).

This is sick leave you have accrued in your personal leave account, not a separate bank of leave available for this purpose.

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

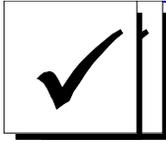


Exercise: Betty's Bypass



You have 2 minutes to complete this activity

FF-1: Bob's mother, Betty, had bypass 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?



Following the Trail



Family and Medical Leave Act of 1993 (FMLA)

*Definition: 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**.*

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

Leave under the FMLA applies to:

- Birth of child and care of newborn
- Placement of child with employee (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 (different from family friendly):

- Spouse by legal marriage or common law
- Biological parent or "loco parentis"
- Biological, adopted, foster, or stepchild
- 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
- 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 may use 12 weeks of sick leave for a family member with a serious health condition AND then invoke their 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 (*typically* 6-8 week recovery period)
- 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 (*typically* 6-8 week recovery period)
- 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)

Your employees should talk to you early on to plan this leave. If they don't you should bring it up with them.



Exercise: The Mystery of the Maternal Matriarch



You have 3 minutes to complete this activity

FMLA-1: 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?

FMLA-2: Doris says she is entitled to FMLA for "childbirth and care of the newborn"-- is she?



Following the Trail

Voluntary Leave Transfer Program (Leave Share)

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 a medical emergency
- Your absence from duty for the medical emergency without available paid leave must be at least 24 hours
- You must use OPM Form 630 (www.opm.gov/oca/leave)
- A “medical emergency” is a medical condition of the employee or a 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, “family member” is defined the same as sick leave for family care:

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

⇒ Employees may donate **only ANNUAL leave** to leave share recipients.



Exercise: The Case of Great Expectations



You have 3 minutes to complete this activity

LS-1: 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?

LS-2: Ed, Emily's co-worker, has volunteered to donate 80 hours of sick leave to her. Is this appropriate?



Following the Trail

Leave Without Pay (LWOP)

Definition: 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 benefits
 - USERRA -- period of military service
 - Medical exams for disabled vets
 - OWCP – when receiving compensation
- Check local policies for who may approve LWOP.

Absence Without Leave (AWOL)

Absence from duty without authorization or approved leave.

- ⇒ **NOT** to be confused with Leave Without Pay - Supervisors have no authority to place employees on LWOP; if unapproved and unscheduled use AWOL.
 - Employee receives no pay for time coded AWOL (special pay code in FPPS).
 - Not a disciplinary action in itself, but may be basis for future action.
 - Employee must be notified in writing when placed on AWOL.

Always consult with your servicing HR office when considering this action.



Following the Trail

Administrative Leave

Administrative leave may be appropriate when the employee's absence:

- Is directly related to the department or agency mission;
- Is officially sponsored or sanctioned by the agency head; or
- Will clearly enhance the professional development of the employee in his/her current position.

Administrative leave:

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

Examples of appropriate Administrative Leave uses:

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



Following the Trail

Other Leave Types -- ALWAYS Consult HR

All of these types of leave have special coding requirements in Quicktime.

Court Leave

Court leave is an authorized excused absence for:

- Jury duty
- Summoned as witness for City, County, State, or Federal government
- No loss of pay, no limit; no charge to any personal leave balance

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" (including natural disasters, terrorist acts, etc.)

Funeral Leave (Very specific circumstances!)

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.

⇒ **NOTE:** NOT TO BE CONFUSED WITH SL FOR FUNERAL PURPOSES UNDER FAMILY-FRIENDLY LEAVE ACT

Related Situations

Fellow LE Officers and Firefighters killed in the line of duty

- Excused to attend funeral
- Considered official duty
- No designation of absence on timecard - regular time

Veterans or member of ceremonial group

- Excused absence up to 4 hours
- To participate as active pallbearer, firing squad, or honor guard



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

See Appendix A for a sample local leave policy.



Exercise: Name That Leave!



You have 3 minutes to complete this activity

Annual leave can ONLY be used as an answer when it is the ONLY option.

1. Though not disciplinary in and of itself, too many hours in this status may be the basis for future disciplinary action. _____
 2. A husband is entitled to use this leave to spend up to 12 weeks with his healthy newborn child. _____
 3. This leave must be scheduled and approved prior to November 29, 2003.

 4. An employee may use up to 4 hours of this leave to donate blood.

 5. Under the leave share program, this leave can be donated to other employees to increase their sick leave balance. _____
 6. Used to attend the funeral of a family member who died of a terminal illness.

 7. An employee is placed on this type of leave while receiving compensation from OWCP. _____
 8. An employee who habitually fails to report to work at the proper time should be placed in this status. _____
 9. When an employee leaves work on the day of an "on-the-job" injury to receive medical treatment for the injury, they should be placed in this status.

 10. For the purposes of this type of leave, even your son-in-law would qualify as a family member. _____
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To Receive Credit for this Course

Take the on-line evaluation at

- www.nps.gov/training/tel
- Click on the DOI Learn tab
- Go to the link under Class Evaluations for *Leave Administration*
- Please complete the evaluation within 2 weeks of the course, by January 1st.

Thank you for participating today! We hope you'll join us for other TELNPS courses.

APPENDIX A: SAMPLE 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 nor the staff in the 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 voice mail if the supervisor has voice mail.
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.

APPENDIX B: Answers to Exercises:

AL-1: Use or Lose Louise

Louise earns 8 hours per pay period X 26 pay periods = 208 hours earned leave in this leave year. She has 225 hours carried over from last year; add 225 + 208 = 433 total hours available to Louise in this leave year. Subtract 240 (maximum carryover) from 433 and Louise must use **193** hours of annual leave this year or lose it at the end of the leave year.

AL-2: No she will not because she had it scheduled and approved prior to the cutoff date in November. However, she will technically lose the leave after the beginning of the leave year, and must then apply to have it restored. Her application should be approved because she met the required criteria.

SL-1: Dental Dilemma

The supervisor can deny the request for sick leave and ask Bruce to reschedule his appointment after the budget has been submitted. BUT... you want to look at all of the circumstances surrounding this situation – what if it takes forever to make an appointment with Bruce's dentist and if he cancels this appointment he will have to wait 4 months before he can re-schedule? If this is the case do you as the supervisor really want to tell Bruce to do this or can you spare him for a couple of hours or come up with some other creative way to handle this?

SL-2: If Bruce's pain is serious enough to "incapacitate" him, he is entitled to use his sick leave. You might consider this to be an emergency situation.

FF-1: Betty's Bypass

No – sick leave may only be used to provide care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, childbirth, or receiving medical, dental, or optical exams or treatment. In this case, the person incapacitated meets that criteria, but Bob has requested leave to take leave to care for his children who are not incapacitated. Bob could request annual leave or leave without pay to care for his children when other child care is unavailable. NOTE: If Bob was requesting sick leave to care for his mother Betty, who is incapacitated, you could approve his request.

FMLA-1:

No – The FMLA regulations provide entitlement to care for a "son or daughter" who is under 18 OR 18 years of age or older and incapable of self-care because of a mental or physical disability. The FMLA further defines "incapable of self-care" as someone

who requires daily assistance or supervision in 3 or more of the “activities of daily living” or “instrumental activities of daily living”. These activities include caring appropriately for one’s grooming and hygiene, bathing, dressing, and eating. Doris’ daughter does not meet this definition.

FMLA-2: No – an employee is entitled to FMLA leave for the birth of a son or daughter – not a grandchild.

NOTE: Doris is eligible to use her sick leave or annual leave under family friendly leave guidelines in either of these instances.

LS-1: Yes – this is specifically identified as a medical emergency in the regulations.

LS-2: No – only annual leave can be donated under the law.

Name That Leave!

1. Though not disciplinary in and of itself, too many hours in this status may be the basis for future disciplinary action. **AWOL (Absent Without Leave)**
 2. A husband is entitled to use this leave to spend up to 12 weeks with his healthy newborn child. **LWOP under FMLA (Family Medical Leave)**
 3. This leave must be scheduled and approved prior to November 21, 2009. **Annual Leave**
 4. An employee may use up to 4 hours of this leave to donate blood. **Administrative Leave**
 5. Under the leave share program, this leave can be donated to other employees to increase their sick leave balance. **Annual Leave**
 6. Used to attend the funeral of a family member who died of a terminal illness. **Sick Leave**
 7. An employee is placed on this type of leave while receiving compensation from OWCP. **LWOP (special coding in Quicktime)**
 8. An employee who habitually fails to report to work at the proper time should be placed in this status. **AWOL (Absent Without Leave)**
 9. When an employee leaves work on the day of an “on-the-job” injury to receive medical treatment for the injury, they should be placed in this status. **Administrative Leave**
 10. For the purposes of this type of leave, even your son-in-law would qualify as a family member. **Sick Leave under Family Friendly policies**
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APPENDIX C: WHERE TO FIND FORMS

OPM Electronic Forms

<http://www.opm.gov/forms/html/opm.asp>

OPM-630 Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program

http://www.opm.gov/forms/pdf_fill/opm630.pdf

Department of Labor Electronic Forms

<http://www.dol.gov/library/forms/>

WH-380 Family and Medical Leave Act of 1993 (Certification of Health Care Provider)

<http://www.dol.gov/esa/regs/compliance/whd/fmla/wh380.pdf>