

TAB 7

QUICK
REFERENCE
GUIDES



U.S. Office of Personnel Management

Sick Leave

An employee may use sick leave for--

- personal medical needs
- care of a family member
- adoption related purposes

Sick Leave Accrual	
Full-time Employees	1/2 day (4 hours) for each biweekly pay period.
Part-time Employees	1 hour for each 20 hours in a pay status.
<p>There are no limits on the amount of sick leave that can be accumulated. Unused sick leave accumulated by employees covered by the Civil Service Retirement System will be used in the calculation of their annuities.</p>	

Requesting Sick Leave

An employee must request sick leave within such time limits as the agency may require. An agency may require employees to request advance approval for sick leave for their own or a family member's medical, dental, or optical examination or treatment.

Granting Sick Leave

An agency may grant sick leave only when supported by evidence administratively acceptable by the agency. For absences in excess of 3 days, or for a lesser period when determined necessary by the agency, an agency may require a medical certificate or other administratively acceptable evidence.

Advance Sick Leave

At the discretion of the agency, a maximum of 30 days of sick leave may be

advanced to an employee with a medical emergency or for purposes related to the adoption of a child. A maximum of 5 days of sick leave may be advanced for family care or bereavement purposes.

References

5 U.S.C. chapter 63, subchapter I
5 CFR, part 630, subparts B and D
Comptroller General opinions:
23 Comp. Gen (1943)--medical documentation
B-190152 (11/30/77)--sick leave recredit
B-205359 (06/28/88)--advance sick leave

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*U.S. Office of Personnel Management*

Sick Leave for Personal Medical Needs

An employee may use sick leave when he or she (1) is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth; (2) receives medical, dental, or optical examination or treatment; or (3) would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease.

Requesting Sick Leave

An employee must request sick leave within such time limits as the agency may require. An agency may require employees to request advance approval of sick leave for medical, dental, or optical examination or treatment.

Granting Sick Leave

An agency may grant sick leave only when supported by evidence administratively acceptable to the agency. For absences in excess of 3 days, or for a lesser period when determined necessary by the agency, an agency may require a medical certificate or other administratively acceptable evidence.

Advance Sick Leave

At the discretion of the agency, a maximum of 30 days of sick leave may be advanced to an employee with a medical emergency.

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U.S. Office of Personnel Management

Sick Leave to Care for a Family Member with a Serious Health Condition

Entitlement

Most Federal employees may use a total of up to 12 administrative workweeks of sick leave each leave year to care for a family member with a serious health condition. If an employee previously has used any portion of the 13 days of sick leave for general family care or bereavement purposes in a leave year, that amount must be subtracted from the 12-week entitlement. If an employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, he or she cannot use an additional 13 days in the same leave year for general family care purposes. An employee is entitled to a total of 12 weeks of sick leave each year for *all* family care purposes.

Definition of Family Member

"Family member" is defined as--

- spouse, and parents thereof;
- children, including adopted children, and spouses thereof;
- parents;
- brothers and sisters, and spouses thereof; and
- any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Serious Health Condition

The term "serious health condition" has the same meaning as used in OPM's regulations for administering the Family and Medical Leave Act of 1993 (FMLA). That definition includes such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy, and childbirth. The term "serious health condition" is not intended to cover short-term conditions for which treatment and recovery are very brief. The common cold, the flu, earaches, upset stomach, headaches (other than migraines), routine dental or orthodontia problems, etc., are not serious health conditions unless complications arise. The agency may require medical certification of a serious health condition.

Administration

The same limitations apply to the use of sick leave to care for a family member with a serious health condition as apply to the use of sick leave for general family care or bereavement purposes. A covered full-time employee may use 40 hours (5 workdays) of sick leave each leave year for these purposes. An employee may use additional sick

leave for general family care or bereavement purposes or to care for a family member with a serious health condition if he or she maintains a balance of at least 80 hours of sick leave in his or her account. Only the first 40 hours of sick leave (or a proportional amount for an employee on a part-time schedule or uncommon tour of duty) may be advanced. (See Sick Leave for Family Care and Bereavement Purposes.)

References

5 CFR 630.401 and 630.1202

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Annual Leave

An employee may use annual leave for vacations, rest and relaxation, and personal business or emergencies. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken. An employee will receive a lump-sum payment for accumulated and accrued annual leave when he or she separates from Federal service or enters on active duty in the armed forces and elects to receive a lump-sum payment.

Accrual Rates

Advance Annual Leave

Annual Leave Ceilings

Restoration of Annual Leave

Lump-sum Payments

Annual Leave to Establish Retirement Eligibility

References

Accrual Rates

Full-time employees	<i>Less than 3 years of service</i>	<i>3 years but less than 15 years of service</i>	<i>15 or more years of service</i>
(Leave is prorated for part-time employees and employees on uncommon tours of duty.)	½ day (4 hours) for each pay period	¾ day (6 hours) for each pay period, except 1¼ day (10 hours) in last pay period	1 day (8 hours) for each pay period

Advance Annual Leave

Supervisors may grant advance annual leave consistent with agency policy. The amount of annual leave that may be advanced is limited to the amount of annual leave an employee would accrue in the remainder of the leave year. Employees do not have an entitlement to advance annual leave. In most cases, when an employee who is indebted for advance annual leave separates from Federal service, he or she is required to refund the amount of advance leave for which he or she is indebted.

Annual Leave Ceilings

Maximum Annual Leave That May be Carried Over into the New Leave Year	
Federal Employees Stationed within the United States	30 days
Federal Employees Stationed overseas	45 days
Members of the Senior Executive Service	90 days

Any accrued annual leave in excess of the maximum allowed by law will be forfeited. Forfeited annual leave may be restored under 5 U.S.C. 6304(d). (See Restoration of Annual Leave.)

Annual Leave to Establish Retirement Eligibility

An employee may use annual leave to establish initial eligibility for retirement in reduction-in-force and other restructuring situations. An employee who has received a specific notice of termination in a RIF situation may use annual leave past the date the employee would otherwise have been separated in order to establish initial eligibility for immediate retirement, including discontinued service or voluntary early retirement.

References

5 U.S.C. chapter 63, subchapter I
 5 CFR 351.606
 5 CFR part 630, subparts B and C
 Comptroller General opinions:
 16 Comp. Gen. 481 (1936), 39 Comp. Gen. 611 (1960) --absolute right
 B-189085 (04/03/78), 57 Comp. Gen. 325 (1978),
 58 Comp Gen. 684 (1979)--forfeiture
 B -213380 (08/20/84), B-256975 (10/11/94)--restoration
 B-188993 (12/12/77), 56 Comp. Gen. 470 (1977), 60 Comp. Gen. 598
 (1981), B-221265 (06/02/86)--general information

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*U.S. Office of Personnel Management***Court Leave**

An employee is entitled to paid time off without charge to leave for service as a juror or witness. An employee is responsible for informing his or her supervisor if he or she is excused from jury or witness service for 1 day or more or for a substantial part of a day. To avoid undue hardship, an agency may adjust the schedule of an employee who works nights or weekends and is called to jury duty. (If there is no jury/witness service, there is no court leave. The employee would be charged annual leave, sick leave, or leave without pay, as appropriate.)

Jury Duty

An employee who is summoned to serve as a juror in a judicial proceeding is entitled to court leave.

Witnesses

An employee who is summoned as a witness in a judicial proceeding in which the Federal, State, or local government is a party is entitled to court leave.

Official Duty

An employee who is summoned as a witness in an official capacity on behalf of the Federal Government is on official duty, not court leave.

Fees/Expenses

Employees must reimburse to their agency fees paid for service as a juror or witness. However, monies paid to jurors or witnesses which are in the nature of "expenses" (e.g., transportation) do not have to be reimbursed to the agency.

References

5 U.S.C. 6322, 5537, and 5515

Comptroller General opinions:

26 Comp. Gen. 413 (1946)--return to work site

38 Comp. Gen. 142 (1958)--official duty status

52 Comp. Gen. 325 (1972)--private party suit

B-214863 (07/23/84)--fees

*U.S. Office of Personnel Management*

Leave Transfer Program

Description

An employee may donate annual leave **directly** to another Federal employee who has a personal or family medical emergency and who has exhausted his or her available paid leave. Each agency must administer a voluntary leave transfer program for its employees. There is no limit on the amount of donated annual leave a leave recipient may receive from the leave donor(s). However, any unused donated leave must be returned to the leave donor(s) when the medical emergency ends.

Leave Recipient

A potential leave recipient's employing agency must determine that a full-time employee's absence from duty without available paid leave because of the medical emergency is (or is expected to be) at least 24 hours. For part-time employees or employees on uncommon tours of duty, the period of absence without paid leave is prorated. An employee may receive donated annual leave when he or she becomes an approved leave recipient.

Limitations on Leave Donations

In any leave year, an employee may donate not more than one-half of the amount of annual leave he or she would accrue during a leave year. For employees with "use or lose" annual leave, the employee may donate the lesser of one-half of the annual leave he or she would accrue in a leave year or the number of hours remaining in the leave year for which the employee is scheduled to work and receive pay.

Set-Aside Accounts

While using donated leave, a leave recipient can accrue no more than 40 hours of annual leave and 40 hours of sick leave in "set-aside accounts." The leave in the "set-aside accounts" will be transferred to the employee's regular leave accounts when the medical emergency ends or if the employee exhausts all donated leave.

Reference

5 U.S.C. 6331-6340; 5 CFR part 630, subpart I

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Leave Bank Program

Description

An employee who is a member of his or her agency's voluntary leave bank, may receive annual leave from the leave bank if the employee experiences a personal or family medical emergency and has exhausted his or her available paid leave. The agency's leave bank board operates the leave bank and determines how much donated annual leave an employee may receive from the leave bank. Any unused donated annual leave is returned to the leave bank.

Leave Bank Member

To become and remain a leave bank member, an employee must donate each leave year not less than the amount of annual leave he or she normally accrues in a pay period (i.e., 4, 6, or 8 hours).

Leave Recipient

A potential leave recipient's employing agency must determine that the full-time employee's absence from duty without available paid leave because of the medical emergency is (or is expected to be) at least 24 hours. For part-time employees or employees on uncommon tours of duty, the period of absence without paid leave is prorated. An employee may receive donated annual leave when he or she becomes an approved leave recipient.

Minimum and Maximum Limitations on Leave Donations

In any leave year, an employee may donate not more than one-half of the amount of annual leave he or she would accrue during the leave year. For employees with "use or lose" annual leave, the employee may donate the lesser of one-half of the annual leave he or she would accrue in a leave year or the number of hours remaining in the leave year for which the employee is scheduled to work and receive pay.

Set-Aside Accounts

While using donated leave, a leave recipient may accrue no more than 40 hours of annual leave and 40 hours of sick leave in "set-aside accounts." The leave in the set-aside accounts will be transferred to the employee's regular leave accounts when the medical emergency ends or if the employee exhausts all donated leave.

Reference

5 U.S.C. 6361-6373; 5 CFR part 630, subpart J

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U. S. Office of Personnel Management

Final Regulations on Family and Medical Leave

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- [Summary of Major Provisions](#)
 - [Federal Register Notice](#)
 - [Adobe Acrobat PDF Format \(123K\)](#)
 - [WordPerfect 5.1 Format \(114K\)](#)
 - [Sample Medical Certification Form \(109K PDF File -- on Department of Labor Web Site\)](#)
 - [Fact Sheet - Federal Employees Entitlements Under the Family and Medical Leave Act](#)
-

The Office of Personnel Management (OPM) has issued final regulations implementing Title II of the Family and Medical Leave Act of 1993 (FMLA). OPM's final regulations were published in the *Federal Register* on December 5, 1996, and were effective on January 6, 1997.

For further information, please contact OPM's Compensation Administration Division on (202) 606-2858 or FAX: (202) 606-0824 or send an email note to payleave@opm.gov.

Summary of Major Revisions in Office of Personnel Management's (OPM) Final Regulations on the Family and Medical Leave Act of 1993 (FMLA)

(Final Regulations Issued 12/05/96)

Health care provider. The definition of "health care provider" has been revised to include providers who are recognized by the Federal Employees Health Benefits Program, certified under Federal or State law, recognized as a Native American "traditional healing practitioner," or who practice in a foreign country.

Serious health condition. The definition of "serious health condition" has been revised significantly, consistent with the Department of Labor's (DOL's) regulations, and includes chronic conditions, such as asthma, diabetes, and conditions requiring multiple treatments, such as chemotherapy or kidney dialysis.

Spouse. The definition of "spouse" has been revised to comply with the definition of "spouse" in the Defense of Marriage Act (Public Law 104-199, September 21, 1996). "Spouse" means an individual who is a husband or wife pursuant to a marriage that is a legal union between one man and one woman, including common law marriage between one man and one woman in States where it is recognized.

Notification of Family and Medical Leave Act (FMLA) Entitlements. In response to concerns that employees are not fully informed of the provisions of the FMLA, the regulations have been clarified to require agencies to inform employees of their entitlements and responsibilities under the FMLA.

Leave entitlement. Office of Personnel Management regulations clarify that an employee must invoke his or her entitlement to Family and Medical Leave Act (FMLA) leave, subject to the notification and medical certification requirements. An employee may not invoke entitlement to FMLA leave retroactively for any previous absence from work.

Substitution of paid leave. The regulations no longer permit compensatory time off and credit hours earned under a flexible work schedule to be substituted for leave without pay under the Family and Medical Leave Act (FMLA). However, an employee may continue to choose to substitute annual or sick leave, or advance annual or sick leave, consistent with current law and regulations for granting and using annual and sick leave. An employee may use earned compensatory time off and credit hours in addition to the period of FMLA leave.

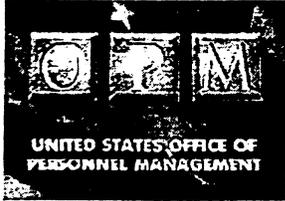
Protection of employment and benefits. The regulations have been revised to permit agencies to establish a uniformly applied practice or policy that requires all similarly-situated employees (i.e., same occupation, same serious health condition) who take Family and Medical Leave Act (FMLA) leave for a serious health condition to provide medical certification to return to work. The information on the medical certification to return to work must relate only to the serious health condition for which FMLA leave was taken.

Other minor clarifications were made in the regulations to assist agencies in administering the Family and Medical Leave Act.

This information was published in a memorandum for Directors of Personnel, CPM 96-16, December 6, 1996.

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United States Office of Personnel Management

Compensation and Leave Decisions

Compensation and leave claims generally arise under either the Fair Labor Standards Act (FLSA) or Title 5 of the United States Code. The FLSA provides for minimum standards for both wages and overtime entitlements. This highlighted link will take you to [decisions involving Federal employees and the FLSA](#).

This site contains all of the compensation and leave decisions we have issued since July 1, 1996, pursuant to 31 U.S.C. § 3702 (non-FLSA pay and leave claims), 5 U.S.C. § 5582 (claims for unpaid compensation of deceased employees), 38 U.S.C. § 5122 (claims for the benefits of deceased beneficiaries of Veterans' benefits) and 31 U.S.C. § 3529 (requests for advance opinions by agency certifying and disbursing officers).

This site contains a [search engine](#), the [rules of procedures](#) for submitting claims, and a list of [recent cases](#).

Some information within these documents has been withheld from disclosure under the Privacy Act exemption to the Freedom of Information Act, primarily the name, address and other personal information related to the claimant. A [xxx] symbol indicates where information has been withheld under this exemption.

All decisions since October 1, 1997, include the file number and date. Many decisions issued before that date do not have this information on the electronic copy. Although the names of the primary staff writer for each decision is provided, we do not include an email link to that person. We do not respond to email inquiries. Instructions for submitting claims for non-FLSA compensation and leave are included in the Rules of Procedure.

- [Compensation and leave decisions](#).

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