

OTHER LEAVE

SECTION 1: FAMILY MEDICAL LEAVE ACT

A. Administration: The Agency will administer leave requests made pursuant to the Family and Medical Leave Act of 1993 (FMLA) in accordance with 5 U.S.C. §§ 6381-6387 and 5 C.F.R. Part 630, subpart L.

B. Eligibility: To be eligible for coverage under the FMLA, an employee must have completed at least twelve (12) months of civilian service with the Federal government.



C. Entitlement: Eligible employees will be entitled to a total of twelve (12) administrative work weeks of unpaid leave (leave without pay) during any 12-month period. An employee may elect to substitute any accrued annual or sick leave for the covered period (consistent with existing sick leave regulations).

D. Grounds for Leave: An eligible employee may take FMLA leave for the following reasons:

1. birth of a son or daughter and care of newborn (within one (1) year after birth);
2. care of spouse, son, daughter, or parent with a serious health condition;
3. placement of a son or daughter with employee for adoption or foster care (within one (1) year after placement); or
4. serious health condition of employee that makes employee unable to perform the essential duties of the employee's position.

E. Injured Military Member: A Federal employee, who (1) is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative) of a covered service member with a serious injury or illness and (2) provides care for such service member, is entitled to up to 26 weeks of FMLA leave during a single 12-month period to care for the service member. However, the serious illness or injury must have been incurred by the covered service member in the line of duty while on active duty in the Armed Forces.

F. Continuation of Employment and Benefits: An employee who takes FMLA leave is entitled to be restored to the same position with equivalent benefits, pay status, and other terms and conditions of employment. The leave will not result in the loss of any employment benefit accrued before the leave began. If the employee uses leave without pay, he or she may elect to continue Federal Employee Health Benefits (FEHB) coverage and make arrangements to pay the employee contribution.

Agreed: Agency  Union 
Date: 1 JUN 14
Page: Page 1 of 9

G. Requirements: Eligible employees will normally provide at least thirty (30) days notice of the need for FMLA leave, as practicable, by submitting an application (DOL Form WH-380) for FMLA leave to the Agency.

SECTION 2. EXCUSED ABSENCE :

A. Definition: An excused absence is an absence from duty administratively authorized by supervisors without loss of pay and without charge to leave. Excused absence under the following conditions is coded on the time card as Administrative Leave.

B. Eligibility for Excused Absence: With the exception of emergency conditions, an employee must be in duty status at the beginning and/or end of a period of excused absence in order to receive benefit of the excused time. If operational requirements preclude an employee from receiving the full amount of excused absence authorized in this Section for a specific purpose, the remaining time is not available for future use by the employee.

C. Voting: The Agency has determined that, if it does not interfere with mission requirements, the employee will be authorized, upon request, an amount of excused absence that will permit him or her to report for work up to three (3) hours after the polls open or leave work up to three (3) hours before the polls close, whichever requires the lesser amount of time off.

D. Donating Blood: The Agency has determined that, if it does not interfere with mission requirements, employees who donate blood to the Red Cross or other recognized Blood Banks, which the Agency sponsored, will be excused from duty upon request, for a period of not more than four (4) hours, including travel, and any necessary recovery time following the donation. The Agency has determined that, if it does not interfere with mission requirements, additional excused absence will be granted, upon request, to employees who donate of other blood products (such as platelets) through an Agency Hemophoresis Program, consistent with mission requirement.

E. Bone Marrow and Organ/Tissue Transplant:

1. The use of excused absence can cover time off for activities such as donor screening, the actual medical procedure, and recovery time. Employees may use up to seven (7) days of paid leave each calendar year to serve as a bone marrow donor. An employee may also use up to thirty (30) days of paid leave each calendar year to serve to serve as an organ/tissue donor.
2. The length of absence from work can vary depending on the medical procedure involved in the donation. Therefore, for longer periods of incapacitation, leave-approving officials shall approve annual and/or sick leave or LWOP in combination with the maximum amounts of excused absence specified as above in this section.

E. Preventative Medical Program Participation: Employees may be excused from duty to attend Agency-sponsored preventative medical programs offering health education, physical examinations, or immunizations.

F. Workplace Closures: Whenever the workplace is closed or otherwise not operational due to a declared OPM emergency or pandemic situation, workplace circumstances, or inclement weather, non-emergency employees may be granted administrative leave for the duration of the closure (see Appendix Washington, DC, Area Dismissal and Closure Procedures).

1. Employees who are prevented from reporting to work due to the closure of all or part of a facility should be granted authorized absence in accordance with OPM guidance and/or government-wide regulations. The Agency will annually communicate these procedures to employees.
2. When hazardous conditions (e.g. extreme weather conditions, serious interruptions in public transportation, earthquake, and disasters such as flood, fire, or other natural phenomena) arise, the Agency will determine whether all or part of the Agency facilities should be closed or should be open as usual. If the Agency decides to close all or part of their facilities during periods the facilities would otherwise be open, the Agency will notify employees whether liberal leave or authorized absence will be granted.
3. The Union shall be informed by the appropriate Agency official at the time the facility declares hazardous weather/emergency conditions.
4. Facilities under emergency conditions should provide meals and accommodations for employees who are required to remain at the facility during non-duty time.

G. Excused Absence for Employees Returning from Active Military Duty: Federal civilian employees who are called to active duty in support of the Overseas Contingency Operations (OCO) (formerly the Global War on Terrorism) are entitled to five (5) days of excused absence upon their return from active duty. The intent of this entitlement, which was granted through Presidential Memorandum, is to provide five (5) days of paid time off (excused absence) to employees returning to Federal civilian service from active duty to aid in their readjustment to civilian life. Employees and supervisors who require additional information should contact CHRC/LMER. Employees may request Union representation for these situations.

H. Veterans Participating in Military Funeral Ceremonies: Employees who are veterans may be granted administrative leave not to exceed four (4) contiguous hours in any workday to enable them to participate as active pallbearers or as members of firing squads or guards of honor in funeral ceremonies for members of the Armed Forces of the United States whose remains are returned from abroad for final interment in the United States, subject to applicable law and regulation.

1. Supervisors may also excuse absences up to four hours for veterans, for the purpose of participating as active pallbearers or as members of firing squads or guards of honor, in funerals of active duty military not covered above or for such participation in funerals of veterans.
2. Upon request and workload permitting, annual leave/leave without pay may be approved in conjunction with the administrative leave for the remainder of the workday.


I. Emergency Rescue or Protective Work: Employees who are members of the Civil Air Patrol or other similar organizations, whose services can be excused, may be granted excused absence for up to three (3) days to participate in emergency rescue or protective work during an emergency such as fire, flood, or search operations. When an employee has requested and received approval for excused absence in excess of one day for such activities, the employee shall provide to the leave-approving official a statement signed by a responsible official of the local emergency organization certifying the employee's attendance throughout the period of excused absence. This provision does not cover employees who respond to emergencies in National Guard/Reserve status.

SECTION 3: COURT LEAVE

A. Definition: Employees are authorized court leave with pay when summoned to serve as a juror, or when summoned as a witness in a non-official capacity on behalf of any party in connection with any judicial proceeding in which the United States, the District of Columbia, or a State or local Government is a party. If testifying in an official capacity, this is considered duty time and not court leave.

B. Administration: The Agency will provide employees with court leave, and employees will provide documentation to the Agency, in accordance with 5 U.S.C. §§ 5515, 5537, and 6322; and other applicable statutes, regulations, and policies.

C. Pay Status Requirement: The Agency will grant court leave only for days within the employee's regularly scheduled tour of duty when he or she otherwise would be in a duty or pay status.

Agreed: Agency 

Union 

Date: 1/5/16

Page: Page 4 of 9

D. Leave Period: The leave will start on the date on which the employee must report to the court, as identified in the summons, and will run until the date on which the court discharges the employee from service. It does not include:

1. time during which the employee is excused or discharged by the court for an indefinite period subject to recall by the court; or
2. time during which the employee is excused or discharged for one (1) or more days or for a substantial part of a day (more than five [5] hours).

E. Adjustment of Schedule: An employee who is normally assigned to evening shift, night shift, or other work schedules and is required to appear in court, whether on jury duty or as a witness during the day will be granted an adjustment in his or her regular schedule in order to coincide with the court day(s). In the alternative, the employee may request court leave for the employee's regularly scheduled tour of duty, to allow for sufficient rest to perform his or her court duties. In such cases, the employee will not suffer any loss of pay and will continue to be entitled to night differential or other regularly scheduled premium payments in accordance with applicable payroll policies.

F. Return to Duty: If an employee on court leave is excused from court with sufficient time to enable that employee to return to duty for at least two (2) hours of the scheduled workday, excluding travel time, the employee shall return to duty or request approval to telework, unless granted appropriate leave by the Agency. Employees will request and receive approval prior to going on leave to the extent practicable, using procedures as set forth above.

G. Expense Money: Employees may keep any court-provided expense money received for mileage, parking, or required overnight stay, to the extent consistent with law.

SECTION 4: MILITARY LEAVE

A. Administration: The Agency will grant military leave to eligible employees in accordance with 5 U.S.C. § 5519, 5 U.S.C. § 6323, Public Law 106-554 (December 21, 2000), Public Law 108-136 (November 24, 2003), and other applicable statutes, regulations and policies.

B. Eligibility: A full-time employee who is a reservist of the Armed Forces or a member of the National Guard is entitled to military leave for active duty or for training, in accordance with applicable statutes, regulations, and policies.

C. Pay Status Requirement: The Agency will grant military leave only for days within the employee's regularly scheduled tour of duty when he or she otherwise would be in a duty or pay status.

D. Guard/Reserve Duty: The Agency will comply with the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC § 4301, et al, which applies to persons who perform duty, voluntarily or involuntarily, in the uniformed services, including the Army, Air Force, Navy, Marine Corps, Coast Guard, Public Health Service, or other Commissioned Corps, as well as the reserve components of each of these services. Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, and funeral honors duty performed by National Guard and reserve members as well as the period for which a person is absent from a position of employment for the purpose of an examination to determine fitness to perform any such duty.

E. Reintegration: Service members returning from a period of service in the uniformed services must be reemployed by the "pre-service" employer if they meet all four (4) eligibility criteria as set forth in USERRA in accordance with government regulations.

1. the person must have held a civilian job;
2. the person must have given notice to the Agency that he or she was leaving the job for service in the uniformed services unless giving notice is precluded by military necessity or otherwise impossible or unreasonable;
3. the period of service must not have exceeded five (5) years;
4. the person must not have been released from service under less than honorable or other punitive conditions; and the person must have reported back to the civilian job in a timely manner based on OPM guidelines.

F. National Guard or Reservists Called to Active Duty: Employees who are called to active duty in support of the ongoing national emergency are entitled to military leave under two separate provisions, 5 U.S.C. 6323(a) and 5 U.S.C. 6323(b).

1. **5. U.S.C. 6323(a).** A Federal employee who is a member of the National Guard or Reserves is entitled to 15 days (120 hours) of paid military leave under 5 U.S.C. 6323(a) each fiscal year for active duty, active duty training, or inactive duty training. An employee on military leave under section 6323(a) receives his or her full civilian salary, as well as military pay. This leave accrues at the beginning of each fiscal year, and all Guard or Reserve members, including those on extended active duty, should be credited with 15 days of paid military leave on October 1 of each year. An agency may charge military leave under 6323 (a) only for hours the employee otherwise would have worked. An employee no longer "loses leave" on weekends and other non-workdays and will be paid his or her full civilian pay for all 120 hours.

2. **5. U.S.C. 6323(b).** Employees who perform full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code, are entitled to 22 days of military leave under 5 U.S.C. 6323(b). Under this provision the employee is entitled to the greater of his military or civilian pay. Employees also are entitled to use any accrued or accumulated annual leave for periods of active military duty. Employees using annual leave will receive their full civilian pay, as well as compensation for their military service.

SECTION 5: LEAVE WITHOUT PAY



A. Definition: Leave Without Pay (LWOP) is a temporary non-pay status and absence from duty authorized by the Agency.

B. Entitlements: An employee is entitled to LWOP in the following circumstances:

1. **Medical Treatment for Disabled Veterans:** Disabled veterans are entitled to LWOP for medical treatment, examinations, and absences from duty in connection with their disability after presenting an official statement from a medical authority that such treatment is required. An employee must give prior notice of the period during which the employee's absence for treatment will occur
2. **Military Duty:** Full time employees who are Military Reservists or National Guardsmen are entitled to LWOP for the time periods during which they are required to perform active duty or training if they have exhausted their military leave or are not entitled to military leave, in accordance with applicable laws and policy.
3. **FMLA:** Eligible employees are entitled to LWOP for certain family and medical needs covered by the FMLA.
4. **Worker's Compensation:** Employees are entitled to LWOP for the period during which they are receiving worker's compensation payments from the U.S. Department of Labor.

G. LWOP to Serve in Certain Union Offices: An employee may be granted LWOP to engage in Union Activities on the national, district, or local level to work in programs sponsored by the Union or the AFL-CIO, upon written request by the appropriate Union office. Such requests will be referred to the appropriate management official, in consultation with CHRC/LMER, for approval or disapproval. Such employees shall continue to accrue benefits in accordance with applicable OPM regulations. The amount of LWOP is based upon the type and duration of activity in which the employee is engaged.

1. Upon request, the Agency may grant a one (1) year extension of LWOP status for this purpose. All requests for extensions must be requested thirty (30) days prior to expiration of the LWOP.

Agreed: Agency  Union 
Date: 1 JUN 10
Page: Page 7 of 9



2. Employees on extended LWOP while serving as employee union representatives may arrange to make payment for retirement, Thrift Savings Plan (TSP), and health and life insurance benefits in accordance with applicable regulations.

H. Discretionary Grants of LWOP: The Agency may grant LWOP in other circumstances, but will not do so unless the leave will result in:

1. Better work performance;
2. Protection or improvement of the employee's health;
3. Retention of a desirable employee;
4. Furtherance of a program of interest to the government (e.g., Peace Corps volunteers); or
5. An employee at his or her option may request LWOP for annual leave for Officers and/or duly elected delegates of the Union for attendance at the Union's triennial convention.

I. LWOP or Compensatory Time for Religious Observances: Subject to the Agency's mission requirements, when an employee has personal religious beliefs that require absence from work, the Agency may grant annual leave, LWOP, or compensatory time off for such religious observances:

1. When the employee requests and the Agency grants compensatory time off for religious observance, in each instance the Agency will afford the employee the opportunity to earn such compensatory time-off hours; Supervisors may contact CHRC for further guidance.
2. An employee may work compensatory time-off for religious observances before or after taking such compensatory time-off on an hour-for-hour basis. A grant of advance compensatory time-off for religious observances will be repaid by the appropriate amount of compensatory time worked within three (3) pay periods or such time will be charged to annual leave;
3. If advanced compensatory time off is granted for a religious observance, the employee will be scheduled for the time to be worked to repay the compensatory time when the request is granted.
4. Compensatory time worked to repay time-off for religious observance is not subject to premium pay provisions applicable to overtime hours.

Agreed: Agency  Union 

Date: 5/5/16

Page: Page 8 of 9

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