Archived Information

| U. S. DEPARTMENT OF EDUCATION<br>**PERSONNEL MANUAL INSTRUCTION** | **PMI:** 630-1<br>**DATE:** MAY 6, 1981<br>**APPROVED:**<br>*MARCIA SCIALDO*<br>DIRECTOR OF PERSONNEL<br>3-12-2002 |
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*Includes changes of 5/5/95 on page 6

SUBJECT: ABSENCE AND LEAVE ADMINISTRATION – GENERAL PROVISIONS

I. AUTHORITY

A. Chapter 63, title 5, United States Code (USC), provides the basic statute governing the Federal leave system.

B. Federal Personnel Manual (FPM) chapters 610 and 630 and FPM Supplement 990-2, books 610 and 630 provide the Office of Personnel Management (OPM) guidelines governing the administration of the leave system.

II. POLICY

A. It is the policy of the Education Department (ED) that annual and sick leave shall be earned, charged, and granted in accordance with chapter 63, title 5, United States Code; Office of Personnel Management regulations, decisions of the Comptroller General, and this Instruction.

B. Excused absence and administrative dismissals without charge to leave or loss of pay may be authorized only in accordance with this Instruction and the Federal Personnel Manual.

C. Leave without pay shall be authorized in accordance with this Instruction and the Federal Personnel Manual.

D. In all instances, an SF-71 “Application for Leave” must be completed and signed by the employee prior to the leave period or immediately upon the employee’s return from unscheduled and/or emergency leave.

III. APPLICABILITY

A. This Instruction establishes the Education Department's policy and procedures on absences and leave, assigns general responsibilities on all leave matters, provides general information to all Department employees about leave, and promotes consistent application of leave policies throughout ED. Detailed information about the different types of leave is contained in separate Instructions.

B. This Instruction applies to all ED employees (except as noted in paragraph III C below), who are full-time or part-time tours of duty in headquarters; regions or field locations.

C. The following employees listed are specifically excluded from the provisions of this Instruction (See FPM 630-S2 for a comprehensive list of the excluded employees).

1. Part-time intermittent employees who do not have a regular tour of duty prescribed in advance on one or more workdays during each administrative work week.

2. Presidential appointees whose rate of basic pay is higher than the maximum rate under the General Schedule. Except that Career SES members who are Presidential/Senate appointees may elect to retain any or all of their SES benefits, including coverage under the leave system (including accumulation of annual leave without limitation). See Title 5, U.S.C. Section 3392(C).

3. Senior Executive Service employees are excluded only with respect to limitations on annual leave accrued while they are in the Senior Executive Service. All other provisions of this order pertain to these employees. (See 5 CFR 630.301 for more details on this exclusion).

4. "Overseas" teachers currently under the Department of Defense.

IV. DEFINITIONS

A. Absence Without Leave (AWOL) – A non-pay status resulting from a determination by an authorized leave approving official that he or she will not grant any type of leave for a period of absence for which the employee did not obtain authorization or for which an employee's request for leave has been denied and the employee subsequently takes leave.

B. Accrued Leave – Leave earned by an employee during the current leave year that is unused at any given time in that leave year.

C. Accumulated Leave – Unused leave remaining to the employee's credit at the beginning of the leave year. This includes the carryover balance from the previous year, plus accrued leave, plus unused restored annual leave maintained in a separate account.

D. Administrative Leave - See Excused Absence.

E. Court Leave – The authorized absence (without loss of or reduction in pay, leave to which otherwise entitled, or credit for time or service) of an employee from work status for jury duty, or for attending judicial proceedings in a non-official capacity as a witness when a party is the United States, the District of Columbia, or a state or local government.

F. Excused Absence or Administrative Leave – An absence from duty administratively authorized without loss of pay and without charge to leave.

G. Exigencies of the Public Business – An emergency situation calling for immediate action or attention which occurs when the normal operations of the Department are interrupted by events beyond the control of management or employees (See FPM Supplement 990-2, Book 610 S3-2 and Book 630 S11-6).

H. Funeral Leave - Leave granted to allow an employee to make arrangements for, or to attend, the funeral or memorial service for an immediate relative who died as the result of a wound, disease, or injury incurred while serving as a member of the armed forces in a combat zone.

I. Intermittent Employee – For purpose of this Instruction, a part-time employee for whom there has not been established a regular tour of duty, prescribed in advance on one or more workdays during each administrative work week.

J. Leave Without Pay (LWOP) – A temporary non-pay status and absence from a regularly scheduled tour of duty (excluding overtime) for which pay would otherwise be due, granted upon the employee's request or applied due to the employee's lack of sufficient earned leave to cover the authorized absence from duty.

K. Leave Year – The period beginning with the first day of the first complete pay period in the calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

L. Medical Certificate – A written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, treatment, or the period of disability during which the patient was receiving professional treatment.

M. Military Leave – Leave of absence with pay, under the provisions of 5 U.S.C. 6323, for active military duty (or training) or for the purpose of providing military aid to enforce the law.

N. Part-Time Employee – An employee who works 32 hours per week or less. Part-time employees earn leave only if they have a regularly scheduled tour of duty on one or more workdays during each administrative work week in the bi-weekly pay period (31 Comp. Gen. 581). They earn one hour of sick leave for each 20 hours in a pay status, and annual leave in accordance with the following table:

| Length of service | Earning Rate |
|---|---|
| Less than 3 years | 1 hour for every 20 hours in a pay status |
| Between 3 and 15 years | 1 hour for every 13 hours in a pay status |
| 15 years and over | 1 hour for every 10 hours in a pay status |

O. Restored Annual Leave – Leave forfeited due to administrative error, exigency of the public business, or sickness of the employee, but subsequently restored to the employee (or former employee) under the provisions of 5 U.S.C. 6304 and 5 CFR 630.305 – 630.308. (See also FPM Letter 630-22, 1-1-74).

## V. RESPONSIBILITIES

A. The Assistant Secretary for Management is responsible for:

1. Assuring that ED leave policies are consistent with law, Office of Personnel Management (OPM) and Departmental regulations and policy.

2. Assuring that leave is administered throughout ED in accordance with law, OPM and Departmental regulations and policies, including any applicable labor-management agreement.

3. Acting on requests for exceptions to Department leave policies.

4. Making recommendations to OPM for changes in legislation or regulations pertaining to leave administration.

B. Leave Approving Officials are responsible for:

1. Assuring that employees under their supervision are kept informed of procedural requirements for requesting and using leave.

2. Assuring that all absences from duty are appropriately charged to leave or absence without leave in accordance with ED policy.

3. Maintaining required records on leave and submitting necessary records/forms (SF-71) to other officials when necessary.

4. Establishing annual leave schedules for employees which are consistent with operational demands so that employees may have the opportunity to use leave they would otherwise forfeit.

5. Identifying problems of leave abuse or tardiness and taking or recommending corrective measures.

6. Seeking advice from the Personnel Office on this Instruction and related matters when necessary.

C. Employees are responsible for:

1. Applying in advance for approval of all anticipated leave, e.g. dental, optical, and medical appointments, attending to personal business, etc., in order to permit the orderly scheduling of such leave and to avoid leave forfeitures which might otherwise result.

2. When unscheduled absences occur, notifying the leave approving official of requests for leave within the first hour after being scheduled to report for duty. When circumstances are such that the employee is unable, for reasons acceptable to the leave approving officer, to provide notice within this time frame, such notice must be provided as soon as possible thereafter.

3. Providing medical certificates or other evidence when requested to do so by their supervisor in accordance with these instructions or similar provisions of a negotiated agreement.

D. The "ED" Personnel Office is responsible for:

1. Providing guidance to supervisors and employees on matters concerning leave policies and regulations.
2. Interpreting leave regulations and, when situations occur which are not covered, referring questions to appropriate authorities, e.g., OPM, for clarification or authoritative opinion, and/or developing appropriate guidelines.

## VI. DELEGATIONS OF AUTHORITY

A. Immediate (first level) supervisors are authorized to approve the following types of leave for employees under their supervision:

1. Accumulated, accrued, and advance annual leave up to the amount the employee will earn for the remainder of the calendar year.

2. Accumulated, accrued, and advance sick leave up to five days.

3. Leave without pay (LWOP) for 30 days or less.

4. Excused absences (no charge to leave) for such reasons as (but not limited to) blood donations, routine health examinations, tardiness and job interviews within the Education Department.

5. Court leave and jury duty.

6. Leave for maternity purposes (any combination of annual, sick, and leave without pay that does not exceed four months).

7. Military leave – active duty for training or reserve duty not to exceed 15 calendar days in a calendar year or general service with the armed forces.

8. Absence under continuation of pay in cases of work related traumatic injury.

B. Second-level supervisors (one level above immediate supervisors) are authorized to approve the types of leave in " A" above for employees under their line of supervision, in addition to the following:

1. Extended leave without pay up to but not more than three (3) months (excluding absences for maternity purposes).

2. Any combination of annual, sick, and leave without pay for maternity purposes up to but not to exceed six (6) months.

3. Advance Annual leave.

4. Advances of sick leave in excess of five days.

C. Assistant Secretaries (or designee), and Office Director(s) (or designee) are authorized to approve the types of leave in "A" and "B" above for employees under their line of supervision; in addition, they are authorized to:

1. Approve any combination of annual, sick, or leave without pay for maternity purposes, in excess of six (6) months.

2. Approve extended leave without pay (excluding maternity) in excess of three (3) months.

D.[1] Assistant Secretary for Management is authorized to approve the types of leave in "A" and "B" above for employees under their line of supervision; in addition, they are authorized to:

1. Determine for organizations that an exigency of the public business is of major importance and that scheduled and approved leave cancelled because of the exigency may be restored. Except for bona fide emergencies, where prior determination is impossible, lost leave will not be restored unless the exigency has been approved by the Assistant Secretary for Management prior to cancellation of any leave.

2. Issue administrative orders that close all or part of the Headquarters and/or Regional Offices and relieve from duty those employees who are not needed to perform essential services.

E. Limitation of Authority to Approve Leave

Employees to whom this Instruction applies may not approve their own request for leave or excused absence.

VII. CHARGES FOR LEAVE

A.[2] The following kinds of leave will be recorded in 15-minute increments:

- Annual Leave
- Sick Leave
- Compensatory Leave
- Leave Without Pay (LWOP)
- Absent Without Leave (AWOL)

All other types of leave are to be recorded in full hour increments, e.g., Court Leave or Military Leave.[2]

B. Absences occurring on different days are not to be combined.[2]

C. Employees may not be required to perform work during any period of time for which leave is charged because of tardiness or unauthorized absence.[2]

D. Legal holidays occurring during a period of AWOL or LWOP are charged to AWOL or LWOP appropriately.

VIII. HOW TO APPLY FOR LEAVE

A. Under Departmental policy, employees have an obligation to apply to his/her supervisor in advance for approval of all anticipated leave in order to permit the orderly scheduling of work and to avoid forfeitures which might otherwise result. An employee who is absent for unforeseen reasons must notify the leave approving official of the type of leave requested within the first hour, or as soon as possible, after being scheduled to report to duty. When circumstances are such that the employee is unable to provide notice within this time-frame, for reasons acceptable to the leave approving official, such notice must be provided as soon as possible thereafter.

However, the reason provided must be acceptable to the leave approving official.

B. In SF-71, "Application for Leave", is to be completed and signed by the employee for all advanced annual leave, sick leave, LWOP.

1 Revised 5/5/95 per Assistant Secretary for Management
2 Revised by TN#1, 03/05/85

## IX. GENERAL REQUIREMENT

All actions taken under this and related Instructions on absence and leave shall be exercised in accordance with applicable statutory, regulatory, policy, procedural and program requirements, including any applicable collective bargaining agreements.