

**USACE FINANCE CENTER INTERNAL POLICY GUIDE: UFC-104**

**SUBJECT: LEAVE POLICY AND PROCEDURES**

1. **Purpose.** The purpose of this guide is to outline the policy and procedures for requesting leave in the USACE Finance Center (UFC). This guide applies to all employees assigned to the UFC or individuals who rely on UFC leave approving authorities (i.e., contractors).

2. **Approving Officials.** Authority to approve annual and sick leave has been provided to the following:

a. Immediate supervisors are authorized to approve all annual and sick leave requests up to and including forty hours of continuous leave.

b. Requests for more than forty hours of continuous annual or sick leave require approval at the Division level. Such requests must go through the chain of command and can be disapproved prior to reaching Division level.

c. Requests for Leave Without Pay (LWOP), advanced annual leave, or advanced sick leave require the approval of the USACE Finance Center Director. Such requests must go through the chain of command and can be disapproved prior to reaching the Director's level.

3. **General - Absence and Leave Program.** Employees earn annual leave and sick leave based upon the type of appointment and number of hours they work each week. This leave allows them to take time off from work for illness, vacation or personal matters, with pay. Without accrued annual or sick leave, employees usually have to take leave without pay when they are absent from work. There are also times when the employee is entitled to take time for family related matters, reserve duty (military leave), jury duty or court appearances and other excused absences.

4. **Annual Leave** (Reference: Code of Federal Regulations: Title 5, Part 531, Subpart F).

a. Supervisors will establish an annual leave schedule for all employees, especially those employees who have "use" or "lose" leave which would otherwise be forfeited if not taken by the end of the leave year. This schedule may change throughout the year, but it will provide supervisors with tentative staff availability for planning purposes. Generally, annual leave should not be scheduled around

mission workload peak periods such as fiscal year end. Employees have a responsibility to properly schedule and request leave. Previously approved annual leave may be canceled when the employee's absence would adversely affect workload/production. In situations where leave is canceled due to mission requirements, the supervisor will provide the employee with the opportunity to reschedule the annual leave.

b. Annual leave should be requested and approved in advance. In rare cases when that is not possible, the employee must contact the supervisor within two hours of the start of the employee's shift to request emergency annual leave.

c. Disciplinary action may be taken if an employee fails to follow the established leave procedures provided in this regulation or disobeys a disapproval of a request for leave.

d. Employee annual leave requests and approvals should be documented. Employee requests for more than forty hours of continuous annual leave must be accompanied by the Supervisor/Branch Chief's recommendation and forwarded to the Division Chief for approval. Supervisors should document instances where proper leave requesting procedures were not followed.

5. **Advanced Annual Leave** (Reference: Code of Federal Regulations: Title 5, Ch 630, Subpart B, U.S. Code: Title 5, Ch 63, Subchapter 1, 6303). Employees can be advanced annual leave in the amount they will earn during a current leave year.

a. Advanced annual leave requires the approval of the USACE Finance Center Director but can be disapproved at any level. Requests for advanced annual leave must include an employee justification for the leave and an explanation as to why the employee's leave balance is so low. Advanced annual leave will only be granted after careful consideration by the approving official.

b. A request for advanced annual leave must also be accompanied by a recommendation from the immediate supervisor which explains:

(1) If the employee will be in a duty status long enough to earn the advanced annual leave (if required, information as to the employee's current leave balance may be requested from the Customer Service Representative (CSR)).

(2) The employee's needs versus personal convenience.

(3) The organizational work situation.

c. All requests for advanced annual leave will be submitted in writing using an SF-71.

**6. Military Leave** (Reference: Code of Federal Regulations: Title 5, Part 630 Section 630.401, 5 CFR Part 630 Section 630.1201-1203). Military leave is absence from duty in the employee's civilian position without loss of pay to perform military duty.

a. Employees entitled to military leave must be:

(1) A member of a Reserve or National Guard component,

(2) On a full-time or part-time work schedule, or an indefinite employee who does not have an intermittent work schedule, and

(3) Serving on an appointment not limited to one year or less.

b. Eligible employees must, upon request, be granted military leave to which entitled for performance of active duty, active duty training, inactive duty training, or engaging in field or cost defense training. Requests must be accompanied by a copy of the orders which is forwarded to the timekeeper with the Time and Attendance Report. Also, the employee is required to submit a certification by the appropriate military officer as evidence that the military active duty was performed.

c. Fifteen days of military leave is credited to an eligible employee's account (prorated for part-time employees) on 1 October of each fiscal year or upon appointment. Unused military leave remaining from the prior fiscal year, not to exceed 15 days, is also credited.

d. In addition to the military leave already available above, Section 1039 of PL 104-106 authorized 44 additional workdays of military leave in a calendar year (codified in 5 USC 6323(d)). Only military reserve technicians defined in 5 USC 8401 (30) are entitled to this additional military leave.

e. Military leave is charged on a calendar day basis. No charge is made for non-work days at the beginning and end of a period of absence on active military duty. All intervening non-work days, including holidays, falling within the period covered by the orders must be charged to military leave.

**7. Sick Leave** (Reference: Code of Federal Regulations: Title 5, Ch 630 U.S. Code: Title 5, Ch 63).

a. All employees regardless of their length of service earn sick leave at the rate of four hours per pay period or 13 days a year. There is no limitation on the amount of sick leave that can be carried forward from one year to another.

b. Sick leave usage is a qualified right, not an absolute right, and is subject to supervisory approval. Sick leave may be used by the employee only for the following reasons:

(1) For medical, dental or optical treatment,

(2) When incapacitated for duty by physical or mental illness, pregnancy, or childbirth,

(3) To care for family members as result of physical or mental illness, injury, pregnancy, childbirth, or medical, dental or optical examination or treatment,

(4) To make arrangements necessitated by death of family member or to attend funeral of family member,

(5) When the health of coworkers may be jeopardized due to an employee's exposure to a communicable disease

(6) For absences relating to the adoption of a child.

c. The Family Friendly Leave Act, which added subparagraphs 3, 4 and 6 above, redefined "family member" to include any individual related by affinity whose close association with the employee is the equivalent of a family relationship. The new definition was developed to accommodate the non-traditional nuclear family. Under the Family Friendly Leave Act, an employee may use 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 additional 64 hours (8 workdays) of sick leave may be used each year if the employee maintains a balance of at least 80 hours of sick leave in his or her account. Further information on caring for a family member with a serious health condition is provided in paragraph 10.

d. Supervisors have the right and responsibility to question sick leave use, and will request medical documentation for all sick leave absences in excess of 24 consecutive hours. Employees using what appears to be excessive amounts of sick leave, with no medical documentation to prove incapacitation, should be counseled concerning the proper use of such leave and told of their responsibility to utilize it only for authorized purposes. In cases of suspected abuse, disciplinary/adverse action may be taken if an employee fails to follow UFC established leave procedures or there is evidence that sick leave is being abused.

e. Sick leave for prearranged medical, dental or optical treatment must be requested in advance. Sick leave for absences because of illness, injury or other circumstances which could not be anticipated will normally be requested by telephone within two hours after the beginning of the work period. Supervisors must

advise employees of the call-in or emergency leave requesting procedures for their workcenter.

f. In addition to sick leave, eligible employees may receive up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons under the Family Medical Leave Act.

8. **Advanced Sick Leave** (Reference: Code of Federal Regulations: Title 5, Ch 630, Subpart D U.S. Code: Title 5, Ch 63, Subchapter 1.) Advanced sick leave is a privilege which may be extended to an employee in cases of serious disability or illness in which the employee has exhausted all sick leave and all but 40 hours of his/her annual leave. Up to 240 hours (30 workdays) of leave may be requested. Supervisors should also consider whether the employee is eligible for the leave transfer program.

a. Advanced sick leave requires the approval of the USACE Finance Center Director. Requests for advanced sick leave must go through the chain of command and can be disapproved prior to reaching the Director's level.

b. The request for advance sick leave will be made in writing and include:

(1) Reasons for past leave usage

(2) A statement of intent to return to duty long enough to earn the advance leave and to refund the amount still owed if unforeseen circumstances result in separation before the leave is paid back

(3) An SF 71, Application for Leave, reflecting the dates and number of hours requested

(4) A physician's statement which provides information as to the nature of the illness or injury, whether a full recovery is expected, when the employee can be expected to return to full duty, and if applicable, whether light duty or partial days can be worked until the employee is fully recovered.

(5) Annual leave versus sick leave balance history

(6) Length of continuous employment

(7) Whether all accumulated sick leave has been exhausted (if required, information as to the employee's current leave balances may be requested from the CSR)

(8) Whether all annual leave except for 40 hours has been exhausted, and whether all credit hours and compensatory time have been exhausted.

b. Advanced sick leave is not considered a routine or standard procedure and will be granted only after all circumstances have been carefully weighed. Advanced sick leave is not granted if it is likely that the employee will not return to duty for a sufficient period to repay the advanced leave.

9. **Maternity Leave** (Reference: Code of Federal Regulations: Title 5, Ch 630 Section 630.401 Part 630, Subpart L ). Absence related to pregnancy is charged to sick or annual leave, depending on the availability of each type of leave, or leave-without-pay (LWOP). Requests for sick leave for maternity reasons are treated the same as any certified temporary medical disability. Under the Family Friendly Leave Act, sick leave is appropriate if the employee is incapacitated for the performance of duties due to pregnancy or childbirth or to provide care for a family member as a result of pregnancy or childbirth. Employees may be eligible for other childbirth or infant care leave under the Family and Medical Leave Act of 1993 (FMLA) which is explained in detail in paragraph 12 of this policy guide.

**10. Absence Due to Serious Health Condition.**

a. Most Federal employees may now use a total of up to 12 administrative workweeks of sick leave each year to care for a family member with a **serious** health condition. An employee is entitled to a total of 12 weeks of sick leave each year for all family care purposes. 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. Any employee may use 40 hours of accrued 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 only if he or she maintains a balance of at least 80 hours of sick leave .

b. The Family and Medical Leave Act (FMLA) of 1993 made available to Federal employees an entitlement up to a total of 12 weeks of unpaid leave necessary for:

- (1) the care of the employee's spouse, child or parent with a serious health condition; or
- (2) a serious health condition that renders the employee unable to work.

c. Upon returning from leave, an employee is entitled to be restored to the same or an equivalent position he or she held when the leave began.

d. Certification: The supervisor will require that an employee's request for leave to care for a sick family member, or for the employee's own serious health condition,

be supported by medical certification issued by a health care provider of the employee or the employee's ill family member.

e. Employees serving under certain temporary, intermittent or part-time appointments may be excluded from Title II of the FMLA. Such employees should seek guidance from the HR Liaison regarding their specific FMLA entitlements.

**11. Absence for Adoption or Foster Care** (Reference: Code of Federal Regulations: Title 5, Part 630 Section 630.401, 5 CFR Part 630 Section 630.1201-1203). The Family and Medical Leave Act of 1993 made available to Federal employees an entitlement up to a total of 12 weeks of leave for the placement of a child through adoption or foster care. In these instances, the employee's entitlement to leave under the act expires 12 months from the date of the adoption or placement. Upon returning from leave, an employee is entitled to be restored to the same or an equivalent position he or she held when the leave began.

a. Under the Family Friendly Leave Act (FFLA) of 1994, an employee can use sick leave for purposes relating to the adoption of a child. This provision does not list all of the circumstances in which use of sick leave would be appropriate because adoption procedures and requirements differ among jurisdictions and adoption agencies.

b. Sick leave is justified for an activity that is necessary to allow an adoption to proceed. For example, if an adoption agency or court order requires adoptive parent(s) to take a specific period of time off to bond with the child, sick leave can be granted. However, sick leave is not justified if adoptive parent(s) wish, on their own, to remain at home to bond with the child.

**12. Absence for Childbirth or Infant Care** (Reference: Code of Federal Regulations: Title 5, Ch 630). The Family and Medical Leave Act of 1993 made available to Federal employees an entitlement to a total of 12 weeks of unpaid leave for the birth of a son or daughter or to care for the newborn infant. In these instances, the employee's entitlement to leave under the act expires 12 months from the date of the birth. Upon returning from leave, an employee is entitled to be restored to the same or an equivalent position held when the leave began.

**13. Excused Absences (Administrative Leave)**. Excused absence is an administratively authorized absence from duty without loss of pay or charge to leave. Division Chiefs may excuse employees for "brief" periods, normally not more than four (4) hours per day.

a. Excused absences are annotated on the employee's Time and Attendance Sheet.

b. Examples of absences which may be excused, if specific regulatory criteria are met, include:

- (1) Enlistment or induction in the Armed Forces
- (2) Rescue or protective service work
- (3) Medical donor programs for the donation process, and as needed for recovery
- (4) Consultation with operating officials or civilian personnel officials
- (5) Military funerals
- (6) New employee administrative functions such as securing a vehicle sticker or bank certification on a payroll EFT form
- (7) Counseling due to a referral under the Employee Assistance Program (EAP)
- (8) Early dismissals. Any early dismissal must be approved by the USACE Finance Center Director . Early dismissals may be granted for a variety of reasons; however, the employee is not formally dismissed until the immediate supervisor personally notifies the employee of a specific dismissal time and instructions. If an employee is on annual leave during an early dismissal, annual leave will still be charged and cannot be credited to the employee.

**14. Jury Duty or Court Leave** (Reference: U.S. Code: Title 5, Ch 6322). Court leave is leave of absence from duty without loss of pay or charge to annual leave to perform jury duty in a Federal, state, or municipal court or to serve as a witness for the United States, the District of Columbia, or state or local government, including a military court.

a. It is Army policy not to request employees be excused from jury duty on the basis of their employment except in cases of extreme necessity.

b. Court leave can only be granted for those days and the hours the employee would otherwise be in a pay status. Employees are to return to work if excused by the court, unless the supervisor determines the employee's return would be impractical. If excused early from jury duty, the employee should contact the supervisor for a determination on their work status for the remainder of the work day. Failure to do so could result in a charge to annual leave, leave-without-pay, or absence without leave (AWOL) for the excess time involved. In lieu of working any excess periods, the employee may opt to request annual leave or leave-without-pay.

c. When an employee is called for jury duty or witness duty, the court order, subpoena, summons, or official request should be provided to the supervisor. When the employee returns to duty, he/she should provide official written evidence of attendance in court showing the dates and hours to support the appropriate recording on the employee's Time and Attendance Sheet.

d. Court suits between private individuals or companies in which the United States or a state or local government is not involved do not entitle employees to court leave. In addition, time spent as a party to a suit against the government does not qualify for court leave.

**15. Absence Without Leave (AWOL).** Absence Without Leave (AWOL) is an absence that has not been approved in advance by the supervisor and results in no pay for the time absent. It constitutes a violation of the leave benefit provisions outlined in applicable regulations. Supervisors will clearly document AWOL situations and coordinate with the HR Liaison for advice concerning any warranted disciplinary action.

**16. Extended Leave Without Pay** (Reference: Code of Federal Regulations: Title 5, Chapter 353, Absence and Leave Program; Federal Employees' Compensation Program-FECA-Army; Leave Without Pay (LWOP).)

a. Five of the most common uses of (LWOP) are:

(1) LWOP pending an initial decision by the Office of Personnel Management (OPM) on a disability retirement package

(2) LWOP pending action by the Office of Workers' Compensation (OWCP) on a claim resulting from a work-related injury or illness

(3) LWOP to accompany a military or civilian spouse PCS

(4) LWOP of a civilian employee who relocates and in all likelihood will be hired by another Federal agency

(5) LWOP for up to three months for a civilian employee entering active military duty for training.

b. All LWOP must be approved by the USACE Finance Center Director. Requests for LWOP must go through the chain of command and can be disapproved prior to reaching the Director's level. Supervisors should coordinate with the HR Liaison for guidance regarding employee requests for LWOP.

**17. Leave due to Inclement Weather.** Inclement weather such as ice or snow may cause Government agencies to close or delay operations. Refer to USACE Finance

Center Internal Policy Guide UFC-119 (located on the CEFC Internal Publications Home Page) for specific procedures regarding inclement weather.

18. **Changes**. This policy letter will be maintained on the CEFC Internal Publications Home Page. Changes will be made as needed to maintain current policy. POC for this policy guide is Valerie Bacon.

FOR THE DIRECTOR:



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