

TSA ABSENCE AND LEAVE HANDBOOK

1.	GENERAL LEAVE POLICIES AND PROCEDURES.....	5
A.	Requests for Leave.....	5
B.	Charging Leave.....	5
C.	Attendance	5
D.	Using Leave Versus Compensatory Time	5
E.	Insufficient Leave Balance	6
F.	Accommodation of Religious Exercise	6
G.	Medical Treatment for Disabled Veterans.....	7
H.	Tardiness.....	7
I.	Holidays	7
J.	Terminal Leave.....	8
K.	Meal Breaks	8
L.	Home Leave.....	8
2.	ANNUAL LEAVE.....	10
A.	General Information.....	10
B.	Earning Rates of Annual Leave	10
C.	Approval of Annual Leave Requests	12
D.	Advancing Annual Leave	13
E.	Maximum Accumulation	14
F.	Scheduling Annual Leave to Avoid Forfeiture.....	14
G.	Restoration of Annual Leave	15
H.	Requesting Restoration of Annual Leave	15
I.	Use of Restored Annual Leave	16
J.	Creditable Service for Annual Leave.....	16
K.	Lump Sum Payment of Annual Leave.....	17
3.	SICK LEAVE	17
A.	Earning Rates of Sick Leave.....	17
B.	General Information.....	18
C.	Administratively Acceptable Documentation and Medical Documentation	19
D.	Use of Sick Leave for Family Care and Bereavement Purposes	19
E.	Sick Leave to Care for a Family Member with a Serious Health Condition	20
F.	Sick Leave for Adoption Purposes	21
G.	Approval of Sick Leave Requests.....	21
H.	Advance Sick Leave	22
I.	Employee Absences of 3 Days or Less.....	23
J.	Documentation for Absences of More than 3 Days.....	23
K.	Excessive Use of Unscheduled Sick Leave	23
L.	Substitution of Sick Leave for Annual Leave.....	24
M.	Sick Leave Use Prior to Disability Retirement.....	24
N.	Re-credit of Sick Leave	24

4.	MILITARY LEAVE.....	24
A.	General Information.....	24
B.	Eligibility	25
C.	Military Leave (Regular)	25
D.	Accumulation and Charging Military Leave (Regular)	25
E.	Military Leave (Emergency).....	26
F.	Other Military Leave Authorities.....	27
5.	COURT LEAVE	28
A.	General Information.....	28
B.	Service as a Juror	28
C.	Service as a Witness.....	28
D.	Fees and Expenses for Service as Juror or Witness	29
E.	Dismissal from Service as a Juror or Witness	30
6.	EXCUSED ABSENCE	30
A.	General Information.....	30
B.	Registration and Voting	31
C.	Military and Law Enforcement Funerals	31
D.	Funeral Leave.....	31
E.	Change of Duty Station.....	32
F.	Professional Organizations' Conferences and Conventions	32
G.	Leave for Bone Marrow and Organ Donations.....	32
H.	Blood Donations	33
I.	Officially Sponsored Physical Fitness Programs, Fitness Centers, and Health Units	33
J.	Emergency Situations and Hazardous Weather	33
K.	Absences to Perform Community Service.....	34
L.	Absences Due to On-the-Job Injuries	34
7.	LEAVE WITHOUT PAY (LWOP).....	34
A.	General Information.....	34
B.	Documentation of LWOP	35
C.	Use of LWOP (Revised February 2009).....	35
D.	Effects of Nonpay Status on Leave and Benefits.....	36
8.	ABSENT WITHOUT LEAVE (AWOL)	36
A.	General Information.....	37
B.	Effect on Benefits and Holidays	37

9.	MATERNITY AND PATERNITY ABSENCES	38
A.	General Information.....	38
B.	Leave Requests for Maternity and Paternity Purposes	38
C.	VLTP for Maternity and Paternity Purposes	39
D.	FMLA for Maternity and Paternity Purposes	39
E.	Leave for Paternity Purposes	41
10.	VOLUNTARY LEAVE TRANSFER PROGRAM (VLTP) (Revised February 2009).....	41
A.	General Information.....	41
B.	Application Procedures to Become a Leave Recipient.....	42
C.	Approval of Application to Become a Leave Recipient.....	43
D.	Leave Donors	44
E.	Use of Donated Annual Leave.....	45
F.	Termination Of a Medical Emergency	45
G.	Termination of a Natural Disaster.....	46
H.	Unused Donated Leave.....	46
I.	Record Keeping	47
J.	Worker’s Compensation and VLTP.....	47
11.	FAMILY AND MEDICAL LEAVE ACT (FMLA).....	47
A.	General Information.....	47
B.	Intermittent Use of FMLA and Reduced Leave Schedule.....	50
C.	Employee Responsibilities Under FMLA.....	50
D.	Medical Documentation.....	51
E.	Guidelines for TSA Employees Covered by Title I of FMLA	52
F.	Returning from a FMLA Qualifying Absence.....	52
G.	Record keeping	53
	APPENDIX A: Scheduling Use Or Lose Annual Leave.....	1
	APPENDIX B: Effects Of Nonpay Status.....	2
	APPENDIX C: Checklist For Employees Entering Extended Military Active Duty	3
	APPENDIX D: Sample Memorandum To Employee On Extended LWOP	6
	APPENDIX E: This page intentionally left blank (February 2009).....	8
	APPENDIX F: VLTP Fact Sheet (Revised February 2009)	9
	APPENDIX G: This page intentionally left blank (February 2009)	11
	APPENDIX H: Sample Memorandum Informing Employee Of FMLA Entitlement	12
	APPENDIX I: Sample Letter To Approved VLTP Applicant (Revised February 2009)	13

APPENDIX J: Denial Of VLTP Application (Revised February 2009)14

**APPENDIX K: Sample Memo To Payroll Authorizing Use Of Donated Leave To
Liquidate Advanced Sick Leave (Revised February 2009)15**

APPENDIX L: FMLA Fact Sheet (Revised February 200916

APPENDIX M: Definition Of A Serious Health Condition17

1. GENERAL LEAVE POLICIES AND PROCEDURES

A. Requests for Leave

- (1) An employee who wishes to take leave is required to inform his or her supervisor in advance of the request. Leave requests should include the day(s), type of leave requested, and number of hours. If the request is for less than a full day, it must include specific hours (from-to).
- (2) The OPM Form 71 (<http://www.opm.gov/oca/leave/HTML/formindx.htm>) is the required method for employees to use in requesting leave.
- (3) Employees who request leave under the Family and Medical Leave Act (FMLA) are strongly encouraged to attach the Certification of Health Care Provider, WH-380 (<http://www.dol.gov/esa/regs/compliance/whd/fmla/wh380.pdf>), to the OPM Form 71. The employee's health care provider may also provide the necessary documentation on his/her letterhead.

B. Charging Leave

- (1) The minimum charge for most leave categories is 15 minutes. However, military leave is charged in one-hour increments and Home Leave is charged in increments of one-day.
- (2) Employees may not be charged leave on holidays, regular non-workdays and non-workdays authorized by administrative order.
- (3) Employees who are scheduled to work on a holiday (or other day designated as a non-workday by administrative order for most employees), and do not report to work may be charged as absent without leave (AWOL) if the absence is not approved.
- (4) You may not charge annual leave, sick leave, or compensatory time to an employee who refuses to work overtime or who does not report for mandatory and/or scheduled overtime duty. You may and should charge such an employee as absent without leave (AWOL).
- (5) Part-time employees are only charged leave for absences that occur on days and hours the employee is regularly scheduled to work.

C. Attendance

Employees are expected to report for work on time and to be on duty at all times during their tour of duty except during meal breaks and excused absences.

D. Using Leave Versus Compensatory Time

- (1) Employees are responsible for scheduling and using compensatory time off as soon as possible after it is earned.

- (2) Employees are responsible for scheduling and using restored annual leave and projected “use or lose” annual leave to avoid forfeiture. Restored annual leave that is forfeited may not be restored and projected “use or lose” annual leave that is not scheduled, approved, and subsequently canceled is not eligible for restoration.
- (3) Employees may use compensatory time off and annual leave for vacations, rest and relaxation, family needs, personal business and for situations generally covered by sick leave.
- (4) Employees are responsible for following leave requesting procedures and may be required to provide “administratively acceptable” medical documentation when substituting compensatory time off and/or annual leave for sick leave. Administratively acceptable documentation may be medical documentation, employee self-certification, or other documentation sufficient to warrant approval of a sick leave request. Management has the discretion to request such documentation for absences of less than 3 days. It is required for absences in duration of more than 3 days.

E. Insufficient Leave Balance

If an employee is out of the office on extended leave and has an insufficient leave balance to cover the absence, the employee will be placed on leave without pay. The employee is responsible for contacting the supervisor to determine other available leave options and will have the option of substituting appropriate paid leave for any period in which leave without pay was charged in this circumstance.

F. Accommodation of Religious Exercise

- (1) TSA organizational units will attempt to accommodate employees’ exercise of their religion unless such accommodation would impose undue hardship on the conduct of the agency’s operation.
- (2) Available credit hours, compensatory time and accrued, accumulated, or advance annual leave may be used to accommodate a requested absence for religious observance. Management may allow employees to work the compensatory hours before or after the accommodation is needed.
- (3) Absent an undue hardship on agency operations, organizational units may allow employees to alternate their work schedule to accommodate their religion.
- (4) Organizations shall contact the Office of Chief Counsel before denying a request for religious accommodation.
- (5) The premium pay provisions in HRM 550-1 and HRM 551-2 do not apply to compensatory time worked and earned for the purpose of religious accommodation.

G. Medical Treatment for Disabled Veterans

- (1) Under the provisions of Executive Order 5396 a disabled veteran must be granted annual leave, sick leave, or leave without pay (LWOP), as appropriate, for medical treatment upon the employee's request and presentation of an official statement from a medical authority that such treatment is required.
- (2) Granting or authorizing a leave of absence to a disabled veteran is only mandatory when the treatment, examination, or absence is in connection with the disability.
- (3) The veteran must give prior notice of specific days and hours that absence is required for medical treatment in order that arrangements may be made for carrying on the work during his or her absence.

H. Tardiness

- (1) The supervisor may excuse occasional or unavoidable periods of tardiness, not in excess of 30 minutes.

Example: Unavoidable tardiness would include a major accident that closes part of the main interstate and prevents a significant number of employees from reporting for duty on time. Another example would be if the shuttle bus that transports employees from the parking lot to the terminal breaks down and employees have to wait for a replacement. These examples are not meant to be all inclusive and should not prevent authorized managers from exercising sound discretion to grant excused absence to groups or individual employees where warranted.

- (2) If the conditions or frequency of the tardiness do not warrant approval of leave, the tardiness may be charged to AWOL, in multiples of 15 minutes, to cover the period of absence.
- (3) Employees will not be required to work during periods of leave charged for tardiness. Normally, leave for the balance of the 15 minutes will be taken immediately following the tardiness. It may be taken later in the day, however, if more convenient to the organizational unit. This leave will not, however, be carried over beyond the day in which the tardiness occurs.
- (4) Habitual tardiness is a basis for disciplinary action. Supervisors should document habitual tardiness and take the necessary action to address the problem.

I. Holidays

- (1) The TSA benefits package includes ten Federal holidays each calendar year. An employee must be in a pay status the day before or the day after a holiday in order to receive payment for the holiday.
- (2) More information on holidays, in lieu of holidays, and work schedules during holidays is available in Management Directives 1100.61-1 and 1100.61-2.

J. Terminal Leave

- (1) If an employee resigns before the end of a pay period, the remaining workdays will be recorded, as “*No Pay Due*” and the employee will not earn annual leave or sick leave for that pay period.
- (2) Supervisors and managers should inform employees of the impact on leave accrual to ensure that employees are aware of the impact on their leave accruals.
- (3) Employees who complete all scheduled work hours for the pay period may be given the option of having the first day of the next pay period established as the effective date of their resignation. This option will not be provided to employees who are subject to immediate removal as a result of an adverse action; who resign in lieu of an adverse action; or other such management decision.

Example: Jane works Sunday through Thursday each week. Jane submits her resignation requesting that it be effective at the end of her shift on Thursday of the second week of the pay period. Management will notify Jane that she will not earn leave for that pay period if Thursday is the effective date of the resignation and will establish Sunday (first day of the next pay period) as the actual effective date.

K. Meal Breaks

- (1) A minimum 30-minute unpaid meal break shall be scheduled for any employee who works a daily tour of duty of least eight (8) hours. Employees may not skip a meal break in order to reduce the work schedule. In addition, employees are not authorized to take meal breaks at the start or end of a shift.
- (2) A meal period is usually not provided if an employee is scheduled to work five (5) or fewer hours a day. However, management has the discretion to grant a meal break to an employee scheduled to work less than eight (8) hours in a day.
- (3) The length of the meal break extends an employee’s workday by an equivalent amount of time. The maximum amount of time that may be allotted for meal breaks is 60 minutes.

Note: Aviation Operations has developed AVO 400.30.3-2A *Screening Meal and Rest Periods* and it continues to apply for members of the screening workforce.

L. Home Leave

- (1) An employee assigned to a TSA position outside the United States, the Commonwealth of Puerto Rico, or a territory or possession of the United States for at least 24 months of continuous service and who qualifies to maintain an annual leave ceiling of 45 days (employee not required to currently have a balance of 45 days) earns home leave.
- (2) Home leave may be used for return to the employee’s place of residency in the United States, the Commonwealth of Puerto Rico, or possessions of the United States. Home leave is charged in 1-day increments.

- (3) TSA employees stationed overseas earn home leave in addition to annual leave and sick leave.
- (4) If the employee completes the 24 months of continuous service and qualifies for up to 45 days of annual, home leave is earned at the following rates:
- If an individual accepts a TSA position that requires the incumbent to accept assignments as directed to anywhere in the world, the employee earns up to 15 days of home leave per year.
 - An employee who is serving at a post for which payment of a foreign or non-foreign (but not tropical) differential rate of 20 percent or more is authorized, the employee earns up to 15 days.
 - An employee who is serving with a U.S. mission to a public international organization earns up to 15 days
 - An employee serving at a post that has a foreign or territorial (but not tropical) differential between 10 and 15 percent, the employee earns up to 10 days of home leave per year.
 - Employees serving at a post not covered by the above sections earn a maximum of 5 days of home leave per year.
- (5) If an employee is unable to complete his or her service abroad because of a tour of duty in the Armed Forces, the employee will not earn any home leave during the tour of duty.
- (6) The following chart identifies the rates at which home leave is accrued:

Months of Service Abroad*	Number Of Home Leave Days Earned Each Month Up To The Maximum		
	Maximum 15 Days	Maximum 10 Days	Maximum 5 Days
1	1	0	0
2	2	1	0
3	3	2	1
4	5	3	1
5	6	4	2
6	7	5	2
7	8	5	2
8	10	6	3
9	11	7	3
10	12	8	4
11	13	9	4
12	15	10	5

**As described in paragraph K. (4), there are three categories in which home leave is earned (5 days, 10 days, and 15 days). This chart identifies the amount of leave earned for each completed month of service.*

2. ANNUAL LEAVE

A. General Information

- (1) Employees may use annual leave for vacations, rest and relaxation, family needs, teacher/school conferences, emergencies not covered by sick leave and other personal business.
- (2) Designated management officials maintain the discretion to approve annual leave based on the needs and workload of the organizational unit. Designated management officials will notify an employee in writing when a request for annual leave has been denied due to workload or other organizational needs.
- (3) TSA is not responsible for, nor will it reimburse employees for any expenses incurred as a result of cancelled or disapproved annual leave requests. Employees must ensure that leave is approved before making such arrangements and supervisors will make every effort not to cancel previously approved leave requests.
- (4) Employees may request the use of annual leave for instances generally covered by sick leave. Generally this is done when an employee has an insufficient amount of sick leave to cover an absence or when an employee is trying to build up his or her leave balance. Employees are reminded that approval of annual leave is based on the needs of the organization.

Example: At the start of the leave year, Jim had 200 hours of sick leave. Unexpected surgery required Tim to use 180 hours of sick leave, leaving him with a 20-hour sick leave balance. In an effort to rebuild his sick leave balance, he has requested to use annual leave for routine medical appointments and other events that normally qualify for sick leave.

B. Earning Rates of Annual Leave

- (1) An employee whose current appointment is for more than 90 days will earn and accrue annual leave beginning with the first full biweekly pay period worked. Employees who join TSA in the middle of pay period or separate before the end of the pay period will not earn annual leave for that pay period.

- (2) Full-time employees (80-hour biweekly work schedule) earn annual leave at the following rates:

Creditable Service	Leave Category	Maximum Leave Earnings Per Pay Period
Less than 3 years	4 hours	4 hours for each full biweekly pay period; i.e., 104 hours (13 days) per leave year
3 years but less than 15 years	6 hours	6 hours for each full biweekly pay period except for the last full pay period of the calendar year when they earn 10 hours. ; i.e., 160 hours (20 days) per leave year
15 years or more	8 hours	8 hours for each full biweekly pay period; i.e., 208 hours (26 days) per 26-period leave year.

- (3) Part-time employees must have a regularly assigned tour of duty on at least 1 day a week of each pay period to earn annual leave. Part-time employees earn leave at the following rates:

Creditable Service	Leave Category	Maximum Leave Earnings Per Pay Period
Less than 3 years	1 hour for every 20 hours in a pay status	4 hours for each full biweekly pay period
3 years but less than 15 years	1 hour for every 13 hours in a pay status	6 hours for each full biweekly pay period except for the last full pay period of the calendar year when they may earn up to 10 hours
15 years or more	1 hour for every 10 hours in a pay status	8 hours for each full biweekly pay period

- (4) Employees who have regular tours of duty of more than 80 hours per bi-weekly pay period earn sick and annual leave on a pro-rata basis. The chart below provides guidance on determining the biweekly leave earnings of employees with uncommon tours of duty.

Length of Service	Determining Leave Accrual Per Pay Period
less than 3 years	(4 hours) times (average # of hours per biweekly pay period) divided by 80 = biweekly accrual rate
3 to 15 years	(6 hours) times (average # of hours per biweekly pay period) divided by 80 = biweekly accrual rate.
More than 15 years	(8 hours) times (average # of hours per biweekly pay period) divided by 80 = biweekly accrual rate.

- (5) If an employee's current appointment is less than 90 days, the employee does not earn annual leave, even though an estimate of leave may show on the employee's leave and earnings statement. Supervisors are responsible for not granting use of annual leave to employees on appointments of less than 90 days.
- (6) Employees on these types of appointments may not use annual leave until having served under successive appointments for a continuous period of 90 days or more without a break in service.

Example: A summer intern joins TSA from July 1 to Sept 15. This appointment is less than 90 days. If the intern returns to TSA during winter break with an appointment from December 5 to January 5, the total of her appointments will be more than 90 days. The employee would be allowed to use annual leave during the winter break.

- (7) Employees in the following categories are entitled to a pro rata credit of annual leave for working a fractional pay period:
 - a. Employees whose tour of duty changes from full-time or part-time to intermittent.
 - b. Employees whose tour of duty changes from intermittent to full-time or part-time.
 - c. Employees carried in a LWOP status while in receipt of disability compensation from the Worker's Compensation Program.
- (8) The following table may be used as a guide in determining the amount of pro rata credit for annual leave:

Days Worked in a Bi-Weekly Pay Period	Annual Leave Accrual Rate		
	4 hr Leave Category	6 hr Leave Category	8 hr Leave Category
1	1	1	1
2	1	1	2
3	1	2	2
4	2	2	3
5	2	3	4
6	2	4	5
7	3	4	6
8	3	5	6
9	3	5	7

C. Approval of Annual Leave Requests

- (1) The employee's supervisor or other management official is responsible for approving or disapproving leave. The supervisor or designated management official should request a copy of the employee's last leave and earnings statement as proof of available leave if there is concern that the employee does not have enough leave to cover the requested absence.

- (2) In the event that a request for leave is denied, the supervisor will inform the employee in writing of the reason for the denial as soon as possible.
- (3) Supervisors or designated management officials are responsible for managing the use of unscheduled annual leave requests. Employees may be required to substantiate requests for unscheduled annual leave with administratively acceptable documentation.
- (4) Supervisors or designated management officials are responsible for informing employees, in writing, of the leave requesting procedures for their organizational unit; and should provide annual reminders of the policy or more frequent reminders if changes occur.
- (5) Supervisors are responsible for informing employees of dates for scheduling annual leave for vacations and dates for scheduling annual leave to avoid end of year leave forfeiture.

D. Advancing Annual Leave

- (1) Full-time and part-time employees may be advanced no more than the amount of annual leave they would earn in the remainder of the leave year. Management officials are encouraged to consider whether an employee is expected to continue employment with TSA long enough to liquidate advanced leave before approving its use.
- (2) In special circumstances (e.g., new employees hired in the last calendar quarter), an employee may be advanced more leave than would be earned in the remainder of the year. However, the employee may not be advanced more annual leave than would be earned in a full leave year.
- (3) Employees must request advance annual leave in writing before it is needed. In addition, employees must exhaust all available accrued and accumulated leave, restored leave, compensatory time and credit hours before using advanced leave.
- (4) The decision to advance annual leave for any employee shall be based on the employee's reason for requesting advance leave, organizational workload, and the interests of the Transportation Security Administration.
- (5) In rare instances, designated management officials may grant advance annual leave to employees who have not completed their trial period. The supervisor must consider whether the employee is likely to continue employment with TSA past the trial period before approving advance leave.
- (6) In general, TSA will require employees from Federal Service to reimburse the agency with a payment equal to the dollar value of any advanced annual leave that has not been liquidated.

E. Maximum Accumulation

- (1) TSA employees may accumulate and carry over a maximum of 240 hours of annual leave from one leave year into the next leave year. TSA employees stationed overseas and members of the TSES may accumulate and carry over higher leave balances.
- (2) Employees stationed overseas may accumulate and carry over a maximum of 360 hours of annual leave from one leave year into the next leave year.
- (3) The maximum annual leave accumulation for employees in the Transportation Senior Executive Service (TSES) is 720 hours. However, a TSES employee who transfers into the TSES from a leave system that allowed a leave balance greater than 720 hours the employee is entitled to retain a personal leave ceiling above 720 hours and equal to the balance transferred.
- (4) An employee that was a member of the senior executive service prior to joining TSA in a non-TSES position and who has a leave balance of more than 240 hours, will also be allowed to have a personal leave ceiling.
- (5) Employees who transfer to TSA from an agency that allows employees to maintain an annual leave balance higher than 240 hours may retain the higher annual leave balance as a personal leave ceiling. The employee's leave balance will be reviewed each year to determine his or her leave ceiling for the next year. This will continue until the employee's leave balance falls to 240 hours or the employee separates from Federal service.

Example: A new employee transfers to TSA from the Postal Service with a documented annual leave balance of 508 hours. The employee will now have a personal leave ceiling of 508 hours. If the employee's leave balance is 480 hours at the end of his first year with TSA, he/she will have a new leave ceiling of 480 hours. This continues until the employee reaches 240 hours or separates from Federal service.

F. Scheduling Annual Leave to Avoid Forfeiture

- (1) An employee who accumulates more annual leave than he/she is allowed to carry over into the next leave year will forfeit the leave over their maximum (i.e. 240 hours, 360 hours, 720 hours).
- (2) To avoid forfeiture of leave because of scheduling conflicts, employees must request and have the use of excess annual leave approved in writing before the start of the 3rd biweekly pay period prior to the end of the leave year. This does not guarantee that the employee will have excess leave restored if he or she is unable to use the leave. Section G below provides information on requesting restoration of forfeited annual leave.
- (3) TSA will issue an annual reminder to employees on scheduling annual leave to avoid forfeiture. However, employees are responsible for managing their leave to prevent forfeiture of annual leave.

- (4) The chart in Appendix A, *Scheduling Use or Lose Annual Leave*, identifies the last date of the leave year and the last date to schedule use or lose annual leave. Excess annual leave scheduled after the start of the 3rd biweekly pay period prior to the end of the leave year may be forfeited.

G. Restoration of Annual Leave

- (1) Only leave that was requested and approved in writing before the date corresponding to the start of the 3rd biweekly pay period prior to the end of the leave year is eligible for restoration.
- (2) If scheduled and approved annual leave is forfeited, it can be restored for employee use if it meets one of the criteria set below.
 - a. *Exigencies of the Public Business.* Annual leave that was scheduled and approved but canceled as the result of an operational demand (exigency) is eligible for restoration. The supervisor must show that there was no reasonable alternative to canceling leave and that another employee could not perform the work.
 - b. *Sickness.* Absent unusual circumstances, annual leave scheduled during the last quarter of the leave year that could not be used because of an employee's illness or injury would be approved for restoration.
 - c. *Administrative Error.* Annual leave forfeited because of administrative error (failure to change a leave accrual rate, incorrect service computation date, etc.) will be restored in cases where the error was made by an agency representative.
- (3) Annual leave forfeited because of excused absence or holidays is not eligible for restoration. This includes instances where agencies are closed due to inclement weather or an Executive Order is issued closing the Federal Government for Christmas Eve, day after Christmas or some other incident.

H. Requesting Restoration of Annual Leave

- (1) Employees who forfeit annual leave because of exigencies of the public business, sickness, or administrative error may request to have the leave restored following the end of the leave year.

Note: The Assistant Secretary has the authority to grant blanket leave restoration for the entire agency, specific components of the organization, and/or specific groups of employees.

- (2) Employee requests for restoration of annual leave must include evidence that the forfeited leave was scheduled and approved in advance and the reason(s) why the leave could not be used or rescheduled to avoid forfeiture. Employees may include signed OPM-71s, emails or other written documentation that includes an explanation by the management official designated to disapprove leave for the employee. In addition, the employee should provide documentation to substantiate the number of hours to be restored.

- (3) The designated management official must certify that the employee is eligible for restored leave and that the information submitted is factual.
- (4) The employee's request and management official's certification must be forwarded to the appropriate Assistant Administrator or Office Director, or their designated officials, for final approval.
- (5) If the request is approved, a copy must be submitted to payroll to ensure that the leave is restored. If the request is disapproved, the employee and his/her leave-approving official must be notified.

I. Use of Restored Annual Leave

- (1) Restored annual leave is maintained in a separate leave account and does not change the employee's annual leave ceiling.
- (2) Restored annual leave must be used no later than the end of the leave year ending two years after:
 - a. The date of restoration for leave forfeited because of administrative error;
 - b. A date fixed by agency management as the termination of the exigency; or
 - c. The date the employee is determined to be recovered from illness or injury and able to return to duty.
- (3) Restored annual leave that is not used within the designated time period cannot be restored again.

J. Creditable Service for Annual Leave

- (1) All civilian service that is potentially creditable for Civil Service Retirement Service (CSRS) and the Federal Employee Retirement Service (FERS) is creditable for annual leave accrual. Potentially creditable civilian service includes service that could be credited if the employee made deposits to the retirement fund. Such deposits are not required in order for the employee to receive credit for annual leave accrual purposes.
- (2) Non-retired members of the military receive full credit for annual leave accrual purposes for uniformed service, including active duty and active duty for training.
- (3) Military retirees receive annual leave accrual credit for:
 - a. Actual service during a war declared by Congress (includes World War II covering the period December 7, 1941, to April 28, 1952) or while participating in a campaign or expedition for which a campaign badge is authorized; or

- b. All active duty when retirement was based on a disability received as a direct result of armed conflict or caused by an instrumentality of war and incurred in the line of duty during a period of war as defined in 38 U.S.C. 101(11).

Note: "Period of war" includes World War II, the Korean conflict, Vietnam era, the Persian Gulf War, or the period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of the Congress.

K. Lump Sum Payment of Annual Leave

- (1) When an employee separates from TSA, he or she will receive a lump-sum payment for all accumulated and unused annual leave. The lump-sum payment will equal the pay the employee would have received if he or she had used the annual leave.
- (2) The employee's lump-sum payment is calculated by multiplying the number of hours of accumulated and accrued annual leave by the employee's applicable hourly rate of pay, plus other types of pay the employee would have received while on annual leave, excluding any allowances that are paid for the sole purpose of retaining an employee. The following types of pay are included in lump-sum payment calculations:
 - a. Rate of basic pay
 - b. Locality pay or other similar geographic adjustment
 - c. Across-the-board annual adjustments (e.g. CEI, TSI)
 - d. Availability pay, and standby duty pay
 - e. Night differential (for FWS employees only)
 - f. Regularly scheduled overtime pay under HRM 550-1 and HRM 551-2 for employees on uncommon tours of duty
 - g. Supervisory differentials
 - h. Nonforeign area cost-of-living allowances and post differentials
 - i. Foreign area post allowances
- (3) By law, holidays are counted as workdays in projecting the lump-sum leave period.
- (4) If a TSA employee is reemployed prior to the expiration of the period of annual leave (i.e., period used to calculate the lump-sum), he or she must refund the portion of the lump-sum payment that represents the period between the date of reemployment and the expiration of the lump-sum period. TSA will credit the appropriate amount of annual leave to the employee's account after receipt of the repayment.

3. SICK LEAVE

A. Earning Rates of Sick Leave

- (1) Full-time employees earn 4 hours of sick leave for each full biweekly pay period in a pay status. Earning of sick leave is not affected by length of service.
- (2) Part-time employees with an established tour of duty earn sick leave at a rate of 1 hour for each 20 hours of paid duty status with a maximum of 4 hours of sick leave per pay period.

B. General Information

- (1) Sick leave may be granted to employees for any of the following reasons:
 - a. Medical, dental, or optical examination or treatment;
 - b. Incapacitation due to physical or mental illness, injury, pregnancy, or childbirth;
 - c. To prevent exposure of a communicable disease to other employees and/or the general public; and
 - d. To participate in activities related to the adoption of a child.
- (2) Limited amounts of sick leave may be used for general family care and to care for family members with serious health conditions. Both uses are discussed in detail in this section.
- (3) Management officials are responsible for informing employees in writing (email, memo, posters, etc) of the correct sick leave requesting procedures for the organizational unit. Supervisors or other designated management officials are also responsible for approving and disapproving sick leave requests for their employees.
- (4) Designated management officials may place an employee in an AWOL status if the employee is required to substantiate an absence with administratively acceptable documentation and fails to do so.

Supervisor's Tip: Supervisors should document any instances where an employee does not show up for work and does not follow established leave requesting procedures. The failure to follow procedures may be the basis for disciplinary action even if the employee provides acceptable medical documentation for the absence.
- (5) Employees are responsible for managing their leave needs and making every effort to avoid requests for unscheduled sick leave.
- (6) Employees are required to make advance requests of sick leave for planned medical, dental, or optical examinations or treatment. Employees must use the OPM form 71 (http://www.opm.gov/FORMS/PDF_FILL/opm71.pdf) to request sick leave unless notified otherwise.
- (7) In the event of an emergency, employees must follow the established call-in/notification procedures established by their organization. At a minimum the employee will provide an estimate of the time that he/she expects to be absent because of the illness.

C. Administratively Acceptable Documentation and Medical Documentation

- (1) Employees are required to provide “administratively acceptable” evidence to their supervisor when requesting sick leave. Administratively acceptable documentation may be medical documentation, employee self-certification, or other documentation sufficient to warrant approval of a sick leave request.
- (2) The supervisor or management official authorized to approve leave requests will determine if the evidence submitted is administratively acceptable. The type of administratively acceptable documentation may vary based on the timing, type and length of a request.
- (3) Self-certification and generic health care provider notes with statements such as “under my care” or “received treatment” are sufficient forms of documentation for employees with planned medical, dental or optical treatment.
- (4) For extended absences of more than 3 days, generic statements such as “under my care” and “received treatment” generally will not be considered administratively acceptable.
- (5) When medical documentation is required, it should at a minimum, provide the following:
 - a. clearly state that the employee is/was incapacitated for duty;
 - b. provide information on how the condition affects the employee’s ability to perform the duties of the position;
 - c. identify the expected duration of the employee’s absence; and
 - d. have the signature of the employee’s personal physician or authorized health care provider.
- (6) If provided medical certification is unclear or does not indicate that the employee is incapacitated for duty, management may request additional information or clarification. Medical documentation may also be referred to an agency-authorized physician for review and clarification.
- (7) Supervisors are responsible for ensuring that employee medical documentation is kept confidential and only disclosed to the necessary management officials.

D. Use of Sick Leave for Family Care and Bereavement Purposes

- (1) Sick leave for family care includes:
 - a. Providing care for a family member as a result of physical or mental illness, injury, pregnancy or childbirth, medical, dental, or optical examination or treatment; or

- b. Making arrangements necessitated by the death of a family member or attending the funeral of a family member.
- (2) Full-time employees are allowed to use up to 40 hours of sick leave each leave year, regardless of their sick leave balance, for general care of a family member and bereavement purposes.
- (3) Generally, sick leave for bereavement purposes will be limited to a maximum of 3 workdays. Management may on a case-by-case basis approve additional use of sick leave for bereavement purposes.
- (4) Employees who maintain a sick leave balance of at least 40 hours may be approved to use up to an additional 64 hours of sick leave for general family care and/or bereavement purposes. This allows for a maximum of 104 hours of sick leave for general family care and bereavement purposes in a leave year.

Example: Jane has a sick leave balance of 133 hours. She needs to care for her 5-year old son who is suffering from the flu. To use more than 40 hours of sick leave, Jane must maintain a sick leave balance of 40 hours. As a result of maintaining the balance, Jane may use a maximum of 93 hours of her sick leave to care for her son.

- (5) Part-time employees may use a pro rated amount of sick leave for general family care and bereavement purposes.

Example: A part-time employee who works 20 hours a week could use 20 hours of sick leave to provide general care for a family member. If the employee maintains a sick leave balance of 20 hours, he/she could use a maximum of 52 hours of their sick leave for general family care or bereavement.

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

- (1) Full-time employees may use a maximum of 12 administrative workweeks (480 hours) of sick leave to care for a family member with a serious health condition. Serious health condition is defined in Appendix M. Employees must maintain a balance of 40 hours in their sick leave account to be eligible to use more than the first forty hours allowed to care for a family member.
- (2) Part-time employees may use a pro rated amount of sick leave to care for a family member with a serious health condition.

Example: A part time employee with a regular 40-hour tour of duty who maintains a sick leave balance of at least 20 hours would be able to use from 21 to 240 hours of sick leave in a leave year to care for a family member with a serious health condition.

F. Sick Leave for Adoption Purposes

- (1) Employees may use their sick leave for purposes related to the adoption of a child including:
 - a. Appointments with adoption agencies, social workers and attorneys;
 - b. Court proceedings;
 - c. Required travel related to the adoption;
 - d. Periods of time for bonding and care that are required by the overseeing adoption agency or court; and
 - e. Any other activity that is necessary for the adoption process to proceed.
- (2) Employees must provide administratively acceptable evidence for absences related to adoption. Additionally, employees must provide as much notice as possible when requesting absences related to adoption. Unscheduled sick leave will rarely be granted for absences related to adoption unless the employee is able to demonstrate that need is beyond his or her control, i.e. employee notified that a child has become available and he or she must immediately pick up the child.

G. Approval of Sick Leave Requests

- (1) In general, supervisors shall not deny employee use of accrued sick leave unless there is specific knowledge of employee misuse or abuse. The availability of sick leave does not however constitute an employee entitlement to unscheduled absences on a regular basis.
- (2) Authorized management officials have the discretion to disapprove sick leave requests for non-emergency medical, dental or optical examination or treatment if it is determined that the employee's services are needed.
- (3) During periods of staffing shortages or organization peak periods, employees may be required to schedule non-emergency and routine medical appointments on days and in timeframes that reduce adverse impact on the organization.
- (4) In the event that an employee's sick leave balance is insufficient to cover an approved sick leave request, the employee must request other available leave options. If the employee or the employee's personal representative are not able to be reached when an employee's available sick leave is depleted, the designated management official will place the employee on LWOP until a request for paid leave is made by the employee or the employee's personal representative. *This is an exception to the general rule that prevents management from placing an employee on LWOP.*
- (5) Employees may not be granted sick leave to perform outside employment, including self-employment, or to seek employment.
- (6) Employees may not be granted use of sick leave for absences related to military leave unless the requirements for use of sick leave are met (e.g. the employee suffers from physical or mental ailment).

H. Advance Sick Leave

- (1) Sick leave may be advanced to employees who have a serious health condition and have exhausted all of their available sick leave. For this purpose, serious health condition is defined as a disability or ailment that lasts for at least 3 consecutive workdays and is supported by a medical certificate.
- (2) Designated management officials retain the authority to approve advance sick leave requests but may delegate the authority as appropriate for the efficient operations of the organization.
- (3) An employee suffering from a serious health condition may be granted up to 30 days of advance leave in a leave year. For most full time employees, this equates to 240 hours (i.e. thirty 8-hour workdays). The amount of sick leave authorized for part-time employees is prorated based on their tour of duty.
- (4) Employees may be granted up to 40 hours (this is prorated for part time employees) of advance sick leave to care for a family member. Sick leave may not be advanced to allow an employee to maintain the 40-hour sick leave balance that allows for use of more than 40 hours sick leave for family care or bereavement purposes.
- (5) Employee requests for advance sick leave must be in writing. The absence must be for at least 3 workdays and be accompanied by appropriate medical documentation signed by an authorized health care provider.
- (6) The granting or denial of advance sick leave should be made in writing, preferably on the OPM form 71 (http://www.opm.gov/FORMS/PDF_FILL/opm71.pdf).
- (7) When warranted, sick leave may be advanced whether or not the employee has an annual leave balance. However, the supervisor must consider whether the employee will continue employment with TSA long enough to repay the indebtedness.
- (8) An employee may repay advanced sick leave by one of the following:
 - a. A charge against annual leave provided this action is not for the purpose of avoiding a forfeiture of annual leave at the end of the leave year;
 - b. Substituting donated annual leave, received under the Voluntary Leave Transfer Program, for the advance sick leave; or
 - c. A monetary settlement upon separation from TSA.
- (9) Management is responsible for notifying the payroll office in writing when an employee separates before repaying the balance of advanced sick leave.
- (10) If an employee dies or is approved for disability retirement, the indebtedness for advanced sick leave is waived.

I. Employee Absences of 3 Days or Less

- (1) Generally, employee self-certification will be sufficient for absences of less than three days.
- (2) Supervisors and other authorized management officials have the authority to request administratively acceptable documentation for sick leave absences of less than three days.
- (3) An employee whose leave record indicates possible abuse of sick leave may be required to submit a medical certificate, or other acceptable documentation, in support of any future request for sick leave, regardless of length.
- (4) ***If administratively acceptable documentation is required for absences of less than three days, employees should, under normal circumstances, be notified in advance of the requirement.***

J. Documentation for Absences of More than 3 Days

- (1) For an absence in excess of three workdays, supervisors or other designated management officials may require an employee to submit a doctor's certification of the medical reason for the leave or other satisfactory evidence as to the reason for the absence. However, a reasonable statement from the employee and self-certification for the absence may be considered acceptable.
- (2) Employees on sick leave for 30 days or more are required to submit detailed medical documentation to substantiate the absences. The employee may be required to subsequently submit documentation every 30 days that identifies the employee's progress and expected return to work date.
- (3) Employees on extended sick leave may be required to provide documentation certifying that they may return to duty if exposure to their medical condition could pose a health threat to co-workers and/or the general public. If required, employees will be notified in advance of their return that such documentation is required.

K. Excessive Use of Unscheduled Sick Leave

- (1) Supervisors or other authorized management officials are responsible for managing unscheduled usage of sick leave. Excessive use of unscheduled leave should be addressed immediately.
- (2) Excessive use of unscheduled sick leave could serve as the basis for requiring an employee to substantiate all absences with administratively acceptable documentation.
- (3) An employee suspected of abusing sick leave privileges through the use of unscheduled sick leave may be placed on leave restriction.

L. Substitution of Sick Leave for Annual Leave

- (1) If an employee becomes ill within a period of annual leave, the employee may be granted sick leave for the period of illness.
- (2) Employee's must request the change to sick leave as soon as possible and must provide administratively appropriate evidence to substantiate the illness.

M. Sick Leave Use Prior to Disability Retirement

- (1) An employee whose disability retirement has been approved may be granted use of all accrued sick leave prior to separation.

N. Re-credit of Sick Leave

- (1) Employees who transfer to TSA from other Federal agencies will have all sick leave credited to their sick leave account. If transferring from a different leave system, 7 calendar days of sick leave are deemed equal to 5 workdays of sick leave.
- (2) If an employee previously left Federal Service and is now returning to join TSA, the employee's sick leave may be re-credited regardless of the length of the break in Federal service.
- (3) Employees who separated from the Federal Government and returned before December 2, 1994, are not eligible to have their sick leave re-credited. If the employee returned after December 2, 1994, all sick leave may be re-credited.
- (4) Employees who have had their sick leave used in the computation of an annuity may not have that sick leave re-credited upon joining TSA.

4. MILITARY LEAVE

A. General Information

- (1) Eligible employees may be granted military leave for various reasons. The two most common types of military requested and granted are regular military leave and emergency military leave. More information is provided on both types of military leave in this section.
- (2) Supervisors and other designated management officials are required to approve requests for military leave, annual leave, leave without pay, or other available paid leave to employees who must complete an obligation to the military.
- (3) Authorized management officials (e.g. Office Directors, FSDs, etc.) may contact an employee's commanding officer to request that training for a reservist be rescheduled if the employee's absence would cause an undue hardship for the organizational unit. If the military duty is unable to be rescheduled, TSA has no authority to deny the employee's request for leave.

- (4) Employees called to active military duty must inform their supervisor in advance of the duty and provide the supervisor with a copy of the military orders, annual drill schedule or other documentation.
- (5) Employees called to military duty for 30 days or more must complete the *Checklist for Employees Entering Extended Military Active Duty* (Appendix C).

B. Eligibility

- (1) Full-time permanent employees or non-permanent employees with appointments of one year or more are eligible for military leave.
- (2) Part-time employees with a scheduled tour of duty between 16 and 32 hours are eligible for military leave.
- (3) Employees with temporary appointments of less than one year or appointments not to exceed one year are not eligible for military leave.

C. Military Leave (Regular)

- (1) Military leave (regular) allows employees to participate in active duty, active duty training, and inactive duty training without loss of pay or time.
- (2) Active duty and active duty training include full-time training duty, annual training duty, full-time National Guard duty, and Active Guard and Reserve duty.
- (3) Inactive duty training is authorized training performed by members of a Reserve component not on active duty and performed in connection with the prescribed activities of the Reserve component.
- (4) Employees using military leave (regular), annual leave, or compensatory time are entitled to their full civilian pay as well as pay for their military service.

D. Accumulation and Charging Military Leave (Regular)

- (1) Full-time employees receive 120 hours of military leave per fiscal year. It's generally calculated on the basis of an 8-hour workday for a total of 15 days.
- (2) Employees may use military leave in one-hour increments and are only charged military leave for hours the employee would otherwise have worked and received pay. Employees may not be charged military leave for regular days off that occur during the period of military absence.

Example #1: Jane's tour of duty is Monday thru Friday. If called to military duty, she may not be charged military leave for Saturday and Sunday, which are her regular days off.

Example #2: Tom works 6 hours a day Friday thru Tuesday. If called to military duty, he would not be charged military leave for Wednesday and Thursday, which are his regular days off, and would only be charged 6 hours for each of his normal workdays.

- (3) Military leave is not accrued throughout the year. Employees are credited with the full 15-day entitlement of military leave on October 1 of each fiscal year or the first day of employment.

Example: Mary joined TSA on August 25 and is a member of the Air Force Reserve. She is immediately eligible to use 15 days of military leave or to carry that military leave to the next fiscal year.

- (4) Employees are not required to return from military duty to a civilian position before using military leave earned during a new fiscal year.
- (5) Employees may carry a maximum of 120 hours (15 days) of military leave into the next fiscal year. This would allow an employee to use up to 240 hours (30 days) of military leave in any given fiscal year. If an employee's military orders cross fiscal years, an employee has the potential to use up to 360 hours (45 days) of military leave in a calendar year.
- (6) The military leave entitlement of part-time employees is based on the number of hours in the employee's regularly scheduled biweekly pay period (tour of duty reflected on the personnel action).

Example: John works 24 hours per week and would therefore be entitled to 72 hours (9 8-hour days) of military leave per fiscal year ($48 \text{ hours per pay period} \div 80 \text{ hours} = .6 \times 120 \text{ hours} = 72 \text{ hours of military leave}$).

- (7) Leave in excess of the employee's available military leave may be charged to annual leave, compensatory time off, or LWOP at the request of the employee. Absent an employee specifying a paid leave category, the employee will be placed in a LWOP status.

E. Military Leave (Emergency)

- (1) Eligible employees may receive 22 workdays of military leave (emergency) per calendar year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor.
- (2) This leave is provided for employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation. The 22 days of military leave (emergency) is in addition to the 15 days of military leave (regular) described above.
- (3) The term contingency operation is defined in Section 101(a)(13) of 10 U.S.C. as an operation that –

- a. is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or
 - b. results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of 10 U.S.C., chapter 15 of 10 U.S.C., or any other provision of law during a war or during a national emergency declared by the President or Congress.
- (4) Employees will have their civilian pay reduced by military pay that corresponds to the 22 workdays of military leave (emergency) authorized under this section. Upon return to duty, the employee is responsible for remitting payment equal to that of the military pay received during the 22 workdays. Employees must be informed of this stipulation when it's determined that they are eligible for the 22 workdays of military leave (emergency) or when they request to use the 22 workdays of military leave (emergency).
- (5) Because the employee receives full salary from TSA, the employee must remit payment equal to military pay (less any travel, transportation or per diem allowances) received during the 22 workdays. This payment along with the employee's name, social security number, and a short statement explaining the reason for the payment should be sent via regular mail to the address below.

USDA, NFC
 Administrative Collections
 P.O. Box 790342
 St. Louis, MO 63179-0342

F. Other Military Leave Authorities

- (1) Full-time employees who are members of the National Guard of the District of Columbia are entitled to unlimited military leave with pay for parade or encampment duty ordered or authorized under Title 39, District of Columbia Code. This applies to each day of service the National Guard, or a portion thereof, is ordered by the commanding general to perform.
- (2) Reserve and National Guard Technicians called under 5 U.S.C. 6323 (d) are entitled to 44 workdays of military leave for duties overseas under certain conditions.
- (3) An Executive Memorandum was signed on November 14, 2003, granting 5 days of excused absence to employees returning from active military duty to Federal civilian service. Employees who are returning to their civilian positions after performing active military duty in connection with Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, or other military operations under Executive Order 13223 are granted 5 days of excused absence upon their return. The excused absence may be granted prior to the employee's resumption of duties with TSA. If the employee has already returned to duty, the excused absence shall be granted at a time mutually agreeable to the employee and their organization.

5. COURT LEAVE

A. General Information

- (1) Full-time, part-time, intermittent and temporary employees are eligible for court leave. The leave will be documented as "Court Leave" in the time and attendance records.
- (2) Part-time and intermittent employees may only be granted court leave for those days and hours that occur during their normal tour of duty. There is no limit on the amount of court leave that may be granted to an employee.
- (3) Employees must submit a summons or equivalent document when requesting court leave. Employees may also be required to provide documentation certified by the clerk of the court or other appropriate official that demonstrates proof of attendance. If proof of attendance is required, the employee must be notified in advance of using court leave.
- (4) Employees who work a normal tour of duty between 6pm and 6am shall be granted court leave, including night differential, for their tour of duty even though jury or witness service is performed between 6am and 6pm. This is in fairness to an employee who would otherwise lose time needed for rest while attending court. Management is expected to use reasonable judgment in granting court leave for the entire workday when an employee's shift starts in the middle of the night or the middle of the regular workday.
- (5) Employees on leave without pay when called to jury duty or called to provide services as a witness are not entitled to court leave. An employee must be scheduled for paid leave or normal duty in order to qualify for court leave.

B. Service as a Juror

- (1) Employees shall be granted court leave when summoned to serve as a juror in U.S. Courts and State Courts (including municipal courts); in courts of the District of Columbia; and in courts in a territory or possession of the United States.
- (2) In general, TSA will not request that employees be excused from jury duty. Exceptions may include key officials whose services cannot be spared for an extended period of time.
- (3) Assistant Administrators and Office Directors must provide final approval of all proposals to have an employee excused from jury duty.

C. Service as a Witness

- (1) Employees shall be granted court leave when summoned to testify in a non-official capacity as a witness in a proceeding in which a State, local government or the United States is a party.

Example: John has been summoned as a witness in a case where the State of Kentucky has charged the defendant with assault. John is a full time employee required to testify on a day that he would otherwise work. He is therefore eligible for court leave on that day.

- (2) An employee summoned or assigned by TSA to testify in an official capacity on behalf of the United States Government or a local government is *not* entitled to receive court leave for service as a witness. The employee is performing duties as a result of his or her position and is therefore in an official duty status and paid accordingly.

Note: An employee required to testify in an official capacity on a regular day off must be compensated accordingly.

- (3) An employee called as a witness in a nonofficial capacity in a judicial proceeding involving only private parties must take annual leave or leave without pay for such appearances and is entitled to retain any fees or expenses paid for such services.

Example: Jane's sister is suing the individual who damaged her car in an accident. Jane was a passenger in the car and has therefore been called as a witness. Jane will not receive court leave on the day she has to report to court. Jane must use her personal leave or leave without pay for the absence.

D. Fees and Expenses for Service as Juror or Witness

- (1) Employees called to serve as jurors or witnesses in court proceedings to which the United States, a State, or local government is a party are directed to collect all fees and expenses payable to them as a result of their service.
- (2) Fees received for jury or witness service on a non-workday, a holiday or while in a leave without pay status may be retained by the employee.
- (3) In certain counties, money received in connection with jury service is considered expense money rather than a jury service fee. If monies received are designated as expense reimbursement – expenses for lunch, transportation, parking, tolls, etc., the payments may be retained by the employee and are not credited against the employee's salary.
- (4) Employees must reimburse TSA for jury or witness fees received because TSA is paying the employee's salary through court leave. Upon receipt of the check from the court, the employee must endorse and make the check payable to the U.S. Treasury. The check must be submitted to the address below.

TSA Headquarters, West Tower
Accounting Branch, TSA-14
601 South 12th Street
Arlington, VA 22202-4220

- (5) An employee reporting for jury service should inquire of an official of the court to determine if payment to be received is considered fees for jury service or expenses. The employee must obtain documentation from a court official to substantiate that payment received is considered expense money.

E. Dismissal from Service as a Juror or Witness

- (1) If an employee on court leave is dismissed from duty as a juror or witness at least 4 hours before the end of the employee's workday, the employee must contact the supervisor. Based on the needs of the office, the end time of the employee's workday and the employee's distance from the office, the supervisor will determine if it is practical for the employee to return to the office for the remainder of the day.
- (2) An employee directed to return to the office may request and be granted annual leave or LWOP in lieu of returning to the office for the remainder of the workday.
- (3) An employee will be charged as absent without leave (AWOL) if:
 - a. The employee is dismissed from duty and directed to return to the office but does not; or
 - b. Service as a juror or witness is cancelled for the day but the employee does not report for duty.

6. **EXCUSED ABSENCE**

A. General Information

- (1) An excused absence is an absence from duty authorized without loss of pay and without charge to an employee's personal leave accounts. Use of excused absence must be administered with extreme care and only for events and activities considered in the best interest of TSA and/or the Federal government as a whole.
- (2) Assistant Administrators, Office Directors and designees (i.e. Area Directors, FSDs at the airports, and other identified officials) have the authority to grant excused absence in accordance with the policies of this section.
- (3) Designated leave approving officials may grant no more than the maximum amount of leave identified for each of the categories below. The appropriate Assistant Administrator or Office Director must approve extended use of excused absence.
- (4) The decision to grant an excused absence is a matter of supervisory discretion. Excused absence may be approved only for employees who would otherwise be in a duty status or on paid leave.
- (5) Employees who have been granted excused absence without loss of pay or charge to leave are not on official duty and are not covered by the OWCP or the Federal Tort Claims Act.

B. Registration and Voting

- (1) Employees may be granted a maximum of 3 hours of excused absence to vote or register for an upcoming election. Employees are not guaranteed the maximum amount of excused absence. Management will provide the amount that provides the least impact on the operations of the organization.
- (2) Employees must request excused absence for voting in advance of the Election Day. Employees are responsible for knowing the election laws of their respective state and local governments and for knowing the hours of the polling location.
- (3) Advance requests for excused absence provides management time to adjust schedules and determine how much time to allow and how many employees can be granted excused absence at the beginning of the workday and how many at the end of the workday. Employees should provide at least 7 days advance notice when requesting excused absence for voting.
- (4) If an employee's voting place is beyond normal commuting distance and voting by absentee ballot is either not permitted or not possible, the employee may be granted a maximum of one day to make the trip to the voting place to vote. Employees must provide administratively acceptable documentation that clearly notes that absentee voting is not allowed and make the request at least 7 days in advance.
- (5) For employees who vote in jurisdictions that require registration in person, time off to register may be granted on substantially the same basis as for voting. Excused absence may not, however, be granted if registration can be accomplished on a non-work day and the place of registration is within reasonable 1-day, round trip travel distance of the employee's place of residence.
- (6) Employees may not be granted excused absence to vote by absentee ballot.

C. Military and Law Enforcement Funerals

- (1) Employees who are *veterans* may be excused from duty without loss of pay or a charge to annual leave for the time necessary, not to exceed 4 hours in any one day, to participate as active pallbearers or honor guards in funeral ceremonies for members of the Armed Forces whose remains are returned from abroad for final interment in the United States.
- (2) Federal law enforcement officers may be granted excused absence to attend the funeral of a fellow officer who was killed in the line of duty.

D. Funeral Leave

- (1) Employees may be granted up to 3 days of excused absence to attend the funeral or memorial service of a family member who dies as a result of wounds, disease, or injury incurred while serve as a member of the armed forces in a combat zone.

- (2) The definition of family member is the same as that used for sick leave to care for a family member.
- (3) Employees may only be approved for the amount of excused absence required to attend or make arrangements for the funeral or memorial service of the family member.

E. Change of Duty Station

- (1) If an employee is directed to accept a position at another duty station outside of their current commuting area, the employee may be granted a maximum of 40 hours of excused absence to enable him/her to make pre and post moving arrangements.
- (2) Employees who are granted a change in duty station at their request and for personal reasons are not entitled to receive excused absence under this authority. The Office of Human Resources may grant exceptions to this policy if it is deemed in the best interest of the agency.
- (3) If an employee is granted excused absence to facilitate a change in duty station, it must be documented and signed off by the appropriate approving official (i.e., Assistant Administrators, Office Directors, Area Directors, and/or Federal Security Directors).

F. Professional Organizations' Conferences and Conventions

- (1) Supervisors have the discretion to grant employees excused absence to attend conventions, conferences, and meetings of professional organizations when it is determined that attendance will enhance the knowledge, skills and/or abilities of the employee and thereby benefit TSA.
- (2) The employee's attendance at the conference or meeting must not have an adverse impact on the office, the work of the office or other employees.
- (3) Granting of excused absence does not imply that TSA is responsible for payment of conference fees, travel expenses or other related costs.
- (4) Approval by the Assistant Administrator or Office Director is not necessary if the conference is for more than one workday. The designated management official may approve the excused absence for the length of the conference.

G. Leave for Bone Marrow and Organ Donations

- (1) Employees may be granted up to seven (7) days of excused absence each calendar year to serve as bone marrow donors and to have tests related to the donation of bone marrow performed.
- (2) A maximum of 30 days of excused absence may be used each calendar year for employees to serve as organ donors.

H. Blood Donations

- (1) An employee may be granted up to 4 hours of excused absence to make blood donations to onsite blood drives, the Red Cross, local hospitals, blood banks, or similar nonprofit organizations. The granting of excused absence for this purpose may only be done if there is no adverse impact on the organization.
- (2) Excused absence is granted for this purpose to provide a reasonable amount of time for employees to recuperate after donating blood and includes time for travel to and from the blood center to make the donation.
- (3) Management officials have the authority to establish timeframes available for employees who want to participate in on-site blood drives or off site blood donation. Management will make this determination based on the needs and efficient operation of the organization.
- (4) If an employee is not accepted for blood donation, only the time necessary for the trip to and from the blood center is allowed as an excused absence.
- (5) Excused absence is not authorized for employees who sell blood. Annual leave, compensatory time, leave without pay, and/or credit hours may be requested for this purpose.

I. Officially Sponsored Physical Fitness Programs, Fitness Centers, and Health Units

- (1) Employees may be granted excused absence to participate in DHS/TSA officially-sponsored and administered physical fitness programs. Although the event is officially sanctioned and employees may receive excused absence, participation is voluntary and employees are therefore not covered by worker's compensation while participating.
- (2) Employee participation in on-site fitness centers is completely voluntary. Employees may not be granted excused absence to use the facility and are not covered by worker's compensation unless working in the center in an official capacity.
- (3) Employees who become ill during the workday may be granted a reasonable amount of excused absence for visits to the nearest health unit. If the employee is sent home for recuperation of a non-work related injury, the employee will be charged leave for the portion of the workday following the health unit examination.

J. Emergency Situations and Hazardous Weather

- (1) Employees may be granted excused absence, if management determines that removal of the employee from the premises is necessary to protect the safety and or security of one or more employees. Generally, the excused absence shall not exceed beyond the day within which it is granted.

- (2) Management Directive 1100.75-1, *Addressing Performance and Conduct Problems*, provides detailed information on granting administrative leave to employees who are removed from the premises because of performance or conduct problems.
- (3) Management Directive 1100.61-1 provides information on emergency dismissals and closures for TSA employees.

K. Absences to Perform Community Service

- (1) Employee absences to perform community or other volunteer service should be charged as annual leave, leave without pay, compensatory time or other appropriate leave.
- (2) Excused absence for volunteer service may only be granted for events that are officially sponsored or sanctioned by the Administrator and are directly related to TSA's mission, vision and core values.

L. Absences Due to On-the-Job Injuries

- (1) An employee injured in the performance of duty will be excused from duty without charge to leave for the time required for on-site medical examination and treatment.
- (2) If the employee's injury requires immediate hospitalization, the employee should be granted excused absence from the time of the injury to the end of the employee's shift for that day.
- (3) Employees who suffer job related injuries outside the United States and are unable to obtain adequate local treatment, may be granted excused absence for the time necessary to travel to an approved medical facility.

7. LEAVE WITHOUT PAY (LWOP)

A. General Information

- (1) LWOP is a temporary nonpay status and absence from duty that may be granted at the employee's request. In general, an employee may not be placed on leave without pay unless it's at the employee's request.
- (2) LWOP may not be charged for periods of unauthorized absence nor imposed as a penalty. Absence without leave (AWOL) is generally used for unauthorized absences. See Section M for more information on AWOL.
- (3) The maximum amount of LWOP that may be approved for an employee is 12 months. Requests for extensions beyond 12 months will be granted only in very unusual cases that are in the best interest of TSA.

Exception: Extensions may be granted if the absence is related to reasonable accommodation requests or Office of Worker's Compensation claims.

- (4) Supervisors and other management officials should use discretion and good judgment when approving LWOP for employees with more than 80 hours of annual leave available.
- (5) Generally, six (6) months of LWOP in a calendar year is creditable service for leave accrual, pay and other benefits.
- (6) As with other leave categories, approval of leave without pay (LWOP) is at the discretion of management. Approval or disapproval will be based on the reason for the request and the needs of the organization.

B. Documentation of LWOP

- (1) Periods of LWOP should be recorded in the time and attendance records. Procedures for documenting leave without pay can be found in the Transportation Security Administration Time and Labor Report Handbook.
- (2) All requests for leave without pay in excess of 30 consecutive days must be made in advance and in writing. If the request is approved, an SF-52 must be prepared and submitted for processing.
- (3) Before approving requests for LWOP of 30 days or more there should be a reasonable expectation that the employee will return to duty at the end of the absence.
- (4) Each request for LWOP should be examined carefully to assure that the value to TSA or the serious needs of the employee are sufficient to offset the loss of the employee's services and the costs and administrative inconveniences that result when an employee is in a LWOP status.

C. Use of LWOP (Revised February 2009)

- (1) Employees may be approved LWOP for personal reasons when they have limited or no available paid leave. The circumstances surrounding the employee's leave balance should be carefully monitored to ensure excessive, unscheduled absences or suspected leave abuse are not the cause for unavailable paid leave.
- (2) Employees may request LWOP for educational purposes when the course of study or research supports the interests of the TSA. Such requests must identify the course of study, how it relates to the employee's position and/or the mission of the organization, and the time required for completion of the course work.
- (3) LWOP may be approved for employees awaiting approval of a disability retirement claim.
- (4) An employee receiving compensation from the Office of Worker's Compensation Programs (OWCP) may be approved for up to one year of leave without pay if medical documentation provides a clear indication that the employee is likely to return to duty at the end of that timeframe. All LWOP incurred by an employee while receiving compensation from OWCP is creditable service.

- (5) Employees who are absent for military service may be granted leave without pay for all periods of military service. All time is creditable service for leave accrual purposes, service computation, benefits, and other job entitlements.
- (6) Under the provisions of Executive Order 5396 a disabled veteran must be granted paid leave or leave without pay to participate in medical treatment related to the disability. The employee must request use of LWOP in advance and must provide documentation from a medical authority that the treatment is required.
- (7) Employees are entitled to 12 weeks of leave without pay under the Family and Medical Leave Act. For additional information on FMLA, see Section 11.
- (8) Employees may not be granted LWOP for the sole purpose of pursuing or engaging in outside employment. For the use of LWOP, other employment includes any position or opportunity, including internships, for which the employee receives a monetary payment.
- (9) Designated management officials may grant a reasonable period of LWOP (generally not to exceed five (5) days) for career transition related activities for employees who have received an involuntary workforce reduction separation notice. The amount of LWOP granted will be determined on a case-by-case basis taking into account workload and need to accomplish the mission.
- (10) TSA employees on LWOP approved for non-work periods under a seasonal work schedule may engage in other Federal employment while on LWOP.

D. Effects of Nonpay Status on Leave and Benefits

- (1) Employees will not earn annual leave or sick leave in the pay period in which they reach accumulate total of 80 hours of LWOP. The LWOP may have been accumulated in more than one pay period but only the pay period in which the employee's cumulative total of LWOP is 80 hours will he or she not earn leave. If the employee returns to a paid leave status, the employee will again earn leave.

Example: Jane accumulates 40 hours of LWOP in pay period 4 and accumulates another 40 hours of LWOP in pay period 5. Because Jane's cumulative LWOP total is 80 hours in pay period 5, she did not earn sick or annual leave during pay period 5.
- (2) Leave accrual for part time employees will continue to be based on the number of hours they work.
- (3) After 6 months of leave without pay in a calendar year, an employee's timeframe for moving to the next leave accrual category is extended.
- (4) Extended periods of leave without pay have the potential to impact employee salary and other benefits. See chart titled *Effects of Nonpay Status* in Appendix B for more information on how LWOP impacts employee benefits.

8. ABSENT WITHOUT LEAVE (AWOL)

A. General Information

- (1) When an employee fails to report for duty without prior approval, has an unauthorized absence from the workplace during the workday, and/or does not give proper notification for an absence, the employee may be charged as absent without leave (AWOL).
- (2) An employee who does not report for mandatory and/or scheduled overtime may be charged as AWOL. In addition, an emergency employee who does not report for regular working hours on a holiday or other day designated as a non-workday for other employees should be charged as AWOL.
- (3) Supervisors are required to properly and accurately document any periods of AWOL for employees under their supervision. A charge of AWOL is not a disciplinary action. However the AWOL charge; the failure to follow leave procedures; and/or the failure to follow instructions that result in AWOL may serve as a basis for a disciplinary action, when warranted.
- (4) Supervisors should maintain records and documentation of all periods of AWOL charged to their employees. At a minimum, the records should reflect the dates, times, and reasons for the AWOL charge and any verbal or written counseling that may have occurred.
- (5) Employees will forfeit payment for all absences charged as AWOL. As with other unpaid absences, AWOL may impact other employee benefits.
- (6) If an employee provides administratively acceptable documentation to substantiate an absence previously documented as AWOL, the charge to AWOL on the time and attendance report may be changed to the appropriate leave category.
- (7) Once an AWOL charge is rescinded and changed to an approved leave status, *it cannot serve as the basis for a disciplinary action*. This does not preclude management from disciplining an employee for failure to properly request the leave. Supervisors should contact their Employee Relations Specialist (ERS) for more information.

Supervisor Tip: Management officials authorized to approve leave must be careful not to confuse AWOL with LWOP. LWOP is an approved and authorized unpaid absence. AWOL is an unauthorized and unpaid absence from duty and can serve as the basis for a disciplinary action. It is very important the correct code be used when recording an employee's absence in the time and attendance system.

B. Effect on Benefits and Holidays

- (1) An employee charged as AWOL on the day before and the day after a holiday will not receive pay for the holiday.
- (2) An employee charged as AWOL on the day before or the day after a holiday will receive pay for the holiday.

- (3) Pay is forfeited for all absences recorded as AWOL.
- (4) See chart titled *Effects of Nonpay Status* in Appendix B for information on how unpaid absences impact employee benefits.

9. MATERNITY AND PATERNITY ABSENCES

A. General Information

- (1) The Federal Government, including TSA, does not offer a separate leave benefit for maternity or paternity purposes (i.e. maternity leave, paternity leave).
- (2) Local and state policies do not supersede the policies, rules and regulations of the Federal Government.
- (3) TSA employees are eligible to use a combination of available sick leave, annual leave, leave without pay and donated annual leave for maternity and paternity related absences.
- (4) Pregnancy and absences related to pregnancy will be treated like other medically certified temporary disabilities. An eligible employee may request sick leave for doctor ordered periods of rest, medical appointments, incapacitation and/or recuperation.
- (5) Once a pregnancy is confirmed, the employee should – but is not required to - notify her supervisor. This notification also allows management to begin formulating staffing alternatives that may be used during the employee’s pregnancy and absence.
- (6) Based on the duties of the position, an employee may be required to submit medical documentation from her health care provider certifying that she is not incapacitated from performing any or all of the duties of her position. If the health care provider certifies that the employee’s health may be at risk, the employee may be placed in a light duty or other temporary position, other than her permanent position. If a light duty assignment or temporary position is not available the employee may request and be placed in an approved leave status.
- (7) If an employee is placed in an alternative position, the position must be within the same general commuting distance, with equal pay and benefits.
- (8) An employee who knows in advance that she does not intend to return to duty after delivery should submit her resignation prior to going on leave. The effective date of her resignation may be established no later than the last day identified for her period of incapacitation.

B. Leave Requests for Maternity and Paternity Purposes

- (1) Employees must provide a written request (e.g. OPM Form 71 and/or other detailed request) to the appropriate approving official for maternity related absences. The request must include the amount of each type of leave being requested; the days or period of time requested; whether the employee expects to return to work following

her period of incapacitation; and documentation from the employee's health care provider.

- (2) The documentation from the employee's health care provider must at a minimum certify that the employee is pregnant and the employee's expected delivery date. Following the birth, the employee will need to submit medical documentation that provides the actual birth date and length of the employee's incapacitation for duty.

NOTE: The standard period of incapacitation following a normal birthing process is six to eight weeks. However, this period may vary by employee and will be determined by the employee's health care provider.

- (3) Employees may use any accrued leave, advanced leave, compensatory time and/or leave without pay for her period of incapacitation.
- (4) An employee may not use sick leave or donated annual leave to extend her absence from work beyond her period of physical incapacitation.
- (5) TSA will work with employees to develop leave options to balance their work and family lives following the birth of child, while meeting the needs of the organization.

C. VLTP for Maternity and Paternity Purposes

- (1) Pregnancy is treated as a short-term disability for the purpose of the Voluntary Leave Transfer Program (VLTP).
- (2) Employees may apply to become a leave recipient under the TSA Voluntary Leave Transfer Program for certain purposes related to maternity. This includes periods of doctor ordered bed rest, periods of incapacitation following the birth of a child, other medical complications that arise as a result of the pregnancy or childbirth, care of a child born with a medical condition.
- (3) Male employees may apply to become leave recipients under the TSA VLTP for purposes related to paternity. This includes absences to care for the mother while on doctor ordered bed rest, absences to care for the mother during her period of incapacitation, and/or absences necessary to care for a newborn with a qualifying medical condition.

D. FMLA for Maternity and Paternity Purposes

- (1) An employee may invoke her entitlement to leave under the Family and Medical Leave Act for purposes related to maternity. An employee may use applicable paid leave or leave without pay under FMLA for her period of incapacitation, as certified by her health care provider; care of a newborn during the process of identifying appropriate childcare; and bonding with a newborn.
- (2) Generally, employees will not begin use of leave under FMLA until the birth of a child. However, an employee may begin the 12-month period for birth of a child before the actual date of birth. If an employee does invoke leave under the FMLA prior to the date of birth, the employee's 12-month period begins on the date the

employee first uses FMLA and may end before the child's first birthday.

- (3) An expectant father may invoke his entitlement to FMLA to care for and bond with a newborn child, to care for the mother during her period of incapacitation, and/or to provide care if the mother or child have a serious health condition following the birth or during the pregnancy.
- (4) If a father and mother are both employed by TSA, each is entitled to use up to 12 administrative workweeks of LWOP under FMLA, as applicable.
- (5) An employee may substitute applicable paid leave for leave without pay under FMLA.

- (6) If an employee wishes to invoke FMLA to bond with a newborn baby, the employee must invoke the entitlement before the child's first birthday.
- (7) All procedures must be adhered to for employees invoking their entitlement to FMLA. For additional information on FMLA, see Section 11.

E. Leave for Paternity Purposes

- (1) Expectant fathers may request and be approved to use sick leave to accompany the expectant mother to doctors' appointments, to care for her during doctor ordered periods of bed rest, during her hospitalization and to care for her during her period of recovery. An employee who does not have a sufficient amount of sick leave to provide care for the mother may request other available and applicable paid, unpaid and donated leave, as appropriate.
- (2) An expectant father may invoke his entitlement to FMLA to care for and bond with a newborn child, to care for the mother during her period of incapacitation, and/or to provide care if the mother or child have a serious health condition.
- (3) Annual leave, leave without pay and other types of leave may be used for bonding with a newborn child, to care for other children and to prepare for the birth of a child (e.g. attend birthing classes).
- (4) Employees must adhere to the established policies of this directive and leave requesting procedures of their organizations when requesting and using paid leave and leave without pay for paternity purposes.

10. VOLUNTARY LEAVE TRANSFER PROGRAM (VLTP) *REVISED FEBRUARY 2009*

A. General Information

- (1) The TSA Voluntary Leave Transfer Program (VLTP) allows TSA employees to donate annual leave in one-hour increments to approved leave recipients who are absent or will be absent from duty for at least 24 work hours without pay because of a medical emergency or natural disaster that results in a personal loss. (See Appendix F for VLTP fact sheet.)
- (2) Medical emergencies may result in physical or mental incapacitation of an employee or a family member of the employee.
- (3) Pregnancy, childbirth, and related medical conditions are treated as temporary illnesses and/or short-term disabilities for the purposes of the VLTP. This includes employees placed on bed rest for all or part of their pregnancy because of documented medical complications.
- (4) Employees who experience a loss of home or personal property by natural disaster (e.g. widespread flooding, hurricanes, wildfires, tornadoes, lightning and earthquakes) may be approved for no more than 80 hours of donated annual leave under the VLTP.

- (5) An employee does not have to exhaust all available leave before applying to the VLTP. An employee may apply and be approved for the VLTP prior to exhausting all available leave if it can reasonably be determined from supporting documentation that the employee's leave balances will not cover the entire period of absence.
- (6) Employees will not be approved to receive and use donated annual leave for any of the following purposes: (1) caring for and/or bonding with a healthy newborn child; (2) recuperation from elective or cosmetic surgery; (3) absences related to bereavement; or (4) other non-medical emergencies not associated with loss of home or personal property by natural disaster.
- (7) Employees may not use donated annual leave for vacation or other purposes not specifically related to the medical emergency or natural disaster identified on the application.
- (8) Supervisors or other management officials may not use their knowledge of employee leave balances to directly or indirectly intimidate, threaten, or coerce another employee into donating, receiving, or using donated leave.
- (9) Employees may not donate leave to an immediate supervisor.
- (10) The TSA VLTP does not allow employees to donate sick leave or receive sick leave donations from TSA employees or other Federal employees.
- (11) An employee may not indefinitely remain in the VLTP solely because a large number of annual leave donations have been received. Based on the agency's need to accomplish work and the fact that there is no foreseeable end to a medical emergency, management may deny the use of donated annual leave regardless of the number of hours donated to an employee.
- (12) Employees may not remain in the VLTP on a full use basis for more than one year. Employees who require intermittent use of donated leave will have their cases reviewed every six months to determine if they are eligible to continue their participation.

B. Application Procedures to Become a Leave Recipient

- (1) An employee affected by a medical emergency or natural disaster may apply to become a leave recipient in the VLTP by submitting a completed [TSA Form 1128, Voluntary Leave Transfer Program Leave Recipient Application](#), and supporting documentation following the procedures outlined in [VLTP Roles and Responsibilities](#).
- (2) A personal representative may complete the application for an employee who is incapacitated as a result of a medical emergency.

- (3) Employees, or their representative, must submit the TSA Form 1128, and supporting documentation no later than 60 calendar days following the onset of a medical emergency or loss from a natural disaster. This 60-day period may, on rare occasions, be extended on a case-by-case basis if the employee can demonstrate that delay was caused by factors outside his or her control.
- (4) Employees affected by a medical emergency must provide medical documentation to support the period of absence. Medical documentation must include the nature, severity, and anticipated duration of the medical emergency.
- (5) Employees affected by natural disasters (e.g. widespread flooding, hurricanes, wildfires, tornadoes, lightning and earthquakes) must submit documentation (e.g. assessment that home is condemned; documentation that the employee has been displaced, copies of fire and/or safety reports) confirming the loss and the cause of the loss.
- (6) Generally, employees will submit their application to the immediate supervisor. The supervisor will forward the employee's application package to the HR liaison for review and signature.
- (7) The HR Specialist or liaison will review the application package for completeness, verify the information, sign TSA Form 1128, and submit the application package, within five (5) calendar days of receipt, following the procedures outlined in VLTP Roles and Responsibilities.

C. Approval of Application to Become a Leave Recipient

- (1) The VLTP HR Services provider will develop and forward a case summary and recommendation for review by the VLTP Approving Official within ten (10) calendar days of receipt.
- (2) The Approving Official will review the case summary and recommendation package and make the final determination to approve or disapprove the employee's request within 5 calendar days of receiving the recommendation and supporting documentation. The Approving Official's decision will be transmitted to VLTP HR Services provider and recorded in Block 22 of the TSA VLTP Application.
- (3) Employees will receive a final decision on eligibility for the VLTP within 20 calendar days of submitting a completed application to the immediate supervisor or HR Specialist or liaison.
- (4) If the employee's application is approved, the VLTP HR Services provider will notify the employee's HR Specialist or liaison. The HR Specialist or liaison will notify the employee in writing that the application has been approved. A sample employee notification letter is included in Appendix I.
- (5) If the employee consents on their application, the TSA VLTP Coordinator (i.e. the Approving Official at headquarters) will post the employee's name and a brief description of the recipient's medical condition on the VLTP page of the TSA Intranet.

- (6) Local offices may not publish any announcements concerning the employee's medical condition.
- (7) If an employee's application to become a leave recipient is denied, the VLTP HR Services provider will notify the employee's HR Specialist or liaison. The HR Specialist or liaison will notify the employee in writing that the application has been denied (A sample letter is included in Appendix J).
- (8) If additional information is required before a final decision can be made on an employee's application, the VLTP HR Services provider will notify the employee and the employee's HR Specialist or liaison of the required information following the procedures outlined in VLTP Roles and Responsibilities. A delay by the employee or the employee's personal representative in fulfilling requests for additional information may result in a longer review process.

D. Leave Donations

- (1) To become a leave donor, an employee must complete and submit a signed leave donor form following the instructions in VLTP Roles and Responsibilities for processing.
- (2) There are different types of leave donation forms.
 - a. TSA employees who want to donate annual leave to other TSA employees should use OPM Form 630A (http://www.opm.gov/FORMS/PDF_FILL/opm630a.pdf).
 - b. OPM Form 630B (http://www.opm.gov/FORMS/PDF_FILL/opm630b.pdf) should be used by employees of other Federal agencies who want to donate annual leave to TSA employees.
- (3) The leave donor must identify the leave recipient and the number of hours of annual leave to be donated to the leave recipient.
- (4) Leave donors may only donate annual leave to approved leave recipients. The maximum amount of annual leave to be donated is no more than one-half of the annual leave earned in the current leave year.
- (5) On a case-by-case basis, a leave donor may be approved to donate more than one-half of the annual leave to be earned in the current leave year. The request must be in writing and submitted for review by the VLTP Coordinator. If approved, the VLTP Services provider will notify the employee's HR Specialist or liaison and facilitate the processing of the additional donation.

E. Use of Donated Annual Leave

- (1) Leave recipients must use all accrued and available leave before using donated annual leave. Employees requesting donated leave for a natural disaster are required to use all accrued and available annual leave and compensatory time before using donated annual leave.
- (2) Leave recipients must follow established leave requesting procedures for use of donated annual leave.
- (3) Donated leave may be substituted retroactively for periods of leave without pay (LWOP) or used to liquidate an indebtedness for advance annual or sick leave that has been used for the approved medical emergency. The HR Specialist or liaison will submit written notification to the VLTP HR Services provider when donated leave is used for past periods of LWOP or advanced sick leave.
- (4) Once an employee is in a transferred leave status, the employee will continue to accrue sick and annual leave. Employees may accrue up to 40 hours of sick leave and 40 hours of annual leave while in a transferred leave status. This leave will be placed in a set aside account until the employee is removed from the VLTP.

Note: The NFC payroll system calculates, maintains and tracks set aside accounts.

- (5) Accrued leave over the limitations identified above must be used before the employee may use additional donated leave.
- (6) Employees awaiting a determination on a disability retirement application should consult their HR Specialist or liaison before requesting to have donated leave retroactively substituted for periods of LWOP since the last date of pay status determines the commencing date of a disability retirement if the employee is otherwise eligible.

F. Termination of a Medical Emergency

- (1) The medical emergency affecting a leave recipient ends:
 - a. When the leave recipient's Federal service ends;
 - b. At the end of the biweekly pay period in which the leave recipient or a personal representative notifies the supervisor or other appropriate management official in writing that the medical condition has ended;
 - c. At the end of the biweekly pay period in which the Office of Personnel Management approves disability retirement for the leave recipient; or
 - d. At the end of the biweekly pay period in which the agency determines, after written notice to the employee and opportunity for the leave recipient to respond (orally or in writing), that the leave recipient is no longer affected by a medical emergency.

- (2) If the leave recipient has a LWOP balance or negative sick and annual leave balances, the employee may continue to receive donations. The donations would only apply to LWOP and negative leave balances that occurred as a result of the approved medical emergency. The VLTP Services provider will need to be notified when annual leave donations are to be applied to negative sick leave balances (Appendix K).
- (3) An employee may remain in the VLTP up to 60 days after the termination of a medical emergency to obtain donated leave to liquidate a negative annual or sick leave balances or to cover periods of LWOP that occurred during the medical emergency.

G. Termination of a Natural Disaster

- (1) The natural disaster affecting an employee is considered terminated when:
 - a. After the employees has received and/or used 80 hours of donated leave a single disaster;
 - b. The employee leaves Federal Service; or
 - c. The employee no longer needs leave to conduct personal business related to the loss of the home or personal property.

H. Unused Donated Leave

- (1) Donated leave that is not used by the leave recipient may be returned to the annual leave accounts of all leave donors. The VLTP HR Services provider will determine the amount of leave to be returned to each leave donor.
- (2) With multiple donors, each donor receives leave based on their contribution to the leave recipient. The formula for determining the amount of leave to be returned is:
Pro-Rated Amount to be Returned to the Donor = Amount Donated by Leave Donor multiplied by the Balance of Unused Donated Leave divided by the Total Number of Donated Hours.

Example: Jose donates 24 hours of annual leave to an approved leave recipient. At the termination of the medical emergency, the leave recipient had received a total of 300 hours of donated leave. The employee did not use 100 of the donated hours. Since Jose donated 24 hours of annual leave to the employee, he is entitled to a prorated return of 8 hours of annual leave. This is calculated by taking 24 hours of donated leave multiplied by 100 hours of remaining leave ($24 \times 100 = 2400$) and then dividing that number by 300 hours ($2400/300 = 8$) to reach the 8 hours to be returned to Jose.

- (3) The leave donor may wish to have prorated leave donated in whole or in part to another approved leave recipient; credited to his/her leave account in the current leave year; or credited to his/her leave account in the next leave year if we are at the end of the leave year (i.e. within 3 pay periods of the end of the leave year).

I. Record Keeping

- (1) The VLTP HR Services provider will maintain consolidated and individual records for the VLTP.
- (2) Each VLTP file will include the following information as applicable:
 - a. The number and copies of applications approved for natural disasters; number and copies of applications approved for medical emergencies affecting the employee; and number and copies of applications approved for medical emergencies affecting family members of employees.
 - b. The pay band and basic salary of each leave recipient, gender of each leave recipient, and the total amount of donated leave used by each recipient;
 - c. The names of the donors, their social security numbers and the total amount of annual leave donated to the leave recipient;
 - d. Whether the recipient returned to work after the medical condition terminated; and
 - e. Whether the recipient retired on disability retirement under the Civil Service Retirement System or the Federal Retirement System within 6 months after the medical condition terminated.

J. Worker's Compensation and VLTP

- (1) Employees may not apply for or receive leave donations while receiving compensation under the Worker's Compensation Program. This includes agency continuation of pay (COP) and payments received from the Department of Labor.
- (2) Employees who are in a leave without pay status while awaiting final determination from the Department of Labor may apply to and be approved for the Voluntary Leave Transfer Program.

Note: Management is encouraged to review the prognosis included in the employee's OWCP medical documentation to gauge if the employee's claim is likely to be approved by the Department of Labor.

- (3) Employees may not buy back or receive retroactive compensation for leave donations received under the VLTP.

11. FAMILY AND MEDICAL LEAVE ACT (FMLA)

A. General Information

- (1) Title II of the Family and Medical Leave Act (FMLA) of 1993 provides TSA employees on appointments without time limitation or time limited appointments of more than one year with up to 12 administrative weeks of leave without pay in a 12-month period for certain personal and family emergencies.

March 2006

- (2) To be eligible for FMLA under Title II, an employee must earn sick and annual leave and must have worked for the TSA or the Federal Government for at least 12 months. It is not necessary for the 12 months to be recent or consecutive.
- (3) Title II of FMLA covers all TSA employees except those employees serving under intermittent or temporary appointments that will expire in one year or less. Employees on appointments of less than one year should refer to the subsection “General Guidelines for TSA Employees Covered by Title I” for more information on their entitlements under FMLA.
- (4) Employees are entitled to family and medical leave for one or more of the following reasons:
 - a. The birth of a son or daughter of the employee and the care of that child;
 - b. The placement of a child with the employee for adoption or foster care;
 - c. The care of a spouse, son, daughter, or parent of the employee who has a serious health condition; or
 - d. A serious health condition of the employee that makes the employee unable to perform any one or more of the essential functions of the employee’s position.
- (5) TSA has an obligation to inform employees of their entitlement to leave without pay under FMLA. Organizations may use the FMLA fact sheet (Appendix L), a memorandum (sample memo in Appendix H) or other methods to inform employees of their entitlement.
- (6) Employees must invoke their entitlement to FMLA and this may not be done retroactively. However, if an employee and his or her personal representative are physically or mentally incapable of invoking the employee’s entitlement to FMLA during the entire period in which the employee is absent from work for an FMLA qualifying purpose, the employee may retroactively invoke his/her entitlement to FMLA within 2 workdays after returning to work. In such a case, the incapacity of the employee must be documented by a written medical certification from a health care provider. In addition, the employee must provide documentation acceptable to the agency explaining the inability of the personal representative to contact the agency to invoke the employee’s FMLA entitlement.
- (7) The 12-month period begins on the date the employee first takes leave for family or medical needs under the FMLA and continues for 12 months. Employees are not entitled to an additional 12 workweeks of leave until the previous 12-month period ends and there is a new or continuing situation that entitles the employee to use leave under FMLA. An employee does not have the option of choosing a calendar year, fiscal year or any timeframe other than the 12-month period that begins on the first day of use. An employee cannot “carry over” unused FMLA entitlements to the next 12-month period.

Example: If an employee invokes FMLA on September 7, 2003, the employee has until September 6, 2004 to use the 12 administrative workweeks of leave for that 12-month period.

- (8) A father and mother are each entitled to 12 administrative workweeks of unpaid leave for birth, adoption, and/or foster care placement or for the care of a son or daughter with a serious health condition.
- (9) The 12 administrative workweeks of leave is calculated on an hourly basis and will equal 12 times the average number of hours in an employee's regularly scheduled administrative workweek.

Example: If an employee is regularly scheduled for 40 hours in a workweek, the employee is entitled to 480 hours (40x12) of family and medical leave during any 12-month period. A part time employee working 32 hours a week would be entitled to 384 hours (32x12) of family and medical leave.

- (10) If there are any Federal holidays or non-workdays established by Federal statute during the period in which an employee is on family and medical leave, those days will not be counted toward the 12-week entitlement to family and medical leave.
- (11) An employee may take only the amount of family and medical leave that is necessary to manage the circumstance that prompted the need for leave under FMLA.
- (12) An employee may elect to substitute paid time off for any or all of the period of leave taken under the FMLA. This includes accrued annual or sick leave, as applicable; approved advance annual or sick leave; and donated annual leave received under the Voluntary Leave Transfer Program.

Example: John invoked his entitlement to FMLA on January 28, 2004, and will need to be out for 4 weeks (160 hours) as a result of major surgery. John has elected to substitute the leave without pay under FMLA with paid leave. He will substitute the leave without pay with 65 hours of accrued sick leave, 45 hours of accrued annual leave and 50 hours of annual leave donated to him under the VLTP.

- (13) The employee may not be denied the right to substitute applicable paid leave for the leave without pay taken under FMLA. In addition, an employee cannot be required to substitute available paid leave for any leave used under FMLA.
- (14) The 12-month period for birth, adoption, or foster care placement may begin prior to the actual birth or placement of a child. If an employee invokes leave under the FMLA prior to the date of birth or placement, the 12-month period begins on the date the employee first uses FMLA.
- (15) An employee is not entitled to any right, benefit, or position of employment unless the employee would have been entitled to that right, benefit, or position had the employee not taken leave under FMLA.

B. Intermittent Use of FMLA and Reduced Leave Schedule

- (1) Approval for intermittent use of leave under FMLA or approval to work a reduced schedule under FMLA does not provide an employee with a right to accumulate a substantial amount of unscheduled and unpredictable absences or a right to take unscheduled leave at a moment's notice for an indefinite time period. A continuing need for unscheduled and unpredictable absences may result in a determination that an employee is not qualified for a position where reliable attendance is a bona fide requirement. As a result, appropriate action may be taken based on the employee's inability to perform.
- (2) Leave for the care of a covered family member with a serious health condition or leave for the serious health condition of an employee may be taken intermittently or on a reduced leave schedule. Employees may be asked to schedule planned medical treatments in accordance with schedules offered by management, subject to the approval of the attending health care provider.
- (3) Employees may not use leave on an intermittent or reduced leave schedule basis for bonding purposes related to birth, adoption, or foster care placement, unless the employee and the employee's organization agree to do so.

C. Employee Responsibilities Under FMLA

- (1) Employees must invoke their entitlement to leave under FMLA. An employee may not be placed on leave without pay under FMLA without the verbal, written or explicitly implied consent of the employee.
- (2) Employees must give at least 30 days notice if the need for leave is foreseeable. If the employee fails to give 30 days' notice with no reasonable excuse, the supervisor may delay the approval of family and medical leave under FMLA until 30 days after the date notice was provided. If the need for leave is unforeseeable and the employee is unable to provide advance notice due to circumstances out of their control, the leave will not be delayed or denied.
- (3) Employees must make a reasonable effort to schedule foreseeable planned medical treatment so as not to unduly disrupt the operations of the organizational unit, subject to the patient's medical needs as determined by the attending health care provider.
- (4) Employees may elect to maintain their health benefits coverage by making direct payments to TSA for their portion of the HB premiums while in a LWOP status under FMLA or incurring a debt that will be liquidated by automatic payroll deductions upon return to duty.
- (5) An employee cannot invoke FMLA retroactively, unless it can be proven that the employee and any personal representatives were physically or mentally incapable of invoking the employee's entitlement to FMLA during the entire period in which the employee was absent from work. An employee who is able to prove that he/she and any personal representatives were physically or mentally incapable of notifying the office of the employee's intent must invoke FMLA within two days of returning to duty.

- (6) Employees are responsible for notifying management of their intent to substitute applicable paid time off for the leave without pay under FMLA. Employees may not retroactively substitute paid leave for LWOP used under FMLA (exceptions may be made for employees awaiting donations via the Voluntary Leave Transfer Program).

D. Medical Documentation

- (1) Employees must provide written medical documentation of the serious health condition (see definition in Appendix M) that is the basis for the FMLA request.
- (2) The documentation must at a minimum include:
 - a. The date the serious health condition began;
 - b. The probable duration of the serious health condition or a statement that the serious health condition is a chronic or continuing condition with an unknown duration;
 - c. Whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity;
 - d. The appropriate medical facts within the knowledge of the health care provider regarding the serious health condition, including a general statement as to the incapacitation, examination, or treatment to be provided by the health care provider.
 - e. A statement from the health care provider that the employee is unable to perform the essential functions of his/her position as identified by a management official.
- (3) Medical certification for the care of family member must include all of the above as well as a statement from the health care provider that the employee's family member requires psychological comfort and/or physical care; needs assistance for basic medical, hygienic, nutritional, safety or transportation needs; and would benefit from the employee's care or presence. Employees are also required to provide a statement on the care they will provide for the family member and an estimate of the time period needed to provide this care.
- (4) TSA recommends that employees provide their health care provider with a copy of the Department of Labor's medical certification form to document the serious health condition. (<http://www.dol.gov/esa/regs/compliance/whd/fmla/wh380.pdf>).
- (5) A TSA authorized official may contact the employee's health care provider, with the employee's permission, to clarify medical information pertaining to the serious health condition identified in the submitted documentation. No additional personal or confidential information will be requested.
- (6) If TSA doubts the validity of the submitted medical certification, second and third opinions may be sought at TSA's expense.

E. Guidelines for TSA Employees Covered by Title I of FMLA

- (1) Subject to paragraph 2(b) below, employees serving under intermittent and temporary appointments that will expire in one year or less are covered by Title I of the Family and Medical Leave Act of 1993.
- (2) In order to be eligible for family and medical leave under Title I, the employees must have been employed by the Federal Government for at least 12 months (it doesn't have to be 12 recent or consecutive months) and employed with TSA for at least 1,250 hours of service during the 12-month period immediately preceding the need for FMLA leave.
- (3) Employees covered by Title I of the FMLA, deemed eligible for the entitlement may be placed on leave under FMLA without their permission by an authorized management official. These employees may also be required to substitute all available paid leave for leave without pay taken under the FMLA.
- (4) The leave requesting and medical certification procedures are the same for employees covered by Title I and Title II of FMLA.

F. Returning from a FMLA Qualifying Absence

- (1) Upon returning from leave taken under the FMLA, an employee must be returned to his/her position of record or a position with equivalent benefits, pay, status, and other terms and conditions of employment.

Note: Screeners must meet the certification requirements covered in TSA Management Directive 1900-4, FY 03 Annual Proficiency Review before being returned to his/her position of record.

- (2) Whenever possible, the employee should be returned to the original position of record unless the employee's placement in the same position would impose extreme hardship on the organizational unit. In this instance, the employee may be placed in an equivalent position.
- (3) An equivalent position must be in the same commuting area or at a minimum provide:
 - a. The same or substantially similar duties and responsibilities;
 - b. An equivalent pay level including any locality-based comparability payments;
 - c. The same type of appointment, work schedule, status and tenure;
 - d. The same employment benefits;
 - e. The same or equivalent opportunities for pay increases, performance and other incentive awards, or other similarly discretionary payments consistent with applicable laws and regulations;
 - f. The same or equivalent opportunities for premium pay; and

- g. The same or equivalently opportunities for training or education benefits including any training that an employee may be required to complete to qualify for his or her previous position.
- (4) The entitlement to be returned to an equivalent position does not extend to tangible and immeasurable aspects of the position.

G. Record keeping

- (1) Employee use of leave under FMLA is not tracked in the current time and attendance system and therefore must be done manually.
- (2) At a minimum, the following information must be recorded for an employee using FMLA:
- a. Employee's name, position, series, annual salary and pay band;
 - b. Number of hours of leave, including paid and unpaid leave, used under FMLA;
 - c. Whether the leave was for birth of child, adoption or foster care, serious health condition of a qualifying family member or the serious health condition of the employee; and
 - d. The beginning and ending dates of the employee's 12-month period.
- (3) Employee medical documentation or the medical documentation for a family member shall not be included with the employee's time and attendance records. This information must be kept confidential and only provided to those who must review it to make a decision on the employee's initial or ongoing eligibility for FMLA.

APPENDIX A: Scheduling Use Or Lose Annual Leave

The chart below identifies the last day an employee has to schedule annual leave that is over their annual carryover limit (also called use or lose leave). Annual leave that is scheduled by this date and later forfeited because of an exigency of public business, sickness or administrative error may be eligible for restoration.

Leave Year	Leave Year Beginning Date	Leave Year Ending Date	Deadline to Schedule Excess Annual Leave
2004	January 11, 2004	January 08, 2005	November 27, 2004
2005	January 09, 2005	January 07, 2006	November 26, 2005
2006	January 08, 2006	January 06, 2007	November 25, 2006
2007	January 07, 2007	January 05, 2008	November 24, 2007
2008	January 06, 2008	January 03, 2009	November 22, 2008
2009	January 04, 2009	January 02, 2010	November 21, 2009
2010	January 03, 2010	January 01, 2011	November 20, 2010

DEADLINE FOR USING RESTORED ANNUAL LEAVE

The chart below identifies the year in which restored annual leave must be used. Annual Leave not used in this timeframe will be forfeited and may not be restored.

Year Annual leave was Earned and Forfeited	Year Annual Leave is Restored	Year and Month Restored Annual Leave Must Be Used*
2002	2003	January 7, 2006
2003	2004	January 6, 2007
2004	2005	January 5, 2008
2005	2006	January 3, 2009
2006	2007	January 2, 2010

Generally, the leave year ends in January of the next calendar year. For example, if an employee must use restored leave by the end of the 2004 leave year, that leave year actually ends in January 2005.

APPENDIX B: Effects Of Nonpay Status

Topic	Number of Days/Hours in Nonpay Status Allowed Without Penalty
Initial Appointment Trial Period	Any nonpay time in excess of 44 total workdays extends the trial period by that number of days.
Supervisory/Managerial Probationary Period	
Leave Service Credit for Annual Leave Accrual (advancement from 4 to 6 and from 6 to 8 hour earning categories)	If an employee is in a nonpay status for an entire pay period, no annual or sick leave is earned for that pay period. If nonpay time occurs during part of one or more of a full-time employee's pay periods, the employee continues to earn leave until the nonpay time totals 80 hours. Then leave is reduced by the amount the employee earns during a pay period. A total of 6 months of nonpay time is creditable. Advancement to higher leave accrual category is delayed by the amount of nonpay time in excess of 6 months in one calendar year.
Service Computation Dates	A total of 6 months of nonpay time is creditable. The employee's SCD must be adjusted by the amount of nonpay time in excess of 6 months in one calendar year. (Excess time is added to employee's SCD)
Federal Employees Group Life Insurance (FEGLI) Coverage	FEGLI Coverage continues without cost to the employee for up to 12 months in nonpay status. Coverage is terminated after employee has been in nonpay status for 12 months. (Previous time in nonpay status counts toward the 12 months if the employee does not return to duty in between periods of nonpay status for at least 4 consecutive months.)
Federal Employee Health Benefits (FEHB) Coverage	Unless the employee cancels or temporarily terminates the enrollment, coverage continues for up to 365 days in nonpay status - employee is liable for his or her full share of the premiums for this period. <i>(This does not apply to employees on active military duty. All periods of leave without pay is creditable for employees on active military duty.)</i>
Retirement	A total of 6 months of nonpay time is creditable. Service credit is adjusted by the amount of nonpay time in excess of 6 months in one calendar year.

APPENDIX C: Checklist For Employees Entering Extended Military Active Duty

Employees deployed for more than thirty (30) days of military duty must complete this checklist to ensure that all benefits are properly tracked and maintained. Questions must be directed to the employee's HR specialist or equivalent.

Employees deployed for more than 30 days will have a personnel action processed to place them on leave without pay (LWOP-US) or to separate them from civilian service (Separation-US). Generally, an employee who enlists in a branch of the military, not a member of the Reserves, will have a separation action processed. Again, it is very important that *employees* specify their intent regarding military leave, annual leave, health and life insurance, retirement and the Thrift Savings Plan to ensure that all information is correctly processed.

Employee's Name and Home Phone:	Employee Office and Location (include airport code if applicable):
Employee's Home Address:	
Employee's Alternate Contact's Name and Phone (To be contacted if unable to reach employee):	
Name and Phone of Employee's HR Representative:	

Please indicate the appropriate action that needs to be processed while you are on extended military leave. You must check the applicable box and initial on the line provided to verify the action.

- _____ LWOP - US, beginning (insert date) _____¹.
- _____ Separation-US², effective (insert date).

Military Orders

- My military orders are attached.
- My military orders are not attached but will be provided at a later date.

Military Leave – Please check appropriate box (es):

- I have military leave (regular) that I want to use. I understand that I am eligible to receive both my civilian salary and military salary when I use military leave (regular).
 - Number of days: _____ and/or
 - Number of hours: _____

- I'm eligible and would like to use the 22 days of military leave (emergency). **By checking this selection, I acknowledge that I must reimburse TSA for an amount equal to my military salary earned on any days that I use military leave (emergency). I also acknowledge that I must reimburse TSA for this amount upon my return to civilian duty.**
 - Number of days requested: _____

¹ The proposed effective date of the personnel action submitted to place an employee on LWOP-US or Separation-US should be the same as the date indicated by the employee in this section.

² Separation-US is a personnel action used specifically for employees separating from the civilian service to join the military. For more information, please refer to Chapter 32 (Separations by Other than Retirement) of the Guide to Processing Personnel Actions (<http://www.opm.gov/feddata/gppa/Gppa31.pdf>) for more information on Separation-US.

Annual Leave:

- I would like to be paid a lump sum payment of my unused annual leave (and restored leave if I have any to my credit) when I enter on extended military duty.
- I do not want to use my annual leave while on military duty.
- I have annual leave that I want to use.
 - Number of hours requested: _____
- I have restored leave that I want to use.
 - Number of hours requested: _____

Compensatory Time

- I have compensatory time that I want to use.
 - Number of hours requested: _____

Federal Employees Health Benefits (FEHB) - Please check appropriate boxes:

- I understand that if I continue my FEHB, I am responsible for paying the employee share of the premium for the first 12 months. After the first 12 months, I am responsible for 102% of the cost and I must pay it on a current basis³. *Exception: Employees called to active duty for more than 30 days for a contingency operation may be eligible to have their health insurance premiums paid in full (employee and government shares) by TSA for 18 months. Check with your HR specialist to determine if you are eligible.*
- I want to terminate my FEHB coverage effective _____. I understand that I may reinstate my benefits when I return to work.
- I want to continue my FEHB and pay my portion of the FEHB premiums on a continuing basis during my absence.⁴
- I want to continue my FEHB coverage and incur a debt that I will repay upon my return to work.
- I am not currently enrolled in the FEHB program.
- I want to continue my FEHB coverage **and** I understand that my HR Specialist has determined that I am eligible to have my premiums paid by TSA for up to 18 months.

Federal Employees Group Life Insurance (FEGLI) – Please check appropriate boxes:

- I understand that my FEGLI coverage will continue for up to 12 months with no cost to me and will terminate after 12 months of leave without pay.

Retirement – Please check appropriate boxes:

- I understand that if I am placed on LWOP, death and disability benefits continue under my retirement system.
- I am covered under CSRS and I understand that the military service is potentially creditable service. I've checked and initialed the appropriate box below:
 - _____ If I was first hired **before October 1, 1982** under **CSRS**, I must make a deposit to avoid a *reduction* in my CSRS annuity, if I am eligible for Social Security at age 62.

³ Employees must send the full payment in the form of a check or money order payable to "TSA" to: USDA, NFC; Administrative Collections; P.O. Box 790342; St. Louis, MO 63179-0342. Include on the check your name, social security number. Also include a note that you have been on LWOP-US for more than 12 months, the payment is for "FEHB premium," and the pay period for which the payment is being made.

⁴ If you wish to pay your share of your premium on a continuing basis, you will mail to the same address as provided above in footnote 2. The payment must be made by check or money order payable to TSA. Be sure to include a note that the payment is for FEHB premium and the pay period for which the payment is being made.

- _____ If I was first hired under **CSRS on or after 10-1-82**, I must make a deposit to receive any credit for my military service.
- I am covered by **FERS**. I understand that a deposit must be made to receive any credit for my military service.

If you are **restored** to your civilian position (return to TSA within 5 years from military service) you will have the deposit calculated in two ways. For CSRS and FERS employees entering active military duty, the deposit is calculated using the lesser of what you would have paid into the retirement system based on the civilian salary you would have earned or the military deposit amount based on your military earnings. If you are **not restored**, the military deposit will be calculated using your military basic pay or earnings. Interest on the unpaid deposit will start 3 years from the date you return to a retirement covered position (CSRS/FERS) and will compound annually.

Thrift Savings Plan:

- I have a TSP loan(s). My TSP loan number is _____.
- I understand that my loan payments may be suspended while I am in a non-pay status to perform military service. By checking this option, I am electing to suspend my loan payments. I understand that interest will continue to accrue during this period.
- I understand that I may continue to make my TSP loan payments while in a nonpay status. I understand that I may send a personal check or money order directly to TSP using the loan payment coupon (<http://www.tsp.gov/forms/oc02-7.pdf>). By checking this option, I am electing to continue making my TSP loan payments while on extended military duty.
- I understand that I may make retroactive contributions and elections to my TSP account if I am restored to my civilian position following extended military duty.
- I understand that I will need to contact my local HR office / TSA HR Services to make retroactive TSP contributions and elections.

Employee Acknowledgement:

I have read and understand the options available to me for use of leave and in relation to my benefits package. By signing below, I acknowledge all elections that I have made.

Employee's Signature

Date

HR Representative's Signature

Date

APPENDIX D: Sample Memorandum To Employee On Extended LWOP

Date:

Subject: FEHB Options

From: TSA Human Resources Representative

To:

This memorandum provides you with information on your Federal Employee Health Benefits (FEHB) while on extended leave without pay (LWOP). Each pay period you are enrolled in the FEHB program, you are responsible for payment of the employee share of the premium. When you enter leave without pay status, or your pay is insufficient to cover the premium, you must terminate the enrollment; continue the enrollment and agree to pay the premium; or incur a debt or prepay premiums (optional). If you do not respond to this memorandum within 31 days (45 days for employees residing overseas) of going on LWOP or entering an insufficient pay status your FEHB enrollment will automatically terminate.

Termination of Coverage

If you elect to terminate your FEHB enrollment (or the enrollment automatically terminates), the termination will take effect at the end of the last pay period in which premiums were withheld from pay. FEHB coverage will continue at no cost to you for an additional 31 days. During the 31 days, you and your covered family members may convert to an individual contract with your insurance carrier. The termination is not considered a break in the continuous coverage necessary for continuing FEHB coverage into retirement. However, the period during which the termination is in effect does not count toward satisfying the required 5 years of continuous coverage. When you return to pay and duty status, or at the end of the first pay period your pay becomes sufficient to cover your premium, you must reenroll within 60 days if you want FEHB coverage.

Continuation of Coverage and Responsibility to Pay Premiums

If you elect to continue your coverage, you must elect to pay the premiums directly or to incur a debt in the amount of the unpaid premiums, or you may choose to pre-pay premiums (optional). If you elect to pay directly, mail a check or money order payable to **TSA**. Include on the check your name, social security number, a note that the payment is for "FEHB premium", and the pay period for which the payment is being made. Mail to: USDA, NFC; Administrative Collections; P.O. Box 790342; St. Louis, MO 63179-0342.

If you elect to incur a debt, or if you elect to pay directly but fail to pay the entire amount due, you will receive a notice stating the total amount due. The notice will be sent when you return to pay status, your pay becomes sufficient, or you separate from employment. By electing to continue coverage, you agree to repay the resulting debt in full and to allow the debt to be collected by withholdings from any salary payments to you from the Federal Government. If the amount due cannot be withheld in full from salary, it will be recovered from a lump sum payment of accrued leave, income tax refunds, amounts payable under the Civil Service Retirement System or Federal Employees Retirement System, or any other source normally available for the recovery of a debt due the United States.

If you elect to pre-pay your premiums, the amount you prepay in advance may either be deducted from your pay or you may pay out-of-pocket.

If you have any questions, you may contact (insert name) at (insert phone number). Please check the

March 2006

appropriate space(s) below, sign, and return this notice to (insert office address).

- I elect to continue my FEHB enrollment and (Check one):
_____ Submit direct payments to TSA.
_____ Incur a debt to be repaid.
_____ Pre-pay premiums before I enter LWOP.

(Signature)

(Date)

- I elect to terminate my enrollment in the FEHB program.

(Signature)

(Date)

APPENDIX E: This page intentionally left blank

APPENDIX F: VLTP Fact Sheet

What is the TSA Voluntary Leave Transfer Program?

The TSA Voluntary Leave Transfer Program (VLTP) allows employees to donate annual leave in one-hour increments to approved leave recipients who are absent or will be absent from duty for at least 24 work hours without pay because of a personal or family member's medical emergency or natural disaster that results in a personal loss.

Pregnancy, childbirth, and related medical conditions are treated as short-term disabilities for the purposes of the VLTP and include employees placed on bed rest for all or part of their pregnancy because of documented medical complications. Employees who experience a loss of home or personal property by natural disaster may be approved a maximum of 80 hours of donated leave under the VLTP.

Employees must use all of their available leave before *using* donated leave. Available leave may include annual leave, restored annual leave, sick leave, compensatory time, and time off awards.

Employees do not have to exhaust all available leave before *applying* to the voluntary leave transfer program. However the employee must demonstrate that available leave is expected to be exhausted before the emergency ends.

How do I apply?

- You must apply within 60 days of the start of the medical emergency or loss caused by natural disaster.
- To apply, you must submit a TSA VLTP Application and necessary supporting documentation to your supervisor or other designated management official (e.g. HR specialist, Administrative Officer, Scheduling Officer, etc).
- Medical documentation is required if you are applying because of a personal medical emergency or a family member is experiencing a medical emergency. The documentation must include a brief description of the nature, severity, and anticipated duration of the medical emergency.
- If you are affected by a natural disaster, you must submit documentation (e.g. assessment that home is condemned; documentation that the employee has been displaced, copies of fire and/or safety reports) confirming the loss and the cause of the loss.

How do I get approved?

- Your management official will review your application and make sure all necessary information is provided and that the required documentation is attached.
- The management official will forward your document to TSA VLTP Services provider no later than 5 calendar days after you submit a complete package.
- TSA VLTP Services provider will receive and process your application and submit to the TSA Approving Official (i.e. TSA VLTP Coordinator at Headquarters) for approval within 10 calendar days of receipt.
- The TSA Approving Official will make a final decision, assuming additional documentation is not required, within 5 calendar days of receipt.
 - If additional documentation is required, the TSA VLTP Services provider will notify you or your local management official.

Voluntary Leave Transfer Program Procedures (cont')

- The TSA VLTP Services provider will inform your local management official of the final decision on your application. The total process generally will be completed in 20 calendar days.

**Designated leave approving officials are reminded that they may grant an employee advance sick leave or advance annual leave to an employee who awaits final determination. This is not required but is an option available to management.

I've been approved. Now how do I get donations?

- With your permission, the TSA VLTP Coordinator will add your name and a small description of your emergency to the VLTP listings on the Intranet. You may also request to have your name listed without the specifics of your medical condition. Of course, you may identify specific donors and have only those individuals donate leave to you.
- Co-workers and other TSA employees may donate annual leave to an approved leave recipient using OPM Form 630A, http://www.opm.gov/FORMS/PDF_FILL/opm630a.pdf. The completed form must be faxed to (877) 872-7993, Attn: TSA HR Access Shared Service Center.
- In addition employees from other Federal agencies may donate annual leave to you by using OPM Form 630B, http://www.opm.gov/FORMS/PDF_FILL/opm630b.pdf.
 - Employees of other Federal agencies must submit the OPM Form 630B through their HR or Payroll office. These donors should contact the VLTP program manager within their agency to determine the proper procedures for donating annual leave to someone outside their agency. VLTP program managers may contact HR Access Shared Help Desk Service Center at (877) 872-7990 for information or questions.
- Leave donors, within TSA and outside TSA, must be sure to include their name, a contact phone number and the number of hours of annual leave they would like to donate on the applicable donor form.

How long may I stay in the program?

- Employees will be removed from the program no more than 60 days following the end of the emergency.
- The 60-day timeframe allows employees to receive donations to cover accumulated leave without pay and/or advance leave that was granted because of the emergency.
- You may not remain in the VLTP on a full use basis for more than one year.
- If you need to use donated leave on an intermittent basis, your case will be reviewed every six months.

Who do I contact if I have questions about the TSA Voluntary Leave Transfer Program?

- You may check the status of your VLTP application by calling HR Access Shared Help Desk Service Center at (877) 872-7990.
- You may also contact your supervisor or other management official with questions and concerns.

APPENDIX G: This page intentionally left blank

APPENDIX H: Sample Memorandum Informing Employee Of FMLA Entitlement

Date:

Subject: Family Medical Leave Act (FMLA)

From: TSA Human Resources Representative

To:

You recently contacted your supervisor in regards to your entitlement to leave under the Family and Medical Leave Act for the birth of your child (or other FMLA qualifying event). Under Title II of the Family and Medical Leave Act, you are entitled to 12 weeks (480 hours) of leave without pay during a 12-month period for the following purposes:

- The birth of a son or daughter of the employee and the care of such son or daughter;
- The placement of a son or daughter with the employee for adoption or foster care;
- The care of spouse, son, daughter, or parent of the employee who has a serious health condition; or
- Serious health condition of the employee that makes the employee unable to perform the essential functions of his or her positions.

You may elect to substitute annual leave, sick leave or other available paid leave for any or all of the 12 weeks of leave without pay under FMLA. At your request and management's discretion, you may be allowed to use FMLA intermittently. However, please be aware that management is not required to allow intermittent use of FMLA for reasons related to pregnancy and/or the birth of a child. Intermittent use will only be allowed in instances where it is medically necessary and staffing levels allow.

If you would like to invoke your entitlement to FMLA, you must do so in writing. The attached Department of Labor form, WH-380, must be completed and signed by your health care practitioner. This form along with a completed OPM 71, will serve as notice that you are invoking your entitlement to FMLA, identify the effective date of your request as well as identify the expected length of your absence.

You may elect to maintain your health benefits coverage by making direct payments to TSA for your portion of your benefits or incurring a debt that will be liquidated when you return to duty. If you choose to pay your share of premiums while in an unpaid leave status, you must contact your payroll specialist for amount owed and where to send your payment.

You will be returned to the same position or to an "equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment" following your return to duty. **[For screeners replace first sentence with: In accordance with applicable recertification of screener duties (certification requirements are covered in TSA Management Directive 1900-4, FY 03 Annual Proficiency Review), you will be returned to the same position or to an "equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment" following your return to duty.]** Please be advised that FMLA is one of the many leave entitlements that are available for your use. Available sick leave, annual leave, compensatory time and/or credit hours may also be used for purposes related to the birth of a child (or insert other FMLA qualifying event).

Please sign a copy of this memorandum and return it to me. Your signature indicates that you have received this memorandum and acknowledge that you have been informed of your entitlement to FMLA. Your supervisor and an HR representative have also signed this memorandum, acknowledging dissemination of this information to you.

Employee Signature _____

Date _____

Supervisor's Signature _____

Date _____

HR Representative _____

Date _____

APPENDIX I: Sample Letter To Approved VLTP Applicant



Transportation
Security
Administration

SUBJECT: APPROVED VLTP APPLICATION

TO:

FROM:

You have been approved as a leave recipient in the TSA Voluntary Leave Transfer Program (VLTP). You are now eligible to receive donations from TSA employees and employees of other Federal agencies. If you requested on your application to have your name and a brief description of your emergency listed on the TSA Intranet, the TSA VLTP Coordinator will do so within two weeks of the date your application was approved. Of course, this information will not be disclosed if you did not select that option on your application.

Although you will be requested to periodically provide information on the status of the medical emergency to ensure that you continue to be affected, you or your designee are responsible for informing your supervisor when your medical emergency terminates.

Please remember that this is a voluntary program and you may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, or promise any benefit to any other employee for the purpose of interfering with their right to donate or use leave. TSA employees must complete and submit OPM Form 630A to their local HR Specialist or Liaison if they would like to donate annual leave to you. Employees of other Federal agencies will need to complete OPM Form 630B VLTP program managers may contact TSA HR Access Shared Services Center via for information or questions.

As you receive donations of transferred leave, it will be credited to your annual leave account for your use during your medical emergency. You are also advised that annual leave donations may be used to liquidate advance sick leave and annual leave balances and periods of leave without pay that occurred as a result of your emergency. You must contact (insert name of supervisor or HR liaison) at (insert phone number) to discuss how you would like donations applied and any other questions related to the VLTP.

APPENDIX J: Denial Of VLTP Application



Transportation
Security
Administration

SUBJECT: DENIAL OF REQUEST TO BECOME VLTP RECIPIENT

TO:

FROM:

Your application to become a leave recipient in the TSA Voluntary Leave Transfer Program (VLTP) has been denied. After reviewing your application and the supporting documentation, the TSA VLTP Coordinator has determined that you did not meet one or all of the criteria necessary for the program.

Specifically, you did not (insert reasons for disapproval). If you have obtained additional or more detailed documentation to support your application, you may reapply to the program.

APPENDIX K: Sample Memo To Payroll Authorizing Use Of Donated Leave To Liquidate Advanced Sick Leave



**Transportation
Security
Administration**

SUBJECT: AUTHORIZING USE OF DONATED LEAVE TO LIQUIDATE ADVANCED SICK LEAVE

**TO: Payroll Office
Voluntary Leave Transfer Program Administrator**

FROM:

Voluntary Leave Transfer Program (VLTP) donations credited to the annual leave balance of John Doe, SSN xxx-xx-xxxx, shall be applied to the employee's negative sick leave balance as of pay period 25. Although Mr. Doe is no longer experiencing a medical emergency, he was advanced sick leave during his medical emergency and is thereby eligible to have the advanced sick leave liquidated by annual leave donated under the VLTP.

As of pay period 25, Mr. Doe has a negative sick leave balance of 157 hours. There is currently 88 hours of donated leave in his annual leave account that should be credited to his negative sick leave balance. This will result in the employee having a remaining negative sick leave balance of 69 hours.

If you have any questions, you may contact me on (insert phone number). Thank you in advance for your assistance with this issue.

APPENDIX L: FMLA Fact Sheet

ELIGIBILITY

Title II of FMLA covers most TSA employees. To be eligible for leave under this act the employee must earn sick and annual leave; and must have completed 12 months of service (not required to be 12 recent or consecutive months).

Intermittent employees and employees serving under temporary appointments of less than one year are covered by Title I. To be eligible for FMLA these employees must have at least 12 months of federal service; and must have been employed for at least 1,250 hours of service during the 12-month period immediately preceding the need for leave under the FMLA.

ENTITLEMENT

Covered Federal employees are entitled to 12 workweeks of unpaid leave during any 12-month period for (1) the birth of a son or daughter of the employee and the care of such son or daughter; (2) the placement of a son or daughter with the employee for adoption or foster care; (3) the care of spouse, son or daughter, or parent of the employee who has a serious health condition; or (4) the serious health condition of the employee that makes the employee unable to perform the essential functions of his or her position.

Under certain conditions, FMLA leave may be taken intermittently, or the employee may work under a work schedule that is reduced by the number of hours of leave taken as family and medical leave. An employee may elect to substitute annual leave and/or sick leave, consistent with current laws and regulations, for any unpaid leave under the FMLA. FMLA leave is in addition to other paid time off available to an employee.

JOB BENEFITS AND PROTECTION

Upon return from FMLA leave, an employee must be returned to the same position or to an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment. An employee who takes FMLA leave is entitled to maintain health benefits coverage. An employee may pay the employee's share of the premiums on a current basis or upon return to work.

Note: A screeners must meet the certification requirements covered in TSA Management Directive 1900-4, FY 03 Annual Proficiency Review before being returned to his/her position of record.

ADVANCE NOTICE AND MEDICAL CERTIFICATION

The employee must provide notice of his or her intent to take family and medical leave not less than 30 days before leave is to begin or as soon as is practicable. An employee may not invoke his or her entitlement to FMLA leave retroactively. If an employee and his personal representative are incapable of invoking the employee's entitlement to FMLA leave during the entire period of absence, the employee may retroactively invoke entitlement to FMLA within 2 days after returning to work.

An agency may request medical certification for FMLA leave taken to care for an employee's spouse, son or daughter, or parent who has a serious health condition or for the serious health condition of the employee. An employee must provide medical documentation within 15 calendar days. If this is not possible, despite the employee's diligent, good faith efforts, medical certification must be provided within a reasonable period, but no later than 30 calendar days after the date the agency requests such medical certification.

APPENDIX M: Definition Of A Serious Health Condition

- 1) "Serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves: inpatient hospital care; continuing treatment by a health care provider; pregnancy; chronic conditions requiring ongoing treatments; permanent/long-term conditions that require supervision; and non-chronic conditions that require multiple treatments.
 - a) **Hospital Care.** Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
 - b) **Absence Plus Treatment.** A period of incapacity of more than three consecutive calendar days. This includes any subsequent treatment or period of incapacity relating to the same condition that also involves:
 - i) Treatment two or more times by a health care provider, or by a health care provider under direct supervision of the affected individual's health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or
 - ii) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider (e.g., a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition).
 - c) **Pregnancy.** Any period of incapacity due to pregnancy, or for prenatal care, even if the affected individual does not receive active treatment from a health care provider during the period of incapacity or the period of incapacity does not last more than 3 consecutive calendar days.
 - d) **Chronic Conditions Requiring Treatments.** A chronic condition which:
 - i) Requires periodic visits for treatment by a health care provider, or by a health care provider under the direct supervision of the affected individual's health care provider;
 - ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). The condition is covered even if the affected individual does not receive active treatment from a health care provider during the period of incapacity or the period of incapacity does not last more than 3 consecutive calendar days.
 - e) **Permanent/Long-term Conditions Requiring Supervision.** A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The affected individual must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider (e.g., Alzheimer's, severe stroke, or terminal stages of a disease).
 - f) **Multiple Treatments (Non-Chronic Conditions).** Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than 3 consecutive calendar days in the absence of medical intervention or treatment (e.g., chemotherapy/radiation for cancer, physical therapy for severe arthritis, dialysis for kidney disease).
- 2) Serious health condition does not include routine physical, eye, or dental examinations; a regimen of continuing treatment that includes the taking of over-the-counter medications, general bed-rest, exercise, and other similar activities that can be initiated without a visit to the health care provider; a condition for which cosmetic treatments are administered, unless inpatient hospital care is required or unless complications develop; or an absence because of an employee's use of an illegal substance, unless the employee is receiving treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches, routine dental or orthodontia problems, or periodontal disease are examples of conditions that do not meet the definition of a serious health condition and do not qualify for leave under FMLA.
- 3) Allergies, migraine headaches, restorative dental or plastic surgery after an injury, removal of cancerous growth, or mental illness resulting from stress may be serious health conditions, but only if such conditions require inpatient care or continuing treatment by a health care provider.