

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Notice PM-2781

For: FFAS Employees

**Using Annual Leave (AL) to Avoid Forfeiture
and Exigency Information for Leave Year (LY) 2010**

Approved by: Deputy Administrator, Management



1 Overview

A Purpose

This notice:

- requires that employees schedule their excess AL **no later than COB November 19, 2010**
- informs employees that excess AL not used or donated will be forfeited at the end of LY, unless employee's Agency approves an exigency of public business

Note: See subparagraph 7 B for a list of authorizing officials for exigencies.

- reminds employees that LY 2010 has 26 pay periods and ends on January 1, 2011
- reminds employees to check the forfeiture date on any previously restored AL
- informs employees about donating excess AL to an approved recipient in the Leave Transfer Program (LTP)
- informs National Office employees about how to donate excess AL to FFAS National Office Leave Bank (LB)
- reminds employees and supervisors of compensatory leave rules
- contains information on authorizing officials for exigencies of public business and details on related actions
- instructs donors on where to find information on approved LTP recipients.

Disposal Date	Distribution
April 1, 2011	All FAS, FSA, and RMA employees; State Offices relay to County Offices

2 AL Carryover

A Carryover Limits

There are limits to the number of hours of AL that may be carried forward into the new LY. Limits are:

- 240 hours of regular AL
- 360 hours of regular AL by FAS employees currently assigned overseas
- 720 hours of regular AL for Senior Executive Service, Senior Foreign Service, or Senior Level positions, unless exempt.

B Exempted Employees

Employees, who are exempt from the 240-hour rule, may contact their SPO to verify the status of their current AL ceiling.

C FAS Employees Reassigned to the United States

Employees reassigned and returning to the United States, after serving overseas, fall back to a 240-hour AL ceiling. However, they may retain a higher ceiling of up to 360 hours of AL as long as their AL balance, at the end of LY, does **not** fall below either of the following:

- 360 hours
- the AL ceiling they established upon their return to the United States.

Note: During LY, the AL balance may fall below 360 hours or their established AL ceiling. However, AL balance at the **end** of pay period 26 **must** be 360 hours or their established AL ceiling before the end of LY to retain the higher AL ceiling.

D Restored AL

Employees, who have had AL restored to them from a previous LY, need to **verify the forfeiture date** of this AL. If the restored AL is scheduled for forfeiture at the end of LY 2010, request and use this AL as soon as possible.

Restored AL should be used in LY in which it is restored, but may be carried forward into the following LY and used. This allows approximately two LY's to use restored AL. If restored AL is **not** used within this timeframe, it is forfeited and **cannot** be restored a second time.

3 Compensatory Leave

A Rules

Earned compensatory leave should be used **before** AL, except when usage will cause forfeiture of excess AL at the **end** of LY.

Note: There are employees that begin the leave year at their maximum AL carryover balance. This does **not** mean that the employee must use their compensatory leave first because the employee is starting the year in a use-or-lose status. It is understood that employees will use AL for vacations, etc. throughout the year. Compensatory time should always be the first leave considered, but AL can be used when there is compensatory time balance when there is a realistic expectation that the compensatory time will be used before expiration.

Supervisors and employees should plan leave usage to avoid both forfeiture of AL and expiration of compensatory time.

B Expiration of Compensatory Time

Compensatory time **will expire 26 pay periods** after the pay period in which it was earned.

Example: If compensatory time is earned in Pay Period 10 of the current year, the leave will expire at the end of Pay Period 10 of the following year.

Note: In the event that there are 27 pay periods in a leave year, the leave will expire at the end of Pay Period 09.

C Payment for Expired Compensatory Leave

Employees, unable to use their compensatory leave hours before they expire as mentioned in subparagraph B, are entitled to be paid for their expired compensatory leave hours at the overtime rate in effect when the compensatory leave was earned.

Note: Employees should contact their SPO to request payment when applicable. NFC payroll system does **not** issue these payments automatically.

4 Donating Excess AL

A Donations to LTP Recipient

Under the voluntary LTP, GS employees may donate their excess AL and/or restored AL to another GS employee who is an approved leave recipient. CO employees may donate their excess and/or restored AL to an approved CO recipient. By law, GS and CO employees are **not** considered to be in the same leave system, so AL **cannot** be donated from GS employee to CO employee or vice versa. To donate:

- within USDA, use AD-1046
- outside USDA, use OPM-630B.

Both forms are available online at

www.fsa.usda.gov/FSA/hrdapp?area=home&subject=lead&topic=landing.

Note: FSA employees should **not** use the Leave Donor feature in WebTA to donate use-or-lose leave.

Employees should submit leave donation requests to SPO **no** later than **December 23, 2010**.

Note: State Offices should forward to Kansas City, MO, or Washington, DC, no later than COB Tuesday, **December 28, 2010**.

B National Office Donations to LB

FAS, FSA, and RMA **National Office** employees may donate their excess and/or restored AL to LB by completing and signing FFAS-1043. FAX completed FFAS-1043's to Kedra Watts at 202-205-9140.

C Donation Limitations

Donations of **excess** AL to an approved LTP recipient or to LB are **limited** to the lesser of the following:

- half of the donating employee's accrued AL entitlement for LY 2011
- the number of scheduled work hours remaining in LY.

Note: There are no donation limits when donating **restored** AL. Approved leave recipients are **not** limited to the amount of AL they may carry from one LY to the next.

4 Donating Excess AL (Continued)

D Exemption to LTP Limitations

Exemptions to LTP donation limits described in subparagraph C may be granted by FFAS Leave Transfer Coordinators **only** when the donation is for an approved LTP recipient who is still in need of leave.

Note: Exemptions to donating excess AL **cannot** be granted for the FFAS National Office LB.

5 Information on Approved LTP Recipients

A FAS and RMA

FAS and RMA shall contact their SPO listed in subparagraph 8 A for information on LTP recipients.

B FSA

FSA employees shall access FSA's intranet site at http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa_lv_transfer.htm for a list of approved GS and CO LTP recipients.

6 Responsibilities and Actions

A Supervisory Action

Managers and supervisors shall accept leave requests (both WebTA leave requests and/or OPM-71's) from employees requesting to use their excess AL. Employees are **required** to submit leave requests to their first line supervisor for any excess annual leave **no later than COB November 19, 2010**. All leave requests for using excess AL shall either be approved or disapproved/canceled as soon as possible after receipt.

If using excess AL must be denied, supervisors shall deny leave and either write "canceled" in the remarks of the WebTA leave request or across the employee's OPM-71 and note the reason. Supervisors and employees shall attempt to reschedule usage any canceled excess leave **before** the end of LY, if possible.

6 Responsibilities and Actions (Continued)

B Employee Action

Employees, who have **not** already scheduled using their excess AL for LY 2010, **must**:

- schedule using their excess AL by submitting their leave request to their first line supervisor no later than COB **November 19, 2010**
- verify the accuracy of their AL balance
- verify the forfeiture date of any previously restored AL to ensure that the leave will **not** be forfeited at the end of LY 2010 and schedule its use if it will expire
- review and determine if any compensatory leave hours will expire at the end of LY 2010
- retain a copy of any leave requests, where using excess AL has been denied or canceled.

7 Exigencies of Public Business

A Definition of Exigency of Public Business

The following is the legal definition of an exigency of public business:

An exigency of public business occurs when a **critical** need is sudden or unexpected, an emergency, or a pressing necessity, characterized by additional work with deadlines required by statute, Executive Order, court order, regulation, or formal directive from the head of an Agency or designee.

Note: Poor leave planning, a heavy workload, or recurring cyclical peaks, alone, **do not** constitute an exigency.

B Authorizing Officials for Exigencies

The following table outlines FFAS approval authorities for exigencies.

Agency	Approving Official
FAS	Administrator
FSA:	
<ul style="list-style-type: none"> • Office of the Administrator, CIO, and CFO • Deputy Administrator's • National Office, SED's, and APFO • State and County Offices 	<ul style="list-style-type: none"> • Administrator • Administrator • Applicable Deputy Administrator, CIO, or CFO • SED's.
RMA	Administrator

7 Exigencies of Public Business (Continued)

C FSA County Offices

CED's, FLM's, COC's, and DD's shall discuss the potential of exigencies within their area of authority. If it is decided that an exigency situation may exist, it shall be discussed with the State's administrative officer and/or SED. If SED's decide that an exigency of the public business exists, then the affected offices or employees shall be notified. Employees affected by an exigency shall follow the instructions in subparagraph E.

SED's shall decide who will provide preliminary approval for exigencies **before** they are forwarded to the State's administrative officer for review. Administrative officers will review each request on a case-by-case, situation-by-situation basis, and forward his or her recommendations to SED for approval. Employees who are affected by an exigency will be notified of approval or disapproval in a timely manner.

Note: DAFO will be available to provide guidance and oversight to State Offices.

D All Other FFAS Offices

DD's, office managers, and State Office supervisors shall discuss the appropriateness of exigencies for employees on their staff with their authorizing official, according to subparagraph B. If an exigency exists, notification will be made to the proper mid-level supervisors or staff members. Affected employees shall follow the instructions in subparagraph E to request an exigency and forward their request to their first line supervisor.

First line supervisors shall review and initial their concurrence on the exigency requests **before** forwarding the request to the division director, office manager, or administrative officer for preliminary approval. Division directors, office managers, and State Office supervisors will then forward their recommendations to the appropriate authorizing official. Employees who have requested an exigency will be notified of approval or disapproval in a timely manner.

7 Exigencies of Public Business (Continued)

E Procedures for Requesting Exigency Consideration

To request exigency consideration and restoration of forfeited AL, employees **must**:

- have submitted their leave requests to use their excess AL no later than COB **November 19, 2010**
- prepare a brief memorandum addressed to their authorizing official, according to subparagraph B that shall include the following:
 - their proper name
 - justification for the exigency
 - an estimate of the number of excess AL hours they would like restored
 - copies of their “canceled” or “denied” leave requests
 - leave audit for 2010
- forward the memorandum and its attachments to their first line supervisor for review.

F Exigency Approval

Authorizing officials or their designee, according to subparagraph B, shall approve or disapprove exigency requests. After the exigency decision is made, the authorizing official shall have the exigency requests returned to the appropriate office.

Important: Division directors, office managers, and State Office supervisors will ensure that approved exigency packages, including attachments, are forwarded or FAXed to the employee’s SPO, according to subparagraph 8 A, and shall notify the employee of the approving official’s decision.

G Restoration of Forfeited AL

Employees, who are approved for an exigency and restoration of leave, shall have some or all of their forfeited AL hours restored. Processing restored AL will take place as soon as possible after Pay Period 1, 2011. After restoration, SPO shall notify the employee and their timekeeper of the restoration. Restored AL is a separate leave category from regular AL and timekeepers shall use **Transaction Code 63** to record the employee’s use of restored AL.

Note: Restored AL is eligible for lump sum payout, if the employee resigns or retires before the end of LY 2011.

8 Contacts and Other Important Information

A SPO Contacts

All approved exigency requests should be received by the employee's servicing personnel office contact listed in this table **on or before the end of pay period 2, January 28, 2011.**

Location/Office	SPO Contacts
FSA County Office (GS and CO employees)	State Office, Administrative Officer
FSA State Office employees, except SED's	State Office, Administrative Officer
APFO MSD, Kansas City FMD, Kansas City HRD, Kansas City Budget, Kansas City RMA, Kansas City	HRD, ATTN: Patty Gepford by: <ul style="list-style-type: none"> • e-mail to patricia.gepford@kcc.usda.gov • telephone at 816-926-6259 • FAX at 816-926-6156
KCCO	HRD, ATTN: Dana Candler by: <ul style="list-style-type: none"> • e-mail to dana.candler@kcc.usda.gov • telephone at 816-926-6117 • FAX at 816-926-6156
ITSD, Kansas City and St. Louis	HRD, ATTN: Wanda Littles: <ul style="list-style-type: none"> • e-mail to wanda.littles@kcc.usda.gov • telephone at 816-823-2042 • FAX at 816-926-6156
FAS FSA, Washington, DC, employees RMA, except Kansas City SED's	HRD, ATTN: Linda Watkins by: <ul style="list-style-type: none"> • e-mail to linda.watkins@wdc.usda.gov • telephone at 202-401-0688 • FAX at 202-401-9140

B SPO Actions

After receiving an **approved** exigency memorandum, SPO shall verify the receipt of the following information:

- exigency memorandum signed by an authorizing official, according to subparagraph 7 B
- copies of employee's leave requests that were canceled or denied.

8 Contacts and Other Important Information (Continued)

B SPO Actions (Continued)

During or after Pay Period 2, 2011, SPO shall:

- verify the amount of AL that was forfeited by the employee by checking NFC's TINQ screens under the category "Leave Forfeited"
- verify employee leave balances using the employee's leave audit
- document the hours to be restored
- process the restoration
- notify the employee and their timekeeper of the pay period in which the restoration will take place
- advise timekeepers how to update the employee's T&A record.

C Using Restored AL

Employees, who have had forfeited AL forfeited AL restored, shall have until the end of LY 2012 to use it. Restored AL is a separate leave category from regular AL and should be used by the employee before regular AL. By law, AL restored from LY 2009 must be used by the end of LY 2011 or it is forfeited and cannot be restored a second time.

Note: Timekeepers/employees shall use T&A **Transaction Code 63** when recording restored AL usage.