

For: FSA, RMA, and FAS Employees, Except Overseas Employees

Using Annual Leave to Avoid Forfeiture and Exigency Information

Approved by: Deputy Administrator, Management



1 Overview

A

Purpose

This notice provides employees with:

- notification that leave year (LY) 2001 has **26 pay periods** and will end on January 12, 2002
- the fact that excess annual leave will be **forfeited** if it is **not** used or donated on or before January 12, 2002
- a reminder to check the forfeiture date of any previously restored annual leave
- notification that the scheduling and use of excess annual leave for LY 2001 shall be submitted to the employee's first line supervisor on or before COB November 30, 2001
- information on **donating excess annual leave** to an approved recipient in the Leave Transfer Program
- compensatory **leave** rules
- information about **exigencies** of public business and restoration of annual leave.

Disposal Date March 1, 2002	Distribution All FSA, RMA, and FAS employees, except overseas employees; State Offices relay to County Offices
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2 Annual Leave Carryover

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240-Hour Carryover Limit

Only 240 hours of regular annual leave may be carried forward into the new LY.

B

Exempted Employees

Employees, who are exempt from the 240-hour rule, may contact their servicing personnel office to verify the status of their exempted annual leave 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 annual leave ceiling. **However**, they may retain a higher ceiling of up to 360 hours of annual leave as long as their annual leave balance, **at the end of the LY, does not fall below** either of the following:

- 360 hours
- the leave ceiling they established upon their return.

Note: During the LY, a returning FAS employee's annual leave balance may fall below 360 hours or their established leave ceiling, **but** their annual leave balance at the end of the LY must have accrued back up to 360 hours or their desired leave ceiling **before the end of the LY** to retain the higher annual leave ceiling.

D

Restored Annual Leave

Employees, who have had annual leave restored to them from a previous LY, need to verify the forfeiture date and schedule the use of this leave.

3 Compensatory Leave

A

Rules

Compensatory leave shall be used before annual leave, **except** when usage will result in the forfeiture of annual leave at the end of the LY.

B

Scheduling Usage

Employees shall schedule the use of their earned compensatory leave with special emphasis on **using** any compensatory leave that was carried over from the previous LY.

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3 Compensatory Leave (Continued)

C

Time Limit

Compensatory leave should be used in the LY in which it is earned, but a compensatory balance can be carried forward into the LY **following the LY** in which it was earned. Compensatory leave earned in LY 2000 will be dropped by NFC as of pay period 1, 2002, as it will expire.

D

Unused Compensatory Leave

Employees, who are unable to use their compensatory leave within the timeframe mentioned in subparagraph C, shall be paid for their compensatory leave at the overtime rate in effect when the compensatory leave was earned.

Note: Payment for expired compensatory leave cannot take place until at least pay period 2 of the new LY, and a leave audit may be required. Employees seeking reimbursement for expired compensatory leave shall contact their servicing personnel staff or personnel office to request information about payment.

4 Donating Excess Annual Leave

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Donations

Under the voluntary Leave Transfer Program, GS employees may donate their excess and/or restored annual leave to another GS employee who is an approved leave recipient. CO employees may also donate their excess and/or restored annual leave to an approved CO recipient.

Donations of excess annual leave at the end of the LY are **limited** to the lesser of the following:

- one-half of their accrued annual leave entitlement for LY 2001
- the number of scheduled work-hours remaining in the LY.

Exemptions to these limitations may be granted by the State Administrative Officer, their designee, or the leave transfer coordinator in their servicing personnel office, but exceptions shall only be made **when the recipient who is being donated to is still in need of leave.**

Note: By law, GS employees **cannot** donate leave to a CO employee or vice-versa.

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4 Donating Excess Annual Leave (Continued)

B

Approved Leave Recipients

HRD and the Kansas City Intranet staff are working together to provide the names of approved leave recipients to all interested employees through the Intranet. In the meantime, donors may contact the leave transfer coordinator in their servicing personnel office for information on approved leave recipients.

5 Responsibilities and Actions

A

Supervisory Action

Managers and supervisors shall:

- discuss leave plans with employees needing to use **excess** annual leave, **restored** annual leave, or compensatory leave
- request that these employees submit SF-71 to schedule using leave eligible for forfeiture or compensatory leave that will expire at the end of LY 2001

Note: SF-71's submitted for using excess annual leave must be received and approved **no later than** November 30, 2001. If using excess annual leave is later denied or canceled, the supervisor shall write "**canceled**" or "**denied**" across the employee's SF-71 and note the reason.

- **advise** any employee, who has applied for **disability retirement**, to use their excess annual leave or risk forfeiture at the end of the LY, **unless** they are an approved leave recipient.
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B

Employee Action

Employees shall:

- estimate their annual leave balance at the end of LY 2001 and determine whether they will have excess annual leave to use or lose before the end of LY 2001
 - verify the forfeiture date of any previously restored annual leave
 - review and determine whether any compensatory leave hours will expire at the end of the LY
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5 Responsibilities and Actions (Continued)

B

Employee Action (Continued)

- schedule the use of any excess annual leave, restored annual leave, or compensatory leave by submitting SF-71 to the first line supervisor
 - **retain** a copy of any SF-71's, where using excess annual leave has been **denied or canceled** because of an exigency of public business.
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6 Exigencies of Public Business

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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: A heavy workload or recurring cyclical peak, alone, does **not** constitute an exigency.

B

Exigency Considerations

Exigency requests shall be considered on an individual, case-by-case, and situation-by-situation basis if excess annual leave must be denied or canceled because of an exigency of public business. Questions about the appropriateness of an exigency request should be discussed with an authorizing official or their designee according to subparagraph C.

C

Authorizing Officials

Only the Administrators of FAS, RMA, and FSA or their designees have the authority to review and approve an exigency of public business. FSA designees are:

- Deputy Administrators
- SED's
- Director or designee, KCAO, KCCO, KCFO, KC-ITSDO, KC-ITSTO, APFO.

Note: Approval of an exigency for LY 2001 allows an employee to have some or all of their forfeited annual leave restored to them in LY 2002.

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6 Exigencies of Public Business (Continued)

D

Exigency Approval Process

To request an exigency, the requesting employee or office shall prepare and send a memorandum addressed to their **authorizing official**, according to subparagraph C. The memorandum shall include the following:

- the employee’s name and SSN
 - the approximate number of annual leave hours to be restored
 - the reason for the requested exigency
 - copies of employee’s “canceled” or “denied” SF-71’s
 - signature of employee’s supervisor
 - date.
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E

Exigency Approval

Once the **authorizing official** approves an exigency of public business, the signed memorandum and all of its attachments shall be **FAXed** or delivered to the employee’s servicing personnel office for processing. See subparagraph 7 A.

7 Contacts and Other Important Information

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Contacts

All **approved** exigency requests should be received by the servicing personnel office **by the end of pay period 1, 2002**, but note that **the processing of exigency restorations cannot take place until pay period 2, 2002**, at the earliest.

The following is a list of FFAS servicing personnel offices.

Location	Servicing Personnel Office
FSA County Office (CO employees) FSA Service Center employees	State Office Personnel Staff
FSA State Office employees, except SED’s GS employees in FSA County or Service Center Offices KCAO KCFO KC-ITSDO KC-ITSTO APFO	KCAO, Personnel Division Attn: Carolyn Layden 816-926-6709 816-926-5609 (FAX)

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7 **Contacts and Other Important Information (Continued)**

A
Contacts
(Continued)

Location	Servicing Personnel Office
KCCO	KCAO, Personnel Division Attn: Myrna Highlander 816-926-6184 816-926-5609 (FAX)
RMA (Kansas City Offices)	KCAO, Personnel Division Attn: Patty Dawl 816-926-6259 816-926-5609 (FAX)
FAS and FSA National Office FAS Overseas RMA, except Kansas City SED's	FSA, HRD, Performance Management, Benefits, and Awards Branch Attn: Sally Reed 202-418-9032 202-418-9129 (FAX) E-Mail: Sally_Reed@wdc.usda.gov (if questions)

B
**Exigency/
 Restoration
 Actions**

Before processing an exigency/restoration request, each Servicing Personnel Office shall ensure that they have received and/or verified the following information:

- the exigency memorandum has been signed by an authorizing official
 - the canceled or denied SF-71's are attached to the exigency memorandum
 - the amount of annual leave requested for restoration must **match** the amount of annual leave that the NFC's IR136 screen shows as "**Leave Forfeited**" by the employee
 - the restoration has been processed and the employee and their timekeeper are advised of the pay period in which the restoration took place.
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C
**Using Restored
 Annual Leave**

Employees, who are approved to have excess annual leave restored to them from LY 2001, shall have until the **end of LY 2003** to use this restored leave. By law, restored annual leave must be used within 2 LY's or be forfeited.
