

For: FAS Overseas Employees

**Foreign Service Employees Using Annual Leave to Avoid Forfeiture and Exigency Information**

Approved by: Acting Administrator, FAS



**1 Overview**

**A**

**Purpose**

This notice provides FAS employees serving overseas with:

- notification that leave year (LY) 2001 has **26 pay periods** and will end on January 12, 2002
- facts; such as, eligible overseas employees, having **annual leave** exceeding the 360-hour maximum carryover limit, **will forfeit their excess leave** 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
- information on **donating excess annual leave** that might otherwise be forfeited
- information about **exigencies** of public business.

**Note:** This notice also provides information to noncommissioned employees about **compensatory leave** rules.

**B**

**Contact**

If there are any questions about this notice, contact Sally Reed, HRD, at 202-418-9032 or by e-mail at **Sally\_Reed@wdc.usda.gov**.

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| <b>Disposal Date</b><br><br>February 1, 2002 | <b>Distribution</b><br><br>All FAS Overseas employees |
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**2 Eligibility for 360-Hour Annual Leave Ceiling**

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**A**

**Eligibility**

To be eligible for the 360-hour maximum carryover of annual leave, U.S. citizen employees must be directly recruited or transferred by the Federal Government from the U.S., Commonwealth of Puerto Rico, or possessions of the U.S. for employment outside their area of recruitment.

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**B**

**Not Eligible**

U.S. citizens or foreign employees domiciled and recruited overseas are **not** eligible.

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**3 Compensatory Time for Noncommissioned Employees**

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**A**

**Rules**

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

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**B**

**Time Limit**

Compensatory leave must be used within a 16-week period or it is forfeited, **unless** the employee:

- is not exempt from the Fair Labor Standards Act
- request for use of compensatory leave is denied.

**Note:** In either case, compensatory time would be paid to the employee at their overtime rate of pay.

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**4 Donating Excess Annual Leave**

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**A**

**Donations and Limitations**

Under the Leave Transfer Program, Federal employees may donate their **excess annual leave** to other Federal employees who have been approved as a leave recipient, the lesser of the following:

- one-half of their annual leave entitlement for LY 2001
  - the number of scheduled work hours they have remaining in the LY.
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## Notice PM-2277

### 4 Donating Excess Annual Leave (Continued)

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#### B

#### Exemptions

Exemptions to the donation limit in subparagraph A may be granted by the leave transfer coordinator in their servicing personnel office, when the recipient being donated to is still in need of leave.

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#### C

#### Eligible Recipients

For current information on approved leave recipients, contact either of the following:

- Linda Watkins, HRD, at 202-418-9038
  - Angela Jackson, HRD, at 202-418-9019.
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### 5 Using Annual Leave and Compensatory Time

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#### A

#### Supervisory Action

Supervisors shall:

- discuss leave plans with employees who have **excess** annual leave, expiring compensatory time, or **restored** annual leave that will be forfeited at the end of the LY
  - request and approve SF-71's submitted for use of excess annual leave, restored annual leave, or compensatory time
  - attempt to reschedule the use of any excess annual leave that is approved and later denied because of an exigency
  - advise employees who are on sick leave, pending approval of disability retirement, to use their excess annual leave or risk forfeiture at the end of the LY.
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## Notice PM-2277

### 5 Using Annual Leave and Compensatory Time (Continued)

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#### B

**Employee Action** Employees shall:

- estimate their annual leave balance at the end of LY 2001 and determine whether they have **excess annual leave** that needs to be used before the end of the LY
- verify the forfeiture date of any previously restored annual leave
- review and determine whether they have any **compensatory leave** hours that need to be used
- schedule the use of excess annual leave, restored annual leave, or expiring compensatory time by submitting SF-71 to their supervisor **no later than November 30, 2001**.

**Important:** Employees shall **keep a copy** of any SF-71's where the use of excess annual leave has been **denied** or **canceled**, because copies of these documents will be needed to request an exigency of public business and restoration of forfeited annual leave.

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### 6 Exigency of Public Business

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#### A

**Exigency Provisions**

Only the FAS Administrator, or designee, has the authority to declare an exigency of public business and grant an employee a restoration of forfeited annual leave. Exigency requests will be:

- considered for approval when the FAS overseas mission cannot be accomplished without canceling the use of excess annual leave
  - reviewed on a case-by-case basis.
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6 Exigency of Public Business (Continued)

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**B**

**Exigency  
Approval Process**

To request an exigency, the requesting employee or office shall prepare a short memorandum addressed to the **Administrator, FAS**, stating and including the following:

- the employee's name and Social Security number
- the number of annual leave hours to be restored
- the reason for the exigency request
- copies of employee's "canceled" or "denied" SF-71's
- signature of employee's FAA supervisor
- date.

FAX completed exigency requests and attachments to **Lyle Sebranek**, Deputy Administrator, FAS, at 202-690-2159 for approval.

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**C**

**Approved  
Exigencies**

Once the exigency memorandum is **approved, FAX** the signed exigency memorandum and all attachments to:

FFAS, HRD, PMBAB  
Attn: Sally Reed  
202-418-9129 (FAX).

**Note:** Approved exigency requests should be received by HRD, PMBAB **by the end of pay period 1, 2002**, if possible.

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**D**

**Restoration of  
Annual Leave**

Restorations of forfeited annual leave because of an exigency cannot be processed **until pay period 2, 2002**, at the earliest.

HRD, PMBAB shall:

- verify that the amount of annual leave requested for restoration **matches** the amount of annual leave that the NFC data base shows as "Leave Forfeited" by the employee at the end of LY 2001
  - restore the employee's forfeited annual leave
  - advise the employee and timekeeper of the pay period in which the restoration was processed.
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**6 Exigency of Public Business (Continued)**

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**E**

**Using Restored  
Annual Leave**

Employees, who are approved to have their excess annual leave from LY 2001 restored to them, 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.

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