

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) 2002 has **26 pay periods** and will end on January 11, 2003
- the fact that excess annual leave will be **forfeited** if it is **not** used or donated on or before January 10, 2003
- a reminder to check the forfeiture date of any previously **restored** annual leave
- notification that employees must schedule the use of excess annual leave on or before COB November 29, 2002
- information on **donating excess annual leave** to an approved recipient in the Leave Transfer Program (LTP)
- information for National Office employees on **donating excess annual leave** to the FFAS-WDC Pilot Leave Bank (LB)
- compensatory **leave** rules
- information about **exigencies** of public business and restorations of forfeited annual leave
- information on the new nationwide procedures for soliciting donations for GS and CO LTP recipients in State and County Offices.

Disposal Date March 1, 2003	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.

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Exempted Employees

Employees, who are exempt from the 240-hour rule, may contact their servicing personnel office to verify the status of their current annual leave ceiling.

Note: Approved leave recipients are **not** limited to the amount of annual leave they may carry from one LY to the next.

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 to the United States.

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. Restored annual leave must be used in the LY in which it is restored or the following LY.

3 Compensatory Leave

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Rules

Earned compensatory leave **shall be used before annual leave, except** after mid-LY when usage might result in the forfeiture of excess annual leave.

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3 Compensatory Leave (Continued)

B

Time Limit for Scheduling Usage

Compensatory leave should be used in the LY in which it is earned, but any used hours can be carried forward **one LY**. Compensatory leave earned in LY 2001 and carried forward into LY 2002 **will expire** and be dropped by the National Finance Center (NFC) leave system during the end of LY roll-over. The employee's leave and earnings statement for pay period 1, 2003, will reflect the expiration of compensatory time.

Note: Timekeepers will need to adjust compensatory leave balance for any employees in their T&A group whose compensatory leave expired at the end of LY 2002. The adjustment should be made before preparing T&A's for pay period 1, 2003.

C

Requesting Payment for Expired Compensatory Leave

Employees, who are unable to use their compensatory leave hours before it expires (subparagraph B), are entitled to be paid for their expired compensatory leave at the overtime rate in effect when the compensatory leave was earned.

To receive payment for expired compensatory leave, the employee **shall notify** their servicing personnel staff or their servicing personnel office and request payment after pay period 1, 2003.

Note: Credit hours **do not expire** and balances at the end of pay period 26 shall be carried forward to pay period 1 of the new LY.

4 Donating Excess Annual Leave

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Donations to LTP

Under the voluntary LTP, 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. By law, GS and CO employees are not considered to be in the same leave system, so annual leave cannot be donated from a GS employee to a CO employee or vice-versa.

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4 Donating Excess Annual Leave (Continued)

B

Donations to LB National Office employees may donate their excess and/or restored annual leave to LB by completing and signing FFAS-1046. See FAX instructions on FFAS-1046.

C

Donation Limitations Donations of excess annual leave to an approved LTP recipient or LB are **limited** to the lesser of the following:

- one-half of their accrued annual leave entitlement for LY 2002
 - the number of scheduled work-hours remaining in the LY.
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Exemption to Limitations Exemptions to the donor limitations (subparagraph C) may be granted by leave transfer coordinators in HRD and KCAO, Personnel Division (PD), and State Administrative Officers or their LTP designee **only** when the:

- donation is for an approved leave transfer recipient
- **recipient is still in need of leave.**

Note: Exemptions for donations to LB cannot be granted (National Offices only).

5 Soliciting Donations

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Maintaining Current Lists Starting on or before November 1, 2002, the leave transfer coordinators in HRD and KCAO, PD, will try to maintain current lists of approved LTP recipients for the offices they service. These lists will periodically be e-mailed to all employees until the end of the LY.

Note: Supervisors of approved recipients are still encouraged to solicit donations independently of the lists.

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5 Soliciting Donations (Continued)

B

State and County Office Solicitations

HRD, with the assistance of the Kansas City IT Helpdesk Staff, has created 2 **nationwide** subscription lists, 1 for **GS** and 1 for **CO** Field Office recipients. This process is handled by using the FFAS Intranet subscription lists. The leave transfer coordinators in each State Office have **access to post** approved leave recipients.

Once a recipient is posted to the subscription list, an e-mail is automatically generated to **all active subscribers** of the list. See Exhibit 1 for instructions on activating or deactivating a subscriber's enrollment to these lists. State Offices may contact Sally Reed at sally_reed@wdc.usda.gov if there are further questions about using the subscription lists.

Important: The nationwide subscription lists should only be used when the recipient's need for donations cannot be met within the State or local office.

6 Responsibilities and Actions

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Supervisory Action

Managers and supervisors shall request SF-71's from employees who will have excess annual leave and/or restored annual leave due to be forfeited at the end of LY 2002. SF-71's must be submitted **no later than** November 29, 2002.

Important: If the use of **excess annual leave** must be denied, supervisors shall write "**canceled**" across the employee's SF-71 and note the reason. Supervisors and employees shall attempt to reschedule the use of excess annual leave before the end of the LY, if possible.

B

Employee Action

Employees shall:

- determine whether they will have **excess** annual leave to use or lose before the end of LY 2002
 - verify the forfeiture date of any previously **restored** annual leave
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6 Responsibilities and Actions (Continued)

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Employee Action (Continued)

- review and determine whether any **compensatory** leave hours will expire at the end of the LY
- schedule the use of any excess annual leave, any restored annual leave due to be forfeited, or any compensatory leave that will expire by submitting SF-71 to their supervisor on or before November 29, 2002
- **retain** a copy of any SF-71's, where the use of excess annual leave has been **denied or canceled** because of an exigency of public business.

Note: By law, if restored annual leave is forfeited, it cannot be restored again.

7 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.

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Exigency Considerations and Actions

Employees, who are **prevented from using their excess annual leave** because of a work-related exigency, may request consideration for restoring their forfeited annual leave. To request exigency consideration, the employee must:

- have submitted their SF-71 to use their excess annual leave on or before November 29, 2002
 - have their SF-71 canceled or denied by their supervisor before the end of the LY
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7 Exigencies of Public Business (Continued)

B
Exigency
Considerations
and Actions
(Continued)

- prepare a brief memorandum to their **authorizing official** (subparagraph D)
- Note:** The memorandum shall include the following:
- their name and Social Security number
 - justification for the exigency
 - an **estimate** of the number of annual leave hours they expect to forfeit
 - **copies of their “canceled” or “denied” SF-71’s.**
- forward the memorandum and its attachments, through their supervisor, to the Division Director or Office Manager.
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Director or
Manager Actions

Division Directors or Office Managers shall consider each exigency request on an individual, case-by-case, and situation-by-situation basis. If they concur with the exigency request, they shall initial the requesting memorandum and forward it to the appropriate **authorizing official** (subparagraph D). If a request is denied, the Division Director or Office Manager shall provide a reason in writing to the employee.

Note: Questions about the appropriateness of an exigency request should be discussed with the **authorizing official** or their designee.

D
Authorizing
Officials

Only the Administrators of FAS, RMA, and FSA or their designees have the authority to 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 2002 allows an employee to have some or all of their forfeited annual leave restored to them during LY 2003.

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7 Exigencies of Public Business (Continued)

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 8 A.

8 Contacts and Other Important Information

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Contacts

All **approved** exigency requests should be received by the employee's servicing personnel office **on or before the end of pay period 1, 2003**.

The following is a list of FFAS servicing personnel offices and contacts.

Location	Servicing Personnel Office
FSA County Office (GS and CO employees) FSA State Office employees, except SED's	State Office Personnel Staff
KCAO KCFO KC-ITSDO KC-ITSTO APFO	KCAO, PD Attn: Carolyn Layden 816-926-6709 816-926-5609 (FAX)
KCCO	KCAO, PD Attn: Patty Gepford 816-926-6225 816-926-5609 (FAX)
RMA (Kansas City Offices)	KCAO, PD Attn: Myrna Highlander 816-926-6184 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)

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8 Contacts and Other Important Information (Continued)

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Servicing Personnel Office Actions

Upon receiving an **approved** exigency memorandum, Servicing Personnel Offices shall verify the receipt of the following information:

- the exigency memorandum has been signed by an **authorizing official** as described in subparagraph 7 D
- copies of employees' SF-71's that were canceled or denied are attached.

During or after pay period 2, 2003, Servicing Personnel Offices shall:

- verify the amount of annual leave that was **actually forfeited** by the employee by checking NFC's IRIS-136 screen under the category "**Leave Forfeited**"

Notes: The number of hours requested for restoration **must match** the number of hours actually forfeited.

Discrepancies will require a leave audit.

- document the hours to be restored, process the restoration, and notify the employee and their timekeeper of the pay period in which the restoration will take place.
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Using Restored Annual Leave

Employees, who are approved to have forfeited annual leave restored to them, shall have until the **end of LY 2004** to use it. **Restored annual leave** is a **separate leave category** from regular annual leave and should be used before regular annual leave. By law, if restored annual leave is used and is forfeited, it cannot be restored a second time.

Timekeepers shall use T&A transaction code 63 when recording the use of restored annual leave.

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Labor Management Obligations

Where exclusive representation exists, bargaining may be requested to the extent allowed by applicable statutes. Where contract language already addresses these policies and procedures for bargaining unit employees, contract language prevails.

Instructions for FSA State and County Offices on How to Subscribe and Receive Nationwide Information on Approved Leave Recipients

All FSA Field Office employees have access to the FSA Intranet Subscription Lists. To subscribe and receive automatic e-mail information on approved GS or CO leave recipients, go to http://intranet.fsa.usda.gov/e_lists/default.htm.

At the **top** of this website screen, do the following:

- enter your e-mail address

Example: John.Doe@hi.usda.gov

- highlight either of the following that you wish to subscribe to:
 - Leave Transfer Program - GS Leave Recipients
 - Leave Transfer Program - CO Leave Recipients
- from the pull-down menu, highlight how frequently you want recipient information delivered to your e-mail address
- click “Submit”.

Any information posted to the recipient lists **after** you subscribe will be sent to you automatically.

Notes: To unsubscribe to the subscription lists, you need to return to the above website and be sure to enter their **e-mail address at the top of the screen** before preceding to select “Stop receiving email and leave the list”.

Your e-mail address is critical to receiving or stopping your subscription.
