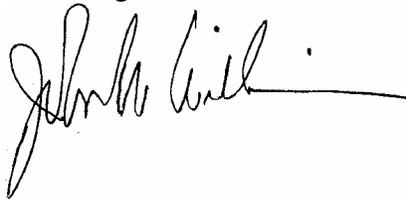


For: FFAS Employees

Using Annual Leave to Avoid Forfeiture and Exigency Information for Leave Year (LY) 2005

Approved by: Deputy Administrator, Management



1 Overview

A Purpose

This notice:

- requires that employees, who will have excess annual leave at the end of LY 2005, schedule its use **no later than COB November 26, 2005**
- informs employees that excess annual leave **not** used or donated will be forfeited at the end of LY, unless your Administrator approves an exigency of public business
- notifies employees that LY 2005 has 26 pay periods and ends on January 7, 2006
- reminds employees to check the forfeiture date on any previously restored annual leave
- informs employees about donating excess annual leave to an approved recipient in the Leave Transfer Program (LTP)
- informs National Office employees about how to donate excess annual leave to FFAS National Office Leave Bank (LB)
- contains compensatory leave rules
- contains information on authorizing officials for exigencies of public business and details on related actions
- instructs State and County Office employees who want to receive e-mail notification about other GS or CO Field Office employees who are approved LTP recipients.

| | |
|----------------------|--|
| Disposal Date | Distribution |
| April 1, 2006 | All FAS, FSA, and RMA employees; State Offices relay to County Offices |

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2 Annual Leave Carryover

A Carryover Limits

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

- 240 hours of regular annual leave
- 360 hours of regular annual leave by FAS employees currently assigned overseas.

B Exempted Employees

Employees, who are exempt from the 240-hour rule, may contact their servicing personnel office (SPO) to verify the status of their current 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 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 LY must have accrued back up to 360 hours or their established leave ceiling before the end of 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** of this leave. If your restored annual leave is scheduled for forfeiture at the end of LY 2005, request and use this leave as soon as possible.

Restored annual leave should be used in LY in which it is restored, but may be carried forward into the following LY and used. This allows approximately 2 LY's to use restored annual leave. If restored annual leave is **not** used within this timeframe, it is forfeited and cannot be restored a 2nd time.

Note: OPM regulations referencing use of restored annual leave have changed from 3 years to 2 years. 17-PM, subparagraph 66 F, will be amended accordingly.

3 Compensatory Leave

A Rules

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

B Time Limit for Scheduling Compensatory Leave Usage

Compensatory leave hours should be used in the LY in which they are earned, but may be carried forward and used in the following LY. If these hours are not used in the LY following the LY in which they were earned, they will **expire**. For instance, compensatory leave earned in LY 2004 can be carried forward into LY 2005, but if not used in LY 2005, the compensatory leave expires and is deducted from the employee's compensatory leave balance at NFC during the end of LY rollover.

Note: If there is an unexplained difference in an employee's compensatory leave balance when they compare the ending balance from pay period 26 to the compensatory leave balance on their pay period 1, 2006 leave and earning's statements, then it is likely that compensatory leave hours expired.

C Requesting Payment for Expired Compensatory Leave

Employees, who are 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.

To receive payment for expired compensatory leave hours, the employee shall notify their SPO and request payment **after** pay period 1, 2006.

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

4 Donating Excess Annual Leave

A Donations to LTP Recipient

Under the voluntary LTP, GS employees may donate their excess annual leave 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. To donate within USDA, use FFAS-1043. For donations outside USDA, use OPM-630B. Both forms are available on-line at <http://dc.ffasintranet.usda.gov>. Look under "Forms and Documents".

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4 Donating Excess Annual Leave (Continued)

B Donations to LB

FSA, RMA, and FAS **National Office** employees may donate their excess and/or restored annual leave to the LB by completing and signing FFAS-1043. FAX completed FFAS-1043's to ATTN: Tamaly Browning at 202-418-9129.

C Donation Limitations

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

- 1/2 of the donating employee's accrued annual leave entitlement for LY 2005
- the number of scheduled workhours remaining in LY.

Note: There are no donation limits when donating **restored** annual leave. Approved leave recipients are **not** limited to the amount of annual leave they may carry from 1 LY to the next.

D Exemption to LTP Limitations

Exemptions, to LTP donation limits described in subparagraph C, may be granted by leave transfer coordinators in the National Office-HRD, KCAO-HR, and State Administrative Officers or their designees, **only** when the donation is for an approved LTP recipient who is still in need of leave.

Note: Exemptions to donating excess annual leave to the LB **cannot** be granted (FFAS National Office **only**).

5 Information on Approved LTP Recipients

A Lists of Approved LTP Recipients

The leave transfer coordinators in the National Office-HRD and KCAO-HR will try to maintain current lists of approved FSA, RMA, and FAS leave recipients. These lists will be available, by e-mail, starting on approximately November 1, 2005, through the end of LY from the list of HR contacts listed in the following table.

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5 Information on Approved LTP Recipients (Continued)

A Lists of Approved LTP Recipients (Continued)

| Servicing Area | Contacts |
|---|---|
| FAS National Office and Overseas FSA National Office RMA Field Offices, except Kansas City RMA National Office | National Office-HRD: <ul style="list-style-type: none"> • Tamaly Browning, Telephone: 202-418-3433 FAX: 202-418-9129 E-mail: Tamaly.Browning@wdc.usda.gov • Linda Watkins Telephone: 202-418-9038 FAX: 202-418-9129 E-mail: Linda.Watkins@wdc.usda.gov |
| APFO ITSD employees KC and St. Louis KCAO | Toni Sieben Telephone: 816-823-3308 FAX: 816-926-6156 E-mail: Antoinette.Sieben@kcc.usda.gov |
| KCCO KCFO RMA-Kansas City Only | Dana Candler Telephone: 816-926-6117 FAX: 816-926-6156 E-mail: Dana.Candler@kcc.usda.gov |

Note: State Offices may use any of the contacts in this subparagraph. Supervisors of approved recipients are encouraged to solicit donations independently of the lists of approved LTP recipients.

B State and County Office Recipients

FSA maintains 2 nationwide subscription lists of approved recipients. One list for approved GS recipients and the other for approved CO 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 to these lists.

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 Linda Watkins at **Linda.Watkins@wdc.usda.gov** if there are further questions about posting to or using the subscription lists.

6 Responsibilities and Actions

A Supervisory Action

Managers and supervisors shall accept OPM-71's from employees requesting the use of their excess annual leave. Employees are required to submit OPM-71's to their first line supervisor **no later than COB November 26, 2005**. All OPM-71's for use of excess annual leave shall either be approved or disapproved as soon as possible after receipt.

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

Note: OPM-71 is available from the FFAS Employee Forms Online Website at <http://165.221.16.90/dam/ffasforms/forms.html>. ENTER "71" in the Form Number blank on the Advanced Search for Current Forms Screen.

B Employee Action

Employees, who have **not** already scheduled the use of their excess annual leave for LY 2005, must:

- schedule use of their excess annual leave by submitting OPM-71 to their first line supervisor no later than COB November 26, 2005
- verify the accuracy of their annual leave balance
- verify the forfeiture date of any previously restored annual leave to ensure it will **not** be forfeited at the end of LY 2005 and schedule its use if it will expire
- review and determine if any compensatory leave hours will expire at the end of LY 2005
- retain a copy of any OPM-71's, where the use of excess annual leave 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, does **not** constitute an exigency.

B Authorizing Officials for Exigencies

Within FFAS, the Administrators of FSA, RMA, and FAS or their designees have the authority to approve an exigency of public business. Approval of an exigency for LY 2005 allows an employee to have all or part of their forfeited annual leave restored in LY 2006.

FSA designees are:

- Deputy Administrators
- SED's.

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 AO and/or SED. If SED's decides 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 AO for review. AO 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.

7 **Exigencies of Public Business (Continued)**

D All Other FFAS Offices

Division Directors, Office Managers, and AO's 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 AO for preliminary approval. Division Directors, Office Managers, and AO's 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.

E Procedures for Requesting Exigency Consideration

To request exigency consideration and restoration of forfeited annual leave, employees must:

- have submitted their OPM-71's to use their excess annual leave no later than COB November 26, 2005
- have had the use of all or part of their excess annual leave hours canceled or denied before the end of LY 2005
- prepare a brief memorandum addressed to their authorizing official, according to subparagraph B, which shall include the following:
 - their name and Social Security number
 - justification for the exigency
 - an estimate of the number of excess annual leave hours they would like restored
 - copies of their "canceled" or "denied" OPM-71's
- 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. Once the exigency decision is made, the authorizing official shall have the exigency requests returned to the appropriate office. Division Directors, Office Managers, and AO's will ensure that **approved exigency** packages, including attachments, are FAXed to the employee's servicing personnel contact, according to subparagraph 8 A, and shall notify the employee of the approving official's decision.

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7 Exigencies of Public Business (Continued)

G Restoration of Forfeited Annual Leave

Employees, who are approved for an exigency and restoration of leave, shall have some or all of their forfeited annual leave hours restored. The processing of restored annual leave will take place as soon as possible after pay period 1, 2006. Upon restoration, the SPO shall notify the employee and their timekeeper of the restoration. Restored annual leave is a separate leave category from regular annual leave and timekeepers shall use transaction code 63 to record the employee's use of restored annual leave.

Note: Restored annual leave is eligible for lump sum payout, if the employee resigns or retires before the end of LY 2007.

8 Contacts and Other Important Information

A SPO Contacts

All approved exigency requests should be received by the employee's servicing human resources contact listed in this table **on or before the end of pay period 2, 2006.**

| Location/Office | SPO Contacts |
|--|---|
| FSA County Office (GS and CO employees) | State Office, Administrative Office |
| FSA State Office employees, except SED's | State Office, Administrative Office |
| APFO KCAO (APSS and KCHRO) KCCO KC-EEO | KCAO-HRD ATTN: Patricia Gepford Telephone: 816-926-6259 FAX: 816-926-5609 E-mail: Patricia.Gepford@kcc.usda.gov |
| ITSD (KC & STL) KCFO | KCAO-HRD ATTN: Anne Wheeler Telephone: 816-926-6184 FAX: 816-926-5609 E-mail: Anne.Wheeler@kcc.usda.gov |
| RMA (Kansas City Offices) | KCAO-HRD ATTN: Karen Talley Telephone: 816-926-7394 FAX: 816-926-5609 E-mail: Karen.Talley@kcc.usda.gov |
| FAS National Office FAS Overseas FSA National Office RMA, except Kansas City SED's | National Office-HRD ATTN: Linda Watkins Telephone: 202-418-9038 FAX: 202-418-9129 E-mail: Linda.Watkins@wdc.usda.gov |

8 Contacts and Other Important Information (Continued)

B SPO Actions

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

- the exigency memorandum has been signed by an authorizing official, according to subparagraph 7 D
- copies of employees' OPM-71's that were canceled or denied.

During or after pay period 2, 2006, SPO shall:

- verify the amount of annual leave that was forfeited by the employee by checking NFC's TING screens under the category "Leave Forfeited"
- 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. Timekeepers shall also be advised how to update the employee's T&A record.

C Using Restored Annual Leave

Employees, who have had forfeited annual leave restored, shall have until the end of LY 2007 to use it. Restored annual leave is a separate leave category from regular annual leave and should be used by the employee before regular annual leave. By law, annual leave restored from LY 2005 must be used by the end of LY 2007 or it is forfeited and **cannot** be restored a 2nd time.

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

D 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.

Subscribing to FSA's Leave Recipient Subscription Listings on FSA Intranet

All FSA Field Office employees have access to the FSA Intranet. To subscribe to 1 of the nationwide "recipient" subscription lists, CO and GS employees shall access http://intranet.fsa.usda.gov/e_lists/default.htm. At the **top** of the screen, the user shall do the following:

- enter user's e-mail address (required)
- in the middle of the screen, user will see the following:
 - Leave Transfer Program - GS Leave Recipients
 - Leave Transfer Program - CO Leave Recipients
- highlight the list user wants to subscribe to by selecting either the GS or CO Leave Recipients list
- proceed to the pull-down menu box and select how frequently user wants the lists delivered to their e-mail address
- click "Submit".

Any information posted to the recipient lists after the user subscribes will be automatically sent to their e-mail address.

Notes: To unsubscribe to the subscription list:

- return to the above web site
- enter user's e-mail address at the top of the screen
- scroll down and select "Stop receiving e-mail".

User's correct e-mail address is critical to receiving or stopping their subscription.