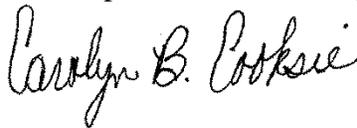


For: FFAS Employees

**Using Annual Leave (AL) to Avoid Forfeiture  
and Exigency Information for Leave Year (LY) 2011**

Approved by: Associate Administrator for Operations and Management



**1 Overview**

**A Purpose**

This notice:

- requires that employees schedule their excess AL **no later than COB November 18, 2011**
- 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 **6 B** for a list of authorizing officials for exigencies.

- reminds employees that LY 2011 has 26 pay periods and ends on December 31, 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.

<b>Disposal Date</b>	<b>Distribution</b>
March 1, 2012	All FAS, FSA, and RMA employees; State Offices relay to County Offices

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### 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 Servicing Personnel Office (SPO) to verify the status of their current AL ceiling.

#### C FAS Employees Returning to the United States

An employee returning to the United States after serving overseas will have the higher of either of the following:

- a leave balance of 240 AL hours
- their leave balance at the end of the LY.

**Note:** Once the employee falls below the 240 hours leave balance at any time during the LY, the 240 hours becomes the LY ceiling.

#### D Restored AL

Employees who have had AL restored from a previous LY need to **verify the restored date** of this AL. If the restored AL is scheduled for forfeiture at the end of LY 2011, the employee must request this AL before November 18, 2011, and use this AL before December 31, 2011.

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 2 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 who begin the LY 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 a 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:** If there are 27 pay periods in LY, 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. The NFC payroll system does **not** issue these payments automatically.

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### 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. County (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 a GS employee to a CO employee or vice versa.

To donate:

- within FFAS, employees should use the “Leave Donor” feature in WebTA
- within USDA but outside of FFAS, follow instructions in **Exhibit 1** about how to donate leave in WebTA
- outside of USDA, use OPM-630B (available online at <http://www.opm.gov/forms/html/opm.asp>).

**Notes:** FSA employees should use the “Leave Donor” feature in WebTA to donate use-or-lose leave. Employees should submit leave donation requests to their SPO **no later than December 23, 2011**.

State Offices should forward to Kansas City, MO, or Washington, DC, no later than COB **December 23, 2011**.

#### B National Office Donations to LB

Open Season to donate leave to LB is December 12, 2011, to January 13, 2012. FAS, FSA, and RMA **National Office** employees may donate their excess and/or restored AL to LB by following the instructions in **Exhibit 1** about how to donate leave in WebTA.

- **Voluntary Leave Bank Program**

The LB allows employees to become members of the FFAS LB by donating leave. If an LB member or a member of their family experiences an extended medical emergency, the LB member may qualify to become a recipient of paid leave from LB (Headquarters employees only at this time). See the following for additional details:

- FFAS Leave Bank - Open Enrollment  
([http://fsaintranet.sc.gov.usda.gov/ffas/hrd/fsa\\_lv\\_transfer.htm](http://fsaintranet.sc.gov.usda.gov/ffas/hrd/fsa_lv_transfer.htm))
- **Leave Bank FAQ's.**

**4 Donating Excess AL (Continued)**

**B National Office Donations to LB (Continued)**

• **Voluntary Leave Transfer Program (LTP) (17-PM, Part 10, Section 1) Forms**

Employees can access the following LTP forms on the HRD website at [http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa\\_lv\\_transfer.htm](http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa_lv_transfer.htm)

- **AD-1043**, Leave Transfer Donor Application
- **AD-1046**, Leave Transfer Recipient Application
- **OPM-630a**, Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (within the USDA agency)
- **OPM-630b**, Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (outside of USDA agency).

**C Donation Limitations**

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

Exemptions to LTP donation limits 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.

**D Information on Approved LTP Recipients**

**FAS and RMA** shall contact their SPO listed in subparagraph **7 A** for information on LTP recipients.

**FSA** employees shall access FSA's Intranet site at [http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa\\_lv\\_transfer.htm](http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa_lv_transfer.htm) for a list of approved GS and CO LTP recipients.

**5 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 AL **no later than COB November 18, 2011**. All leave requests for using excess AL shall either be approved or disapproved/canceled as soon as possible after receipt.

If a leave request for 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.

**B Employee 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 18, 2011**
- prepare a brief memorandum addressed to their authorizing official 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 2011 from Web TA
- compare their Employee Personal Page (EPP) and their Web TA balances for any discrepancies

**Note:** If any discrepancies are found, employees must work with their timekeeper to resolve.

- forward the memorandum and its attachments to their first line supervisor for review.

## 6 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.

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

**Additionally, if an employee is separating on or after January 1, 2012, the Voluntary Separation Incentive Payment (VSIP) is not an approved exigency.**

The following applies to employees who have a family member serving on active duty.

OPM issued final regulations to implement section 565(b)(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84, October 28, 2009). The final regulations amend the Family and Medical Leave Act (FMLA) regulations to provide eligible Federal employees up to 12 administrative workweeks of unpaid leave under FMLA for qualifying exigency purposes. The regulations are available at <http://www.opm.gov/fedregis>.

Qualifying exigencies arise when the spouse, son, daughter, or parent of an employee is on covered active duty in the Armed Forces, or has been notified of an impending call or order to covered active duty status. These regulations will help employees manage family affairs when their family members are on covered active duty.

The regulations provide for the following eight categories of qualifying exigencies:

- short-notice deployments
- military events and related activities
- childcare and school activities
- financial and legal arrangements
- counseling, rest and recuperation
- post-deployment activities
- additional activities not encompassed in the other categories when the agency and employee agree they qualify as exigencies and agree to the timing and duration of the leave.

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6 Exigencies of Public Business (Continued)

B Authorizing Officials for Exigencies

The following table outlines FFAS approval authorities for exigencies.

Agency	Approving Official
FAS	Administrator
RMA	Administrator
FSA: <ul style="list-style-type: none"><li>• Deputy Administrator</li><li>• National Office, Kansas City, and APFO</li><li>• State and County Offices</li></ul>	<ul style="list-style-type: none"><li>• Administrator</li><li>• Deputy Administrator</li><li>• SED</li></ul>

Authorizing officials or their designee 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 State Office supervisors will ensure that **approved exigency** packages, including attachments, are faxed to the employee’s SPO and shall notify the employee of the approving official’s decision.

**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 7 A, and shall notify the employee of the approving official’s decision.

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.

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

**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.

**E 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, 2012. 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 "**Restored Leave**" 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.

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**7 Contacts and Other Important Information**

**A SPO Contacts**

All approved exigency requests should be received by the employee's SPO contact listed in this table **on or before the end of Pay Period 2, January 28, 2011.**

<b>Location/Office</b>	<b>SPO Contacts</b>
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 BUD, Kansas City RMA, Kansas City	HRD, ATTN: Patty Gepford by: <ul style="list-style-type: none"> <li>• e-mail to <b>patricia.gepford@kcc.usda.gov</b></li> <li>• telephone at 816-926-6259</li> <li>• FAX at 816-926-6156</li> </ul>
KCCO HRD	ATTN: Dana Candler by: <ul style="list-style-type: none"> <li>• e-mail to <b>dana.candler@kcc.usda.gov</b></li> <li>• telephone at 816-926-6117</li> <li>• FAX at 816-926-6156</li> </ul>
ITSD, Kansas City and St. Louis	ATTN: Sharon Mulroy: <ul style="list-style-type: none"> <li>• e-mail to <b>sharon.mulroy@kcc.usda.gov</b></li> <li>• telephone at 816-926-1539</li> <li>• FAX at 816-926-6156</li> </ul>
FAS FSA, Washington DC, employees RMA, <b>except</b> Kansas City SED's	HRD, ATTN: Linda Watkins by: <ul style="list-style-type: none"> <li>• e-mail to <b>linda.watkins@wdc.usda.gov</b></li> <li>• telephone at 202-401-0688</li> <li>• FAX at 202-401-9140</li> </ul>

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

#### 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.

During or after Pay Period 2, 2012, 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 restored AL from LY 2011 shall have until the end of LY 2013 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 2011 must be used by the end of LY 2013 or it is forfeited and cannot be restored a second time.

**Note:** Timekeepers/employees shall use T&A "**Restored Leave**" when recording restored AL usage.

**Instructions for Donating Leave in WebTA and/or Registering for Enrollment in LB**

Employees shall follow the instructions in this table to donate leave in WebTA and/or register for enrollment in LB.

Step	Action
1	Log into WebTA using your eAuth user ID and password. <a href="https://wtausda.nfc.usda.gov/usda/">https://wtausda.nfc.usda.gov/usda/</a>
2	From <b>Employee Main Menu</b> , click on the “ <b>Leave/Prem Pay</b> ” button.
3	Click the “ <b>Donation</b> ” button.
4	Click “ <b>New Donation</b> ”.
5	Select “ <b>Search</b> ” next to the working “ <b>Leave Account</b> ”. A list of recipients will appear.  <b>Note:</b> Users may also use this instruction to enroll in LB for <b>FAS, FSA and RMA - Headquarters only</b> .
6	Click “ <b>Select</b> ” next to a recipient’s name.
7	Enter your position title, grade and step (optional).
8	Enter the number of hours you wish to donate.
9	Account will usually say “ <b>NFC stored account</b> ”; otherwise select your accounting code.
10	Select type of leave being donated; that is, “ <b>Donate Annual leave</b> ” or “ <b>Donate Restored Annual leave</b> ”; ignore other option.
11	Remarks (optional)
12	Click “ <b>Save</b> ”.
13	Wait for approval. Once a donation has been approved, hours will automatically be subtracted from the donor’s account and added to the recipient’s account. (Donation will show on T&A and WebTA will notify of approval.)