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Subject: End of Leave Year Procedures

Please note the following instructions and guidance on leave usage for leave year 2000 which ends on January 13, 2001. Action may be required before December 3, 2000.

Use or Lose Annual Leave Report. The National Finance Center (NFC) annual leave status reports are forwarded to T&A Contact Points. Supervisors should review this report and ask employees to schedule annual leave which will exceed their 240-hour ceiling. Scheduling of annual leave is a cooperative endeavor between the supervisor and the employee. Leave scheduling and considerations should reflect the needs of the mission and the wishes of the employee. While employees have an obligation to request annual leave in a timely manner, supervisors also have a responsibility of ensuring careful planning and scheduling of leave in order to avoid forfeiture of the leave.

Restoration of Forfeited Annual Leave. In accordance with the law (C.F.R. 630.308), to be considered for restoration of annual leave, "use of the annual leave must have been scheduled in writing before the start of the third bi-weekly pay period prior to the end of the leave year" (December 3, 2000). When an employee chooses not to request or use annual leave to avoid forfeiture, he or she is not entitled to have the forfeited leave restored. However, when an employee submits a formal request for leave prior to December 3, 2000, the supervisor must approve such leave either at the time of the request, or if that is not possible because of workload, then at some other time before the end of the leave year. If supervisors have canceled scheduled leave, employees must attempt to reschedule leave (with supervisory approval) within the remainder of the leave year.

At the end of the leave year (pay period 27), annual leave hours in excess of the 240-hour leave ceiling (SES staff and certain other employees have a higher leave ceiling) may be restored under conditions 1 through 3 below:

1. **Public Exigency** - Only an exigency of major importance will support the cancellation of employees' annual leave (e.g., critical work assignments that cannot be postponed or performed by other employees). Supervisors must document that there were no reasonable alternatives to canceling the leave.
2. **Employee Sickness** - Supervisors must document that the period of sickness interfered with scheduled use of annual leave and occurred too late in the year to permit rescheduling.
3. **Administrative Error** - Supervisors must request restoration of annual leave which was forfeited because of administrative error. Failure on the supervisor's part to either schedule requested annual leave or present cases to the proper officials for determinations of public exigency constitutes an administrative error.

Except in ARS, supervisors must obtain their agency heads concurrence before canceling employees' annual leave. ARS supervisors should submit leave cancellation requests to Cecelia A. Stortzum, Chief, REE Policy Branch, Human Resources Division, AFM, Mail Stop 5103, 5601 Sunnyside Avenue, Beltsville, Maryland, 20705-5103 for final approval.

REE Policy and Procedure (P&P) 402.6, Leave (Forfeiture and Restoration of Annual Leave) contains cancellation and restoration procedures. P&P 402.6 can be found on the following website: <http://www.afm.ars.usda.gov/ppweb/>

Compensatory Time. Employees should use compensatory time earned no later than the end of the leave year following the year in which it was earned. Except when they have annual leave to use or lose, employees must use compensatory time earned before they use annual leave. Supervisors should ensure that employees use all compensatory time earned within the time allowed.

Donating Annual Leave. Employees who are unable to use all of their "use or lose" annual leave may donate the annual leave to the Leave Transfer Program. Restored annual leave that is subject to forfeiture may also be donated. Those planning to donate this leave must do so no later than December 1, 2000. The leave recipients list is e-mailed to all REE employees each pay period. The form REE-4 (Revised 9/98), "Donor Application - Leave Transfer Program (LTP)," may be accessed at the following website: <http://www.ars.usda.gov/afm/hrd/hrdhomepage/wpforms.htm> Annual leave donors should complete the form and fax it to the Pay and Leave Staff/REE Policy Branch/HRD on 301-504-1493. Please do not fax and mail the same donation form.

If you have any questions about leave, leave restoration, or the Leave Transfer Program, please contact the Pay and Leave Staff/REE Policy Branch/HRD (Denise Corbitt on 301-504-1443, Ted Nykiel on 301-504-4426, Judy Capozzi on 301-504-1468, Alice Richmond on 301-504-1440 or Winston Farmer on 301-504-1457).

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