

## **3 FAM 3500 UNPAID LEAVE**

## **3 FAM 3510 LEAVE WITHOUT PAY**

## **3 FAM 3511 GRANTING AUTHORITY**

### **3 FAM 3511.1 Foreign Service Employees Serving Overseas**

#### **3 FAM 3511.1-1 Requests Which Must Be Referred to Headquarters**

*(TL:PER-239; 1-30-95)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps/USDA)*

*(Applies to Foreign Service Employees Only)*

a. The following request must be referred:

- (1) All requests for LWOP in excess of 90 calendar days;
- (2) Requests for LWOP in the United States on leave, detail, or consultation;
- (3) Requests for LWOP for higher education, military training or service, and temporary employment with a non-Federal public or private enterprise;
- (4) Requests for LWOP immediately before separation.

b. Requests must be referred to:

State	PER/CDA
USAID	FA/HRDM/SCD or EM and IG/RM for BS-08 employees
Commerce	OFSP
USIA	M/PF or B/PF

All requests for LWOP in Agriculture are handled in accordance with agency directives.

#### **3 FAM 3511.1-2 Requests Handled at Post**

*(TL:PER-239; 1-30-95)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps/USDA)*

*(Applies to Foreign Service Employees Only)*

a. An officer in charge of a State, USAID, USIA, Commerce, or USDA post may grant principal officers at subordinate posts under his/her supervision, LWOP other than as provided in section 3 FAM 3511.1-1.

b. The approving officers at post may grant LWOP to all other employees, except as provided in section 3511.1-1 and 3511.1-2a.

### **3 FAM 3511.2 Foreign Service Employees Serving in the United States**

*(TL:PER-239; 1-30-95)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps/USDA)*

*(Applies to Foreign Service Employees Only)*

<b>Hours requested</b>	<b>Approving Officer</b>
80 hours or less	Heads of offices and divisions and other comparable officials, and supervisors designated by them
More than 80 hours but not to exceed 90 calendar days	Executive Directors or Administrative Officers of employing bureau
More than 90 calendar days	State: PER/CDA Commerce: OFSP

### **3 FAM 3511.3 Civil Service Employees of State**

*(TL:PER-239; 1-30-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

<b>Hours requested</b>	<b>Approving Officer</b>
80 hours or less	Heads of offices and divisions and other comparable officials, and supervisors designated by them.
More than 80 hours but no exceed one year	Executive Directors or Administrative Officers.
More than one year	Office of Civil Service Personnel Management (PER/CSP)

### **3 FAM 3511.4 Senior Executive Service Employees of State**

*(TL:PER-239; 1-30-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

<b>Hours requested</b>	<b>Approving Officer</b>
80 hours or less	Officials who normally approve an executive's leave.
More than 80 hours	Executive Resources Board.

### **3 FAM 3512 PROCEDURES**

*(TL:PER-239; 1-30-95)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps/USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

Procedures for requesting and approving leave without pay are found in H-3510. (For USAID see also HB27, Chapter 7.)

### **3 FAM 3513 LIMITATIONS ON USE**

*(TL:PER-239; 1-30-95)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps/USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

- a. LWOP may not be imposed as a penalty.
- b. The authorization of LWOP is a matter of administrative discretion. An employee cannot demand leave without pay as a matter of right except as provided by 3 FAM 03530 and H-3531.
- c. Eligibility for LWOP is not dependent on a specific length of service and may be authorized whether or not the employee has an annual leave credit.

d. An employee on LWOP is in an active appointment and remains subject to Government standards of conduct and may not be offered or accept a contract with the U.S. Government either directly or indirectly for Government services, coinciding in time with an appointment. The only condition under which a contract and an appointment may be held simultaneously is if that is a most compelling reason to do so, such as when the Government's needs cannot be otherwise met (48 CFR 3.6). See 3 FAH-1 H-3510 for further information and procedures.

## **3 FAM 3514 PURPOSE FOR WHICH GRANTED**

### **3 FAM 3514.1 30 Calendar Days or Less**

*(TL:PER-239; 1-30-95)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps/USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

LWOP may be granted for periods of 30 calendar days or less for any reasonable purpose.

### **3 FAM 3514.2 Extended LWOP**

*(TL:PER-239; 1-30-95)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps/USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

LWOP in excess of 30 calendar days may be granted for specific reasons and for definite periods of time. Examples of acceptable reasons may be found in 3 FAH-1 H-3510.

## **3 FAM 3515 RETURN TO DUTY**

*(TL:PER-239; 1-30-95)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps/USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

Since LWOP is a voluntary absence from duty and pay status for a specific period, an employee may not demand to be restored to duty before the authorized absence expires. However, an employee who wishes to return to duty before the expiration of authorized LWOP should so inform the appropriate official at the post or at headquarters and such employee will be restored to duty as soon as administratively possible.

## **3 FAM 3516 THROUGH 3519 UNASSIGNED**