



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

FEB 14

PERSONNEL MANAGEMENT LETTER NO. 95-1 Amendment 1 (630)

SUBJECT: New Sick Leave Policies

This is an amendment to the response regarding "How much sick leave is permitted to care for a family member or for bereavement purposes?" for part-time employees.

Amend "Example:" to read, "An employee who works 32 hours per week can use 32 hours of sick leave to care for a family member. An additional "51" hours can be used if the employee retains 64 hours in his or her sick leave account

Explanation: Determine the total number of hours of sick leave a part-time employee has to use to care for a family member by using the following formula:

- A. $(\text{Weekly part-time hours}) - (\text{Weekly full-time hours}) =$
 $(\% \text{ of prorate})$
- B. $(\text{Annual full-time hours}) \times (\% \text{ of prorate}) =$
 $(\text{Annual Part-time hours to use})$
- C. $(\text{Annual Part-time hours to use}) - (\text{Weekly part-time hours}) =$
 $(\text{Additional part-time hours to use if } [\text{Weekly part-time hours} \times 2] \text{ are retained})$

- Example:
- A. $(32 \text{ PT hrs}) - (40 \text{ FT hrs}) = 80\%$
 - B. $104 \times 80\% = 83$
 - C. $83 - 32 = 51$ (if 64 hrs are retained)

This is a clarification to the response to the question, "Does an employee have to use all annual and sick leave before receiving donated leave?"

An employee must use both annual and sick leave available before using donated leave to care for a family member under the Voluntary Leave Transfer Program. Employees under the Voluntary Leave Transfer Program on December 2, 1994, who are using donated leave if the medical emergency involves a family member of the employee.

will have to use any sick leave available to care for a family member under the new sick leave provisions before they can use donated leave.

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SUBJECT: New Sick Leave Policies

The Federal Employees Family Friendly Leave Act (Public Law 103-388) was enacted on October 22, 1994, and Section 629 of Public Law 103-329 was enacted September 30, 1994. Consistent with these Acts, OPM issued final and interim sick leave regulations (5 CFR 630) which became effective on December 2, 1994.

This issuance implements these provisions which permit use of sick leave to care for a family member and for adoption-related purposes, and eliminates the 3-year limitation on the recredit of sick leave.

SICK LEAVE TO CARE FOR A FAMILY MEMBER AND FOR BEREAVEMENT PURPOSES

Sick leave may be used to provide care for a family member as a result of the family member's physical or mental illness; injury; pregnancy; childbirth; or medical, dental, or optical examination or treatment. Sick Leave may also be used to make arrangements as a result of the death of a family member or to attend the funeral of a family member. (Employees who are incapacitated as a result of severe emotional distress due to the death of a family member are entitled to use sick leave for their own sickness or illness.)

Who is a Family member?

- spouse and parents thereof;
- children, including adopted children, and spouses thereof; (this includes adult sons and daughters, whether disabled or not)
- parents
- brothers and sisters, and spouses thereof;
- any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

How much sick leave is permitted to care for a family member or for bereavement purposes?

Full-time employees can use up to 40 hours of sick leave each leave year for family care or bereavement purposes. Those who retain a balance of at least 80 hours in their sick leave account can use an additional 64 hours of sick leave during the leave year. Therefore, full-time employees may be granted up to a total of 104 hours of sick leave during any leave year for family care or bereavement purposes.

Part-time employees or employees with an uncommon tour of duty can use the average number of hours of work in the employee's scheduled tour of duty each week. A part-time employee or an employee with an uncommon tour of duty who maintains a sick leave balance equal to at least twice the average number of hours of work in the employee's scheduled tour of duty each week can use an amount equal to the number of hours of sick leave normally accrued by the employee during a leave year for these purposes. Example: An employee who works 32 hours per week can use 32 hours of sick leave to care for a family member. An additional 19 hours can be used if the employee retains 64 hours in his or her sick leave account

If the number of hours of work in an employee's tour of duty changes during the leave year, the employee's entitlement to use sick leave to care for a family member or for bereavement purposes must be recalculated based on the new tour of duty.

Can an employee accumulate sick leave for these purposes?

Sick leave for care for a family member or for bereavement purposes cannot be accumulated and carried over to the next year.

SICK LEAVE FOR EXPOSURE TO A COMMUNICABLE DISEASE

Employees can use sick leave for the entire period of time during which health authorities having jurisdiction or a health care provider determines that an employee's exposure to a communicable disease would jeopardize the health of other employees. Determination if a particular illness is a "communicable disease" will be made by a health authority having jurisdiction or a health care provider.

SICK LEAVE FOR ADOPTION PURPOSES

An employee may use sick leave for purposes relating to the adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed.

Can an employee substitute sick leave for annual leave for adoption purposes?

If an employee adopted a child between September 30, 1991, and September 30, 1994, a written request must be made by September 30, 1996, to substitute any accrued and accumulated sick leave for annual leave used for adoption related purposes. Instructions are found in 5 CFR 630.409 (Federal Register Vol. 59, No. 231, dated December 2, 1994).

GENERAL QUESTIONS AND ANSWERS ON NEW SICK LEAVE POLICIES

Should an employee request sick leave in advance?

An employee must request advance approval to the extent possible for sick leave to provide care for a family member, to make arrangements as a result of the death of a family member or to attend the funeral of a family member, or for purposes relating to the adoption of a child.

Is supporting evidence needed for absences over 3 days?

A supervisor may require a medical certificate or other administratively acceptable evidence to support the reason for sick leave for over 3 workdays or lesser periods if determined necessary. Bureau or local policy or union agreements may also require supporting evidence.

Does an employee have to use all annual and sick leave before receiving donated leave?

An employee must now use both annual and sick leave available before becoming eligible for donated leave to care for a family member under the Voluntary Leave Transfer Program.

What happens if an employee is on annual leave and an employee needs to use sick leave for the above purposes?

Sick leave may be granted during a period of annual leave for any of the purposes described in these sick leave regulations.

Can an employee be advanced sick leave for these purposes?

Sick leave available to covered employees for these purposes may be advanced and such employees may substitute sick leave for unpaid leave under the Family and Medical Leave Act.

TIME AND ATTENDANCE REPORTING

Until permanent PAY/PERS system changes are made to accommodate these additional reporting codes, Timekeepers will enter the appropriate leave hours code - 030 - for sick leave and will also enter hours code 98A with an appropriate message (see below) indicating the purpose of the leave in the message line of the Time and Attendance Report.

- sick leave to care for family member;
- sick leave to attend funeral of family member;
- sick leave to make arrangements resulting from family member's death;
- sick leave for exposure to communicable disease;
- sick leave for adoption purposes.

NOTE: Until permanent system changes are implemented, Supervisors and Timekeepers will be responsible for tracking the number of hours of sick leave used to care for family members or bereavement purposes in order that employees do not exceed the amount for which they are eligible as described above. We expect permanent system changes to be made in March 1995.

REREDIT OF SICK LEAVE

A former employee is entitled to a recredit of sick leave regardless of the date of his or her separation if he or she is reemployed in the Federal Government on or after December 2, 1994, unless the sick leave was forfeited upon reemployment in the Federal Government before December 2, 1994.

What written documentation is necessary to have sick leave recredited?

Written documentation must support the recredit of sick leave and must specify the date of separation from the Federal Government and the amount of sick leave to be recredited. Documentation can be obtained from:


- the employing agency from its official personnel records concerning the employee
- the official records of the employee's former employing agency
- copies of earnings and leave statements provided by the employee
- copies of other written documentation acceptable to the supervisor

Can an employee formerly employed by the Government of the District of Columbia have sick leave recredited?

An individual who was first employed by the government of the District of Columbia before October 1, 1987, and who has had a break in service is entitled to a recredit of sick leave regardless of the date of his or her separation if he or she returns to Federal employment on or after December 2, 1994, unless the sick leave was forfeited upon reemployment in the Federal Government before December 2, 1994.

Can a reemployed annuitant get a recredit of sick leave?

A reemployed annuitant can have a recredit of sick leave; however, any sick leave creditable in the annuity computation is not available for use as sick leave. Recredited sick leave will be added to the reemployed annuitant's current sick leave account for use in this or her current employment. If the reemployed annuitant qualifies for a supplemental or redetermined annuity under the Civil Service Retirement System, any unused sick leave in the employee's sick leave account upon separation after reemployment may be included in the computation of the supplemental or redetermined benefit.


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