

**MANAGEMENT**

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**ADVANCED ANNUAL AND SICK LEAVE**

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**PURPOSE** This MAPP outlines the policies and procedures for granting and using advanced annual and sick leave in the Center for Drug Evaluation and Research (CDER).

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**REFERENCES**

- ! CDER MAPP 4657.12, Voluntary Leave Transfer Program (November 6, 1997)
- ! FDA Staff Manual Guide 1431.4, Authority to Grant Leave and Excused Absence (July 27, 1995)
- ! FDA's Supervisor's Desk Reference Guide, Chapter 4 (January 11, 1997)
- ! HHS Instruction 630-1-40D, Advance Annual Leave (July 26, 1996)
- ! HHS Instruction 630-1-50B, Advance Sick Leave (July 26, 1996)
- ! Collective Bargaining Agreement between the Food and Drug Administration and the National Treasury Employees Union (October 1, 1999)
- ! Title 5, Code of Federal Regulations, part 630, subpart C, Annual Leave (January 1, 2000)

- ! Title 5, Code of Federal Regulations, part 630, subpart D, Grant of Sick Leave (January 1, 2000)
- ! Title 5, Code of Federal Regulations, part 630, subpart I, Voluntary Leave Transfer Program (January 1, 2000)
- ! Title 5, Code of Federal Regulations, part 630, subpart L, Family and Medical Leave Act (January 1, 2000)

**DEFINITIONS**

- ! **Advanced Annual Leave:** Annual leave taken but not yet earned by the employee.
- ! **Advanced Sick Leave:** Sick leave taken but not yet earned by the employee.
- ! **Serious Health Condition:** The term **serious health condition** has the same meaning as used in OPM's regulations for administering the Family and Medical Leave Act of 1993 (FMLA). That definition includes such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy, and childbirth. The term **serious health condition** is not intended to cover short-term conditions for which treatment and recovery are very brief. The common cold, flu, earaches, upset stomach, headaches (other than migraines), and routine dental or orthodontia problems are not serious health conditions unless complications arise.

**POLICY**

- ! **Advanced Annual Leave**  
 Normally, annual leave is granted to an employee only after the leave is accrued. However, a supervisor will consider and ordinarily grant requests for advanced annual leave upon proper application and when:
  1. Nonrepetitive, nonroutine circumstances exist;
  2. The employee is eligible to earn annual leave and the employee is not on leave restriction;
  3. The request does not exceed the amount of annual leave that the employee would earn during the remainder of the leave year or the remainder of his/her appointment, whichever is shorter; and
  4. There is reasonable assurance that the employee will return to duty and is not contemplating a resignation or retirement.

Employees must repay any leave advanced and not earned at the time of separation, except no repayment is necessary if the separation is due to the employee's death or disability retirement.

**! Advanced Sick Leave**

1. Advanced sick leave may be granted to an employee with a zero sick leave balance if the employee has a serious health condition (as defined above), provided there is a reasonable expectation that the employee will return to duty and is not contemplating a resignation or retirement. For purposes of sick leave usage for family care, employees may be advanced up to 40 hours of sick leave in a **leave year**.
2. The total advancement of sick leave **at no time may exceed 30 calendar days**. For example, an employee may be granted advanced sick leave at any time in increments of 15 minutes or more provided the negative sick leave balance at no time exceeds 30 calendar days. The employee, supervisor, and timekeeper must jointly ensure that advanced sick leave does not exceed this amount.
3. For employees serving a limited appointment, sick leave must not be advanced in excess of the sick leave to be earned during the remaining period of employment.
4. Requests for advanced sick leave must be in writing and supported by medical documentation administratively acceptable to the approving official. Requests should be evaluated on a case-by-case basis and all relevant factors should be considered prior to approval.
5. Advanced sick leave may be granted regardless of an employee's annual leave balance.
6. Employees should be encouraged to accumulate sick leave for unexpected illness and medical appointments, and for use in computing Civil Service Retirement System (CSRS) annuities.
7. If the advanced sick leave request does not meet the above criteria, employees may consider other options, such as annual leave, Leave Without Pay, Family and Medical Leave Act provisions, participation in the Voluntary Leave Transfer Program, or an adjustment from a full-time to a part-time work schedule.

**RESPONSIBILITIES****! The employee will:**

1. Prepare an Application for Leave (SF-71) for the immediate supervisor's concurrence and the second level supervisor's approval and provide other documentation required to support the need for advanced leave;
2. Provide medical documentation for advanced sick leave requests, as required;
3. Communicate with the immediate supervisor to ensure that the leave has been approved before the leave is taken; and
4. Coordinate with the immediate supervisor and timekeeper to ensure the advanced sick leave request at no time exceeds 30 calendar days.

**! The immediate supervisor will:**

1. Review the SF-71, supporting information, and medical documentation, if appropriate, for completeness and accuracy;
2. Concur or nonconcur with the advanced leave request by initialing the SF-71 and forwarding all paperwork to the second level supervisor for approval or disapproval;
3. Notify the requesting employee and the timekeeper of the approved or disapproved advanced leave before the leave is to be taken; and
4. Coordinate with the employee and timekeeper to ensure the advanced sick leave request at no time exceeds 30 calendar days.

**! The second level supervisor will:**

1. Evaluate all factors relevant to the employee's request for advanced leave and use good judgment in approving or disapproving requests;
2. Approve or disapprove the advanced leave request by signing the SF-71, and forwarding all paperwork to the timekeeper.
3. Notify the immediate supervisor of the approved or disapproved advanced leave before the leave is to be taken; and
4. Contact the Division of Employee and Labor Management Relations (DELMR), Office of Human Resources and Management Services (OHRMS), for counsel and/or further review of medical documentation if the

request is denied.

**! The timekeeper will:**

1. Follow time and attendance procedures outlined in the HHS Guide for Timekeepers for recording and filing advanced leave requests; and
2. Coordinate with the immediate supervisor and employee to ensure the advanced sick leave request at no time exceeds 30 calendar days.

**APPROVAL AUTHORITY**

**! Advanced Annual Leave.** The second level supervisor is authorized to approve requests for advanced annual leave.

**! Advanced Sick Leave.** The second level supervisor is authorized to approve requests for advanced sick leave.

**EFFECTIVE DATE**

This MAPP is effective upon date of publication.