

HQ Leave Guide

Purpose of this Guide

The purpose of this guide is to provide you, as a Headquarters employee, advice and guidance concerning issues related to hours of duty, time & attendance, and matters related to taking time off (e.g., annual and sick leave). However, this guide can not provide all encompassing guidance for all situations. In many cases, the answer is subject to office policy and/or supervisory judgment. For these reasons, any questions about how matters in this guide apply to you should first be discussed with your supervisor.

If your supervisor is unable to answer your specific question or issue, you or your supervisor should contact the Headquarters Employee/Labor Relations Services Team on (202) 586-8731.

Who is Covered by this Guide

All DOE Headquarters employees except those in the Office of the Inspector General. Employees in the Office of the Inspector General should direct all personnel issues to their Servicing Personnel Office. The Office of Inspector General has separate authority for personnel matters.

Format of the Guide

Employees covered in the bargaining unit, i.e., represented by the National Treasury Employees Union (NTEU), have legal rights concerning some of the issues addressed in this guide. References to these rights are shown in this Guide in **bold text**. For further information about any of these rights, please refer to the [Headquarters/NTEU Collective Bargaining Agreement](#) (CBA). If you are unsure if you are covered by the CBA, talk to your supervisor.

Additional information which should be helpful in applying the information in the Guide to the workplace is provided in *italics*.

Building Access

Employees

DOE employees and contractors are permitted access to Headquarters facilities on their Standard DOE photo security badge. All other persons must be sponsored by a DOE employee or contractor.

During Security Hours, between 8:30 p.m. and 6:00 a.m., Monday through Friday, weekends and Federal holidays, all personnel in possession of a Standard DOE security badge are required to sign in and out of the Headquarters facilities on Security Registers.

Admittance to the Forrestal building during Security Hours is through the main lobby. Vehicle traffic must enter the 12th Street ramp and the loading dock. Access to the Germantown building is through the North (main) lobby.

Visitors

All visitors (including vendors) are required to sign in at the designated receptionist or security desks in the main buildings and lobbies. Upon verification of a visit by a DOE host/sponsor, the visitor will be issued an appropriate badge and directed through security screening. The visitor may proceed unescorted to any area of the facility except limited or exclusion (security) areas.

Escorts are required for any visitor during Security Hours unless approved by the Office of Security of Affairs. The DOE host/sponsor must be in possession of his/her Standard DOE photo security badge.

If you have any questions or need additional information, contact the DOE Security Office.

At Forrestal location contact William Riddle on (202) 586-2680.

At Germantown Location contact Mike Zimmerman on (301) 903-2177.

Forrestal Entrances

Building entrances are open as indicated below. Uncleared personnel should use the Main Lobby entrance. Vendors do not have access to the building on weekends or holidays.

- North Building Main Lobby:

The West entrance in the North Building is open 24 hours a day, including weekdays, weekends, and holidays.

Main Lobby: The East entrance in the North Building is open Monday through Friday (except holidays) from 6:30 a.m. to 7:00 p.m.

"A" Cove: Open Monday through Friday (except holidays) from 7:00 a.m. to 9:30 a.m. and 3:00 p.m. to 6:30 p.m.

- West Building North Entrance: Open Monday through Friday (except holidays) from 7:00 a.m. to 7:00 p.m. Child Development Center: Open Monday through Friday (except holidays) from 6:00 a.m. to 7:00 p.m.

- South Building South Entrance: Open Monday through Friday (except holidays) from 7:00 a.m. to 7:00 p.m.

- 9th St. Ramp Open Sunday to Saturday (including weekdays, weekends, and holidays) from 3:00 p.m. to 9:00 a.m.

- 12th St. Ramp Open Monday thru Friday 6:00 a.m. to 7:00 p.m. (except holidays).

- Loading Dock Open Monday through Friday (except holidays) from 4:00 a.m. to 10:00 p.m.

Germantown Entrances

Since 911 the whole GTN facility has been closed to public access. All access to the Main Germantown Facility is controlled and begins at the gates that allow access to the facility.

All unbadged visitors, employees whose badges were forgotten must enter the facility at the North Gate. To use the South Gate an individual must possess an active DOE badge. The North Gate (Main) is open 24 hours a day 7 days a week. The South gate is open 6:30 AM to 6:30 PM Monday through Friday except holidays.

Lobbies

- The North Lobby is open 24 hours a day 7 days a week.
- The South Lobby is open Monday through Friday (except holidays) 6:30 AM until 7:30 PM.
- The East Lobby is open Monday through Friday (except holidays) 6:30 AM until 7:30 PM.
- The West Lobby is open Monday through Friday (except holidays) 6:30 AM until 6:30 PM.
- The Warehouse (loading dock) is open Monday through Friday (except holidays) 6:30 AM until 6:30 PM.

Cloverleaf and 270 Corporate Center (Pink Palace) are the same except that Cloverleaf now has Protective Force personnel 24 hours a day 7 days a week. However, the doors are still locked from 6:30 PM to 6:30 AM Monday through Friday and at all times on weekends and holidays.

Work Schedules

Daily Schedule

Work schedules are set to enable the organization to operate efficiently and perform its vital functions. As a full-time Headquarters employee, you work either a five day, 8-hour tour of duty each week, or a compressed work schedule involving a 9 or 10 hour workday (see the section on Alternative Work Schedules). For most employees, the workweek is considered Monday through Friday. With the approval of your supervisor, you may choose a daily starting and ending time within the hours of 6:30 a.m. through 6:00 p.m. These hours remain in place unless a change is authorized by the supervisor. Duty hours can be changed by your supervisor based on work demands. Normally you will be given a written notice of any change.

Any time you find you need to make an adjustment to your work schedule it is important to first discuss the matter with your supervisor. Your supervisor has the authority to make limited adjustments to your schedule including changing your arrival/departure times in 15-minute intervals. Although he/she does have authority to allow occasional arrivals or departures outside the

hours listed above, he/she does not have authority to establish a regular schedule outside those hours because your working those hours on a regular schedule would give you an entitlement to "night differential" pay.

Alternative Work Schedules

Many offices at Headquarters have adopted the use of alternative work schedules (AWS) allowing an employee to have a non-work day during the week or pay period by working other than a standard eight hour schedule. There are two variations which you can request to work. Under the 5/4-9 schedule, each pay period (a two week, 10 work day period) you work nine hours a day for eight days, eight hours for another day, and have the tenth day off. Under the 4-10 schedule, you work ten hours a day for four days each week (eight ten hour days in a pay period). Work days for either work schedule will commence no earlier than 6:30 a.m. and end no later than 6:00 p.m.

The use of AWS is subject to meeting the business needs of your office. You may be denied an AWS schedule if your position requires that you be present every day, or you may be denied a particular day off because of work requirements or the absence of other employees on the same day. In addition, you may be taken off an AWS schedule temporarily when you are in training, travel or on special assignment.

Participation in AWS is also based on your acceptable performance and attendance. You may not participate in an AWS program if your performance rating is less than a level "2". Further, your supervisor may temporarily remove you from AWS by issuing an "AWS suspension memo" if you have a documented attendance problem.

Any questions about adjusting your work schedule either to AWS, or while under AWS, should be addressed to your supervisor.

The following are highlights from Article 25.02 of the CBA:

- Conflicts caused by workload demands in selecting an AWS "day off" will be resolved by length of Federal service;**
- Employer decisions regarding the setting of AWS schedules may be appealed by filing a Step One grievance;**
- Employees may temporarily switch their regularly scheduled day off if their leave approving official agrees;**

- Employees may request changes in their permanent schedules no more than once per quarter.

For additional information on AWS see Article 25 of the CBA or contact your union steward.

It is important, though, that if you want AWS to work, you and your supervisor ensure that your absence doesn't cause problems because there is no one to respond to immediate demands in your stead or because deadlines are missed because you are gone. If necessary, your union representative can meet with management and the Headquarters Employee/Labor Management Relations Services team to work out logistical problems that are interfering with successful AWS.

It is up to you to ensure that you work your full 80 hours pay period, even if you are on travel or training. If it appears that you will not be able to work the full 80 hours during a 9-day pay period because the place you are visiting is not open long enough during the day, you may have to "default" back to an 8-hour day for the pay period during which you are in travel or training.

Late Arrivals

You are expected to report to work on time, unless you have pre-approved leave. If you know that you are arriving late, you need to call in and let your supervisor know and discuss this with him/her once you arrive.

Occasional, unavoidable absences of less than one hour, at the start of the workday may be excused without charge to leave by your supervisor if your explanation is satisfactory. For any absence which is charged to leave, a Request for Leave may be submitted using the electronic leave slip on the Employee Self Service (ESS) website or by using the Standard Form (SF) 71. The leave is only considered approved when the SF-71 is approved and signed by the supervisor or the employee receives an email confirmation approving the request when using the ESS.

If your tardiness becomes more than occasional, or is not due to a legitimate reason, your supervisor may direct that your absence be charged to Absence Without Leave (AWOL). A charge for AWOL is not in itself a disciplinary action but may be the basis for one.

As with any unscheduled absence from the worksite, you should always attempt to talk to your supervisor as soon as you arrive at, or return to, work. A supervisor has a right to know when you are away from the worksite, since he/she is legally responsible for certifying that you worked, or were on an approved or authorized absence, for all time for which you are paid.

A supervisor has the authority to excuse up to one hour of tardiness. However, except for certain defined cases when problems with public transportation affect your commute, your supervisor is not required to excuse your tardiness. While occasional brief periods of absence may be excused, approval for such absences can be denied if your supervisor believes you are abusing this privilege.

Rest Breaks

For the majority of Headquarters employees, there is no official authority for breaks or rest periods, including "smoking breaks". Most office situations afford an employee the opportunity to move about and be away from his/her worksite briefly during the course of the workday. You are expected to keep your supervisor informed of absences from the worksite that extend past a reasonable, or short, period of time.

Many people believe that they are "entitled" to one 15-minute break in the morning and in the afternoon. That provision applies only to workers who are engaged in repetitive actions in a factory-type setting. This is not the case at Headquarters.

If employees take too many breaks and/or are frequently "missing in action," their supervisors may place a restriction on their breaks or absences, requiring that the employee notify the supervisor and receive permission to absent him/herself for absences that take longer than those required for personal needs.

Lunch Breaks

A full-time employee's workday includes a half-hour unpaid break for lunch. Management may informally grant additional time for lunch breaks if appropriate, and this has been the general practice at Headquarters due to the length of time it takes to obtain lunch in the area.

Many people ask why the length of the lunch break at Headquarters is not written down as official policy, rather than observed as "past practice." The reason is simple: If the length of the lunch break were officially extended through agency direction or through formal operating procedures by a program office, the length of the workday would also be extended. Accordingly, Headquarters practice is to maintain a flexible but respectful approach toward lunch breaks.

You are allowed to use the lunch period for whatever purposes you like since you are not in a pay status. However, if you decide to do personal business in place of eating lunch, you are not entitled to take additional time, either at or away from your desk, to eat your lunch. Also, at this point in time, your being on a lunch break does not entitle you to use Federal facilities or equipment for personal use. You should talk to your supervisor if you must make any adjustment to your lunch break.

Emergency Closing and Bad Weather Delays

The Office of Personnel Management (OPM) sets the policy concerning Federal government employees' work obligations during emergency conditions such as severe weather, air pollution, power failure, or interruption of public transportation inside the Beltway. When emergency conditions occur before normal work hours, OPM will try to notify the news media of its policy by 6:00 a.m.

Where you are duty stationed is key to determining whether an announcement by OPM or DOE affects you. For example, if the Washington offices are open because weather in the immediate area is not severe but the Germantown facilities are closed because of a storm in that area, you will be required to come to work if you are duty stationed in Washington regardless of where you live (e.g., Washington, Virginia or Maryland).

OPM Announcements Before the Workday Begins

The table below displays OPM's policies and your work obligations as a Federal employee. These announcements apply to both Forrestal and Germantown facilities. Special policies that apply to Germantown facilities follow the OPM policies:

Public Announcement	Leave Policy
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<p>"Federal agencies are Open; employees are expected to report to work on time."</p>	<p>Federal agencies will open on time; you should report for work as scheduled.</p>
<p>"Federal agencies are operating under an Unscheduled Leave policy. Employees may take leave without prior approval. Employees must notify their agencies that they are taking leave."</p>	<p>Federal agencies will open on time, but unless you are an "Emergency Employee", you may take annual leave or leave without pay (LWOP) without prior approval from your supervisor. You must notify your office that you will use leave. Employees designated as "Emergency Employees" are expected to report for work on time.</p>
<p>"Federal agencies are operating under an Adjusted Home Departure policy. Employees are requested to leave home 'X' hours (# of hours to be set by OPM) later than their normal departure time."</p>	<p>Federal agencies will open on time and, unless you are an "Emergency Employee", you are instructed to stay at home for a specific number of hours and then leave for work. Your absence will be excused without charge to your leave from the beginning of your scheduled work day until your arrival at work. Note: If you are an emergency employee, you are expected to report for work at your normal starting time.</p>
<p>"Federal agencies are operating under an Adjusted Home Departure/Unscheduled Leave policy. Employees are requested to leave home "X" hours (# of hours to be set by OPM) later than their normal departure time."</p>	<p>Federal agencies will open on time and, unless you are an "Emergency Employee", you are instructed to stay at home for a specific number of hours and then leave for work. Your absence will be excused without charge to your leave from the beginning of your scheduled work day until your arrival at</p>

<p>Employees unable to come to work may take leave without prior approval."</p>	<p>work. If you decide not to come to work, you may take annual leave or leave without pay (LWOP) without prior approval from your supervisor. You must notify your office that you will use leave. Note: If you are an Emergency Employee, you are expected to report for work at your normal starting time.</p>
<p>"Federal agencies are <u>closed</u>."</p>	<p>You are excused from duty without loss of pay or charge to your leave. Employees designated as "Emergency Employees" should report to work on time.</p>

In addition the Headquarters/NTEU CBA includes the following provisions for bargaining unit employees:

In accordance with Article 27.05, absences of up to one (1) day may be excused even if the office remains open if a prohibition or restriction of traffic by public authority exists or a breakdown in public transportation that could not be foreseen, would prevent you from reporting to the office within four (4) hours of the start of the workday.

Bargaining unit employees: If you believe that you have been affected by the circumstances described in the Article 27.05 immediately above, please notify your supervisor right away; don't wait until the end of the pay period to establish your entitlement to excused leave.

Specific Announcements for Offices in Germantown, MD

When necessary, special instructions are issued to employees in response to severe weather in the immediate Germantown area affecting the ability of employees to reach the Germantown facilities safely, or because other emergency or hazardous conditions exist. The instructions will be issued separately from any announcement by the Office of Personnel Management (OPM) and will inform employees of any exception or addition to the OPM announcement. For example, OPM may announce that Federal offices are open, but DOE

Headquarters may determine that DOE facilities in Germantown, MD area are operating under an adjusted home departure policy. Note that such an announcement only applies to employees who work in Germantown.

Announcements of special conditions affecting working operations at Germantown facilities will be announced two ways: by radio and over a recorded telephone message. Announcements will be made on the following radio stations: [WMAL](#) (630 AM), [WTOP](#) (103.5 FM), [WFMD](#) (930 AM) and [WFRE](#) (99.9 FM. In addition, a special message will be recorded on the Headquarters telephone system. The message can be accessed by calling (301) 903-7669 (SNOW), or by accessing the Voice Mail 800 number of (800) 832-0885, and entering 3-7669 (SNOW). (When calling either number, an employee may initially experience continued ringing or hear a busy signal if there are a large number of incoming calls.) Messages will be put on the radio and telephone system as early in the day as possible, but normally by 6:00 a.m.

Can employees who live in Germantown or Frederick, Maryland, and who work in Forrestal be expected to come to work even if Germantown is closed? Yes, it's possible!

Emergencies at the Workplace During Normal Work Hours

When an emergency situation occurs during normal work hours, e.g., a winter storm, Headquarters will announce an adjusted work dismissal policy. What this means is that you are released from work a certain amount of time prior to your normal departure time without charge to your personal leave. For example, if there is a three (3) hour adjustment and your normal work day ends at 5:00 p.m., you would be released on excused absence beginning at 2:00 p.m.

In such early dismissal cases, the type and amount of leave you are charged depends on when you depart from the office. For example, if you leave before an official announcement of an early dismissal, you may be charged either personal leave or absence without leave for the entire absence. If you leave with your supervisor's permission, after the official announcement, you would be charged personal leave (annual or LWOP) for the time up to the set departure time and excused absence for the remainder of the day.

As you can see, determining your leave status can be complicated depending on when you leave the office. Always try to talk with your supervisor, or another management official in your office, before you

leave. If this is not possible, leave a written note or E-mail for your supervisor. Be aware though, that simply leaving a message with your supervisor does not mean that your absence before the authorized departure time is approved.

General Information on Flexiplace

The information presented in this Guide provides general information concerning the Flexiplace programs at Headquarters. More specific and detailed information can be found in the '[Handbook for Flexiplace](#)' for each Program Office. Contact your supervisor or Administrative Office for further information.

Flexiplace is a work arrangement which permits you to voluntarily perform approved work at a site other than your official duty station. There are three types of flexiplace: Regular Flexiplace, Situational Flexiplace, and Medical Flexiplace.

Applying for Flexiplace.

Flexiplace may not be suitable for all types of work, e.g., work which requires extensive face to face contact with others, access to materials which can not be removed from the official duty station, or work which requires special equipment or facilities not available off-site.

To establish a flexiplace arrangement, a request to work at an alternate site must be submitted to your supervisor indicating the type of work to be done at the flexiplace site, the days to be worked at the alternate site, and any other relevant information. A flexiplace work arrangement is subject to the supervisor's approval. Flexiplace arrangements may be denied, or if approved, later modified or terminated if the arrangement has an adverse impact on work operations. While the flexiplace programs for bargaining and non-bargaining unit employees are very similar, bargaining unit employees are covered by the flexiplace provisions of the current Collective Bargaining Agreement.

Medical Flexiplace

Medical flexiplace may be requested and considered when you, or a family member, is convalescing at home from injury, illness, or other medical condition. You must be able to work and there must be work that can be performed away from the normal duty station. Approval of such a request is based primarily on work issues. Flexiplace for

medical reasons is most often implemented for a limited period of time, days per week, or hours per day, while an employee, or family member, is recuperating from illness, injury, or medical treatment.

You are required to submit a written request to your supervisor with medical documentation from a physician to document the nature, severity and duration (or expected duration) of your (or your family member's) medical condition for which you are basing the request.

Your request must also include a work plan describing how the flexiplace arrangement would work, including hours and days to be worked; what work you could accomplish; how you would return the completed work products to your supervisors; and, what equipment you would need to work.

Regular Flexiplace

Regular, or non-medical, flexiplace may be requested to both benefit the employee and increase productivity. Approval of such a request is based primarily on work issues. If you desire to work at an alternate site you should either submit a written proposal to your supervisor or meet to discuss the possibility of setting up such a working arrangement. Ultimately, a written agreement must be developed to explain both the conditions and work arrangement, including days, times and location where you will work offsite, what equipment is needed and will be provided by the agency versus the employee, what work assignments are covered by the agreement and how they will be made, and how work efforts or products will be reported or measured. In addition, there are various issues such as time and attendance reporting, overtime issues, safety inspections, worker's compensation, and agency costs which must be part of the agreement.

Situational Flexiplace

Situational flexiplace is generally used to address temporary or intermittent assignment such as completion of a project. The duration of the agreement would correspond to the length of the specific work to be accomplished. As with a regular flexiplace arrangement, you should either discuss with your supervisor your proposal or provide him/her a written plan. Ultimately a written agreement will have to be developed and agreed to by both you and your supervisor.

Each Headquarters element has its own Flexiplace guide book. All guide books contain the same information for bargaining unit

employees. However, there may be wide differences between elements as the guide books relate to non-bargaining unit employees.

Leave, Holidays and Other Absences

Time off from work may be authorized for various reasons. Leave is most often charged to annual leave, sick leave, or leave without pay by completing a request for Leave using the electronic leave slip on the Employee Self Service (ESS) website or by using the Standard Form (SF) 71. The leave is only considered approved when the SF-71 is approved and signed by the supervisor or the employee receives an email confirmation approving the request when using the ESS. Other types of leave may be authorized for limited or specific purposes, including court leave, military leave, and leave to be an organ donor. In addition, you may be allowed administrative leave for such purposes as voting or donating blood.

Generally you need to be sure you have officially been granted the leave before taking time off from your job, otherwise, you run the risk of being charged absence without official leave (AWOL).

Annual Leave

You may use annual leave when you want to be absent for any personal matters. The use of annual leave is a right of the employee, but it is subject to approval by your supervisor. Providing a reason for requesting annual leave is optional.

The Department of Energy is one of few agencies that allows employees access to annual leave that they have not yet accrued. Approval to use annual leave may not be denied on the basis that the leave has not yet been accrued.

Earning Rate - Full Time Employee

The amount of annual leave you earn in a year is based on your total years of Federal service, including creditable military service. You begin earning annual leave at the start of the first full pay period of your employment with DOE. At the beginning of your appointment, or the leave year if you are a current employee, you are credited with the amount of annual leave you would accrue during the leave year. This allows you to use leave prior to having earned the leave.

The following chart was prepared by OPM:

If your total Federal service is . . . Then, *each pay period*, you earn . . .

Less than three years Four hours (13 leave days per year)

Three to 15 years Six hours-plus four additional hours in the last pay period of the calendar year (20 leave days per year)

15 or more years Eight hours (26 leave days per year)

Earning Rate - Part-Time Employee

If you are a part-time employee (working less than a full-time, 40 hours a week schedule), your annual leave is based on your length of service in the Federal government and the number of hours you work. For example, an employee with less than three years of service who works 20 hours per week (40 hours per pay period), will earn two hours of annual leave each pay period. Consult your supervisor or Administrative Officer for more information concerning annual leave for part-time employees.

Requesting & Scheduling Annual Leave

You should schedule annual leave as much in advance as possible, so that your supervisor can balance your leave needs with office workload demands. To do so submit a request for Leave using the electronic leave slip on the Employee Self Service (ESS) website or by using the Standard Form (SF) 71. Whenever possible, you are expected to request leave prior to the period of requested absence.

However, if your leave request conflicts with work schedules, or office workload needs, the interests of DOE must come before personal wishes. Therefore, there may be times when your supervisor will not be able to approve your leave and you may have to change your plans. In addition, approved leave may be canceled after approved or after leave has begun if there is a business necessity.

You may be contacted by your supervisor while on leave and requested to come back to work. However, if you believe an action requiring you to return to work is inappropriate for whatever reason, you may file a grievance. While requiring an employee to return from leave does not occur often, if it does and you refuse to return to work, you may be disciplined.

In accordance with Article 27.01:

- While approval of a leave request is subject to supervisory approval, your supervisor must respond to your request within ten (10) days, or meet with you within the ten (10) period to discuss the best way to resolve the leave request decision;**
- Conflicts in annual leave requests, which would otherwise be approved, shall be first attempted to be resolved among the affected employees.**
- Upon request from the employee, the supervisor will give a written notice of specific reason (s) for denying leave, or rescinding an approved leave request. A recision may be appealed in writing to the Step Two official in accordance with Article 11.**

Maximum Carry-Over (Use or Lose Leave)

For all employees (other than those currently serving, or who formerly served, in the Senior Executive Service (SES)), the maximum amount of annual leave you may save and carry forward from year to year is 240 hours. Generally, you lose any accrued annual leave over 240 hours at the start of each new leave year. The limit for SES (or former SES) employees is 720 hours. A notice concerning the need to schedule annual leave in excess of the annual carryover limit to avoid losing the leave is sent to employees each year. The notice also includes instructions and requirements about the restoration of forfeited (lost) annual leave.

Leave Restoration

Annual leave lost because it is above the carry over limit (240 or 720 hours), may be restored under certain circumstances. The leave always had to have been scheduled in advance and then you were prevented from using it for one of the following reasons: an "exigency of the public business," because of your illness or the illness of a

family member, because of an administrative error, or because of the correction of certain improper personnel actions.

Please do not assume that just because you forgot to schedule your leave, and have "lost" it, the leave can be restored easily. Your Assistant Secretary or equivalent has the authority to approve leave restoration; however, he/she has to follow statutory guidelines and procedures. Your leave approving official does not have authority to restore your leave unless your leave approving official is the Assistant Secretary.

Lump-Sum Payment

You will receive a lump-sum payment for any unused annual leave when you separate from federal service (or if you elect when you enter the military). You will not be paid for your unused annual leave if you transfer to another Federal agency. Your leave will be transferred to you at your new agency.

If you have "lost" leave and then separate from Federal service, that leave will not be refunded to you as a lump sum payment. If you are planning to retire with a large "lump sum," please make sure that you know when the end of the leave year occurs. If it occurs prior to your departure, you may lose out on the chance for a lump sum!

Sick Leave

Sick leave is provided for absences relating to your personal injury, illness, or medical treatment, for certain absences involving family members, and for adoption purposes. (For sick leave purposes, "family member" is defined as your spouse and his/her parents; your children (including adopted) and their spouses; your parents; your brothers and sisters and their spouses; and, any individual related by blood or affinity whose close association to you is the equivalent of a family relationship.)

Earning Rate

You begin earning sick leave at the start of the first full pay period of your employment with DOE. If you are a full time employee you earn four (4) hours of sick leave each pay period. (The earning rate is prorated for part time employees.) There is no limit on the amount of sick leave you may carry forward from year to year. Unused sick leave

will be credited in your calculation of retirement benefits only if you are covered by the Civil Service Retirement System (CSRS).

Using Sick Leave to Meet Your Personal Needs

Subject to your submitting administratively acceptable evidence (see below; this may, or may not, include medical documentation) and the approval of your supervisor, you are entitled to use sick leave for those times when you cannot perform your duties because:

you have a medical, dental, or optical appointment or treatment; or,

for personal illness, injury, pregnancy or childbirth; or,

you must be absent for any purpose directly related to the adoption of a child (this includes appointments with adoption agencies, court proceedings, or required travel).

Your presence on the job would jeopardize the health of others because of exposure to a communicable disease. (Certification by health authorities or a health care provider is required.)

Using Sick Leave Because of a Family Member's Needs

Subject to submitting administratively acceptable evidence and the approval of your supervisor, you are also entitled to use sick leave for those times when you cannot perform your duties because:

you must provide care for a family member who receives medical, dental or optical treatment for an illness, injury, pregnancy or childbirth; or,

you must make arrangements for, or attend, the funeral of a family member.

Administratively Acceptable Evidence (Medical Documentation)

Your supervisor may grant sick leave only when supported by evidence he/she determines is administratively acceptable. The supervisor may accept the employee's certification as acceptable. However, for absences of more than three (3) consecutive days, your supervisor can require other administratively acceptable documentation, such as a certificate from a medical practitioner. (In certain situations, you can

be required to provide a medical certificate for any absence related to sick leave. You will be provided a written notice if this applies to you.)

You will not be required to furnish a doctor's certificate on a continuing basis if you suffer from a documented chronic condition which does not necessarily require medical treatment but may require absence from work. This relief from the requirement would only apply if the original documentation was sufficiently detailed to apply to subsequent absences. Basically, the rule of thumb for the production of medical documentation is: The more flexibility that the employee wishes, the more information he/she will need to produce.

Further, you will not be required to furnish medical documentation if you have filed a workers' compensation claim that has been accepted by the Department of Labor.

In accordance with Article 27.03:

- The leave approving official will exercise the utmost respect for the privacy of the employee's personal medical information;**
- If the employee does not wish to share specific medical information with his/her leave approving official, he/she must execute a release of information so that the information can be shared with the Headquarters Medical Officer;**
- If an employee is placed on a letter of leave restriction, requiring medical documentation to support any request for sick leave, the letter will last no longer than six (6) months, unless extended in writing.**

Requesting Sick Leave

Appointments: If you are using sick leave for routine medical, dental, or optical appointments, you should give your supervisor a request for Leave using the electronic leave slip on the Employee Self Service (ESS) website or by using the Standard Form (SF) 71 to request and get approval as much in advance as possible. A supervisor can request that you reschedule such an appointment if it interferes with the work of the office.

Sick leave for a medical or dental appointment is not an employee entitlement; sick leave due to employee (or family) incapacitation because of illness or injury is an entitlement.

Illness: If you are too ill (or injured) to report to work, notify your supervisor, or a designated alternate, and give an estimate of how long you expect to be out and a reason for your absence. If you will be out longer than you anticipated, you need to keep your supervisor informed.

In accordance with Article 27.03, voice mail is an appropriate means of notifying your supervisor when you will be out for medical reasons, unless you have been informed in writing about an alternate means of notification.

In cases where sick leave is requested without prior approval, you must request Leave using the electronic leave slip on the Employee Self Service (ESS) website or by using the Standard Form (SF) 71 immediately upon returning to work. If your sick leave exceeds three work days, you may be required to submit medical documentation from a doctor or practitioner certifying the reason for your absence.

Limits on Use of Sick Leave

For personal needs, the amount of sick leave you may use is limited to the amount of leave earned and remaining in your account and which is supported by administratively acceptable documentation.

For caring for family member, the amount of sick leave you may use is limited by your sick leave balance. If you have fewer than 80 hours in your balance, you may use up to 40 hours per leave year. However, if you maintain a balance of 80 hours, you may use up to 104 hours for such purposes each year.

If a family member is suffering from a "serious health condition," new Federal regulations, effective in June 2000, now allow an employee to use up to 12 weeks sick leave (minus any sick leave used for other family purposes, which is described above and is limited to a maximum of 104 hours) subject to the production of acceptable medical documentation.

Although the employee need not invoke the Family and Medical Leave Act (see below) in order to use the sick leave under the new regulations, it would be preferable for the employee to invoke that act so that there would be no confusion regarding the employee's entitlement to be absent for a prolonged period of time.

Advance of Sick Leave

In certain circumstances, you may be advanced up to 240 hours of sick leave for your serious disability or ailment. Requests for advance sick leave are made to your supervisor and must include supporting medical documentation from a doctor or practitioner. Up to 40 hours of sick leave may be advanced for absences related to family members.

Employees who need advance sick leave should talk to their supervisors about how much they may need -- employees are encouraged not to request the entire 240 hours if at all possible -- since full-time employees accrue only 4 hours sick leave per pay period, 240 hours will take over 2 years to re-pay! Read on, though, for a description of the leave transfer program, which can help employees needing advance sick leave.

Voluntary Leave Transfer Program

Under the Voluntary Leave Transfer Program you can apply, based on a medical emergency, to receive annual leave donated by other employees. A medical emergency is generally defined as a medical condition of the employee or family member that is likely to keep you (the employee) away from work and cause a loss of pay of **at least 24 hours--. (Carolyn E is this accurate?)**

Application for Leave Transfer Program

You are required to submit a written request through your supervisor to be considered for the program. The application must include an explanation of the reason the donation is needed (including a brief description of the nature, severity and anticipated duration of the medical emergency), and supporting medical documentation from a doctor or practitioner. The supervisor (who need not approve the request--he/she must simply be informed of the request) will forward the request to the Headquarters Employee/Labor Relations Services Team for review and coordination with the Health Unit. Based on that review, the Headquarters Employee/Labor Relations Services Team will approve or disapprove the employee's participation.

Using Donated Leave

There is no limit on the amount of donated leave an employee may receive from other employees. (There is a limit on the amount of leave an employee may donate to another employee.) An employee who

receives donated leave may only use this leave for the reason for which they were approved in the Program.

Generally, you are required to use most of your available annual and sick leave before you can use donated leave. While you are using donated leave, the agency is required to maintain separate annual and sick leave accounts (called "set-aside" accounts) for you with 40 hours of your leave in each account. This leave can only be used when the medical emergency terminates or if the medical emergency continues and you run out of donated leave.

Donating Leave to the Leave Transfer Program

You may donate annual leave to the leave account of [any employee\(s\) that has been approved](#) to receive donated leave by filling out ***Leave Transfer Form - (SF-360)***. (The employee may be an employee of the Department, or if they meet the requirements of the regulations, they may be an employee of another Federal agency.)

The amount of leave you may donate is limited to the lesser of one half of the annual leave you will earn during the year or, if you are projected to have "use or lose" leave at the end of the year, the number work hours you are scheduled for duty during the remainder of the year. Leave donation forms may also be obtained from your supervisor or the Headquarters Employee/Labor Relations Services team.

Any leave unused by the employee who receives it will be returned to the donor(s) when the medical emergency ends or when the employee leaves Federal service.

Questions about the leave transfer program can be answered by your supervisor by calling the Headquarters Employee/Labor Relations Services team at (202) 586-2130.

Family Medical Leave Act (FMLA)

Under the Family and Medical Leave Act (FMLA), if you have 12 months of service and are in a permanent position, you are entitled to 12 work weeks of unpaid leave (leave without pay, annual or sick leave) during any 12 month period for one or more of the following reasons:

- Birth of a child and care of a newborn (within one year after birth);

- Adoption of a child or care of a foster care (within one year after placement);
- Care for spouse, son, daughter, or parent* with a serious health condition; or
- Serious health condition that renders you unable to perform duties of your position.

* Note that the Department of Energy has determined that, when an employee of the Department invokes this Act, the definition of a "family member" includes the following: adopted children, parents of your spouse, your children's spouses, your brothers and sisters and their spouses, and any individual related by blood or affinity whose close association to you is the equivalent of a family relationship.

The FMLA does not mean that the employee receives any extra leave; nor did the passage of this Act create any new leave category. When an employee invokes the FMLA, he/she is declaring that he/she must be gone from the workplace. Whether the absence is without pay or on paid leave depends on the nature of the absence; see below. Once invoked and supported by sufficient documentation, FMLA is an entitlement; the employee may not be called back to work, nor may the employee's performance appraisal be adversely affected.

Application for FMLA

In general, you are required to submit a written invocation of FMLA to your supervisor 30 days in advance of your absence. This can be done using the electronic leave slip on the Employee Self Service (ESS) website or by using the Standard Form (SF)71. SF-71 form (block 5), or by submitting a Department of Labor (DOL) form **FMLA**

Certification - (WH-380) . The DOL form may also be obtained from the Headquarters Employee/Labor Relations Services team in room 4F-083.

The application must include an explanation of the reason the absence is needed (including a brief description of the nature and anticipated duration of the medical emergency), and supporting medical documentation from a doctor or practitioner concerning your, or your family member's, serious health condition.

Leave may be taken as a block (e.g., 2 weeks, 8 weeks, etc.) or under certain circumstances intermittently (e.g., 4 hours, a day or two, etc.).

Requesting Use of Paid Leave

Once you have invoked FMLA, you may substitute any accrued annual or sick leave (in accordance with laws and regulations governing use of annual and sick leave) for any part of the 12 weeks of unpaid leave.

Sick leave may now be used for the entire 12 weeks of the FMLA invocation if the employee has sufficient sick leave in his/her account; only 40 hours sick leave may be advanced for a "serious health condition" of a family member. Any accrued or "available" annual leave (i.e., annual leave that would be accrued in the current leave year) may also be used.

Remember, FMLA entitlement begins with the first hour's use and continues for the next 12 months; sick leave entitlement runs from one leave year to the next, roughly equivalent to the calendar. So, in some cases, an employee could invoke FMLA late in the calendar year and have 40 hours sick leave advanced; in the next calendar year, during the 12 weeks' FMLA entitlement, another 40 hours could be advanced. Any member of the Headquarters Employee/Labor Management Relations Services Team would be happy to explain further.

Entitlements Upon Return to Duty

If you take leave under FMLA, and return to work before the authorized absence expires, you are entitled to return to the same, or an equivalent, position without loss of benefits, pay, status, or other conditions of employment.

If you are enrolled in health benefits, you are entitled to maintain them while under FMLA. If you are on unpaid leave (LWOP), you may pay your (employee) share of the premiums each pay period or upon return to work.

For further information, talk to your supervisor or contact the Headquarters Employee/Labor Relations Services team at (202) 586-8731.

Leave Without Pay (LWOP)

Leave without pay (LWOP) is an approved absence in a non-pay status which may be granted at an employee's request. In most cases, the

authorization of LWOP is a matter of administrative discretion of an employee's supervisor. LWOP is an employee right if you are:

- A disabled veteran in need of medical treatment (under Executive Order 5396);
- A military reservist or a member of the National Guard to perform military training duties;
- A DOE employee currently collecting workers' compensation benefits;
- Incapacitated due to illness or injury and have no other available leave; or,
- You qualify for an absence under the Family Medical Leave Act (FMLA).

In accordance with Article 27.04, LWOP is also appropriate in the following circumstances:

- **To allow an employee who is elected as a national officer of the National Treasury Employees Union (NTEU) to serve full-time in the elective position;**
- **To allow a leave of absence for one employee to serve in a full time appointive position for NTEU; or,**
- **To allow an employee with five consecutive years of service with the Department a one year leave of absence to engage in a full-time, job-related study.**

Requesting LWOP

You should request LWOP as much in advance as possible so that your supervisor can balance your leave needs with office workloads. Since LWOP is not an entitlement (except as noted above), if your request conflicts with work schedules, or the work load of the office, the interests of DOE must come ahead of personal wishes.

Effect of LWOP

LWOP can affect employee benefits and entitlements, such as leave earning, and retirement and health and life insurance benefits.

Other Leave Categories and Excused Absences

There are additional conditions when you may be excused from work without charge to your personal leave. The most common situations are listed below.

Court Leave

You will be placed on court leave if you are called to serve on a jury or as a witness in any judicial proceeding to which the United States, the District of Columbia, or a State or local government is a party. An employee who is summoned as a witness in an official capacity on behalf of the Federal government is on official duty and not court leave. You must turn over any pay you receive for participating on a jury if you charge the time to court leave. You may keep pay for parking, transportation fees, and fees for food and lodging.

If you are a witness on behalf of a private party for which the United States, the District of Columbia, or a State or local government is not a party, you must request annual leave or leave without pay.

If you are appearing as a witness to an accident in an insurance suit or in a landlord-tenant dispute, you'll need to take annual leave.

Leave for Organ/Bone Marrow Donation

You are entitled to use 30 days of paid leave each calendar year to serve as an organ donor and seven (7) days for bone marrow donation. This leave is separate from, and in addition to, your annual and sick leave.

Military Leave

You are entitled to 15 days of military leave each year if your appointment with the Department is not limited to one year or less. (An employee can carry over a maximum of 15 days of unused military leave from one year to the next.) The leave may be used for active duty or field or coast defense training as a member of the National Guard or armed forces reserves. You may also be entitled to additional leave when ordered to aid in law enforcement or when ordered to assist in parades or encampments as a member of the National Guard of the District of Columbia.

While on military leave, an employee's civilian pay is reduced by the amount of military pay received. However, an employee who chooses

to take annual leave in place of military leave can keep both their military and civilian pay without any reduction.

Time off to Vote

As a general rule, when elections are held and the polls are not open for three hours either before or after your regular work hours, you may be permitted to report for work up to three hours after the polls open or leave work up to three hours before the polls close (whichever requires taking less time off).

The amount of time granted for this purpose depends upon an estimation of the amount of time required to reach the polls and vote before they close. The time cannot exceed three hours and is charged to administrative leave (excused absence).

Other Excused Absences

You may also be granted leave with pay for other situations, such as blood drives or agency sponsored events. These absences are charged to administrative leave. Your supervisor decides if it is appropriate to grant administrative leave in each situation and how much time to grant.

Absence Without Leave

This is not a paid leave category but is described here to clarify for you the difference between approved leave and leave that is not approved. You may be charged Absence Without Leave (AWOL) for unauthorized absences. You do not receive pay for any time charged to AWOL and AWOL may lead to disciplinary action.

Time charged to AWOL may later be changed to annual, sick, administrative, or leave without pay by your supervisor when supported by acceptable documentation.

Please don't depend on your producing documentation--and having your AWOL changed-- to relieve you of disciplinary action. If you violate leave approving procedures (e.g., don't call your leave approving official or stay away from the work place long after you stated that you would return), you could be charged with a separate offense of "failing to follow leave approving procedures."

Holidays

The Federal government observes 10 holidays. You generally receive the day off from work with pay. The holidays are:

- New Year's Day, January 1
- Martin Luther King, Jr. Day, 3rd Monday in January
- Inauguration Day, January 20th (every 4th year)*
- Presidents Day, 3rd Monday in February
- Memorial Day, Last Monday in May
- Independence Day, July 4th
- Labor Day, 1st Monday in September
- Columbus Day, 2nd Monday in October
- Veterans' Day, November 11th
- Thanksgiving Day, 4th Thursday in November
- Christmas Day, December 25th

* *Inauguration Day holiday applies only to employees working in the District of Columbia, Montgomery, Prince Georges, Arlington, and Fairfax Counties, and the Cities of Alexandria and Falls Church if the day is a work day; employees will not be given a substitute day off if the inauguration falls on a week-end.*

If you work Monday through Friday and a holiday falls on Sunday and is celebrated on Monday, that Monday is your day off. If a holiday falls on Saturday, your day off is the preceding Friday.

If you are working an alternate work schedule (AWS) and a holiday falls on a scheduled non-work day, an alternate workday (usually the preceding work day) will be designated as your holiday.

If you are assigned regular work on a holiday and cannot make the work up through compensatory time, you will receive additional compensation for working the holiday.

Overtime and Compensatory Time

Overtime

Overtime is work performed outside of your regular 40 hour workweek (80 hours biweekly for those on a compressed work schedule) or in excess of your compressed alternative work schedule and is compensated at the applicable overtime pay rate. You are entitled to one and one-half times your hourly rate of pay for overtime work.

Under law, there are limitations on both the rate which a GS employee will be paid for overtime work (one and one-half time the rate of a GS-10, Step 1) and on the amount of overtime pay that a GS employee may receive (generally the biweekly pay rate for a GS-15, Step 10). (See Title 5, U.S. Code, Sections 5542 and 5547.)

Holiday Premium Pay

Full-time, non-SES, employees on a regular 8 hours a day, 40 hours a week schedule, earn holiday premium pay for up to 8 hours of non-overtime regularly scheduled work performed on a holiday (or "in lieu of" holiday).

Full-time employees on a fixed compressed work schedule (one of the Headquarters AWS schedules), earn holiday premium pay for up to the number of hours in their compressed work schedule (10, 9, or 8 hours) of non-overtime regularly scheduled work performed on a holiday (or in lieu of holiday).

In either case, you are compensated at twice your hourly rate of pay for work performed on a holiday.

Sunday Pay

If you are a full-time employee and your regularly scheduled tour of duty includes non-overtime work on Sunday, you will be entitled to Sunday premium pay. The premium pay is an additional 25 percent of your basic pay for each hour of work performed on Sunday (or that would have been performed except that you are on paid leave). Sunday premium is in addition to other premium pay (holiday, overtime or night differential) but is not included in determining your rate of basic pay.

Night Differential

If you are a GS employee, you are entitled to a pay (night) differential for regularly scheduled work hours between the hours of 6:00 p.m. and 6:00 a.m. Night pay is earned for regularly scheduled work at night even if you are also entitled to overtime pay, compensatory time off, or Sunday premium pay for the same hours worked. The night pay differential is 10 percent of your hourly rate of basic pay for the hours worked during this period.

If you are a Wage Grade (WG) employee, you are also entitled to a pay (night) differential but the requirements and differential are different than for GS employees. If the majority of your regularly scheduled non-overtime work hours fall between 3:00 p.m. and midnight, you are entitled to a 7.5 percent differential for all hours worked on the shift. If the majority of your regularly scheduled non-overtime work hours fall between 11:00 p.m. and 8:00 a.m., you are entitled to a 10 percent differential for all hours worked on the shift.

Shift differential is considered a part of basic pay for WG employees, but not for GS employees.

Compensatory Time Off

Unless you are covered by the Fair Labor Standards Act (which includes for the most part employees at or below grade 12) you must be directed to work overtime before you can be compensated for overtime. If you simply stay late or come in early to finish a project without being expressly directed to do so by your supervisor (who usually has to obtain permission to direct overtime), you will not be paid for that extra time. No-one should be "expected" to work overtime; supervisors, if you need to have a project completed, talk to the employees about prioritizing work--don't expect an employee to read your mind or perform work without compensation!

When not prohibited by law (the Fair Labor Standards Act), you can earn compensatory time for working additional hours beyond your normal work schedule in place of receiving overtime pay. This may occur if you are requested to work "irregular or occasional" overtime (that is, overtime that is directed within the current administrative work week as opposed to overtime that is scheduled in advance). Your supervisor must approve working the additional hours and will inform you if you are to receive overtime pay or if you may choose compensatory time instead.

When you want to use the compensatory time earned to take time off from work, you must schedule this with your supervisor and receive his/her approval just as you would leave. Compensatory time must be used before annual leave. The limit for carrying over compensatory time from one pay-period to another is 80 hours, unless an exigency is declared by the head of the Headquarters element. Every effort should be made to use compensatory time within 26 pay periods of the date earned. However, compensatory time earned, requested, and not granted within 26 pay periods of the pay period in which overtime was worked will be paid as overtime.

Note that overtime pay for employees who are exempt from the Fair Labor Standards Act is "capped" Grade 10, step 1. It is important that compensatory time be used to avoid being paid at less than your regular hourly rate!

Compensatory Time for Religious Observance

You may work overtime hours to accumulate compensatory time when your personal religious beliefs require that you abstain from work during certain periods of a workday or workweek. The compensatory time earned can then be used to take off for religious purposes. You may also take off for religious observance purposes first and then work the extra time, repaying the time by working overtime, within a reasonable amount of time, usually within 6 pay periods.

As with all requests concerning your work schedule, your supervisor must ensure that modifications in work schedules do not interfere with accomplishing the organization's work prior to approving your request for time off. Therefore, you should notify your supervisor as early as possible when you want to earn compensatory time for religious purposes or take time off for religious observance purposes.

Your supervisor will not question the particular religious beliefs that require your absence from the work place. However, in order to plan your absence and your make-up time, it's always a good idea to be as forthcoming as possible with him/her.

Time and Attendance Reports

While the supervisor designates work hours and approves absences, the recording of each employee's time and attendance at work is assigned to a Time and Attendance (T&A) Clerk. The T&A Clerk maintains records concerning hours of work and charges to leave.

While the T&A clerk records charges to leave, this is only done based on the authorization by the supervisor. Therefore, any requests for leave should be presented to the supervisor, on an SF-71 or (in the event of an emergency) by telephone.

The T & A clerk is not the leave approving official! Employees who call the clerk and tell him/her about a current or future absence run the risk of being placed on AWOL for failure to have leave approved.

The Headquarters Employee/Labor Management Relations Services Division supports all Headquarters organizations and employees by providing information, advice and assistance on leave and attendance programs, performance management, and discipline. We assist management in fulfilling its collective bargaining obligations; provide assistance in matters related to the on-going employment of individuals with disabilities; provide interpreter services for the deaf and hard of hearing; and provide the full range of Employee Assistance Services for any employee or employee's family member experiencing personal problems that are affecting the employees ability to perform his/her job.

Notice To All Bargaining Unit Employees

Title 5, U.S.C., Chapter 71, gives employees in a bargaining unit represented by an exclusive representative the right, under limited circumstances, to have a representative present at a meeting involving an examination by a representative of management in connection with an investigation.

" (a)(2) An exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented at -"

* * * * *

" (B) Any examination of an employee in the unit by a representative of the agency in connection with an investigation if..."

" (I) The employee reasonably believes that the examination may result in disciplinary action against the employee; and..."

" (ii) The employee requests representation."