

U.S. Department of Energy

Oak Ridge Operations

ORO O 320 Chapter V

DATE: 09-30-96

SUBJECT: LEAVE ADMINISTRATION

1. PURPOSE. This Chapter correlates to DOE 3630.1B, LEAVE ADMINISTRATION, dated December 31, 1986, by assigning responsibility and accountability and providing administrative guidance to Oak Ridge Operations (ORO) and Office of Scientific and Technical Information (OSTI). Nothing in this issuance changes any requirements contained in any DOE Order.
2. CANCELLATION. This Chapter cancels and replaces OR 3630.1A, LEAVE ADMINISTRATION, dated November 2, 1987.
3. APPLICABILITY. The provisions of this Chapter apply to all ORO and OSTI employees.
4. RESPONSIBILITIES.
 - a. Manager, ORO, and Manager, OSTI.
 - (1) Issue administrative orders closing all or part of the organization and relieving nonessential employees from duty.
 - (2) Determine that an exigency of the public business exists for potential leave restoration purposes.
 - (3) Declare that an emergency situation exists permitting up to two hours of excused absence for tardiness and a liberal leave policy.
 - (4) Approve Leave Without Pay (LWOP), excused absences, and absences-in-duty status exceeding the delegated authority of subordinate managers and supervisors.
 - b. Assistant Manager for Administration (AMA), ORO, and Assistant Manager for Resource Management (AMRM), OSTI.
 - (1) Approve the restoration of annual leave:
 - (a) Canceled as the result of a previously-declared exigency of the public business, or
 - (b) Lost as a result of illness or of administrative error.
 - (2) Coordinate administrative dismissals of employees in the Oak Ridge commuting area with local authorities and other nearby Federal offices, as appropriate.

- c. Principal Staff, ORO and OSTI, approve the following types of absences, without power of further redelegation, after obtaining a regulatory review from the Personnel Division:
- (1) The use of sick leave when an employee will engage in outside employment during the period of absence.
 - (2) Excused absences not exceeding three days to take a professional examination which is not required as a condition of continued employment.
 - (3) Excused absences to attend a professional meeting or conference which is not formal training or part of an employee's regular duties, provided that such attendance is primarily for DOE's benefit.
 - (4) Advanced sick leave not exceeding a balance of 30 days at any one time.
 - (5) Court leave to the extent officially requested for the purpose of appearing as a witness in a nonofficial capacity, provided that a government entity is a party to the proceedings.
 - (6) Funeral leave not exceeding three days and excused absences for military funerals not exceeding four hours, when funerals are for military members whose deaths are related to their military service.
 - (7) Excused absences up to three days for emergency rescue or protective work.
 - (8) Excused absences up to three days for interviews or tests outside DOE, provided that the employee has been formally notified of a reduction in force or transfer of function affecting his/her position.
 - (9) Excused absences not exceeding one full workday, when the office is open but a prohibition or restriction of traffic by public authority would result in one-way travel time of more than four hours.
- d. Supervisors and Team Leaders, who have the authority to certify Time and Attendance (T&A) reports, approve the following types of absences for subordinates:
- (1) Annual leave, including what will accrue during the remainder of the current leave year.
 - (2) Sick leave not exceeding the amount that the employee has already earned.
 - (3) Military leave not exceeding 15 days during each fiscal year.
 - (4) Court leave to serve as a juror to the extent of the court summons.

- (5) LWOP not exceeding 30 days and including the following special situations:
 - (a) Employees who are awaiting approval of their disability retirement applications.
 - (b) Employees entitled to LWOP under the Federal Employees Compensation Act.
 - (c) Disabled veterans who are entitled to LWOP for medical treatment under Executive Order 5396.
- (6) LWOP for Cooperative Education students while they are attending school between periods of DOE employment.
- (7) Up to 12 weeks of unpaid leave during any 12-month period under the Family and Medical Leave Act (FLMA) for certain family and medical needs.
- (8) Excused absences for the following purposes:
 - (a) Up to three hours for registration and voting.
 - (b) Up to four hours for blood donation.
 - (c) Up to eight hours to allow for recuperation from overnight travel.
 - (d) Up to two hours for tardiness when an emergency situation has been declared (see subparagraph 4a(5) of this Chapter).
 - (e) Less than one hour for tardiness or brief absences during the workday.
 - (f) Up to eight hours for medical examinations.
 - (g) Up to one hour for a convalescent rest period at an Employee Health Station.
 - (h) Up to 24 hours to await or arrange for the transportation of household goods incident to a change in official duty station.
 - (i) Up to 40 hours of sick leave for an employee to care for a relative or up to an additional 64 hours when the employee maintains a sick leave balance of at least 80 hours.
 - (j) Up to 7 workdays in a calendar year to serve as a bone marrow or organ donor.
- (9) Absence-in-duty status for all absences which are part of an employee's official job performance, including:
 - (a) Interviews or tests for placement within DOE.

- (b) Medical attention at an Employee Health Station.
 - (c) Househunting trips authorized by change-of-station orders.
 - (d) Professional examinations required as a condition of continued employment.
 - (e) Attendance at meetings or conferences which are authorized as training.
 - (f) Appearance as a witness in an official capacity.
- e. Director, Personnel Division, reviews requests for determination of exigency and approves/disapproves requests for restoration of forfeited annual leave.
5. REQUIREMENTS AND PROCEDURES. See Attachment 1 of this Chapter.
6. REFERENCES.
- a. DOE PAY/PERS Time and Attendance Manual.
 - b. The agreement with Local No. 268, Office of Professional Employees International Union, dated May 1983, which prescribes policies and procedures for approving official time and leave without pay (LWOP) for union officials.
 - c. DOE O 3550.1A, PAY ADMINISTRATION AND HOURS OF DUTY, dated December 22, 1987.
 - d. ORO O 530, Rev. 1, Chapter IV, TIME AND ATTENDANCE REPORTING, dated July 15, 1996.
7. DEFINITIONS. None.
8. CONTRACTOR REQUIREMENTS DOCUMENT. None.
9. ATTACHMENTS.
- Attachment 1 - Requirements and Procedures for Leave Administration.

REQUIREMENTS AND PROCEDURES FOR LEAVE ADMINISTRATION

1. Leave.

- a. Minimum Leave Charge. All authorized leave, including LWOP, shall be taken and charged in 15-minute increments. Absence-without-leave (AWOL) shall only be charged for the actual period of unauthorized absence.
- b. Scheduling of Annual Leave. Supervisors shall prepare a tentative leave schedule for their organizations no later than May 1 of each year, and employees assigned after that date shall be integrated into this schedule within one full pay period after their assignment. Subsequent adjustments may be made based on mission requirements and employee requests. Priority will be given to the scheduling of annual leave which will be forfeited if not used within the current leave year (“use or lose” leave).
- c. Restoration of Forfeited Annual Leave - Exigency of the Public Business.
 - (1) The employee shall properly schedule all annual leave in excess of the 240 hour maximum carry over at least three pay periods prior to the end of the leave year. His/her supervisor shall tentatively approve annual leave subject to the work requirements of the organization.
 - (2) If unforeseen work requirements dictate that properly scheduled annual leave will have to be cancelled, the supervisor shall recommend that a determination be made that an exigency of the public business exists and document the nature of the work requirements and the specific dates and times that cancellation was necessitated by circumstances. The form “Request for Determination of Exigency of Public Business and Leave Restoration” shall be used for this purpose. An approved and dated leave request (SF-71), signed by both the employee and his/her supervisor, shall be attached.
 - (3) The form shall be submitted to the Personnel and Management Analysis Branch (PMAB) for concurrence after the beginning of the new leave year. If the PMAB determines that justification exists for restoration of leave, he/she shall sign the request and refer to the Personnel Division; the AMA; or the AMRM, OSTI; and to the Manager, ORO, or the Manager, OSTI, for declaration of the exigency and approval of the restoration of the forfeited annual leave.
- d. Granting Sick Leave. A medical certificate is always required for sick leave in excess of three consecutive workdays, and supervisors may require such a certificate for shorter periods if prior notice is given. If the evidence of illness is judged to be partially or wholly inadequate, the undocumented absence may be charged as AWOL. Medical certificates may be completed on SF-71, “Application for Leave,” and/or on a separate document signed by the person providing the required examination or treatment.

When an employee has insufficient sick leave credit to cover an entire period of absence, the uncovered absence shall be charged to annual leave and/or LWOP.

e. Sick Leave to Care for Relatives.

- (1) An employee may use 40 hours of sick leave each year to provide care for a family member or to make arrangements for or attend the funeral of a family member. An employee may use up to 64 additional hours of sick leave if he/she maintains a balance of at least 80 hours in his/her sick leave account.
- (2) "Family members" are defined as children, including adopted children, and their spouses; spouse and spouse's parents; brothers and sisters and their spouses; parents; or any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- (3) Sick leave in excess of that provided in paragraph 1e(1) of this Attachment requires a specific determination that a disease is "contagious" based on state or local health regulations.
 - (a) If duty stationed in Oak Ridge, employees and supervisors should consult the Occupational Health Nurse regarding:
 - 1 The specific diseases currently classified as "contagious;" and
 - 2 The period of isolation, quarantine, or restriction required by a particular disease.
 - (b) For employees at other duty stations, the above determinations must be based on health regulations at that location. A medical certificate which specifically identifies a disease as "contagious under local health regulations," and specifies the normal time of isolation, etc., will be acceptable.
- (4) To apply for sick leave to care for a member of the immediate family, an employee shall submit an SF-71 which includes and/or transmits the identity of the person under care; his/her age if a child; and nature of the relationship as described in subparagraph 1e(2) above.
- (5) If the above conditions are met, sick leave may be approved for the lesser of:
 - (a) the time requested by the employee;

- (b) the period of care recommended by the attending physician; or
- (c) the required period of isolation, quarantine, or restriction, if any.

f. Outside Employment During Sick Leave.

Employees shall obtain prior approval from the responsible member of the Principal Staff before engaging in any outside employment during a period of sick leave. Requests must be in writing, and they must clearly identify the nature of the duties involved in the prospective outside employment. Approval must be based on specific health-related reasons why the employee cannot perform his/her regular duties despite the ability to perform outside work.

g. Leave under the Family and Medical Leave Act (FMLA).

(1) Twelve administrative work weeks of unpaid leave during any 12-month period is allowed. This is a total maximum, regardless of the number of conditions which entitle an employee to take LWOP under FMLA. The 12 weeks may be taken on an intermittent basis or on a reduced leave schedule with supervisory approval.

(2) Conditions for administration of FMLA:

- (a) Employee may elect to substitute other forms of leave but cannot be required to make this substitution.
- (b) Health benefits coverage can be continued. Employee must pay his/her share, either on a regular pay period basis or as a lump sum at the conclusion of LWOP under FMLA.
- (c) Employee is to be returned to same or equivalent position at conclusion of LWOP.
- (d) Employee must explicitly invoke entitlement to leave under FMLA and identify whether family leave or medical leave is being requested.

(3) Acceptable reasons for entitlement to family/medical leave:

- (a) Birth of child and his/her care, up to one year after birth.
- (b) Placement of child with employee for adoption or foster care, up to one year after placement.

- (c) Care of spouse, child, or parent if that person has a serious health condition, involving either (a) inpatient care or (b) continuing treatment by a health care provider. If (b), person must have either (a) been treated two or more times by a health care provider or (b) on at least one occasion which results in a regimen of continuing treatment under supervision of a health care provider. Condition must be supported through medical certification, including date condition commenced, probable duration, and a statement from the appropriate health care provider. Care is to be broadly construed to accommodate leave to provide psychological comfort as well as physical care.
 - (d) Serious health condition of the employee that makes him/her unable to perform essential functions of the position to which assigned. Condition must be supported through medical certification, including date condition commenced, probable duration, and a statement from the appropriate health care provider.
- (4) Employee must consult with the supervisor and make a reasonable effort to schedule leave so as not to disrupt operations. Thirty day advance notice is required when the need for leave is foreseeable.
- (5) Supervisor may controvert a serious health condition by requiring certification from a second health care provider, at agency expense. If this opinion differs from that provided by the employee, a third and deciding opinion (from a source mutually agreeable to employer and employee) can be obtained.
- h. Application for Leave. An SF-71 is always required to request annual leave, LWOP, or excused absence in excess of eight consecutive hours. In addition, an SF-71 is required for briefer periods of absence as follows:
- (1) When a supervisor requires a medical certificate for sick leave of less than eight hours.
 - (2) When an employee requests sick leave to care for a relative.
 - (3) When an employee requests leave or excused absence which exceeds the delegated authority of T&A Certifying Officials.
 - (4) When a supervisor otherwise determines that a period of excused absence should be documented on an SF-71 for T&A reporting purposes.
2. Administrative Dismissals During Emergency Situations.
- a. This paragraph applies only to those relatively rare situations in which an emergency situation (e.g., hazardous weather) results in the official:
 - (1) Dismissal of all nonessential ORO and/or OSTI employees within a commuting area for an entire workday.
 - (2) Closing of offices in an area and dismissal of nonessential DOE personnel prior to the end of normal office hours.

- b. Unless expressly excused for a specific emergency situation, essential personnel who provide critical services will adhere to their established work schedules during administrative dismissals. For this purpose, “essential” personnel shall include:
 - (1) All members of the Emergency Operations Center, and
 - (2) Other employees designated as “essential” during a specific emergency situation.
 - c. When ORO and OSTI offices are closed for an entire workday, it becomes a nonworkday for leave purposes and nonessential employees will be excused without charge to leave or loss of pay. Absences may not be excused for employees who are on a nonpay status immediately before and after the day on which the offices are closed.
 - d. When ORO and OSTI offices are closed during a normal workday and nonessential employees are dismissed, the charging of leave and/or the approval of excused absences depends on each employee’s duty or leave status at two separate times: when the dismissal is ordered and when it actually occurs. If the employee:
 - (1) Is on active duty at the time of dismissal, excused absence should be granted for the remainder of the work shift following departure.
 - (2) Is on active duty at the time dismissal is ordered, but departs prior to the official time set for dismissal:
 - (a) Leave or LWOP should be granted up to the official time set for dismissal, and
 - (b) Excused absence should be granted for the remainder of the work shift.
 - (3) Is scheduled to report for duty on that workday following a period of leave, but dismissal occurs prior to the scheduled reporting time, leave and excused absence should be granted.
 - (4) Is absent on approved leave prior to the time dismissal is ordered, the appropriate leave category should be charged for the entire shift (i.e., no period of excused absence).
3. Administrative Leave.
- a. General. In exercising their delegated authorities to approve excused absences and absences-in-duty status, members of the Principal Staff and other T&A Certifying Officials shall ensure that all conditions specified in DOE 3630.1B and this Chapter have been met. Individual absences should never exceed the lesser of:
 - (1) The time actually required to perform the activity for which an excused absence or absence-in-duty status is authorized, or

- (2) The maximum time specified in the approving official's delegation of authority, unless an extension is approved by higher management.
- b. Professional Examinations. Absences-in-duty status are authorized for professional examinations which are a condition of continued employment (e.g., a bar examination for a Law Clerk). With the concurrence of the Personnel Division, members of the Principal Staff may also approve an excused absence not exceeding three workdays, including travel time, for the purpose of taking an examination which, although it is not required as a condition of continued employment:
- (1) Is directly related to the employee's current position and
 - (2) Will result in official certification within a profession by recognized professional association.

NOTE: For purposes of this Chapter, the term "profession" refers to work which (a) requires specialized knowledge and skills, and (b) is associated with a specific occupational series under Office of Personnel Management qualification standards.

- c. Recuperation Following Travel. Employees may be permitted to delay their arrival at work if the time between their arrival at home and their normal reporting time for duty is less than eight hours. When this occurs, an employee will be permitted excused absence for that amount of tardiness which will provide the opportunity for a total of eight hours of rest prior to reporting for work.
- d. Emergency Situations. When the offices in a commuting area are open but an emergency situation is officially declared, tardiness which is caused by that situation (e.g., adverse road conditions) need not be approved in advance, and it will be accounted for as follows:
- (1) Up to two hours may be excused.
 - (2) Tardiness in excess of two hours must be charged to annual leave, unless the employee requests that it be charged to LWOP, credit hours, or accrued compensatory leave.

Supervisors shall ensure that this special tardiness provision is applied only when the emergency situation is the cause of an employee's late arrival. Tardiness for any other good reason may only be excused to a maximum of less than one hour, and tardiness which is unjustified should be charged as AWOL.

- e. Househunting Trips. The Federal Travel Regulations require that an employee be granted absence-in-duty status during a "househunting trip" prior to a change of official station. Such absences may be granted only if the following conditions are met:

- (1) The trip was authorized in advance on official change-of-station orders. The employee must submit a copy of such orders no later than the first workday following his/her return.
- (2) The period of absence-in-duty status does not exceed the lesser of:
 - (a) The time authorized in the orders, or
 - (b) Ten consecutive calendar days.