

DEFENDING

Irregular

In

Attendance

Instructor
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5 Employee Benefits

510 Leave

Revision Note:

Subchapter 510 is currently under revision. When it is completed and appropriate advance notice obligations are fulfilled with the management associations and/or the unions, changes will be published in the *Postal Bulletin*, incorporated in the ELM on the Postal Service Corporate Intranet, and included in the next hard copy issue of the ELM.

511 General

511.1 Administration Policy

The U.S. Postal Service policy is to administer the leave program on an equitable basis for all employees, considering (a) the needs of the Postal Service and (b) the welfare of the individual employee.

511.2 Responsibilities

511.21 Postal Officials

Postal officials:

- a. Administer the leave program.
- b. Inform employees of their leave balance.
- c. Approve or disapprove requests for leave.
- d. Record leave in accordance with Handbook F-21, *Time and Attendance*, or Handbook F-22, *PSDS Time and Attendance*.
- e. Control unscheduled absences (see 511.4).

511.22 Minneapolis Information Service Center

The Minneapolis Information Service Center (ISC):

- a. Maintains official leave records.
- b. Provides leave data to installation *when employees are being separated*.

511.23

511.23 Postal Employees

Postal employees:

- a. Request leave by completing Form 3971, *Request for or Notification of Absence*.
- b. Obtain approval of Form 3971 before taking leave — except in cases of emergencies.
- c. Avoid unnecessary forfeiture of annual leave.

511.3 Eligibility**511.31 Covered**

Covered by the leave program are:

- a. Full-time career employees.
- b. Part-time regular career employees.
- c. Part-time flexible career employees.
- d. To the extent provided in the NRLCA Agreement, temporary employees assigned to rural carrier duties.

Note: Transitional employees are not covered by the leave program, but do earn leave as specified in their union's national agreement.

511.32 Not Covered

Not covered by the leave program are:

- a. Postmaster relief/leave replacements, noncareer officers-in-charge, and other temporary employees except as described in 511.31d above.
- b. Casual employees.
- c. Individuals who work on a fee or contract basis, such as job cleaners.

511.4 Unscheduled Absence**511.41 Definition**

Unscheduled absences are any absences from work that are not requested and approved in advance.

511.42 Management Responsibilities

To control unscheduled absences, postal officials:

- a. Inform employees of leave regulations.
- b. Discuss attendance records with individual employees when warranted.
- c. Maintain and review Forms 3972, *Absence Analysis*, and Forms 3971.

511.43 Employee Responsibilities

Employees are expected to maintain their assigned schedule and must make every effort to avoid unscheduled absences. In addition, employees must provide acceptable evidence for absences when required.

512 **Annual Leave**

512.1 **General**

512.11 **Purpose**

Annual leave is provided to employees for rest, recreation, and for personal and emergency purposes.

512.12 **Definitions**

The following definitions apply for the purposes of subchapter 510:

- a. *Leave year* — the year beginning with the first day of the first complete pay period in a calendar year and ending on the day before the first day of the first complete pay period in the following calendar year.
- b. *Accumulated leave* — the total unused leave that remains to the credit of the employee at the beginning of any leave year.
- c. *Current leave* — leave that an employee earns by biweekly pay periods during the current year.
- d. *Accrued leave* — leave that is earned but is unused by an employee during any period during the current leave year.

512.2 **Determining Annual Leave Category**

512.21 **Federal Civilian Service**

512.211 **General Policy**

Both active military and civilian service are used in computing the years of service that determine an employee's annual leave category.

Notes:

- a. Leave credit is not allowed for both civilian and military service that cover the same period of time.
- b. Leave credit is allowed for an employee's entire period of absence for active military service — even though the employee is carried on postal rolls in a furlough or leave without pay (LWOP) status.

512.212 **Service Counted**

The following federal civilian service is used in determining the annual leave category.

- a. Service performed while a career employee of the U.S. Postal Service or Post Office Department. Also, if performed before January 1, 1977, time on the rolls as a casual or temporary employee, or between July 21, 1947, and January 1, 1977, time actually worked as a postmaster relief/leave replacement.
- b. Time on Postal Service rolls during which an employee served as a substitute rural carrier (not just the dates on which actual service was performed) if the time is creditable for the federal retirement program applicable to the employee.

512.22

- c. Service with the federal government, Gallaudet University, or the District of Columbia, regardless of breaks in service as follows:
- (1) Career, career conditional, and excepted appointment service and temporary appointment service performed prior to January 1, 1977, subject to the following:
 - (a) Seasonal, on-call, or intermittent employment, even though it may be an "indefinite career appointment," is credited "when actually employed" (WAE). For such appointments, no credit for leave is given for LWOP periods.
 - (b) VISTA service after October 1, 1973, Peace Corps, and similar volunteer service is not creditable.
 - (c) Tennessee Valley Authority service is not creditable.
 - (d) Time limited or temporary service performed on or after January 1, 1977, is not creditable.
 - (e) Army and Air Force Exchange Services (AAFES), Navy and Coast Guard Exchanges, Army and Air Force Motion Picture Service, and other organizations under the jurisdiction of the armed forces conducted for the comfort, pleasure, contentment, and mental and physical improvement of armed forces personnel is not creditable.
 - (2) District of Columbia Government service is creditable only if (a) the person was employed by them prior to October 1, 1987, or, if service in an appointment by the D.C. Government to St. Elizabeth's Hospital, on October 1, 1977, and (b) the service is creditable for Civil Service Retirement System (CSRS) purposes.

512.22 Military Service**512.221 General Policy**

See 512.211.

512.222 Service Counted

The following military service is used in determining an employee's annual leave category:

- a. Periods of active service terminated by honorable discharge or transfer to inactive reserves under honorable conditions. Active service may be in the Army, Air Force, Navy, Marine Corps, and/or Coast Guard and their respective academies.
- b. Service performed by employees who are members of the National Guard Service or Air National Guard Service only during periods of active duty with the U.S. Army or U.S. Air Force.
- c. Service performed by Naval Reserve Officers Training Corps students during periods of active duty or training duty as members of the Naval or Marine Corps Reserve.

Veterans Affairs (VA) disability payments for service-connected injuries or illnesses are not retirement annuities. If a VA disability payment is received and the employee is not eligible for a military retirement annuity, 512.222

Exhibit 512.223c (p. 2)

Instructions for Completing Standard Form 813

Instructions for Completing SF 813**NOTE: DO NOT USE THIS FORM FOR PERSONS WHO
ARE NOT MILITARY RETIREES**

Use SF 813 only to request verification of a retiree's military service performed in a nonwartime campaign or expedition for which badge/medal was authorized, in order to credit such service for leave accrual rate and reduction-in-force purposes. Complete the address block and items 1 through 9 and submit the form in duplicate to the appropriate address listed below.

- A. To verify campaign/expeditionary service for military retirees of the U.S. Air Force, U.S. Navy, U.S. Marine Corps, and U.S. Coast Guard, address the request to:

National Personnel Records Center
(Military Personnel Records)
9700 Page Boulevard
St. Louis, MO 63132-1547

- B. To verify campaign/expeditionary service for military retirees of the U.S. Army, address the request to:

U.S. Army Reserve Components
Personnel and Administration Center
ATTN: DARP-VSE-VC
9700 Page Boulevard
St. Louis, MO 63132-5000

The records center will verify only claimed and unverified nonwartime campaign or expeditionary service. It is the retired member's responsibility to provide the names of any nonwartime campaign or expedition in which served. The records center will not verify service unless specific campaigns/expeditions and inclusive dates are listed. Service components (e.g., "USAF") or medal (e.g., "Vietnam Service Medal") are not sufficient.

If a follow-up check is necessary, reproduce a copy of the original request and clearly mark the top of the SF 813, "Follow-up Request".

512.3

512.3 Accrual and Crediting**512.31 Employee Categories****512.311 Full-Time Employees**

The following provisions concern full-time employees:

- a. *Accrual Chart.* Full-time career employees earn annual leave based on their number of creditable years of service:

Leave Category	Creditable Service	Maximum Leave Per Year
4	Less than 3 years	4 hours for each full biweekly pay period; i.e. 104 hours (13 days) per 26-period leave year.
6	3 years but less than 15 years	6 hours for each full biweekly pay period plus 4 hours in last pay period in leave year; i.e. 160 hours (20 days) per 26-period leave year.
8	15 years or more.	8 hours for each full biweekly pay period; i.e., 208 hours (26 days) per 26-period leave year.

- b. *Credit at Beginning of Leave Year.* Full-time career employees are credited at the beginning of the leave year with the total number of annual leave hours that they will earn for that leave year.
- c. *Changes in Employee's Accrual Rate.* Leave credit at the beginning of the leave year reflects any change in an employee's accrual rate for that year.
- d. *Change from Part-Time to Full-Time.* An employee who changes from a part-time to a full-time employee after the start of a leave year is credited with the annual leave to be earned for the remainder of the leave year.
- e. *Nonpay Status.* Leave credit for periods in which an employee is in a nonpay status is reduced during the leave year as follows:
- (1) When an employee's absence in a nonpay status totals the equivalent of one pay period of regular service during the leave year (10 days or 80 hours), credit for leave is reduced by the amount of leave earned by the employee in a pay period.

Notes:

- (a) For rural carriers who are required to work 6 days a week, the equivalent of one pay period is 12 days or 96 hours.
 - (b) For J route carriers, the equivalent of one pay period is 11 days or 88 hours.
- (2) When an employee has one or more breaks in service during the leave year, all hours in a nonpay status (during periods in which the employee earned annual leave) are totaled to reduce leave credits.

512.312 **Part-Time Employees**

The following provisions concern part-time employees:

- a. *Accrual and Crediting Chart.* Part-time career employees earn annual leave based on the number of hours in which they are in pay status (see Exhibit 512.312).
- b. *Biweekly Crediting.* Leave accrues and is credited in whole hours at the end of each biweekly pay period. All hours in pay status that cannot be credited for leave purposes (512.312a) are dropped when:
 - (1) The leave year ends.
 - (2) The employee's status is changed from part-time to full-time.
 - (3) The employee is removed from the rolls for any cause.
- c. *Exceptions.* The following are exceptions to the crediting rule in 512.312b.
 - (1) Part-time regular schedule employees including A-E postmasters are credited with annual leave on a pro rata basis, according to their authorized daily schedules. Employees with 1 year or more of career service may be credited at the beginning of the leave year with the annual leave that they will earn during the leave year. A-E postmasters are credited at the beginning of the leave year with the annual leave that they earn during the leave year. Part-time regular employees are entitled to additional leave hours, based on their leave category, for each 20, 13, or 10 hours of work in excess of the schedule (see Exhibit 512.312).
 - (2) Auxiliary rural carriers (Designation 77), including substitute rural carriers in dual appointments, are credited with annual leave for actual service performed. If auxiliary rural carriers are otherwise employed (e.g., clerks in the post office), such additional service is also used in the computation of leave credit; otherwise, they are credited as instructed in 512.312a.

512.312

Exhibit 512.312

Accrual and Crediting Chart for Part-Time Career Employees

Leave Category	Years of Creditable Service	Maximum Leave per Year	Rate of Accrual	Hours in Pay Status	Hours of Leave Earned per Period
4	Less than 3 years.	104 hours, or 13 days per 26-period leave year or 4 hours for each biweekly pay period.	1 hour for each unit of 20 hours pay in status.	20	1
				40	2
				60	3
				80	4 (max.)
6	3 years but less than 15 years.	160 hours, or 20 days per 26-period leave year or 6 hours for each full biweekly pay period, plus 4 hours in last pay period in leave year. ¹	1 hour for each unit of 13 hours in pay status.	13	1
				26	2
				39	3
				52	4
				65	5
78	6 (max.)				
8	15 years or more.	208 hours, or 26 days per 26-period leave year or 8 hours for each full biweekly pay period.	1 hour for each unit of 10 hours in pay status.	10	1
				20	2
				30	3
				40	4
				50	5
				60	6
				70	7
80	8 (max.)				

¹ Except that the accrual for the last pay period of the leave year may be 10 hours, provided the employee has the 130 creditable hours or more in a pay status in the leave year for leave purposes.

Recording Hours for Annual and Sick Leave

- Units of hours in a pay status are converted into annual leave credits at the rate of 1 hour for each unit of 20, 13, or 10 hours in a pay status — up to a maximum of 4, 6, or 8 hours per biweekly pay period, depending on the employee's leave category.
- Hours in a pay status in excess of these whole units are accumulated and carried forward as excess workhours. These excess (uncredited) workhours are added to hours in a pay status in the next period.
- Whole units of creditable hours (20, 13, or 10) are then converted into leave hours at the unit rate — provided no more leave is credited to a part-time employee than could be earned in the same leave year by a full-time employee.
- The maximum credit allowable for a particular leave category is calculated by multiplying the period number by the number of leave hours allowable per period.

512.313 **Appointees**

The following provisions concern appointees:

- a. *Rate of Leave Accrual.* The rate of leave accrual for a new career employee (whether appointed, reinstated, or transferred) *will be promptly determined.* It is based on creditable service, both civilian and military (see 512.2).
- b. *Ninety-Day Qualifying Period*
 - (1) *Requirement.* New employees are not credited with and may not take annual leave until they complete 90 days of continuous employment under one or more appointments without a break in service.
Exception: This requirement does not apply to career (or career conditional) employees who have had a minimum of 90 days of continuous federal service prior to transferring, without a break in service, to a Postal Service career position (see 512.812, 512.911, and 512.912a).
 - (2) *Break in Service.* A break in service of 1 or more workdays breaks the continuity of employment. Any further employment requires beginning a new 90-day period. (For substitute rural carriers, see 512.552.)
 - (3) *Active Military Service.* Active military service for an employee *not entitled to mandatory restoration* is a break in civilian service. The employee begins a new 90-day qualifying period for leave purposes.
 - (4) *Full-Time Employees and A-E Postmasters.* After new employees complete the 90-day qualifying period, they *are* credited with annual leave to be earned during the remainder of the leave year plus the leave earned during the qualifying period.
 - (5) *Part-Time Employees Except A-E Postmasters.* After part-time employees complete the 90-day qualifying period, annual leave that they have accrued is credited to their accounts.
- c. *Partial Pay Period*
 - (1) Any employee whose appointment is made effective after the first Monday of a pay period does not receive leave credit for service performed during that pay period. Part-time employees appointed in this manner do not have their service hours brought forward for leave purposes for that pay period.
 - (2) An employee transferring from an agency having different pay periods may be given credit for the partial period.

512.32

512.32 Maximum Carryover**512.321 Maximum Carryover Amounts**

The maximum carryover amount, i.e., the maximum amount of previously accumulated annual leave with which an employee may be credited at the beginning of a year, is as follows:

- a. *Bargaining Unit Employees.* The maximum leave carryover for bargaining unit employees is 55 days (440 hours).
- b. *Postal Career Executive Service (PCES) Employees.* The maximum carryover amount for these employees is the greater of 560 hours or 16 days (128 hours) over their prior year end balance.
- c. *EAS Employees.* The maximum carryover amount for EAS employees is 70 days (560 hours).
- d. *Employees Affected by Public Law 102.* For employees who, on January 1, 1953 (prior to the passage of Public Law 102), (1) had more accumulated leave to their credit than the amounts provided above, and (2) who have maintained balances in excess of those amounts, the maximum carryover amount is the balances they have maintained.

512.322 Nonbargaining to Bargaining

When a nonbargaining unit employee is permanently assigned to a bargaining unit position, the employee's annual leave carryover ceiling is reduced to the carryover ceiling for that bargaining unit. The employee is permitted to use the excess annual leave over the bargaining unit ceiling during the leave year in which the permanent assignment is effective.

512.4 Authorizing Annual Leave**512.41 Application****512.411 General**

Except for emergencies, annual leave for all employees except postmasters must be requested on Form 3971 and approved in advance by the appropriate supervisor. Leave requests from rural carriers must be approved in accordance with Article 10 of the USPS-NRLCA National Agreement.

512.412 Emergencies

An exception to the advance approval requirement is made for emergencies; however, in these situations, the employee must notify appropriate postal authorities as soon as possible as to the emergency and the expected duration of the absence. As soon as possible after return to duty, employees must submit Form 3971 and explain the reason for the emergency to their supervisor. Supervisors approve or disapprove the leave request. When the request is disapproved, the absence may be recorded as LWOP or absent without leave (AWOL) at the discretion of the supervisor as outlined in 512.422.

512.42 **Form 3971, Request for, or Notification of, Absence**

512.421 **Purpose**

Application for annual leave is made in writing, in duplicate, on Form 3971, *Request for, or Notification of, Absence*.

512.422 **Approval or Disapproval**

The supervisor is responsible for approving or disapproving application for annual leave by signing Form 3971, a copy of which is given to the employee. If a supervisor does not approve an application for leave, the disapproved block on Form 3971 is checked and the reasons given in writing in the space provided. When a request is disapproved, the granting of any alternate type of leave, if any, must be noted along with the reasons for disapproval. AWOL determinations must be similarly noted.

512.423 **Retention and Disposal Period**

Forms 3971 are retained by the installation head for 2 years from the date the leave is taken or disapproved and are then destroyed. (Documents that become a part of a disciplinary file or administrative proceeding will be disposed of with that file.)

512.43 **Insufficient Leave Balance**

If the leave is approved and the employee has an insufficient leave balance, it is changed to LWOP when the employee's pay is processed.

512.5 **Leave Charge Information**

512.51 **Full-Time Employees**

512.511 **Minimum Unit Charge**

Minimum unit charges for full-time employees are as follows:

Employee Category	Minimum Unit Charge
a. All full-time nonexempt employees.	Hundredth of an hour (0.01 hour).
b. Full-time exempt.	(See 519.71.)
c. Rural carriers.	1 day (8 hours).
d. Substitute rural carriers.	1 day (8 hours). (1) serving a vacant route or (2) serving in absence of rural carriers on extended leave.
e. Triweekly rural carriers.	(See 512.54.)

512.512 **Holidays**

Leave cannot be charged for national legal holidays, days designated as holidays, or absences authorized by administrative order.

512.513 **Leave for Postmasters and Installation Heads**

These employees must (a) promptly report emergency or planned absences exceeding 5 working days to their postal managers and (b) maintain accurate records of their leave.

512.514

512.514 Rural Carriers (Regular and Substitute)

See 512.53 and 512.55.

512.52 Part-Time Employees**512.521 Minimum Unit Charge**

Minimum unit charges for part-time employees are as follows:

Employee Category	Minimum Unit Charge
All part-time nonexempt employees.	One hundredth of an hour (0.01 hour).
Part-time exempt employees.	(See 519.7.)

512.522 Part-Time Regular

A part-time employee who is granted annual leave and performs service on the same day is not allowed to work more hours than would total 8 hours when combined with leave hours.

512.523 Part-Time Flexible

The following provisions concern part-time flexible employees:

- a. A part-time flexible employee who has been credited with 40 hours or more of paid service (work, leave, or a combination of work and leave) in a service week is not granted paid annual or sick leave during the remainder of that service week. Absences in such cases are treated as nonduty time, not chargeable to paid leave of any kind. Supervisors should avoid granting leave resulting in the requirement for overtime pay.
- b. Part-time flexible employees who request leave on days that they are scheduled to work, except legal holidays, may be granted leave provided they can be spared. Leave that is charged to these employees cannot exceed 8 hours on any 1 day. The installation head may also consider a request for annual leave on any day a part-time flexible employee is not scheduled to work. The 40 hours paid service in a service week specified in 512.523a may not be exceeded.

512.524 A-E Postmasters

The following provisions concern A-E postmasters:

- a. *Maximum Leave.* Annual leave may not exceed the scheduled service hours for the day on which the leave is taken.
- b. *Saturday Absences.* A-E postmasters work a 6-day week. When Monday through Friday is charged as paid leave, either the previous or following Saturday may be taken without being charged against the employee's leave balance.

512.53 Rural Carriers**512.531 General**

Annual leave is granted to a rural carrier in accordance with 512.311 and the terms of the applicable collective-bargaining agreement. It is granted in minimum units of 1 day provided a replacement is available.

512.532 **Saturday Absences**

Rules for approved absences of rural carriers or substitute rural carriers are subject to the specific conditions of the USPS-NRLCA National Agreement. Accordingly, the following apply:

- a. Absence on Saturday that occurs within or at the beginning or end of a period of annual leave or sick leave is not charged to such leave, nor is there loss of compensation provided either of the following is true:
 - (1) There are 5 or more days of annual or sick leave within the period.
 - (2) There are 4 or more days of annual or sick leave plus a holiday. If the holiday falls on a Saturday that is a scheduled workday, absence on the preceding Friday is not charged to leave. If the leave period is for less than 4 days, absence on Friday is charged to leave.
- b. Interruption during the approved period of annual or sick leave by 1 day of court leave due to circumstances beyond the carrier's control does not disqualify the carrier for coverage as provided above.
- c. Upon request, a rural carrier is granted annual leave or LWOP on Saturday, at the carrier's option — provided a substitute rural carrier is available for replacement.

512.54 **Triweekly Rural Carriers**

512.541 **Week's Absence**

Carriers who are absent for a week on sick or annual leave are charged with 5 days' leave.

512.542 **Absences Less Than a Week**

Carriers who are absent for less than a week at a time are charged with 2 days' leave for each workday of absence.

512.543 **Leave Carry-Over**

The carrier may end the year with 1 day of unused annual leave. This day may be carried forward into another leave year provided the total carried forward does not exceed 55 days, except as provided in 512.321.

512.55 **Substitute Rural Carriers**

512.551 **General**

A substitute rural carrier serves either as a leave replacement for a regular rural carrier or serves a vacant rural route.

Notes:

- a. Leave replacements do not earn annual or sick leave.
- b. A substitute (1) serving a vacant route or (2) serving in the absence of rural carriers who are on extended leave earns annual and sick leave. Annual leave is granted in accordance with 512.311 and the terms of the applicable collective-bargaining agreement. It is granted in minimum units of 1 day, provided a replacement is available.

512.552

512.552 Ninety-Day Qualifying Period

The 90-day qualifying period, which is explained in 512.313b, applies to substitute carriers or rural carrier associates serving vacant routes or when serving the route during the extended absence of the regular carrier in excess of 90 days. A break in service of 1 or more workdays breaks continuity of employment, and the substitute carrier or rural carrier associate must begin a new 90-day qualifying period. Normally a break in service will occur only when the regular carrier returns or when the vacant route is filled by the appointment of a new regular rural carrier. A break in service does not mean absence from the route on a nonscheduled workday or absence in approved leave status, including LWOP. On day 91 of service, the substitute carrier or rural carrier associate is credited with accrued annual leave. (In determining the employee's leave category, credit is also given for prior service as a substitute rural carrier (see 512.212c)).

512.553 Lump-Sum Payment

When regular rural carriers return to duty, substitutes are given lump-sum payments for the annual leave to their credit if they have been in a leave-earning capacity. The lump-sum payment is not made if the substitute is placed on another vacant route and continues to earn leave.

512.554 Procedures for Placing Leave-Earning Status

To officially place an eligible substitute rural carrier in leave-earning status, the following procedures apply:

- a. Postmasters at offices with revenue units of 190 and above prepare Form 50, *Notification of Personnel Action*, when the substitute carrier has completed 90 days of continuous service. Postmasters in offices with revenue units of 189 and below notify the post office operations manager by memorandum so that Form 50 may be prepared.
- b. Form 50 prepared by postmasters in offices with revenue units of 190 and above, or memorandums submitted to the post office operations manager by offices with revenue units below 189 identify: (1) the route that the substitute rural carrier is serving; (2) the substitute by name; (3) the date that the regular rural carrier entered on LWOP; and (4) the date that the substitute began serving the route.
- c. The nature of action code on Form 50 is 907, *Change to Leave-earning Status*. Pertinent information appears in Item 88, Remarks. The date of eligibility is the ninety-first day following the beginning of the regular rural carrier's LWOP.
- d. When the regular rural carrier returns to duty, the postmaster prepares Form 50 or forwards a memorandum to the post office operations manager identifying (1) the name of the substitute rural carrier and (2) the date that eligibility ceases, which is the day before the regular carrier returns to duty. The nature of action code is 908, *Change from Leave-earning Status*. Pertinent information is placed in Item 88 of the form.

512.6 **Vacation Planning and Special Programs**

512.61 **Bargaining Unit Employees Vacation Planning**

For these employees, leave is subject to specific vacation planning provisions of applicable collective-bargaining agreements. Note also:

- a. For all regular employees, both full-time and part-time, vacation leave is granted when requested — to the extent practicable.
- b. For part-time flexible employees, vacation planning is limited to accumulated and accrued leave.

512.62 **Nonbargaining Unit Employees Vacation Planning**

Vacation leave is granted to these employees when their services can best be spared. Postmasters and other responsible officials must schedule leave so that (a) employees do not forfeit leave and (b) postal operations are not impaired.

512.63 **Annual Leave Exchange**

512.631 **General**

The annual leave exchange program provides eligible employees with the opportunity to receive cash in exchange for leave that they will earn during the next leave year. Accumulated leave and leave accrued during the current leave year cannot be exchanged under this program. The terms and conditions for exchanging leave vary for bargaining unit and nonbargaining unit employees.

512.632 **Bargaining Unit Annual Leave Exchange**

Certain national collective bargaining agreements provide a leave exchange option for covered employees. Eligibility and the other terms and conditions for this option are set forth in the applicable collective bargaining agreements and any corresponding management instructions for administering the program.

512.633 **Nonbargaining Annual Leave Exchange**

Career employees permanently assigned to a nonbargaining position are provided the option at the end of the fiscal year to exchange for cash from 8 to 104 hours of the annual leave they will earn during the next year. PCES employees may exchange from 8 to 128 hours. To be eligible, employees must have an annual leave balance of 160 hours at the end of the leave year in which the election is made.

512.634 **Processing Annual Leave Exchange Options**

Open season for the annual leave exchange program runs from November 15 to December 15 each year. Eligible employees are notified of the election before the open season. The exchange is effective the first full pay period of the new leave year.

Note: Postal employees may not exchange leave already earned that exceeds the Postal Service leave carryover limit due to Internal Revenue Service "constructive receipt" regulations.

512.64

512.64 Annual Leave Sharing

The leave sharing program provides employees the opportunity to receive and use donated annual leave and to donate their annual leave to another employee under certain conditions. The program is limited to career nonbargaining unit and bargaining unit employees and to noncareer employees designated as transitional employees (TEs) under certain collective bargaining agreements. The terms and conditions for this program are set forth in applicable collective bargaining unit agreements and memorandums of understanding. Instructions for administration of the terms and conditions are found in a management instruction.

512.7 Separation Adjustments**512.71 Terminal Leave Worksheet**

If an employee is not transferring and is separating from the Postal Service, the Minneapolis ISC furnishes the separating installation with Form 2246, *Terminal Leave Worksheet*, for filing in the employee's official personnel folder. (For transfers, see 512.8.)

512.72 Collection for Unearned Leave**512.721 Refund**

Separating employees who are indebted for unearned annual leave or sick leave must refund the amount paid to them for such unearned leave. If employees do not make refunds, deductions are made from any funds that are due them.

512.722 Exception

Collection is not required in cases of death or in the case of separation due to a disability that prevents an employee from returning to duty or continuing in the Postal Service.

512.73 Payment for Accumulated Leave

A separating employee may receive a lump-sum payment for accumulated annual leave — subject to the following conditions:

- a. *Before Qualifying Period.* Except for those employees identified under 512.812, an employee who separates before completing the 90-day qualifying period forfeits terminal leave payment for accumulated leave.
- b. *On or After Qualifying Period.* An employee who completes the 90-day qualifying period, even if separated at the close of business on day 90, is entitled to terminal leave payment for leave accumulated.
- c. *Before Last Friday of Pay Period.* An employee whose separation is effective before the last Friday of a pay period does not receive leave credit or terminal leave payment for the leave that would have accrued during that pay period.
- d. *Bargaining Unit Employee.* A bargaining unit employee is not paid for annual leave in excess of the annual leave carryover maximum for his or her bargaining unit (see 512.32). Any part of the unused annual leave earned during the current leave year that is in excess of the

lump-sum limitation is granted prior to separation. In the case of death, a lump-sum payment is made for:

- (1) Accumulated annual leave.
 - (2) Unused annual (current) leave earned during the year of the death that the employee could have taken had the employee lived to the end of the leave year. No payment is made for unused leave that the employee would have been required to forfeit at the end of the leave year.
- e. *Nonbargaining Unit Employee.* Nonbargaining unit employees are entitled to receive a lump-sum leave payment for accumulated annual leave equal to their authorized maximum carryover plus any unused accrued annual leave that was earned in the year of separation.
 - f. *For Military Service.* Employees who separate to enter active U.S. military duty may choose to receive a lump-sum leave payment or to have accrued annual leave held for credit until they return to Postal Service duty.
 - g. *Followed by Reemployment.* An employee who received a lump-sum leave payment on separation from a postal position (or a federal position under the same leave system) and who is reemployed or reinstated *before the period covered by the payment expires* must refund in full the payment for the overlapping period. The employee may then be reccredited (see 512.9) with leave.
 - h. *Lump-Sum Payment.* Lump-sum payment for annual leave at the time of retirement does not affect the amount or commencement date of annuity payments.

512.8 Transfers

512.81 Transfer Without a Break in Service

512.811 From the Postal Service to a Federal Agency

The Minneapolis ISC furnishes the agency gaining the employee with SF 1150, *Record of Leave Data*. (A copy of SF 1150 is *not* sent to the losing installation.) When necessary, the Postal Service collects for used but unearned leave (see 512.721). When the receiving agency is unable to transfer a leave balance in excess of its leave carryover limit, the employee receives a lump sum payment for earned annual leave that cannot be transferred. The lump sum is calculated by multiplying the person's postal hourly rate times the number of earned annual leave hours that cannot be transferred.

512.812 From a Federal Agency to the Postal Service

Leave credit must be transferred to the employee's leave account. However, leave that may be transferred is limited to the leave carryover limit applicable to the Postal Service position to be filled. The employee should not have to take LWOP because of delay in transferring leave:

- a. If the SF 1150 does not reach the Minneapolis ISC before the employee has to take leave, the Minneapolis ISC may telephone or telegraph the losing agency to request the employee's leave balance.

512.82

- b. If LWOP cannot be avoided, the record can be adjusted when the SF 1150 is received to show paid leave — unless the employee requests that the LWOP remain unchanged.

512.82 **Transfer With a Break in Service**

An employee who moves from the Postal Service to another federal agency after a break in service is separated (see 512.7) and later reemployed (see 512.9). Any accumulated leave is not transferred, but is paid for in a lump-sum.

512.9 **Recrediting Annual Leave**

512.91 **Policy**

Annual leave that may be recredited consists of leave earned under any of the leave systems merged under the Annual and Sick Leave Act of 1951. However, annual leave that is already forfeited cannot be recredited.

Annual leave is recredited under the Act for:

- a. Employees who are reemployed before the period covered by the lump-sum payment expires.
- b. Employees who transferred to a position that is not under an annual leave system and transferred back to the Postal Service without a break in Postal Service service of more than 52 continuous calendar weeks.
- c. Employees who return to pay and duty status following a period of suspension or involuntary separation (i.e., cases of retroactive reversals of disciplinary action).

512.92 **Procedures**

512.921 **Leave Earned in Prior USPS Service**

See 512.73g.

512.922 **Leave Earned at Another Agency**

When an employee makes application for recredit of leave earned in another agency, the Postal Service contacts the other agency to determine if leave was forfeited at the time of separation. If not, the agency is asked to certify the leave account. The following applies:

- a. If the agency cannot find the leave record, the Postal Service will accept a statement or other evidence of leave credits. The statement should include an estimate of leave credit and reflect the factors forming the basis of the estimate.
- b. If the leave record or statement justifies it, the amount of leave shown is recredited.

512.923 **Leave Buy-Back OWCP**

The following provisions concern leave buy-back:

- a. Under the provisions of the Injury Compensation Program (545.73b(6)), current employees may be permitted to buy back sick and annual leave they used while awaiting adjudication of their cases by the Office of

Workers Compensation Programs (OWCP). In traumatic injury cases, employees may be permitted to buy back only the leave that is used after the end of the 45-day continuation-of-pay period.

- b. When the employee buys back annual leave for a previous year that exceeds the applicable maximum (see 512.32), the excessive leave is automatically forfeited. Employees are allowed to buy back only those hours that can be carried forward.
- c. Some loss of leave may occur when the period of absence is changed to a LWOP status as a result of leave buy-back. For every 80 hours of leave bought back and changed to LWOP, both annual and sick leave must be adjusted by the amount earned in 1 pay period. The employee must be informed of this so there will be no misunderstanding.
- d. See Exhibit 514.4, item e, for further information.

513 Sick Leave

513.1 Purpose

Sick leave insures employees against loss of pay if they are incapacitated for the performance of duties because of illness, injury, pregnancy and confinement, and medical (including dental or optical) examination or treatment.

513.2 Accrual and Crediting

513.21 Accrual Chart

Time accrued is as follows:

Employee Category	Time Accrued
a. Full-time employees.	4 hours for each full biweekly pay period — i.e., 13 days (104 hours) per 26-period leave year.
b. Part-time employees.	1 hour for each unit of 20 hours in pay status up to 104 hours (13 days) per 26-period leave year.

513.22 Crediting

513.221 General

Sick leave is credited at the end of each biweekly pay period in which it is earned. Sick leave (earned and unused) accumulates without limitation.

513.222 Part-Time Employees

Part-time employees are not credited with sick leave in excess of 13 days (104 hours) per 26-period leave year.

513.223 Substitute Rural Carriers

Substitute rural carriers who are serving vacant routes or who serve during the extended absence of rural carriers are credited with sick leave starting with their first pay period.

513.224

513.224 Auxiliary Rural Carriers

Auxiliary rural carriers are not credited with sick leave in excess of 104 hours per leave year. If they serve in another capacity (e.g., flexible employees) in the post office, that service is also used in computing sick leave credit (see 513.21).

513.225 Substitute Rural Carriers in Dual Appointment

Substitute rural carriers (designation 73) in dual appointments earn sick leave only when their service is performed in a position that is subject to the Civil Service Retirement Act. The leave can be used only while they are serving in a leave-earning position.

513.226 Leave Credit Adjustment

See 514.24.

513.3 Authorizing Sick Leave**513.31 Policy****513.311 General**

Sick leave cannot be granted until it is earned, except as provided in 513.5.

513.312 Restriction

An employee who is in sick leave status may *not* engage in any gainful employment unless prior approval has been granted by appropriate authority (see part 660, *Code of Ethics*).

513.32 Conditions for Authorization

Conditions for authorization are as follows:

Conditions	
a. Illness or injury.	If the employee is incapacitated for the performance of official duties.
b. Pregnancy and confinement. (Sick leave, annual leave, or LWOP is granted as may be necessary.)	If absence is required for physical examinations or periods of incapacitation.
c. Medical, dental, or optical examination or treatment.	If absence is necessary during the employee's regular scheduled tour.
d. Contagious disease. A contagious disease is a disease ruled as requiring isolation, quarantine, or restriction of movement of the patient for a particular period by the health authorities having jurisdiction.	If the employee (1) must care for a family member afflicted with a contagious disease, (2) has been exposed to a contagious disease and would jeopardize the health of others, or (3) has evidence supplied by the local health authorities or a certificate signed by a physician certifying the need for the period of isolation or restriction.

Conditions	
e. Medical treatment for disabled veterans. (Sick leave, annual leave, or LWOP is granted as may be necessary.)	If the employee (1) presents a statement from a duly authorized medical authority that treatment is required, and (2) when possible, gives prior notice of the definite number of days and hours of absence. (Such information is needed for work scheduling purposes.)

513.33 Application for Sick Leave

513.331 General

Except for unexpected illness or injury situations, sick leave must be requested on Form 3971 and approved in advance by the appropriate supervisor.

513.332 Unexpected Illness or Injury

An exception to the advance approval requirement is made for unexpected illness or injuries; however, in these situations the employee must notify appropriate postal authorities as soon as possible as to their illness or injury and expected duration of absence. As soon as possible after return to duty, employees must submit a request for sick leave on Form 3971. Employees may be required to submit acceptable evidence of incapacity to work as outlined in the provisions of 513.36, *Documentation Requirements*. The supervisor approves or disapproves the leave request. When the request is disapproved, the absence may be recorded as annual leave or, if appropriate, as LWOP or AWOL, at the discretion of the supervisor as outlined in 513.342.

513.34 Form 3971, Request for or Notification of Absence

513.341 General

Application for sick leave is made in writing, in duplicate, on Form 3971, *Request for or Notification of Absence*.

513.342 Approval or Disapproval

The supervisor is responsible for approving or disapproving applications for sick leave by signing Form 3971, a copy of which is given to the employee. If a supervisor does not approve an application for leave as submitted, the Disapproved block on the Form 3971 is checked and the reason(s) given, in writing, in the space provided. When a request is disapproved, the granting of any alternate type of leave, if any, must be noted along with the reason for the disapproval. AWOL determinations must be similarly noted.

513.35

513.35 Postmaster Absences

There are special requirements for postmaster absences:

- a. *Leave Replacement.* A postmaster whose absence requires the hiring of a leave replacement must notify the appropriate official.
- b. *Absence Over 3 Days.* A postmaster who is absent in excess of 3 days must submit Form 3971 within 2 days of returning to duty or, for an extended illness, at the end of each accounting period.

513.36 Documentation Requirements**513.361 Three Days or Less**

For periods of absence of 3 days or less, supervisors may accept the employee's statement explaining the absence. Medical documentation or other acceptable evidence of incapacity for work is required only when the employee is on restricted sick leave (see 513.37) or when the supervisor deems documentation desirable for the protection of the interests of the Postal Service.

513.362 Over Three Days

For absences in excess of 3 days, employees are required to submit medical documentation or other acceptable evidence of incapacity for work.

513.363 Extended Periods

Employees who are on sick leave for extended periods are required to submit at appropriate intervals, *but not more frequently than once every 30 days*, satisfactory evidence of continued incapacity for work unless some responsible supervisor has knowledge of the employee's continuing incapacity for work.

513.364 Medical Documentation or Other Acceptable Evidence

When employees are required to submit medical documentation pursuant to these regulations, such documentation should be furnished by the employee's attending physician or other attending practitioner. The documentation should provide an explanation of the nature of the employee's illness or injury sufficient to indicate to management that the employee was (or will be) unable to perform his or her normal duties for the period of absence. Normally, medical statements such as "under my care" or "received treatment" are not acceptable evidence of incapacitation to perform duties. Supervisors may accept proof other than medical documentation if they believe it supports approval of the sick leave application.

513.365 Failure to Furnish Required Documentation

If acceptable proof of incapacitation is not furnished, the absence may be charged to annual leave, LWOP, or AWOL.

513.37 Restricted Sick Leave**513.371 Reasons for Restriction**

Supervisors or installation heads who have evidence indicating that an employee is abusing sick leave privileges may place the employee on the restricted sick leave list. In addition, employees may be placed on the

restricted sick leave list after their sick leave use has been reviewed on an individual basis and the following actions have been taken:

- a. Establishment of an absence file.
- b. Review of the absence file by the immediate supervisor and by higher levels of management.
- c. Review of the absences during the past quarter of LWOP and sick leave used by employees. (No minimum sick leave balance is established below which the employee's sick leave record is automatically considered unsatisfactory.)
- d. Supervisor's discussion of absence record with the employee.
- e. Review of the subsequent quarterly absences. If the absence logs indicate no improvement, the supervisor is to discuss the matter with the employee to include advice that if there is no improvement during the next quarter, the employee will be placed on restricted sick leave.

513.372 Notice and Listing

Supervisors provide written notice to employees that their names have been added to the restricted sick leave listing. The notice also explains that until further notice, the employees must support *all* applications for sick leave by medical documentation or other acceptable evidence (see 513.364).

513.373 Recision of Restriction

Supervisors review the employee's Form 3972, *Absence Analysis*, for each quarter. If there has been a substantial decrease in absences charged to sickness, the employee's name is removed from the restricted sick leave list and the employee is notified in writing of the removal.

513.38 Performance Ability Questioned

When the reason for an employee's sick leave is of such a nature as to raise justifiable doubt concerning the employee's ability to satisfactorily and/or safely perform duties, a *fitness-for-duty medical examination* is requested through appropriate authority. A complete report of the facts, medical and otherwise, should support the request.

513.4 Charging Sick Leave

513.41 Full-Time Employees

513.411 General

General provisions are as follows:

- a. Sick leave is not charged for legal holidays or for nonworkdays established by Executive Order.
- b. Sick leave may be charged on any scheduled workday of an employee's basic workweek including Saturdays and Sundays.

513.412

Employee Benefits
Leave**513.412 Minimum Unit Charge**

Minimum unit charges are as follows:

Employee Category	Minimum Unit Charge
a. All full-time nonexempt employees.	Hundredth of an hour (0.01 hour).
b. Full-time exempt employees.	(See 519.71.)
c. Rural carriers.	1 day (8 hours).
d. Substitute rural carriers (1) serving a vacant route or (2) serving in absence of rural carriers on extended leave.	1 day (8 hours).
e. Triweekly rural carriers.	(See 512.54.)

513.413 Special Situations

The following provisions concern special situations:

- a. *A-E Postmasters.* A-E postmasters are charged sick leave the same as annual leave (see 512.52).
- b. *Rural Carriers.* Rural carriers who are absent because of illness on Saturdays are charged sick leave based on the computations used for their annual leave charges (see 512.53).
- c. *Substitute Rural Carriers.* Substitutes who are serving a vacant rural route or who serve for a rural carrier on extended leave are charged sick leave the same as rural carriers.
- d. *Triweekly Rural Carriers.* Triweekly rural carriers are charged sick leave the same as for annual leave (see 512.54).

513.42 Part-Time Employees**513.421 General**

General provisions are as follows:

- a. Absences due to illness are charged as sick leave on any day that an hourly rate employee is scheduled to work except national holidays.
- b. Except as provided in 513.82, paid sick leave may not exceed the number of hours that the employee would have been scheduled to work, up to:
 - (1) A maximum of 8 hours in any 1 day.
 - (2) 40 hours in any 1 week.
 - (3) 80 hours in any one pay period. If a dispute arises as to the number of hours a part-time flexible employee would have been scheduled to work, the schedule will be considered to have been equal to the average hours worked by other part-time flexible employees in the same work location on the day in question.
- c. Limitations in 513.421b apply to paid sick leave only and not to a combination of sick leave and workhours. However, part-time flexible employees who have been credited with 40 hours or more of paid

service (work, leave, or a combination of work and leave) in a service week are not granted sick leave during the remainder of that service week. Absences, in such cases, are treated as nonduty time that is not chargeable to paid leave of any kind. (Sick leave is not intended to be used to supplement earnings of employees.)

513.422 **Minimum Unit Charge**

Minimum unit charges are as follows:

Employee Category	Minimum Unit Charge
All part-time nonexempt employees.	Hundredth of an hour (0.01 hour).
Part-time exempt employees.	(See 519.71.)

513.5 **Advance Sick Leave**

513.51 **Policy**

513.511 **May Not Exceed Thirty Days**

Sick leave not to exceed 30 days (240 hours) may be advanced in cases of serious disability or ailments if there is reason to believe the employee will return to duty. Sick leave may be advanced whether or not employees have annual leave to their credit.

513.512 **Medical Document Required**

Every application for advance sick leave must be supported by medical documentation of the illness.

513.52 **Administration**

513.521 **Installation Heads' Approval**

Officials in charge of installations are authorized to approve these advances without reference to higher authority.

513.522 **Forms Forwarded**

Form 1221, *Advance Sick Leave Authorization*, is completed and forwarded to the PDC when advance sick leave is authorized.

513.53 **Additional Sick Leave**

513.531 **Thirty-Day Maximum**

Additional sick leave may be advanced even though liquidation of a previous advance has not been completed, provided the advance at no time exceeds 30 days. Any advance sick leave authorized is in addition to the sick leave that has been earned by the employee at the time the advance is authorized.

513.532 **Liquidating Advance Sick Leave**

The liquidation of advance sick leave is not to be confused with the substitution of annual leave for sick leave to avoid forfeiture of the annual leave. Advanced sick leave may be liquidated in the following manner:

- a. Charging the sick leave against the sick leave earned by the employee as it is earned upon return to duty.

513.6

- b. Charging the sick leave against an equivalent amount of annual leave, at the employee's request if the annual leave charge is made prior to the time such leave is forfeited because of the leave limitation regulation.

513.6 Leave Charge Adjustments

513.61 Insufficient Sick Leave

If sick leave is approved but the employee does not have sufficient sick leave to cover the absence, the difference is charged to annual leave or to LWOP at the employee's option.

513.62 Insufficient Sick and Annual Leave

If sick leave is approved for employees who have no annual or sick leave to their credit, the absence may be charged as LWOP unless sick leave is advanced as outlined in 513.5. LWOP so charged cannot thereafter be converted to sick or annual leave.

513.63 Disapproved Sick Leave

If sick leave is disapproved, but the absence is nevertheless warranted, the supervisor may approve, at the employee's option, a charge to annual leave or a charge to LWOP.

513.64 Absence Without Leave

An absence that is disapproved is charged as LWOP and may be administratively considered as AWOL.

513.65 Annual Leave Changed to Sick Leave

If an employee becomes ill while on annual leave and the employee has a sick leave balance, the absence may be charged to sick leave.

513.7 Transfer or Reemployment

513.71 Transfer

513.711 Crediting

Individuals who are transferring from a federal agency to the Postal Service are credited with their sick leave balance provided there is not a break in service in excess of 3 years.

513.712 Recrediting

The following provisions concern recrediting:

- a. If a Postal Service employee transfers to a position under a different leave system, to which only a part of the employee's sick leave can be transferred, the sick leave is recredited if the individual returns to the Postal Service provided there is not a break in service in excess of 3 years.
- b. If a Postal Service employee transfers to a position to which sick leave cannot be transferred, the sick leave is recredited if the individual

returns to the Postal Service provided there is not a break in service in excess of 3 years.

513.72 Reemployment

Sick leave may be recredited upon reemployment provided there is not a break in service in excess of 3 years.

513.73 Reemployment — OWCP

All individuals who were originally separated and who are subsequently reemployed from a continuous period on OWCP rolls will have any previously unused sick leave recredited to their account, regardless of the length of time the employee was on OWCP and off postal rolls.

Exception: Sick leave may not be recredited if the employee applied and was approved for disability retirement regardless of whether the employee actually collected the annuity.

513.8 Retirements or Separations

513.81 General

No payment is made for accumulated sick leave when an employee retires or separates from Postal Service employment.

513.82 Retirement

513.821 Credit for Sick Leave

Provisions of the Civil Service Retirement law provide for the granting of credit for unused sick leave in calculating retirement or survivor annuity at the time of the employee's retirement or death (see ELM 562.4). Each 8 hours of sick leave represents 1 day of retirement credit. Unused sick leave days are converted to calendar time retirement credit, based on a 260-day work year (260 days x 8 hours = 2,080 hours). There are no provisions for credit of sick leave upon retirement for employees under the FERS program except for those employees who formerly were in the Civil Service Retirement System (CSRS) and transferred to FERS. Subchapter 580, Federal Employees' Retirement System (FERS), a new subchapter in the ELM, provides details for credit of sick leave upon retirement for FERS employees who formerly were under the CSRS coverage.

513.822 Disability Retirement

If the OPM has approved an application for disability retirement effective on expiration of accumulated and accrued leave, or if the employee is being otherwise separated for physical or mental disability resulting in inability to perform the work, sick leave is granted at the rate of 8 hours per day, 40 hours per week, or 80 hours per pay period until the employee's sick leave is exhausted. Payments may not be made, however, for any hours for which the employee received salary or leave payments from another federal agency.

513.83 Separation by Death

If an ill employee dies without returning to duty and without making application for sick leave, the postal official who is in charge of the installation

513.9

grants sick leave for the period of illness or disability immediately prior to death. If the employee was in pay status on the day of death or immediately prior to death, the employee's beneficiary is entitled to receive compensation without charge to leave for the date of death. The latter applies whether or not employees have leave to their credit.

513.9 **Collection for Unearned Sick Leave**

Collection for used but unearned sick leave at the time of separation is made in the same manner as for unearned annual leave (see 512.72).

514 **Leave Without Pay (LWOP)**

514.1 **Definitions**

The following definitions apply for the purposes of the section:

- a. LWOP is an authorized absence from duty in a nonpay status.
- b. LWOP may be granted upon the employee's request and covers only those hours which the employee would normally work or for which the employee would normally be paid.
- c. LWOP is different from AWOL (absent without leave), which is a nonpay status due to a determination that no kind of leave can be granted either because (1) the employee did not obtain advance authorization or (2) the employee's request for leave was denied.

514.2 **Policy**

514.21 **Restriction**

LWOP in excess of 2 years is not approved unless specifically provided for in postal policy or regulations.

514.22 **Administrative Discretion**

Each request for LWOP is examined closely and a decision is made based on the needs of the employee, the needs of the Postal Service, and the cost to the Postal Service. The granting of LWOP is a matter of administrative discretion and is not granted on the employee's demand except as provided in collective bargaining agreements or as follows:

- a. A disabled veteran is entitled to LWOP, if necessary, for medical treatment.
- b. A Reservist or a National Guardsman is entitled to LWOP, if necessary, to perform military training duties under the Vietnam Era Veterans' Readjustment Act of 1974 (see 38 U.S.C., section 2024).
- c. An employee who requests and is entitled to time off under 515, Absences for Family Care or Serious Health Problem of Employee, must be allowed up to a total of 12 workweeks of absence within a Postal Service leave year for one or more reasons listed in 515.41.

514.23 **Condition**

In granting approval for extended LWOP, there should be reasonable expectation that the employee will return at the end of the approved period.

514.24 **Leave Credit Adjustment**

Employees who are on LWOP for a period, or periods, totaling 80 hours (normal number of workhours in 1 pay period) during a leave year have their leave credits reduced by the amount of leave earned in 1 pay period.

Exception: Employees who (1) are in leave category 6, (2) are not on LWOP for the entire year, and (3) whose accumulated LWOP reaches 80 hours in the last pay period in a leave year will have their leave balance reduced by only 6 hours, even if they earn 10 hours during that pay period (see 512.3). Also, no adjustment is made to the leave computation date for periods of LWOP taken for active military service or while absent due to an illness or injury approved by OWCP.

514.25 **Other Employment**

LWOP is not granted for the purpose of enabling an employee to "try out" or to accept other employment.

514.3 **Authority to Approve**

514.31 **Installation Head**

Installation heads may approve requests for LWOP that are not in excess of 1 year.

514.32 **District Managers**

District managers may approve requests for LWOP that are not in excess of 2 years.

514.4 **Acceptable Reasons and Instructions**

See Exhibit 514.4 for acceptable reasons and instructions for LWOP.

514.4

Exhibit 514.4 (p. 1)

Acceptable Reasons and Instructions for LWOP

Acceptable Reasons for LWOP	Instructions
a. Personal reasons.	LWOP may be granted to cover the absence.
b. Employee has no leave to cover vacation during choice vacation period.	LWOP may be granted to cover the absence.
c. Full-time attendance at a college or university.	(1) Restricted to full-time employee. (2) An official transcript of courses taken must be submitted to the installation head.
d. Personal illness or injury (also see 515).	(1) LWOP may be granted after accumulated accrued sick and annual leave have been exhausted; except that during a pay period in which, due to personal injury or illness, no work is performed, an employee may utilize annual and/or sick leave in conjunction with LWOP, subject to approval of the leave in accordance with normal leave approval procedures. (2) A medical document from the attending physician or practitioner must be obtained before approval, the same as for sick leave. (3) Applications for LWOP to cover a period in excess of 30 days in any 1 year in cases of illness or injury are reviewed and acted upon by the installation head. (4) An employee normally will not be separated from the service because of absence due to personal illness or injury for a period of less than 1 year (also see 568). An employee may be separated if required to be absent for more than 1 year unless there is cause to expect recovery and return within a reasonable time after the end of 1 year in LWOP status. (5) The separation of an employee after 1 year of continued absence with or without pay does not prevent an eligible employee from filing an application for retirement (also see 568).
e. Injury in line of duty.	(1) Supervisors must advise employees of their right to file an application for FECA benefits as a result of illness or injury that is suffered in the line of duty. (See instructions on CA-1 and CA-2a for traumatic injuries and CA-2 for occupational illnesses and diseases.) (2) In traumatic injury cases, an employee is entitled to a maximum of 45 calendar days of continuation of pay (COP) without charge to leave if written notice of injury is filed within 30 days of injury. The period of COP begins at the start of the employee's first full tour of duty thereafter, or the first day following the disability, whichever occurs sooner. The period during which 45 days of COP may be claimed must begin within 90 days of the occurrence of the injury but may end after 90 days from the occurrence. If, after returning to work subsequent to an apparent recovery from a traumatic injury, an employee is again absent from work as a result of the original traumatic injury, the employee may use any remaining COP time left up to the 45-day limit. However, the remaining COP time must be used within 90 days of the date the employee first returns to work following the initial traumatic injury. (3) An employee may choose sick or annual leave in lieu of COP; however, this leave may be retroactively converted to COP provided a request is made within 1 year of the date the leave was used or the date of the claim approval, whichever is later. (4) Before being placed on LWOP, an employee may choose to use annual or sick leave until it is exhausted. Leave is earned during that part of a pay period in which the employee is in pay status. (5) On favorable adjudication of a claim by the Office of Workers' Compensation Programs (OWCP), LWOP may be substituted for a period of sick and/or annual leave so that the employee may accept disability compensation for the period of absence. (6) On favorable adjudication of a claim by OWCP, current employees may be permitted to buy back the leave that they used while awaiting adjudication (see 545.73b(6)). If the injury is a traumatic injury, only leave used after the end of the 45-day COP period may be bought back. OWCP does not restrict the amount of leave hours an employee may buy back. However, Postal Service regulations do not permit employees to carry-over into the next leave year more than the allowable maximum number of hours of annual leave (see 512.12). When an employee buys back annual leave in the previous year in an amount that exceeds the applicable maximum carry-over, such excess will be automatically forfeited. For every 80 hours of leave bought back and changed to LWOP, both annual and sick leave must be adjusted by the amount earned in a pay period.

Exhibit 514.4 (p. 2)
Acceptable Reasons and Instructions for LWOP

Acceptable Reasons for LWOP	Instructions
f. Family care (see 515).	An eligible employee may request and must be allowed up to a total of 12 workweeks of absence during a Postal Service leave year for one or more reasons listed in 515.41.
g. Military duty for scheduled drills or for periods of training.	An employee enlisted under the Reserve Forces Act of 1955 who has completed the initial period of active duty training of not less than 3 months or more than 6 months may be granted LWOP for scheduled drills or periods of training.
h. Military duty for any purpose, training or otherwise.	Eligible members of the National Guard or reserve components of the Armed Forces who are ordered to active duty for training or for any other purposes, for a specified period of time not to exceed 1 year, but in excess of the total time allowable under military leave and annual leave are granted LWOP.
i. Employee elected to devote full-time service as a national president to an organization of supervisory or other managerial personnel (see 416.3).	<p>(1) LWOP normally does not exceed 2 consecutive years coinciding with the elected term of office.</p> <p>(2) The employee requests in writing, through the appropriate management structure, that the vice president of Labor Relations grant the employee LWOP during tenure of presidency for the purpose of serving as resident president of an employee organization in Washington, D.C., in a full-time capacity.</p> <p>(3) If LWOP is granted, the employee continues to be eligible for appropriate fringe benefits during that period.</p> <p>(4) The vice president of Labor Relations reserves the right to deny the request for LWOP if it is determined that the position must be filled on a permanent basis, unencumbered by an individual on prolonged leave.</p>
j. Union business.	See applicable provisions of current collective bargaining agreement.
k. Postmaster elected as an organization officer, other than the president.	See 519.271c and d.

514.5

514.5 Forms Required**514.51 Form 3971**

A request for LWOP is submitted by the employee on Form 3971, *Request for or Notification of Absence*. If the request for leave indicates the LWOP will extend over 30 days, a written justification and statement of reason for the desired absence is required.

514.52 Form 50

Form 50, *Notification of Personnel Action*, is prepared when LWOP is in excess of 30 days (see Handbook EL-301, *Processing Personnel Actions*).

515 Absence for Family Care or Serious Health Condition of Employee**515.1 Purpose**

This section provides policies to comply with the Family and Medical Leave Act of 1993. Nothing in this section is intended to limit employees' rights or benefits available under other current policies (see 511, 512, 513, 514) or collective bargaining agreements. Likewise, nothing increases the amount of paid leave beyond what is provided for under current leave policies or in any collective bargaining agreement. The conditions for authorizing the use of annual leave, sick leave, or LWOP are modified only to the extent described in this section.

515.2 Definitions

The following definitions apply for the purposes of the section:

- a. *Son or daughter* — biological, adopted, or foster child, stepchild, legal ward, or child who stands in the position of a son or daughter to the employee, who is under 18 years of age or who is over 18 and incapable of self-care because of mental or physical disability.
- b. *Parent* — biological parent or individual who stood in that position to the employee when the employee was a child.
- c. *Spouse* — husband or wife.
- d. *Serious health condition* — illness, injury, impairment, or physical or mental condition that involves any of the following:
 - (1) Any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or residential medical care facility.
 - (2) Any period of incapacity requiring absence from work or regular daily activities of more than 3 calendar days that also involves continuing treatment by (or under the supervision of) a health care provider.
 - (3) Continuing treatment by (or under the supervision of) a health care provider (a) for a chronic or long-term health condition that is

incurable or so serious that, if not treated, would likely result in a period of incapacity of more than 3 days; or (b) for prenatal care.

Note: Voluntary or cosmetic treatments (such as most treatments for orthodontia or acne) that are not medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgery after an accident or removal of cancerous growths is a serious health condition provided all the other conditions are met. Treatments for allergies or stress, or for substance abuse, are serious health conditions if all the conditions of the regulations are met. Prenatal care is included as a serious health condition. Routine preventative physical examinations are excluded.

- e. Health care provider — doctor of medicine or osteopathy, Christian Science practitioner listed with the First Church of Christ, Scientist in Boston, MA, or other attending practitioner (see 513.364).

515.3 Eligibility

To request leave under this section, an employee must have been employed by the Postal Service for an accumulated total of 12 months and must have worked a minimum of 1,250 hours during the 12-month period before the date leave begins.

515.4 Leave Requirements

515.41 Conditions

Eligible employees *must* be allowed an accumulated total of up to 12 workweeks of leave within a Postal Service leave year for one or more of the following:

- a. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter. Entitlement to leave for this condition expires 1 year after the birth.
- b. Because of the placement of a son or daughter with the employee for adoption or foster care. Entitlement to leave for this condition expires 1 year after the placement.
- c. In order to care for the spouse, son, daughter, or parent of the employee if the spouse, son, daughter, or parent has a serious health condition.
- d. Because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

515.42 Leave Type

Absences approved under this section are charged as annual leave, sick leave, or leave without pay, or a combination of these. Leave is charged consistent with current leave policies and applicable collective bargaining agreements. Approving officials should note "FMLA" in the approval block of the Form 3971, *Request for or Notification of Absence*.

515.43

515.43 Authorized Hours

Under this section, full-time employees are entitled to up to 480 hours of leave (i.e., 12 weeks times 40 hours per week) within a leave year. Employees with weekly schedules of less than 40 hours are entitled to 12 times the number of hours normally scheduled in their workweek. For example, a part-time employee with a normal schedule of 30 hours a week is entitled to 360 hours (12 weeks times 30 hours). A part-time employee who does not have a normal weekly schedule is entitled to the total number of hours worked in the previous 12 weeks, not including overtime hours. Leave in addition to the 12 workweeks authorized under this section may be granted in accordance with other leave policies or collective bargaining agreements (see 511, 512, 513, 514).

515.5 Documentation**515.51 General**

An employee must provide a Form 3971, *Request for or Notification of Absence*, together with documentation supporting the request, at least 30 days before the absence if the need for the leave is foreseeable. If 30 days notice is not practicable, notice must be given as soon as practicable. Ordinarily at least verbal notification should be given within 1 or 2 business days of when the need for leave becomes known to the employee. The employee will be provided a notice detailing the specific expectations and obligations and the consequences of a failure to meet these obligations. Additional documentation may be requested, which must be provided within 15 days or as soon as practicable under the particular facts and circumstances. During an absence, the employee must keep his or her supervisor informed of intentions to return to work and of status changes that could affect his or her ability to return to work. Failure to provide documentation can result in the denial of family and medical leave under this section.

515.52 New Son or Daughter

An employee requesting time off because of the birth of the employee's son or daughter and to care for the son or daughter, or because of the placement of a son or daughter with the employee for adoption or foster care, may be required to provide the birth or placement date.

515.53 Care of Others for Medical Reasons

An employee requesting time off to care for a spouse, parent, son, or daughter who has a serious health condition may be required to provide documentation from the health care provider stating the date the serious health condition began, probable duration of the illness, appropriate medical facts, and when the employee will be needed to provide such care or psychological support. When the request is to care for someone other than a biological parent or child, appropriate explanation of the relationship may be required.

515.54 **Additional Medical Opinions**

A second medical opinion by a health care provider who is designated and paid for by the Postal Service may be required. In case of a difference between the original and second opinion, a third opinion by a health care provider may be required. The third health care provider is jointly designated or approved by management and the employee, and the third opinion is final. The Postal Service pays the health care provider for the third opinion. A health care provider selected for the second or third opinion may not be employed by the Postal Service on a regular basis. Recertifications of a medical condition may also be required during absences.

515.55 **Employee Incapacitation**

An employee requesting time off under this section because of his or her own incapacitation must satisfy the documentation requirements for sick leave in 513.31 through 513.38 or for leave without pay in 514.4. If absence exceeds 21 calendar days, evidence of ability to return to work with or without limitations must be submitted. If additional medical opinions are required, they are administered as described in 515.54.

515.6 **Intermittent Leave or Reduced Schedule**

515.61 **New Son or Daughter**

Leave requested because of the birth of the employee's son or daughter and to care for the son or daughter or because of the placement of a son or daughter with the employee for adoption or foster care may be taken on an intermittent basis or by establishing a reduced work schedule only if the request for such intermittent leave or schedule modification is approved. Approval is based on employee need, Postal Service need, and costs to the Postal Service.

515.62 **Care of Others for Medical Reasons or Employee Incapacitation**

Leave requested to care for a spouse, son, daughter, or parent with a serious health condition or due to the employee's health condition may be taken on an intermittent basis or by establishing a reduced work schedule when medically necessary.

515.63 **Temporary Change in Duty Assignment**

If an employee requests intermittent leave or a reduced work schedule, the Postal Service may assign the employee, with equivalent pay and benefits, temporarily to the duties of another position consistent with applicable collective bargaining agreements and regulations if such an assignment better accommodates the recurring periods of absence.

515.64 **FLSA Status**

An employee exempt from the Fair Labor Standards Act (FLSA) normally may not take leave in less than 1-day increments. However, leave taken under this section on an intermittent basis or by temporarily establishing a reduced work schedule can be taken in less than 1-day increments without affecting the employee's FLSA-exempt status.

515.7 Return to Position

Employees taking leave under this section are entitled to return to the positions they held when leave began, or to equivalent positions with equivalent pay, benefits, working conditions, and other terms of employment. Returning employees are not entitled to any right, benefit, or position to which they would not have been entitled had they not taken the leave, or to intangible, unmeasurable aspects of the job such as the perceived loss of potential for future promotional opportunities. If an employee was hired for a specific term or only to perform work on a discrete project, then there is no further reinstatement obligation under this section if the employment term or project is over and the employment would not have otherwise continued.

515.8 Benefits

All benefits shall accrue to employees in a leave status under this section pursuant to the applicable provision of the ELM.

515.9 Family Leave Poster

All postal facilities, including stations and branches, are required to conspicuously display WH Publication 1420, *Your Rights Under the Family and Medical Leave Act of 1993*. It must be posted, and remain posted, on bulletin boards where it can be seen readily by employees and applicants for employment.

516 Court Leave**516.1 General****516.11 Definitions**

The following definitions apply for the purposes of the section.

- a. *Court leave* — the authorized absence from work status (without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance rating) of an employee who is summoned in connection with a judicial proceeding, by a court or authority responsible for the conduct of that proceeding, to serve as a juror or to serve as a witness in a nonofficial capacity on behalf of a state or local government, or witness in a nonofficial capacity on behalf of a private party in a judicial proceeding to which the Postal Service is a party or the real party in interest. The court or judicial proceeding may be located in the District of Columbia, a state, territory, or possession of the United States, including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands.
- b. *Judicial proceedings* — any action, suit, or other proceedings of a judicial nature but not including administrative proceedings such as hearings conducted in accordance with ELM 650, Nonbargaining Disciplinary, Grievance, and Appeal Procedures.