

U.S. Office of Personnel Management

Ensuring the Federal Government has an effective civilian workforce

Annual Leave

An employee may use annual leave for vacations, rest and relaxation, and personal business or emergencies. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken. An employee will receive a lump-sum payment for accumulated and accrued annual leave when he or she separates from Federal service or enters on active duty in the armed forces and elects to receive a lump-sum payment.

Accrual Rates**Accrual Rates for SES, SL/ST, or Equivalent Pay Systems****Creditable Service for Leave Accrual****Advance Annual Leave****Annual Leave Ceilings****Restoration of Annual Leave****Lump-sum Payments****Annual Leave to Establish Retirement Eligibility****References****Accrual Rates**

Employee Type	<i>Less than 3 years of service*</i>	<i>3 years but less than 15 years of service*</i>	<i>15 or more years of service*</i>
Full-time employees	½ day (4 hours) for each pay period	¾ day (6 hours) for each pay period, except 1¼ day (10 hours) in last pay period	1 day (8 hours) for each pay period
Part-time employees**	1 hour of annual leave for each 20 hours in a pay status	1 hour of annual leave for each 13 hours in a pay status	1 hour of annual leave for each 10 hours in a pay status
Uncommon tours of duty**	(4 hours) times (average # of hours per biweekly pay period) divided by 80 = biweekly accrual rate.***	(6 hours) times (average # of hours per biweekly pay period) divided by 80 = biweekly accrual rate.***	(8 hours) times (average # of hours per biweekly pay period) divided by 80 = biweekly accrual rate.***

* See Creditable Service for Leave Accrual

** Leave is prorated for part-time employees and employees on uncommon tours of duty.

*** In computing leave accrual for uncommon tours of duty, the accrual rate for the last full pay period in a calendar year must be adjusted to ensure the correct amount of leave is accrued.

Creditable Service for Leave Accrual

Civilian Service

All civilian service that is *potentially* creditable for Civil Service Retirement Service (CSRS) purposes, including service covered by the Federal Employee Retirement Service (FERS) is also creditable for annual leave accrual. Potentially creditable service includes service that *could* be credited if the employee made deposits to the retirement fund. Such deposits are *not required* before the employee gets credit for annual leave accrual purposes. (See OPM's Guide to Processing Personnel Actions, Chapter 6 - Creditable Service for Leave Accrual.)

Uniformed Service

- For non-retired members, full credit for uniformed service (including active duty and active duty for training) performed under honorable conditions is given for annual leave accrual purposes.
- For retirees, annual leave accrual credit is given only for:
 - Actual service during a war declared by Congress (includes World War II covering the period December 7, 1941, to April 28, 1952) or while participating in a campaign or expedition for which a campaign badge is authorized.
(See Vets Guide -- War Service Creditable for Veterans Preference.)
 - or
 - All active duty when retirement was based on a disability received as a direct result of armed conflict or caused by an instrumentality of war and incurred in the line of duty during a period of war as defined in 38 U.S.C. 101(11). "Period of war" includes World War II, the Korean conflict, Vietnam era, the Persian Gulf War, or the period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of the Congress.

Non-Federal Service or Uniformed Service

A newly appointed or reappointed employee may receive service credit for prior non-Federal service or active duty uniformed service that otherwise would not be creditable for the purpose of determining his or her annual leave accrual under the conditions prescribed in 5 CFR 630.205. See CPM 2005-07.

Advance Annual Leave

Supervisors may grant advance annual leave consistent with agency policy. The amount of annual leave that may be advanced is limited to the amount of annual leave an employee would accrue in the remainder of the leave year. Employees do not have an entitlement to advance annual leave. In most cases, when an employee who is indebted for advance annual leave separates from Federal service, he or she is required to refund the amount of advance leave for which he or she is indebted.

Annual Leave Ceilings

Maximum Annual Leave That May Be Carried Over into the New Leave Year
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Federal Employees Stationed within the United States	30 days
Federal Employees Stationed Overseas	45 days
Members of the Senior Executive Service, Senior-Level and Scientific and Professional Employees	90 days

Any accrued annual leave in excess of the maximum allowed by law will be forfeited. Forfeited annual leave may be restored under 5 U.S.C. 6304(d). (See [Restoration of Annual Leave](#).)

Annual Leave to Establish Retirement Eligibility

An employee may use annual leave to establish initial eligibility for retirement in reduction-in-force and other restructuring situations. An employee who has received a specific notice of termination in a RIF situation may use annual leave past the date the employee would otherwise have been separated in order to establish initial eligibility for immediate retirement, including discontinued service or voluntary early retirement.

References

5 U.S.C. chapter 63, subchapter I
 5 CFR 351.606
 5 CFR part 630, subparts B and C
 Comptroller General opinions:
 16 Comp. Gen. 481 (1936), 39 Comp. Gen. 611 (1960) --absolute right
 B-189085 (04/03/78), 57 Comp. Gen. 325 (1978),
 58 Comp Gen. 684 (1979)--forfeiture
 B-213380 (08/20/84), B-256975 (10/11/94)--restoration
 B-188993 (12/12/77), 56 Comp. Gen. 470 (1977), 60 Comp. Gen. 598
 (1981), B-221265 (06/02/86)--general information.

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Sick Leave

An employee may use sick leave for-

- personal medical needs
- care of a family member
- care of a family member with a serious health condition
- adoption related purposes

Sick Leave Accrual	
Full-time Employees	1/2 day (4 hours) for each biweekly pay period.
Part-time Employees	1 hour for each 20 hours in a pay status.
There are no limits on the amount of sick leave that can be accumulated. Unused sick leave accumulated by employees covered by the Civil Service Retirement System will be used in the calculation of their annuities.	

Requesting Sick Leave

An employee must request sick leave within such time limits as the agency may require. An agency may require employees to request advance approval for sick leave for their own or a family member's medical, dental, or optical examination or treatment.

Granting Sick Leave

An agency may grant sick leave only when supported by evidence administratively acceptable by the agency. For absences in excess of 3 days, or for a lesser period when determined necessary by the agency, an agency may require a medical certificate or other administratively acceptable evidence.

Advance Sick Leave

At the discretion of the agency, a maximum of 30 days of sick leave may be advanced to an employee with a medical emergency for purposes related to the adoption of a child, for family care or bereavement purposes, or to care for a family member with a serious health condition.

References

- 5 U.S.C. chapter 63, subchapter I
- 5 CFR, part 630, subparts B and D
- Comptroller General opinions:
 - 23 Comp. Gen (1943)--medical documentation
 - B-190152 (11/30/77)--sick leave recredit
 - B-205359 (06/28/88)--advance sick leave

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Sick Leave for Personal Medical Needs

An employee may use sick leave when he or she:

1. is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth;
2. receives medical, dental, or optical examination or treatment; or
3. would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease.

Requesting Sick Leave

An employee must request sick leave within such time limits as the agency may require. An agency may require employees to request advance approval of sick leave for medical, dental, or optical examination or treatment.

Granting Sick Leave

An agency may grant sick leave only when supported by evidence administratively acceptable to the agency. For absences in excess of 3 days, or for a lesser period when determined necessary by the agency, an agency may require a medical certificate or other administratively acceptable evidence.

Advance Sick Leave

At the discretion of the agency, a maximum of 30 days of sick leave may be advanced to an employee with a medical emergency.

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Sick Leave for Family Care or Bereavement Purposes

(Also see: Sick Leave to Care for a Family Member with a Serious Health Condition)

Entitlement

Most Federal employees may use a total of up to 104 hours (13 workdays) of sick leave each leave year to-

- provide care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth;
- provide care for a family member as a result of medical, dental, or optical examination or treatment; or
- make arrangements necessitated by the death of a family member or attend the funeral of a family member.

A covered full-time employee may use up to 104 hours (13 workdays) of sick leave each leave year for these purposes. Part-time employees and employees with uncommon tours of duty are also covered, and the amount of sick leave permitted for family care and bereavement purposes is pro-rated in proportion to the average number of hours of work in the employee's scheduled tour of duty each week.

Definition of Family Member

"Family member" is defined as-

- spouse, and parents thereof;
- children, including adopted children, and spouses thereof;
- parents;
- brothers and sisters, and spouses thereof; and
- any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Administration

At the discretion of the agency, an employee may be advanced up to 104 hours of sick leave each leave year (or a proportional amount for an employee on a part-time schedule or uncommon tour of duty) for family care or bereavement purposes.

Reference

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Sick Leave to Care for a Family Member with a Serious Health Condition

Entitlement

Most Federal employees may use a total of up to 12 administrative workweeks of sick leave each leave year to care for a family member with a serious health condition. If an employee previously has used any portion of the 13 days of sick leave for general family care or bereavement purposes in a leave year, that amount must be subtracted from the 12-week entitlement. If an employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, he or she cannot use an additional 13 days in the same leave year for general family care purposes. An employee is entitled to a total of 12 weeks of sick leave each year for all family care purposes.

Definition of Family Member

"Family member" is defined as--

- spouse, and parents thereof;
- children, including adopted children, and spouses thereof;
- parents;
- brothers and sisters, and spouses thereof; and
- any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Serious Health Condition

The term "serious health condition" has the same meaning as used in OPM's regulations for administering the Family and Medical Leave Act of 1993 (FMLA). That definition includes such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy, and childbirth. The term "serious health condition" is not intended to cover short-term conditions for which treatment and recovery are very brief. The common cold, the flu, earaches, upset stomach, headaches (other than migraines), routine dental or orthodontia problems, etc., are not serious health conditions unless complications arise. The agency may require medical certification of a serious health condition.

Administration

At the discretion of the agency, an employee may be advanced a maximum of 30 days of sick leave (or a proportional amount for an employee on a part-time schedule or uncommon tour of duty) to provide care for a family member with a serious health condition.

References

5 CFR 630.401 and 630.1202

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Family and Medical Leave

Entitlement

Under the Family and Medical Leave Act of 1993 (FMLA), most Federal employees are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period for the following purposes:

- the birth of a son or daughter of the employee and the care of such son or daughter;
- the placement of a son or daughter with the employee for adoption or foster care;
- the care of spouse, son, daughter, or parent of the employee who has a serious health condition; or
- a serious health condition of the employee that makes the employee unable to perform the essential functions of his or her positions.

Under certain conditions, an employee may use the 12 weeks of FMLA leave intermittently. An employee may elect to substitute annual leave and/or sick leave, consistent with current laws and OPM's regulations for using annual and sick leave, for any unpaid leave under the FMLA. (The amount of sick leave that may be used to care for a family member is limited. See "[Sick Leave to Care for a Family Member with a Serious Health Condition](#)") FMLA leave is in addition to other paid time off available to an employee.

Job Benefits and Protection

- Upon return from FMLA leave, an employee must be returned to the same position or to an "equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment."
- An employee who takes FMLA leave is entitled to maintain health benefits coverage. An employee on unpaid FMLA leave may pay the employee share of the premiums on a current basis or pay upon return to work.

Advance Notice and Medical Certification

- An employee must provide notice of his or her intent to take family and medical leave not less than 30 days before leave is to begin or, in emergencies, as soon as is practicable.
- An agency may request medical certification for FMLA leave taken to care for an employee's spouse, son, daughter, or parent who has a serious health condition or for the serious health condition of the employee.

Links


- [5/8/00 FMLA Changes \(.pdf Format\)](#)
- [Full FMLA Regulations](#)
- [12/5/96 Regulations Federal Register version \(.pdf Format\)](#)

- [FMLA Medical Certification Form](#)
- [Expanded Family and Medical Leave Policies](#)
- [Questions and Answers on Expanded Family and Medical Leave Policies](#)

References

Public Law 103-3. February 5, 1999
5 U.S.C. 6381-6387; 5 CFR part 630, subpart L

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*U.S. Office of Personnel Management***Court Leave**

An employee is entitled to paid time off without charge to leave for service as a juror or witness. An employee is responsible for informing his or her supervisor if he or she is excused from jury or witness service for 1 day or more or for a substantial part of a day. To avoid undue hardship, an agency may adjust the schedule of an employee who works nights or weekends and is called to jury duty. (If there is no jury/witness service, there is no court leave. The employee would be charged annual leave, sick leave, or leave without pay, as appropriate.)

Jury Duty

An employee who is summoned to serve as a juror in a judicial proceeding is entitled to court leave.

Witnesses

An employee who is summoned as a witness in a judicial proceeding in which the Federal, State, or local government is a party is entitled to court leave.

Official Duty

An employee who is summoned as a witness in an official capacity on behalf of the Federal Government is on official duty, not court leave.

Fees/Expenses

Employees must reimburse to their agency fees paid for service as a juror or witness. However, monies paid to jurors or witnesses which are in the nature of "expenses" (e.g., transportation) do not have to be reimbursed to the agency.

References

5 U.S.C. 6322, 5537, and 5515

Comptroller General opinions:

26 Comp. Gen. 413 (1946)--return to work site

38 Comp. Gen. 142 (1958)--official duty status

52 Comp. Gen. 325 (1972)--private party suit

B-214863 (07/23/84)--fees



U.S. Office of Personnel Management

Leave Without Pay

Leave without pay (LWOP) is a temporary nonpay status and absence from duty that, in most cases, is granted at the employee's request. In most instances, granting LWOP is a matter of supervisory discretion and may be limited by agency internal policy. Employees, however, have an entitlement to LWOP in the following situations:

- The Family and Medical Leave Act of 1993 (FMLA) (Public Law 103-3, February 5, 1993), provides covered employees with an entitlement to a total of up to 12 weeks of unpaid leave (LWOP) during any 12-month period for certain family and medical needs. (See 5 CFR part 630, subpart L.)
- The Uniformed Services Employment and Reemployment Rights Act of 1994 (Pub.L. 103-353) provides employees with an entitlement to LWOP when employment with an employer is interrupted by a period of service in the uniformed service. (See 5 CFR 353.106.)
- Executive Order 5396, July 17, 1930, provides that disabled veterans are entitled to LWOP for necessary medical treatment.
- Employees may not be in a pay status while receiving workers' compensation payments from the Department of Labor.

Employees should be aware that LWOP affects their entitlement to or eligibility for certain Federal benefits. See Effect of Extended Leave without Pay (or other Nonpay Status) on Federal Benefits and Programs.

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**Effect of Extended Leave Without Pay (LWOP)
(or Other Nonpay Status)
on Federal Benefits and Programs**

Type of Benefit/Program	The amount of LWOP (or other nonpay status) that is considered creditable service for purposes of determining an employee's entitlement to or eligibility for the following Federal benefits and programs:
Career tenure	The first 30 calendar days of each nonpay period is creditable service.
Completion of probation	A total of 22 workdays in a nonpay status is creditable service.
Time-in-grade requirements (requirements for promotion)	Any nonpay status is creditable service.
Retirement benefits	A total of 6 months in a nonpay status in any calendar year is creditable service. Coverage continues at no cost to the employee while in a nonpay status. When employees are in a nonpay status for only a portion of a pay period, their contributions are adjusted in proportion to their basic pay (5 U.S.C. 8332 and 8411).
Health benefits	Enrollment continues for no more than 365 days in a nonpay status. The nonpay status may be continuous or broken by periods of less than 4 consecutive months in a pay status (5 CFR 890.303(e)). The Government contribution continues while employees are in a nonpay status. The Government also is responsible for advancing from salary the employee share as well. The employee may choose between paying the agency directly on a current basis or having the premiums accumulate and withheld from his or her pay upon returning to duty.
Life insurance	Coverage continues for 12 consecutive months in a nonpay status without cost to the employee (5 CFR 870.401(c)) or to the agency (5 CFR 870.401(d)). The nonpay status may be continuous, or it may be broken by a return to duty for periods of less than 4 consecutive months.
Within-grade increases	A total of 2 workweeks in a nonpay status in a waiting period is creditable service for advancement to steps 2, 3, and 4 of the General Schedule; 4 workweeks for advancement to steps 5, 6, and 7; and 6 workweeks for advancement to steps 8, 9, and 10 (5 CFR 531.406(b)). For prevailing rate employees (WG, WL, and WS schedules), a total of 1 workweek in a

	nonpay status is creditable service for advancement to step 2, 3 workweeks for advancement to step 3, and 4 workweeks for advancement to steps 4 and 5 (5 CFR 532.417(b)).
Accrual of annual and sick leave	When a full-time employee accumulates 80 hours of LWOP during a pay period, the employee does not earn annual leave or sick leave during that pay period. The employee earns leave in the next succeeding pay periods until he or she again accumulates 80 hours of LWOP during a pay period (5 CFR 630.208). When a part-time employee is in a nonpay status, he or she will accrue less annual leave and sick leave, since part-time employees earn leave on a pro-rata basis--i.e., based on hours in a pay status (5 CFR 630.303 and 630.406). For purposes of computing accrual rates for annual leave (i.e., 4, 6, 8 hours each pay period), 6 months of nonpay status in a calendar year is creditable service (5 U.S.C. 6303(a) and 8332(f)).
Reduction in force (determining years of service)	A total of 6 months of nonpay status in a calendar year is creditable service.
Severance pay	Nonpay status time is fully creditable for the 12-month continuous employment period to qualify for severance pay (5 U.S.C. 5595(b)(1) and 5 CFR 550.705). However, for purposes of computing an employee's actual severance payment, any time in a nonpay status that is not creditable for leave accrual must be excluded from his or her creditable service. (5 U.S.C. 5595(c)(1) and 5 CFR 550.707-708.)
Thrift Savings Plan (TSP)	Agencies should refer to the Thrift Savings Plan Bulletin for Agency TSP Representatives, No. 01-22, dated May 3, 2001. For additional information, agency representatives may contact the Federal Retirement Thrift Investment Board at (202) 942-1460. Employees should refer to the TSP Fact Sheet - Effect of Nonpay Status on TSP Participation. Both issuances are available from the TSP internet web site at www.tsp.gov .
Military duty or workers' compensation	Nonpay status for employees who are performing military duty or being paid workers' compensation counts as a continuation of Federal employment for all purposes upon the employee's return to duty.

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Military Leave

Also see: [Frequently Asked Questions on Military Leave](#)

An employee is entitled to time off at full pay for certain types of active or inactive duty in the National Guard or as a Reserve of the Armed Forces.

Coverage

Any full-time Federal civilian employee whose appointment is not limited to 1 year is entitled to military leave. Military leave under 5 U.S.C. 6323(a) is prorated for part-time career employees and employees on an uncommon tour of duty.

Types of Military Leave

5 U.S.C. 6323 (a) provides 15 days per fiscal year for active duty, active duty training, and *inactive duty training*. An employee can carry over a maximum of 15 days into the next fiscal year.

Inactive Duty Training is authorized training performed by members of a Reserve component not on active duty and performed in connection with the prescribed activities of the Reserve component. It consists of regularly scheduled unit training periods, additional training periods, and equivalent training. For further information, see Department of Defense Instruction Number 1215.6, March 14, 1997

5 U.S.C. 6323 (b) provides 22 workdays per calendar year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor. This leave is provided for employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation* as defined in section 101(a)(13) of title 10, United States Code.

5 U.S.C. 6323(c) provides unlimited military leave to members of the National Guard of the District of Columbia for certain types of duty ordered or authorized under title 39 of the District of Columbia Code.

5 U.S.C. 6323(d) provides that **Reserve and National Guard Technicians** *only* are entitled to 44 workdays of military leave for duties overseas under certain conditions.

* The term "contingency operation" means a military operation that -

(a) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(b) results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of title 10, United States Code, chapter 15 of title 10, United States Code, or any other provision of law during a war or during a

national emergency declared by the President or Congress.

Days of Leave

Military leave should be credited to a full-time employee on the basis of an 8-hour workday. The minimum charge to leave is 1 hour. **An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay.**

Employees who request military leave for inactive duty training (which generally is 2, 4, or 6 hours in length) will now be charged only the amount of military leave necessary to cover the period of training and necessary travel. Members of the Reserves or and National Guard will no longer be charged military leave for weekends and holidays that occur within the period of military service.

A full-time employ working a 40-hour workweek will accrue 120 hours (15 days x 8 hours) of military leave in a fiscal year, or the equivalent of three 40-hour workweeks. Military leave under 6323(a) will be prorated for part-time employees and for employees on uncommon tours of duty based proportionally on the number of hours in the employee's regularly scheduled biweekly pay period.

Examples

Hours in the regularly scheduled biweekly pay period	Ratio of hours in the regularly scheduled pay period to an 80-hour pay period (the number of hours in the pay period 80)	Hours of military leave accrued each fiscal year	Pay Periods of military leave accrued each fiscal year.
40	.5 (40 80)	.5 x 120 = 60 hours	1.5 40-hour pay periods
106	1.325 (106 80)	1.325 x 120 = 159 hours	1.5 106-hour pay periods
120	1.5 (120 80)	1.5 x 120 = 180 hours	1.5 120-hour pay periods
144	1.8 (144 80)	1.8 x 120 = 216 hours	1.5 144-hour pay periods

Effect on Civilian Pay

An employee's civilian pay remains the same for periods of military leave under 5 U.S.C. 6323(a), including any premium pay (except Sunday premium pay) an employee would have received if not on military leave. For military leave under 5 U.S.C. 6323(b) and (c), an employee's civilian pay is reduced by the amount of military pay for the days of military leave. However, an employee may choose not to take military leave and instead take annual leave, compensatory time off for travel, or sick leave, if appropriate, in order to retain both civilian and military pay.

References

5 U.S.C. 5519 and 5 U.S.C. 6323

Public Law 106-554, December 21, 2000

Public Law 108-136, November 24, 2003


Comptroller General opinions:

B-227222 (11/05/78)--entitlement

B-211249 (09/20/83)--incompatible with civilian service

B-241272 (02/15/91)--duty into new leave year

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