



## HUMAN RESOURCES

### 3.4 Employee Benefits and Programs

#### LEAVE ADMINISTRATION

- A. Proponent:** Human Resources Division, Telephone (202) 307-5199, Fax (202) 353-8374.
- B. Purpose:** This policy directive provides United States Marshals Service (USMS) employees with basic regulatory and policy guidance on the various leave programs available.
- C. Authority:** The authority to administer leave for federal government employees is set forth in 5 USC 63; 5 USC 61; 5 USC 55; 5 CFR 550J; 5 CFR 630; 20 CFR 10; and DOJ Order 1630.1B.
- D. Policy:** It is the policy of the Employee Relations Team, Human Resources Division, to ensure that the USMS administers leave in a fair and consistent manner in accordance with the law, the rules and regulations of the U.S. Office of Personnel Management (OPM), and the provisions of this directive.
- E. Procedures:** See the sections below or the click on the following links:
1. [Annual Leave](#)
  2. [Sick Leave](#)
  3. [Leave Without Pay \(LWOP\)](#)
  4. [Military Leave](#)
  5. [Court Leave](#)
  6. [Family and Medical Leave](#)
  7. [Sick Leave for Family Care](#)
  8. [Compensatory Leave](#)
  9. [Continuation of Pay for Work Injuries](#)
  10. [Home Leave](#)
  11. [Excused Absence \(Administrative Leave\)](#)
  12. [Funeral Leave](#)
- F. Responsibilities:** All leave must be approved or disapproved by an employee at the next highest managerial level. For example, U.S. Marshals and Assistant Directors have leave approved by the Deputy Director.
1. **Supervisors and Managers**
    - a. Ensure that leave is approved, disapproved, or canceled in accordance with the laws and regulations governing the administration of leave and the provisions of this directive.

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- b. Ensure that leave taken by employees is properly charged.
- c. Plan and schedule annual leave with employees so as to avoid the forfeiture of such leave.

### 2. Employees

- a. Request leave in accordance with the provisions of this directive and any procedures established by their supervisors and managers.
- b. Come to work at their scheduled starting time unless leave has been approved.
- c. Submit requests for leave as far in advance as possible.
- d. Notify their supervisors and request leave as soon as possible when it is needed because of illness, injury or other personal emergency. This should be done before the beginning of the regularly scheduled tour of duty or within the first half-hour of it.
- e. Work with their supervisors to plan and schedule their annual leave throughout the year to avoid excessive amounts of use-or-lose leave at the end of the leave year.

### G. Definitions

1. **Administrative Workweek:** a period of seven consecutive days with the hours employees are scheduled to work. The administrative workweek for USMS employees is normally Sunday through Saturday.
2. **Contagious Disease:** a disease that is ruled as subject to quarantine, requires isolation of the patient, or requires that the patient's movements be restricted for a specified period prescribed by local health authorities.
3. **Family Member Under Sick Leave for Family Care Purposes Provisions:**
  - a. Spouse and parents thereof
  - b. Children, including adopted children and spouses thereof
  - c. Parents
  - d. Brothers and sisters and spouses thereof
  - e. Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship
4. **Family Member Under the Family and Medical Leave Act:** includes spouse, son or daughter (including adopted or foster children, stepchildren or a legal ward), and parent. In-laws, brothers, sisters and any other individual related by blood or affinity are **not** included.
5. **Medical Certificate:** a written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination or treatment and to the period of disability while the patient was receiving professional treatment.
6. **Serious Health Condition:** Examples of a "serious health condition" include heart attacks, heart conditions requiring heart bypass or valve operations, cancers, back conditions requiring extensive therapy or surgical procedures, kidney dialysis, physical therapy, strokes, severe respiratory conditions, appendicitis, pneumonia, emphysema, severe arthritis, depression, recovery from major surgery, final stages of a terminal illness, and Alzheimer's disease. A serious health condition also includes complications or illnesses related to pregnancy.

### H. Annual Leave

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An employee whose entry-on-duty date begins after the start of a pay period (Sunday) or separates before the end of one (Saturday) does not earn leave for that pay period. The amount of annual leave employees earn depends on their length of federal service (including military service) and the number of hours in their scheduled tours of duty. Employees are assigned to leave-earning categories and earn leave as follows (based on a full-time, 80-hour, two-week tour of duty):

1. **Full-Time Employees**

Years of Service	Earning Rates
Less than 3	4 hours of annual leave for each full biweekly pay period or 13 days per leave year
At least 3, but less than 15	6 hours of annual leave for each full biweekly pay period plus 4 hours for the last full biweekly pay period of the leave year
15 or more	8 hours of annual leave for each full biweekly pay period or 26 days per leave year

2. **Part-Time Employees**

Years of Service	Earning Rates
Less than 3	1 hour of annual leave for every 20 hours in a pay status
At least 3, but less than 15	1 hour of annual leave for every 13 hours in a pay status
15 or more	1 hour of annual leave for every 10 hours in a pay status

3. **Approval of Annual Leave**

- a. Denials of leave will be based upon factors that are reasonable, equitable and nondiscriminatory. The employee's desires and personal convenience as well as the work situation are to be considered when granting leave. Supervisors must not make arbitrary decisions to deny leave. Except in emergencies, annual leave must be requested by the employee and approved by the supervisor in advance. Whenever annual leave cannot be approved as initially requested, the employee and supervisor or manager concerned are responsible for scheduling the leave at a time which is mutually agreeable to both parties.
- b. Annual leave is provided and used to afford employees the opportunity to take an annual vacation, periods of extended leave for rest or recreation, or to attend to personal, family or emergency matters. The supervisor decides the scheduling and amount of annual leave granted at any time. An exception occurs when the employee requests to substitute annual leave for leave without pay (LWOP) after invoking his/her entitlement under the Family and Medical Leave Act (FMLA) (See attachment F).
- c. An employee with a zero annual leave balance may, at the discretion of the supervisor, be advanced annual leave to be earned during the pay period. At the end of the pay period, the annual leave accrued will automatically be applied toward liquidation of the advanced annual leave.

4. **Maximum Annual Leave Accumulation**

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- a. A maximum of 240 hours (30 days) may carry over from one leave year to another.
  - b. Employees serving abroad may carry over 360 hours (45 days) from one leave year to the next.
  - c. An employee appointed to the Senior Executive Service may carry over no more than 720 hours (90 days) from one leave year to the next.
5. **Restoration of Annual Leave:** Leave that exceeds the maximum carryover amount allowed will be forfeited at the end of the leave year, but it may be restored under certain circumstances. There are strict criteria and documentation requirements which must be met before annual leave that is forfeited is eligible for restoration. Specifically, leave regulations found at 5 CFR 630.308 require that, before forfeited annual leave may be considered for restoration, use of the annual leave must have been scheduled in writing before the start of the third biweekly pay period prior to the end of the leave year. The USMS recognizes the OPM-71, *Request for Leave or Approved Absence*, as the official form for requesting the use of leave.
6. **Advanced Annual Leave**
- a. Employees are not automatically entitled to advanced annual leave.
  - b. Annual leave must not be advanced when it is likely the employee will retire or separate from the service before earning the leave to repay the advance.
  - c. 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.
  - d. An employee who is separated while indebted for advanced annual leave must refund the amount due or have it deducted from any monies due him/her.
  - e. If the employee separates because of disability or illness (whether by retirement or resignation), the service cannot require repayment of the amount paid to the employee for advance leave.

Employees must submit advanced annual leave requests through their first- and second-line supervisors. If approved, management will forward the application to the Employee Relations Team to ensure compliance with USMS policies. If district/division management turns down the employee's request, the employee is informed and no further action is taken.

7. **Annual Leave During Active Military Duty:** An employee performing military service must be permitted to use any accrued annual leave. The employee is entitled to use annual leave or military leave intermittently with leave without pay while on active duty or active/inactive duty training.
8. **Substitution of Annual Leave for Sick Leave**
- a. Annual leave may be applied to retroactively liquidate a sick leave advance but cannot be applied retroactively for regular sick leave.
  - b. Annual leave may be substituted for sick leave for a period of illness for which the employee does not have a sufficient sick leave balance.

**I. Sick Leave**

An employee whose duty entrance date begins after the start of a pay period (Sunday), or separates before the end of one (Saturday), does not earn leave for that pay period.

1. All full-time employees accrue four hours of sick leave each pay period. Part-time employees earn sick leave on a prorated basis: one hour for every 20 hours worked.

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2. There is no limit on the amount of accumulated sick leave that may be carried forward from one year to another.
3. Sick leave may be used:
  - a. When the employee is incapacitated due to physical or mental illness, injury, pregnancy or childbirth.
  - b. When an employee is a disabled veteran who must undergo a medical exam or treatment for the disability.
  - c. When the employee receives medical, dental or vision exams or treatment.
  - d. When the employee provides care for a family member as a result of physical or mental illness, injury, pregnancy, childbirth, or medical, dental or vision treatment. (See section N.)
  - e. When the employee makes arrangements for or attends the funeral of a family member. (See section S.)
  - f. When an employee, as determined by appropriate health authorities or a health care provider, has a contagious disease.
  - g. When the employee must be absent for any reason relating to a child adoption.
4. Sick leave for prearranged medical appointments or care of a family member must be requested in advance and may be denied if the employee's services are needed.
5. An emergency request for sick leave for any reason must be requested as soon as possible after the beginning of the absence (normally within the first-half hour of the scheduled workday) unless otherwise instructed by the supervisor. Immediately upon return to the office, the employee must submit an OPM-71 to the supervisor.
6. Absences of three consecutive days or less for which sick leave is requested do not require medical documentation unless the employee has been otherwise advised by the supervisor/manager.
7. Sick leave of more than three consecutive workdays may require medical documentation. Sick leave of 10 or more consecutive workdays **requires** medical documentation. Required medical documentation must be signed by a health care provider and be sufficiently specific for the supervisor to make a reasonable decision concerning whether or not the employee was incapable of performing his or her duties and/or was receiving medical treatment. It must specifically identify the dates of the incapacitation and/or treatment and, if appropriate, provide an estimated date of full or partial recovery. **If the employee has been placed on a Letter of Leave Restriction, more specific requirements may be imposed.**
8. Employees must submit required medical documentation within the pay period after return to duty. Failure to do so may result in the employee's absence being charged to absence without leave (AWOL) and may result in disciplinary action.
9. In cases of extended illness, medical documentation may be periodically required to support the employee's continued incapacity.
10. Law enforcement employees must provide medical certification of their ability to return to work after taking medical leave for their own serious health conditions.
11. If illness occurs during a period of annual leave, an employee may substitute sick leave if supporting evidence acceptable to the supervisor is submitted.
12. Advanced Sick Leave

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- a. Advanced sick leave is a privilege that may be extended to employees regardless of their annual leave balance. It is generally reserved for serious disability, illness, incapacitation, or confinement for and after childbirth.
- b. Most employees may be advanced up to 240 hours of sick leave for personal medical conditions. They may be advanced up to 40 hours of sick leave for family medical emergencies. (See attachment N. for advanced sick leave to care for a family member.)
- c. Advanced sick leave requests must be in writing and supported by medical documentation.
- d. Advanced sick leave will not be granted if it is likely that the employee will not return to duty for a sufficient period of time to repay it.
- e. Advanced sick leave is liquidated automatically as sick leave is accrued each pay period.
- f. Unliquidated advanced sick leave is carried forward from one leave year to the next.
- g. If the employee separates because of disability or illness, the service cannot require repayment of the amount paid to the employee for advance leave.
- h. Employees must submit advanced sick leave requests through their first- and second-line supervisors. If approved, management will forward the application to the Employee Relations Team (ERT) to ensure compliance with service policies. If the request is not approved, management will inform the employee.
- i. If an employee has a zero sick leave balance at the beginning of the pay period, the supervisor may advance the employee the sick-leave that would be earned during the pay period. At the end of the pay period, the sick leave earned will automatically liquidate the advance sick leave.

### J. Leave Without Pay (LWOP)

1. LWOP is a temporary, non-pay status and an authorized absence from duty granted at the employee's request and at management's discretion.
2. An employee does not have to exhaust annual leave or sick leave before requesting LWOP.
3. LWOP may be granted when the employee has insufficient annual or sick leave to cover an approved absence or for family and medical purposes under the FMLA.
4. LWOP may be granted in order to avoid a break in service for career or career-conditional employees who are dependents of a transferred military or federal civilian employee.
5. The maximum LWOP that may be granted initially is 12 months, but the efficiency of the service must be considered before approving any extended period of LWOP. LWOP in excess of one year must be approved by the Director.
6. **Effects of LWOP (or Other Nonpay Status) on Federal Benefits and Programs:** The amount of LWOP (or other nonpay status) that is considered creditable service for purposes of determining an employee's eligibility for the following federal benefits and programs is as follows:

**Career Tenure:** The first 30 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 six months in a nonpay status per year is creditable service. Coverage continues at no cost to the employee while in a nonpay status. When employees are

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in a nonpay status for only a portion of a pay period, their contributions are adjusted in proportion to their basic pay.

**Health Benefits:** Enrollment continues for no more than a year in a nonpay status. The nonpay status may be continuous or broken by periods of less than four consecutive months in a pay status. The government contribution continues while employees are in a nonpay status. The government also is responsible for advancing from salary the employee share. 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 or to the agency. The nonpay status may be continuous or broken by a return to duty for periods of less than four consecutive months.

**Within-grade Increases:** A total of two workweeks in a nonpay status in a waiting period is creditable service for advancement to steps two, three and four of the general schedule; four workweeks for advancement to steps five, six and seven; and six workweeks for advancement to steps eight, nine and 10. For prevailing rate employees (WG, WL, and WS schedules), a total of one workweek in a nonpay status is creditable service for advancement to step two; three workweeks for advancement to step three; and four workweeks for advancement to steps four and five.

**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 period. The employee earns leave in the next pay period until he or she again accumulates 80 hours of LWOP during a pay period. 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). For purposes of computing accrual rates for annual leave (i.e., four, six, eight hours each pay period), six months of nonpay status in a year is creditable service.

**Reduction in Force (Determining Years of Service):** A total of six months of nonpay status per year is creditable service.

**Severance Pay:** Nonpay status time is fully creditable for the 12-month continuous employment period to qualify for severance pay. But for purposes of computing an employee's actual severance payment, no more than six months of nonpay status in a year is creditable service.

**Thrift Savings Plan (TSP):** Agencies should refer to the Thrift Savings Plan Bulletin No. 97-43, dated December 18, 1997, for Agency TSP representatives. 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 Web site at [www.tsp.gov](http://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.

**K. Military Leave**

1. Military leave is an authorized absence to perform active military duty, active duty for training, or military law enforcement. An employee may be granted up to 120 hours (15 workdays per fiscal year, October 1 through September 30) for active duty or active duty for training with the National Guard or an armed forces reserve unit. A copy of the orders should be provided when requesting military leave.
2. A maximum of 120 hours (15 workdays) of unused military leave may be carried over from one fiscal year to the next.
3. An additional 176 hours (22 workdays) of military leave a year may be granted when an employee is ordered into service to provide military aid to enforce the law during periods of civil

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- disturbance, domestic violence, etc. Under 5 USC 5519, military pay received by an individual who has been activated to support civil authorities in the protection of life and property must be credited against any Federal civilian pay the employee received during the 22 workdays of military leave. An employee is entitled to the greater of his or her civilian or military pay, not both. Before recording the use of, or as soon as possible, these 22 days, the employee must forward a copy of their military orders and copy of their most current military leave and earnings statement to the Human Resources Division, Employee Relations Team, Attention: Military Liaison/Leave Administration.
4. The minimum charge for military leave is one hour. An employee may be charged military leave only for hours that he or she would otherwise have worked and received pay.
  5. Based on Public Law 106-554, dated December 20, 2000, weekends and holidays that occur within the period of military service will not be charged against military leave.
  6. Employees entitled to military leave must meet the following criteria:
    - a. Be a member of a Reserve or National Guard component.
    - b. Have a full- or part-time (16 to 32 hours a week) permanent appointment.
    - c. Be able to present official military orders calling the Reservist or National Guardsman to duty.
  7. Those who have temporary appointments with one-year, not-to-exceed dates are not eligible for military leave. Employees whose appointments are intermittent tours of duty are not eligible for military leave, but they may be allowed to use earned annual leave for military duty.

### **L. Court Leave**

1. Court leave is an authorized absence without loss of pay or charge to annual leave to perform jury service, or to attend judicial proceedings in a nonofficial capacity as a witness on behalf of a state or local government or private party in connection with any judicial proceeding to which the United States, the District of Columbia, or a state or local government is a party.
2. A permanent or temporary employee with a regularly scheduled tour of duty (part time or full time) is eligible to use court leave for a military court proceeding.
3. Court leave can be granted only for those days and hours the employee would otherwise be in a pay status. Therefore, an employee serving court duty on a compressed work schedule day off may not charge that day as court leave.
4. An employee serving as a witness in a case between private individuals or companies in which the federal, state or local government is not an involved party is not eligible for court leave.
5. Unless this would be impractical, an employee must return to duty during periods when he or she is excused from court or jury duty and would normally be scheduled to work, including weekends and/or holidays. As a general rule, if there are at least two hours remaining in the employee's workday, exclusive of reasonable travel time, the employee should report for duty. If the employee fails to report for duty as directed, annual leave, LWOP or AWOL is charged for the excess time.
6. An employee serving as a juror in a federal court may not receive a fee from the court for jury services. If serving as a juror for a state or local court, the employee must turn into his or her district/division any fees received for jury or witness service for which court leave is granted. The employee may keep any payments that are designated as "expenses."

### **M. Family and Medical Leave Act of 1993 (FMLA) & Leave for Other Parental and Family Responsibilities**

1. Basic provisions of the FMLA of 1993 entitle an employee to receive up to 12 workweeks of LWOP, and allow him or her to substitute available paid annual and/or sick leave during any 12-

month period for one or more of the following reasons:

- a. Birth of a son or daughter of the employee and the care of the newborn child (within one year of birth)
  - b. Placement of a son or daughter with the employee for adoption or foster care (within one year of placement)
  - c. Care for a family member of the employee with a serious health condition
  - d. A serious health condition of employee that makes him or her unable to perform one or more essential duties.
2. OPM, in accordance with a White House memorandum dated April 11, 2001, has set forth guidance regarding leave for other parental and family responsibilities. Specifically, OPM authorizes an additional 24 hours of LWOP each year for the following purposes:
- a. To allow employees to participate in school activities that contribute to a child's educational advancement, such as parent-teacher conferences or meetings with child-care providers and interviews for a new school or child-care facility. School refers to an elementary school, secondary school, Head Start program or child-care facility.
  - b. To allow parents to accompany children to routine medical or dental appointments.
  - c. To allow employees to accompany an elderly family member to routine medical or dental appointments or to arrange for professional services, such as housing, meals, phones and banking services.
  - d. Supervisors shall grant employees' requests to substitute paid time off for these family activities. Leave for the above purposes should be scheduled in advance whenever possible.
3. This leave is in addition to any paid leave that is authorized and available to all employees. An employee must invoke his or her entitlement to family and medical leave. In addition, employees must provide medical certification of the serious health condition when applicable and may be required to provide other supporting documents. An employee may not retroactively invoke entitlement to family and medical leave or retroactively substitute paid leave for any previous unpaid absence from work.

#### N. Sick Leave for Family Care Purposes

1. Most employees may use up to 104 hours of sick leave each year for the following:
  - a. To attend to a family member with an illness, injury or other condition (including medical, dental, or optical examination or treatment)
  - b. For purposes relating to the death of a family member
2. Full-time employees are entitled to use 40 hours of their accrued sick leave per year for the purposes described above. If the employee does not have 40 hours of sick leave to his/her credit, the 40 hours may be advanced by the employee's supervisor or manager. An additional 64 hours may be used by employees who maintain a sick leave balance of at least 80 hours while using the additional hours. Leave-approving officials may require the employee to provide medical documentation after three consecutive days or for fewer days off. Employees are required to use sick leave available under this entitlement to care for a family member before becoming eligible for donated leave under the Voluntary Leave Sharing Programs.
3. Federal employees may use up to **12 weeks**, which includes the aforementioned 13 workdays (104 hours), of their accrued sick leave to care for a family member with a **"serious health condition."** Employees are required to use sick leave available under this entitlement to care for a family member with a serious health condition before becoming eligible for donated leave under

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the Voluntary Leave Sharing Programs.

**O. Compensatory Leave**

1. At the employee's request, a supervisor/manager may grant compensatory time off instead of payment for overtime. The approval to use compensatory time must be granted in advance. Compensatory time must be used within the leave year it was earned or in the following leave year. Criminal Investigators (1811s) should not be compensated for overtime work with compensatory time off.

Employees whose basic pay is that of a GS-10/step 10 and below receive overtime compensation or compensatory time off by choice. Employees whose pay exceeds that of a GS-10/step 10 are exempt from the Fair Labor Standards Act and may be required to take compensatory time off in lieu of overtime.

2. **Compensatory Time Off for Religious Observances** may be scheduled and approved by a supervisor so that an employee doesn't have to charge the time off to leave. This time is earned by performing approved overtime work and requesting religious compensatory time in lieu of premium pay. The overtime work should be performed within six pay periods **before or after** the requested religious compensatory time off. Time off not repaid within this time frame will be charged to annual leave or LWOP. If not used during the above time limit, the compensatory time will be forfeited. Religious compensatory time will be granted unless the adjustment of the work schedule interferes with the efficient accomplishment of the district/division's mission.
3. **Compensatory Time Off for Travel** may be earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable.

**P. Continuation of Pay for Work Injuries (COP)**

1. Continuation of Pay (COP) is a special leave category that entitles employees to have their regular pay continued with no charge to their own leave for up to 45 days (including weekends, holidays, and non-workdays) for a traumatic injury sustained on the job and for disability and/or medical treatment following it.
2. For COP to be used, a Form CA-1, *Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation*, must be filed within 30 days of the injury.
3. Employees filing for a job-related illness should use Form CA-2, *Notice of Occupational Disease and Compensation*, and are not entitled to COP.
4. The 45-day COP period commences the day after the injury. Absence during the day of the injury is charged to excused absence (administrative leave).
5. COP is charged in one-day increments. Days that are part work and part treatment or disability are charged as COP for the entire day.
6. Initially, COP should be granted, but it may be stopped if the employee does not provide medical documentation within 10 workdays of the COP request or when the disability begins (whichever is later). There are specific instances where COP can be denied by the agency. The OWCP coordinator can advise supervisors regarding the denial of COP. The agency may recover COP from the employee if the claim is denied.

**Q. Home Leave**

Home leave is a separate type of leave earned by employees who have been recruited or transferred from the continental United States (CONUS) or outside the employee's place of residence (if the place of residence is in the Commonwealth of Puerto Rico or a territory or possession of the U.S.) to a duty station outside CONUS. Home leave is granted at the discretion of the agency and may be used with other forms of approved leave.

Based on the employee's overseas duty post, an employee accrues home leave for each 12 months of service abroad at the following rate:

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1. **Fifteen Days**

- a. An employee who occupies a position that requires him or her to accept assignments anywhere in the world. (This applies primarily to positions where an employee's whole career is subject to reassignment from one location to another, with much of his or her time to be spent overseas.)
- b. An employee serving at a post for which a 20 percent or higher foreign or non-foreign (but not tropical) pay differential is authorized.

2. **Ten Days**

An employee not included in the above who is serving at a post for which payment of a foreign or non-foreign (but not a tropical) differential of at least 10 percent but less than 20 percent is authorized.

3. **Five Days**

- a. An employee working abroad who is not included above.
- b. Home leave may be granted only for use in the United States, the Commonwealth of Puerto Rico, or a territory or possession of the United States.
- c. Home leave to return to the United States may be granted only after the employee has completed an initial continuous period of 24 months abroad **and** the employee will return to duty abroad to serve an additional 24 months after using this leave.
- d. Home leave may accumulate without limit but cannot be used as terminal leave, nor can a lump-sum payment be made thereof.
- e. Home leave not used during a previous grant of home leave may be granted only after the employee has completed an additional 24 months of service abroad.
- f. Employee must repay home leave if he/she fails to return to service abroad after using it.

**R. Excused Absence:** Excused absence is administratively authorized time off without charge to leave or loss of pay. These excused absences are sometimes referred to as administrative leave. Because excused absence is not a leave category or entitlement, a supervisor should grant it only if the employee would have otherwise been in a **duty status**. Following is a list of circumstances when granting excused absence applies:

- 1. Tardiness and absences of less than 60 minutes when there is an acceptable explanation to the employee's supervisor/manager.
- 2. Voting and voter registration in a government election. As a general rule, if the polls are not open at least three hours either before or after an employee's regular tour of duty, he/she may be permitted to report for work up to three hours after the polls open or leave work up to three hours before they close, whichever requires less time off.
- 3. Formal conflict resolution preparation (e.g., grievance, EEO complaint, Alternative Dispute Resolution): **up to 8 hours**
- 4. Employee Assistance Program counseling: Contact Employee Assistance Program to coordinate.
- 5. Removal from a shooting incident: Contact Employee Assistance Program to coordinate.
- 6. Removal from work site due to allegations of serious misconduct: Contact Employee Relations Team to coordinate.

All administrative leave that may extend beyond 10 work days must be coordinated with the

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ERT. The ERT will review the request for compliance with the Department of Justice, Human Resources Order 1200.1 *Discipline, and Adverse Actions*. If it is determined that the administrative leave is appropriate, the request will be forwarded to the AAG/A for final determination. The request must include a written statement as to the circumstances surrounding the issue and a justification as to why the employee should not remain in the workplace. In addition, this same process is required for administrative leave that is less than 10 work days when the situation is not covered by the provisions of the Department of Justice Order 1630.1B, Leave Administration.

7. Critical Incident recuperation period (for peer-support participants): **up to 16 hours**
8. Blood Donation: **up to four hours** for donation and recovery if needed
9. Medically supported absence on the day of a job-related injury
10. Required physical examination (e.g., fitness for duty, physical exam incidental to entry into armed forces or membership in the reserves, occupational health programs or in connection with an application for disability retirement)
11. Federal civil service examinations and job interviews when it is in the service's interest
12. Local holidays or events: **The United States Marshal must provide a written request to the Deputy Director for approval to close an office for an upcoming local holiday or event.**
13. Employees are **entitled** to up to seven days with pay, recorded as excused absence, per year (in addition to sick or annual leave) to serve as a bone-marrow donor.
14. Employees are **entitled** to up to 30 days with pay, recorded as excused absence, per year to donate organs for transplant.
15. Federal law enforcement officers or firefighters may be excused from duty to attend the funeral of a fellow law enforcement officer or firefighter.
16. Excused absence may be granted for relocation within the service. If no house-hunting trip is taken, up to 40 hours may be granted; excused absence is limited to 16 hours when a house-hunting trip was taken or when government quarters are available. Such an absence may be used before, during or after reporting to the new duty station.
17. Employees with fewer than 80 hours of sick leave to their credit are eligible to use up to four hours of excused absence each leave year for preventive health screenings.
18. **Adverse Weather Conditions:** Whether employees should be charged leave or excused absence when adverse weather conditions develop before or during the workday depends upon whether the employee is on duty, scheduled to report for duty, or on leave at that time.

**Early Dismissals:** The USMS Director will give the notice to dismiss employees under an "Adjusted Work Dismissal" in the Washington, D.C., metropolitan area. For other USMS employees, early dismissal decisions should be made after consultation between the United States Marshal and Chief Judge.

- Employees who are on duty at the time an adjusted work dismissal is announced should not be charged leave.
- If an employee leaves after receiving word of an adjusted work dismissal but before the time has been set for it (with supervisory approval), he or she is charged leave for the period before the set dismissal time.
- If an employee leaves before receiving official word of an adjusted work dismissal, he or she should be charged leave for the remainder of the day.
- When an employee is absent on previously approved annual leave, sick leave or Leave

Without Pay (LWOP) for the entire workday, the employee continues to be charged that leave for the entire workday.

- When an employee is scheduled to report for work before an authorized adjusted work dismissal time but fails to do so, the employee must be charged annual leave, sick-leave or LWOP for the entire workday.

19. **Delayed Arrival:** For employees in the Washington, D.C., metropolitan area the Office of Personnel Management will make an “**Adjusted Home Departure**” announcement through the media. Employees may, after 6 a.m., check the OPM Web page for the D.C. Area Federal Government Operating Status announcement for that day. For other USMS employees, the following procedures should be followed when the district or division announces a delayed arrival or closure status:

a. **Emergencies Before the Workday Begins:**

- Government agencies are **OPEN**: Employees are expected to report for work on time.
- Government agencies are operating under an **UNSCHEDULED LEAVE** policy: Employees may take leave without prior approval. Employees must inform their supervisors of their intentions to take unscheduled leave.
- Government agencies are operating under an **ADJUSTED HOME DEPARTURE** policy: Employees are requested to leave home later than their normal departure time.
- Government agencies are operating under an **ADJUSTED HOME DEPARTURE/UNSCHEDULED LEAVE** policy: Employees are requested to leave home later than their normal departure time and employees may take leave without prior approval. Employees must inform their supervisors of their intentions to take unscheduled leave. Employees designated as "emergency employees" are expected to report to work on time.
- Government agencies are **CLOSED** and non-emergency employees are excused from duty without loss of pay or charge to leave: Employees designated as "emergency" are expected to report to work on time.

b. Workdays on which the government is closed are non-workdays for leave purposes. Because leave cannot be charged for non-workdays, employees who are on approved leave before the closure must also be granted excused absence. Granting excused absence does not apply to employees on leave without pay, military leave, suspension or in a non-pay status immediately before and after the closure. Employees working an alternate work schedule whose normal day off is a closure day will not be given an additional day off.

c. Emergency employees whose presence on the job is required regardless of an adjusted work dismissal, closure or unscheduled leave/adjusted home departure must be notified annually, in writing, that they are “emergency personnel.” OPM has stated that for a one-time event requiring a non-emergency employee, oral notification is sufficient.

S. **Funeral Leave:** Funeral leave is an authorized absence from duty without loss of pay or charge to leave that a supervisor may grant to an employee whose **immediate relative dies as a result of wounds, disease, or injury incurred as a member of the armed forces in a combat zone**. This leave may not exceed three workdays. Employees may request sick leave, annual leave or LWOP to attend other funerals.

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