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PART I

SECTION 9. LEAVE

9-1 LEAVE YEAR

The leave year is defined as the period from the beginning of the first complete pay period in a calendar year to the beginning of the first complete pay period in the following calendar year.

9-2 ACCRUAL OF LEAVE

Annual and sick leave shall accrue to an employee during each full biweekly pay period while in a pay status or in a combination of pay and non-pay status. No leave is earned for any partial pay period. (See Time and Attendance Manual.) However, a deduction of the number of hours of annual and sick leave accrued in one biweekly period must be made for each 80 hours the employee is in a nonpay status during a leave year.

9-2.1 Annual Leave Accrual Rate

[Four hours a pay period [full-time employees] with less than three years' service; six hours a pay period for those with three but less than 15 years of service (except that ten hours earned last complete pay period of each year for employees in this category, regardless of when they reached the six-hour category); and eight hours a pay period for those with 15 or more years of service. [Part-time employees must have a regularly assigned tour of duty on at least one day of each week in the pay period. Part-time employees with less than three years' service earn one hour of annual leave for each 20 hours in a pay status. Those with three but less than 15 years of service earn one hour of annual leave for each 13 hours in a pay status. Part-time employees with 15 or more years of service earn one hour of annual leave for each ten hours in a pay status.] Creditable [service] includes other Government and military service.

9-2.2 Sick Leave Accrual Rate

[Full-time employees earn sick leave at the rate of four hours for each full biweekly pay period. Employees who work on a part-time basis with an established tour of duty earn sick leave at the rate of one hour for each twenty hours of duty. Credit for part-time employees may not exceed four hours of sick leave for eighty hours of duty in any pay period.]

9-2.3 Extra Home Leave Earnings for Employees Stationed Outside the United States

An employee stationed at San Juan will earn, for each year of absence from the United States, five days of leave over and above the regular earning of annual leave, to be used for home leave in addition to the annual leave plus travel time customarily granted for that purpose.

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9-3 ACCUMULATION OF LEAVE

9-3.1 Annual Leave

9-3.1.1 Employees Stationed in United States

(1) Maximum of 30 days as of the beginning of the first pay period in leave year may be accumulated by employees stationed in United States.

(2) Employees who had in excess of 30 days' accumulated leave as of 12-21-52 retain such balance until it is reduced by taking more leave than earned in any leave year.

(3) Alaska - Employees stationed in Alaska on 1-11-59 retain balance to their credit on such date until it is reduced by taking more leave than earned in any leave year.

(4) Hawaii - Employees stationed in Hawaii on 8-21-59 have maximum accumulations determined as follows:

(a) Thirty days for those employees with less than 30 days on 8-21-59.

(b) Employees who had in excess of 30 days on 8-21-59 retain such balance (up to 45 days) until it is reduced by taking more leave than is earned in any leave year.

(c) Certain employees in Hawaii will have an accumulation in excess of 45 days by virtue of 12-21-52 ceiling, and such accumulation will be retained until it is reduced by taking more leave than earned in any leave year.

9-3.1.2 Employees Stationed Outside United States

(1) Maximum of 45 days as of beginning of the first pay period in leave year may be accumulated by employees stationed outside the United States provided they fall into one of the following categories:

(a) Persons directly recruited or transferred from the United States by the Federal Government.

(b) Persons employed locally but who were either originally recruited from the United States and have been in substantially continuous employment with other Federal agencies and whose conditions of employment provide for their return transportation to the United States or those who were at the time of their employment temporarily absent from the United States for purposes of travel or formal study and who maintained their residence in the United States.

(c) Persons who are not normally residents of the overseas area concerned but who were discharged from the military service of the United States to accept Federal employment.

(2) If an employee has an accumulation of annual leave in excess of the 30 days' maximum accrual, upon transfer to a position within the United States, the maximum accumulation is the amount credited to the employee as of the date of departure for the United States but may not exceed 45 days, unless as of 12-21-52 employee's accumulation was higher.

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9-3.2 Sick Leave

No restriction on the amount accumulated.

9-4 FORFEITURE OF ANNUAL LEAVE

Employees must use all annual leave earned above their maximum allowable carry-over by the end of the leave year or forfeit all accumulated annual leave over and above their maximum allowable carry-over. Forfeited annual leave, under circumstances noted under RESTORATION OF [FORFEITED] ANNUAL LEAVE, may be recredited temporarily for later use.

[9-5 RESTORATION OF FORFEITED ANNUAL LEAVE

[(1) Circumstances under which annual leave forfeited at the end of the leave year may be restored:

[(a) An administrative error (e.g., incorrect service computation date, failure to change a leave accrual rate, incorrect calculations on time and attendance records, etc.) which results in forfeiture of annual leave otherwise accruable after June 30, 1960.

[(b) A period of sickness of at least one day which occurs during a period of "annual leave scheduled in advance" that results in a reduction in the charge of annual leave. In addition, the period of sickness has to be of such duration or occur so late in the year that the resulting excess annual leave cannot be rescheduled and used prior to the end of the leave year.

[(c) "Annual leave scheduled in advance" (annual leave scheduled and approved in writing prior to the start of the third biweekly pay period before the end of the leave year) is subsequently cancelled by a supervisor because of an exigency of public business (i.e., unexpected work situations which clearly require the service of the employee) and the excess annual leave cannot be rescheduled and used prior to the end of the leave year. The use of annual leave, compensatory time off, or leave without pay after a cancelled period of scheduled annual leave (unless covered by a separate period of "annual leave scheduled in advance") is considered as rescheduled and used annual leave, or as available time for annual leave usage. Therefore, such time off is subtracted from any excess leave otherwise eligible for restoration.

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(2) Requirements that must be met before forfeited annual leave may be restored:

(a) Each employee requesting restoration of forfeited annual leave must complete DOJ Form-364.

(b) Requests must be supported by specific documentation which includes the following:

1. Leave requests, FD-282, showing that annual leave for specific dates was scheduled and approved in writing prior to the start of the third biweekly pay period before the end of the leave year. The documentation must show the date the leave was approved by an official having authority to approve leave and the amount of leave (days/hours) that was scheduled for use. Copies of leave requests must be attached to the completed DOJ Form-364 at the time of submission.

2. Documentation showing the supervisor's reason(s) for subsequent cancelling of approved leave, or doctor's certificates for periods of sickness which occurred during annual leave that was scheduled in advance.

3. Documentation showing the reason(s) why cancelled leave or excess leave resulting from a period of sickness could not have been rescheduled and used prior to the end of the year.

4. Documentation showing the attempts that were made to reschedule the excess annual leave, including the date(s) during which the leave was rescheduled for use and the amount of leave (days/hours) that was rescheduled for use. Copies of leave requests must be attached to the completed DOJ Form-364 at time of submission.

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5. Documentation showing the amount of leave rescheduled and used, or rescheduled and subsequently cancelled.

(c) Public law prohibits the determination that "A bona fide work exigency exists" being made by an official whose leave would be affected by the decision, therefore, SACs and division heads may not make this determination in those cases where their own leave or an ASAC's leave must be cancelled. In those situations, FBIHQ will make this determination.

(d) After review and approval of the restoration request, the SAC or division head submits the DOJ Form-364 along with all appropriate documentation to FBIHQ, Administrative Services Division, Pay and Position Management Unit.

(3) Use of Restored Leave. Management and employees should plan and schedule restored leave for use as expeditiously as possible but not in a manner that will cause forfeiture of regular annual leave. The amount of restored leave does not in any way change an employee's normal maximum permissible carryover of annual leave into the new leave year. Restored annual leave is maintained temporarily in a separate leave account.

(4) Time Limit for Use of Restored Leave. Restored annual leave must be scheduled and used no later than the end of the leave year ending two years after the approved restoration date. Restored leave not used within the authorized time period will be forfeited and cannot be restored again.

(5) Lump Sum Payments. An employee is entitled to a lump sum payment for restored annual leave if he or she was separated prior to restoration or is separated prior to expiration of the time limit for use of restored leave.]

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9-6 GRANTING LEAVE

Note: An employee cannot be required to perform work for those hours of leave charged against his or her account.

9-6.1 Annual Leave

Annual leave is provided and used for two general purposes, which are:

(1) To allow every employee an annual vacation period of extended leave for rest and recreation, and

(2) To provide periods of time off for personal and emergency purposes.

9-6.1.1 Approval

The taking of annual leave is an absolute right of the employee, subject to the right of the division head to fix the time at which leave may be taken.

(1) As delegated by division head, supervisor of employee may approve leave.

(2) Prior to departing on leave, approval of leave must be confirmed.

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9-6.1.2 Scheduling

Principles of sound management dictate that each division head ensure that scheduling of annual leave does not adversely affect the ability of the division to adequately discharge its responsibilities throughout the year, including the various holiday periods.

(1) Insofar as possible, extended periods of scheduled annual leave should be distributed evenly throughout the year, so as to avoid the situation where a significant number of employees request leave for the same period of time, thereby impairing the operation of the division.

(2) There is no limit on the amount of annual leave that may be granted at any one time, provided the employee's services can be spared.

(3) Each division head is primarily responsible for determining whether the work load of the office will permit the granting of extended leave.

(4) Vacation schedules are to be maintained and the granting of leave must be administered in such a manner as to avoid unnecessary loss of leave by employees.

(5) The vacation schedule is to be reviewed quarterly for new additions and to assure even distribution of scheduled annual leave as indicated in (1) above.

9-6.1.3 Advanced Annual Leave

(1) Annual leave may be advanced to an employee provided it is limited to the balance of annual leave the employee will earn throughout the end of the current leave year.

(2) Under normal circumstances, completion of 90 days' service will be necessary before advance of annual leave may be approved.

(3) Employees who contemplate resigning should not be granted advanced annual leave.

(4) Advanced annual leave is granted only at the request of the employee.

(5) If employee separates from the service before he/she has earned enough annual leave to pay back the amount advanced, employee must reimburse the Government.

9-6.1.4 Deleted

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9-6.1.5 Emergency Situations

Requests for annual leave to cover an emergency situation which could not have been reasonably anticipated, such as illness or death in family, must have approval of the supervisory employee. Should an emergency occur outside of office hours, the office should be notified or the supervisor may be contacted at home. No distinction is made on register or time and attendance card in recording the annual leave. A tardiness is not to be concealed by a request for annual leave. If the reason for annual leave is of such a nature as to require FBIHQ action, such as death in the employee's close family, Form FD-208 should be submitted. If the employee is temporarily assigned elsewhere, on an inspection assignment for example, the official to whom the employee is then assigned should notify FBIHQ in addition to notifying the employee's office of assignment.

9-6.1.6 Pending Disciplinary Action and Employees on Probation

(1) Annual leave requests made by employees on probation may be approved by the SAC or division head, based on the considerations in 9-6.1.2 above.

(2) Annual leave requests for more than two days made by employees against whom there is a pending disciplinary action or who are under administrative inquiry must receive prior FBIHQ approval. Even previously scheduled and approved leave for more than two days must be submitted for prior FBIHQ approval when a possibility of disciplinary action develops.

(3) Such requests must be submitted UACB in sufficient time for FBIHQ to consider them, and the letter of transmission must contain the division head's recommendation.

(4) FBIHQ should be advised when an employee against whom a recommendation for disciplinary action is pending is already on extended annual leave and furnished the date of employee's expected return to duty.

9-6.1.7 Travel Outside the United States and its Possessions

(1) FBI personnel should notify the Security Programs Unit, FBIHQ, and the Field Office Security Officer if the traveler is assigned to a field office, 30 days prior to the intended departure date, if possible, if the travel is unofficial and is outside the United States and/or its possessions. Whenever 30 days' notice is impossible, the notification should be made as soon as practicable.

(2) If the intended travel is to a specified hazardous country [(see [Foreign Counterintelligence Manual, Part III, 1-1),] the employee must be afforded a hostile intelligence threat briefing by the appropriate Security Officer to include, but not limited to, the following information:

(a) Employee is to be advised of recruitment approaches utilized by hostile intelligence services;

(b) Employee is to be instructed to immediately contact the nearest U.S. Consulate, Attache or Embassy, if detained or subjected to significant harassment or provocation while traveling;

(c) Employee is also to be instructed not to disclose nature of employment;

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(d) Employee will be debriefed by the appropriate Security Officer upon return to his/her office of assignment;

(e) That if a substantial objective basis exists, the employee will be requested to submit to a polygraph examination pertaining to counterintelligence issues, in accordance with the Manual of Investigative Operations and Guidelines, Part II, 13-22.13.1.

(3) FBIHQ is to be advised of the briefing date, identity of briefing official, and that the employee has agreed to the provisions set forth in (2), supra. When the travel has been completed and the employee has returned to duty, the field office is to advise FBIHQ of the debriefing date, identity of debriefer and any information concerning recruitment approaches, harassment or provocation experienced while in a travel status.

(4) Employees assigned to the Canadian and Mexican border offices, namely, Albany, Anchorage, Boston, Buffalo, Butte, Detroit, Minneapolis and Seattle, in the case of Canada; and Albuquerque, El Paso, Phoenix, San Antonio and San Diego, with respect to Mexico, are exempt from these reporting requirements when traveling to the respective bordering country.

9-6.1.8 Annual Leave for SAC and ASAC

The SAC may approve annual leave for himself regardless of duration without FBIHQ authority when remaining in Headquarters City area during that period of leave. All annual leave for the SAC when not remaining in Headquarters City area is to be approved by FBIHQ. The SAC may approve all annual leave requests for ASACs regardless of the duration of the annual leave request or the geographical location in which the annual leave is to be used. (See also Part II, Section 1, of this manual regarding availability of SAC and ASAC.)

9-6.1.9 Weather-Created Transportation Problems

An employee who is prevented by weather-created transportation problems from coming to work the whole day is to be charged annual leave. Under certain circumstances wherein weather conditions are so severe as to totally disrupt Government operations, certain amounts of administrative leave may be granted. Requests for administrative leave for weather-created problems or natural disasters must be personally approved by the SAC and submitted to FBIHQ setting forth detailed information so that a determination can be made as to whether or not the situation falls within the guidelines established by the Office of Personnel Management for granting such leave.

[[9-6.1.10 Granting Annual Leave for Paternity Reasons

[Any absence for the purpose of assisting or caring for a male employee's minor children or the mother of his newborn child while she is incapacitated for maternity reasons must be charged to annual leave or leave without pay, if approved by the employee's supervisor.

[9-6.1.11 Granting Annual Leave for Adoptive Parents

[An employee, male or female, adopting a child may desire a period of time off work in order to make necessary family adjustments for child care. Any absence for the purpose of adopting children must be charged to annual leave or leave without pay, if approved by the employee's supervisor.]

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9-6.2 Sick Leave

Employees should be encouraged to consider sick leave as an emergency fund available in the event of an extended illness. The granting of sick leave in accordance with the conditions listed in 9-6.2.1 is an administrative responsibility. The nature of evidence required to determine whether an employee was incapacitated must of necessity be left to administrative determination, bearing in mind the possibility of abuse.

9-6.2.1 Conditions for Granting Sick Leave

Sick leave may be granted:

(1) When employees are incapacitated for the performance of their duties by sickness, injury, or pregnancy and confinement.

(2) For medical, dental, or optical examination or treatment when such requests are submitted for approval to the supervisory employee in advance.

(3) When a member of the immediate family of the employee is afflicted with a contagious disease and requires the care and attendance of the employee. When so granted, the employee must submit evidence, which is to be forwarded to FBIHQ, showing that employee's absence was to care for and attend to a member of employee's immediate family who was ill at home with a disease requiring isolation, quarantine, or restriction of movement for a particular period in accordance with regulations prescribed by the local health authorities. If no period specified by the health regulations as to how long a patient should be isolated or movement restricted, then a certificate from a physician as to the period of isolation or restriction of movement is sufficient to support a grant of sick leave. Advanced sick leave may not be granted for this purpose.

(4) When through exposure to contagious disease requiring isolation, quarantine, or restriction of movement for a particular period in accordance with the regulations prescribed by the local health authorities the presence of the employee would jeopardize the health of others. Upon return to duty from an absence covered by (3) or (4), the employee must submit a doctor's statement, which is to be forwarded to FBIHQ, certifying that employee's return to duty will in no way endanger the health of fellow employees.

9-6.2.2 Advanced Sick Leave

(1) Advanced sick leave may be granted only in cases of serious disability or illness and when required by the exigencies of the situation.

(2) Advanced sick leave may be granted to employees with more than one year's service at the expiration of accrued sick leave, and to employees with less than one year's service at the expiration of accrued sick and annual leave.

(3) Advanced sick leave may be granted even though the employee owes for sick leave previously granted; however, the debt cannot exceed 30 days at any one time.

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(4) Recommendation for such leave not to exceed 30 days should be submitted to FBIHQ UACB on FD-208. All absences must be certified by a physician.

(5) Deleted

(6) Usually, such leave is liquidated by subsequent accruals of sick leave. Advanced sick leave may be liquidated at the employee's request by a charge against an equivalent amount of annual leave, provided the annual leave is charged prior to the time it would be forfeited, and provided further that the office otherwise would have granted the annual leave upon the request of the employee, and sufficient time remained in the leave year for such annual leave to be taken if not charged against the debt of advanced sick leave.

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(7) If the employee resigns, the Government must be reimbursed for any balance of advanced sick leave not covered by leave or salary due the employee. Employees who contemplate resigning should not be granted advanced leave.

(8) Employees should be consulted before submitting a recommendation for advanced sick leave as they may prefer to use their annual leave or leave without pay at the expiration of accrued annual leave.

(9) Advanced sick leave should not be granted to an employee:

(a) Who is absent because a member of his or her family has a contagious disease.

(b) Who has filed application for disability retirement or has signified an intention to resign for disability.

(c) When a separation date has been established which would preclude an employee from earning leave to cover the advanced sick leave.

(d) When there is evidence that a return to duty is not contemplated.

9-6.2.3 Illness While On Annual Leave

If an employee on annual leave is ill for a period of at least one workday or more, this period may be changed from annual leave to sick leave provided the employee submits an SF-71 (leave application) certified by a physician, or attaches a medical certificate to the executed SF-71. The application for substitution of sick leave for annual leave must be made no later than three days from the employee's return to duty.

9-6.2.4 Forms

Refer to Part I, Section 20, of this manual for instructions concerning submission of FD-208 in case of illness of employee and FD-277 upon return to duty.

9-6.2.5 Sick Leave Interviews - Possible Leave Abuse

(1) The use of form FD-304 to keep a running record of each employee's absence for illness is obligatory. The form is to be started with the first such absence. If employee is transferred, FD-304 should be forwarded with the time and attendance card to the new office of assignment.

(2) If an employee is absent for illness for a day or more on four separate occasions in a six-month period, the supervisor must review employee's attendance record and determine whether to interview the employee about it. A form (FD-354) is available for use in reporting such an interview [[to FBIHQ,] and must contain the supervisor's recommendation. If supervisor decides not to conduct an interview, the supervisor must [still] submit to FBIHQ form FD-354 or other suitable report, recording the facts as to the absences in question and stating no interview was conducted and why none was conducted.

(3) If interview is conducted, supervisor should emphasize the Bureau's interest in the employee's health and employee's action to protect his/her health; that the Bureau is as much concerned about his/her welfare as it is about the interests of the Government. The bearing that an employee's attendance record necessarily has upon the employee's overall worth and promotional potential should be pointed out.

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(4) When an employee's leave record is considered to be so aggravated as to require submission of a doctor's certificate for future illness absences or submission of other evidence of incapacitation for duty because of health reasons the division head should so inform the employee by a letter of requirement. A copy of the proposed letter of requirement should be submitted as an enclosure to an FD-354 on a UACB basis, and the original should thereafter be presented to the employee for initialing. The letter of requirement will specifically include that failure to comply with the requirement could result in the employee being charged as absent without leave (AWOL) and that disciplinary action could ensue up to and including dismissal.

(5) When the supervisor first becomes aware of the absence of an employee on doctor's certificate requirement, [supervisor] should carry the employee as AWOL. If, when the employee returns to work, [employee] provides a doctor's certificate or other administratively acceptable evidence of incapacitation, then the charge of AWOL may be changed to the appropriate approved leave account, either annual leave, sick leave, or leave without pay (LWOP).

(6) It is the supervisor's responsibility to insure that evidence submitted by the employee for use of sick leave is administratively acceptable.

(7) In the event an employee, after receiving a letter requiring a doctor's certificate for absence due to illness, has additional absence(s) not supported by a doctor's certificate or otherwise corroborated to the satisfaction of the supervisor, the absence should be charged as AWOL. Also, the employee should be informed that employee has been charged as AWOL and the reason(s) therefor and that disciplinary action is being recommended or that possible disciplinary action could ensue in the event of further abuse up to and including recommendation for dismissal.

(8) The charge of AWOL should be on a UACB basis and a record of the counseling, action taken, and reason(s) for the action should be made for the employee's personnel file. Form FD-354 should be used for this purpose.

(9) The six-month interview mechanism is not meant to preclude interviewing an employee concerning such matters in some lesser interval of time if the supervisor thinks it fit to do so. (FD-354 may be used not only to report four illness absences of a day or more in six months or less but also for follow-up interview reports.)

(10) In counting the four absences, consider only those of a day or more. Annual leave for sick leave, compensatory leave for sick leave, or leave without pay for sick leave will be regarded the same as actual sick leave. One continuing absence of four days because of a virus infection, for example, would count as one absence, not as four. Absences do not count if caused by something which normally requires extended absences, such as an operation or serious accident.

(11) Any given absence can start a cycle of four and initiate a six-month period. If four separate absences of a day or more occur in three months, for example, the employee should either be interviewed or a determination not to interview [employee] should be made. In either case, the matter should be reported to FBIHQ. The next absence thereafter starts another cycle, and so on. If, after the first absence in a cycle, another does not occur until more than six months have passed, then that absence initiates a new six-month period and a new cycle.

(12) This program is designed to provide a uniform system for supervising absences for illness. It is not designed to discourage employees from absenting themselves when illness incapacitates them for work.

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9-6.3 Leave Without Pay (LWOP)

LWOP is temporary nonpay status and absence from duty approved upon the employee's request only. LWOP may not be imposed as a penalty, nor may it be imposed for periods of unapproved absence. (For information on disciplinary suspension without pay, see 13-9 of this manual; also see 9-6.4 below on AWOL.)

9-6.3.1 Granting LWOP

(1) Leave laws and Civil Service Regulations do not limit or specify the exact situations under which LWOP may be granted. However, in general, periods of LWOP for 30 days or less shall be approved or disapproved on the same basis as annual leave.

(2) The authorization of LWOP is a matter of administrative discretion. An employee cannot demand that he or she be granted LWOP as a matter of right unless the employee is:

(a) A disabled veteran who is entitled to LWOP, if necessary, for medical treatment under Executive Order 5396.

(b) A reservist or national guardsman who is entitled to LWOP, if necessary, to perform military training duties.

(3) All Assistant Directors and SACs are authorized to approve LWOP requests as long as the request is not for extended LWOP, which is defined as a period exceeding 30 consecutive calendar days. All accrued annual leave must be used before LWOP is ever granted.

(4) In granting LWOP, it must be recognized that certain costs and inconveniences to the FBI are involved as follows:

- (a) Encumbrance of a position
- (b) Loss of needed services
- (c) Obligation to provide employment at the end of the leave period
- (d) Full credit for six months of each year of absence toward retirement
- (e) Free coverage [under Federal Employees'] Group Life Insurance [Program] for 12 months.

(5) Such being the case, each LWOP request should be examined closely to assure that value to the FBI or serious needs of the employee are sufficient to offset these costs and administrative inconveniences.

9-6.3.2 Extended LWOP

All requests for extended LWOP (more than 30 consecutive calendar days) must be submitted in advance to FBIHQ for approval. In considering these requests, the following factors will be weighed:

(1) There must be a reasonable expectation that the employee will return to duty in an active, productive capacity at the end of the LWOP.

(2) Whether or not the period of LWOP will enable the employee to increase his or her job ability.

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(3) Whether or not there will be protection or improvement of the employee's health.

(4) Whether or not the FBI will demonstrably benefit through the retention of a desirable employee.

9-6.3.3 Forms

[(1) [Form FD-208 need not be filled out when the LWOP request is
[for less than 30 days.

[(2) When LWOP for 30 or more days is requested, an FD-208 should
[be filled out and submitted to FBIHQ for consideration, with the division
[head's recommendation.

[(3) LWOP requests for 30 days or more, or requests for a purpose
[outside or suspected to be outside the scope of the prescribed limits should
[be submitted to FBIHQ as far in advance of the proposed leave absence as
[possible on an UACB basis. If circumstances of a given case preclude advance
[notice, FBIHQ is to be advised as soon as possible with UACB recommendation.]

9-6.3.4 Service-Connected Injury or Illness

LWOP which originates from service-connected injury or illness may be granted in an indefinite amount pending the employee's return to work, resignation, or retirement. If the injury or illness is not service connected, the maximum amount of LWOP which may be granted is one year. FBIHQ is to be advised when LWOP is for service-connected injury or illness.

9-6.3.5 Unemployment Compensation for Federal Employees

Notice to Federal employees about unemployment compensation, SF-8, is to be given to employees using LWOP by the SAC or division head at FBIHQ through the time and attendance clerks. SF-8 is to be distributed by mail to the employee when employee has been on such LWOP for seven consecutive calendar days. A dated notation that form was sent should be made in the remarks column on the time and attendance card.

9-6.4 Absence Without Leave (AWOL)

(1) AWOL is a nonpay status resulting from an agency determination that it will not grant any type of leave (including LWOP) for a period of absence for which the employee did not obtain advance authorization or for which employee's request for leave on the basis of alleged sickness has been denied.

(2) AWOL is distinguishable from LWOP in that LWOP is a period of absence in nonpay status approved by the supervisor while AWOL is a period of absence in nonpay status unapproved by the supervisor.

(3) A charge of AWOL may support a disciplinary action, however, it does not require disciplinary action as the decision to recommend discipline is made by the supervisor.

(4) If an employee is charged AWOL and circumstances later indicate the absence would have been excused, the charge of AWOL may be changed to the appropriate approved leave account, either annual leave, sick leave, or LWOP.

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9-6.5 Court Leave

9-6.5.1 Conditions for Granting Court Leave

(1) Court leave is granted whenever an employee is summoned by any party to appear in a nonofficial capacity as a witness in any judicial proceeding to which the United States, the District of Columbia, or a state or local Government is a party.

(2) Court leave is granted for jury duty, whether Federal, state, or local, if it occurs at any time on an employee's workday.

(3) A night shift employee serving on the jury during the day is not expected to report for the night shift.

(4) An employee granted court leave must, upon return, present a statement certifying employee's attendance at court, which is to be forwarded to FBIHQ.

(5) If court leave is for serving on a jury and the court adjourns two hours or more before the end of the employee's normal workday, he/she is expected to return to work unless this would work a hardship on him/her. The division head will decide whether a hardship exists.

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9-6.5.2 Restrictions

(1) Court leave is not available if an employee appears as a witness voluntarily as distinguished from being summoned to appear, or

(2) If an employee appears as a witness in a judicial proceeding in which the United States, the District of Columbia, or state or local Government is not involved.

9-6.5.3 Official Duty

(1) It is official duty when an employee is summoned, or assigned by the Bureau, to appear as a witness, whether in an official or nonofficial capacity, or to produce official records, on behalf of the U.S. Government or the District of Columbia.

(2) It is official duty when an employee is summoned to or assigned by the Bureau as a witness in an official capacity or produce official records on behalf of a state or local government or a private party.

9-6.5.4 Fees Received for Court Duty

(1) Fees received for witness services while an employee is on court leave or official duty are to be forwarded to FBIHQ, otherwise an appropriate deduction must be made from the employee's pay.

(2) If employee testifies under conditions where neither court leave nor official duty status applies, and thus is required to use annual leave (or LWOP if no annual leave accrued), employee may keep any witness fees.

(3) Employees may not accept any compensation (payment for services), or per diem in lieu of compensation, for service as a juror in a Federal or District of Columbia court where the jury service is performed during the regularly scheduled administrative workweek.

(4) If jury duty occurs outside of an employee's regularly scheduled tour of duty, i.e., when employee is in a nonpay status, the employee may keep any compensation received as fees, allowances, or reimbursement for expenses from a Federal, state, or local court. Employees may also retain jury fees received for services performed on a Government holiday in state or Federal courts.

(5) An employee serving as a juror in a state or municipal court may be instructed to collect all fees and allowances payable on account of the jury service, and forward such fees to FBIHQ with a complete statement of the facts.

(6) If fees received by an employee exceed compensation due for court leave, such excess will be returned to the employee.

(7) Reimbursement for expenses, including mileage and subsistence, in connection with any jury duty may be retained by the employee. Payments for jury service in jurisdictions where such payments are considered expense moneys may be retained by the employee.

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9-6.6 Military Leave for Training Purposes

(1) Employees, permanent or temporary indefinite, are entitled to leave without loss in pay, time, or performance or efficiency rating for active duty or engaging in field or coast defense training as a reserve of the armed forces or member of the National Guard. This military leave accrues for an employee in addition to annual leave at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year. That is, up to 15 days of accrued, unused military leave may be carried over into the succeeding fiscal year for use during that year. No more than 15 days of accrued, unused military leave may be carried over into any fiscal year. District of Columbia National Guardsmen may be granted additional military leave with pay for parades or encampments and for each day of service ordered by the commanding general. Members of other National Guard organizations or other reserve components can get up to 22 workdays per calendar year for Federal or state duty performed for the purpose of providing military aid to enforce the law. Military pay received in this connection is deducted from Federal civilian salary for the same period. Therefore, upon return to duty the employee must submit a certified statement showing the amount (other than a travel, transportation, or per diem allowance) received for military service so that employee's salary may be reduced accordingly. Military leave is not available for Reserve Officers Training Corps (ROTC) training; only annual leave or LWOP may be granted (see 9-6.3, LWOP).

(2) In the case of an individual employed on a part-time career employment basis the rate at which military leave accrues is a percentage of the rate prescribed above which is determined by dividing 40 into the number of hours in the regularly scheduled workweek of that employee during the fiscal year. Title 5, USC, § 3401(2), defines "part-time career employment" as part-time employment of 16 to 32 hours a week under a schedule consisting of an equal or varied number of hours per day but does not include employment on a temporary or intermittent basis.

(3) A copy of military orders should be sent to FBIHQ; and certification that duty was performed must be submitted immediately upon employee's return. Submit these documents with time and attendance cards.

9-6.7 Administrative Leave9-6.7.1 Voting

Employees may be excused to vote in all local, state, and Federal elections on election day without charge to annual leave under the following circumstances:

(1) Where the polls are not open at least three hours either before or after an employee's regular working hours, employee may be excused for such period as will permit employee to report for work three hours after the polls open or leave work three hours before they close whichever requires the lesser amount of time off. If this rule does not permit sufficient time, employee may be excused for an additional period depending on the circumstances but not to exceed one full day.

(2) If employee's voting place is beyond normal commuting distance and absentee voting is not permitted, employee may be granted enough time to make trip to voting place to cast his/her ballot. If more than one day is required for this trip, time in excess of the day shall be charged to annual leave or, if annual leave is exhausted, to LWOP. A liberal policy should be followed in granting necessary leave. (See 9-6.3, LWOP.)

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(3) Where registration in person is required, time off to register may be granted on substantially the same basis as to vote except that no time will be granted if registration can be done on a nonworkday and the place of registration is within reasonable one-day round-trip travel distance from the employee's residence.

9-6.7.2 Military Matters

Up to one day granted for any enlistment examinations for employees who are enlisting for active duty. Any absence in excess of one day authorized, such as additional time for travel, in connection with above examinations must be charged as annual leave. (Administrative leave is not granted for physical or other examinations in connection with reserve activities.)

9-6.7.3 Funerals

Administrative leave may be granted for funerals under the following circumstances:

(1) When employee is designated by prior FBIHQ instructions or authority as an official Bureau representative to attend the funeral of another Bureau employee or of a close relative of a Bureau employee or of anyone else. Annual leave charged if not designated as Bureau representative. This policy is not intended to interfere with rights granted veterans to be excused from duty for such time as may be necessary, but not in excess of four hours in any one day, to enable them to participate as active pallbearers or as member of firing squads or guards of honor in funeral ceremonies of other veterans whose remains have been returned from overseas to the [United States] for reinterment.

(2) In order for an employee to make arrangements for or attend the funeral or memorial service for an immediate relative who died from a wound, disease, or injury incurred while serving in the armed forces in a combat zone, a maximum of three workdays can be granted, as needed and requested. The leave days need not be consecutive but if not the employee must furnish justification for using the leave on nonconsecutive days. "Immediate relative" means the following relatives of the deceased: spouse and parents thereof, children and spouses thereof, parents, brothers and sisters and spouses thereof, and anyone related by blood or affinity whose close association with the deceased was such as to have been equivalent of a family relationship.

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9-6.7.4 Housing

Each SAC or division head at FBIHQ, where necessary, is to permit a newly arrived employee who has been permanently transferred five days of absence, not charged to leave, to locate suitable housing. Under no circumstances is the employee to be granted these five days of absence, without charge to leave, when the employee, notwithstanding any trip by the spouse, has had a house-hunting trip as provided by the Federal Travel Regulations. All permanently transferred employees will be entitled to an additional two days of absence, not charged to leave, to handle general matters which arise as the result of relocation. This absence may be utilized in full or in part at either end of the transfer, provided the total absence does not exceed a period of two days in connection with the overall transfer. Employees transferred at personal expense not included. Under no circumstances is a Bureau vehicle to be used in this endeavor.

9-6.7.5 Certified Public Accountant (CPA) and Bar Exams

(1) SACs and division heads are authorized to grant administrative or official leave to Special Agent accountants and lawyers to sit for CPA and/or bar exams. This leave will be granted for actual sitting time of the examination only and will not include travel time. All expenses, including travel, incurred in connection with the preparation for participation in examinations will be borne by the Agent.

(2) This leave may only be granted in those instances where some benefit to the Federal service will result. Consequently, requests for administrative leave for support personnel to sit for CPA or bar exams should be forwarded to FBIHQ for approval setting forth full justification, including the benefit to the FBI if leave is granted, and appropriate recommendations of the SAC or division head.

(3) Administrative leave granted to sit for CPA exams is not to exceed three days per session and no more than two sessions per year; however, as indicated above, only the actual sitting time required per session will be granted. Regarding bar exams, the length of each session and the number of sessions per year in which a candidate may participate varies depending on the jurisdiction. However, the length of sessions usually runs between two and three days. Accordingly, administrative leave will be granted for bar exams in the same manner as for CPA exams and candidates will not be granted more than three days per session nor more than two sessions per year with only the actual sitting time required per session granted.

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[[9-6.7.6 Post-Shooting Trauma

[(1) Each Special Agent in Charge or division head at FBIHQ is authorized and encouraged to grant up to five days of optional administrative leave for employees directly involved in a Bureau shooting incident. The leave must be coordinated with the employee's supervisor but should be granted at a time desired by the employee.

[(2) For information, "employees directly involved" refers to those employees that shoot or are shot, those who directly participate in the shooting, those who render on-site assistance to the wounded party and those who make the decision to shoot or not to shoot. A "shooting incident" is defined as a situation in which anyone is wounded or killed by a firearm and FBI personnel are involved. Any question as to whether an employee is entitled to the administrative leave should be referred to FBIHQ, Pay and Position Management Unit, for determination.]

9-6.8 Compensatory Leave

To reduce clerical work loads which occasionally become excessive, and when emergency circumstances require travel during off-duty time, it is permissible to request employees (other than those excepted below) to volunteer for overtime work in exchange for compensatory leave. When services are required and volunteers are not available, those employees designated to perform the necessary work shall be paid overtime at the rate established by Congress.

9-6.8.1 Employees Not Eligible for Compensatory Leave

(1) Agents receiving premium compensation

(2) Wage Board Employees

(3) In general, employees subject to provisions of the Fair Labor Standards Act (FLSA)

(a) Federal Government employees who are in executive, administrative, and professional positions and all employees in foreign countries are exempt from FLSA.

(b) Those classified as nonexempt are generally support personnel in nonsupervisory positions.

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(c) FLSA does not provide for granting compensatory leave in lieu of overtime pay; however, under specific and limited circumstances the OPM has advised a nonexempt employee could be given compensatory leave in lieu of overtime pay, and not be in conflict with FLSA. Because these circumstances are so restrictive, with payroll computations to be taken into account in each individual case, Bureau policy is to pay for overtime work performed by nonexempt employees. [However, compensatory time off may be used as an offset for overtime pay earned by nonexempt employees, those employees covered by the FLSA and normally not entitled to earn compensatory time off, when such compensatory time off is used within the same administrative workweek (Sunday through Saturday) it was earned. An employee may request compensatory time off from a scheduled tour of duty sometime during the remainder of the same administrative workweek (Sunday through Saturday) in which the overtime was worked. This entitlement arises when an employee works in excess of eight hours in a day, or completes 40 hours of work prior to the end of his/her scheduled weekly tour of duty. This entitlement will apply even though the employee may earn entitlement to overtime pay under the FLSA or may earn FURTHER entitlement to overtime pay under Title 5, U.S. Code (USC), during the same workweek.]

[The following examples illustrate the use of compensatory time off during the same administrative workweek in which the overtime was worked. In these examples, assume the employee is under the General Schedule and all overtime work is irregular or occasional in nature.]

1. EXAMPLE I

	Mon	Tue	Wed	Thur	Fri	TOTAL
Scheduled tour of duty	8	8	8	8	8	40
Actual hours worked	10	6	8	8	8	40
Overtime work	2					2
Compensatory time off		2				2

[The employee who performs two hours of overtime work under Title 5, USC, on Monday may be granted compensatory time off from his/her scheduled tour of duty on Tuesday or any other workday during the remainder of the same administrative workweek. FLSA has no effect.]

2. EXAMPLE II

	Mon	Tue	Wed	Thur	Fri	TOTAL
Scheduled tour of duty	8	8	8	8	8	40
Actual hours worked	14	8	14	8	0	44
Overtime work	6		6			12
Compensatory time off					8	8
Overtime remaining at the end of the workweek						4

[After the completion of work on Thursday, the employee has a total of 44 hours of work under FLSA and Title 5, USC, for the workweek and has entitlement to 12 hours of overtime pay under Title 5, USC. The employee's request for eight hours of compensatory time off from his/her scheduled tour of duty on Friday of the same administrative workweek may be granted even though the employee has further entitlement to four hours of overtime pay under FLSA or Title 5, USC, whichever is the greater overtime pay benefit.]

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(d) Divisions have been advised of the exempt/nonexempt status of their employees.

(4) All employees (including Agents receiving premium compensation, Wage Board employees, and employees in nonexempt positions) may elect to work compensatory overtime for the purpose of taking time off without charge to leave when personal religious beliefs require that an employee abstain from work during certain periods of the workday or workweek, subject to the provisions of 9-6.8.4 of this section.

9-6.8.2 Overtime Pay

(1) Division heads may authorize overtime pay for not more than two non-Agent employees for no more than a few hours for one day. Any overtime in excess of these amounts must have prior FBIHQ approval.

(2) FLSA requires that any work performed by a nonexempt employee for the benefit of the agency, whether requested or not, is work time if the employer knows or has reason to believe it is being performed. This includes taking work home as well as work performed at the employee's regular place of work or any other place. Supervisors are required to exercise whatever control is necessary to ensure overtime work by nonexempt employees is not permitted unless it is intended that the employee be compensated.

(3) The compensation rate under FLSA is time and a half for all actual work over 40 hours per week.

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9-6.8.3 Administration of Compensatory Leave

(1) Leave earned in lieu of payment for authorized overtime must be recorded and charged in multiples of 15 minutes. No compensatory leave is to be recorded before regular working hours unless at least 15 minutes is worked; the same rule will apply to time worked after regular working hours. If work of 15 minutes or more performed both before and after regular working hours, it may be combined. However, the total claimed must be in multiples of 15 minutes.

(2) Compensatory leave may be granted for time worked in excess of an employee's basic workweek or eight hours a day. Employees who work in excess of eight hours a day and who take leave without pay during the same workweek may earn compensatory leave. However, any hours charged as leave without pay during the basic workweek must be accounted for before either compensatory leave or overtime pay may be received for a period worked outside the basic workweek.

(a) Example: an employee works the regular eight hours on Monday and an additional two hours for compensatory leave; employee is tardy 35 minutes on Tuesday; therefore, 45 minutes of absence without leave is charged. This employee is entitled to two hours' compensatory leave earned on Monday. However, if this employee was charged one hour of absence without leave on Monday, during the regular eight-hour shift, the first hour beyond the regular working hours would not be counted as compensatory leave but must be paid at a straight-time rate. The remaining hour may be credited as compensatory leave.

(b) Example: an employee whose tour of duty is Monday throughout Friday and who worked five hours for compensatory leave on Sunday is charged one hour of absence without leave on Monday. Employee must be paid at straight-time rate for the first hour worked on Sunday, which is used to account for the one hour of absence without leave on Monday, and may be credited with four hours of compensatory leave worked on Sunday.

(3) The minimum amount of compensatory leave that may be earned by an employee called in to work on a day when the employee was not scheduled for work, or when called back to work after working a regular day, is two hours, even though employee may have worked less than two hours.

(4) Compensatory leave cannot be claimed in lieu of holiday pay.

(5) All compensatory leave not taken by the end of the leave year will be dropped. No compensatory leave will be carried over into the next leave year.

(6) Employees taking 15 minutes or more of compensatory leave [should submit a leave request, [Form]FD-282, indicating the amount of compensatory leave being requested. If absence totals a day or more, the leave application must show address at which employee can be reached.

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9-6.8.4 Adjustment of Work Schedules for Religious Observances

(1) All employees may elect to work overtime for the purpose of taking time off without charge to leave when personal religious beliefs require that an employee abstain from work during certain periods of the workday or workweek.

(2) Any employee who elects to work overtime in exchange for time off for religious observances shall be granted (in lieu of overtime pay) an equal amount of compensatory time off from his or her scheduled tour of duty.

(3) The employee's request for such compensatory time off in exchange for an equal amount of overtime may be denied by the division head if the resulting modifications in work schedules interfere with the efficient accomplishment of the division's mission.

(4) The supervisor and the employee are to determine a mutually agreeable time when productive overtime work may be performed to offset the time off for religious observance. This overtime may be performed either before or after the grant of compensatory time off. Compensatory leave for a religious observance must be earned either the pay period prior to or the pay period during which the religious observance falls. Exceptions may be made in extraordinary circumstances, but these exceptions will be held to a minimum.

9-6.9 Absence Not in Excess of 30 Minutes

Under ordinary circumstances, unavoidable or necessary absence from duty not in excess of 30 minutes may be excused, but the time absent must be made up either through a charge against overtime previously worked or through the performance of subsequent overtime.

9-7 AUDIT OF SICK AND ANNUAL LEAVE RECORDS

An audit of both sick and annual leave records must be made on or before November 15 of each year by an employee other than the individual making the original entries and FBIHQ should be advised by routing slip when this has been done. An audit should also be performed prior to the forwarding of time and attendance card to FBIHQ when an employee resigns, and prior to the forwarding of sick and annual leave records to office of assignment when an employee is transferred.

9-8 RETENTION OF PROPERTY OF EMPLOYEES ON INDEFINITE LEAVE

The Government property of all Bureau[support]employees taking any type of leave for an indefinite period of time and which may exceed three months shall be collected by the SAC or Bureau supervisor at the time such leave commences. At FBIHQ, the supervisor shall see that the property is secured and returned to the Property Procurement and Management Section where it will be retained and may be reissued upon the employee's return to duty. In the field, the property shall be retained in the field office and reissued upon the employee's return to duty.

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9-9 REQUEST FOR LEAVE RECORD INFORMATION

No information as to annual or sick leave taken by an employee will be supplied to outsiders without employee's written consent (unless subpoenaed). Any request for such information should be referred to FBIHQ for action, along with consent statement. Consent is presumed where an employee requests that such information be supplied to him/her.

9-10 TRAVEL TIME AND HOME LEAVE FOR EMPLOYEES STATIONED OUTSIDE THE UNITED STATES9-10.1 Travel Time for Employees Outside the United States

Travel time by available first-class transportation, in accordance with existing Government travel regulation, includes the time necessary to travel from the office of assignment to the United States, or to employee's place of residence which is outside the area of employment in the Commonwealth of Puerto Rico or the possessions of the United States, and thence back to a post outside the United States. Entitlement is limited to one period of free travel time in any prescribed tour of duty. Control of such travel time is to be maintained by field office. Indicate place of residence and amount of travel time requested at the top of the SF-71. Travel time is allowable to only one destination even though the employee will visit in other localities, and it is not allowable when the employee is reassigned to the United States, rather than to some office outside the United States.

9-10.2 Home Leave

The extra five days of leave over and above the regular earning of annual leave is granted to the employee for visiting employee's place of residence in the United States or its possessions, indicated at the time the employee departed for service outside the United States. If this home leave is taken at another location within the United States or its possessions, the travel and transportation expenses cannot exceed those allowed over a usually traveled route between employee's duty station and the place of residence designated by the employee at the time he/she left the United States for service outside the United States. In regard to home leave, an employee will be eligible for same whenever employee completes an agreed tour of duty (whether it is for one, two or three years in length) and signs an additional tour agreement to return to San Juan or serve in some other overseas post. [Agent personnel in San Juan serving a four-year tour of duty will be entitled to take home leave at the conclusion of their first two years and again after their third year. Agents who sign an agreement to remain a fifth year will also be entitled to home leave after their fourth year.] Such leave cannot be the basis for terminal leave or a lump-sum payment, and if it is used and the employee does not return overseas, it must be refunded, unless compelling personal reasons of a compassionate nature prevent employee's return or FBIHQ decides the public interest would be better served by employee not returning overseas. Special Agents assigned to Territorial Offices who desire to sign an agreement for an additional tour of duty abroad, but who are not eligible to complete a prescribed tour because of the 55-year-old mandatory retirement regulation or because of the limitations of the Legal Attache tenure policy, will be granted home leave travel when such an additional tour is for 12 months or more. When such an additional tour would be less than 12 months, home leave travel will not be authorized; however, tour may be continued until terminated by age or tenure at the discretion of FBIHQ. As to employees assigned to Legal Attache offices see Part I, Section 11, of this manual, and Legal Attache's Manual.

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[[9-10.3 Home Leave Travel

[(1) Employees assigned to Bureau offices in Anchorage and Honolulu are entitled to travel costs relative to leave in the continental United States and do not accrue home leave in addition to annual and sick leave.

[(2) Effective with the enactment of Public Law 97-253, such reimbursements are limited to not more than two round trips commenced within five years after the date the employee first commences any period of consecutive tours in those posts. (Example - Employee commences two years 9/1/84 and signs agreement to remain for additional tour of duty upon completion of the two years. Employee is entitled to only two home leave trips within the five years following 9/1/84.)

[(3) It is noted that all employees already serving in Alaska and Hawaii on the date of enactment (10/15/82) are exempted from the provisions of Public Law 97-253 and shall remain under the former system.]

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9-11 ABSENCE FOR MATERNITY REASONS9-11.1 General Considerations

(1) An absence covering pregnancy and confinement is to be treated like any other medically certified temporary disability.

(2) A grant of leave for maternity reasons is a combination of as many as three separate kinds of leave: sick leave, annual leave and leave without pay. [Sick leave is used to cover the time required for physical examinations and to cover the period of incapacitation supported by a physician's certification. Annual leave and leave without pay should be granted if employee is still incapacitated when sick leave is exhausted or if after delivery and recuperation, the employee desires a period of adjustment or needs time to make arrangements for the care of the child.] The entire absence from duty is to be no longer than six months. [Employee must submit a medical certificate indicating the date of actual incapacitation to cover the granting of sick leave.]

(3) [Should employee be physically incapacitated at the end of six months' leave of absence, extensions will be considered in accordance with established policy permitting up to one year's absence on leave without pay when due to nonservice-connected illness.]

9-11.2 Employee Responsibility

A pregnant employee:

(1) Should make known her intent to request leave for maternity reasons including the type of leave, appropriate dates and anticipated duration. This will allow the affected office to prepare for any staffing adjustments which may be needed to compensate for the anticipated absence from work.

(2) Must make a written request for sick leave in accordance with sick leave regulations.

(3) May request temporary modification of her working conditions to protect her health and that of her unborn child after consultation with her physician, where working conditions are more strenuous or hazardous than normal office conditions.

9-11.3 Supervisory Responsibility

(1) The overall objective is to provide gainful employment and make use of the employee's skills as long as she is not incapacitated for duty.

(2) Working Conditions. The supervisor should always be aware of any particular working conditions or requirements which may be part of the work environment and which could have an adverse effect on the employee. The supervisor should consult with an appropriate medical authority to determine if any of these elements could have a harmful effect upon the pregnant employee or the unborn child, and the employee should be advised of the medical opinion. It may be suggested that she consult her own physician in this matter.

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(3) Modification of Work Duties. If after consulting her physician, the employee requests modification of her work duties or a temporary reassignment to other available work for which she is qualified, every reasonable effort should be made to accommodate her request. Medical certification as to the nature of the limitations which are recommended by the employee's physician may be requested. If an accommodation cannot be made, the employee must request leave, or must be placed on leave, whichever is appropriate under the circumstances.

(4) See Part I, 17-2.2 of this manual for information relative to separation procedures, if applicable.

9-11.4 Granting Absence for Maternity Reasons

The same leave policies, regulations and procedures as are applicable to requests for leave generally will be applied to employees requesting absence for maternity reasons. Childbirth or complications of pregnancy are temporary disabilities and will be treated for leave purposes in the same manner as any other physical condition which incapacitates the employee. Periods of absence related to pregnancy and confinement which are not medically certified as due to incapacitation for the performance of duty may not be charged to sick leave; they must be charged to annual leave or leave without pay if requested by the employee and approved by the division head. [(See Part I, 9-6.1.10, of this manual, for granting leave to male employees in connection with maternity reasons.)]

9-12 RETENTION OF LEAVE RECORDS

(1) Time and Attendance Registers (FD-420), Registers No. 1 (FD-31), and Registers No. 3 (FD-256), are to be retained three years. These records should be destroyed on an annual basis when three years old.

(2) All Leave Accounting Listings, Leave Requests (FD-282), Applications for Leave (SF-71), and Doctor's Certificates are to be retained for three years in your office in alphabetical order within each year. Destroy on annual basis at beginning of leave year.

(3) Notice of Tardiness (FD-120) is to be destroyed at the end of the calendar year.

(4) Record of Absences for Illness (FD-304) may be destroyed on an annual basis when the form is filled and all information on the card is at least three years old. If it is necessary to make up an additional card for an employee, the old card may be destroyed when all entries become three years old. Forms for separated employees may be destroyed upon separation.