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Article 31

Time and Leave

Section 1. Leave Increments

All absences will be charged in increments of one-quarter (1/4) hour.

Section 2. Annual Leave

A. Employees shall accrue leave in accordance with statute and regulations of the Office of Personnel Management.

Annual leave is provided and used to allow employees an annual vacation period of extended leave for rest and recreation and to provide periods of time off for personal and emergency purposes. The use of accrued annual leave is the right of the employee, subject to the right of the Employer to approve the time at which leave may be taken. Employees should apply in advance for approval of all anticipated leave to permit the orderly scheduling of leave and to avoid leave forfeitures which might otherwise result.

24 When "use or lose" leave is requested in writing before ~~November 15th of~~
25 ~~each year~~ **the start of the 3rd biweekly pay period prior to the end of the**
26 **leave year** and cannot be approved or used prior to the end of the leave year
27 **(due to factors beyond the employee's control)**, the excess annual leave
28 will be restored in accordance with ~~applicable rules and regulations~~ **5 CFR**
29 **630.360 dated March 10, 2009** and must be used within the next two leave
30 years. Additionally, employees with excess annual leave may elect to donate
31 such leave pursuant to ~~the Voluntary Leave Transfer Program MOU dated~~
32 ~~02/08/96~~ **Section 11 of this Article.**

33

34 B. ~~Normally,~~ leave requested in advance will be granted except when conflicts of
35 scheduling or undue interference with the work of the Administration would
36 preclude it. Leave may also be granted when it is not scheduled in advance
37 and ~~workload considerations~~ **there is no undue interference with the work.**
38 ~~permit.~~ Leave for personal emergencies, ordinarily infrequent in number, will
39 ~~normally~~ be granted **unless there is an operational exigency which**
40 **requires the employee's presence.** Requests for leave based on the death
41 of a family member or any individual related by affinity will be considered a
42 personal emergency for leave approval. The Employer will make every
43 ~~reasonable~~ effort to allow the maximum number of employees to use leave.

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C.

1. Advanced annual leave is leave time requested on an SSA-71 or equivalent, **including e-mail requests**, approved by the delegated authority and taken but not yet earned by the employee.

2. An employee ~~may~~ **will, at their request**, be advanced, ~~the lesser of 80 hours or the amount of annual leave an employee would~~ **at the beginning of the leave year or at anytime thereafter, such annual leave as he or she may be expected to** accrue during ~~the remainder of the leave year (i.e., maximum of 80 hours in the leave year).~~ This provision ~~does not apply to employees who are currently on a leave restriction or who have been disciplined for leave related offenses in the past two years.~~

D.

During the months of February and August of each year, employees will be notified to submit requests for extended annual leave of one calendar week or more and/or requests for days immediately preceding and following federal holidays for the six (6) month periods April through September and October through March, respectively. Such written requests should be submitted to the appropriate leave approving official by the last day of February and August, respectively.

69 When conflicts arise in scheduling annual leave (A/L) requests received
70 during the six (6) month leave request periods above, they will be resolved
71 using a continuously rotating procedure to address employee’s leave
72 preferences. The procedure will operate as follows:

73

74 • Each leave approving official will initially establish an Employee A/L
75 Roster in service computation date (SCD) order (from earliest to most
76 recent SCD).

77

78 • This roster will be used to resolve individual conflicts in favor of and at the
79 option of, the employees highest on the roster.

80

81 • ~~Once the roster process is invoked, management will confirm with each~~
82 ~~employee involved in the conflict whether or not he/she wishes to exercise~~
83 ~~his/her option.~~ **When an employee exercises his/her option to resolve**
84 **an individual conflict, his/her name goes to the bottom of the roster.**

85 Employees granted leave, as a result of the roster process, will have
86 his/her name placed at the bottom of the list whether or not the leave is
87 taken.

88

89 • Once established, the list will rotate continuously and will be used to
90 resolve all conflicts for all subsequent leave scheduling periods.

91

- 92 • The Union **will have access to employee SCD dates when rosters are**
93 **initially established and in facilities that use a seniority roster** and
94 employees will have access to the rosters **(paper or electronic).**

95
96 When leave slots remain after management has invoked the leave roster and
97 made the final decision on extended annual/holiday leave requests,
98 employees will have the opportunity to submit/resubmit leave slips for that
99 same period. Once management notifies employees that extended
100 annual/holiday leave decisions have been made, ~~and additional slots are~~
101 ~~available~~, employees will be notified that they have five (5) workdays to
102 submit leave requests for any remaining slots for days before or after holidays
103 or for a full week during the six months ~~s. leave request period~~. Any conflicts
104 for leave submitted during that five (5) day period will be approved based
105 upon the employee with the oldest SCD having first choice. ~~Management will~~
106 ~~resolve any further conflicts in SCD by a random draw with one local~~
107 ~~participant designated by the union.~~ **SCD ties will then be resolved via a**
108 **Union supervised and approved lottery.**

109
110 **Conflicts for any leave not before/after a holiday or for less than a full**
111 **week will be resolved by SCD. A conflict is when all employee leave**
112 **requests cannot be approved, pursuant to this section. SCD ties will**
113 **then be resolved via a Union supervised and approved lottery.**

114

115 **Management will insure that bargaining unit employees, subject to**
116 **use/approval of annual leave rosters, will receive training/refresher**
117 **training on proper procedures to utilize with regards to annual leave**
118 **rosters. The training will be provided no later than 60 days before and**
119 **no earlier than 30 days prior to each six (6) month leave cycle month.**
120 **The Union will be provided the training package within 30 days after**
121 **implementation of this Agreement for comments and resolution of**
122 **disputes.**

123

124 When extended annual/holiday leave requests are submitted after the
125 February or August leave-scheduling periods, the leave requests will be
126 considered on a first-come, first-served basis. Conflicts arising from leave
127 slips received by management on the same day will be resolved using SCD.
128 **SCD ties will then be resolved via a Union supervised and approved**
129 **lottery. ~~Management will resolve further conflicts in SCD by a random~~**
130 **draw.**

131

132 **E. Each of the six PSC's, ODAR Headquarters and each ODAR Region can**
133 **select either seniority arrangements or the leave roster system. It is**
134 **agreed that the PSC and ODAR Council Presidents will notify SSA prior**
135 **to the February 2011 leave solicitation period regarding which of the two**
136 **leave procedures will apply in each PSC, ODAR Headquarters and each**
137 **ODAR Region.**

138

139 Section 3. Excused Absences

140

141 A. ~~Infrequent~~ Tardiness of less than one hour shall normally be excused if the
142 reasons are acceptable.

143

144 B. When ~~management~~ **it is determined** that exposure to unsafe or unhealthy
145 working conditions which cannot be immediately corrected may result in the
146 likelihood of illness or injury, employees will either be assigned work in a safe
147 and healthy area ~~in the same office or deployed to another installation~~ or
148 granted an excused absence.

149

150 C. ~~The agency will make every reasonable effort consistent with operational~~
151 ~~needs to excuse~~ **An employee who is donating blood without compensation**
152 **will be excused** for a reasonable amount of time; normally up to ~~four~~ **(4)**
153 hours, for the purposes of donation and recovery. Employees who donate
154 blood platelets without compensation through a Hemapheresis Program will
155 normally be authorized up to ~~four (4)~~ **eight (8)** hours of excused absence.
156 **Employees will also be entitled to reasonable travel time.** However, the
157 total administrative leave will be limited to the remaining scheduled hours of
158 duty on that day. An employee who is not accepted for donating blood/blood
159 platelets is only entitled to the time necessary to travel to and from the

160 donation site and the time needed to make the determination. Absence for
161 blood/platelet donations must be approved in advance.

162

163 D. The Employer will excuse employees for a reasonable time, when practicable
164 to do so without seriously interfering with operations, to vote or register in any
165 election or referendum on a civic matter in his/her community. An employee
166 will be excused from duty so as to permit him/her to report for work 3 hours
167 after the polls open or to leave work 3 hours before the polls close, whichever
168 results in the lesser amount of time off. Under unusual circumstances, an
169 employee can be excused up to the full day. The Employer will notify
170 employees of this right at the beginning of each fiscal year and shall
171 encourage employees to avail themselves of the right to register and vote
172 **while on excused absence.**

173

174 E.

175 1. All SSA employees are to presume that the office is open each regular
176 workday unless specifically announced otherwise. Although employees
177 are expected to be prepared to deal with most emergencies, conditions
178 might occur which will make the closing of all or some SSA offices
179 necessary. The decision to close the office or open it late will be based
180 on the Agency's concern for the health and safety of its employees
181 including the hazardous conditions that the majority of employees might
182 face reporting to their workplace or returning home, weighed against the

183 mission of the Agency, including due consideration to the needs of the
184 public. An announcement of full day closing or delay in opening will be
185 made through the news media. Depending on the circumstances of the
186 particular situation, attempts will be made to make a closing decision
187 and broadcast it as early as possible. Employees should be advised
188 that, when emergency conditions develop during non-working hours,
189 they should listen to the radio or TV news and follow the Agency's
190 specific instructions.

191

192 As an additional method of communicating closings and delayed
193 openings, the Agency may provide a telephone number for employees to
194 call to receive a recorded message giving instructions about office hours.
195 Each employee will receive a copy of SSA's instructions.

196

197 2. When a decision is made to close a work place for a full day by
198 administrative order due to emergency conditions warranting such
199 closing, employees not required to work, including employees previously
200 authorized paid leave (e.g., annual, sick, credit hours, or compensatory
201 time), will not be charged leave. The Administration will timely notify the
202 news media and employees on duty of such decision.

203

204 3. When a decision is made to dismiss employees during the workday,
205 ~~under the conditions described in E2 above,~~ employees on duty at the

206 time of the dismissal not involved in essential services will be excused
207 without charge to leave. Those employees who are on paid leave for the
208 entire day will be excused without charge to leave from the time of the
209 early dismissal. The employee will be considered on his/her fixed shift
210 for the purpose of computing the amount of excused absence.

211
212 In the event an employee in a duty status on the day of an early
213 dismissal requests leave/LWOP and departs before the official dismissal
214 time, leave will be charged only up to the time of the early dismissal.

215
216 **These procedures will apply to all similar decision to dismiss**
217 **employees early during the workday, including holiday**
218 **administrative leave benefits that SSA decided to grant, such as**
219 **early dismissal on Christmas Eve or New Year’s Eve per item 3F of**
220 **this Section.**

221
222 4. When employees request leave/LWOP/credit hours because of
223 conditions discussed above when early dismissals or non-workdays
224 have not been authorized, leave approving officials shall be as liberal as
225 possible in approving such leave. They will give special consideration to
226 physical or other conditions which subject employees to special hazards
227 in such circumstances.

228

- 229 5. When the opening of an office is delayed due to emergency conditions,
230 employees (except essential services unless specifically designated in
231 the announcement) will be excused without charge to leave or loss of
232 pay for the number of hours the office delays opening. Employees on
233 approved (either previously authorized or by telephone on the same day)
234 annual, credit hours or sick leave will not be charged leave or lose pay
235 for that portion of the day the opening of the office is delayed. This
236 applies to leave requested for either the entire day or that portion of the
237 day the office is closed. The Agency will utilize the employee's fixed
238 shift as a point of reference to determine the amount of excused
239 absence/leave to be granted. If the Agency proposes to change any
240 fixed shift, the Union will be given appropriate notice and the opportunity
241 to bargain. ~~to the extent required by 5 USC Chapter 71.~~
242
- 243 6. When an announcement is made that an office will open late, employees
244 on flextime and affected by the announcement will revert to a prescribed
245 fixed shift for that day. Flextime will be canceled. If the announcement
246 is made too late to effectively cancel flextime for all employees,
247 employees who report and begin to work will be permitted to leave when
248 they have completed the number of hours in their scheduled workday,
249 provided they continue to work, or the end of their established fixed shift,
250 whichever comes first. Those employees eligible to request to work
251 credit hours may be able to do so.

252

253 7. If **hazardous weather or** emergency conditions exist and **prevent an**
254 **employee from getting to work and** the post of duty is not **closed,**
255 ~~managers may grant up to two (2) hours of administrative leave to those~~
256 ~~employees arriving after the beginning of core hours or scheduled start~~
257 ~~time.,~~ **the employee will be granted administrative leave for absence**
258 **from work for a part or all of the employee's work day** ~~The granting~~
259 ~~of such leave is contingent upon~~ **providing** the manager determining
260 **Employer with justification** that the employee made reasonable efforts
261 to arrive timely and was delayed by the conditions. - **reach work but**
262 **that conditions prevented timely arrival. Such situations include**
263 **but are not limited to such events as heavy snow or severe icing**
264 **conditions, floods, earthquakes, hurricanes or other natural**
265 **disasters, severe pollution, massive power failure, terrorist attacks,**
266 **major fires or serious interruptions to public transportation caused**
267 **by incidents such as strikes of local transit employees or mass**
268 **demonstrations. Affected employees will be considered to have**
269 **reverted to their established fixed schedules whenever**
270 **management determines to grant leave for such absences from**
271 **work due to inclement weather or emergency conditions based on**
272 **an employee's normal working hours.** ~~Extreme situations, e.g.,~~
273 ~~declared state of emergency, management may grant employees up to~~
274 ~~eight hours of administrative leave.~~

275

276 **8. Joint Union-Management committees will be established in areas**
277 **where multiple office and multiple components exist within local**
278 **commuting areas in order to establish procedures to coordinate**
279 **hazardous weather and other emergency issues.**

280

281 **9. Serious/Catastrophic Weather and Conditions**

282 **A. When severe weather warnings or emergency situations have**
283 **been declared by Federal, State or other government officials**
284 **and remain in effect, the Agency will exercise its discretion to**
285 **excuse employees from duty without loss of pay or charge to**
286 **leave. Regarding hurricanes, employees should normally be**
287 **excused at least twenty four (24) of daylight in advance to**
288 **prepare.**

289

290 **Additionally, all benefits related to pay, leave and travel will be**
291 **provided to employees prevented from working in an area**
292 **affected by severe weather conditions or other emergency**
293 **situations in accordance with the Office of Personnel**
294 **Management's (OPM's) Handbook on Pay and Leave Benefits For**
295 **Federal Employees Affected by Severe Weather Conditions or**
296 **Other Emergency Situations, dated July 2007, which is available**
297 **on OPM's web site at www.opm.gov/oca.**

298

299 **B. If OMB establishes an emergency leave transfer program to**
300 **assist employees affected by an emergency or major disaster,**
301 **SSA will participate and establish such a program to assist SSA**
302 **employees. Such a program will allow employees to donate**
303 **annual leave for transfer to employees who have been adversely**
304 **affected by the emergency or major disaster and need additional**
305 **time off work without having to use their own paid leave or**
306 **credit hours, SSA will also cooperate and facilitate SSA**
307 **employees who wish to donate leave to non SSA federal**
308 **employees in such situations.**

309

310 **When OMB establishes an emergency leave transfer program,**
311 **SSA will contact AFGE, immediately. The parties will schedule**
312 **and conduct an emergency session of the Union Management**
313 **Committee in order to establish the parameters of the**
314 **emergency leave transfer program.**

315

316 **Establishment of the an emergency leave transfer program will**
317 **not diminish any right and benefits may have pursuant to the**
318 **OPM Handbook on Pay and Leave Benefits For Federal**

319 **Employees Affected by Severe Weather Conditions or other**
320 **emergency situations and this contract.**

321

322 **C.**

323 **1. When a voluntary or mandatory evacuation notice is issued,**
324 **those employees living or working in evacuation areas will be**
325 **dismissed without charge to leave, if they have not already been**
326 **dismissed to prepare.**

327

328 **2. Offices will be closed during a hurricane and will not reopen**
329 **until all services have been restored in the surrounding area.**
330 **An appropriate joint union-management health and safety**
331 **inspection will precede reopening of the office.**

332

333 **3. Employees not able to contact the office due to power outages,**
334 **etc., will be placed on administrative leave. Those employees**
335 **who suffer damage from hurricanes will be given sufficient time**
336 **to deal with cleanup etc., without charge to leave.**

337

338 **4. The above provisions will also apply to other natural disasters**
339 **and other emergency situations such as floods, tornados, ice**
340 **storms, fires, acts of terrorism, volcanic eruptions, etc.**

341

342 **Employees adversely affected by a natural or man-made disaster**
343 **such as a tornado, hurricane, flood, earthquake, act of terrorism,**
344 **volcanic eruptions, etc., may be excused from work on a**
345 **reasonable amount of administrative time sufficient to ensure the**
346 **safety of their families and property. Employees will request**
347 **such administrative leave under the procedures for requesting**
348 **annual leave for personal emergencies. If administrative leave is**
349 **denied, SSA will provide a written reason for the denial.**

350

351 **10. F. Employees with Mobility Impairments or Disabilities**

352

353 During **periods of inclement weather or other** emergency conditions,
354 employees with **mobility impairments or** disabilities, whether
355 temporary or permanent impairments, may be unable to report to work.
356 Management ~~may~~ **will** grant excused absences **when an acceptable**
357 **reason is provided**, even when their respective office is open.

358

359 **F. G.** When a decision is made by Management to grant excused absences
360 agency-wide before Federal holidays, especially at Christmas and New Years
361 the Union at the appropriate level and employees will be informed as soon as
362 possible. **All employees will be treated fairly and equitably with respect**
363 **to the excused absence.**

364

365 **G. H.** The employer ~~may~~ **will** grant excused absence to permit employees to
366 participate in judicial proceedings arising out of work place incidents of
367 violence by members of the public against employees.

368

369 **H. I.** Upon request, subject to certification by a physician, leave approving
370 officials will approve excused absence for employees who serve as living
371 donors for bone marrow, organ and tissue donation and transplantation. The
372 use of excused absence can cover time off for activities such as donor
373 screening, the actual medical procedure, and recovery time. Leave approving
374 officials will approve:

375

376 1. Up to 7 workdays of absence without charge to leave or loss of pay
377 for each donation by employees participating as living bone marrow
378 donors.

379

380 2. Up to 30 workdays of absence without charge to leave or loss of
381 pay for employees participating as living organ or tissue donors.

382

383 The length of absence from work can vary depending on the medical
384 procedure involved in the donation. Therefore, for longer periods of
385 incapacitation, leave approving officials should approve annual and/or sick

386 leave or LWOP in combination with the maximum amounts of excused
387 absence specified in (1) and (2) above.

388

389 I. ~~J.~~All medical examinations pursuant to the prevailing fitness for duty
390 regulations shall be at no cost to the employee and performed on duty time
391 (with pay) at no charge to leave.

392

393 **J. Employees will be approved for up to forty (40) hours a year to work in**
394 **charitable, public service, medical service, disaster relief or social**
395 **service activity subject to the following conditions:**

- 396 **1. The activity is unpaid;**
397 **2. The employee submits documentation upon request**
398 **verifying the activity; and**

399

400 **Such excused absences will be granted if the employee can be spared**
401 **without undue interference to essential agency operations and**
402 **obligations.**

403

404 **K. The Agency will provide excused absences fairly and equitably to**
405 **employees to participate in fitness related activities during Federal**
406 **Fitness month. A minimum of two (2) hours will be provided for such**
407 **activities.**

408

409 **L. Upon request, leave approving officials will approve up to three (3) days**
410 **of absence without charge to leave or loss of pay for employees to**
411 **mourn the death of the following family members:**

- 412 **1. Spouse;**
- 413 **2. Children, including adopted and step-children;**
- 414 **3. Parents, including grandparents, stepparent and**
415 **parents of spouse;**
- 416 **4. Siblings, including stepbrother/sister; and**
- 417 **5. Any individual related by affinity; i.e. whose**
418 **association with the employee is the equivalent to one**
419 **of the family relationships identified above.**

420

421 **M. SSA will grant administrative time and reimburse employees' travel and**
422 **per diem for Union sponsored activities as SSA does for the various**
423 **Advisory Committees and management association meetings.**

424

425 **N. The Agency will grant an employee up to a total of twenty four (24) hours**
426 **excused absences per calendar year for the purposes of attending a**
427 **health benefits fair, reviewing health benefits information and materials,**

428 **receiving financial counseling and seeking supplemental retirement**
429 **counseling.**

430

431 **O. Employees who perform active military duties may request annual leave**
432 **and paid military leave in accordance with law, rule and regulations (i.e.**
433 **5 USC 63, E.O. 13223.)**

434

435 Section 4. Sick Leave

436

437 ~~A. Employees may use sick leave accrued in accordance with the statute and~~
438 ~~regulations of the Office of Personnel Management in the following situations~~

439

440 **The Agency will approve an employee’s request for sick leave when the**
441 **employee:**

442

443 ~~• Incapacity due to illness or injury.~~

444

445 ~~• Medical, dental, optical or surgical examination or treatment.~~

446

447 ~~• Incapacity due to pregnancy or confinement.~~

448

449 ~~• Required to give care and attendance to a immediate family member~~
450 ~~or any individual related by affinity who is afflicted with a contagious~~

451 ~~disease. Contagious disease means a disease which is ruled as~~
452 ~~subject to quarantine, isolation or restricted movement as prescribed~~
453 ~~by the health authorities having jurisdiction.~~

454

455 **1. Receives medical, dental, or optical examination or treatment;**

456

457 **2. Is incapacitated for the performance of his or her duties by**
458 **physical or mental health illness, injury, pregnancy, or childbirth;**

459

460 **3 (a) Provides care for a family member who is incapacitated by a**
461 **medical or mental health condition or attends to a family member**
462 **receiving medical, dental, or optical examination or treatment; or**

463

464 **(b) Provides care for a family member with a serious health**
465 **condition;**

466

467 **4. Makes arrangements necessitated by the death of a family**
468 **member or attends the funeral of a family member;**

469

470 **5. Presence at the post of duty would jeopardize the health of others**
471 **because of exposure to a contagious disease as described above.**

472

473 **6. Must be absent from duty for purposes relating to his or her**
474 **adoption of a child, including appointments with adoption**
475 **agencies, social workers, and attorneys; court proceedings;**
476 **required travel; and any other activities necessary to allow the**
477 **adoption to proceed.**

478
479 **7. Is entitled under the provisions of the Federal Employee Family**
480 **Friendly Leave Act (FEFFLA) and the Family and Medical Leave**
481 **Act (FMLA).**

482
483 **8. Is absent for a period of emotional bereavement caused by the**
484 **death of a family member.**

485
486 B.

487 1. Employees normally shall not be required to furnish a medical certificate
488 from a health care practitioner to substantiate a request for approval of
489 sick leave unless sick leave exceeds three (3) consecutive workdays.
490 Normally, unless an employee is on sick leave restriction in accordance
491 with this article, he/she will not be required to obtain medical certification
492 for sick leave of 3 consecutive work days or less. When an employee's
493 absences indicate a possible abuse of sick leave, the submission of a
494 medical certificate or appropriate documentation, as determined by
495 management, may be required to support any sick leave absence

496 ~~regardless of its duration. Such request will be made at the time the sick~~
497 ~~leave request is received by the appropriate management official.~~

498 **Employees may be required to furnish administratively acceptable**
499 **evidence such as a completed SF-71, Request for Leave, to**
500 **substantiate a request for approval of sick leave and the employee is**
501 **on sick leave restriction.**

502

503 2. In cases where the nature of the illness is such that an employee **on sick**
504 **leave restriction** did not need to see a medical practitioner, a medical
505 certificate normally will not be required if the employee provides an
506 acceptable explanation.

507

508 3. ~~An employee with a chronic medical condition that does not require~~
509 ~~medical treatment but does result in periodic absences from work for three~~
510 ~~(3) consecutive days or more will not be required to furnish a physician's~~
511 ~~certificate on a continuing basis if the employee: (1) is not on leave~~
512 ~~restriction and (2) provides, if requested, an updated valid medical~~
513 ~~certificate every six months which clearly states the continuing need for~~
514 ~~periodic absences.~~

515

516 4. In the event a medical certificate is necessary, the completion of the
517 reverse side of the SSA-71 by a physician or practitioner, or equivalent
518 shall normally be considered sufficient.

519

520 5. Employees who are incapacitated for duty due to illness/disability will
521 provide initial notice for sick leave and the anticipated return to duty date.
522 **Once an anticipated return to duty date has been provided, the**
523 **employee is not required to contact the Agency daily.** Employees will
524 not be unreasonably requested to provide continual notices regarding sick
525 leave requirements unless their situation changes or abuse is suspected.
526 The procedures for requesting unanticipated sick leave will be in
527 accordance with Section 5 of this article.

528

529 6. Employees will not normally be required to reveal the nature of the illness
530 as a condition for the approval of the requested sick leave.

531

532 7. The Employer will treat as confidential any medical information given by
533 an employee in support of a request for sick leave.

534

535 **The Agency agrees that all medical information or documentation**
536 **furnished by the employee to the Agency will be subject to the**
537 **Privacy Act of 1974 (5 U.S.C. 552a) and disclosure will only be made**
538 **to those individuals who have a need to know in order to make**
539 **informed management decisions regarding the employee's**
540 **performance, conduct or request for an accommodation. For**
541 **purposes of this Article, a need to know does not include handling**

542 **by clerical, secretarial or administrative personnel. Any medical**
543 **documentation that is provided to the Agency by an employee will be**
544 **secured in a manner that is only accessible to those officials who**
545 **have the employee's consent to review the documentation.**

546

547 C. In individual cases, if there is evidence that an employee's leave pattern may
548 indicate that an abuse of sick leave exists, the employee shall first be advised
549 by an interview, which shall be recorded in the SF-7B file, of the reasons a
550 medical certificate may be required for each subsequent absence or sick
551 leave. The use of sick leave for scheduled medical appointments caused by
552 recurring and previously documented medical conditions will not be
553 considered a leave pattern that indicates an abuse of sick leave. **Where the**
554 **Agency has reasonable grounds to believe that an employee is abusing**
555 **the use of sick leave, the Agency may inquire further into the matter and**
556 **ask the employee to explain. Absent a reasonably acceptable**
557 **explanation, the employee should be counseled that continued abuse of**
558 **sick leave, may result in a written requirement to furnish acceptable**
559 **documentation for each subsequent absence due to illness or**
560 **incapacitation for duty, regardless of duration. The use of sick leave**
561 **for medical appointments, or incapacitation caused by recurring and**
562 **previously documented medical conditions, or any other proper and**
563 **approved use of leave, will not be considered an abuse of sick leave.**

564

565 **The medical certificate would indicate that the employee is under the**
566 **care of a physician, is incapacitated for duty, and the expected duration**
567 **of such incapacitation. The employee shall not normally be required to**
568 **provide specific medical information such as diagnosis and prognosis.**
569 **In the rare instances that the employee would be required to provide a**
570 **medical certificate, the employee may choose to provide this**
571 **information only to Agency representatives who are medically certified.**

572

573 If the employee's ~~leave pattern~~ **abuse** continues, the employee will be
574 advised in writing as to whether an acceptable medical certificate may be
575 required for each subsequent absence for which sick leave is requested.

576

577 The sick leave usage of all employees under sick leave restriction will be
578 reviewed at least every ~~four (4)~~ **two (2)** months and a written decision to
579 continue or lift the restrictions made. If the review ~~shows significant~~
580 ~~improvement, the supervisor will lift the restriction.~~ **reflects there was no**
581 **abuse of sick leave during the restricted period (i.e. medical certificate**
582 **for each sick leave usage), the supervisor will lift the restriction.**

583

584 D. ~~Employees who are incapacitated for duty because of serious illness or~~
585 ~~disability may be advanced sick leave for up to 30 days.~~ **Employees who**
586 **are incapacitated for duty because of serious disability or ailment may**

587 **be advanced sick leave for up to 30 calendar days. In addition, a**
588 **maximum of 30 days of sick leave may be advanced to an employee**
589 **with a medical emergency related to the adoption of a child, for family**
590 **care or bereavement purposes, or to care for a family member with a**
591 **serious health condition.** The employee will not be required to utilize any
592 annual leave prior to utilizing the advanced sick leave. Sick leave will be
593 advanced when the following required conditions have been satisfied:

594

595 1. The employee is serving under a career or career-conditional
596 appointment.

597

598 2. The employee has a minimum of 1 year's Federal civilian service.

599

600 3. All available accumulated sick leave to his/her credit has been
601 exhausted.

602

603 4. There is no expectation that the employee is contemplating separation
604 by retirement or resignation.

605

606 5. A medical certificate substantiates that a serious illness or injury exists,
607 and that the employee will be capable of subsequently returning to work
608 and fulfilling the full scope of his/her job.

609

610 6. There is no expectation that the employee will not remain employed after
611 his/her return to duty long enough to repay the advance of sick leave.

612

613 7. The employee does not have a current letter of warning or disciplinary
614 action properly proposed or effected for abuse of sick leave.

615

616

617 Section 5. Unanticipated Use of Leave

618

619 If the use of annual leave or sick leave cannot be anticipated, the request for

620 approval shall be called in **within two (2) hours after the start of the**

621 **employee's normal tour of duty, or core time when flextime is in effect, or**

622 **as soon as possible thereafter.** by the:

623

624 • ~~start of fixed shift for fixed shift employees~~

625

626 • ~~end of morning flexband for flexible schedule employees~~

627

628 • ~~time an employee is required to report for training or for a scheduled~~

629 ~~work activity.~~

630

631 ~~Employees may not call earlier than the normal time the office/facility is open for~~

632 ~~employees to report to work. The parties recognize that occasionally~~

633 ~~circumstances exist, infrequent in number, when employees may not be able to~~
634 ~~call in timely as described above.~~

635

636 Contact will be made with the employee's immediate supervisor or other
637 designated official. In the event that neither are available employees may utilize
638 voice mail, ~~where it exists,~~ **or electronic transmissions** to notify the supervisor
639 or designated official of their need for leave, the type of leave requested and a
640 phone number where the employee can be reached. In the event the employee
641 is unable to make the call, any responsible person can make the notification. In
642 the event the employee does not report during the reporting period, the
643 supervisor will not record the leave status until the end of the scheduled shift,
644 except for the need to process time and attendance records. If the employee's
645 leave status has not been clarified by the end of the shift, the absence may be
646 charged to AWOL. ~~This will not preclude a later change in leave status for good~~
647 ~~and sufficient reasons.~~ **Such a charge to AWOL will be corrected to credit**
648 **hours or approved leave when the employee provides reasons sufficient to**
649 **meet the existing provisions for approving leave or credit hours.**

650

651 Section 6. Leave Balances

652

653 A. Employees will not be denied leave usage ~~solely~~ because of their leave
654 balances.

655

656 B. Employees will not be denied overtime or credit hours ~~solely~~ because of their
657 leave balances.

658

659 C. Employees will not be adversely affected in any employment decision ~~solely~~
660 because of their leave balances.

661

662 **D. Employees will not be placed on sick leave restrictions because of their**
663 **leave balances.**

664

665

666 Section 7. Leave Without Pay

667

668 ~~With the exception of circumstances listed in (E) below, leave without pay~~
669 ~~(LWOP) is not a right which accrues to an employee and may not be demanded~~
670 ~~by an employee. However, Nothing precludes an employee from requesting~~
671 LWOP for any purpose.

672

673 A. Requests for LWOP will be given serious consideration **and will not be**
674 **denied arbitrarily. Denials of requests for LWOP will be provided to the**
675 **employee in writing.**

676

677 B. LWOP may be requested in the same manner and for the same purposes as
678 annual leave and sick leave **and for employees who have applied for a**

679 **disability retirement when a removal action is involved.** Denials of written
680 requests for LWOP will be provided to the employee on the SSA-71 or
681 equivalent.

682

683 C. An employee may be granted leave without pay to engage in Union activities
684 on the national, district or local level, to work in programs sponsored by the
685 Union or the AFL-CIO, upon written request by the appropriate Union office.
686 Such requests will be referred to the appropriate Management official and will
687 normally be approved. Such employees shall continue to accrue benefits in
688 accordance with applicable OPM regulations. LWOP for this purpose is
689 limited to one year but may be extended or renewed upon proper application.

690

691 D. Upon return to duty after a period of LWOP, Management will restore the
692 employee to the position which the employee held prior to the leave or to a
693 similar position at the same grade level and pay within the commuting area.

694

695 E. Employees have a right to LWOP consistent with government wide rules and
696 regulations:

697

- 698 • When a disabled veteran requests LWOP for medical treatment,
- 699
- 700 • When requested by a reservist or National Guard member for military
- 701 duties in accordance with appropriate military orders. Employees may

702 request such leave after their military leave has been exhausted (38
703 USC Section 4316(d)),

704

705 • When requested by an employee who has suffered an incapacitating
706 job-related injury or illness and is waiting adjudication of a claim for
707 employee compensation by the Office of Workers' Compensation
708 Program, or

709

710 • When an employee makes a request under the Family and Medical
711 Leave Act, or the Expansion of the Family and Medical Leave Act and
712 meets the criteria for that program.

713

714 Section 8. Military Leave

715

716 Military Leave will be granted in accordance with **5 USC 6323**, law and
717 appropriate regulations. The OPE Website will provide the latest information
718 regarding Military Leave. In addition, the OPE Website will provide an electronic
719 link to the Military Leave information on the OPM Website.

720

721

722 Section 9. Court Leave

723

724 A. In accordance with law and regulations, an employee with a regular
725 scheduled tour of duty is entitled to court leave (CL) for:

726

727 1. jury duty with a Federal, District of Columbia, State or local court; In the
728 District of Columbia, a State, territory, or possession of the United States
729 including the Commonwealth of Puerto Rico, or the Trust Territory of the
730 Pacific Islands.

731

732 2. witness duty on behalf of a State or local Government.

733

734 3. witness duty on behalf of a private party when the Federal or District of
735 Columbia or a State or local Government is a party to the judicial
736 proceeding.

737

738 B. An evening or night shift employee who performs court services during the
739 day may elect to be granted court leave for the employee's regularly
740 scheduled night tour of duty. The employee will continue to be entitled to
741 night differential in accordance with applicable payroll policies.

742

743 C. At the employee's request an employee will normally be granted an
744 adjustment in the Tour of Duty so the employee's hours coincide with the
745 court day(s).

746

747 D. If an employee is excused from court service with sufficient time to enable
748 that employee to return to duty for at least ~~two (2)~~ **three (3)** hours of the
749 scheduled workday (i.e., normal fixed shift), including travel time, the
750 employee shall return to duty unless granted appropriate leave by the
751 Employer. It is the employee's responsibility to request and receive approval
752 prior to going on leave.

753

754 E. Even though no compensation is received for serving on a jury duty in a
755 federal court, employees may keep expense money received for mileage,
756 parking, or required overnight stay. Money received for performing jury duty
757 in state or local courts are indicated on the pay voucher or check as either
758 "fees for services rendered" or "expense money." "Expense money" may be
759 kept by employees; "fees for service rendered" must be submitted to the
760 appropriate financial office.

761

762 F. Employees who are summoned as witnesses in their private capacity in
763 judicial proceedings in the District of Columbia, a State, territory or
764 possession of the U.S. including the Commonwealth of Puerto Rico and the
765 Trust Territory of the Pacific Islands are entitled to court leave when the
766 United States, the District of Columbia or a State or local government is a
767 party and the employee is not one of the parties in the suit.

768

769 Employees who are summoned as witnesses in an official capacity on behalf
770 of the Federal government are on official duty, not court leave.

771

772 **G. Court leave will be granted for any legal proceedings related to criminal**
773 **and/or civil actions arising out of the course of employee's employment,**
774 **but not limited to, consultation with attorneys, depositions, witness**
775 **preparation and attendance as a witness and/or observer of court**
776 **proceedings.**

777

778 Section 10. Leave for Maternity, Paternity and Adoption Reasons

779

780 A. The Employer will be liberal when granting leave for maternity/paternity/
781 adoption reasons and will apply its policies fairly. Such leave may include
782 LWOP, sick leave (when appropriate) or annual leave.

783

784 B. The following conditions apply to the granting of leave to cover a period of
785 absence for maternity/paternity/adoption reasons. Sick leave will be granted
786 for the period of incapacitation due to pregnancy and confinement and also
787 when the employer cannot accommodate a pregnant employee's request for
788 modification of duties when supported by acceptable medical evidence.

789 Additional periods of annual leave and leave without pay may be granted in
790 whatever order the employee requests for a non-incapacitated period. Once

791 requested and approved, the order of leave may be changed only on approval
792 by the proper supervisory authority.

793

794 The employee also may request and be granted annual leave or leave without
795 pay instead of sick leave for the period of incapacitation. When requested by
796 the employee and upon consultation with the supervisor, the total absence for
797 maternity/paternity/adoption reasons will be authorized for a period up to ~~225~~
798 **two hundred and seventy (270)** consecutive days. ~~Requests for additional~~
799 ~~leave following the end of the period of maternity leave will be handled in~~
800 ~~accordance with applicable regulations and this agreement.~~ **Additional time**
801 **will be granted based upon the employee’s circumstances and the**
802 **individual employee’s needs.**

803

804 In considering requests for sick leave, annual leave, and/or leave without pay
805 for maternity/paternity/adoption reasons, the proper supervisory authority will
806 apply pertinent laws, regulations, and this Agreement in the same way they
807 would apply them in any other cases. No arbitrary cutoff date requiring an
808 employee to cease work or prevent an employee from returning to work will
809 be established. If cutoff dates are established, they must be based on
810 physical capability of the employee to perform the duties of the job after a
811 determination by a competent medical authority.

812

813 The employee should submit notice, at least 3 months in advance, of the
814 prospective need for leave for maternity/paternity/adoption reasons.

815

816 C. All other leave for maternity/paternity/adoption purposes will be granted in
817 accordance with the provisions of the Federal Employee Family Friendly
818 Leave Act. Requests for advanced leave will be handled on a case-by-case
819 basis.

820

821 **Section 11. Leave Transfer Programs**

822

823 **An employee may donate annual leave directly to another Federal**
824 **employee who has a personal or family medical emergency and who has**
825 **exhausted his or her available paid leave. Each agency must administer a**
826 **voluntary leave transfer program for its employees.**

827

828 **There is no limit on the amount of donated annual leave a leave recipient**
829 **may receive from the leave donor(s). However, any unused donated leave**
830 **must be returned to the leave donor(s) when the medical emergency ends.**

831

832 **The parties have set forth procedures and requirements for the Voluntary**
833 **Leave Transfer Program, pursuant to Public Law 103-103- Federal Leave**
834 **Sharing Amendments Act of 1993 and 5 USC 6331, dated October 8, 1993,**
835 **in Appendix A of this Article.**

836 **Section 12. Religious Compensatory Time**

837

838 **A. Employees whose personal religious beliefs require them to refrain**
839 **from work during certain periods of time, may elect to work**
840 **compensatory overtime to make up for time lost in meeting those**
841 **religious obligations. SSA must give employees the opportunity to**
842 **work compensatory overtime in those instances unless doing so would**
843 **create undue interference with the work. Employees may work the**
844 **approved compensatory overtime before or after the religious**
845 **compensatory time off. One hour of overtime work is equal to one hour**
846 **of compensatory time off. Employees who elect such compensatory**
847 **overtime work waive the right to premium pay for the time worked.**

848

849 **B.**

850 **1. Normally, employees must request RCT off in advance. Those**
851 **instances where it is not requested in advance should be rare and**
852 **will be judged on a case-by-case basis. RCT may be requested up to**
853 **6 months before it is to be taken. Requests for RCT for periods of 5**
854 **days or more or days immediately preceding or following Federal**
855 **holidays should be submitted with semiannual requests for annual**
856 **leave. Requests submitted at other times will receive equal**
857 **consideration.**

858

859 **Employees request RCT off by submitting a completed form SSA-71,**
860 **Application for Leave and proposed schedule for earning/repaying**
861 **RCT, to the supervisor. In the “remarks” space of the form, they**
862 **should state, “My personal religious belief requires me to abstain**
863 **from work”. Supervisors may not ask further questions or require**
864 **additional information.**

865

866 **2. Supervisors will consider and act upon requests for RCT submitted**
867 **on a semi-annual basis within 5 days after the request period so that**
868 **employees can begin working their RCT overtime. When a request is**
869 **submitted outside the semi-annual request period, supervisors will**
870 **consider and act upon the request within 5 work days.**

871

872 **In accordance with this Agreement and applicable regulations,**
873 **requests will be granted.**

874

875 **3. Employees should develop a general written schedule for**
876 **earning/repaying the time off and have it approved by their**
877 **supervisor before they begin to work the RCT. Requests for working**
878 **RCT will be approved if work is available. SSA management has the**
879 **right to assign work to the employee who is working RCT. If work is**
880 **not available during the time the employee requests to work RCT,**
881 **supervisors will work with the employee to schedule the**

882 **compensatory overtime work at other more suitable times when work**
883 **is available.**

884

885 **SSA's Flexible Work Arrangement Program lends itself to**
886 **accommodating employees because of each component's regular**
887 **workday, which allows employees adequate time to earn/repay the**
888 **RCT without any special arrangements. Schedules to earn/repay**
889 **RCT may not normally extend beyond employees' component's**
890 **regular workweek. If opportunities outside the component's regular**
891 **workweek occur, supervisors may permit employees to adjust their**
892 **schedules to include the additional hours. Supervisors can usually**
893 **accommodate employees on fixed shifts by allowing them to work**
894 **RCT overtime at other times within the administrative workweek.**
895 **Supervisors should ensure that sufficient supervisory coverage is**
896 **provided and applicable health and safety concerns are addressed.**

897

898 **RCT overtime work may be scheduled before or after the**
899 **compensatory time off. However, compensatory overtime work will**
900 **normally not be scheduled more than 6 months before it is to be**
901 **taken.**

902

903 **Once schedules have been approved for the overtime work,**
904 **employees should normally adhere to their schedules. Nonetheless,**

905 employees and their supervisors may mutually agree to amend or
906 adjust the schedule as circumstances warrant. In addition,
907 employees can work compensatory overtime when work is available
908 similar to the requirement for working credit hours.

909

910 **C. When approved, employees may work compensatory overtime normally**
911 **up to 6 months in advance of the time it is to be taken. Employees may**
912 **work compensatory overtime in 15 minute increments.**

913

914 **Employees may be permitted to earn up to 3 ½ hours of compensatory**
915 **time on each component's regular workday. On non-tour days for**
916 **employees who work 4/10, 5/4/9 or part timers, employees will be**
917 **permitted to earn up to 8 hours of compensatory time.**

918

919 **If other opportunities outside the component's regular workweek occur,**
920 **supervisors will normally permit employees to adjust their schedules to**
921 **include the additional hours.**

922

923 **D. If employees cannot use RCT on the designated date(s)/time(s) because**
924 **of an Agency declared exigency of public business, approved sick leave**
925 **or due to a personal emergency, they may defer its use for up to 27 pay**
926 **periods. The 27 pay periods begin with the first full pay period following**
927 **the end of the exigency, sick leave, personal emergency or the**

928 **employee's return to duty. If during these 27 pay periods, employees**
929 **have another need to request RCT off and their requests can be**
930 **approved, they must use the compensatory time already earned.**
931 **However, if employees do not anticipate the need to request religious**
932 **compensatory time off during these 27 pay periods, they may request to**
933 **use the earned RCT as time off at any time before the designated time**
934 **frame expires.**

935

936 **E. Employees must repay advanced RCT before the end of the prescribed**
937 **time frame, normally within 13 pay periods after the time is used.**

938 **Supervisors will charge any leave not repaid by the expiration date first**
939 **to annual leave. If not enough annual leave is available, they will charge**
940 **the absence to leave without pay. Supervisors are permitted to extend**
941 **the 13 pay period repayment time if the employee presents acceptable**
942 **rationale.**

943

944 **If approved absence of 5 days or more prevents employees' adherence**
945 **to their schedules for repayment of the time used, supervisors will**
946 **adjust the schedules by a like period provided the employees have**
947 **generally adhered to their schedules.**

948

949 **Supervisors will permit employees to substitute annual leave for the**
950 **RCT at any time before the end of the prescribed time frame.**

951

952 **F. Employees can adjust their repayment schedule in order to take**
953 **advantage of opportunities to work overtime for premium pay and/or**
954 **credit hours.**

955

956 **G. When employees separate from SSA with earned religious**
957 **compensatory overtime work to their credit, they are entitled to be paid**
958 **for the unused portion at the rate of one and one half basic pay in effect**
959 **at the time the work was performed.**

960

961 **When employees separate from SSA before fully repaying advanced**
962 **RCT, SSA will withhold the balance from their final pay settlement. If**
963 **employees have sufficient annual leave to their credit, they may choose**
964 **to have their outstanding balance charged as annual leave.**

965

966 Section 44 **13.** General Leave Policies and Practices

967

968 A. Normally, leave requests, approvals and denials will be made in writing on
969 form SSA-71 or equivalent.

970

971 **The completion of the EMPLOYEE section, items 1-4, normally found on**
972 **the back of the paper SF-71, is optional.**

973

974 B. **Once leave has been approved, SSA will cancel such leave only if there**
975 **is an operational exigency declared by the Commissioner, which**
976 **requires the employee’s presence. Under such circumstances, SSA will**
977 **make every effort not to subject the employee to a loss of personal**
978 **funds expended in the planning and/or use of the leave. If SSA does**
979 **direct an employee to return to work while on previously approved**
980 **leave, SSA will exercise all possible discretion, to the extent allowed by**
981 **law, to seek or provide reimbursement to the employee for such travel**
982 **or other expenses incurred that are necessary for the employee to**
983 **return to work.**

984

985 C. Leave approvals/denials requested pursuant to Section 2.D. of this article will
986 be provided within ~~ten (10)~~ **five (5)** working days after the close of the request
987 period. Leave approvals/denials requested pursuant to Section 10 of this
988 article will be provided within ~~ten (10)~~ **five (5)** working days after receipt of the
989 request for maternity leave.

990

991 D. SSA also agrees to respond to all other leave requests in a timely manner.

992

993 E. Every effort will be made to accommodate employees who are arranging for
994 and/or attending funerals and similar emergencies for immediate relatives,
995 "significant others" or their dependents.

996

997 **F.** Use of leave will not be the sole basis for denial of overtime or credit hours.

998

999 **G.** The Employer will provide employees with its written reasons for any denial of
1000 leave.

1001

1002 **H.** Leave will not be denied as a disciplinary measure.

1003

1004 **I.** Employees, upon request and with the approval of the supervisor, may
1005 change previously authorized annual leave to sick leave in accordance with
1006 Section 4 of this article.

1007

1008 **J.** **To approved leave or approved absence will be a basis for disciplinary**
1009 **action.**

1010

1011 **Section 14—Furloughs**

1012

1013 **The following procedures apply when a furlough is necessary due to lapse**
1014 **in appropriations/debt ceiling limitation, failure to extend the debt ceiling,**
1015 **or lack of continuing resolution.**

1016

1017 **1. On designated days, SSA employees will be furloughed except for those**
1018 **employees performing excepted functions. When there is more than**
1019 **one qualified essential employee in the same position, grade, office, and**

1020 **tour of duty available for an excepted position, the Employer has**
1021 **determined that employees will be assigned to the excepted position by**
1022 **seniority based on SCD. The Agency will consider an employee's**
1023 **request not to work due to hardship or previous commitments. If the**
1024 **employee's request is honored, the Employer has determined that the**
1025 **next employee, meeting the above criteria, will be assigned to the**
1026 **excepted position.**

1027

1028 **2. SSA will provide each AFGE Local with one copy of the decision letter**
1029 **together with a list of those employees who have been designated as**
1030 **excepted. The local parties will determine the form of and the timing for**
1031 **delivery of the list. Employees will be given a written document**
1032 **notifying them in advance of the details of the furlough and its**
1033 **applicability to the employee.**

1034

1035 **3. Employees are expected to listen to the radio and/or television**
1036 **broadcasts to learn when an appropriation or continuing resolution has**
1037 **been signed or when the debt ceiling has been raised. Appointing**
1038 **officials and local union representatives are free to negotiate additional**
1039 **methods of notifying employees about the conclusion of the furlough.**
1040 **Employees will then be expected to report to work no later than four (4)**
1041 **hours after that announcement. In the event the announcement**
1042 **contains instructions on reporting to work later than that, employees**

1043 **will be expected to follow those instructions. A liberal leave policy will**
1044 **be in effect on the day employees are to return to work. Employees who**
1045 **travel during the time of the furlough will be expected to return to work**
1046 **in accordance with the terms of this article or with the more specific**
1047 **instructions.**

1048

1049 **4. If an employee is unable to use their scheduled “use or lose” annual**
1050 **leave due to the furlough, and if they are unable to reschedule it,**
1051 **provided that they qualify for carryover of annual leave, such annual**
1052 **leave will be carried over.**

1053

1054 **5. (a) During any fiscal year in which a furlough occurs, SSA and AFGE**
1055 **shall jointly issue an all-employee notice with Questions and**
1056 **Answers attached which will advise employees of the impact of the**
1057 **non-pay status on civil service benefits and programs and which**
1058 **will address some financial concerns employees may have when**
1059 **faced with a pay reduction. SSA will distribute this notice to all**
1060 **employees.**

1061

1062 **(b) Each local office shall distribute a fact sheet to employees**
1063 **describing unemployment benefits available in its jurisdiction. At a**
1064 **minimum, this notice will contain information on unemployment**
1065 **benefits availability, the waiting period, if any, benefits eligibility**

1066 requirements, and the location and phone number of State and/or
1067 municipal agencies responsible for administering the program in
1068 the local area.

1069

1070 (c) Requests for outside employment for any employment during the
1071 period of the furlough will be in accordance with this National
1072 Agreement. Employees may not engage in any activity prohibited
1073 by the applicable rules of conduct. While in a non-pay status, such
1074 employees may engage in outside employment without obtaining
1075 prior written permission that is otherwise required. Upon return to
1076 duty status, employees must submit a written request to engage in
1077 outside employment if such activity continues.

1078

1079 (d) SSA will assist employees and provide any documents necessary
1080 in any claims made for unemployment insurance.

1081

1082 (e) SSA will assist employees and provide any documents necessary
1083 for employees to interact with financial institutions, creditors,
1084 welfare agencies, food-banks, etc.

1085

1086

1087

1088

1089 **APPENDIX A**

1090

1091

LEAVE TRANSFER PROGRAM

1092

1093 **The purpose of this appendix is to set forth procedures and requirements**
1094 **for the Voluntary Leave Transfer Program under which the unused accrued**
1095 **annual leave of one employee may be transferred for use by another**
1096 **employee who needs such leave because of a medical emergency,**
1097 **pursuant to Public Law 103-103 Federal Leave Sharing Amendments Act of**
1098 **1993 and 5 USC 6331, dated October 8, 1993.**

1099

1100 **Section 1: Definitions**

1101

1102 **A. Medical emergency means a medical condition of an employee or a**
1103 **family member of such employee that is likely to require the**
1104 **prolonged absence of such employee from duty and to result in a**
1105 **substantial loss of income to such employee because of the**
1106 **unavailability of paid leave (disregarding any advanced leave).**

1107 **B. A Family member means an individual with any of the following**

1108 **relationships to the employee:**

1109 **1. Spouse, and parents thereof;**

1110 **2. Sons and daughters, and spouse thereof;**

1111 **3. Parents, and spouses thereof;**

1112 **4. Brothers and sisters, and spouse thereof;**

1113 **5. Grandparents and grandchildren, and spouses thereof;**

1114 **6. Domestic partner, including domestic partners of any individual in**
1115 **categories 2-5 of this definition.**

1116 **7. Any individual related by blood or affinity whose close association**
1117 **with the employee is the equivalent of a family relationship.**

1118 **C. Health Care Provider means:**

1119 **a) A doctor of medicine or osteopathy who is authorized to**
1120 **practice medicine or surgery (as appropriate) by the State in**
1121 **which the doctor practices; and**

1122 **b) Any other person determined by the Director of the Office of**
1123 **Personnel Management to be capable of providing health care**
1124 **services.**

1125 **Section 2. Application**

1126

1127 **A. An application to become a leave recipient may be filed by (a) the**
1128 **employee, (b) if the employee is not capable of making the**
1129 **application on his/her own behalf, a personal representative of the**
1130 **employee, or the Union.**

1131 **B. The employee, or the personal representative/Union shall apply for**
1132 **the leave transfer program by completion of the appropriate**
1133 **application form.**

1134 **C. The employee, or the personal representative/Union may apply for**
1135 **leave transfer when the combined annual and sick leave balance is**
1136 **80 hours or less for the employee's medical emergency; or 80 hours**

1137 or less annual leave when it is a medical emergency for a family
1138 member.

1139 **D. In order to be considered for the Leave Transfer Program, an**
1140 **employee must have a medical emergency certified by a health care**
1141 **provider and file an application.**

1142 **E. The application may be filed prior to obtaining medical certification**
1143 **and the date of filing will serve as a protective filing date. However,**
1144 **the application will not be considered complete without medical**
1145 **certification from the employee’s health care provider, which should**
1146 **include the anticipated date of return.**

1147 **F. The application to participate in the leave transfer program shall**
1148 **include, at the minimum, the following information:**

1149 **1. The name, position, title and grade or pay level of the potential**
1150 **leave recipient.**

1151 **2. The date the medical emergency began.**

1152 **3. The brief description of the nature, severity and anticipated**
1153 **duration of the medical emergency and if recurring, the**
1154 **approximate frequency of the medical emergency.**

1155 **4. A statement of the effect that information about the leave**
1156 **recipient’s medical emergency may be disclosed only with the**
1157 **recipient’s written consent stipulating precise language to be**
1158 **used.**

1159 **5. A statement to the effect that transferred annual leave may be**
1160 **used to repay leave indebtedness for the current medical**
1161 **emergency, and**

1162 **6. A statement addressing the ability to receive leave transferred**
1163 **from employees in other Federal agencies.**

1164 **G. An employee is permitted to continue to use donated leave for the**
1165 **period of time needed to arrange and/or attend a funeral and settle**
1166 **other remaining matters in cases when this medical emergency**
1167 **results in a family member’s death.**

1168

1169 **Section 3. Procedures**

1170

1171 **A. Complete applications for leave transfer shall be submitted to the**
1172 **employee’s immediate supervisor or designee for review and**
1173 **recommendation for approval/disapproval of the medical emergency**
1174 **as defined in Section 2A. The immediate supervisor’s action should**
1175 **be accomplished as soon as practical.**

1176 **B. Application and medical documentation and recommendation should**
1177 **be submitted to authorizing official or designee utilizing the most**
1178 **expeditious manner possible including FAX and E-mail.**

1179 **C. If the application is approved, the authorizing official or designee will**
1180 **immediately notify the leave recipient (and the party who made**
1181 **application on behalf of the leave recipient if applicable) and the**

- 1182 **timekeeper within 10 workdays after the date the complete**
1183 **application was received.**
- 1184 **D. If the application is not approved, the authorizing official or designee**
1185 **will notify the applicant and the party who made application on**
1186 **behalf of the leave recipient as soon as possible but within 10**
1187 **workdays after the date the complete application was received. Such**
1188 **notification should include the rationale for non-approval.**
- 1189 **E. An application cannot be approved unless the applicant’s absence**
1190 **from duty without available paid leave is expected to last at least**
1191 **twenty-four (24) hours for a full-time employee and at least 30% of**
1192 **the average number of hours of work in the employee’s biweekly**
1193 **scheduled tour of duty.**
- 1194 **F. Advanced leave will not be considered as “paid leave available” to**
1195 **offset a substantial loss of income as referenced in the medical**
1196 **emergency definition.**
- 1197 **G. The agency will provide a written explanation of their rationale for**
1198 **their denial of any application for leave transfer.**

1199

1200 **Section 4. Restrictions and Information on Leave Donation**

1201

- 1202 **A. In any one leave year, a leave donor may donate no more than a total**
1203 **of one-half of the amount of the annual leave he/she would be**

1204 **entitled to accrue during the leave year in which the donation is**
1205 **made, with the following exception:**

1206 **The donor may choose to donate up to the amount of his/her**
1207 **yearly annual leave accrual if the recipient is a family member.**

1208 **B. A leave donor who is projected to have annual leave that otherwise**
1209 **would be subject to forfeiture at the end of the leave year under**
1210 **Section 6304 (A) may transfer more than the number of hours**
1211 **remaining in the leave year, (as of the date of transfer) up to the**
1212 **limitation as stated in A above when the following situations occur:**

1213 **1. Any Federal employee who experiences a current medical**
1214 **emergency which began within the last three pay periods of**
1215 **the leave year.**

1216 **2. A donor becomes aware of a recipient for leave transfer due to**
1217 **the solicitation for leave at a higher organizational level during**
1218 **the last three (3) pay periods of the leave year.**

1219 **3. Additional waivers may be granted. Any such waiver shall be**
1220 **documented in writing.**

1221 **C. The Union retains the right to request information pursuant to 5 USC**
1222 **7114(b)(4) pertaining to the transfer and restoration of leave between**
1223 **donors and recipients related to the VLTP for all bargaining unit**
1224 **employees when it has reason to believe a discrepancy exists for**
1225 **when requested to do so by an employee.**

- 1226 **D. Leave transfers may be accepted from employees or other Federal**
1227 **agencies, upon submittal of the appropriate application form.**
- 1228 **E. If leave transfers remaining from the initial area of announcement**
1229 **total less than 40 hours during the medical emergency, then the**
1230 **Agency will solicit additional donations from the next higher**
1231 **organizational level within 5 workdays depending upon the needs of**
1232 **the employee.**
- 1233 **F. If leave transfers from the solicitations in the level from E above total**
1234 **less than 80 hours during the medical emergency, then the Agency**
1235 **will solicit additional donations nationally within 20 days depending**
1236 **upon the needs of the employee.**
- 1237 **G. The national solicitation shall be conducted by E-mail and include**
1238 **the employee's location, position, and timekeeper number.**
- 1239 **H. Offers of leave from outside the area of announcement will not be**
1240 **discouraged or rejected, including appropriate offers from**
1241 **employees in other regions, components, and agencies.**
- 1242 **I. If the medical emergency exceeds the projected period anticipated,**
1243 **and additional transfers of leave are needed, the procedures for**
1244 **soliciting donations from the initial area of announcement through**
1245 **increasingly higher organizational levels will be re-effectuated once.**
- 1246 **J. Also, management will expeditiously explore with the recipient, or**
1247 **his personal representative/Union, other means of continuing in pay**

- 1248 **status, including but not limited to, advanced annual leave and/or**
1249 **sick leave in an attempt to minimize loss of income.**
- 1250 **K. Under no circumstances may annual leave be donated to an**
1251 **immediate supervisor.**
- 1252 **L. For retroactive situations, a medical emergency will be deemed to**
1253 **continue for the purposes of providing a leave recipient an adequate**
1254 **period of time within which to receive donations of annual leave.**
- 1255 **M. Every pay period, the recipient of transferred leave has the right to**
1256 **request and receive the donated leave balance.**
- 1257 **N. Form SSA 3139 for the donation of leave will contain the recipient’s**
1258 **timekeeper telephone and FAX numbers for expeditious transfer to**
1259 **leave by donor’s timekeeper.**

1260

1261 **Section 5. Use of Transferred Leave**

1262

- 1263 **A. Transferred annual leave may be used only for the purpose of the**
1264 **approved medical emergency.**
- 1265 **B. Annual and sick leave accrued due to any full or partial tours of duty**
1266 **shall become available for use during the medical emergency and**
1267 **prior to using the transferred leave.**
- 1268 **C. A “set aside” account will be kept separately in which annual leave**
1269 **and sick leave while participating in shared leave can accrue.**
- 1270 **Accrued leave in the “set aside” account cannot exceed 40 hours of**

- 1271 **annual leave and 40 hours of sick leave (prorated for part-time**
1272 **employees and employees with uncommon tours).**
- 1273 **D. If donated leave comes in during the first pay period following the**
1274 **transfer of the “set aside” leave due to administrative error, following**
1275 **the transfer of set aside leave, then, the donated leave will be used to**
1276 **reestablish the3 “set aside” account at the level it was prior to**
1277 **transfer.**
- 1278 **E. Transferred annual leave may be substituted retroactively for any**
1279 **period of leave without pay, or used to liquidate an indebtedness for**
1280 **any period of advanced leave, which began on or after the date fixed**
1281 **as the beginning of the medical emergency involved.**
- 1282 **F. Absent evidence to the contrary, the date of the medical emergency**
1283 **shall be the onset date on which the incapacitation occurred,**
1284 **considering the certification of the health care provider with the**
1285 **concurrence of the authorizing official.**
- 1286 **G. Employees are permitted to use donated leave for the period of time**
1287 **needed to arrange and/or attend a funeral and settle other remaining**
1288 **matters in cases when a family member’s medical emergency results**
1289 **in death.**

1290

1291 **Section 6. Restoration of Leave to Donors**

1292

1293 **Any transferred leave remaining to the credit of a leave recipient**
1294 **when the medical emergency affecting the leave recipient terminates,**
1295 **shall be restored on a prorated basis by transfer to the appropriate**
1296 **accounts of the respective leave donors in at least quarter-hour**
1297 **increments in accordance with Office of Personnel Management**
1298 **regulations. Any additional restored leave will be rounded to the**
1299 **nearest increment of time established by the leave donor’s**
1300 **employing agency to account for annual leave.**

1301

1302 **Section 7. Termination of Medical Emergency**

1303

1304 **A. The medical emergency affecting a leave recipient shall be**
1305 **considered to have terminated on a date as of which:**

- 1306 **1. The leave recipient notifies the authorizing official, in writing,**
1307 **or orally that the medical emergency no longer exists; or**
- 1308 **2. The authorizing official determines, after written notice, and**
1309 **opportunity for the leave recipient/representative to answer**
1310 **orally or in writing, that the medical emergency no longer**
1311 **exists; or**
- 1312 **3. The leave recipient is separated from service.**

1313 **B. At the end of the biweekly pay period in which SSA determines that**
1314 **the recipient is no longer affected by a medical emergency, fifteen**

1315 **calendar days advance written notice must be given before the**
1316 **termination of the medical emergency.**

1317

1318 **Section 8. Prohibition of Coercion**

1319

1320 **An employee may not directly or indirectly intimidate, threaten or coerce,**
1321 **or attempt to intimidate, threaten or coerce, any other employee for the**
1322 **purpose of interfering with any rights which such employee may have with**
1323 **respect to contributing, receiving, or using annual leave under the leaver**
1324 **transfer program.**

1325

1326 **Section 9. Notice to Employees**

1327

1328 **Written notice will be provided to all employees of the existence and**
1329 **provisions of the Leave Transfer Program, which will include application**
1330 **procedures, eligibility requirements, identification of the “approving**
1331 **official” for each respective unit etc. Such notice will be provided to**
1332 **employees in the notice regarding Annual Personnel Reminders.**

1333

1334 **When an application for the Leave Transfer Program is approved, the rights**
1335 **and responsibilities under the program will be reviewed with the affected**
1336 **employee. The name and telephone number of the appropriate**

1337 **management official to contact regarding changes in the medical**
1338 **emergency that would affect eligibility will be provided.**

1339

1340 **Section 10. Miscellaneous**

1341

1342 **A. The immediate supervisor will notify the local Union representative**
1343 **that a bargaining unit employee has filed for leave sharing.**

1344 **B. The Union will receive program reports summarizing the VLTP from**
1345 **all components in each region similar to the information provided**
1346 **during these negotiations. These reports will be provided to the**
1347 **General Committee Spokesperson. This does not restrict or waive**
1348 **the Union’s rights to request additional information.**

1349 **C. Either party has the right to reopen this Appendix in the event there**
1350 **are any changes in law, rule, and/or regulations which impact on the**
1351 **Leave Transfer Program.**

1352 **D. The Union will be notified of any changes in implementation of the**
1353 **Leave Transfer Program or reinterpretation of applicable regulations.**

1354

1355

1356

1357