

memorandum

DATE: October 1, 2009

REPLY TO
ATTN OF: AD-442:Kent

SUBJECT: **SCHEDULING OF USE OR LOSE ANNUAL LEAVE**

TO: All ORO Employees

In accordance with Title 5, Code of Federal Regulations, Section 630.308, supervisors must ensure that their employees schedule annual leave that would be forfeited if not used within the current leave year in a timely manner. The leave year ends on January 2, 2010, and excess annual leave must be planned, scheduled, and approved prior to the start of the third biweekly pay period before the end of the leave year. This means that leave requests must be approved by **November 21, 2009**, in order to avoid risk of losing the leave.

Annual leave in excess of 240 hours which is not used or donated to a participant in the Voluntary Leave Transfer Program by the end of the leave year is normally forfeited. Written requests for leave usage are advised, and use of the Office of Personnel Management Form-71 (OPM-71), *Request for Leave or Approved Absence*, is recommended irrespective of the amount of leave being requested. It is important to include appropriate signatures and dates on the form.

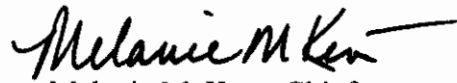
Forfeited annual leave may be restored under the following conditions.

1. Exigency of Public Business. The two legislative requirements discussed below must be met to arrive at a positive determination that an exigency of the public business existed and caused forfeiture of leave. Determinations that an exigency of public business existed should be submitted at the time the approved leave is cancelled, but not later than the end of the leave year.
 - a. The exigency must be of such importance as to preclude the use of scheduled leave. Each request should clearly state the beginning and ending dates of the proposed exigency and reasons why other alternatives cannot be used to prevent the forfeiture of leave.
 - b. The leave, which must be cancelled by the supervisor due to the exigency, must have been scheduled and approved by the supervisor (written documentation required) by November 21, 2009.
2. Illness. If annual leave is forfeited due to illness, the illness must have occurred so late in the leave year or have been of such duration that the leave could not be rescheduled within the leave year. Requests should include documentation of the period and amount of leave which was approved, scheduled by November 21, 2009, and subsequently cancelled due to illness as well as why other alternatives could not have been used to prevent the forfeiture.

3. Administrative Error. When an administrative error causes the loss of annual leave, the leave may be restored on a case-by-case basis depending on the circumstances involved.

All requests for approval of leave forfeiture must be recommended by a member of Principal Staff (Division Director or above) and approved by the Manager using the attached form, *Request for Approval of Leave Forfeiture*. If an exigency of the public business, illness, or administrative error is determined to have caused the forfeiture of annual leave, the forfeited leave is eligible to be restored. A request for restoration of leave may not be approved until the new leave year begins on January 3, 2010. Restoration requests should be documented using the attached form, *Request for Restoration of Leave*, and received by the Federal Human Resources Branch no later than January 15, 2010, to provide for a timely compliance review.

Questions regarding these requirements should be directed to your Human Resources Specialist.



Melanie M. Kent, Chief
Federal Human Resources Branch

Attachments

REQUEST FOR APPROVAL OF LEAVE FORFEITURE

For use by Oak Ridge Office and Office of Scientific and Technical Information

Employee Affected: _____ Organizational Unit: _____

Beginning and Ending Dates of Occurrence: _____ Number of Hours Requested: _____

PART I. FORFEITURE DUE TO EXIGENCY OF THE PUBLIC BUSINESS

Copies of approved leave requests, e.g., OPM-71, Request for Leave or Approved Absence, are attached to document that leave was scheduled before the beginning of the third pay period prior to the end of the leave year.

A. What work prevented the employee from using previously approved leave? (Discussion must include specific work assignments and related dates and must specifically state why the work could not have been delayed.)

B. Reason previously approved leave could not have been rescheduled: (Discussion must cover the entire period between the time of the exigency and the end of the leave year. Reasons based on use of previously restored leave are insufficient.)

PART II. FORFEITURE DUE TO ILLNESS

Copies of approved leave requests, e.g., OPM-71, Request for Leave or Approved Absence, are attached to document that leave was scheduled before the beginning of the third pay period prior to the end of the leave year.

Document circumstances below describing that illness occurred so late in the leave year or was of such duration that leave could not be rescheduled during the leave year:

PART III. FORFEITURE DUE TO ADMINISTRATIVE ERROR

Describe administrative error that caused loss of annual leave:

PART IV. APPROVAL

Recommended by: _____ Date: _____
Division Director

Approved: _____ Date: _____
Manager, ORO or Associate Director for Administration & Information Services, OSTI

Forward approved forms to Federal Human Resources Branch, AD-442

Leave lost as a result of approved forfeitures cannot be restored prior to the beginning of the next leave year. A Request for Restoration of Leave must be submitted by the requesting office in order to initiate the restoration process. Forms are available at <http://www.oro.doe.gov/pmab/Forms/Forms.htm> pending publication in SCMS.

PART V. FOR HUMAN RESOURCES USE ONLY

This request for approval of leave forfeiture complies with applicable regulatory provisions.

HRS: _____ Date: _____

REQUEST FOR RESTORATION OF LEAVE

For Use by Oak Ridge Office or Office of Scientific and Technical Information

An employee whose annual leave has been scheduled and approved by his/her supervisor in writing before the start of the third biweekly pay period prior to the end of the leave year is eligible to request restoration of leave forfeited due to a declaration of an exigency of the public business, illness, or administrative error. **An approved Request for Approval of Leave Forfeiture must be attached.** Forms are available at <http://www.oro.doe.gov/pmab/Forms/Forms.htm> pending publication in SCMS.

I concur with this request for restoration of leave for (employee) _____ for _____ hours of leave based on a previously approved exigency of the public business, illness, or administrative error.

Concurrence: _____ Date: _____
Principal Staff Member (Division Director or above)

Forward approved forms to the Federal Human Resources Branch, AD-442

This request for restoration of leave complies with applicable regulatory requirements.

Compliance Review: _____ Date: _____
Chief, Federal Human Resources Branch

I concur in this request for restoration of leave.

Concurrence: _____ Date: _____
Director, Servicing Human Resources Office

Approval: _____ Date: _____
Assistant Manager for Administration, ORO or
Associate Director for Administration & Information Services, OSTI

FOR HUMAN RESOURCES USE ONLY

- Copy to Originating Office* *Initials:* _____ *Date:* _____
- Copy to Payroll* *Initials:* _____ *Date:* _____
- Copy to Files* *Initials:* _____ *Date:* _____