This document has been
Rescinded and is located
in our Archive files.

For Active files, visit
http://www.osmre.gov/directiv.htm

U· S· DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT

DIRECTIVES SYSTEM

Subject Number: PER 12-2

Transmittal Number: 684

Date: JUL 25 1991

Subject: Leave and Absence

Approval: Harry M Snyder

Title: Director

Please make the following changes to:

Subject No.: PER-12 Date: 01/28/87

Subject: Leave and Absence Transmittal No.: 314

This Change Notice incorporates the revised Departmental Manual 370 DM 630 to show minor changes in the use of military leave and excused absence. It also adds a section entitled "Leave for Parental and Family Responsibilities."

*1. Remove pages 9, 10, 11, 12, and 13 and substitute the attached pages 9, 10, 11, 12, 13.

CHANGE NOTICE

Charging AWOL in these situations provides documentation of irregular attendance and such charges may be used as a basis for further disciplinary action. These actions should be coordinated with the appropriate personnel servicing office.

(5) Other Types of Leave/Absence.

(a) Home Leave. Home leave is applicable for those employees serving overseas who may accumulate 45 days annual leave under Title 5 U.S.C. 6304(b). Employees serving in Alaska and Hawaii are not subject to home leave regulations (38 CG 261).

(b) Funeral Leave. Excused leave not in excess of three days may be granted to allow an employee to make arrangements for or attend the funeral or memorial service for an immediate relative who dies as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in combat zone. (See FPM 630, 8-4 for definition of immediate relative.)

(c) Court Leave.

1 Granting of Court Leave. Career, career-conditional, temporary-indefinite, and indefinite employees will be granted court leave under the following circumstances:

a Jury Duty. As a general rule, OSM will not request that its employees be excused from jury duty.

b Witness in an Official Capacity. This includes service as witness for the United States Government or the Government of the District of Columbia.

c Witness in an Unofficial Capacity. This includes service as a witness for the United States Government, or a State or local government, if not covered by assignment on official business.

(d) Military Leave.

1 General. Military leave shall be granted to permanent or temporary indefinite employees for active duty or for training under sections 502-505 of Title 32 of the U.S. Code as a Reserve of the Armed Forces or member of the National Guard. In accordance with 5 U.S.C. 6323, leave accrues 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 the fiscal year.

For part-time career employees, the rate of accrual shall be determined by dividing 40 into the number of hours regularly scheduled in the workweek, multiplied by 15 days. Upon applying for military leave, the employee will indicate the Armed Forces reserve organization of which he or she is a member. Upon returning to duty, the employee will furnish a copy of the orders certified accurate by an appropriate military officer, showing the days on which the employee was on active duty.

2 Reserve or National Guard. A permanent or temporary indefinite employee who is a member of a Reserve component of the Armed Forces or the National Guard, and who performs for the purpose of providing military aid to enforce the law, Federal service, or full-time military service for his or her state, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States, is entitled to military leave not to exceed 22 workdays in a calendar year as authorized by 5 U.S.C. 6323.

3 District of Columbia National Guard. An employee who is a member of the National Guard of the District of Columbia is entitled to military leave for each day of a parade or encampment ordered or authorized by the commanding general. This provision, found in 5 U.S.C. 6323, is in addition to the provisions in 2 above.

(e) Excused Absence.

1 Definition. Excused absence is an absence from duty administratively authorized without loss of pay and without charge to leave for a short period of time.

2 Purpose. Provision for excused absence, sometimes referred to as administrative leave, permits an agency to excuse an employee from work when it is deemed in the public interest. Law, Executive Order, formal policy, or administrative discretion may be bases for making such determinations. FPM Chapter 630 states the more common situations in which excused absence is appropriate for individual employees. Dismissals of groups of employees are covered in FPM Chapter 610. The examples given in these chapters, however, are not all inclusive.

3 Policy. The authority to make excused absence determinations for individual employees is part of the authority delegated supervisors to approve or disapprove leave requests, subject to workload priorities, and any policies established by the bureau or office. Excused absence will not be used in situations for which other types of leave are specified, for example, military leave, court leave, advance sick leave, etc. The granting of excused absence is not an employee right but a discretionary exercise of management's authority.

4 Voting or Registration.

a An employee who desires to vote or register in an election or in a referendum on a civic matter in his or her community may be granted excused absence as follows:

Where the polls are not open at least three hours either before or after an employee's regular hours of work, an employee may be granted an amount of excused leave which will permit him or her to report for work three hours after the polls open or leave work three hours before the polls close, whichever requires the lesser amount of time off.

An employee may be excused for such additional time as may be needed to enable him or her to vote, depending upon the particular circumstances in his or her individual case, but not to exceed a full day.

If an employee's voting place is beyond normal commuting distance and vote by absentee ballot is not permitted, the employee may be granted sufficient time off in order to be able to make the trip to the voting place to cast his/her ballot. Where more than one day is required to make the trip to the voting place, bureaus and offices shall observe a liberal policy in granting the necessary leave for this purpose. Time off in excess of one day shall be charged to annual leave or, if annual leave is exhausted, to leave without pay.

An employee who votes in a jurisdiction which requires registration in person may be granted time off to register on substantially the same basis as for voting, except that no such time shall be granted if registration can be accomplished on a nonworkday and the place of registration is within reasonable one-day, round-trip travel distance of the employee's place of residence.

b Bureaus or Offices are responsible for assembling necessary information about hours during which polls are open in all political subdivisions in which their employees reside and for making an administrative determination regarding the amount of excused leave that may be granted within the stated limits. Employees should be notified of the determination made and the local procedure to be followed.

5 Examples. Some examples of situations in which excused absence is appropriate for short periods are as follows:

a Taking a Federal civil service examination for a position currently occupied or one for which the employee is to be considered or recommended by his or her bureau or office; not to exceed four hours.

b Taking a physical examination required by the Department or other Federal agency; for the time necessary to complete the examination.

c Participating as active pallbearers or as members of a firing squad or guards of honor in funeral ceremonies for members of the Armed Forces returned to the United States for final interment, "when" the employee is a veteran; not to exceed four hours on any one day.

d After obtaining treatment for an injury or illness sustained in the performance of duty, for the balance of the day on which the injury or illness occurred if circumstances warrant not returning to duty.

e Being unavoidably or necessarily absent from duty or tardy for less than one hour.

f Up to four hours for donating blood, providing the employee does not receive pay for the blood.

g Taking part in Government sponsored activities or those the Government participates in, provided the employee can be spared without detriment to the work and provided further that the absence will not require the employment of a relief worker or the payment of overtime, e.g., a volunteer tutoring at Interior's partnership schools.

h Union representatives attending a training session sponsored by a labor organization, provided that the subject matter of such training is of mutual concern to the employer and the union, and the Government's interest will be served by the representative's attendance. Administrative leave which is granted under this paragraph shall be in conformance with 370 DM 711.

i Visits to employee health units because of illness, receiving injections for allergies, etc., that are considered appropriate and necessary.

j Comparable situations to the above as determined by the supervisor.

6 Religious Holidays. Public Law 95-390 provides Federal employees the right to take time off for religious holidays and observations without charges to annual leave or loss of pay. Employees will be required to work compensatory overtime before or after the compensatory time off. The law does not restrict the kind of religious holiday or observance for which an employee may take time off from work. Any personal religious belief is sufficient to allow time off provided that the time is made up through compensatory overtime.

7 Advice. Questions about the appropriateness of excused absence as compared to official time, annual leave, leave without pay, or compensatory time for religious observances, etc., should be resolved by the supervisor in consultation with the servicing personnel office.

8 Leave for Parental and Family Responsibilities

a Policy. Appropriate forms of leave will be granted to the extent possible to reinforce parental and family obligations. Consistent with mission priorities, supervisors will extend consideration to granting leave in personally tailored and flexible ways when necessary to fulfill these purposes.

b Coverage. Childbirth and care, adoption and foster care, and absence for myriad family demands as described in FPM Chapter 630 are contemplated by the above policy. Annual or sick leave, leave without pay, advance leave, or combinations or same or flexible work schedules may be appropriate depending on the need, regardless of employee gender.

c Childbirth. Female employees are encouraged to promptly advise supervisors of pregnancy in order that their health may be protected and plans made for a replacement during the period of absence. If there is any question as to the physical ability of a pregnant employee to perform her work, a medical certificate may be required. If the employee's duties require activity which may be injurious to her health, an effort should be made to modify her assignment or to reassign her temporarily to other work for which she is qualified. The same policy which is applicable for advancing sick leave in other situations will apply to advancing sick leave for pregnancies.

d Supervisory Determinations. Leave requests to take care of parental or other family responsibilities may not always permit adequate advance notification to the supervisor because of unanticipated emergencies or events that are beyond the employee's control. For example, although an adoption application may have been in process for years, prospective parents may receive only a few days notice of a child's availability and placement in their home. Illness of family members can also prompt leave requests on short notice. The supervisor must balance what is a reasonable and manageable request with the workload to arrive at a humane determination.

4. Reporting Requirements

a. Application for Leave SF-71.

b. Time and Attendance Report, Form DI-502 G.

5. References. Federal Personnel Manual - OPM Chapter 630, Department of the Interior Departmental Manual, Part 370, DM 630, and Negotiated Agreement - Headquarters OSM and Local 1993, National Federation of Federal Employees.

6. Effect on Other Documents. This document supersedes Directive PER-12, dated July 20, 1984.

7. Effective Dates. Upon Issuance.

8. Contact. Division of Personnel, Branch of Employment and Classification, (202) 208-2953 or FTS 268-2953.