

ARTICLE 15
ANNUAL
LEAVE

SECTION 1

Employees will earn annual leave in accordance with applicable statutes and regulations.

SECTION 2- Leave Requests

- A. Annual leave will be charged in increments of one-quarter hour and requested in increments of not less than one-quarter hour.
- B. The use of annual leave is a right of the employee subject to the approval of the Employer. Leave requests will be approved consistent with operational ~~demands, workload and with consideration of optimal staffing levels-needs.~~ ~~determine when annual leave may be taken, refuse to grant annual leave, or revoke annual leave that has been granted, which may require recalling an employee to duty.~~ Absent unusual circumstances, the supervisor will approve or deny a leave request within two (2) calendar days of the request. If the supervisor does not approve or deny the request within that timeframe, the request will be considered granted.
- C. Employees will make requests using the Agency's electronic time and attendance system. If an employee is unable to access the electronic time and attendance system, s/he should submit their leave request to their supervisor by email or voicemail. Employees will not be required to make duplicate requests for annual leave.
- D. The Employer shall not deny the use of annual leave as a disciplinary measure or due to the amount of leave requested or recently taken. Leave will not be denied for arbitrary or capricious reasons.
- E. Annual leave requests for employees in travel status are subject to the same provisions of this Article and Article 42, Travel.
- F. Annual leave should generally be requested in advance, where practicable. However, when an employee is unable to make the request in advance ~~due to unforeseen circumstances,~~ the use of leave will still be approved consistent with valid operational needs.
- G. An employee may be permitted to change scheduled leave that s/he had requested to another time. Such changes will be considered and approved consistent with valid operational needs.
- H. Employees must report to work or have leave approved, every day, no later than the beginning of her/his fixed tour of duty or, for an employee working a flexible tour

of duty, no later than her/his normal starting time or the start of core hours if s/he does not have a normal starting time. Supervisors may waive this requirement and approve annual leave after-the-fact for unexpected delays of an urgent nature which cause a later arrival. This provision does not alter the right of the employee to use other forms of leave, such as sick leave or leave without pay, in lieu of or in combination with annual leave. ~~to have other leave approved consistent with the terms of other leave articles in this contract.~~

- I. When an employee has not received advance approval for leave but is not able to report to work for personal reasons, the employee must, within two (2) hours of his/her normal starting time ~~or the start of core hours, whichever is later~~, speak directly to her/his leave-approving official (his/her superior or designee) or leave a voicemail and/or e-mail message, with a return number, for that official, requesting leave and giving the reason for not having secured advance approval. The leave-approving official will approve or deny the leave requested consistent with valid operational needs.
- J. If leave is denied, ~~upon the employee's request~~, the supervisor will provide reasons for the denial in writing to the employee, which may be by email, at the time of the denial. Additionally, the supervisor will work with the employee to provide mutually agreeable alternative dates that annual leave may be taken.

SECTION 3- Extended Leave

- A. ~~Employees are encouraged to submit requests for annual leave as far in advance as possible.~~ Extended leave requests (any request for annual leave for periods of five (5) or more consecutive workdays and/or days off immediately preceding or following a holiday) should be submitted in advance. Such requests for annual leave will be approved or denied prior to the date the leave is needed, but, unless the workload can be properly assessed for the requested period, within five (5) calendar days of receipt of the request. During periods of high leave use or operational needs, the Employer may require that extended leave requests be submitted by a specific date, but will not deny leave requests submitted after the specified date solely because they were submitted late.
- B. When an employee's request for extended annual leave conflicts with the request(s) of other employee(s) for the same date(s), the employees affected who are equally-qualified and capable of performing the needed work during that period will first try to resolve the conflict in requests informally. If resolution is not possible, the determination will be made by the supervisor, based on the dates on which the conflicting requests were submitted, seniority (based upon service computation date), prior leave approved for that period if close to a holiday and operational demands.

SECTION 4- Use or Lose Leave

- A. Employees will be provided with the opportunity, where practical, to use any annual leave earned that will be in excess of the maximum allowable carry-over (so-called "use-or-lose") at some time during the course of the leave year so as to avoid losing annual leave. Each employee will monitor her/his annual leave account in order to make appropriate advance requests to the Employer for leave for vacation and other purposes which will contribute toward avoiding loss of annual leave.
- B. Not later than September 15th of each year, the Employer will remind employees of a need to request annual leave to avoid forfeiture of "use-or-lose" leave. [Employees may donate annual leave to the HHS-NTEU Leave Bank, in accordance with Article 21.](#)

SECTION 5- Sick Leave

Employees, upon request, may change previously-authorized annual leave to sick leave. ~~where sick leave is appropriate.~~

SECTION 6- Advance Annual Leave

- A. Consistent with the applicable HHS Instruction at the time of the request and the provisions of this Article, the Employer will consider and may in its discretion grant requests for advance annual leave upon proper application, when:
 - non-repetitive, non-routine circumstances exist;
 - the employee is eligible to earn annual leave;
 - the request does not exceed the amount of annual leave that the employee would earn during the remainder of the leave year or the remainder of her/his appointment, whichever is shorter; and
 - The Employer has reasonable assurance that the employee will return to duty and is not contemplating retirement or resignation.
- B. Annual leave earned on a current basis may not be used except in extenuating circumstances, until the amount of annual leave advanced to the employee has been repaid.
- C. Employees must repay any leave advanced and not earned at the time of separation except no repayment is necessary if the separation is due to the employee's death or disability retirement.