

OFFICE OF MANAGEMENT
Scheduling of Use or Lose Annual Leave To Avoid Forfeiture
November 2, 2005

This is a reminder that annual leave in excess of your maximum carryover will be forfeited if it is not used before this leave year ends on January 7, 2006. (Bargaining Unit employees may refer to FDA-NTEU CBA, Article 15, Annual Leave, Sections 2, 4, and 5 for additional information)

<http://intranet.fda.gov/omp/nteu/colectbarg.htm> For most employees, the maximum carryover is 240 hours. For members of the Senior Executive Service, the maximum carryover is 720 hours unless a larger personal leave ceiling existed prior to October 15, 1994.

Leave requests must be submitted, in writing, using OPM Form 71 (formerly SF-71) --Request for Leave or Approved Absence -- or any other agreed upon written method such as e-mail, **no later than November 25, 2005**, in order to protect your eligibility to have forfeited leave restored even if you suspect the leave will be canceled. Failure to submit a written request to use your excess leave will prevent your leave from being restored. If you are unable to use the scheduled leave because of an illness, injury, or urgent public business emergency, the written application for leave will show that your leave was scheduled in a timely manner. Failure to meet the statutory requirement of scheduling the leave in advance prevents restoration of forfeited leave. Attached is the two-page Request for Restoration of Annual Leave that includes information regarding the circumstances in which forfeited annual leave may be restored.

If the workload situation is such that the employee's leave request cannot be approved and cannot be rescheduled by the end of the leave year, or if approved leave must be canceled, the situation must be presented to the official with authority to make an emergency determination. Refer to FDA Staff Manual Guide 1431.15 for more detailed information. <http://intranet.fda.gov/omp/smg/smg.htm> These determinations must be documented, and the specific beginning and ending dates of the emergency period must be identified. The decision as to whether an emergency exists is to be made prior to the cancellation of the employee's leave.

If you have any questions, please contact Diane Shields, Office of Management Programs at 301.827.4033.

Kathleen D. Heuer
Associate Commissioner for Management and Chief Financial Officer

REQUEST FOR RESTORATION OF ANNUAL LEAVE

TO: _____

Approving Official

BASIS FOR RESTORATION (check one - see reverse side):

MANDATORY REQUIREMENTS (both requirements must be met for Exigency of Public Business and Employee Sickness):

DATE SIGNATURE/TITLE OF REQUESTING OFFICIAL (see reverse side)

CO-SIGNATURE, IF APPLICABLE

(SIGNATURES INDICATES THAT ALL REQUIREMENTS FOR RESTORATION OF LEAVE ARE MET)

APPROVED _____

DISAPPROVED SIGNATURE /TITLE OF APPROVING OFFICIAL DATE

THE TIMEKEEPER MUST MAINTAIN THE FOLLOWING SUPPORTING DOCUMENTS FOR 6 YEARS:

COPIES OF EMPLOYEE'S APPROVED LEAVE REQUESTS ADMINISTRATIVE LEAVE RECORD

INDICATING WHEN LEAVE WAS TAKEN LAST EARNINGS AND LEAVE STATEMENT OF THE LEAVE

YEAR SHOWING NUMBER OF HOURS OF LEAVE LOST COPY OF SIGNED RESTORATION APPROVAL

- Employee name _____
- Social Security number _____
- Center/Office and phone number _____
- Timekeeper number _____
- Leave Year of Forfeited Leave _____
- Number of hours to be restored _____

Exigency of Public Business (examples include: priority project(s) required timely completion; unavoidable and/or unplanned leave of other staff required employee to be present in order to carry

out Agency mission; etc. See reverse side for information that must accompany a request based on

Exigency of Public Business.)

Employee Sickness (employee became ill and was unable to use or re-schedule the leave.)

Administrative Error (examples include: supervisor did not act on leave request in a timely manner;

supervisor canceled approved leave before appropriate official had declared that an exigency existed;

etc.)

Employee requested leave, in writing, before the beginning of the third pay period prior to the end

of the leave year; and

Employee and supervisor attempted to reschedule canceled leave but appropriate alternative dates

were not available (e.g., not enough time left in the leave year to reschedule, additional priority projects prevented rescheduling, etc.)

USE OR LOSE ANNUAL LEAVE

FDA CIVILIAN EMPLOYEES ONLY

In most cases the maximum amount of annual leave an employee may carry over from year to year is 240

hours for non-SESers and 720 hours for SESers. A small number of employees may have larger personal leave ceilings based on service in other leave systems, overseas service, etc. Annual leave in excess of an employee's carryover balance is generally referred to as "use or lose" leave and must be used by the end of the leave year in which it is earned, or it is lost (forfeited). There are a few circumstances in which forfeited annual leave may be restored.

RESTORATION OF ANNUAL LEAVE

Employees must request use of leave, in writing, before the start of the 3rd biweekly pay period prior to the end of the leave year. If so requested, but later denied or canceled by the leave approving official, and one of the following conditions exists, and rescheduling of the canceled leave is impossible, the annual leave must be restored.

1. EXIGENCY OF PUBLIC BUSINESS existed:

- Exigencies are determined by Deputy Commissioners, Chief Counsel and Center/Office Directors and are situations of such importance that the work of the office, and consequently the work of the Agency, would be negatively impacted if the employee were unavailable to perform his/her duties.

- A copy of the signed exigency determination must be attached to a request for restoration of leave

based on an exigency of public business and must include:

_ description of the exigency and why employee could not be released from duty _ why leave could not be rescheduled _ beginning and ending dates of the exigency

2. EMPLOYEE SICKNESS occurred:

- Employee became ill prior to and/or during the time when leave was scheduled and leave could not be re-scheduled

3. ADMINISTRATIVE ERROR occurred. Examples include:

- Employee's leave request was submitted appropriately but not acted on in a timely manner.
- Exigency determination was not made before the employee's leave was canceled.

An employee or his/her supervisor may initiate a request for restoration of annual leave. If the employee is the requestor, the supervisor must co-sign the request certifying that all requirements for restoration of annual leave have been met and documentation is being maintained by the timekeeper.