

3 FAM 3460 OTHER PAID LEAVE

*(CT:PER-606; 11-14-2008)
(Office of Origin: HR/ER)*

3 FAM 3461 AUTHORITY

*(CT:PER-606; 11-14-2008)
(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)
(Applies to Foreign Service and Civil Service Employees)*

Authorities *include*:

- (1) 5 CFR 630.801 - 630.804; and
- (2) 5 U.S.C. 6321, 6325, 6326 and 6327.

3 FAM 3462 ELIGIBILITY

*(TL:PER-406; 06-14-2001)
(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)
(Applies to Foreign Service and Civil Service Employees)*

Refer to 3 FAM 3312 for eligibility requirements.

3 FAM 3463 TRANSIT TIME

3 FAM 3463.1 General

*(CT:PER-576; 10-17-2005)
(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)
(Applies to Foreign Service and Civil Service Employees)*

Transit time may be granted between the points of departure and destination named in the travel authorization. The appropriate headquarters office will grant transit time for Foreign Service employees traveling under official orders who terminate their travel in the United States. The post of destination is authorized to grant transit time for travel performed under official orders by Foreign Service employees completing travel at their post.

3 FAM 3463.2 Transit Time in Connection with Leave

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. Employees will be granted transit time in connection with authorized home leave travel to the United States (or to a U.S. Commonwealth or possession if that is the employee's home leave residence).*
- b. Transit time may be granted by the post for R&R travel or family visitation travel (FVT) if travel cannot be scheduled on nonworkdays due to circumstances beyond the employee's control. Such circumstances might include lack of air transportation from and/or to post on nonworkdays, irregular connections from and/or to post, or compassionate reasons. Such circumstances do not include the employee's personal convenience. Normally, transit time will be limited to one day for each leg of R&R or FVT, and should not exceed two days. If the employee makes a stopover for his or her convenience, transit time may only be granted to the stopover point.*

3 FAM 3463.3 Time Limitation

3 FAM 3463.3-1 Circumstances Beyond Control of Traveler

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

For travel other than R&R and FVT in 3 FAM 3463.2, when a greater amount of time than that normally required to complete travel is spent either in travel or in awaiting transportation because of circumstances over which the traveler has no control and could not reasonably avoid, the actual amount of time spent shall be considered transit time.

3 FAM 3463.3-2 Use of Privately Owned Conveyance

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

If travel is performed by privately owned (POV) conveyance, a reasonable amount of time, in view of the distance and route traveled and the circumstances of the journey will be considered transit time whenever such

mode of travel is more advantageous to the U.S. Government *if transit time is granted for the travel* (see *14 FAM 566*).

3 FAM 3463.3-3 Delays in Awaiting Transportation Due to Personal Reasons

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

If an employee relinquishes duties prematurely for his or her own convenience and proceeds to the point of departure, any period spent awaiting transportation *shall not be* considered transit time. In such cases, allowable transit time *may only* be computed from the date the employee would have *normally been required to begin* official travel. Any delay due to missed *connections* that *result when* an *employee delays* departure from post or *interrupts* travel for personal convenience shall not be considered transit time.

3 FAM 3463.3-4 Allowable Transit Time

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

When the first day of transit time has been *authorized and* established, each consecutive workday thereafter actually and necessarily spent in travel, including authorized rest stops and time necessarily spent in awaiting transportation en route, will be considered transit time.

3 FAM 3463.4 Charging Time in Excess of Allowable Transit Time

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

Time used by the employee in travel and in awaiting transportation that is in excess of allowable transit time will be charged against annual leave, if available, earned compensatory time, or leave without pay. The basis *will be* eight hours for each workday subsequent to the date the employee could have arrived at the destination had the employee proceeded by a usually traveled route, and by the mode of transportation prescribed in pertinent travel regulations. Computation of allowable transit time for leave purposes

shall be independent of computation of per diem for the purposes of determining allowable travel expenses.

3 FAM 3463.5 Transit Time in Connection With Separation

(TL:PER-406; 06-14-2001)
(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)
(Applies to Foreign Service and Civil Service Employees)

Transit time is allowable when travel commences on the first workday following relinquishment of duty or, when leave is granted, not later than the expiration date of approved leave.

3 FAM 3464 EXCUSED ABSENCE

3 FAM 3464.1 General

(CT:PER-606; 11-14-2008)
(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)
(Applies to Foreign Service and Civil Service Employees)

Excused absence is an absence from duty administratively authorized or approved by the leave-approving officer and does not result in a charge in leave of any kind or in loss of basic salary. Excused absence may generally be granted for the following purposes:

- (1) Absences of one hour or less due to emergencies or tardiness;
- (2) To undergo physical examination:
 - (a) When required pursuant to regulations; or
 - (b) When required by induction or enlistment in the Armed Forces of the United States, provided the request for absence is supported by official notification from appropriate military authority. However, if hospitalization for additional tests is required, that time may not be excused;
- (3) For time spent in health rooms if such cumulative time is one hour or less in one day. Time in excess of one hour should be charged as sick leave;
- (4) For examination or outpatient treatment by a U.S. Government

physician or by a facility officially authorized to handle cases of employees injured in the performance of duty. However, this does not apply to additional absence on account of the injury where treatment is not involved;

- (5) To visit blood donor centers for the purpose of donating blood without a charge to leave. The employee may be excused for four hours (only on the day blood is donated) in addition to the time required to travel to and from the blood donor center and to actually give blood. If the employee is not accepted for blood donation, only the time necessary for the round trip is to be excused;
- (6) To participate in Foreign Service or Civil Service examinations when it is deemed to be primarily in the interest of the U.S. Government;
- (7) To permit employees who are veterans of any war, campaign or expedition for which a campaign badge has been authorized, or are members of *official* honor *or* ceremonial groups or organizations, to participate as active pallbearers or guards of honor in funeral ceremonies for members of the U.S. Armed Forces whose remains are returned from abroad for final interment in the United States. Such periods of excused absence are limited to four hours;
- (8) When a post is closed to the public on local holidays by administrative order, or when Federal work may not be properly performed. However, U.S. citizen employees may be required to work on such days, and are not entitled to holiday pay or overtime pay for such work;
- (9) To attend incentive award ceremonies or to pay respect to retiring employees at a ceremony or reception; and
- (10) When the officer in charge of an establishment, domestic or abroad, authorizes group dismissals of employees for a reasonable period due to extreme climatic conditions, civil disturbance, transportation failure, breakdown of heating or cooling systems, natural disaster such as a hurricane or earthquake, etc.

3 FAM 3464.2 Voting and Registering

(TL:PER-406; 06-14-2001)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. Insofar as is practicable, without interfering with operations, employees

may travel, at their own expense, to their legal voting residence in the United States to vote or register in any election or referendum on a civic matter in their community.

b. Such time may be excused if:

- (1) The polls are not open at least three hours either before or after an employee's regular work hours. In such cases, excused absence is limited to the time necessary to permit the employee to either report to work three hours after the polls open or leave work three hours before polls close;
- (2) Exceptional circumstances require the employee to be absent for up to one full work day in order to vote. For example, the jurisdiction requires registration in person, registration is not available on a nonwork day and the place of registration is within a reasonable one-day round-trip.

3 FAM 3464.3 Transition Leave

3 FAM 3464.3-1 General Guidance

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. Transition leave is authorized for a specific purpose, i.e., to provide employees a period of excused absence to *settle* into their homes in the United States before returning to an assignment in the United States.
- b. *Fifteen (15) working days of transition leave will be granted to Civil Service (CS) employees on limited noncareer appointments (LNA) who serve at least 18 consecutive months abroad (12 months at posts designated by the Director General per 3 FAM 3433.1) and immediately return to work for their parent agency in the United States for at least six months.*
- c. *Ten (10) working days of transition leave will be granted to Foreign Service (FS) employees returning for a domestic assignment who are ineligible for home leave due to the fact that they will not return to service abroad because of mandatory retirement, and who meet all other home leave eligibility criteria. Employees must serve at least 18 consecutive months abroad (12 months at posts designated by the Director General per 3 FAM 3433.1) and immediately return to work for their parent agency in the United States for at least six months.*

- d. Normally, transition leave is voluntary. However, transition leave is mandatory following service at a post designated by the Director General under 3 FAM 3433.1. On request of an employee, this requirement may be waived based on personal needs, particularly if taking transition leave would impact negatively on his or her ability to reconnect with immediate family members. Waiver requests must be approved by the Director General.*
- e. Transition leave will be approved for use in the United States only after termination of an assignment abroad and before reporting to a new assignment in the United States. *Transportation within the United States is not provided.* An employee may request to use transition leave after he or she reports to a new assignment only for compelling personal reasons of a compassionate nature, or for the needs of the Service. A request to defer the usage of transition leave must be made, in writing, to the executive director of the gaining office for his or her approval before the employee departs the post abroad. However, under no circumstances will transition leave be approved for use more than 30 calendar days after an employee has reported to work in the United States. Transition leave will be noted on travel authorizations issued by HR/EX.
- f. For Department of Commerce employees, requests for transition leave must be made to the leave approving official at the new duty station. For USAID employees, requests for use of transition leave or deferral of such leave must be submitted to the leave approving supervisor in the gaining bureau or office. For BBG employees, transition leave must be requested from and approved by the leave approving official in the gaining office in the United States.*
- g. For Commerce/USDA (Foreign Agricultural Service)/BBG employees, requests for approval of transition leave or to defer usage should be included in the request for travel orders and if approved, will be noted in the travel authorization.*

3 FAM 3464.3-2 Repayment of Leave

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. An employee who fails to complete at least six months service in an assignment with *his or her* parent agency in the United States after using transition leave will be indebted to the Federal Government for the excused absence. The period of used transition leave may be changed to

annual leave or repaid to the Federal Government at the time of separation. Amounts owed by an employee under this section will be recovered from the employee.

- b. Waiver of this repayment requirement may be requested for compelling personal reasons of a compassionate nature and approved by the *appropriate* Deputy Assistant Secretary for *Human Resources (M/DGHR)*. For *Department of Commerce employees*, waiver may be requested and approved by the respective Assistant Secretary. *For USDA/Foreign Agricultural Service employees, waiver may be requested and approved by the Deputy Administrator, Office of Foreign Service Operations. For USAID employees, waivers of repayment may be requested and approved by the Deputy Assistant Administrator for Human Resources or his or her designee. For BBG employees, waiver requests must be submitted to the Director, Office of Human Resources.*
- c. Transition leave may not be the basis of any lump-sum payment upon separation.

3 FAM 3464.4 Funeral Leave

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

An employee shall be granted funeral leave (without loss or reduction in pay, leave to which otherwise entitled, or credit for time or service, and without adversely affecting performance rating) as is needed and requested, but not to exceed three workdays, to make arrangements for, or to attend the funeral or memorial service for an immediate relative who dies as a result of a wound, disease, or an injury incurred while serving as a member of the U.S. Armed Forces in an area designated by Executive Order as a combat zone. The three days need not be consecutive. *For periods in excess of the three days permitted under this section, employees may request sick leave for bereavement purposes per 3 FAH-1 H-3425.*

3 FAM 3464.5 Absence Resulting from Hostile Action Abroad

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. No leave shall be charged to the account of any officer or employee for absence, not to exceed one continuous year, due to any injury incurred

while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action, provided that the injury shall not have been due to vicious habits, intemperance, or willful misconduct on the part of the officer or employee. (See 3 FAM 3410, specifically 3 FAM 3414 for possible restoration of forfeited annual leave for employees in a missing status.)

- b. Approvals of requests for such absences without charge to leave will be made by:
- (1) State: Director General of the Foreign Service *and Director of Human Resources*, or the Deputy Assistant Secretary for Human Resources;
 - (2) USAID: *Deputy Assistant Administrator for Human Resources, DAA/HR*;
 - (3) USDA: FAS - Personnel Division APHIS - Human Resources Division or Resources Management Support, International Services or their designees; and
 - (4) Commerce: DAS/OIO, U.S. and Foreign Commercial Service.

3 FAM 3464.6 Bone-Marrow or Organ Donor

(CT:PER-576; 10-17-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. A full-time employee is entitled to excused absence not to exceed seven days (or 56 hours) in any calendar year for the time necessary to serve as a bone-marrow donor. Excused absence for bone-marrow donation may be used for compatibility testing as well as actual donation and treatment.
- b. A full-time employee is entitled to excused absence not to exceed 30 days (or 240 hours) in any calendar year for the time necessary to serve as an organ donor. Excused absence for organ donation may be used for compatibility testing as well as actual donation and recuperation.
- c. These amounts are prorated for part-time employees and employees on uncommon tours of duty.
- d. See 5 U.S.C. 6237.

3 FAM 3465 LEAVE FOR RELIGIOUS HOLIDAYS

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. *In order to meet the employer's legal obligation under Title VII of the Civil Rights Act of 1964 to provide reasonable accommodation to employees for religious purposes*, leave approving officials *shall grant* annual leave to permit employees to participate in *their personal* religious observances *unless to do so would create an undue burden upon the employer*. Such absences will be charged to annual leave or to compensatory time or, if the employee has neither, to leave without pay.
- b. To the extent that it does not interfere with the efficient accomplishment of work, an employee may, with the approval of the supervisor, elect to work compensatory overtime for the purpose of taking time off without charge to leave when personal religious beliefs require that an employee abstain from work during certain periods of the workday or workweek. The employee may work such compensatory overtime either before or after the granting of compensatory time off.
- c. The premium pay provisions for overtime work do not apply to compensatory work performed by an employee for this purpose.
- d. See 3 FAM 3130, specifically 3 FAM 3133.6 for regulations concerning special compensatory time off for religious observances.

3 FAM 3466 PROCEDURES

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

Refer to 3 FAH-1 H-3460 for guidance and procedures.

3 FAM 3467 THROUGH 3469 UNASSIGNED