

3 FAM 3420 SICK LEAVE

(CT:PER-605; 07-01-2008)
(Office of Origin: HR/ER/EP)

3 FAM 3421 AUTHORITIES

(CT:PER-581; 10-20-2005)
(Uniformed State/USDA/BBG/Commerce/USAID)
(Applies to Foreign Service Employees and Civil service employees)

The following authorities are cited:

- (1) 5 U.S.C. 6307; and
- (2) 5 CFR Part 630, Subpart D.

3 FAM 3422 DEFINITIONS

(CT:PER-605; 07-01-2008)
(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)
(Applies to Foreign Service and Civil Service Employees)

Adoption refers to the legal process by which an individual becomes the legal parent of another's child.

Communicable disease is a disease that is ruled as subject to quarantine, and requires isolation or restriction of movement by the patient for a specified period, as prescribed by the health authorities having jurisdiction.

Family member includes the following relatives of the employee:

- (1) Spouse and parents thereof;
- (2) Children, including adopted children, stepchildren, and spouses thereof;
- (3) Parents;
- (4) Brothers and sisters and spouses thereof; *and*

- (5) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Health care provider has the meaning given that term in 5 CFR 630.1202.

Medical certificate is a written statement signed by a registered practicing physician or other practitioner, certifying the incapacitation, examination or treatment, or to the period of disability while the patient was receiving professional treatment. For family care, employees may provide a written statement from the health care provider concerning the family member's need for psychological comfort and/or physical care.

Serious health condition has the meaning given that term in 5 CFR 630.1202.

3 FAM 3423 GENERAL

(CT:PER-605; 07-01-2008)

(Uniformed State/USDA/BBG/Commerce/USAID)

(Applies to Foreign Service Employees and Civil service employees)

An employee who follows procedures for applying for leave and provides any required medical certification as set out in these regulations must be granted currently accrued and accumulated sick leave for the following purposes:

- (1) When the employee is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy or childbirth;
- (2) For medical, dental or optical examinations or treatments (including medical examinations for reservists recalled to active duty, military training duty or determination of eligibility for retention in the reserve component, except when a reservist is ordered to active duty for the examination, the absence is charged to military leave, if available, or to annual leave);
- (3) When, as determined by the health authorities having jurisdiction or by the employee's health care provider, the employee's health may jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease;
- (4) To provide care for a family member with a serious health condition (see 3 FAH-1 H-3424);
- (5) To provide care for a family member who is incapacitated by a medical or mental condition or to attend to a family member receiving medical, dental or optical examination or treatment (see 3

FAH-1 H-3425);

- (6) To make arrangements necessitated by the death of a family member or to attend the funeral of a family member (see 3 FAH-1 H-3425); or
- (7) When an employee must be absent from duty for purposes relating to the adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed.

3 FAM 3424 SCOPE AND APPLICABILITY

(CT:PER-581; 10-20-2005)

(Uniformed State/USDA/BBG/Commerce/USAID)

(Applies to Foreign Service Employees and Civil service employees)

The subchapter applies to Foreign Service and Civil Service employees employed by the Department of State, USAID, BBG, Commerce and Foreign Service Corps-USDA.

3 FAM 3425 AUTHORIZING OFFICIAL

(CT:PER-605; 07-01-2008)

(Uniformed State/USDA/BBG/Commerce/USAID)

(Applies to Foreign Service Employees and Civil service employees)

Authorizing officials for approving sick leave and advanced sick leave are designated in 3 FAM 3427, *subparagraph c(1)* (current and/or cumulative), and *in* 3 FAM 3428.2 (advanced).

3 FAM 3426 REPORTING ABSENCE ON ACCOUNT OF ILLNESS

(CT:PER-605; 07-01-2008)

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

(Applies to Foreign Service and Civil Service Employees)

Absence because of illness or injury must be reported immediately to the official authorized to grant sick leave. Failure to give such notice may result in a charge to annual leave, leave without pay (LWOP), or absence without official leave (*AWOL*), as appropriate.

3 FAM 3427 APPLICATION FOR LEAVE ON ACCOUNT OF ILLNESS

(CT:PER-605; 07-01-2008)

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

(Applies to Foreign Service and Civil Service Employees)

a. The employee's own certification as to reasons for absence on account of illness normally will be acceptable for absence of three workdays or less. However, the employee may be required to submit a medical certificate or other administratively acceptable evidence for absence of three workdays or less if the head of the office to which the employee is assigned has reason to believe that the employee is improperly using sick leave. If required, an employee must submit medical certification within 15 days of the *leave-approving official's* request. Failure to comply may result in AWOL which can lead to disciplinary action. *If the leave-approving official approves the absence, then sick leave, annual leave, or LWOP may be charged as applicable* (see [3 FAM](#) 3425 for a definition of medical certificate and [3 FAM](#) 4320, Disciplinary Action - Common Practices):

- (1) Except in cases of medical evacuation, if requesting sick leave in excess of three workdays, the employee must submit a written application for sick leave no later than two workdays after return to duty. In general, a medical certificate must support such application; however, if the services of a physician are not utilized, the employee may submit a signed statement indicating the nature of the illness and the reason for not furnishing a medical certificate, subject to approval by the *leave-approving* official;
- (2) When circumstances permit, requests for sick leave must be submitted to the official authorized to grant leave in advance of absence;
- (3) Permission for leave for nonemergency medical, dental, or optical examination or treatment must be obtained from the approving official before an employee takes sick leave. In a medical emergency, the employee *must* attempt to *advise his or her leave-approving official* of the situation *in a timely manner*, if possible;
- (4) All requests for sick leave due to exposure of the employee or a family member to a communicable disease must be supported by a certificate from a health authority that reflects the actual period of quarantine, isolation or restriction of movement;
- (5) When caring for a family member with a serious health condition, a

medical certificate or other administratively acceptable evidence as to the reason for the absence *is* required (see [3 FAH-1 H-3426](#)).

- b. Medical documentation is generally required for an absence in excess of three workdays, when determined by the supervisor or office head. An employee who does not provide required evidence of medical certification within 15 days is not entitled to use sick leave for this purpose and will be charged *absence without official leave (AWOL) which can lead to disciplinary action, or annual leave if appropriate (or LWOP if annual leave is approved but not available)*.
- c. Authorizing officials for current and cumulative sick leave:
 - (1) Chiefs of mission, principal officers (State) and USAID mission directors or representatives, may approve sick leave on his *or her own* behalf;
 - (2) The principal officer (Commerce) reports leave in excess of one workweek to headquarters, Office of Foreign Service-Human Resources;
 - (3) Domestic employees: Designated authorizing official and/or immediate supervisor;
 - (4) Employees abroad:

State	Designated authorizing official and/or immediate supervisor.
BBG	Head of BBG/IBB establishment or designee abroad.
Commerce	Principal commerce office and/or human resources officer.
USAID	<i>Employee's leave-approving</i> official.
USDA	Head of USDA organization abroad.

3 FAM 3428 ADVANCED SICK LEAVE

(CT:PER-605; 07-01-2008)

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

(Applies to Foreign Service and Civil Service Employees)

- a. Subject to certain restrictions and when required by the exigencies of the

situation, advanced sick leave is granted by the authorizing official in cases of serious disabilities or ailments *of the employee or a member of the employee's family as defined in 3 FAM 3422*, whether as the result of a medical condition or surgery, or for purposes relating to the adoption of a child.

- b. Sick leave advances are subject to the following requirements:
- (1) Requests for advanced sick leave must be submitted in writing and must be supported by a medical certificate or other satisfactory evidence in support of the request;
 - (2) Sick leave may be advanced only after all current accrued and accumulated sick leave is exhausted. In instances of prolonged illness or injuries, sick leave may be advanced even though the employee has annual leave to the employee's credit;
 - (3) Sick leave is advanced with the understanding that future absence due to illness must be charged to annual leave or LWOP until the total sick leave advance has been liquidated, except as provided in [3 FAM 3428.1](#). *An employee who subsequently retires (other than on disability) or resigns is liable for repayment of any outstanding negative sick leave balance. Exceptions to repaying the leave can be found in 5 CFR 630.209;*
 - (4) Sick leave may not be advanced to an employee when it is known that the employee does not intend to return to duty.

3 FAM 3428.1 Restrictions on Advance of Sick Leave

(CT:PER-605; 07-01-2008)

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)
(Applies to Foreign Service and Civil Service Employees)*

Subject to the restrictions set forth in [3 FAM 3428](#), sick leave may be advanced as follows:

- (1) *Full-time employees who accrue leave may be advanced no more than 30 workdays (or 240 hours) for purposes cited in 3 FAM 3423, subparagraphs (1), (2), (3), (4), and (7); and up to 104 hours for purposes cited in 3 FAM 3423, subparagraphs (5) and (6). This includes employees serving a probationary period and employees holding appointments with no expiration date;*
- (2) In the event of another serious illness before liquidation of the

original advance, an additional advance may be authorized not to exceed a total deficit of 30 workdays (*240 hours*), subject to the same restrictions that applied to the original advance;

- (3) *Accrued and advanced sick leave combined may not exceed 480 hours per leave year to care for a family member with a serious health condition (3 FAM 3423, subparagraph (4)). Of the 480 hours, 104 hours per leave year may be used for general family care and/or for bereavement purposes (3 FAM 3423, subparagraphs (5) and (6));*
- (4) *The maximum amount of sick leave that can be advanced to part-time employees or employees on an uncommon tour of duty is prorated based on the number of hours in the employee’s regularly scheduled administrative workweek;*
- (5) The leave-approving *official* will consider the circumstance of each individual case, including the employee’s past record of use of sick leave, the recommendation of the employee’s attending physician, and other pertinent factors; and
- (6) Sick leave may be advanced to employees holding temporary, limited-indefinite or time-limited appointments, except that such advances may not exceed the total sick leave that would accrue during the remaining period of such appointment. Appointments made subject to security clearance are considered as 90-day appointments until such clearance is made.

3 FAM 3428.2 Authorizing Official for Advanced Sick Leave

(CT:PER-605; 07-01-2008)

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

(Applies to Foreign Service and Civil Service Employees)

The authorizing officials are:

State	Leave-approving official or bureau executive director’s office.
BBG	IBB, Office of Personnel.
USAID	<i>Employee’s leave-approving official.</i>
USDA	See FARS 6325.

APHIS	See Directive 420.6.
Commerce	Employee's leave-approving official.

3 FAM 3429 OTHER SICK LEAVE CIRCUMSTANCES

3 FAM 3429.1 Sick Leave Before Separation

(CT:PER-605; 07-01-2008)

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

(Applies to Foreign Service and Civil Service Employees)

An employee who is ill or disabled may be granted: all current accrued and accumulated sick leave due to the employee; any additional sick leave that has accrued while in leave status and LWOP at the discretion of the appropriate *leave-approving* official. If an ill or disabled employee resigns while on leave, the employee's leave-with-pay status *must* terminate not later than the end of the payroll period in which the notification is received in the appropriate headquarters personnel office. If the employee has been granted sick leave that would extend beyond the end of the payroll period, the employee may be continued on sick leave until the expiration of the approved leave, provided that no advance sick leave may be utilized. Refer to 3 FAM 3428, *subparagraph* b(4).

3 FAM 3429.2 Sickness During Annual Leave, Home Leave, Transit Time

(CT:PER-581; 10-20-2005)

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

(Applies to Foreign Service and Civil Service Employees)

When sickness or injury occurs while the employee is on annual or home leave, or when the illness or injury necessitates an extension of transit time, the period of illness may be charged as sick leave, provided that the period of disability covers at least one workday. Applications for such substitution must be supported either by a medical certificate or, if the illness did not necessitate medical attention, by a signed statement from the employee indicating the nature of illness (see 3 FAM 3427).

3 FAM 3429.3 Abuse of Sick Leave

(CT:PER-581; 10-20-2005)

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

(Applies to Foreign Service and Civil Service Employees)

The leave-approving official will review the circumstances surrounding seemingly excessive or indiscriminate use of sick leave to determine whether there is improper use of sick leave. The requirement for the proper use of sick leave should be reemphasized, and the employee may be required to furnish medical evidence of illness when sick leave is requested or taken on future occasions, even though the period of absence is three days or less (see 3 FAM 3427). In case of continued excessive or indiscriminate use of sick leave, disciplinary action may be taken (see 3 FAM 4320).

3 FAM 3429.4 Procedures and Guidelines

(CT:PER-581; 10-20-2005)

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

(Applies to Foreign Service and Civil Service Employees)

See 3 FAH-1 H-3420 for the procedures and guidelines governing administration of sick leave.

3 FAM EXHIBIT 3421.1 SICK LEAVE USAGE

(CT:PER-605; 07-01-2008)

Category (Usage for)	Purpose of Sick Leave	Provisions
Employee (3 FAM 3421.1)	Physical or mental illness; Physical injury; Medical treatment (medical, dental or optical appointments); Incapacitation due to pregnancy or childbirth; Exposure to communicable diseases; <i>or</i> Adoption-related activities.	Paid sick leave accrued in employee’s account. Sick leave may be granted when supported by evidence that is administratively acceptable (including the employee’s certification). For an absence of 3 workdays or more (or a lesser time, if requested by a supervisor), a medical certificate or other administratively acceptable evidence may be required by the leave approval official. At the discretion of the bureau’s executive director or post human resources officer, a maximum of 30 days of sick leave can be advanced to an employee with a medical emergency or for adoption-related activities.
Care of family member (general family care) (3 FAH-1 H- <i>3425.1</i>)	Physical or mental illness; Physical injury; Medical treatment (medical, dental or optical appointments); <i>or</i> Funeral arrangements or bereavement due to	Granted a maximum of <i>104</i> hours per leave year. <i>At the discretion of the bureau’s executive director or post human resources officer, up to 104 hours may be advanced to an employee.</i>

	death of family member.	
Care of family member (serious health condition)* (3 FAH-1 H-3424.1)	Care of family member with a serious health condition as defined in 3 FAH-1 H-3422 or 5 CFR 630.1202.	<p>Maximum of 480 hours (12 weeks) of accrued sick leave, per leave year. Medical certification may be required by leave-approving official.</p> <p>If an employee previously used any portion of the 104 hours (13 days) of sick leave for general family care or bereavement purposes in <i>the current</i> leave year, that amount must be subtracted from the 12-week (480 hours) entitlement.</p> <p><i>At the discretion of the bureau's executive director or post human resources officer, up to 240 hours may be advanced.</i></p>

*The common cold, the flu, earaches, upset stomach, headaches (other than migraines), routine dental or orthodontia problems are not serious health conditions unless complications arise.