

## **3 FAH-1 H-3400 PAID LEAVE**

## **3 FAH-1 H-3410 ANNUAL LEAVE**

*(CT:POH-121; 10-26-2005)  
(Office of Origin: HR/ER)*

## **3 FAH-1 H-3411 CREDITABLE SERVICE**

*(CT:POH-121; 10-26-2005)  
(Effective 1-29-96)*

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

The rate of accrual of annual leave is based on the individual's years of creditable, Federal service for leave purposes.

### **3 FAH-1 H-3411.1 General Rule**

*(CT:POH-121; 10-26-2005)  
(Effective 1-29-96)*

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

Generally, an individual's service constitutes creditable Federal service for leave purposes if he or she:

- Was engaged in the performance of Federal functions under the authority of an act of Congress or an Executive Order (E.O.)
- Was appointed or employed by a Federal official
- Worked under the supervision and direction of a Federal officer

### **3 FAH-1 H-3411.2 Service Which Is Creditable**

*(CT:POH-121; 10-26-2005)  
(Effective 1-29-96)*

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

When making determinations of creditable service for leave purposes, the following rules apply:

- (1) All service creditable under the Civil Service Retirement Act for purpose of an annuity under that Act is included;
- (2) Credit is allowed for service in the executive, legislative, and judicial branches of the Federal Government;
- (3) Honorable active military service is creditable. However, when a retired member of the uniformed services is employed, creditable military service for annual leave purposes is limited to service performed during a war or in a campaign or expedition for which a campaign badge is issued. All military service is creditable if a retired member:
  - (a) Was retired for disability resulting from injury or disease received in line of duty as a direct result of armed conflict; or
  - (b) Was retired for disability caused by an instrumentality of war and incurred in line of duty during a period of war; or
  - (c) Was employed in a civilian office to which the leave laws apply on November 30, 1964, and continuously thereafter without a break in service of more than 30 days;
- (4) Credit is granted for:
  - All leave with pay
  - All leave without pay which does not exceed six months in any calendar year, except that if leave without pay (LWOP) was the result of illness or injury incurred in the line of duty and employees' compensation is granted, then full service credit is given

*Note:* For example, if an employee is on LWOP from January 1 through September 30, the period from January 1 through June 30 is creditable as 6 months of service, and no credit is given for the period July 1 through September 30 unless the exception noted above applies.

### **3 FAH-1 H-3411.2-1 Service With Washington D C Government**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

Agencies cannot accept transfer of leave from the D C Government for individuals hired by the D C Government after December 31, 1979, or who were D C Government employees on December 31, 1979 unless they were separated from the D C Government before September 26, 1980.

### **3 FAH-1 H-3411.2-2 Service With Public International Organizations**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

- a. Service is creditable for leave purposes when a Federal employee transferred to a public international organization under E.O. 11552 of August 2, 1970, and was subsequently reemployed by the U.S. Government as provided in that Order.
- b. Service with a public international organization is creditable for the period involved when the individual has reemployment rights under 5 U.S.C. 3582. However, such service may not exceed the first five consecutive years from the date of such transfer, or any extension thereof made by the Secretary of State in the national interest. Such service is creditable as follows:
  - (1) If coverage under the retirement system is maintained during the period of transfer, full credit is given for such service;
  - (2) If coverage under the retirement system is not maintained, the employee is regarded as being on LWOP from the Federal position.
- c. Service with an international organization is not creditable for leave accrual when such service does not include reemployment rights. During such period of service, an employee's annual leave balance is frozen and such leave can neither accrue, or be taken.
- d. Service credit during employment with the American Institute in Taiwan under section 11 of the Taiwan Relations Act (22 U.S.C. 3310) and Executive Order 12143 of June 22, 1979, shall be computed in the same manner as for service with public international organizations under paragraphs a through c above.

### **3 FAH-1 H-3411.3 Determinations of Creditable Service**

#### **3 FAH-1 H-3411.3-1 Responsibility**

##### **3 FAH-1 H-3411.3-1(A) Individuals Who Enter on Duty in the United States**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

The determination of creditable service for individuals who enter on duty in the United States shall be made by:

|          |   |
|----------|---|
| STATE    | Employment Division, <i>Office of Recruitment (HR/REE/EMP)</i> .  |
| USAID    | FA/HRDM/EMD, FA/HRDM/SCD, or IG/RM, AID/W.  |
| COMMERCE | Office of Foreign Service Personnel   |
| USDA     | FAS: Personnel Division; APHIS: Human Resources Division/or Resource Management Support, International Services |

##### **3 FAH-1 H-3411.3-1(B) Individuals Who Enter on Duty Abroad**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

*The post Management or Human Resources Officer will determinations* of creditable service for individuals who enter on duty abroad will be made by the post administrative or personnel officer.

##### **3 FAH-1 H-3411.3-2 Form SF-144 Statement of Prior Federal Service**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

- a. Form SF-144 (Statement of Prior Federal Service), is used as the basis for computing creditable service for leave purposes. All new employees must complete items 1 through 5 of this form when they enter on duty.
- If prior Federal service is claimed the new employee must certify the form at the bottom of the first page
  - If no prior Federal service is claimed, the new employee should write "none" in the appropriate spaces, and sign the form at the bottom of the first page. Notarization or other attestation is not necessary in such instances
- b. When the employee enters on duty in the United States, the responsible offices listed in 3 FAH-1 H-3411.3-1(A) will follow appropriate internal instructions for computing creditable service and for filing the form SF-144.
- c. When the employee enters on duty abroad, the post will compute the employee's total creditable service for leave purposes in parts II and III of Form SF-144, indicate under the remarks section the correct accrual rate, record the total creditable service and accrual rate on the leave card, and forward the forms (of U.S. citizen employees only) to the appropriate office listed in 3 FAH-1 H-3411.3-1(A).

## 3 FAH-1 H-3412 FULL-TIME EMPLOYEES

### 3 FAH-1 H-3412.1 Accrual Rate

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

- a. A full-time employee accrues leave during each full biweekly pay period while in pay status or in a combination of pay and non-pay status. The accrual rate of annual leave for full-time employees with a 40-hour workweek is shown below.

| <b>Service Requirement</b> | <b>Accrual Rate</b>                   |                       |                        |
|----------------------------|---------------------------------------|-----------------------|------------------------|
|                            | <b>Earned Each Pay Period (Hours)</b> | <b>Earned (Hours)</b> | <b>Annually (Days)</b> |
| Less than 3 years          | 4                                     | 104                   | 13                     |

|                                  |    |     |    |
|----------------------------------|----|-----|----|
| service                          |    |     |    |
| 3 but less than 15 years service | 6* | 160 | 20 |
| 15 or more years service         | 8  | 208 | 26 |

*As of October 17, 2004, employees who are members of the Senior Executive Service (SES)/Senior Foreign Service (SFS) accrue annual leave at the rate of 8 hours for each full biweekly pay period without regard to the length of their service with the Federal Government.*

- b. If an appointment is for 90 days or longer, annual leave is credited at the beginning of the first full biweekly pay period in which it is earned. Employees may use leave as it is earned.
- c. If an appointment is for less than 90 days, an employee is not entitled to annual leave until after being employed for a continuous period of 90 days under successive appointments without a break in service. If employees are initially appointed for less than 90 days and the appointment subsequently is converted to more than 90 days, they are entitled to leave credit from the beginning date of the appointment. They may begin using the leave immediately upon conversion.
- d. No annual leave accrues for partial pay periods at time of entering on duty or at time of separation.

### **3 FAH-1 H-3412.2 Change in Accrual Rate**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

A change in the accrual rate is effective as of the beginning of the pay period following the pay period in which the employee completes the prescribed period of service. If the prescribed period of service (3 years or 15 years) is completed on Sunday, the first day of a pay period, the rate of accrual will be changed at the beginning of the following pay period.

### **3 FAH-1 H-3412.3 Reduction of Annual Leave Accrual for Non-pay Status**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

Each time a full-time employee's absence in a non-pay status within a leave year totals the base pay hours in one pay period (80 hours), the annual leave *is not earned for that pay period at either 4, 6, or 8 hours*, according to the employee's leave earning category, subject to the following:

- (1) No annual leave accrues to an employee who is in a non-pay status for the entire leave year;
- (2) Periods in a non-pay status of less than the base hours in one pay period are cumulative only during a given leave year and are not carried forward at the beginning of the next leave year;
- (3) Any period covered by a refund for the value of advanced leave is not considered a period of non-pay status under this section;
- (4) The following are examples of such non-leave-earning periods for which no reductions are made:
  - (a) Periods of suspension (other than suspension in the interest of national security pursuant to the Act of August 26, 1950 [64 Stat 476 and 5 U.S.C. 7532], whether such periods of suspension cover full or only partial pay periods);
  - (b) Periods of leave without pay while receiving compensation under 5 U.S.C. 8101 - 8151, formerly the Federal Employees Compensation Act.

### **3 FAH-1 H-3412.4 Pro Rata Accrual for Partial Pay Periods**

#### **3 FAH-1 H-3412.4-1 When Pro Rata Accrual Occurs**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

Annual leave accrues on a pro rata basis for partial pay periods of duty occurring within the continuity of employment when an employee's service is interrupted by a non leave-earning period under, *for example the following* circumstances:

- (1) Transfer during a pay period from a position subject to the leave laws to a position exempt from such laws; e.g., chief of mission, class or career ambassador, USAID mission director or other employees compensated under section 401 of the Foreign Service Act of 1980;
- (2) Partial pay periods immediately preceding and following periods of suspension (other than suspension in the interest of national security pursuant to 5 U.S.C. 7532);
- (3) Partial pay periods immediately preceding and following non-pay status during which an employee receives compensation under 5 U.S.C. 8101 - 8151;
- (4) Partial pay periods immediately preceding and following military furlough or separation, provided that there is a restoration to duty;
- (5) Partial pay period transfer from an agency in which pay periods do not coincide with those of State, USAID, *BBG*, Commerce, and USDA;
- (6) Change during pay period from part-time to full-time; or
- (7) Restoration after a period of suspension or removal for which back pay is appropriate under 5 U.S.C. 5595 - 5596.

### **3 FAH-1 H-3412.4-2 Computing Pro Rata Accrual**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

The following table may be used as a guide in determining the amount of pro rata leave accrual for full-time employees:

| <b>Biweekly Pay Period</b> | <b>Work Days</b> | <b>Hour Accrual</b> | <b>Categories</b> |
|----------------------------|------------------|---------------------|-------------------|
|                            | <b>4</b>         | <b>6</b>            | <b>8</b>          |
| 1                          | 1                | 1                   | 1                 |
| 2                          | 1                | 1                   | 2                 |
| 3                          | 1                | 2                   | 2                 |
| 4                          | 2                | 2                   | 3                 |

|    |   |   |   |
|----|---|---|---|
| 5  | 2 | 3 | 4 |
| 6  | 2 | 4 | 5 |
| 7  | 3 | 4 | 6 |
| 8  | 3 | 5 | 6 |
| 9  | 3 | 5 | 7 |
| 10 | 4 | 6 | 8 |

### **3 FAH-1 H-3413 PART-TIME EMPLOYEES**

#### **3 FAH-1 H-3413.1 Accrual Rate**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

- a. The annual leave accrual rate for part-time employees with regular workweek established in advance is as follows:

| <b>Service Requirement</b>       | <b>Hours Earned</b>                    |
|----------------------------------|--|
| Less than 3 years service        | 1 hour for each 20 hours in pay status |
| 3 but less than 15 years service | 1 hour for each 13 hours in pay status |
| 15 or more years service         | 1 hour for each 10 hours in pay status |

- b. Leave without pay is not a factor in computing accrual of annual leave for part-time employees. Hours in pay status less than the number necessary for a minimum leave credit of 1 hour (i.e., less than 20, 13, or 10 hours) may be carried over from one pay period to the next and from one leave year to the next for accrual purposes.
- c. If a part-time employee changes to full-time status and the employee has insufficient service credit to earn the minimum of 1 hour, the fractional hours of service are lost.

#### **3 FAH-1 H-3413.2 Partial Pay Periods**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

No leave is earned for partial pay periods worked at time of entering on duty or at time of separation. However, a part-time employee is given pro rata leave credit for partial pay periods occurring within the continuity of employment when service is interrupted by a non leave-earning period.

### **3 FAH-1 H-3413.3 Hours in Excess of 40**

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*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

Any hours in a pay status in excess of 40 during an administrative workweek are disregarded in computing annual leave earnings of part-time employees.

### **3 FAH-1 H-3413.4 Maximum Accumulation**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

The maximum leave accumulation for part-time employees is the same as for full-time employees (see sections 3 FAH-1 H-3414 and 3 FAH-1 H-3415).

### **3 FAH-1 H-3414 MAXIMUM 30-DAY ACCUMULATION**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

- a. Except as provided below, annual leave *that* is not used *by an employee during* the leave year in which it accrues accumulates for use in succeeding years until it totals *no more than* 30 days (240 hours in case of a 40-hour workweek) at the beginning of the first complete biweekly pay period occurring in any calendar year. This limitation does not *apply to an employee* with more than 30 days annual leave credit on December 21, 1952, (beginning of the 1953 leave year), nor does it apply to

employees eligible under section 3 FAH-1 H-3415 to accumulate 45 days of leave.

- b. For an employee with more than 30 days leave credit on December 21, 1952, the total leave credit on that date becomes the maximum accumulation ceiling for future years unless changed after September 18, 1960, by acquiring eligibility to accumulate 45 days of leave. This ceiling cannot be raised but will be lowered during any leave year when more leave is used than earned. For example, an employee with a 40-hour workweek who has a ceiling of 125 days (1,000 hours) and who earns 20 days (160 hours) of leave and uses 30 days (240 hours) will reduce the ceiling to 115 days (920 hours).
- c. Restored annual leave is maintained in a separate leave account and does not affect the maximum 30-day accumulation.

## **3 FAH-1 H-3415 MAXIMUM 45-DAY ACCUMULATION**

### **3 FAH-1 H-3415.1 Authority**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

5 U.S.C. 6304 provides that certain employees stationed outside the United States may accumulate a maximum of 45 days of annual leave.

### **3 FAH-1 H-3415.2 Eligibility**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

- a. The following excerpt from 5 U.S.C. 6304(b) describes those persons who may accumulate 45 days of annual leave while stationed outside the United States:
  - (1) Individuals directly recruited or transferred by the Government of the United States from the United States or its territories or possessions including the Commonwealth of Puerto Rico for employment outside the area of recruitment or from which

transferred.

- (2) Individuals employed locally but;
  - (i) Who were originally recruited from the United States or its territories or possessions including the Commonwealth of Puerto Rico but outside the area of employment
  - (ii) Who have been in substantially continuous employment by other agencies of the United States, United States firms, interests, or organizations, international organizations in which the United States participates, or foreign governments
  - (iii) Whose conditions of employment provide for their return transportation to the United States or its territories or possessions including the Commonwealth of Puerto Rico
    - (i) Who were at the time of employment, temporarily absent, for the purpose of travel, or formal study, from the United States, or from their respective places of residence in its territories or possessions including the Commonwealth of Puerto Rico; and
    - (ii) Who, during temporary absence, have maintained residence in the United States or its territories or possessions including the Commonwealth of Puerto Rico but outside the area of employment
- (3) Individuals who are not normally residents of the area concerned and who are discharged from service in the armed forces to accept employment with an agency of the Government of the United States."

b. The following categories of employees are eligible to accumulate 45 days of annual leave while stationed outside the United States (including employees temporarily in the United States who remain assigned to a post outside the United States):

- (1) Foreign Service (FS) personnel and Civil Service (CS) personnel except those exempt from the Leave Act;
- (2) Other FS personnel, with the exception of certain resident personnel who may not qualify under the eligibility criteria;
- (3) Participating Agency employees of USAID; and

- c. The following categories of employees are not eligible to accumulate 45 days of annual leave while stationed outside the United States:
- (1) Chiefs of mission;
  - (2) Career Ambassadors;
  - (3) USAID mission directors and other USAID employees compensated under section 401 of the Foreign Service Act;
  - (4) Certain resident employees (see 3 FAH-1 H-3412.2 d); and
  - (5) Consular agents.
- d. Certain resident employees may qualify under paragraph a of this section to accumulate 45 days of annual leave. (Conversion to resident status in itself does not affect an employee's eligibility to accumulate a maximum of 45 days of annual leave if eligible at the time of original appointment to the Foreign Service.) Because of a wide variety of factors to be considered in determining eligibility, and since some significant factors may not be reflected in the official personnel folder, this determination will be made by the post. Doubtful cases may be referred to headquarters of State, USAID, *BBG*, Commerce, or USDA, as appropriate, for guidance or decision.

### **3 FAH-1 H-3415.3 Computation of Maximum Annual Leave Accumulation**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

The computation of maximum annual leave accumulation of overseas employees is determined as shown below:

- (1) The effective date on which an employee (otherwise eligible there under) *becomes* subject to 5 U.S.C. 6304(b) is the:
  - (a) Date of the employee's entry on duty when the employee is employed locally; or
  - (b) Date of the employee's arrival at a post of assignment for duty; or
  - (c) Date on which the employee begins to perform duty in an

area outside the United States and the area of recruitment or from which transferred, when the employee is required to perform duty en route to post of regular assignment for duty;

- (2) When an employee is transferred or assigned to a position in which the employee is no longer subject to 5 U.S.C. 6304(b), the maximum amount of annual leave that may be carried forward into the next leave year, on the date prescribed by paragraph c of this section, is determined as follows:
  - (a) When the amount of the employee's accumulated and accrued annual leave is 30 days or less, the employee is subject to the accumulation limitation of 30 days prescribed by 5 U.S.C. 6304(a); or
  - (b) When the amount of the employee's accumulated and accrued annual leave is more than 30 days, but not more than 45 days, that amount may be carried forward into the next leave year as a maximum; or
  - (c) When the amount of the employee's accumulated and accrued annual leave is more than 45 days, the employee may carry forward the amount of unused leave at the end of the current leave year that does not exceed:
    - 45 days, if the employee is not entitled to a greater accumulation under 5 U.S.C. 6304(c)
    - The amount the employee is entitled to accumulate under 5 U.S.C. 6304(c), if that amount is greater than 45 days
- (3) The determination of the amount of annual leave which may be carried forward under the provisions of paragraph b of this *subsection* is made as of the end of the pay period which includes:
  - (a) The date on which the employee departs from post of regular assignment for transfer or reassignment, except that when the employee is requested to perform duty en route in an area in which the employee would be subject to 5 U.S.C. 6304(b) if assigned there, it is the date on which the employee ceases to perform the duty; or
  - (b) The day immediately preceding the effective date of change in the employee's duty station (date as shown in Block 13 of Notification of Personnel Action) when the employee is on detail or leave in the United States, or when on detail or on leave in an area (Commonwealth of Puerto Rico, or a

possession of the United States) from which the employee was recruited or transferred.

(4) The following examples show how the provisions of this section will apply in three factual situations (in these examples the employee with a 30-day ceiling is assumed to have 30 days accumulated to the employee's credit):

(a) An employee with a 30-day annual leave ceiling leaves in January for overseas post of assignment and is transferred back to the United States in December of the same leave year.

The employee's new leave ceiling would be 30 days plus leave accrued to the effective date of transfer back to the United States but not to exceed a total of 45 days;

(b) An employee with a 30-day annual leave ceiling leaves in December for overseas post of assignment with 12 days current accrued leave at the time of *transfer*.

**Note:** The employee's new leave ceiling would be 30 days plus the 12 days plus any additional leave accrued during the balance of that leave year. This assumes that the employee used no annual leave for the remainder of the leave year in which transferred. If the employee used any annual leave, the new leave ceiling would be 30 days plus whatever had not been used.

(c) An employee leaves in December of one leave year and returns to the United States in October of the next year. On the date of transfer home, accrued leave totals 22 days and accumulated ceiling is 30 days;

**Note:** This employee's leave ceiling is 45 days of accumulated leave with 7 days of accrued leave to the employee's credit to be used before the end of that leave year.

### **3 FAH-1 H-3415.4 Accumulation of More Than 45 Days**

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*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

Employees who carried over more than 45 days of annual leave into the 1960 leave year (based on leave balance as of December 21, 1952) , may

carry over more than 45 days leave at the beginning of subsequent leave years under the following limitations:

- (1) Such employees may carry forward leave up to the amount of their balance at the beginning of the 1960 leave year to succeeding years so long as they use in each year only the amount of annual leave they earn in the leave year;
- (2) If such employees use more leave in any year than they earn in that year, their lower balance at the end of the leave year becomes their new maximum "carry-over" limit;
- (3) Such employees who do not use all of the leave they earn in a year forfeit such leave at the end of the leave year unless forfeited annual leave is restored in accordance with agency-specific procedures, since they will have exceeded their maximum "carry-over" limit; and

**Note:** Any restored annual leave granted to an employee is maintained in a special leave account in accordance with Agency procedures and does not affect the maximum allowable accumulation.

- (4) If leave accumulation is reduced to a figure below 45 days, such employees may accumulate leave up to 45 days when they are stationed outside the United States.

### **3 FAH-1 H-3416 ANNUAL LEAVE ACCUMULATION – SENIOR EXECUTIVE SERVICE/SENIOR FOREIGN SERVICE**

*(CT:POH-121; 10-26-2005)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

- a. *Unused annual leave accrued by an employee while serving under an appointment in the Senior Executive Service (SES) under 5 U.S.C. 3391 et seq., or Senior Foreign Service (SFS) under 22 U.S.C. 3945, shall accumulate for use in succeeding years until it totals not more than 90 days (720 hours) at the beginning of the first full biweekly pay period (or corresponding period for an employee who is not paid on the basis of biweekly pay periods) occurring in a calendar year.*
- b. *When an employee in a position outside of the SES/SFS moves to a position in the SES/SFS, any annual leave accumulated prior to*

*movement shall remain to the employee's credit.*

- (1) *Annual leave accumulated prior to movement to the SES/SFS that is in excess of the amount allowed for the former position by 5 U.S.C. 6304 (a), (b), or (c) and that is not used by the beginning of the first full biweekly pay period in the next leave year shall be subject to forfeiture.*
  - (2) *If an employee serves less than a full pay period under an appointment in the SES/SFS, only that portion of accrued annual leave that is attributable to service in the SES/SFS shall be subject to the 90-day (720-hour) limitation on accumulation of annual leave provided in paragraph (a) of this section. Annual leave accrued during the remainder of the pay period shall be subject to the limitations in 5 U.S.C. 6304(a), (b), and (c), as appropriate.*
- c. *When an employee in the SES/SFS moves to a position outside the SES/SFS, any annual leave accumulated while serving in the SES/SFS that is in excess of the amount allowed for the position by subsection (a), (b), or (c) of 5 U.S.C. 6304 shall remain to the employee's credit and shall be subject to reduction under procedures identical to those in 5 U.S.C. 6304(c).*
- (1) *If the employee has more than 720 hours of annual leave at the time of the move and has a personal leave ceiling under paragraph (d) of this section, the employee may not carryover to the next leave year an amount greater than the employee's personal leave ceiling.*
  - (2) *If the employee has more than 720 hours of annual leave at the time of the move and does not have a personal leave ceiling under paragraph (d) of this section, the employee may not carry over to the next leave year more than 720 hours.*
- d. *An employee in the SES/SFS who, as of the first day of the first pay period beginning after October 13, 1994, has accumulated annual leave in excess of 90 days (720 hours) is entitled to retain that leave as a personal leave ceiling. The leave shall be credited to the employee and shall be subject to reduction in the following manner:*
- (1) *Annual leave credited to an employee shall be based on the amount of annual leave accumulated by the employee as of the end of the pay period proceeding the first pay period beginning after October 13, 1994. The credited leave shall exclude-*
    - (a) *Any annual leave restored to the employee under 5 U.S.C. 6304(d); and*

- (b) *Any annual leave advanced to the employee under 5 U.S.C. 6302 (d) that had not yet been earned.*
- (2) *Annual leave credited to an employee that is in excess of 90 days (720 hours) shall be subject to reduction in the same manner as provided in 5 U.S.C. 6304(c) until the employee's accumulated annual leave is equal to or less than 90 days (720 hours). For the 1994 leave year, 5 U.S.C. 6304(c) shall be applied only for leave earned and used between the start of the first pay period beginning after October 13, 1994, and the end of the 1994 leave year.*
- e. *Agencies shall notify affected employees and maintain records on the accumulated annual leave credited to each employee under paragraph (d) of this section and on any reductions in the credited annual leave made under 5 U.S.C. 6304(c). If the employee transfers to another agency, such records shall be provided to the gaining agency.*

## **3 FAH-1 H-3417 GRANTING ANNUAL LEAVE**

### **3 FAH-1 H-3417.1 Purposes**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

Annual leave is provided and used for two general purposes:

- (1) To allow every employee an annual vacation period of extended leave for rest and recreation; and
- (2) To provide periods of time-off for personal and emergency purposes. These absences may involve such matters as a death in the family, religious observances, attendance at conferences or conventions, securing *a driver's* permit, or other personal business which can be disposed of only during the time when the employee would be normally working.

### **3 FAH-1 H-3417.2 Granting Authority**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

| <b>Personnel Category</b>  | <b>Type of Annual Leave</b>  | <b>Approving Officer</b>  |
|--|--|---|
| Chargé d’Affaires and Principal Officer at independent posts     | Leave taken within country of assignment   | See 3 FAM 3412 . For USAID, see also HB32, Supp. 1C, Arrival and Departure Notices  |
|  | Leave taken outside of country of assignment   | Assistant Secretary or designee in the appropriate bureau   |
| Principal Officers at subordinate posts                          | Leave taken abroad or in the United States, Puerto Rico, or in the possessions of the United States, in excess of 5 consecutive workdays | Chiefs of Mission, in their discretion, may authorize such officers to take up to 5 consecutive workdays of leave without obtaining advance approval of the mission |
| Heads of IBB overseas establishments                             |  | Deputy for Operations (B/EO) or Director for News and English Broadcasts (B/VOA)  |
| Mission Director, USAID Representative, or USAID Affairs Officer | Leave taken outside the country of assignment or in the United States  | Assistant Administrator for Geographic Bureau, or designee  |
|  | Other Leave  | At their discretion   |
| <i>Other employees abroad except exempted employees</i>          | Leave for use in country, abroad, or in the United States, Puerto  | <b>STATE:</b> Authorizing Officer at post of assignment   |

|   |  |   |
|---|--|---|
| <p><i>(see 3 FAM 3320)</i></p>              | <p>Rico, or possessions of the United States</p>   | <p><b>USAID:</b> Mission Director or equivalent, with notification to the employing office for leave in the United States</p> <p><b>Commerce:</b> Chief of Mission or designee (for senior commercial officer leave outside country of assignment must be reported to Office of Foreign Operations</p> <p><b>Agriculture:</b> FAS: Chiefs of Mission may authorize up to 5 days annual leave in-country. Leave outside country of assignment or exceeding 5 consecutive days in-country should be approved by Area Director. <b>APHIS:</b> Supervisor</p> |
| <p>Other Employees</p>                      | <p>Leave while on consultation or detail in the United States, Puerto Rico, or the Possessions</p> <p>Leave in the United States and extensions of such leave while in the United States</p> | <p><b>State:</b> Authorizing official at post of assignment</p> <p><i>For IBB: Deputy for Operations (B/EO) or Director for News and English Broadcasts (B/VOA)</i></p> <p><b>USAID:</b> The geographic bureau notifies post of assignment.</p> <p><b>Commerce:</b> Senior Commercial Officer</p> <p><b>Agriculture:</b> FAS: Supervisor in FAS/W; APHIS: Supervisor.</p>   |
| <p>Foreign Service employee assigned in</p> | <p>All leave</p>   | <p>Employee's Supervisor</p>  |

|  |  |  |
|--|--|--|
| the United States<br><b>State:</b> Civil Service employees |  |  |
| All Employees  | Annual leave en route to post                          | Appropriate headquarters personnel officer   |
| All Employees  | Leave before separation in the interest of the Service | <p><i>State: Bureau of Human Resources</i></p> <p><b>USAID:</b> M/HR/EM, IG/EMS, or M/HR/POD, as appropriate</p> <p>Commerce: Office of Foreign Service Personnel</p> <p><b>Agriculture: FAS:</b> Director, Personnel Division; <b>APHIS:</b> Supervisor</p> |

### 3 FAH-1 H-3418 FOR RELIGIOUS HOLIDAYS

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

- a. There is no official observance of religious holidays. Approving officers are encouraged to be liberal in granting annual leave to permit employees to participate in religious observances when conditions of work permit. 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 the mission, 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 before or after the granting of compensatory time off.
- c. The premium pay provisions for overtime work in 5 CFR 550, Subpart A,

and Section 7 of the Fair Labor Standards Act of 1938, as amended, do not apply to compensatory work performed by an employee for this purpose.

## **3 FAH-1 H-3419 GENERAL GUIDELINES**

### **3 FAH-1 H-3419.1 Leave Schedule**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

An informal leave schedule or calendar is helpful in providing an overview of the staff's leave plans. However, it is not sufficient to meet the requirement that forfeited annual leave must have been scheduled in advance, if such leave is to be considered for restoration.

### **3 FAH-1 H-3419.2 Approval and Cancellation of Leave**

*(CT:POH-121; 10-26-2005)*

*(Effective 1-29-96)*

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

*(Applies to All Foreign Service Employees and Civil Service Employees)*

An unanticipated exigency of the public business or operational demand may develop and cause the supervisor to cancel approved leave. However, an operational demand anticipated at the time leave is requested need not preclude the initial approval of the leave request, since operational demands may not always materialize as anticipated.