HRDG 4630 - Absence and Leave - Section E - Subsection a

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Subchapter 4630 - Absence and Leave
Section E - Nonpay Status
Subsection a - Leave Without Pay

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	Leave without pay (LWOP) is a temporary absence from duty, without pay, which **may** be granted at the employee's request. The voluntary basis for LWOP distinguishes it from nonpay status resulting from AWOL, furlough, or suspension. Except as noted below, approval of LWOP is discretionary. LWOP may be denied, for example, if the employee's services are required, if the employee has not provided adequate documentation, or if the employee has not followed prescribed procedures for requesting the leave.
Leave Without Pay	Approval of application for LWOP is mandatory for: • Military training or active duty for members of the Reserves or National Guard, who are not entitled to, or have exhausted their military leave; • Medical treatment for disabled veterans; • Employees exercising LWOP rights under the Family and Medical Leave Act; and • Employees to fulfill certain family obligations (up to 24 hours of LWOP each year).
Amount of LWOP That May Be Granted	An approving official may grant LWOP without regard to the amount of annual or sick leave to an employee's credit.

The following table describes responsibilities and procedures for requesting LWOP for up to 30 calendar days:

	Step	Who:	Does what:
Requesting LWOP for 30 Days or Less	1	Employee	Submits application for leave to the supervisor, in advance if possible. The request should include: • Explanation of circumstances surrounding the request, and • Medical certificate if the absence is for medical reasons.
	2	Supervisor/Approving Official	Reviews and approves/disapproves request. Is the LWOP request for 80 hours or more and for OWCP purposes? • If YES, proceed through steps 3 and 4. • If NO, further action is not required.
	3	Supervisor or other designated official, as appropriate	Initiates an SF-52, Request for Personnel Action, for approved LWOP of 80 hours or more, indicating anticipated not-to-exceed date, and submits through appropriate channels to the SPO.
	4	Supervisor or other designated official, as appropriate	Initiates another SF-52 to place the employee back in pay status when he/she returns to duty.

LWOP for more than 30 calendar days is considered extended LWOP. It may not be taken without supervisory approval except in emergencies. Initial grants and extensions are limited to 1 year at a time.

The following table describes responsibilities and procedures for requesting LWOP for more than 30 days:

Requesting LWOP for More Than 30 Days

Step:	Who:	Does what:
1	Employee	Submits application for leave to the supervisor, in advance if possible. The request should include: • Explanation of circumstances surrounding the request, and • Medical certificate if the absence is for medical reasons.
2	Supervisor/Approving Official	Reviews and approves/disapproves request.
3	Supervisor or other designated official, as appropriate	Initiates SF-52 for approved extended LWOP, indicating anticipated not-to-exceed date, and submits through appropriate channels to SPO.
4	Supervisor or other designated official, as appropriate	Initiates additional SF-52's for any extensions of initial LWOP request, indicating anticipated not-to-exceed date, and submits through appropriate channels to SPO.
5	Supervisor or other designated official, as appropriate	Initiates SF-52 to place the employee back in pay status when he/she returns to duty, and submits through appropriate channels to SPO.

Unless there are special considerations, employees should request LWOP only when they intend to return to duty.

When reviewing requests for extended LWOP, approving officials should be liberal in approving LWOP for:

Special Consideration

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- Employees whose application for disability compensation or disability retirement is pending.
- Employees receiving workers' compensation benefits, unless it is known that they are permanently disabled. In these cases, supervisors should contact their servicing staffing specialist.
- Employees who have an illness or disability as certified by a medical certificate or other acceptable evidence, unless such evidence indicates that the employee will not return to duty. In these cases, supervisors should contact their servicing staffing specialist.
- Career or career-conditional employees seeking Federal employment outside their commuting area and the LWOP would allow them to avoid a break in service.
- Employees to attend school, if the course of study will result in increased ability to perform work in the agency. If the employee is a veteran attending school under the GI Bill of Rights, a liberal policy will be applied even though the course of study may not be directly related to agency activities.
- Employees to teach at a college or university, if such teaching will give the employee additional experience and training of value to USDA or the agency, or will further the interest of USDA or the agency.
- Career or career-conditional employees serving in competitive positions to permit them to serve as Peace Corps volunteers or volunteer leaders for periods up to 30 months.
- Career or career-conditional employee when accompanying a member of the Armed Forces or a Federal service employee on a rotational assignment, transfer of function or relocation of activity. In these cases, extended LWOP may not exceed 90 days.
- Employees serving on a temporary basis as an officer or a representative of a union representing Federal employees.
- Short term assignments (90 days or less) to public international organizations to engage in organizing programs

Situations Which Require Granting Up to 24 Hours LWOP

Approving officials must, in accordance with the Presidential memorandum dated April 11, 1997, and OPM's CPM 2010-16, dated 09/10/2010, grant employees up to 24 hours of LWOP per calendar year for the activities listed below. This policy includes an employee with a same-sex domestic partner or the partner's children. (The 24 hours is separate from and should not be confused with FMLA entitlements.) Where paid leave is appropriate and not contrary to regulation, employees should be permitted its use prior to unpaid leave. Employees may also use earned credit hours and/or compensatory time.

- **School and early childhood educational activities** - allows employees (including those who do not have children) to support a child's educational development and advancement by attending parent-teacher conferences, meeting with the child-care providers, interviewing for a new school or child-care facility, or participating in volunteer activities such as tutoring, coaching, etc. “School” is defined as an elementary or secondary school, Head Start program, or a child-care facility.
- **Routine family medical purposes** - allows parents to accompany children to routine medical or dental appointments, such as annual check-ups or vaccinations. This is applicable in circumstances where an employee does not have the 13 days of sick leave available currently allowed under existing regulations (see **Section C**).
- **Elderly relatives' health or care needs** - allows employees to accompany elderly relatives to routine medical or dental appointments or other professional services related to their care, such as making arrangements for housing, meals, phones, banking services, and other similar activities. (Medical/dental appointments are also covered under **Section C**.)

Non-Federal Special Situations	Approving officials may consider approving LWOP for employees to work in a non-Federal, private, or public enterprise (other than a public international organization) when the work is temporary and the following requirements are met: • The activity in which the employee is to be engaged is one of special interest and will result in increased job ability applicable to the agency, • The performance of such work does not involve using information secured as the result of employment in USDA to the detriment of the public service, • The acceptance of such employment is not likely to bring criticism or cause embarrassment to USDA, and • The employee is not accepting an office in an organization or permitting the use of his/her name in the advertising material of the organization commercializing the results of work conducted by USDA, regardless of the merits of such an enterprise.
Retroactive Substitutions of Annual Leave for LWOP	LWOP may be retroactively changed to annual leave if: • Due to an administrative error or misunderstanding the employee was not aware that he/she had an annual leave balance or that annual leave could have been used, or • The employee is accepted into the Voluntary Leave Transfer Program and donated leave is available.

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