

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

MD 10.62		LEAVE ADMINISTRATION		DT-25-09
Volume 10,	Personnel Management			
Part 2:	Position Evaluation and Management, Pay Administration and Leave			
Approved By:	Jennifer Golder, Chief Human Capital Officer			
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Issuing Office:	Office of Chief Human Capital Officer Policy, Labor and Employee Relations Branch			
Contact Name:	Cara Drury	Servicing Human Resources Specialist (names and phone numbers are listed here)		
EXECUTIVE SUMMARY				
Management Directive 10.62, “Leave Administration,” is revised to—				
• Update policy and program guidance to reflect changes to law and regulations, • Update delegations of authority to reflect policy and program guidance, and • Update guidance on leave requests and approvals consistent with NRC’s current time and attendance system.				

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I. POLICY

It is the policy of the U.S. Nuclear Regulatory Commission (NRC) to implement a leave system consistent with applicable laws and regulations and that strikes an appropriate balance between agency and employee needs and interests. It is also the policy of the NRC to excuse employees without charge to leave under some circumstances.

II. OBJECTIVES

To administer and authorize leave that is consistent with legal requirements, and that balance NRC work requirements with employee needs.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Executive Director for Operations (EDO)

1. Determines when and how NRC employees will be released during an emergency situation. In conjunction with these determinations, authorizes administrative leave or weather and safety leave, as appropriate, for employees who are not designated as "emergency employees."
2. Authorizes and approves administrative leave of more than 5 consecutive workdays for all employees (except for Office of the Inspector General (OIG) employees) for any reason, including those specified in Handbook 10.62, Section V.
3. Authorizes and approves requests to be excused from jury duty in cases of serious operational necessity for all employees (except OIG employees).

B. Inspector General (IG)

1. Makes determinations for restoration of forfeited annual leave and grants extensions to the time limit for using restored annual leave for employees of the OIG (see also Handbook 10.62, Section I.F). This authority may only be delegated to the Deputy Inspector General.
2. Authorizes and approves requests to be excused from jury duty in cases of serious operational necessity for all OIG employees. This authority may only be delegated to the Deputy Inspector General.

3. Authorizes and approves administrative leave for all OIG employees for any reason, including those specified in Handbook 10.62, Section V. These authorities may be redelegated within the OIG as deemed appropriate by the IG.
4. Authorizes and approves investigative (including administrative leave for investigative purposes) and notice leave, when warranted, for all OIG employees.

C. Chief Human Capital Officer (CHCO)

1. Issues administrative orders for headquarters due to an emergency situation and, in conjunction with such orders, authorizes administrative leave for those second- and third-night shift employees only (up to two consecutive shifts) who are not needed to perform emergency services. Normally, this responsibility will be precipitated by EDO dismissal of employees working during official hours of operation. This authority may not be redelegated.
2. Approves weather and safety leave for—
 - (a) Full-time teleworkers (except OIG employees), who are affected by weather or other conditions that impact the safety of their telework site (for example, areas impacted by a hurricane), are not in the area covered by an agency specific operating announcement; or
 - (b) Requests of greater than 1 workday for an employee who is not a full-time teleworker (except OIG employees) due to an emergency situation when there is not a coinciding agency, headquarters, or regional operating status announcement.
3. Authorizes and approves administrative leave up to and including 5 consecutive workdays for all employees (except OIG employees) in all cases not covered by specific authorities. This authority may not be redelegated.
4. Makes determinations for purposes of restoration of forfeited annual leave, as provided in Handbook 10.62, Section I.F (except for OIG employees).
5. In their sole and exclusive discretion (except for themselves or for anyone in their chain of command), makes determinations identifying the specific employees or groups of employees who are covered under the authority for scheduling annual leave by employees who perform services that are essential in responding to the national emergency designated as an exigency of the public business. This authority may not be redelegated.
6. Makes final determination concerning the agency's position on leave administration policies and procedures.
7. Maintains a list of headquarters employees designated as providing critical services during emergency office closings (see Handbook 10.62, Section IV.E.8).
8. Initiates instructions and advises on policies of leave.

9. Approves investigative (including administrative leave for investigative purposes) and notice leave, when warranted, for all employees (except OIG employees). This authority may not be further delegated.
10. Approves investigative leave extensions consistent with applicable regulations and guidance.
11. Annually issues a notice reminding employees of the policies and procedures governing duty status due to emergency situations and identifying the most up-to-date sources of information for operating status.
12. Makes determinations for purposes of the Voluntary Leave Transfer Program, as provided in Handbook 10.62, Section IX.

D. Office Directors

1. Authorize and approve leave and leave without pay (LWOP) for employees under their jurisdiction.
2. Authorize administrative leave up to 1 day for any reason, including but not limited to those reasons specified in Handbook 10.62, Section V. This authority may not be redelegated.
3. Designate emergency employees or positions in accordance with Handbook 10.62, Section IV.E.8, and annually provide a list to the CHCO.
4. Approves up to 1 workday of weather and safety leave, as appropriate, for an employee under their jurisdiction who is not a full-time teleworker, due to an emergency situation when there is not a coinciding agency or headquarters, operating status. This authority may not be redelegated.
5. Endorse requests for extensions to the time limit for using restored leave.

E. Regional Administrators

1. Authorize and approve leave and LWOP for employees under their jurisdiction.
2. Authorize administrative leave up to 1 day for any reason, including but not limited to those reasons specified in Handbook 10.62, Section V. This authority may not be redelegated.
3. Designate emergency employees or positions in accordance with Handbook 10.62, Section IV.E.8, and annually provide a list to the CHCO.
4. Approve up to 1 workday of weather and safety leave, as appropriate, for an employee who is not a full-time teleworker under their jurisdiction, due to an emergency situation when there is not a coinciding regional operating status. This authority may not be redelegated.
5. Endorse requests for extensions to the time limit for using restored leave.

6. Issue administrative orders to close all or part of their office during an emergency or issue orders authorizing administrative leave for employees who are not designated as “emergency employees” and immediately notify the EDO (see Handbook 10.62, Section IV.E.9).
7. Annually issue a notice reminding their employees of the policies and procedures governing duty status due to emergency situations and identifying the most up-to-date sources of information for operating status.

F. Comptroller, Office of the Chief Financial Officer (OCFO)

1. Maintains the time and labor system for all employees leave requests and leave accounts and prescribes procedures and methods for maintaining leave accounts.
2. Determines employee indebtedness; approves options for settlement.
3. Receives all fees and allowances collected by employees for witness service or jury duty and credits against amounts payable to employees, as required.

G. Supervisors

1. Authorize and approve up to 1 hour of administrative leave during the workday and up to 2 hours of administrative leave at the beginning of the workday for any reason, including but not limited to, those reasons specified in Handbook 10.62, Section V.
2. As delegated, authorize and approve leave; administrative leave, as specified in Handbook 10.62, Section V; and LWOP for employees under their jurisdiction. This authority should normally be redelegated to the lowest practicable supervisory level unless otherwise provided herein. Delegations may be contained in position descriptions.
3. Monitor leave used by employees under their jurisdiction to ensure that purposes are consistent with laws and regulations, and to ensure that limits outlined in Handbook 10.62 are not exceeded.
4. Notify OCHCO when they become aware that the emergency, as described in Handbook 10.62, Sections IX and X, ends for employees under their jurisdiction.
5. Work with employees to schedule annual leave throughout the year.
6. Strive to meet work and employee needs when managing leave.

H. Employees

1. Schedule annual leave throughout the year to avoid forfeiture of annual leave that exceeds the maximum allowable accumulation.
2. Submit leave requests in the time and labor system, or other methods as required within the prescribed timelines, and inform the leave approving official of emergency or unplanned leave requirements in a timely manner.

3. Properly record all leave usage in the time and labor system.
4. Ensure that the limits outlined in Handbook 10.62 are not exceeded.
5. Notify supervisors when engaged in outside employment when on one or more days of sick leave.
6. Notify OCHCO when the emergency, as described in Handbook 10.62, Sections IX and X, ends.

IV. APPLICABILITY

The policy and guidance in this management directive (MD) apply to all NRC employees except the following:

- A. The Commissioners and the IG, as presidential appointees confirmed by the U.S. Senate.
- B. Employees for whom a regular tour of duty during each administrative workweek has not been established, including consultants, members of advisory committees, and others who are paid on an intermittent basis.
- C. For annual leave only, employees whose appointments are limited to less than 90 days and who are not employed for a continuous period of 90 days or more.

V. DIRECTIVE HANDBOOK

Handbook 10.62 contains NRC policy based on Federal leave guidelines.

VI. LIMITATION ON APPROVAL OF LEAVE

No NRC employee to whom this MD applies may approve their own leave. Also, only individuals with delegated authority may approve leave.

VII. REFERENCES

Code of Federal Regulations

5 CFR Part 630, "Absence and Leave."

20 CFR Part 1002, "Regulations Under the Uniformed Services Employment and Reemployment Rights Act of 1994."

32 CFR Part 104, "Civilian Employment and Reemployment Rights for Service Members, Former Service Members and Applicants of the Uniformed Services."

Comptroller General (Comp. Gen.) Decisions

31 Comp. Gen. 173, November 7, 1951, at
<http://www.gao.gov/products/B-106049>.

58 Comp. Gen. 661, July 19, 1979, at <http://www.gao.gov/products/424598>.

Department of Defense Instruction Number 1215.06, “Uniform Reserve, Training and Retirement Categories,” March 11, 2014, at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/121506p.pdf>.

[Department of Labor forms](#), at <http://www.dol.gov/whd/forms/>.

District of Columbia Code

Title 49, “Military.”

Nuclear Regulatory Commission Documents

Management Directives—

4.5, “Contingency Plan for Periods of Lapsed Appropriations.”

10.1, “Recruitment, Appointments, and Merit Staffing.”

10.101, “Employee Grievances.”

10.103, “Reduction in Force for Non-SES Employees.”

10.138, “Reduction in Force in the Senior Executive Service.”

10.161, “Civil Rights Program and Affirmative Employment and Diversity Management Program.”

14.1, “Official Temporary Duty Travel.”

Memorandum from D. Dorman, EDO, to Those on the Attached List, “Delegation of Authority to Approve Weather and Safety Leave for Individual Requests,” November 4, 2022 ([ML22298A059](#)).

Memorandum from M. King, EDO to J. Golder, CHCO, “Administrative Leave Act of 2016 – Delegation of Authority for Investigative Leave and Notice Leave,” September 23, 2025 ([ML25247A224](#)).

“Restoration of Annual Leave,” Comparison Chart between Sick Leave and FMLA, and Information Regarding the Leave Transfer Program, at <https://usnrc.sharepoint.com/teams/OCHCO-HR-Programs-Services/SitePages/Leave.aspx>.

Office of Personnel Management Documents

“The Guide to Processing Personnel Actions,” at <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/personnel-documentation/#url=Processing-Personnel-Actions>.

“Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption, and Foster Care,” at <https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/handbook-on-leave-and-workplace-flexibilities-for-childbirth-adoption-and-foster-care.pdf>.

United States Code

5 U.S.C., “Government Organization and Employees.”

5 U.S.C. 55, “Pay Administration.”

5 U.S.C. 63, “Leave.”

5 U.S.C. 81, “Compensation for Work Injuries.”

10 U.S.C., “Armed Forces.”

14 U.S.C., “Coast Guard.”

Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.).

Inspector General Act of 1978 (5 U.S.C. 401–424).

Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C., Chapter 43, “Employment and Reemployment Rights of Members of the Uniformed Services”).

U.S. NUCLEAR REGULATORY COMMISSION DIRECTIVE HANDBOOK (DH)

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<i>Contact Name:</i>	Cara Drury	Servicing Human Resources Specialist (names and phone numbers are listed here)
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I. ANNUAL LEAVE

Annual leave accrues automatically to all eligible employees and may be used for any purpose such as vacations, rest and relaxation, and personal business or emergencies. General policy and regulations are explained below but 5 CFR Part 630, "Absence and Leave," Subpart C should be referenced for more information.

A. Accrual Rates

1. Full-Time Employees
 - (a) Four hours for each pay period for employees with less than 3 years of service.
 - (b) Six hours for each pay period for employees with 3 years but less than 15 years of service, except for the last full pay period of the leave year when they earn 10 hours.
 - (c) Eight hours for each pay period for employees with 15 or more years of service.
2. Part-Time Employees
 - (a) One hour for each 20 hours in a pay status for employees with less than 3 years of service.
 - (b) One hour for each 13 hours in a pay status for employees with 3 years but less than 15 years of service.
 - (c) One hour for each 10 hours in a pay status for employees with 15 or more years of service.
 - (d) Any hours in a pay status more than 80 hours in a biweekly pay period will be disregarded in computing annual leave credit.
3. Senior Executive Service (SES) and Senior Level System (SLS) employees earn 8 hours for each pay period, regardless of years of service.
4. A temporary employee with an appointment of less than 90 days is entitled to accrue annual leave only after being currently employed for a continuous period of 90 days under successive appointments without a break in service (1 workday or more when the employee is not on the Government's employment rolls).
 - (a) If the employee is initially appointed for less than 90 days and subsequently the appointment is converted to one for more than 90 days, the individual is entitled to leave credit from the beginning date of the initial appointment and may begin using the leave immediately upon the appointment conversion.
 - (b) Employees may use any annual leave earned under previous appointments that have been credited to their account.

5. Change in Earning Rates

Any change in the rate of accrual is effective at the beginning of the pay period following the date on which an employee becomes eligible for the change to a higher leave-earning category.

B. Determining Creditable Service

1. Civilian and Uniformed Service

In general, any service that may be used in computing an annuity under the Civil Service Retirement System (CSRS) and the Federal Employees' Retirement System (FERS) is creditable for setting leave earning rates. See the Office of Personnel Management (OPM) Operating Manual, "The Guide to Processing Personnel Actions, Chapter 6: Creditable Service for Leave Accrual" (available at <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/personnel-documentation/#url=Processing-Personnel-Actions>), for a detailed discussion and listing of creditable service, noting in particular the special limitations on crediting military service for employees who are retired members of the uniformed services.

2. Non-Federal or Non-Creditable Uniformed Service

A newly appointed or reappointed civilian employee of the Federal Government (after a break in service of 90 calendar days) at the full performance level (FPL) may receive service credit for prior non-Federal work experience (or otherwise non-creditable uniformed service) for annual leave accrual. In rare instances, exceptions to employees below the FPL may be considered on a case-by-case basis.

(a) Criteria for Granting Service Credit

Service credit may be granted toward annual leave accrual rates if application of the service credit is necessary to achieve an important NRC mission or performance goal, and the non-Federal or non-creditable uniformed service provided skills and experience that—

- (i) Were acquired through performance in a position having duties directly related to the duties of the NRC position to which the individual is being appointed,
- (ii) Are essential to the new position, and
- (iii) Are necessary to achieve an important NRC mission or performance goal.

(b) Factors that May Be Considered When Determining What Experience to Credit

- (i) The value of the non-Federal or non-creditable uniformed experience to the NRC,
- (ii) Whether crediting the experience would enable the NRC to recruit the quality of candidate needed,

- (iii) The candidate's current leave benefits or whether the service credit is needed to allow the NRC to make a competitive offer (e.g., whether it would offset a loss to the employee by accepting NRC employment),
 - (iv) The likely additional productivity of the appointee, and
 - (v) Consistency.
- (c) Amount to Credit
- (i) The NRC must decide before the effective date of the employee's appointment whether to grant a new employee or reappointed employee service credit and how much, if any, to grant. There is no entitlement to service credit under this policy. Approval must be on a case-by-case basis depending on the U.S. Nuclear Regulatory Commission's (NRC) needs, mission, and performance goals.
 - (ii) The NRC determines how much of an appointee's prior non-Federal, or non-creditable uniformed service, or both, to credit based on verified experience, to the extent feasible.
 - The amount of service credited may not exceed the period of service during which the employee performed duties directly related to the NRC position and must be pro-rated, if appropriate.
 - Service will be credited in terms of years and months, up to a maximum of 15 years.
 - Verification of service may be performed by the selecting official or the Office of the Chief Human Capital Officer (OCHCO) while obtaining reference checks.
 - (iii) To receive service credit for leave accrual rates, a selectee must provide acceptable written documentation to the NRC of their non-Federal, or non-creditable uniformed service, or both, that would not otherwise be creditable prior to the effective date of employment with the NRC. Acceptable written documentation must consist, at a minimum, of both of the following:
 - A description of the nature and quality of the experience in sufficient detail to enable the NRC to determine whether the experience provided skills and experience directly related to and essential for the position to which the individual will be appointed.
 - Documentation of the dates of such service. This may include a DD-214 for military service or employment paperwork (e.g., a performance appraisal specifying the actual dates covered), or other comparable documents confirming dates of non-Federal employment.

(d) Nature of Service Credit

- (i) Service credit granted under this provision for non-Federal service or non-creditable uniformed service that would not otherwise be creditable is used to determine an employee's annual leave accrual rate. For example, a new full-time appointee who received 11 years of service credit for non-Federal service would begin employment earning 6 hours rather than 4 hours of annual leave per pay period and would be placed in the 8-hour leave earning category after only 4 years of Federal service.
- (ii) Service granted under this provision is not creditable for any purpose other than determining annual leave accrual rates.
- (iii) Service credit is granted upon the effective date of the appointment or reappointment and is permanently credited to the employee unless the employee fails to complete 1 full year of current continuous service with the NRC.
- (iv) If the employee transfers to another agency or separates from Federal service before completing 1 full year of continuous service with the NRC, then the NRC must withdraw the service credit granted under this provision and establish a revised service computation date for leave.
 - Any annual leave accrued or accumulated by the employee remains to their credit.
 - The NRC will provide the employee with a lump-sum for accumulated and accrued leave or transfer it to the new agency, as appropriate.

C. Advanced Annual Leave

1. The NRC will normally make available annual leave that will accrue during the leave year at the beginning of the leave year for use during the year. Annual leave may not be advanced beyond an employee's projected accrual for the current year.
 - (a) For part-time employees, the number of hours of annual leave advanced will be prorated according to the number of hours in the employee's regularly scheduled administrative work week.
 - (b) Employees who are on temporary appointments will be advanced annual leave up to the amount of leave that will be earned before the appointment expires or by the end of the leave year, whichever comes first.
 - (c) Employees who enter on duty during the leave year will be credited with the annual leave that will be earned during the pay periods remaining in the leave year.
2. When an employee's leave rate changes (i.e., 4 to 6 hours per pay period or 6 to 8 hours per pay period) during the leave year, the additional annual leave accrual will be credited after the time-in-service requirements are met.

3. The supervisor should deny advanced annual leave when it is unlikely that the employee will accrue such leave during the leave year, based on the employee's nonpay status, information provided by the employee, or a pending action to terminate their employment.

D. Scheduling and Granting Annual Leave

1. Scheduling and Recording Annual Leave

- (a) An employee has a right to take annual leave, subject to the right of the supervisor to decide when leave may be taken. Generally, this decision will be made in light of the needs of the agency rather than solely on the basis of an employee's desire.
- (b) Supervisors and employees are mutually responsible for scheduling the use of annual leave throughout the leave year to minimize disruptions and to avoid forfeiture of annual leave.
- (c) Leave schedules should be developed early in each leave year and adjustments made from time to time as may be necessary to accommodate workload requirements and employees' wishes for leave.
- (d) Annual leave requests exceeding 3 consecutive workdays must normally be documented in the time and labor system (see Section VI.E for guidance on the Family and Medical Leave Act (FMLA). Supervisors have the sole discretion to require requests for 3 consecutive workdays or less to be input into the time and labor system or to accept requests by other methods (e.g., verbal approval).
- (e) The following are general scheduling and recording guidelines for an employee with deviations to the originally approved annual leave.
 - (i) To the extent practicable, the employee must obtain the supervisor's approval before taking any additional annual leave. Supervisors have the sole discretion to require the request for additional time be input into the time and labor system or to accept the request by other methods (e.g., verbal approval) unless (iii) below applies.
 - (ii) If an employee takes less annual leave than originally approved and a request was submitted in the time and labor system, a supervisor has the sole discretion to require the employee to document the change in the original time and labor system request.
 - (iii) If the original annual leave request was approved outside of the time and labor system because it was 3 consecutive work days or less and, the additional days of annual leave subsequently approved causes the total amount of annual leave to exceed 3 consecutive work days, a request for the total amount of annual leave approved will need to be documented in the time and labor system.

- (f) Generally, employees may not be placed on annual leave without their consent (i.e., annual leave must be requested). Supervisors shall consult OCHCO before placing an employee on annual leave without consent.
- (g) Annual leave is charged in 15-minute increments and recorded as “ANN” on the timesheet.

2. Approval Requirements

- (a) Except in cases of emergency or unforeseen circumstances, approval of annual leave must be obtained in advance. If the request is not made in advance, the employee should notify the supervisor as soon as possible and request approval of the leave for each day they are on leave unless a specific date of return is given.
- (b) The supervisor should promptly grant or deny requests to use annual leave. Once an employee's request for annual leave has been approved, the approval may not be revoked unless, because of changed circumstances, the employee's absence will cause a severe workload problem. Denial of a leave request or cancelation of approved leave normally needs to be based on the necessity for the employee's services.
- (c) When two or more employees' requests for annual leave create a workload problem, the employees will be asked to resolve the problem among themselves. If they are unable to do so, then the requests will normally be granted in the order in which they are received.

3. Annual Leave in Lieu of Sick Leave

An approved absence that would otherwise be chargeable to sick leave may be charged to annual leave if requested by the employee and approved. However, the retroactive substitution of annual leave for sick leave previously granted is not authorized except to—

- (a) Liquidate advanced sick leave, and then only when the substitution is made before the time the annual leave would have been otherwise forfeited.
- (b) Correct a leave record when an employee erroneously used more sick leave than authorized, and then only when the substitution is made before the time the annual leave would have been otherwise forfeited.

4. Terminal Leave

An employee may not be granted terminal annual leave immediately before separation from Federal service when it is known in advance that the individual will not return to duty.

- (a) Exceptions may be made to this requirement when there are statutory provisions or regulations that require or permit the granting of annual leave immediately before separation (e.g., advance reduction in force notices or a forced shutdown

of an activity is occurring at the time of separation and the date of separation cannot be set any earlier than planned).

- (b) When an employee who is not known to be separating from the service has been granted annual leave and it then becomes known that they are to be separated, the employee may not continue in a leave status beyond the day that the fact of separation becomes known.

E. Annual Leave Ceilings

Any annual leave that exceeds the amounts stated below is forfeited by employees if not used by the final day of the leave year unless restoration of the excess leave is approved under the provision of I.F, below.

1. For SES and SLS employees, the maximum amount of annual leave that may be carried forward from one leave year to another is 720 hours. SES employees who, as of October 16, 1994, had accumulated annual leave exceeding 720 hours were entitled to retain that leave as a personal leave ceiling as indicated in I.E.3, below.

- (a) Moving out of SES/SLS

If an employee moves out of the SES or SLS and has a leave balance higher than 240 hours, the leave balance on that date will become the new personal leave ceiling as indicated in I.E.3, below.

- (b) Moving into SES/SLS

If on the date an employee is entering the SES or SLS, their leave balance is above 240 hours, any amount above 240 hours will be subject to forfeiture if not used by the end of the leave year. This applies only to the first leave year when an employee becomes SES or SLS.

2. For a non-SES/SLS employee, the maximum amount of annual leave that may be carried forward from one leave year to another is 240 hours.
3. An employee may have a personal leave ceiling larger than the limits described in I.E.1 and I.E.2, above, if the personal leave ceiling has not been reduced through use. Generally, when an employee's personal leave ceiling exceeds the limits described in I.E.1 and I.E.2 above, the personal ceiling remains to the employee's credit until used. Whenever an employee uses more annual leave in a leave year than is earned, the balance carried forward becomes the new leave ceiling, if it is still above the normal maximums. It may not be increased thereafter by leave earned in subsequent years.
4. Certain non-SES/SLS Federal employees who are assigned overseas may accumulate up to 360 hours of annual leave. In the event of employment by the NRC, they are entitled to retain the higher accumulation in accordance with 5 CFR 630.302.

F. Restoration of Forfeited Annual Leave

Unused annual leave that exceeds the maximum leave ceilings mentioned above may be restored in certain cases upon approval of the Chief Human Capital Officer (CHCO). For an employee of the Office of the Inspector General (OIG), the Inspector General (IG) makes all determinations relative to the restoration of forfeited annual leave. More guidance on requesting restoration may be found on OCHCO's web page at <https://usnrc.sharepoint.com/sites/ochco-hub/PDF/Leave/annual-leave-restoration.pdf> and <https://usnrc.sharepoint.com/sites/ochco-hub/PDF/Leave/restored-annual-leave-national-emergencies.pdf>.

1. Restoration of Annual Leave

Unused annual leave that exceeds the maximum leave ceilings mentioned above in I.E. may be restored in the following cases:

- (a) Administrative error;
- (b) Exigency of the public business - If the NRC determines that an "exigency" or operational demand is of such importance that the excess annual leave cannot be used. This annual leave must have been scheduled and approved in writing before the start of the third biweekly pay period before the end of the leave year and the annual leave must have been subsequently denied in writing because of the exigency or operational demand; and
- (c) Sickness - If the annual leave was forfeited due to an employee's illness that occurred so late in the leave year or was of such duration that the excess annual leave could not be rescheduled for use before the end of the leave year. This annual leave must have been scheduled in writing before the start of the third biweekly pay period before the end of the leave year.

2. Establishment of Separate Leave Account for Restored Annual Leave

A separate leave account will be established by the Payroll and Payments Branch, Office of the Chief Financial Officer (OCFO), for restored annual leave. A request to use restored annual leave will be done in the same manner as an annual leave request but will be recorded as "RESLV" on the timesheet.

3. Time Limit for Using Restored Annual Leave

- (a) Restored annual leave must be scheduled and used not later than the end of the leave year ending 2 years after the date—
 - (i) Annual leave was restored to correct an administrative error,
 - (ii) Fixed by the CHCO as the termination date of an exigency that resulted in the forfeiture of the annual leave, or
 - (iii) The employee is determined to be recovered and able to return to duty if the annual leave was forfeited because of sickness.

- (b) Any restored leave that is unused at the expiration of the 2-year limit is forfeited with no further right to restoration unless it is determined that it qualifies as an extended exigency as defined in 5 CFR 630.309. A request for such an extension must be fully justified in writing using the criteria listed above, endorsed by the office director or regional administrator, and submitted to the CHCO for approval.

4. National Emergency

An employee who forfeits annual leave because the NRC has determined the employee's services were required in response to the national emergency is generally entitled to have their excess annual leave restored without the administrative burden of scheduling and canceling such leave. In addition, the time limitations for using restored annual leave are suspended for the entire period during which the employee's services are determined to be essential for activities associated with the national emergency. At the end of the national emergency or when the services of the employee are no longer deemed to be necessary, a time limit will be established in accordance with 5 CFR 630.310.

(a) Determination of a National Emergency

- (i) The Director of OPM will make a determination pursuant to these regulations only when a certain national emergency is declared by the President and will require the service of Federal employees on a large scale. Once the determination is made, agencies will be notified and will have the flexibility to use this authority.
- (ii) The Chief Human Capital Officer (CHCO), in their sole and exclusive discretion, will determine if any NRC employees are covered under this authority because they perform services deemed essential to the response to the national emergency and affected by the exigency of the public business described in the OPM notification.

(b) Employee Identification and Notification

- (i) Once the CHCO determines that NRC employees are eligible for coverage under this authority, employees will be notified in writing by the CHCO of the determination. The notification must include the following information.
 - Determination that the employee is performing services that are deemed essential.
 - Exempt from advance scheduling requirement, if applicable
 - Date the exigency will terminate (no later than 12 months from the date the national emergency is declared).
 - Restored leave process to follow if forfeit leave.

- (ii) The CHCO or the Executive Director for Operations (EDO) cannot make the determination of eligibility for themselves or the CHCO for anyone in their chain of command. Instead, in such situations, the determination must be made by the EDO or Chairman, respectively.

(c) Restored Leave Process

- (i) When the CHCO fixes a termination date of the exigency of the public business, each affected employee must make a reasonable effort to comply with the advanced scheduling requirement in 5 CFR 630.308(a). However, the CHCO may exempt such an employee from the advanced scheduling requirement if coverage is terminated during the leave year and the CHCO determines the exemption is warranted.
- (ii) For any employee identified to be covered under this authority and who forfeits annual leave under 5 USC 6304(d)(1)(B) at the beginning of the leave year, that forfeited annual leave is deemed to have been scheduled in advance for the purpose of exigencies of the public business.
- (iii) Any approved exemptions also must be included in the request to the leave restoration POC in OCHCO to restore any annual leave.

(d) Use of Restored Leave Time Limits

- (i) A full-time employee must schedule and use excess annual leave (i.e., above the normal 240 carryover cap) of 416 hours or less by the end of the leave year in progress 2 years after the date determined by the CHCO as the termination date of the exigency of the public period. For each additional 208 hours of excess annual leave (or portion), the period will be extended by 1 leave year. This amount will be prorated for part-time employees or those with an uncommon tour of duty. Refer to 5 CFR 630.310(d) for more details.
- (ii) For employees with current restored leave accounts, restored leave time limits will not apply for the entire period during which an employee's services are determined by the agency to be essential for the response to the national emergency or ongoing exigency of the public business.
- (iii) All restored leave to the employee's credit at the time the national emergency or ongoing exigency is terminated, whichever occurs last, will be consolidated into a single restored leave account and subject to a time limit established under 5 CFR 630.310(d).

(e) Employee Termination and Notification

- (i) The CHCO will continually monitor the agency response to the national emergency and determine whether this authority is needed.
- (ii) This authority must be terminated on the date one of the following events occurs.
 - When the President declares an end to the national emergency.

- When the Director of OPM deems the national emergency to no longer be an exigency of the public business for purposes of this authority.
 - When the CHCO determines that the services of an employee or group of employees are no longer essential to the response to the national emergency or ongoing exigency.
 - On the day that is 12 months after the national emergency has been declared. The CHCO may extend this deadline annually by an additional 12 months. However, the CHCO may not grant more than 2 12-month extensions in connection with any national emergency (for a total of 3 years from the initial date of the declared emergency). Section 630.309 may apply in the case of an extended emergency.
 - On the day that is 12 months after an ongoing exigency has been established unless the OPM Director approves NRC's request for one or more time-limited waivers.
 - When an employee whose services were determined to be essential during the national emergency moves to a position not involving services determined by the agency to be essential to the response to the national emergency.
- (iii) When this authority is terminated for specific employees or groups of employees, they will be notified in writing of the termination date. A copy will also be provided to the leave restoration POC in OCHCO so that the date when the restored annual leave will expire will be set correctly.

G. Liquidation of Excess Annual Leave Credited Through Administrative Error

1. An employee is required to refund the full amount of any annual leave that may have been credited, used, or both, that exceeds their entitlement because of administrative error. Under certain circumstances, repayment may be waived under 5 U.S.C. 5584.
2. If repayment is not waived, the employee may refund the excess annual leave under one or more of the following options:
 - (a) Lump-sum payment in dollars equivalent to the dollar value of the leave at the time it was used,
 - (b) Lump-sum payment in an equivalent amount of accrued annual leave;
 - (c) Installment payments in dollars equivalent to the dollar value of the leave at the time it was used, or
 - (d) Installment payments in annual leave (i.e., as a charge against later-accruing annual leave).

3. The OCFO is responsible for determining indebtedness and approving options for settlement of an employee's indebtedness agreed to with the employee or deemed reasonable. In selecting an option or options to apply in a particular case, consideration should be given to providing repayment as promptly as possible but without imposing a significant financial hardship on an employee or requiring the use of all accrued annual leave.

II. SICK LEAVE

Sick leave accrues automatically to all eligible employees and may be used for the purposes described in II.B of this handbook. General policy and regulations are explained below, but reference 5 CFR Part 630, Subpart D for more information.

A. Accrual Rates and Maximum Accumulation

1. Accrual Rates

Full-time employees earn sick leave at the rate of 4 hours for each full biweekly pay period. Employees who work on a part-time basis with an established tour of duty earn sick leave at the rate of 1 hour for each 20 hours of duty (not to exceed 4 hours of sick leave in any pay period).

2. Maximum Accumulation

There is no limitation on the amount of sick leave that can be accumulated. Sick leave that is not used by an employee during the year in which it accrues shall accumulate and be available for use in succeeding years.

B. Sick Leave Purposes

1. An employee may use sick leave under the following conditions:

(a) Personal Medical Needs

- (i) To receive medical, dental, or optical examination or treatment;
- (ii) When incapacitated for the performance of duties due to physical or mental illness, injury, pregnancy, or childbirth; or
- (iii) When, as determined by the health authorities having jurisdiction or by a health care provider, they would jeopardize the health of others by their presence on the job because of exposure to a communicable disease.

(b) Family Care or Bereavement Purposes

- (i) Provide care for a family member who is incapacitated as the result of physical or mental illness, injury, pregnancy, or childbirth;
- (ii) Attend to a family member receiving medical, dental, or optical examination or treatment;

- (iii) Provide care for a family member who would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by that family member's presence in the community because of exposure to a communicable disease; or
- (iv) Make arrangements necessitated by the death of a family member or attend the funeral of a family member.

(c) Provide Care for a Family Member with a Serious Health Condition

The term "serious health condition" has the same meaning as used in OPM's regulations for FMLA and may include cancer, heart disease and heart attack, stroke, severe injury, kidney dialysis, emphysema, Alzheimer's disease, and pregnancy and childbirth (this list is not intended to be all-inclusive). The term "serious health condition" does not cover short-term conditions for which treatment and recovery are brief (e.g., cold, flu, earache, upset stomach, headache other than migraines, routine dental or orthodontia problem) unless complications arise. See the detailed definition of serious health condition in 5 CFR 630.1202.

(d) Adoption-related purposes

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.

2. Sick Leave for Family Members Definitions

For purposes related to sick leave and Section II, the following definitions apply.

(a) A "family member" covers a wide range of relationships and is defined as—

- (i) Spouse and parents of spouse;
- (ii) Children, including adopted children, and their spouses;
- (iii) Parents and their spouses;
- (iv) Brothers and sisters and their spouses;
- (v) Grandparents and grandchildren and their spouses;
- (vi) Domestic partner, and their parents, including domestic partners of any individuals in (i) through (v) above; and
- (vii) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

(b) A "parent" is defined as—

- (i) A biological, adoptive, step, or foster parent of the employee, or a person who was a foster parent of the employee when the employee was a minor;

- (ii) A person who is the legal guardian of the employee or was the legal guardian of the employee when the employee was a minor or required a legal guardian;
 - (iii) A person who stands in *loco parentis* (defined as the legal doctrine under which an individual assumes parental rights, duties, and obligations without going through the formalities of legal adoption) to the employee or stood in *loco parentis* to the employee when the employee was a minor or required someone to stand in *loco parentis*; or
 - (iv) A parent, as described in (i) through (iii) above, of an employee's spouse or domestic partner.
- (c) A "son or daughter" is defined as—
- (i) A biological, adopted, step, or foster son or daughter of the employee;
 - (ii) A person who is a legal ward or was a legal ward of the employee when individual was a minor or required a legal guardian;
 - (iii) A person for whom the employee stands in *loco parentis* or stood in *loco parentis* when that individual was a minor or required someone to stand in *loco parentis*; or
 - (iv) A son or daughter, as described above in (i) through (iii), of an employee's spouse or domestic partner.
- (d) A "domestic partner" is defined as an adult in a committed relationship with another adult, including both same-sex and opposite-sex relationships. A "committed relationship" is defined as a relationship in which the employee, and the domestic partner of the employee, are each other's sole domestic partner (and are not married to or domestic partners with anyone else); and share responsibility for a significant measure of each other's common welfare and financial obligations.

3. Sick Leave Usage Limits per Leave Year

Assuming the employee has sick leave available, the supervisor may grant leave up to the following limits in any leave year:

- (a) There are no limits on the amount of sick leave that can be used for an employee's personal medical needs or for adoption-related purposes (Section B.1(a) and B.1(d) above).
- (b) Generally, up to 104 hours of sick leave may be used for general family care and bereavement purposes (Section B.1(b) above).
- (c) Generally, up to 480 hours of sick leave may be used to care for a family member with a serious health condition (Section B.1(c) above).

- (i) An employee is entitled to use a maximum of 480 hours of sick leave each leave year for all family care purposes. If an employee has already used 480 hours of sick leave to care for a family member with a serious health condition, they cannot use an additional 104 hours in the same leave year for general family care purposes. If an employee previously has used any portion of the 104 hours of sick leave for general family care or bereavement purposes in a leave year, that amount must be subtracted from the 480 hours entitlement.
- (ii) See the exception to this limit in VI.E.3 of this handbook when FMLA is invoked to care for a covered servicemember.

C. Scheduling and Granting Sick Leave

1. Supervisors have the authority and responsibility to determine, where applicable, that the nature of an employee's illness incapacitated the individual for the performance of duties and whether other circumstances of the absence justify the approval of a sick leave request. A request for sick leave for nonemergency medical, dental, or optical examination or treatment shall be requested and approved in accordance with Section I.D of this handbook.
 - (a) A request for sick leave for nonemergency medical, dental, or optical examination or treatment shall be made as far in advance as practical. If possible, the request will be made no less than 3 workdays before the intended absence.
 - (b) An employee absent for any other sick leave purpose should notify the supervisor before the time for reporting to work on the first day of the absence, or as soon thereafter as possible. Failure to give timely notice or request leave properly may result in disciplinary action based on failure to follow leave procedures even when the reason for leave is valid and the sick leave is approved.
 - (c) When leave is not requested in advance, the employee should notify the supervisor and request approval each day they are on leave unless a specific period of absence has been granted.
 - (d) Generally, an employee may not be placed on sick leave without their consent (i.e., sick leave must be requested). A supervisor shall consult OCHCO before placing an employee on sick leave without consent.
 - (e) Sick leave requests that exceed 3 consecutive workdays must normally be documented in the time and labor system (except when invoking FMLA). A supervisor has the sole discretion to require a request for 3 consecutive workdays or less to be input into the time and labor system or to accept the request by other methods (e.g., verbal approval).

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- (f) The following are general scheduling and recording guidelines for an employee with deviations to the originally approved sick leave:
 - (i) To the extent practicable, the employee must obtain the supervisor's approval before taking any additional sick leave. A supervisor has the sole discretion to require the request for additional time to be input into the time and labor system or to accept the request by other methods (e.g., verbal approval) unless (f)(iii), below, applies.
 - (ii) If an employee takes less sick leave than originally approved and a request was submitted in the time and labor system, a supervisor has the sole discretion to require the employee to document the change in the original time and labor system request.
 - (iii) If the original sick leave request was approved outside of the time and labor system and the additional days of sick leave subsequently approved causes the total amount of sick leave to exceed 3 consecutive workdays, a request for the total amount of sick leave approved the employee will need to document the leave in the time and labor system.
2. Medical documentation
- (a) Ordinarily, a medical certificate is not required for an absence of 3 consecutive workdays or less.
 - (b) A supervisor may require an employee to furnish either a medical certificate or other evidence acceptable to a reasonable person (which may include employee self-certification) to substantiate a request for approval if the sick leave exceeds 3 consecutive workdays.
 - (c) In the case of an extended illness, medical certification may be required periodically to establish the employee's continued incapacity to return to work.
 - (d) When requested to submit administratively acceptable evidence or medical certification, the employee must submit it within 15 calendar days. If not practicable, despite the employee's diligent efforts, the employee must submit the documentation within a reasonable time period, but no later than 30 calendar days.
 - (e) When required, the medical certification should be completed by the health care provider as defined in 5 CFR 630.1202. An employee should provide the completed form to their supervisor, and the supervisor should keep the completed form for 3 years or after Government Accountability Office (GAO) audit (whichever is sooner), or in the case of FMLA, 3 years after the conclusion of the leave being taken.
3. Unless it is uncertain how much sick leave will be earned, sick leave accrual is generally available for use at the beginning of the pay period in which it is earned.

4. Sick leave is charged in 15-minute increments and recorded on the timesheet as follows:
 - (a) "SL" for sick leave for personal use or adoption;
 - (b) "SLFAM" for sick leave for general family care and bereavement purposes; and
 - (c) "SLSHC" for sick leave for a family member with a serious health condition.
5. Supervisors, employees, and timekeepers share a joint responsibility to keep track of all leave used under this program each year and ensure that leave does not exceed limits described above. If these limits are exceeded, appropriate adjustments must be made to correct the error.
6. Sick Leave During or Following Leave Without Pay

Consistent with Comptroller General Decision 58 Comp. Gen. 661, supervisors may not approve sick leave retroactively to cover any period of absence on leave without pay (LWOP) that was applied for and approved in advance except for LWOP granted to an employee pending action on an employee's compensation claim that was disallowed. When an employee is unable to return to duty because of illness following a period of LWOP, sick leave may be granted.
7. Substitution of Sick Leave for Annual Leave

When sickness occurs within a period of annual leave, the period of illness may be charged as sick leave and the charge against annual leave reduced accordingly. Application for such substitution should be made as soon as possible after return to duty.

D. Advancing Sick Leave

1. Sick leave may be advanced solely at the discretion of the agency. In addition to ensuring that the reason and the amount are authorized by regulation (5 CFR § 630.402), a supervisor should consider such matters as, but not limited to—
 - (a) The likelihood that the employee will return to duty,
 - (b) The need for the employee's services,
 - (c) The employee's past leave record and the amount of annual leave available to the employee,
 - (d) The reasons for the request (for example, to the extent practical, supervisors grant advanced sick leave for medical examinations and incapacitation related to pregnancy, childbirth, and recovery; a supervisor may give stronger consideration to a request resulting from a severe condition than a request for brief absence for a routine examination or illness), and
 - (e) The benefits to the agency of retaining the employee.

2. The request for advanced sick leave must be denied if it does not meet the criteria stated in the regulations, or it is known in advance that the employee does not intend to return to duty. Advanced sick leave should only be granted when it is likely that the employee will continue their employment with the NRC. An employee may not be advanced sick leave when it is known or expected that the employee will not return to duty (e.g., when the employee has applied for disability retirement).
3. Sick leave may be advanced at the discretion of the NRC irrespective of whether the employee has annual leave to their credit.
4. An employee with no sick leave to their credit may be granted advanced sick leave at the discretion of their supervisor, subject to the following limitations:
 - (a) Up to 240 hours of sick leave may be advanced to an employee who—
 - (i) Is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth;
 - (ii) Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by their presence on the job because of exposure to a communicable disease;
 - (iii) Provides care for a family member with a serious health condition;
 - (iv) Needs the leave for adoption-related purposes; or
 - (v) Is caring for a covered servicemember with a serious injury or illness, provided the employee is invoking FMLA leave to care for a covered servicemember.
 - (b) Up to 104 hours of sick leave may be advanced to an employee to—
 - (i) Receive medical, dental, or optical examination or treatment;
 - (ii) Provide care for a family member who is incapacitated as the result of physical or mental condition or to attend to a family member receiving medical, dental, or optical examination or treatment;
 - (iii) Provide care for a family member who would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by that family member's presence in the community because of exposure to a communicable disease; or
 - (iv) Make arrangements necessitated by the death of a family member or attend the funeral of a family member.
 - (c) The maximum amount of advanced sick leave that a full-time employee may have at any one time is 240 hours.
 - (i) This amount is prorated for a part-time employee.

- (ii) A temporary employee or an employee with an appointment with a definite time limit may not be advanced sick leave that exceeds the total amount of sick leave credits they will earn during the remaining period of the appointment.

5. Advancing Sick Leave Retroactively

Advanced sick leave may be granted retroactively except where specifically not authorized (see II.C.6 in this handbook).

6. Liquidation of Advanced Sick Leave

Advanced sick leave may be liquidated by any of the following:

- (a) Against sick leave credits subsequently earned;
- (b) Upon an employee's request, by a charge against an equivalent amount of annual leave, provided the supervisor would have otherwise granted such leave and that this action is completed before the time the leave would be forfeited and the annual leave would have been granted; or
- (c) By repayment upon separation.

7. Requesting Advanced Sick Leave

When practical, at least 1 week before the time the leave will be used, an employee will request advanced sick leave (except when invoking FMLA) over 3 consecutive workdays in the time and labor system, along with an explanation of the reason for the request. A supervisor has the sole discretion to require the request for a period of 3 consecutive workdays or less to be input into the time and labor system or to accept the request by other methods (e.g., verbal approval). Any medical documentation in support of the request should be provided to the employee's supervisor outside of the time and labor system.

E. Outside Employment While on Sick Leave

If an employee is unable to perform the duties of the job because of illness or injury, the individual is generally too ill or injured to work elsewhere. There are, however, rare situations (usually involving extended periods of illness or confinement) in which there may be acceptable justification for outside employment. One example might be an employee confined at home because of pregnancy or recuperating from illness or injury who is unable to perform NRC work by telework and engages in telephone solicitation work or writing. An employee of the NRC is required to notify their supervisor whenever they engage in outside employment (for themselves or others) on 1 or more days for which sick leave has been requested. As circumstances may warrant, the employee may be required to secure prior approval before engaging in any outside employment during a period of sick leave.

III. DISPOSITION OF LEAVE UPON TRANSFER, SEPARATION, AND REEMPLOYMENT

A. Transfer to Another Federal Agency

When an employee transfers between positions under 5 U.S.C 63 "Leave," Subchapter 1, without a break in service, the annual and sick leave balances will transfer to the new agency. When the employee transfers with a negative sick or annual leave balance, a negative balance will be transferred. An employee will not be required to repay leave to transfer with a zero balance.

B. Separation

1. Annual Leave

- (a) Generally, an employee who is separated from service is entitled to be paid in a lump-sum for accumulated, accrued, and restored annual leave. The lump-sum payment will typically equal the pay the employee would have received had they remained employed until expiration of the period covered by the annual leave.
- (b) Employee Separating to Enter Military Service
 - (i) When an employee leaves their civilian position for the purpose of entering military service, the employee is given the option of using annual leave while on active duty, being paid in a lump-sum for the accumulated and accrued annual leave, or having the annual leave remain as a credit until return from active duty. An employee may not receive a partial payment of the accumulated and accrued annual leave. Any restored leave must be liquidated by a lump-sum payment and may not be recredited upon return.
 - (ii) Should restoration rights not be exercised or authorized, and the employee not return to a Federal civilian position, any remaining annual leave will be liquidated by a lump-sum payment.
- (c) Employee Separating to Transfer to an International Organization
 - (i) When an employee transfers to a public international organization, the employee is given the option of being paid in a lump-sum for the accumulated and accrued annual leave or to have the annual leave remain as a credit. An employee may not receive a partial payment of the accumulated and accrued annual leave. Any restored leave must be liquidated by a lump-sum payment and may not be recredited upon return.
 - (ii) Should the employee not return to a Federal civilian position, any remaining annual leave will be liquidated by a lump-sum payment.

2. Sick Leave

Unused sick leave is not eligible to be paid out in a lump-sum payment. If the employee is retiring or dies, unused sick leave as of the date of retirement or death will be used in the calculation of the employee's or the survivor's annuity and reported to OPM.

3. Liquidation of Indebtedness for Advanced Leave

(a) Refund for any advanced annual and sick leave upon separation is required in all cases, except those provided below:

(i) When the employee is separated by death,

(ii) When the employee retires because of disability, or

(iii) When an employee resigns, retires, or is separated because of a disability that prevents return to duty or continuing in the service and that is the basis for the separation action (as determined by the CHCO).

(b) When an employee is separated for the purpose of entering the Armed Forces with restoration rights, the employee is not deemed to be separated. In this case, advanced leave will remain on the record as a charge against the employee until restoration and subsequent separation.

C. Reemployment

If a former employee covered under 5 U.S.C. 63, Subchapter I, "Annual and Sick Leave," returns to Federal employment and is now subject to leave provisions, the following general guidelines apply.

1. Annual Leave

If an employee received a lump-sum payment and is reemployed with the NRC before the expiration of the lump-sum period, the employee must refund the NRC an amount equal to the pay included in the lump-sum payment that covers the period between the date of reemployment and the expiration of the lump-sum leave period. Restored annual leave may not be refunded. The NRC will then recredit that amount of annual leave to the employee's leave account.

2. Sick Leave

(a) Separation

An employee who has had a break in service is entitled to a recredit of sick leave, regardless of the length of the break in service. However, sick leave may not be recredited if the employee was reemployed by the Federal Government before December 2, 1994, after a break in service of more than 3 years, and the employee's sick leave was forfeited under the former regulation in effect at the time.

(b) Re-employed annuitant

Any sick leave used in the calculation of the employee's annuity is considered as having been used.

- (i) Employees who retired under CSRS and employees who retired under FERS after January 1, 2014, will start with a zero balance for sick leave.
- (ii) FERS employees who retired before October 28, 2009, will be reccredited their sick leave balance before retirement, unless it was forfeited as described in III.C.2(a), above.
- (iii) FERS employees who retired between October 28, 2009, and December 31, 2013, shall be reccredited half of their sick leave balance as of the date they retired.

3. Reemployment Following Military Service or a Transfer to an International Organization

Upon return to a civilian position, the employee's leave account, both sick and annual leave, if any, will be reestablished. The amount of sick leave reccredited follows III.C.2(a), above.

IV. OTHER ABSENCES FROM DUTY

In certain situations, employees are entitled to separate categories of paid leave in addition to annual and sick leave.

A. Military Leave

Military leave is absence from duty without charge to other forms of leave or loss of pay for certain types of active or inactive duty in the National Guard or as a Reserve of the Armed Forces in accordance with 5 U.S.C. 6323, "Military leave; Reserves and National Guardsmen." General policy and regulations are explained below.

1. Eligibility

- (a) All employees whose appointments are not limited to 1 year or less are entitled to military leave.
- (b) Generally, a pay status either immediately before the beginning of military duty or a return to a pay status immediately afterwards is a requisite to entitlement to military leave with pay because otherwise no civilian pay would have been lost. However, the test of whether an employee may be granted military leave should not be merely the leave or pay status immediately before or after military duty without regard to other facts. The test should be whether, but for the active duty, the employee would have been in a civilian pay status.

2. Military Duty Covered and Conditions for Granting Leave

(a) 20 Days of Military Leave (5 U.S.C. 6323(a))

- (i) Up to 20 days (160 hours) of military leave per fiscal year is provided for active duty, active-duty training, and inactive-duty training for full-time employees. Inactive-duty training is defined as authorized training performed by members of a Reserve component not on active duty and performed in connection with the prescribed activities of the Reserve component. It consists of regularly scheduled unit training periods, additional training periods, and equivalent training. (See Department of Defense Instruction Number 1215.06, "Uniform Reserve, Training and Retirement Categories," dated March 11, 2014, for more information.) This leave is prorated for part-time employees.
- (ii) Up to 160 hours (20 days) of unused military leave at the beginning of the succeeding fiscal year is carried over to the following year for use.
 - This accrual gives a full-time employee the potential of 40 days of military leave during a fiscal year.
 - An employee is entitled to use the 20 days earned at the beginning of a fiscal year if active duty continues into the new fiscal year. Thus, employee reservists have the potential for using up to a maximum of 60 days of military leave during an extended period of military duty that crosses fiscal years.

(b) Twenty-Two Days of Military Leave for Emergency Duty (5 U.S.C. 6323(b))

- (i) Up to twenty-two days (176 hours) of military leave per calendar year is provided for emergency duty as ordered by the President, the Secretary of Defense (Secretary of War), or a State Governor. This leave is for employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation.
- (ii) Unused military leave for emergency duty may not be carried over into the following calendar year.

(c) Unlimited Military Leave (5 U.S.C. 6323(c))

Unlimited military leave is provided to members of the National Guard of the District of Columbia for certain types of duty ordered or authorized under Title 49 of the District of Columbia Code, "Military."

3. Military Leave Payments

- (a) For the 20 days of military leave and for the unlimited military leave, employees will receive the same civilian pay they would have received if not on military leave. This allows employees to receive both their full Federal civilian and military salary payments.

- (b) For the 22 days of military leave for emergency duty, employees will only receive the difference between their military pay and Federal civilian pay for the time period that corresponds to the 22 days of military leave or to the unlimited military leave.
- (c) An employee's civilian pay includes any premium pay (except Sunday premium pay) that the employee would have received if not on military leave. For example, when an employee's tour of duty permits payment of night differential pay, they are entitled to night differential pay during the period of military leave. (Note: An employee who is on military leave is not eligible for holiday premium pay for holidays worked during the time of military leave.)

4. Requesting and Recording Military Leave

- (a) An employee, or an appropriate officer of the uniformed service in which the employee's service is to be performed, must notify the NRC of the employee's active duty, active-duty training, or inactive duty training. Consistent with regulations and guidance issued by the Department of Labor and the Department of Defense (Department of War), an employee should provide notice to his or her supervisor as far in advance as is reasonable under the circumstances. The notice may be either verbal or written. The notice may be informal and does not need to follow any particular format. However, written documentation is strongly encouraged to avoid unnecessary potential disputes.
- (b) Military leave is credited based on an 8-hour workday and is charged in 1-hour increments. Employees and their supervisors are strongly urged to arrange for employees to be placed on a regular 8-hour per day work schedule rather than an alternate work schedule (such as NEWFlex or a Compressed Work Schedule) before the beginning of any pay period in which military leave will be used. The employee may return to the alternate work schedule at the beginning of the first pay period following their return from military duty.
- (c) The twenty days (160 hours) of military leave (described in IV.A.2(a), above) should be recorded as "MIL" and the 22 days (176 hours) of military leave for emergency duty (described in IV.A.2(b), above) should be recorded as "MIL22" on the timesheet. Before recording unlimited military leave (described in IV.A.2(c) above), an employee should consult with OCHCO. An employee will be charged military leave only for hours that the employee would have worked and received pay.

5. Use of Other Types of Leave for Military Duty or Training

If an employee is not entitled to, does not request, or has exhausted their military leave, they shall be granted appropriate paid leave or placed in LWOP (including Absent-Uniformed Service), as requested, for performance of active or inactive duty described in IV.A.2 above.

B. Court Leave

An employee will be given court leave for service as a juror or witness. The provisions for granting court leave for jury or witness service (and the designation of certain witness service as official duty status), crediting amounts received and the restrictions on receiving fees for this service, and the basic instructions governing travel expenses of witnesses are contained in 5 U.S.C. Sections 6322, 5515, 5537, and 5751, respectively, and are outlined below.

1. Jury Duty

An employee who is summoned to serve as a juror in a judicial proceeding (defined as any action, suit, or other proceeding of a court of law but does not include an administrative proceeding) may be eligible for court leave.

(a) Requests to be Excused from Jury Duty

In view of the importance of trial by jury as a feature of the American system of justice, the NRC follows the policy of not requesting that NRC employees be excused from jury duty except in cases of serious operational necessity. All such cases must be approved by the Executive Director for Operations (EDO) or the IG, as appropriate. Any employee may, of course, request court exemption for compelling personal reasons on their own initiative.

(b) Coverage

An employee who is under proper summons from a court to serve on a jury shall be granted court leave for the entire period (except as noted in Section .B.1.(c) below) from the date stated in the summons to report to the court until the time discharged by the court, regardless of the number of hours per day or days per week the individual actually serves on the jury during the period.

(c) Being Excused from Jury Duty for an Interim Period

When no hardship would result, the NRC requires an employee entitled to court leave because of jury service to return to duty if excused from jury service for 1 day or a substantial part of a day. The employee may not, however, be required to return to duty if it would be a hardship for the person (e.g., an employee engaged on night duty or one who lives or works a long way from the place where the court is held).

(d) Jury Fees

- (i) Federal Jury Service - An employee called to jury service in a court and who is placed on court leave shall be paid their regular Government salary and is not entitled to reimbursement by the court except to the extent that travel expenses are paid to the employee for their appearance by the court. If a Federal court should pay an employee for their jury service the employee is obligated to turn these jury fees over to the Division of the Controller, OCFO.

- (ii) Collection from State or Local Court - An employee called to jury service in a State or local court should collect all fees and allowances payable as a result of the jury service and turn them over to the Division of the Controller, OCFO. However, any amounts that are clearly designated by the court as expense money may be retained by the employee.
- (iii) Nonworkdays – An employee who performs jury service on a non-workday for which no Federal salary is paid is entitled to retain the fee for such service and does not need to turn it over to the Division of the Controller, OCFO, as described above.
- (iv) Nonwork hours - An employee with a regularly scheduled tour-of-duty who performs jury service that does not conflict with the hours of employment may retain the usual fee for jury service. However, if the employee performs jury service in a court of the United States during any of the hours in which they are in a pay status, the employee may not be paid any jury fee for that day.
- (v) Holidays – A fee received for jury service on a holiday falling within an employee's basic tour of duty may be retained by the employee, provided that had they not been on jury duty, the employee would have been excused from regular duties on the holiday.

2. Witness in Official Capacity

When an employee is summoned (or is assigned by the NRC) to testify in an official capacity or to produce official records at a judicial proceeding, they are in a paid official duty status. An employee is considered to be a witness in an official capacity when serving in their current position or when called as a witness in the official capacity of a former position they held in the Federal service. An employee required to appear as a party or witness in the prosecution of Federal employees' compensation cases is in a regular duty status while so engaged (5 U.S.C. 8131(a), "Subrogation of the United States").

- (a) An employee-plaintiff who prevails against a Federal agency in a civil action related to, or caused by, a violation of the Civil Rights Act, should also be "made whole" under the objective of the act. A determination that the absence is to be treated as official hours of work and leave restored accordingly can be made only upon conclusion of the court action. If the employee-plaintiff does not prevail in such a civil rights action, the original leave charge must stand.
- (b) An employee is entitled to travel expenses in connection with any judicial or agency proceeding to which the employee has been summoned (and is authorized by the NRC to respond to such summons), or is assigned by the NRC to testify or produce official records on behalf of the United States, or to testify in an official capacity or produce records on behalf of a party other than the United States.

- (c) An employee who performs witness service in an official duty status on days for which they would have been entitled to receive overtime compensation had duty been performed is entitled to the overtime compensation otherwise payable for those days.
- (d) Although overtime pay or compensatory time for time in travel status normally is not authorized, should an employee who performs witness service in an official duty status on a non-workday outside their basic 40-hour workweek first be required to report to an NRC office to pick up evidence to be produced in court, there would be an entitlement to call back overtime.

3. Witness Service in Nonofficial Capacity

(a) Judicial Proceeding in Which the Federal, State, or Local Government is a Party.

An employee summoned in a nonofficial capacity as a witness in a judicial proceeding (defined as any action, suit, or other proceeding of a court of law but does not include an administrative proceeding) in which the Federal, State, or local government is a party, is eligible for court leave.

- (i) An employee granted court leave to testify as a witness in a nonofficial capacity in any judicial proceeding in which the United States, District of Columbia, State, or local government is a party, as well as any employee testifying while in an official duty status, is not entitled to retain witness fees.
- (ii) The employee is required to collect all fees and allowances payable for such services and to forward them to the Division of the Comptroller, OCFO, to be credited against amounts payable to the employee by the NRC with respect to the period of their absence, except that the employee may retain travel and subsistence expenses (not to exceed actual expenses).

(b) Judicial Proceeding in Which the Federal, State, or Local Government is **not** a Party

When an employee appears as a witness in a nonofficial capacity on behalf of a private party where the United States, District of Columbia, State, or local government is not a party, the employee is not granted court leave. The employee will be in an LWOP status or another form of appropriate leave (e.g., annual leave or compensatory time off). In this situation, the employee may retain the usual fees and expenses related to such service.

(c) Coverage

- (i) All stages (preliminary hearing, inquest, trial, or deposition taking) of the proceeding would be covered, including hearings and conferences before a committing court, magistrate, or commission, grand jury proceedings, and coroners' inquests, and hearings and conferences conducted by a prosecuting attorney for the purpose of determining whether an information request or charge should be made in a particular case.

- (ii) The word “summoned” does not connote any necessity for a subpoena but does intend that the summons be an official request, invitation, or call, evidenced by an official writing from the court or authority responsible for the conduct of the proceeding, thus ruling out strictly voluntary appearances from court leave coverage.
- (iii) If the summons itself is not specific, or is unclear, about the parties for whom the witness service is to be rendered, the employee’s supervisor must contact the authority issuing the summons and should annotate agency records appropriately.

4. Requesting Court Leave and Recording Time

Employees will request court leave using the time and labor system and attach a copy of their summons, subpoena, or other judicial proceedings document. Absences for these purposes should be recorded as “COURT” on the timesheet.

- (a) If an employee is eligible for court leave but is on annual leave, court leave may be substituted. Note that court leave is not a basis for restoring annual leave that would otherwise be forfeited. An employee on annual leave under advance notice of separation because of a reduction in force is entitled to have proper court leave substituted for annual leave but not to extend beyond the date administratively fixed for separation.
- (b) An employee on LWOP, although otherwise eligible, may not be granted court leave since court leave is available only to employees who, except for jury/witness service, would be in a paid duty status. The employee may, however, retain jury fees and receive the per diem allowance for each day’s attendance in court and for the time necessarily occupied in traveling to and from court.
- (c) A night shift employee who performs jury service during the day is granted court leave for a regularly scheduled night tour of duty and is entitled to the night differential. 31 Comp. Gen. 173 provides that compensation shall not be diminished by reason of jury service; therefore, the employee is entitled to night differential for the periods otherwise properly excused from the performance of duty while serving as a juror.

C. Bone Marrow and Organ Donation

1. Employees may use up to 7 days of paid leave each calendar year to serve as a bone-marrow donor. An employee may also use up to 30 days of paid leave each calendar year to serve as an organ donor. This paid leave is separate from and not charged to sick or annual leave.
2. Requests for bone marrow and organ donation leave will be submitted using the time and labor system. Absences for these purposes should be recorded as “BMOD” on the timesheet and may be recorded in 15-minute increments.

3. Leave-approving officials should implement internal procedures to monitor these maximums. For purposes of monitoring this leave, a day is the number of hours the employee is scheduled to work on the day absent. For example, a day is 8 hours for employees who are scheduled to work 8 hours, and 9 hours for employees who are scheduled to work 9 hours. Absences for partial days will be accounted for based on 8 hours of absence equaling a whole day.

D. Disabled Veteran Leave

Any Federal employee hired on or after November 5, 2016, who is a veteran with a service-connected disability rating of 30 percent or more will be provided disabled veteran leave for the purpose of undergoing medical treatment for such disability for which sick leave could regularly be granted. General policy and regulations are explained below, but 5 CFR Part 630, Subpart M, “Disabled Veteran Leave,” should be referenced for more information.

1. Coverage

- (a) Disabled veteran leave is only available to eligible employees who have a service-connected disability rated at 30% or more, as determined by the Veterans Benefits Administration (VBA), and who were discharged or released from active service under conditions other than dishonorable. It does not apply to employees who do not have an established tour of duty (e.g., employees with an intermittent work schedule or Presidential appointees who do not earn or use leave).
- (b) This leave category only applies to employees who were hired on or after November 5, 2016. The term “hired” refers to employees who are newly hired with no previous Federal service, reappointed with at least a 90-day break in service, or military reservists or members of the National Guard who return to duty in their civilian positions after a period of military service (during which the individual was in a continuous civilian leave status).
- (c) Disabled veteran leave is a one-time benefit available during a continuous 12-month period following an eligible employee’s “first day of employment” and may not exceed 104 hours for a regular full-time employee (offset by the number of hours of sick leave credited to their account as of the first day of employment, if applicable). The “first day of employment” is defined as the first day in a covered position occurring on the later of – the earliest date an employee is hired after the effective date of a qualifying disability; or the effective date of a qualifying disability if that occurs after the employee is hired.
- (d) Any disabled veteran leave not used during the 12-month eligibility period will be forfeited. Unused disabled veteran leave may not be cashed out and paid in a lump sum or carried over for use in subsequent years.

2. Scheduling and Granting Disabled Veteran Leave

- (a) An employee must provide certifying documentation from the VBA detailing the 30% or more service-connected disability to their Servicing Human Resources Specialist before any disabled veteran leave will be provided. Retroactive substitution may be appropriate if, for any reason, an eligible employee does not provide the certifying documentation before receiving medical treatment for the service-connected disability if it occurred within the employee's 12-month eligibility period.
- (b) Disabled veteran leave may only be used for undergoing medical treatment related to the conditions underlying a veteran's disability rating, and for the same purposes for which sick leave could regularly be used.
- (c) Employees requesting disabled veteran leave must follow the same procedures and timelines for requesting approval as stated in Section II.C, "Sick Leave." Normally, an employee will self-certify that the disabled veteran leave is being used appropriately and no additional medical certification from a health care provider will be needed (other than the initial documentation from the Veteran Benefits Administration detailing the 30% or more service-connected disability).

3. Requests for Disabled Veteran Leave

Requests for disabled veteran leave will be submitted using the time and labor system. Absences for these purposes should be recorded as "DVU - Disabled Veteran Leave Used" on the timesheet and may be recorded in 15-minute increments. Once the 12-month eligibility period has expired, any remaining disabled veteran leave balance will automatically be removed.

E. Weather and Safety Leave and Designation of Emergency Employees

- 1. Weather and safety leave is a form of paid time off that may be granted only if an employee is prevented from safely traveling to or performing work at an approved location due to an act of God, a terrorist attack, or another condition that prevents the employee from safely traveling to or performing work at an approved location. An "act of God" means an act of nature, including hurricanes, tornadoes, floods, wildfires, earthquakes, landslides, snowstorms, and avalanches. General policy and regulations are explained below, but 5 CFR Part 630, Subpart P, "Weather and Safety Leave," should be referenced for more information.
- 2. While there is no limit on the amount of weather and safety leave that may be granted, this type of leave is generally provided in connection with an agency specific operating announcement and is intended for short periods/duration.
- 3. The EDO and RAs are responsible for determining when and how employees in headquarters and regional offices will be released in emergency situations and may grant the use of weather and safety leave in these situations. General information on NRC's Dismissal and Closure Policies and Procedures can be found at

<https://usnrc.sharepoint.com/teams/OCHCO-HR-Programs-Services/SitePages/NRC-Dismissal-and-Closure-Policies-and-Procedures.aspx>.

4. Weather and safety leave may also be granted by the CHCO in situations where full-time teleworkers, who are affected by weather or other conditions impacting the safety of their telework site (for example, areas impacted by a hurricane), are not in the area covered by an agency-specific operating announcement. Once the decision is made by the EDO, RA, or CHCO that weather and safety leave may be used in conjunction with an emergency situation, supervisors have the discretion to grant such leave to their employees who would otherwise still be required to work based on individual circumstances.
5. When non-emergency employees on telework agreements report to the office and the operating status is changed to early departure, weather and safety leave may only be granted for the amount of time required to commute home. Non-emergency employees on telework agreements will generally be expected to complete the remainder of the workday by teleworking.
 - (a) Office directors and RAs can approve weather and safety leave, as appropriate, up to 1 workday for an employee who is not a full-time teleworker due to an emergency situation when there is not a coinciding agency, headquarters, or regional operating status.
 - (b) The CHCO can approve requests of greater than 1 workday for an employee who is not a full-time teleworker due to an emergency situation when there is not a coinciding agency, headquarters, or regional operating status announcement.
6. On a day the operating status is changed to early departure, non-emergency employees who depart before the designated departure time, will not be granted weather and safety leave for any part of the workday.
7. Employees on pre-approved leave (paid or unpaid) or other paid time off may not receive weather and safety leave, except if the pre-approved leave or other paid time off is canceled due to the weather or emergency event, weather and safety leave may be appropriate if the non-emergency employee does not participate in the Telework Program.
8. Absences for these purposes should be recorded as "WSL – Weather and Safety Leave" on the timesheet and may be recorded in 15-minute increments.
9. Designation of Emergency Employees
 - (a) During emergency closings, certain NRC operations cannot be suspended, even though it may be necessary to excuse a large number of employees from duty for all or part of the day. It is important that office directors and regional administrators identify, in advance, those employees whose services are vital and who are required to be at work regardless of the emergency situation or any general dismissal authorization. The employees so identified, preferably by job

title, should be advised in writing of the special requirement placed on them for reporting to, or remaining at, their work sites during emergency situations. Emergency employees designated for this purpose should not be confused with essential employees cited in MD 4.5, "Contingency Plan for Periods of Lapsed Appropriations."

- (b) Office directors and RAs shall provide each year a list of emergency service employees to the CHCO who will maintain a consolidated list of these headquarters employees. Employees performing emergency services may be designated through their official position descriptions or may be designated on an ad hoc basis. This list will only include the category of emergency employees who are critical to agency operations in dismissal or closure situations and who are expected to report to work on time and continue working during any form of emergency, unless excused by their supervisors. Although the agency also identifies the following categories of emergency employees, the office director or RA does not include them in the yearly lists.
 - (i) Emergency Response Team Employees are critical to incidents and emergencies involving the NRC or Agreement State licensees. Responsibilities include ensuring that the NRC's response is consistent with the NRC mission, assessing licensee response, and coordinating with appropriate Federal, State, and local agencies. The Office of Nuclear Security and Incident Response (NSIR) works with offices and regions to designate and train team members in a wide array of disciplines in advance. Team members are activated as needed for specific incidents. NSIR will continue to update Incident Response Call Lists and confirm this designation to team members.
 - (ii) Situational Emergency Employees are employees who are not normally or consistently emergency employees but who are critical to operations during a specific emergency situation. These employees are **not** designated in advance; the NRC may determine that any employee's services are needed during a given emergency. For example, if the NRC's water service was interrupted, employees who deal with contractors and utilities to restore service would be emergency employees during the particular closure. Many employees who would be expected to perform priority functions during a pandemic would fall in this category.

10. Notification and Duty Status During Emergency Situations

- (a) Annually, during the fall, OCHCO for headquarters and the RAs for the regional offices will issue a notice reminding employees of the policies and procedures governing duty status due to emergency situations and the most up-to-date sources of information for operating status.
- (b) Although the EDO or the IG, as appropriate, generally follows the guidance provided by OPM, they have the ultimate responsibility for determining when and how NRC headquarters employees will be released in emergency situations.

- (c) The applicable regional administrator should contact the local Federal Executive Board, if any, and other local Federal agencies similarly affected by the emergency to determine what action they are taking. Upon reaching a decision to release employees in an NRC regional office, the regional administrator should immediately notify the EDO.
- (d) Depending on the circumstances of each employee, supervisors may permit employees to telework or grant administrative leave.
 - (i) Non-emergency employees, who participate in the Telework Program (either project based or fixed), will generally be expected to telework on a day the office or region is closed.
 - (ii) On a day when the office or region is closed, non-emergency employees on pre-approved leave will generally remain on leave. However, if an employee is scheduled to use sick leave for a medical appointment and that medical appointment is canceled, the legal basis for the sick leave has been eliminated and the sick leave must be canceled. In these situations, administrative leave may be appropriate if the non-emergency employee does not participate in the Telework Program.
 - (iii) Guidance for headquarters employees can be found in the [NRC Dismissal and Closure Policies and Procedures](#) on SharePoint.

F. Parental Bereavement Leave

Parental bereavement leave provides covered Federal employees with paid leave for purposes of bereavement in connection with the death of an employee's qualifying child in accordance with 5 U.S.C. 6329d. Parental bereavement leave is administered independently from other types of leave, including sick leave. Parental bereavement leave does not affect the accrual or balances of other paid leave or paid time off. An employee may continue to use sick leave for bereavement under 5 CFR 630.402(a)(2)(iv) for different hours not covered by bereavement leave. That sick leave may be used for the specific limited purposes of making the arrangements necessitated by the death of the employee's child or to attend the child's funeral; it does not cover the broader purpose of bereavement. Even though parental bereavement leave links to certain statutory terms in the Family and Medical Leave Act (FMLA), it is not authorized under FMLA. Parental bereavement leave may not be substituted for FMLA unpaid leave. General policy and regulations are explained below and through OCHCO's summary of the [Key Features of Parental Bereavement Leave](#). 5 U.S.C. 6329d should be referenced for more information.

1. Employee Eligibility

- (a) An employee is eligible for parental bereavement leave if they meet the FMLA definition of "employee" at the time of the child's death. The following conditions must be met:

- (i) The employee is covered under the 5 U.S.C. annual and sick leave program (but is not employed by the government of the District of Columbia, the Government Accountability Office, or the Library of Congress),
 - (ii) The employee is serving under a permanent or term appointment (i.e., does not have a temporary appointment of 1 year or less),
 - (iii) The employee has an established part-time or full-time work schedule (i.e., does not have an intermittent work schedule as described in 5 CFR 340.401 and 340.403), and
 - (iv) The employee has completed at least 12 months of service as an employee (as defined in 5 U.S.C. 2105) of the Government of the United States, including service with the United States Postal Service, the Postal Regulatory Commission, and a non-appropriated fund instrumentality as described in section 2105(c).
- (b) To be eligible to take parental bereavement leave, an employee must be in a status in which the employee must account for hours in the employee's tour of duty by work or leave.

2. Leave Entitlement

- (a) An eligible employee is entitled to a total of 2 workweeks of parental bereavement leave because of the death of a qualifying son or daughter of the employee, subject to the conditions set forth in this guidance. (See definition of "son or daughter" or "child" below.) Parental bereavement leave should only be made available when the death of the child occurs while the parent is an eligible employee. The death of an employee's child triggers the law's one-time entitlement to 2 workweeks of bereavement leave in connection with that death, which must be used within the single 12-month period that is linked to the given child's death.
- (b) An employee may not receive more than 2 workweeks of parental bereavement leave in any 12-month period.
- (i) The 12-month period used for this purpose commences on the date of the death of a child (or on the date of death for multiple children on the same day) of the employee and continues for 12 months. After that 12-month period expires, another 12-month period will not commence unless there is another later use of bereavement leave based on another child's death.
 - (ii) If one or more children of an employee dies at a later time during a 12-month period associated with the earlier death of another child of the employee, each later death will result in the commencement of a corresponding 12-month period. Thus, an employee may have overlapping 12-month periods. Any use of parental bereavement leave during an overlap period, including parts of more than one 12-month period, will count against the 2-week limit for each affected 12-month period.

3. The term “son or daughter” has the meaning given that term in the FMLA law at 5 U.S.C. 6381(6), as further described in OPM regulations in 5 CFR 630.1202. The term “child” is used interchangeably with the term “son or daughter.” The definition of “son or daughter” in 5 CFR 630.1202 is presented below, and means a biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis who is—
 - (a) Under 18 years of age or
 - (b) 18 years of age or older and incapable of self-care because of a mental or physical disability. A child incapable of self-care requires active assistance or supervision to provide daily self-care in three or more of the “activities of daily living” (ADLs) or “instrumental activities of daily living” (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one’s grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using the telephones and directories, using a post office, etc. A “physical or mental disability” refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual as defined in 29 CFR 1630.2 (h), (i) and (j).
4. The term “adopted child” must be interpreted consistent with the definition of “adoption” in 5 CFR 630.1202, except that it includes a child who has been placed with an employee for the purpose of adoption pending finalization of the adoption process. The term “foster child” must be interpreted consistent with the definition of “foster care” in 5 CFR 630.1202. The term “in loco parentis” has the meaning given that term in 5 CFR 630.1202.
5. The 2-workweek leave entitlement must be converted to hours based on the number of hours in the employee’s scheduled tour of duty (at the time the 12-month period of leave eligibility commences), subject to the following rules.
 - (a) For a regular full-time employee with 80 hours in the scheduled tour of duty over a biweekly pay period, the hours equivalent of 2 workweeks is 80 hours.
 - (b) For a full-time employee with an uncommon tour of duty (as defined in 5 CFR 630.201 and described in 5 CFR 630.210), the hours equivalent of 2 workweeks is equal to the number of hours in the employee’s biweekly scheduled tour of duty (or the average hours if the biweekly tour hours vary over an established cycle).
 - (c) For a part-time employee, the hours equivalent of 2 administrative workweeks is equal to the number of hours over a biweekly pay period based on the employee’s scheduled tour of duty established for leave-charging purposes. For example, if an employee has a part-time scheduled tour of duty that consists of 40 hours in a biweekly pay period, the leave entitlement would be 40 hours.

6. If there is a change in an employee's scheduled tour of duty before the employee has used the full 2-workweek allotment of bereavement leave, the remaining balance of bereavement leave must be recalculated based on the change in the number of average hours in the employee's scheduled tour of duty.
7. An employee is not entitled to bereavement leave if the employee is found by proper authority to have deliberately caused the death of the child whose death gave rise to the potential entitlement. Any bereavement leave that was provided to the employee before the finding of culpability must be retroactively canceled.

8. Leave Payment

- (a) Parental bereavement leave is paid at the same hourly rate as other paid leave that is not subject to the 8-hour rule governing the inclusion of night pay.
- (b) For most employees, the hourly leave payment is equal to the employee's hourly adjusted rate of basic pay (including any applicable locality payment, special rate supplement, or the equivalent).
- (c) For certain employees, the leave payment reflects certain additional payments such as—
 - (i) Recurring overtime or premium payments (such as standby duty premium pay and related FLSA overtime pay associated with regularly scheduled overtime hours; law enforcement availability pay) or
 - (ii) Night pay under 5 U.S.C. 5545(a).

For employees receiving parental bereavement leave, night pay under 5 U.S.C. 5545(a) for hours within an employee's regularly scheduled tour of duty established for leave- charging purposes is payable without regard to the 8-hour rule in 5 U.S.C. 5545(a)(2) and 5 CFR 550.122(b). Since, by law, bereavement leave must be provided without any reduction in pay, it is not considered in applying the 8-hour rule. Applicable night pay is payable for hours of bereavement leave that occur during qualifying night hours (generally hours between 6:00 p.m. and 6:00 a.m.; however, special rules can be established under 5 U.S.C. 5545(b), and night pay for certain nightwork hours may be excluded for employees with flexible work schedules as described in 5 U.S.C. 6123(c)(1)).

9. An employee may not use parental bereavement leave—
 - (a) During furlough periods,
 - (b) During a period of suspension,
 - (c) When on leave without pay for service in the uniformed services ("Absent-US"),
or
 - (d) During a period of separation from Federal service (i.e., the employee must be currently employed).

10. Once parental bereavement leave commences, it must be used continuously (non-intermittently) unless there is a mutual agreement between the employee's supervisor and the employee to allow intermittent use.
 - (a) If parental bereavement leave is subject to the continuous-use requirement, a holiday or other non-workday is not considered to be an interruption in continuous use even though bereavement leave is not charged for those hours in the employee's tour of duty. If an employee is subject to the continuous-use requirement and does not use all available parental bereavement leave for the given 12-month period, the employee will not be able to use the remaining balance unless the employee experiences the death of another child within the 12-month period.
 - (b) If intermittent use of parental bereavement leave is authorized, it may be scheduled in such a way that the employee works partial workdays (i.e., a reduced work schedule) or schedules other types of paid leave or other paid time off on the same workday (e.g., sick leave for some hours and parental bereavement leave for other hours).
11. A holiday is a non-workday; thus, parental bereavement leave may not be used on a holiday. It also may not be used on any other non-workday established by Federal statute, Executive Order, or administrative order.
12. An employee may request, and a supervisor must grant, parental bereavement leave for which the employee is eligible to cover a past period of leave without pay occurring during a qualifying period. If the NRC determines that an employee used other paid leave to cover a period of time for which parental bereavement leave could have been used, the employee may retroactively substitute parental bereavement leave for such other paid leave if it is determined that the employee lacked information or was not allowed to use parental bereavement leave at the time.
13. A transfer to another agency while using parental bereavement leave during a 12-month period does not affect application of the 2-workweek limit. The gaining agency must determine whether a newly hired or transferred employee is within a 12-month period based on the date of death of the employee's child, and, if so, how many hours of parental bereavement leave the employee has already used. Any agreement between the employee and the previous employing agency regarding intermittent use of parental bereavement leave is not binding on the new employing agency.
14. If an employee with an unused balance of parental bereavement leave transfers between eligible positions, the parental bereavement leave balance transfers with the employee, as long as the employee is within the 12-month eligibility period for bereavement leave. If an employee has an unused balance of parental bereavement leave at the time of separation from Federal service, any right to the unused amount of parental bereavement leave is extinguished unless the employee returns to an eligible Federal position within the 12-month eligibility period. No cash payment may

be made for unused parental bereavement leave at any time, including transfer to another agency or separation from Federal service.

15. Employee Notification and Recordkeeping

- (a) When the need for leave under this subsection is foreseeable (for example, if the employee would like to schedule the leave on an intermittent basis, rather than continuous usage as described above), the employee must provide the supervisor advance notice if reasonable and practicable.
- (b) A supervisor may require that an employee provide a written self-certification or other documentation (e.g., death certificate) to verify that the requested parental bereavement leave is being used for bereavement purposes.
- (c) Requests for parental bereavement leave will be submitted using the time and labor system. Absences for these purposes should be recorded as "PB4- Parental Bereavement Leave 1st Occurrence," "PB5- Parental Bereavement Leave 2nd Occurrence," "PB6- Parental Bereavement Leave 3rd Occurrence," "PB7- Parental Bereavement Leave 4th Occurrence," or "PB8- Parental Bereavement Leave 5th Occurrence," as applicable, on the timesheet and may be recorded in 15-minute increments.
- (d) When a Standard Form 1150, "Record of Leave Data," is prepared for a transferring employee who is in the middle of a parental bereavement leave 12-month period, it should include the following information in the Remarks section (block 24):
 - (i) The commencing date of the 12-month period and
 - (ii) The aggregate amount of parental bereavement leave used by the employee (as of the time of transfer).

G. Investigative Leave & Notice Leave

In certain situations, employees who are under investigation or in a notice period may be placed on investigative or notice leave. An employee may be placed on investigative leave if the employee is the subject of an investigation that could lead to an adverse personnel action or other adverse outcome. An employee may be placed on notice leave if the employee is in a notice period (i.e., has received a proposed notice of adverse action); or following a placement on investigative leave if, not later than the day after the last day of investigative leave, the agency proposes or initiates an adverse action against the employee and the agency determines that the employee continues to meet one or more of the criteria in 5 CFR 630.1503(b)(1). General policy and regulations are explained below, but 5 CFR Part 630, Subpart O, "Investigative Leave and Notice Leave," should be referenced for more information.

1. An employee may only be placed on investigative leave or notice leave after a determination has been made that the criteria in 5 CFR § 630.1503(b) are met and alternative options have been considered.

2. Before being placed on investigative leave, an employee will be initially placed on administrative leave for investigative purposes for up to 10 workdays. When it is determined that an extended investigation is necessary, the employee may be placed on investigative leave for a period of not more than 30 workdays. In limited circumstances, this period may be extended.
3. When notice leave is authorized, notice leave begins on the date on which the employee is provided notice of a proposed adverse action and ends on the effective date of the adverse action or on the date on which the agency notifies the employee that no adverse action will be taken.
4. The CHCO approves investigative leave (including administrative leave for investigative purposes), and notice leave.
5. Absences for these purposes should be recorded as "AD2 – Administrative Leave Hours Used (Investigative Purposes)," "AD3 – Investigative Leave Hours Used (Extended)," and "NLH – Notice Leave Hours Used," as appropriate, on the timesheet and may be recorded in 15-minute increments.

H. Other Paid Time in Nonduty Status

1. Armed Forces or Federal Law Enforcement Officer Funerals
 - (a) Up to 3 workdays of funeral leave shall be granted to allow an employee to make arrangements for, or to attend, the funeral or memorial service for an immediate relative who died as the result of wound, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone. If the employee provides satisfactory reasons to the leave approving official, the 3 workdays do not need to be consecutive. (See 5 CFR Part 630, Subpart H, "Absence and Leave," for additional details.)
 - (b) A Federal law enforcement officer may be granted other paid time in nonduty status to attend the funeral of a fellow Federal law enforcement officer who was killed in the line of duty.
 - (c) A veteran of a war, or of a campaign or expedition for which a campaign badge has been authorized, or a member of an honor or ceremonial group of an organization of those veterans, may be granted other paid time in nonduty status for up to 4 hours to serve as a pallbearer, member of a firing squad, or guard of honor in a funeral ceremony for a member of the Armed Forces whose remains are returned from abroad.
2. Employees Returning from Active Military Duty
 - (a) An NRC employee is entitled to 5 consecutive days of other paid time in nonduty status after returning from active military duty each time they return from a deployment upon notice of the intent to return to Federal civilian employment within a 12-month period. This time will be pro-rated for a part-time employee or an employee on an uncommon tour of duty.

- (b) To be eligible for this time the following conditions must apply:
 - (i) The employee was called to active duty in support of the Overseas Contingency Operations (deployed either overseas or stateside), and
 - (ii) The employee returns from at least 42 consecutive days of active military service.
 - (c) Other paid time in nonduty status must be granted as soon as an eligible employee reports back for Federal civilian duty or notifies the NRC of their intent to return to civilian duty. If, for any reason, the employee was not granted the 5 days of other paid time in nonduty status upon return, they should be granted the 5 days of other paid time in nonduty status at a time mutually agreeable to the employee and the agency.
 - (d) At the end of the 5 days of other paid time in nonduty status, the employee is obligated to report to work.
3. Absences for these purposes should be recorded as “OPT – Other Paid Time in Nonduty Status” on the timesheet and may be recorded in 15-minute increments.

V. ADMINISTRATIVE LEAVE

A. Definition

Administrative leave is an administratively authorized absence from duty without loss of pay or charge to other leave. It is not an entitlement and may be used in situations in which no other paid leave or other paid time off is available under other statute or Presidential directive if the use is determined to be appropriate under OPM regulations, Governmentwide policies, and agency policies. General policy and regulations are explained below, but 5 CFR Part 630, Subpart N, “Administrative Leave,” should be referenced for more information.

B. Granting Administrative Leave

Administrative leave may be granted when the absence is directly related to the NRC’s mission, is officially sponsored or sanctioned by the NRC, will clearly enhance the professional development or skills of the employee in the employee’s current position, or is in the interest of the NRC or the Government as a whole. It is the general policy of the NRC to limit the use of administrative leave to no more than 10 workdays in a calendar year; however, circumstances may warrant the use of administrative leave beyond 10 workdays. It is prohibited to use administrative leave in situations in which sick leave is appropriate. Further, NRC limits the amount of administrative leave that may be granted for an early dismissal before a holiday to 2 hours, unless a higher amount is approved by the agency head. Administrative leave may be recorded in 15-minute increments and is recorded on the timesheet as “AD1 – Administrative Leave Hours Used.” Ordinarily, administrative leave is authorized on an individual basis, except where an installation is closed or a group of employees is excused from work for various

purposes. Supervisors normally have the authority to approve administrative leave as specified below and as delegated, unless otherwise stated. Situations in which an employee may receive administrative leave include, but are not limited to, the following.

C. Tardiness and Brief Absences During the Workday

1. Absence from work at the beginning of the workday not to exceed 2 hours may be excused at the discretion of the supervisor, provided the reasons are adequate and concern unanticipated matters over which the employee has little or no control.
2. Up to 1 hour absence from duty after the employee reports for work may be excused at the discretion of the supervisor for adequate reasons.

D. Medical-Related Absences

1. Medical Attention

An employee may be authorized administrative leave for the time necessary to visit an NRC medical facility for medical attention, including necessary travel time. If the employee is sent home following such a visit because of illness, sick leave or other appropriate leave will be charged from the time of departure for home.
(See Section B.4 below for job-related injuries.)

2. Preventive Health Screenings and Programs

An employee who participates in a voluntary medical examination program established by the NRC or under NRC auspices, including mass screening examinations and immunizations, may be authorized administrative leave for the time necessary to accomplish the examination or immunization, including necessary travel time.

3. Armed Forces Medical Examinations

- (a) Time spent reporting for and undergoing a physical examination to determine an employee's eligibility for enlistment in the Armed Forces may be excused, provided the request for absence is supported by official notification from the appropriate military authority.
- (b) If the absence exceeds 1 workday, the employee is required to submit a statement from the examining station indicating the necessity for the additional absence to the CHCO or the IG, as appropriate for approval. A copy of the approval should be added into the time and labor system with the request.

4. Injury in the Line of Duty

- (a) An employee injured in the line of duty may be authorized administrative leave for the time spent in examination or outpatient treatment immediately following the injury.

- (b) An employee who sustains a disabling, job-related injury is entitled to continuation of regular pay for a period not to exceed 45 days per injury.

E. Blood Donation

An employee who volunteers as a donor to a blood bank or to an individual may be authorized up to 4 hours of administrative leave for the time necessary to travel, to and from, to accomplish and to recover from this purpose.

F. Voter Registration and Voting

An employee who votes or registers in any election, or in referenda on a civic matter in the community on Election Day or who wishes to participate in early voting may be authorized administrative leave for a reasonable time for that purpose. Early voting is the process by which voters can cast their vote in person at designated polling places on a single day or a series of days before Election Day. The National Conference of State Legislatures [website](#) provides information and links about early and absentee voting and the deadlines and requirements for voter registration in your State.

1. As a general rule, where polls are not open at least 3 hours either before or after an employee's regular hours of work, the employee may be authorized an amount of administrative leave that will permit him or her to report for work 3 hours after the polls open or leave work 3 hours before the polls close, whichever requires the lesser amount of time off.
2. Under exceptional circumstances for which V.D.1, above, does not permit sufficient time, an employee may be excused for such additional time to vote, depending upon the circumstances of an individual case. Administrative leave may not exceed a full day.
3. If an employee's voting place is beyond normal commuting distance and vote by absentee ballot is not permitted, the employee may be granted sufficient time off, not to exceed 1 day, in order to be able to make the trip to the voting place to vote. Additional time off must be charged to another appropriate form of leave (e.g., annual leave or LWOP).
4. For an employee who votes in a jurisdiction that requires registration in person, time off to register may be granted on substantially the same basis as for voting, except that no such time may be granted if registration can be accomplished on a nonworkday and the place of registration is within a reasonable 1-day, round-trip travel distance of the employee's place of residence.

G. Examinations for Professional Certification

An employee may be authorized up to 3 days of administrative leave for the actual time required to take an examination for a professional or technical certification that would be in the NRC's interest. An employee also may be authorized administrative leave to attend to matters that are prerequisite to receiving such a professional or technical

certification (e.g., swearing-in ceremonies or personal interviews before a professional licensing committee). For administrative leave that exceeds 1 day, the employee is required to submit a memorandum to the CHCO or the IG, as appropriate, requesting approval for the additional days. A copy of the approval should be added into the time and labor system with the request. Examples of such examinations include, but are not limited to, the Certified Public Accountant examinations and the State and Federal bar examinations.

H. Credit Union Activities

When an employee is engaged in activities associated with managing a Federal credit union, notwithstanding other provisions of this MD, the employee's supervisor may grant administrative leave for such time.

I. Volunteer Activities

1. General Volunteer Activities

- (a) For volunteer activities directly related to the NRC's mission or in the NRC's interest (such as explaining NRC's functions to a school group), supervisors may consider granting a limited amount of administrative leave for occasional, brief periods of time to participate in the volunteer activity.
- (b) An employee must use their own time to participate in volunteer activities that are not directly related to the NRC's mission (such as tutoring or school events).
- (c) To the extent practical and consistent with the efficient and effective accomplishment of work requirements and agency operations, supervisors are encouraged to use currently available workplace flexibilities to facilitate employees' participation in volunteer activities such as work schedule adjustments under compressed or NEWFlex work schedules, or grant leave requests, including annual leave, LWOP, the use of earned credit hours, or the use of compensatory time off or special compensatory time off for travel that the employee has earned.

2. Participation in Civil Defense Activities

- (a) An employee participating in activities in connection with civil defense program responsibilities of an NRC office may be authorized administrative leave for the time required.
- (b) A full-time employee who volunteers and is selected for a civil defense assignment may be made available for participation in pre-emergency training and test exercises conducted in connection with State or local civil defense programs. An employee who participates in these activities during the regularly scheduled tour of duty may be authorized administrative leave of not more than 40 hours in any calendar year. An employee may be designated as available for

assignment to civil defense activities subject to all of the following determinations:

- (i) Employee's participation has been requested by the State or local civil defense authorities,
 - (ii) Employee can be spared from regular duties for the required periods of participation, and
 - (iii) Employee can reasonably be expected to be available for assignment to civil defense activities in the event of an emergency.
- (c) Upon return to duty, the employee is required to submit a copy of the written statement from the State or local civil defense authorities showing the days or hours of participation with the request in the time and labor system.

J. Job Placement Interviews and Examinations

1. An employee taking a job placement interview or written examination, including applying for NRC positions under the NRC Merit Promotion System may be authorized a reasonable amount of administrative leave for such period of time as is necessary to accomplish the purpose.
2. An employee who receives a reduction-in-force notice and is identified for placement action in accordance with MD 10.103, "Reduction in Force for Non-SES Employees," and MD 10.138, "Reduction in Force in the Senior Executive Service," or who has been identified for reassignment or out-placement under MD 10.1, "Recruitment, Appointments, and Merit Staffing," may be authorized administrative leave for such period of time as is necessary to receive career counseling, prepare resumes, be interviewed or tested, or both, for job placement opportunities outside the NRC, provided the period of time is arranged for by the NRC or the employee presents acceptable evidence that a bona fide placement opportunity exists. The absence may not be excessive and will not include a total of travel time that exceeds 1 workday for any one interview, test, or both.

K. Absences Associated with a Move

1. An employee may be granted up to 40 hours of administrative leave to prepare for and attend to business or arrangements directly related to a permanent change of duty station move outside the commuting area from one position in the NRC to another, provided that such business or arrangements cannot be transacted outside the employee's regular working hours. These activities may include, but are not limited to, packing or unpacking household goods, meeting the moving van during pickup and delivery, selling or buying a home or renting an apartment, obtaining a driver's license or automobile tags in a new State, arranging for utility hookups, and making arrangements with new schools. To be eligible for these absences, the move must have been determined to be for the benefit of the Federal Government.

2. The 40 hours may be split in any manner between the old and new duty stations, depending on the circumstances of the move and the needs of the employee. The losing office should keep track of the hours used at that end and inform the gaining office of the number of hours remaining for use. Although it is the policy of the NRC to provide employees with this time, the employee's supervisors are the final authorities on how much or when such absences are granted. Such decisions are not grievable (see MD 10.101, "Employee Grievances").
3. An employee who transfers to the NRC from another Federal agency, and who moves outside of their commuting area to do so, may be granted up to 20 hours of administrative leave to attend to such matters. Similarly, an NRC employee who transfers to a position in another Federal agency outside of their commuting area may be granted up to 20 hours of administrative leave to attend to such matters.
4. An individual who is not a Federal employee and who accepts a position with the NRC may not be granted such an absence. Similarly, an NRC employee who accepts a position outside the Federal Government may not be granted such an absence.

L. Office Closings

1. Closing Offices for a Local Holiday

Offices may be closed on a local holiday when Federal work may not properly be performed. Employees of the office may be authorized administrative leave in the same manner as described in Section IV.E.9 if they are prevented from working by one of the following circumstances:

- (a) The building or office in which the employees work is physically closed or building services essential to proper performance of work are not operating.
- (b) Local transportation services are discontinued or interrupted to the point that employees are prevented from reporting to their work location.
- (c) The duties of the employees consist largely or entirely of dealing directly with employees and officials of business or industrial establishments or local government offices, and all such establishments are closed in observance of the holiday and there are no other duties (consistent with normal duties) to which the employees can be assigned on the holiday.

2. Closing Offices for Managerial Reasons

Managerial reasons that require the closing of an office, in whole or in part, may include, but are not limited to, failure of automation systems or of essential services or facilities, unanticipated delays in the flow of work or in the receipt of materials, or the temporary suspension of production at private plants where NRC employees may be assigned. Employees will be authorized administrative leave in the same manner as described in Section IV.E.9.

M. Employees Accompanying a Service Member During a Geographic Relocation

1. Full-time, Federal, civilian employees of military spouses may be authorized up to 5 days (40 hours) of administrative leave accompanying a service member on a geographic relocation (i.e., permanent change of station) as directed by the service member's military orders. This time will be pro-rated for a part-time employee or an employee on an uncommon tour of duty. This leave is intended to support military spouses with the transition and adjustment to a new duty station, and to facilitate their continued employment with the Federal Government. These activities may include, but are not limited to, packing or unpacking household goods, meeting the moving van during pickup and delivery, selling or buying a home or renting an apartment, obtaining a driver's license or automobile tags in a new State, arranging for utility hookups, and making arrangements with new schools. The 40 hours may be split in any manner between the old and new duty stations, depending on the circumstances of the move and the needs of the employee.
2. To request this leave, the employee should provide a copy of the spouse's military orders to their supervisor and submit the request using the time and labor system. Absences for these purposes should be recorded as "AD1 – Administrative Leave Hours Used."

N. Workforce Realignment Initiatives

1. Administrative leave may be granted to support various workforce realignment initiatives (e.g., Governmentwide and agency-specific Deferred Resignation Programs). An employee may be granted administrative leave for a period of time before their deferred resignation (including a resignation that represents a separation for retirement) takes effect. An employee may also be granted administrative leave during the period of time between an employee's receipt of a notice of involuntary separation (e.g., due to a reduction in force) and the effective date of that separation.
2. Starting in calendar year 2026, use of administrative leave by an employee in connection with a workforce realignment initiative is limited to no more than 12 weeks in any individual instance unless a higher threshold is jointly approved by the Office of Personnel Management and the Office of Management and Budget.

VI. LEAVE WITHOUT PAY

Leave without pay (LWOP) is a temporary nonpay status and absence from duty that, in most cases, is granted at the discretion of the supervisor. Employees have an entitlement to LWOP in the situations outlined in Section D, below.

A. Short Absences

Employees must continue to follow the requirements for requesting approval as stated in Sections I and II of this handbook, even when short periods of absence (30 days or less) are necessary because employees do not have any annual or sick leave to their credit.

B. Extended Absences (Exceeding 30 Days)

1. In most cases, the NRC has the discretion to approve or deny an extended LWOP request. A supervisor should consult with OCHCO before granting LWOP that exceeds 52 weeks.
2. As a basic condition to approval of extended LWOP, there should be a reasonable expectation that the employee will return at the end of the approved period. In addition, it should be apparent that at least one of the following benefits would result:
 - (a) Increased job ability,
 - (b) Protection or improvement of employee's health, or
 - (c) Retention of a desirable employee.
3. Each request for extended LWOP should be examined closely to ensure that the value to the NRC or serious needs of the employee are sufficient to offset the costs and administrative inconveniences that result from the retention of the employee in an LWOP status. Among these costs and inconveniences are—
 - (a) Loss of services that may be needed in the organization,
 - (b) Obligation to provide employment at the end of the approved period of LWOP,
 - (c) Credit for 6 months of LWOP in a year toward retirement, and
 - (d) Eligibility for continued coverage under the Federal Employees' Group Life Insurance program and Federal Employees' Health Benefits program, in accordance with OPM regulations.
4. Examples of When Extended Leave Without Pay May Be Appropriate
 - (a) For educational purposes, when the course of study or research is in line with a type of work that is being performed by the NRC and completion of which would contribute to the agency's best interest.
 - (b) For service with a non-Federal public or private enterprise when the job is of a temporary character and there is reasonable expectation that the employee will return, and when one or both of the following will result:
 - (i) The service to be performed will contribute to the public welfare,
 - (ii) The experience to be gained by the employee will serve the interests of the NRC.
 - (c) For recovery from illness or incapacity not of a permanent or disqualifying nature, when continued employment or immediate return to duty would threaten the employee's health, or the health of other employees.
 - (d) For permitting the employee to participate in programs in which the Federal Government participates or encourages (e.g., Peace Corps volunteers service).

- (e) For serving on a temporary basis as an officer or representative of a union representing Federal employees.
- (f) To avoid a break in the continuity of service for an employee who must relocate because he or she is the dependent of military service personnel or of a Federal employee who is obligated to move on rotational assignments or upon transfer of a function or activity.

C. Requesting and Recording LWOP

1. All requests for LWOP (except when invoking FMLA) over 3 consecutive workdays must generally be entered using the time and labor system, along with an explanation of the reasons for the request. A supervisor has the sole discretion to require a request for a period of 3 consecutive workdays or less to be input into the time and labor system or to accept the request by other methods (e.g., verbal approval). Any medical documentation in support of the request should be provided to the employee's supervisor outside of the time and labor system and retained as outlined in II.C.2 of this handbook.
2. A request for LWOP invoking FMLA should be done outside of the time and labor system. Specific requirements for FMLA are discussed in Section E below.
3. LWOP is charged in 15-minute increments and recorded on the timesheet as follows:
 - (a) "LWOPC" for LWOP related to employees receiving workers' compensation payments from the Department of Labor.
 - (b) "LWOPF" for LWOP related to invoking FMLA.
 - (c) "LWOPD" for all other LWOP, including Absent-Uniformed Service.
4. LWOP may be granted whether annual or sick leave remains to the employee's credit. However, an extension of LWOP beyond 52 weeks will not be approved until all annual leave is used.
5. Upon approval by the employee's supervisor of a request for LWOP exceeding 30 calendar days, a "Request for Personnel Action" (SF-52) is prepared. The approved period of LWOP should be shown under "Remarks," together with a statement indicating—
 - (a) Justification for the approval,
 - (b) That the employee intends to return to duty at the completion of the approved period, and
 - (c) Whether a replacement is required.

D. Cases Requiring the Granting of Leave Without Pay

LWOP must be granted in the following situations:

1. When necessary for a disabled veteran to receive necessary medical treatment.
2. When employment with the NRC is interrupted by a period of service in the uniformed services under the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994.
3. When employees are receiving workers' compensation payments from the Department of Labor and the NRC's review of the case indicates the employee may be able to return to work within 6 months or a year from the date of injury or illness. If review of the case indicates the employee will not or cannot return to work, LWOP should not be extended and appropriate steps should be taken to separate the employee.
4. When covered employees invoke leave under the FMLA described below in Section E.

E. Family and Medical Leave Act (FMLA)

FMLA protects employees' jobs by ensuring they can take approved leave for specified family and medical purposes. General policy and regulations are explained below but 5 CFR Part 630, Subpart L, "Family and Medical Leave," and 5 CFR Part 630, Subpart Q, "Paid Parental Leave," should be referenced for more information. A comparison between family sick leave and FMLA can be found on OCHCO's Web site at <https://usnrc.sharepoint.com/sites/ochco-hub/PDF/Leave/comparison-fmla-sick-leave-chart.pdf>.

1. FMLA applies to a Federal employee who has completed at least 12 months of service at an applicable agency or honorable active service in the Army, Navy, Air Force, Space Force, or Marine Corps of the United States (does not need to be 12 recent or consecutive months). Does not apply to an employee serving under an intermittent appointment or temporary appointment with a time limitation of 1 year or less.
2. Regular FMLA
 - (a) Covered Federal employees will be provided up to a total of 12 administrative workweeks of unpaid leave during any 12-month period for the following reasons:
 - (i) The birth of a child of the employee and the care of the child;
 - (ii) The placement of a child with the employee for adoption or foster care;
 - (iii) The care of a spouse, son, daughter, or parent of the employee who has a serious health condition;
 - (iv) A serious health condition of the employee that makes the employee unable to perform essential functions of their position; or

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- (v) Any qualifying exigency arising out of the fact that the employee's "covered military member" is on covered active duty in the Armed Forces (or has been notified of an impending call or order to covered active duty).
- (b) A family member for the purposes of V.E.2(a)(i), (ii), and (iii) above is defined as—
- (i) Spouse (same or opposite sex), including a common law spouse in States where it is recognized.
 - (ii) Son or daughter, including a biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing *in loco parentis* (that is, who has day-to-day responsibility for the care and provides financial support of a child) if the child is—
 - Under 18 years of age; or
 - 18 years of age or older and incapable of self-care because of a mental or physical disability.
 - (iii) Parent, including a biological parent or an individual who stands or stood *in loco parentis* to an employee when the employee was a child. Does not include parents "in law."
- (c) Qualified exigencies as mentioned in V.E.2(a)(v), above, and defined in 5 CFR 630.1204 may take the form of one or more of the following categories:
- (i) Short-notice deployment,
 - (ii) Military events and related activities,
 - (iii) Childcare and school activities,
 - (iv) Financial and legal arrangements,
 - (v) Counseling,
 - (vi) Rest and recuperation,
 - (vii) Post-deployment activities, and
 - (viii) Additional activities not encompassed in the other categories provided that the NRC and the employee agree that such leave qualifies as an exigency and agree to both the timing and duration of such leave.
- (d) A "covered military member" for the purposes of V.E.2(a)(v), above, is defined further as the following:
- (i) Spouse (same or opposite sex), including a common law spouse in States where it is recognized;
 - (ii) Son or daughter, including a biological, adopted, or foster child; a step child; a legal ward; or a child of a person standing *in loco parentis* (that is, who has day-to-day responsibility for the care and provides financial support of a child)

who is on covered active duty or call to active duty status and who is of any age; and

- (iii) Parent, including a biological parent or an individual who stands or stood *in loco parentis* to an employee when the employee was a child. Does not include parents “in law.”

- (e) An employee may substitute paid leave for LWOP to the extent that the employee has paid leave available, and the use of leave is consistent with applicable law and regulation.

- (i) Paid Parental Leave

Paid parental leave only may be substituted for unpaid leave (i.e., LWOP) granted for the birth or placement of a child under specific provisions of the Family and Medical Leave Act (FMLA). Covered Federal employees will be provided up to 12 weeks of paid parental leave in connection with the birth or placement (for adoption or foster care) of a child occurring on or after October 1, 2020. General policy and regulations are explained below and in OCHCO’s [Key Features of the New Paid Parental Leave](#) found on OCHCO’s Web site, and, see 5 CFR Part 630, Subpart Q for more information.

- Employee Eligibility
 - An employee must meet FMLA eligibility requirements to be eligible for paid parental leave. FMLA eligibility includes completing at least 12 months of Federal service at an applicable agency or honorable active service in the Army, Navy, Air Force, Space Force, or Marine Corps of the United States; having a part-time or full-time work schedule; and having an appointment of more than 1 year.
 - If an employee is ineligible for FMLA at the time of the qualifying birth or placement event, but becomes eligible within the next 12 months, the employee may be able to use paid parental leave later.
- Leave Entitlement and Usage
 - To receive paid parental leave, an employee must invoke unpaid FMLA leave for the birth or placement of a child. Paid parental leave may then be substituted for the unpaid FMLA leave and is limited to 12 weeks.
 - If FMLA leave is used for purposes other than the birth or placement of a child during a 12-month FMLA period, it may reduce the FMLA leave available for birth or placement purposes (which may also reduce the amount of paid parental leave that is available).
 - Each Federal employee has a separate entitlement to FMLA unpaid leave and paid parental leave. Therefore, if two covered Federal employees are parents of the same newly born or placed child, each

employee would have a separate FMLA leave and paid parental leave entitlement.

- The 12-week paid parental leave is converted to hours based on the employee's scheduled tour of duty. For example, a full-time employee will be entitled to 480 hours and a part-time employee who works 20 hours a week will be entitled to 240 hours.
 - Paid parental leave may only be used during the 12-month period following the birth or placement. Unused paid parental leave may not be paid out and there are no carryover provisions.
 - Paid parental leave may only be used for periods when an employee is acting in a parental role and engaged in activities directly related to the care of the child whose birth or placement triggered the leave entitlement and is available for as long as an employee has a continuing parental role.
 - An employee is not required to use annual or sick leave before requesting paid parental leave.
 - At the discretion of the supervisor, an employee must provide appropriate documentation showing that the employee's use of paid parental leave is directly connected to the birth or placement of a child.
 - When taking paid parental leave, employees should use the Pay Type Code and Cost Activity Code (CAC) that corresponds with the qualifying paid parental leave event. If two qualifying events occur in the same 12-month period, as calculated from the date of the first qualifying event, the employee should use the Pay Type Code and corresponding CAC that match the event and occurrence for which they are taking the leave.
- Multiple Birth/Placement Events
 - Multiple children born or placed on the same day is considered to be a single event with a single entitlement of up to 12 weeks of paid parental leave.
 - If an employee has multiple children born or placed within the same year are entitled to 12 weeks of paid parental leave for each "event," which they must use within the 12-month period after the birth or placement. However, there may be periods where the paid parental leave time limits overlap. In those situations, leave from one birth or adoption may count toward an employee's paid time-off allowance for the second "event."

- Service Agreement
 - Before using paid parental leave, an employee is required to enter into a written service agreement to work at the NRC for 12 weeks after the last day paid parental leave is used, which is—
 - The workday that the employee finishes using the 12 workweeks of paid parental leave or
 - The last workday on which the employee used paid parental leave in connection with the given child, if the employee uses less than 12 workweeks of paid parental leave.
 - If paid parental leave is used intermittently, any periods of work in between these times will not count toward the completion of the 12-week work obligation.
 - The 12-week work obligation is required for all employees regardless of the actual amount of paid parental leave use. This time cannot be prorated.
 - The work obligation refers to a period of time during which the employee is in a duty status and does not include any period of paid or unpaid leave or time off (e.g., annual leave, credit hours, leave without pay).
 - The written service agreement will include a note about the possible need to reimburse the agency costs for health insurance. A copy of the written service agreement can be found [here](#).
 - A [Paid Parental Leave Request Form](#) must be attached to the written service agreement.
 - A copy of the Paid Parental Leave Request Form (once the actual dates are completed) and service agreement must be provided to your [HR Benefits Team](#) so it may be added to e-OPF and to confirm that the service obligation is met.
- (ii) Reimbursement of Agency Costs for Health Insurance
 - An employee may be required to reimburse the agency for failure to complete the 12-week work obligation.
 - The determination to impose the reimbursement is at the agency's sole and exclusive discretion, unless a waiver is required by statute and regulation.
 - The reimbursement is equal to the total amount of any Government contribution the agency paid to maintain the employee's Federal Employee Health Benefits (FEHB) insurance during the period that paid parental leave was used.

- If an agency determines that an employee is to reimburse the agency for FEHB insurance, it will seek collection of the full amount.
- An agency may not require reimbursement if the CHCO determines that the employee is unable to return to work for the required 12 weeks because of:
 - The continuation, recurrence, or onset of a serious health condition of the employee or the child whose birth or placement was the basis for the paid parental leave. In the case of the employee's serious health condition, it must be related to the applicable birth or placement; or
 - Any other circumstance beyond the employee's control.
- Supporting documentation from a health care provider may be required in determining whether to waive reimbursement if—
 - The employee claims a serious health condition (of the employee or the child whose birth or placement entitled the employee to paid parental leave) makes them unable to fulfill the necessary work requirement or
 - Another individual's health condition prevents the employee's fulfillment of the service agreement.

(iii) Employee Transfer

- If an employee transfers to another agency while using paid parental leave, the work obligation will be owed to the agency at the new agency. The new agency will be responsible for documenting whether the employee fulfills the work obligation.
- If an employee fails to complete the work obligation period, each agency that paid for the employee's health insurance during the use of the paid parental leave will make its own determination about whether to apply the reimbursement requirement.

(iv) An employee may use sick leave only for the purposes and in the amounts authorized by law and regulation governing sick leave.

(v) In many situations, employees may use FMLA on an intermittent rather than continuous basis.

3. FMLA to Care for a Covered Servicemember

- (a) A covered Federal employee will be provided up to a total of 26 administrative workweeks of unpaid leave during a single 12-month period for the care of a covered member of the Armed Forces with a serious injury or illness incurred in the line of duty.

- (b) A family member for the purposes of FMLA to care for a covered servicemember is defined as the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative).
- (c) An employee may substitute annual or sick leave for LWOP. Normal leave year limitations on the use of sick leave to care for a family member do not apply in these cases; an employee may use up to 26 weeks of family sick leave.
- (d) Employees may use FMLA on an intermittent rather than a continuous basis.

4. Requesting FMLA

- (a) Employees must invoke FMLA. The supervisor may ask whether the employee wishes to invoke FMLA, or, if warranted, indicate that they will decline to continue approving LWOP in the absence of an FMLA request. Generally, an employee may not retroactively invoke their entitlement to leave under FMLA for a previous absence from work.
- (b) A request should be made at least 30 days in advance, or as soon as practicable.
- (c) An employee must submit a request along with any required documentation, such as medical certification completed by the health care provider to document the serious health condition. An employee is encouraged to use the [Department of Labor forms](#) designed to provide appropriate supporting information for different FMLA purposes. Although the Department of Labor regulates non-Federal FMLA, these forms can assist employees in providing needed information.
- (d) When requested to submit administratively acceptable evidence or medical certification, the employee must submit it within 15 calendar days. If not practicable, despite the employee's diligent efforts, the employee must submit the documentation within a reasonable time period, but no later than 30 calendar days. The medical certification will be retained as outlined in Section II.C.2 of this handbook.
- (e) The NRC may request recertification periodically (normally no more often than every 30 days).
- (f) Upon receipt of an FMLA leave request, a supervisor should contact their servicing [Human Resources Specialist](#) for guidance.

5. Recording FMLA When Substituting Paid Leave

When an employee is substituting paid leave (e.g. annual leave, sick leave, or donated leave) for LWOP under FMLA, an employee must mark the appropriate checkbox on the timesheet for tracking purposes.

6. The NRC requires medical certification to return to work from each employee who invokes FMLA leave for their own serious health condition. The certification must be from the employee's health care provider and must state that the employee is able to perform the essential functions of their position. The information on the medical certification to return to work must relate only to the serious health condition for which FMLA leave was taken. The medical certification will be retained as outlined in Section II.C.2 of this handbook.

F. Effect on Federal Benefits and Programs

An employee should be aware that LWOP affects their entitlement to or eligibility for certain Federal benefits. For example, the amount of annual or sick leave accrued can be reduced or the employee's within grade increase can be delayed. Contact your servicing Human Resources Specialist for further details.

VII. LEAVE FOR CHILDBIRTH, ADOPTION, AND FOSTER CARE

Employees are provided a wide array of leave and workplace flexibilities for purposes related to childbirth, adoption, or foster care and OPM has developed the [Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption, and Foster Care](#) to assist them in their planning. A comparison of the various types of leave that may be available and the purposes for which each type of leave may be used when an employee has or adopts a child can be found on OCHCO's Web site at <https://usnrc.sharepoint.com/sites/ochco-hub/PDF/Leave/maternity-paternity-adoption-leave.pdf>.

A. Requesting Leave Related to Childbirth, Adoption, and Foster Care

1. There is no prescribed or suggested length of time that an employee may be absent for childbirth, adoption, or foster care.
2. If an employee is planning on being absent for a significant amount of time for childbirth, adoption, or foster care, they should provide the supervisor reasonable advance notice. This will allow the supervisor to prepare for any staffing adjustments that may be needed to compensate for the anticipated absence from work.
3. As soon as they have specific dates, the employee should formalize leave requests, showing the type(s) of leave requested, approximate dates, anticipated duration of absence, and plans with regard to returning to their job following childbirth, adoption, and foster care.
4. A request for leave for purposes related to childbirth, adoption, or foster care must be submitted consistent with the policies and procedures related to the specific type of leave above (e.g., an FMLA request needs to be submitted at least 30 days in advance, or as soon as practicable).

5. Upon an employee's request, an employee generally must be granted advanced sick leave for childbirth, adoption, or foster care purposes to the maximum extent practicable, in accordance with sick leave laws and regulations and consistent with mission needs. See Section II.D above.

B. Reasonable Accommodations

1. Employees should make their supervisors aware of any working conditions that could have an adverse effect upon a pregnant employee. If any of these elements could have a harmful effect, either pre- or post-delivery, the NRC may request a medical certificate from the employee. The NRC will pay the added cost, if any, to the employee's physician for the medical certificate.
2. If, after consulting their physician, the employee requests modification of work duties, telework, or a temporary reassignment, every reasonable effort should be made to accommodate the request. The NRC may request a medical certificate to support this request.

VIII. INVOLUNTARY LEAVE, LEAVE ABUSE, AND ABSENCE WITHOUT LEAVE (AWOL)

A. Leave Abuse

1. "Leave abuse" means using leave improperly (for example, calling in sick to enjoy a day of golf) or failing to follow prescribed procedures for requesting and using leave. In instances in which a problem of leave abuse appears to be developing, a supervisor may issue a non-disciplinary letter commonly referred to as a leave requirements letter. The supervisor, after consulting with the OCHCO representative, may provide the employee with the letter explaining—
 - (a) The supervisor's expectations regarding leave usage,
 - (b) Specific information about leave balances and usage that has prompted concern about potential leave abuse,
 - (c) The leave procedures that the employee is required to follow,
 - (d) The period of restriction, and
 - (e) The consequences of not following the procedures in the future.
2. When there is reason to believe that an employee abuses sick leave, a medical certificate may be required for absences of 3 days or less, unless the employee is using FMLA. In these cases, the NRC may not ask for documentation more often than the FMLA regulations allow.
 - (a) These requirements shall continue in effect for 6 months from the date of issuance unless the leave approving official removes the requirements earlier.

- (b) The leave approving official may extend these requirements for an additional 6-month period if the abuse continues.

B. Absence Without Leave (AWOL)

1. AWOL is a non-pay status that covers an absence from duty that is not authorized or approved, including leave that is not approved until required documentation is submitted. FMLA and military leave are normally conditionally granted pending documentation.
2. AWOL may also be charged for brief periods when the employee is not ready, willing, and able to work.
3. If the absence is later approved because the circumstances surrounding it are such that the approving official believes that leave should properly be granted, the charge to AWOL may be changed to a charge to the appropriate leave account.
4. Recording an absence as AWOL is not a disciplinary action. However, AWOL or failure to follow leave procedures may become the basis for initiating a disciplinary action.

C. Involuntary Leave**1. Emergency Situations**

Emergency situations that may constitute an immediate threat to Government property or to the well-being of the employee, fellow workers, or the public sometimes develop before the NRC has had an opportunity to appraise the situation. In these cases, the NRC has the authority to require the employee to be absent from duty. Supervisors should consult with the OCHCO representative before requiring the employee to be absent and for information regarding the appropriate way to charge the absence.

2. Disciplinary Situations

Sometimes it is in the interest of the NRC to have an employee absent from work before a determination to propose a suspension or removal for reasons such as investigation of alleged misconduct. In these cases, placing an employee on leave (annual or sick) or LWOP without their consent may constitute a suspension. Supervisors should consult with the OCHCO representative, as appropriate, before any such action.

3. Non-disciplinary, Nonemergency Situations

When an employee is not “ready, willing, and able to work,” the supervisor may grant appropriate approved leave (such as annual leave, sick leave, or LWOP) at the employee’s request. Alternatively, the supervisor may dismiss the employee from work and charge the employee AWOL. For example, a supervisor might dismiss the employee for the remainder of the workday if the employee appeared to be incapacitated and unable to perform their duties or dismiss an employee long

enough to allow an employee who reported to work without their safety equipment to report back with proper safety equipment. Such situations should typically be for a short duration. Supervisors should consult the OCHCO specialist when dismissing an employee and charging AWOL.

IX. VOLUNTARY LEAVE TRANSFER PROGRAM

The Voluntary Leave Transfer Program (VLTP) allows an employee to donate annual leave directly to another employee who faces financial hardships due to a medical emergency of the employee or family member. General policy and regulations are explained below and, for more information, reference 5 CFR Part 630, Subpart I. Additional information on how to apply to become a leave recipient or donor and the list of current, eligible recipients can be found on OCHCO's Leave Transfer Program internal web page at

<https://usnrc.sharepoint.com/teams/OCHCO-HR-Programs-Services/SitePages/Voluntary-Leave-Transfer-Program.aspx>.

A. Application To Become a Leave Recipient

1. An employee who has been affected by a medical emergency, must submit a written application to become a leave recipient. If an employee is incapable of applying on their own behalf, a personal representative may submit a written application on their behalf. If practicable, the application shall contain the signature of the potential recipient or their personal representative to authorize the application. If one of the above signatures is not obtained, a signed explanation by the supervisor shall be attached to the application.
2. For purposes of the VLTP, a "medical emergency" means a medical condition of an employee or a family member of an employee that is likely to require the employee's absence from duty, without available paid leave for at least 24 consecutive hours (or in the case of a part-time employee or an employee with an uncommon tour of duty, at least 30 percent of the average number of hours in the employee's biweekly scheduled tour of duty). (The NRC will consider a pregnancy, childbirth, or recovery even in a "normal" maternity situation, in the same manner as other incapacitating medical conditions of similar duration.)
 - (a) Available paid leave for purposes of eligibility for VLTP includes an employee's accrued, accumulated, recredited, and restored annual or sick leave. It does not include advanced annual or sick leave, any annual or sick leave in an employee's reserve, or other forms of paid time off (i.e., credit hours, compensatory time off, special compensatory time off for travel, compensatory time off for religious observances).
 - (b) An employee is entitled to a total of 12 weeks of sick leave each leave year for care of a family member with a serious health condition (sick leave used for general family care purposes count towards this total). If an employee is applying to the program for a medical emergency of a family member and they have already exhausted the sick leave entitlement for the year, any remaining sick

leave in the employee's sick leave account is not considered available paid leave.

3. The CHCO or designee, will normally approve, or disapprove with explanation, the applicant's request within 10 business days from the receipt of an adequately documented request.

B. Notice to Donors

Any publicity or promotion of individual needs for leave donations shall be at the request of and authorized by the recipient or their personal representative, with the approval of the recipient's supervisor and the CHCO. This policy extends to the scope of distribution and to the text of any written material distributed, such as a memorandum to a group of potential donors.

C. Potential Donors

1. An employee cannot donate leave to their immediate supervisor.
2. Normally, leave is transferred only among NRC employees. However, leave may be accepted from donors employed by other qualifying Federal agencies when the CHCO determines that—
 - (a) A family member of the leave recipient is employed by another agency and requests the transfer of annual leave to the leave recipient.
 - (b) Donations from NRC employees may be insufficient to meet the needs of the recipient.
 - (c) In the judgment of the CHCO, the donation would further the purpose of the VLTP.

D. Leave Donation Limitations

1. Earned annual leave and restored annual leave may be donated in 15-minute increments (advanced annual leave cannot be donated).
2. In any one leave year, an employee may not donate more than one-half of the total amount of annual leave they are entitled to accrue during the leave year in which the donation is made. For example, an employee who earns annual leave at the maximum rate of 8 hours per pay period may not donate more than 104 hours during the leave year.
3. A donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year (see Section I.F) may donate the lesser of—
 - (a) The amount described in Section IX.D.2 above or
 - (b) The number of hours remaining in the leave year (as of the date of the transfer) for which the donor is scheduled to work and receive pay. For example, an

employee scheduled to work 40 hours before forfeiture of 100 hours of annual leave may only donate 40 hours.

4. In unusual circumstances, OCHCO may waive the limitations on the amount of annual leave an employee may donate in any one leave year. The criteria for waiving these limitations are—
 - (a) The leave donor is a family member of the leave recipient,
 - (b) The leave recipient is projected not to have enough donated leave to cover their periods of unpaid leave after initial agency solicitation, or
 - (c) Other unusual circumstances arise.
5. Before accepting the transfer of annual leave from a donor employed by another agency, OCHCO will verify that the donor's employing agency has approved the donor's request to transfer annual leave to the NRC recipient. Likewise, before approving the transfer of leave from an NRC employee to an employee of another agency, the NRC will determine that the amount of leave to be donated does not exceed the limitation in 5 CFR 630.908.

E. Use of Donated Leave

1. A recipient may use leave donated to their annual leave account only for the purpose of the medical emergency for which the leave recipient was approved. Annual and sick leave that accrues to the account of the recipient shall be used before any donated annual leave. The employee can earn and accumulate a reserve of 40 hours of annual and 40 hours of sick leave (pro-rated for employees who are not full-time) while in the VLTP, for use only after the medical emergency terminates or if the employee has used up all available donated leave (see 5 CFR 630.907 for more detail).
2. Donated annual leave may be substituted retroactively for periods of leave without pay or used to liquidate an indebtedness for advanced annual or sick leave due to the medical emergency for which leave donations are approved.
3. Donated annual leave may not be included in a lump-sum payment for annual leave upon separation or recredited upon reemployment by a Federal agency.

F. Termination of a Personal Emergency

1. The personal emergency affecting a leave recipient shall terminate at the earliest occurrence of one of the following conditions:
 - (a) When the recipient's employment ends;
 - (b) At the end of the pay period in which the employee, or personal representative notifies OCHCO that the leave recipient is no longer affected by the medical emergency;

- (c) At the end of the pay period when NRC determines, after written notice to the employee (or, if appropriate, a personal representative) and an opportunity to answer, orally or in writing, that the employee is no longer affected by the medical emergency; or
 - (d) At the end of the pay period in which OCHCO receives notice that OPM has approved disability retirement for the leave recipient.
- 2. Leave recipients or their supervisors shall promptly advise OCHCO when the medical emergency ends.
- 3. When the medical emergency terminates, no further requests for donations may be made and any unused donated leave will be restored to the leave donors as outlined in 5 CFR 630.911.
- 4. Although the employee may not be affected currently by the medical emergency, the NRC may, at its discretion, deem the emergency to continue solely for the purpose of providing a leave recipient adequate time within which to receive donations of annual leave.

G. Length of Participation

The length of time an employee may participate in the VLTP will be determined during the application process and specified by an end date that's aligned with the length of the medical emergency, as supported by the medical documentation provided. Supervisors should consult OCHCO labor and employee relations specialists, as appropriate.

H. Extension of the Medical Emergency

- 1. If the duration of a medical emergency is anticipated to extend beyond the established end date, and the employee would like to continue participation in the program, the recipient (or representative) must request an extension. The request must be in writing and provide acceptable medical certification of the medical emergency continuing. This certification must be provided in its entirety before the date initially projected as the end of the emergency unless providing the certification prior to the projected termination date is beyond the employee's control.
- 2. Leave donations remaining to the employee's balance beyond the projected termination date of the medical emergency does not permit employees to continue in the program for the sole purpose of exhausting the remaining leave donations.

I. Prohibition of Coercion

Leave donations shall be strictly voluntary. An employee is prohibited from either directly or indirectly intimidating, threatening, or coercing the rights of another employee with respect to donating, receiving, or using annual leave under this program.

X. EMERGENCY LEAVE TRANSFER PROGRAM

The Emergency Leave Transfer Program allows an employee to donate annual leave to an employee who has been adversely affected by a major disaster or emergency, as declared by the President and that results in severe adverse effects for a substantial number of employees. General policy and regulations are explained below and 5 CFR Part 630, Subpart K, should be referenced for detailed regulations.

A. Establishment of an Emergency Leave Transfer Program

When directed by the President, OPM will establish or delegate to an agency the authority to establish an emergency leave transfer program that permits employees to donate annual leave to employees of the NRC or to other Federal agencies (if solicited by OPM). OCHCO will administer the program and will provide specific instructions on how to donate or become a leave recipient.

B. Leave Donation Limitations

1. An emergency leave donor may not contribute less than 1 hour or more than 104 hours of annual leave in a leave year. The NRC has no provisions for a waiver of these limits. An emergency leave donor may not donate annual leave for transfer to a specific emergency leave recipient. Any annual leave donated under this program may not be applied against the limitations on the donation of annual leave under the VLTP.
2. An emergency leave recipient may receive a maximum of 240 hours of donated annual leave at any one time from an emergency leave transfer program for each disaster or emergency. After taking into consideration the amount of donated annual leave available to all approved emergency leave recipients and the needs of individual emergency leave recipients, the NRC may allow an employee to receive additional disbursements of no more than 240 hours at a time based on the employee's continuing need.

C. Use of Donated Leave

1. An approved emergency leave recipient is not required to exhaust their accrued annual or sick leave before receiving donated annual leave under this program. Any donated annual leave received under this program may only be used for purposes related to the disaster or emergency for which the recipient was approved.
2. Donated annual leave may be substituted retroactively for periods of leave without pay or used to liquidate an indebtedness for advanced annual or sick leave due to the emergency for which leave donations are approved.
3. Donated annual leave may not be included in a lump-sum payment for annual leave upon separation, used to establish initial eligibility for immediate retirement or acquire eligibility to continue health benefits into retirement, or recredited to a former employee who is reemployed by a federal agency.

D. Termination of Disaster or Emergency

1. The disaster or emergency affecting a leave recipient shall terminate at the earliest occurrence of one of the following conditions:
 - (a) When the NRC determines that the disaster or emergency has terminated;
 - (b) When the recipient's employment ends;
 - (c) At the end of the pay period in which the employee, or personal representative, notifies OCHCO that the emergency no longer exists;
 - (d) At the end of the pay period in which the recipient's supervisor determines that they are no longer affected by an emergency; or
 - (e) At the end of the pay period in which OCHCO receives notice that OPM has approved disability retirement for the leave recipient.
2. Leave recipients or their supervisors shall promptly advise OCHCO when the disaster or emergency ends.
3. When the disaster or emergency ends, no further leave donations may be made. OCHCO will restore any unused leave donations as outlined in 5 CFR 630.1117.

E. Prohibition of Coercion

Leave donations shall be strictly voluntary. An employee is prohibited from either directly or indirectly intimidating, threatening, or coercing the rights of another employee with respect to donating, receiving, or using annual leave under this program.

XI. GLOSSARY**Accrued leave**

Leave earned during the current leave year that is unused at any given time in that leave year.

Accumulated annual leave

The unused annual leave remaining to the credit of the employee at the beginning of a leave year.

Administrative leave

Paid leave authorized at the discretion of an agency under 5 U.S.C. 6329a (and not authorized under any other provision of statute or Presidential directive) to cover periods within an employee's tour of duty established for leave purposes when the employee is not engaged in activities that qualify as official hours of work, which is provided without loss of or reduction in (1) pay; (2) leave to which an employee is otherwise entitled under law; or (3) credit for time or service.

Administrative leave for investigative purposes

Paid leave that the agency places an employee on for the purpose of conducting an investigation, limited to 10 workdays per calendar year. An employee must exhaust these 10 workdays before the agency can place the employee on investigative leave. See 5 CFR 630.1404.

Contingency Operation

A military operation that (a) is designated by the Secretary of Defense (Secretary of War) as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or (b) results in the call or order to, or retention on, active duty of members of the uniformed services under 10 U.S.C. Chapter 15, "Armed Forces," sections 688, 12301(a), 12302, 12304, 12304a 12305, or 12406; 14 U.S.C., "Coast Guard," section 712, or any other provision of law during a war or during a national emergency declared by the President or Congress.

Emergency employee

An employee who must report for or remain at work in emergency situations. Dismissal or closure announcements do not apply to emergency employees unless they are instructed otherwise.

Intermittent leave

Leave taken in separate blocks of time, rather than for one continuous period of time, and which may include periods of 15 minutes to several weeks.

Investigative leave

Leave in which an employee who is the subject of an investigation is placed, as authorized under [5 U.S.C. 6329b](#) (and not authorized under any other provision of law), and that is provided without loss of or reduction in (1) pay; (2) leave to which an employee is otherwise entitled under law; or (3) credit for time or service. See 5 CFR 630.1502 for the definition of an investigation.

Judicial proceeding

Any action, suit, or other proceeding of a court of law but does not include an administrative proceeding.

Leave year

The period from the beginning of the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

Lump-sum payment

A payment in a single amount of money for the value of any annual leave earned by the employee and remaining to their credit upon separation from the Federal service.

Medical certificate

A written statement signed by a registered practicing physician or other practitioner certifying to an employee's incapacitation, examination, or treatment. See 5 CFR 630.1202 for the definition of a healthcare provider.

Night shift

For purposes of this management directive only, night shift is a regularly scheduled tour of duty any part of which is scheduled between the hours of 6 p.m. and 6 a.m. Note that employees who are on NEWFlex work schedules are not eligible to receive night premium pay for non-overtime work that they voluntarily perform at night (or for time off during these hours) if they have 8 or more work hours available during day hours (i.e., between 6:00 a.m. and 6:00 p.m. of the same day).

Notice leave

Leave in which an employee who is in a notice period is placed, as authorized under [5 U.S.C. 6329b](#) (and not authorized under any other provision of law), and which is provided without loss of or reduction in (1) pay; (2) leave to which an employee is otherwise entitled under law; or (3) credit for time or service.

Serious health condition

An illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider that includes (but is not limited to) examinations to determine if there is a serious health condition and evaluations of such conditions if the examinations or evaluations determine that a serious health condition exists. See 5 CFR 630.1202 for further details.

Summons

An official request, invitation, or call, evidenced by an official writing from the court or authority responsible for the conduct of the proceeding.