

## HOURS OF DUTY AND LEAVE

1. **REASON FOR ISSUE:** To issue Department of Veterans Affairs (VA) procedures regarding hours of duty and leave.
2. **SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook sets forth mandatory procedures previously contained in numerous other issuances. The pages in this handbook replace the corresponding page numbers in VA Handbook 5011. Revised text is contained in [brackets]. These changes will be incorporated into the electronic version of VA Handbook 5011 that is maintained on the [Office of Human Resources Management Website](#). Changes include:
  - a. Establishes the Weather and Safety Leave guidance under Weather and Emergency Situations.
  - b. Clarifies individuals appointed to positions listed in 38 U.S.C. § 7421(b) are considered covered employees for the purpose of disabled Veteran leave.
  - c. Unless a telework-ready (ad hoc) employee is on approved leave, they are required to perform telework when the Federal Government is closed due to weather or an emergency situation.
3. **RESPONSIBLE OFFICE:** Worklife and Benefits Service (058), Office of the Deputy Assistant Secretary for Human Resources.
4. **RELATED DIRECTIVE:** VA Directive 5011, Hours of Duty and Leave.
5. **RESCISSIONS:** None.

**CERTIFIED BY:**

**BY DIRECTION OF THE SECRETARY OF  
VETERANS AFFAIRS:**

/s/  
Melissa S. Glynn, Ph.D.  
Assistant Secretary for  
Enterprise Integration

/s/  
Daniel R. Sitterly  
Assistant Secretary for Human  
Resources and Administration/Operations,  
Security, and Preparedness

**DISTRIBUTION:** Electronic only

**HOURS OF DUTY AND LEAVE**

**PART III. LEAVE**

**CONTENTS**

**PARAGRAPH**

**PAGE**

**CHAPTER 1. GENERAL**

- 1. AUTHORITY..... III-1
- 2. RESPONSIBILITIES..... III-1

**CHAPTER 2. TITLE 5 LEAVE AND ABSENCE**

- 1. SCOPE..... III-5
- 2. LEAVE ACCRUALS AND LEAVE CHARGES..... III-5
- 3. ANNUAL LEAVE..... III-7c
- 4. SICK LEAVE..... III-9
- 5. ABSENCE FOR MATERNITY OR PATERNITY REASONS..... III-14
- 6. LEAVE IN CONNECTION WITH RETIREMENT..... III-16
- 7. LEAVE FOR FIELD FACILITY HEADS..... III-16
- 8. LEAVE IN CONNECTION WITH TRAVEL..... III-17
- 9. MILITARY LEAVE..... III-17
- 10. COURT LEAVE..... III-18
- 11. LEAVE FOR OFFICE OF WORKERS' COMPENSATION PROGRAM..... III-21
- 12. AUTHORIZED ABSENCES..... III-21
- 13. LEAVE WITHOUT PAY (LWOP)..... III-32
- 14. LEAVE WITHOUT PAY FOR FAMILY SUPPORT PURPOSES..... III-33
- 15. ABSENCE WITHOUT LEAVE (AWOL)..... III-33a
- 16. ABSENCE OF DISABLED VETERANS..... III-34
- 17. HOME LEAVE..... III-34
- 18. FAMILY AND MEDICAL LEAVE..... III-35
- 19. BONE MARROW AND ORGAN DONOR LEAVE..... III-35
- 20. VOLUNTARY LEAVE TRANSFER PROGRAM..... III-35
- 21. DISABLED VETERAN LEAVE..... III-46a

**CHAPTER 3. TITLE 38 LEAVE PROGRAM**

- 1. COVERAGE..... III-47
- 2. POLICY..... III-47
- 3. GENERAL..... III-47
- 4. ANNUAL LEAVE..... III-48

## CONTENTS

PARAGRAPH	PAGE
<b>CHAPTER 3. TITLE 38 LEAVE PROGRAM - Continued</b>	
5. <u>SICK LEAVE</u> .....	III-51
6. <u>ACCRUALS OF ANNUAL AND SICK LEAVE</u> .....	III-56
7. <u>OTHER LEAVE</u> .....	III-60
8. <u>RELIGIOUS, STATE AND LOCAL HOLIDAYS</u> .....	III-61
9. <u>AUTHORIZED ABSENCE</u> .....	III-61
10. <u>LEAVE WITHOUT PAY (LWOP)</u> .....	III-65
11. <u>LEAVE WITHOUT PAY FOR FAMILY SUPPORT PURPOSES</u> .....	III-67
12. <u>UNAUTHORIZED ABSENCE</u> .....	III-68
13. <u>DISPOSITION OF LEAVE ON TRANSFER, SEPARATION, OR RETIREMENT</u> .....	III-68
14. <u>DUTY AND LEAVE FOR RESIDENTS</u> .....	III-71
<b>APPENDICES</b>	
III-A. <u>SAMPLE SICK LEAVE QUESTIONS AND ANSWERS</u> .....	III-A-1
III-B. <u>SAMPLE MEMORANDUM TO ALL EMPLOYEES—VOLUNTARY LEAVE TRANSFER PROGRAM</u> .....	III-B-1
III-C. <u>SAMPLE APPLICATION MEMORANDUM—VOLUNTARY LEAVE TRANSFER PROGRAM</u> .....	III-C-1
III-D. <u>SAMPLE MEMORANDUM TO APPROVED LEAVE RECIPIENT-- VOLUNTARY LEAVE TRANSFER PROGRAM</u> .....	III-D-1
III-E. <u>SAMPLE MEMORANDUM OF DISAPPROVAL AS LEAVE RECIPIENT-- VOLUNTARY LEAVE TRANSFER PROGRAM</u> .....	III-E-1
III-F. <u>SAMPLE MEMORANDUM FOR RESTORATION OF LEAVE-- VOLUNTARY LEAVE TRANSFER PROGRAM</u> .....	III-F-1
III-G. <u>SAMPLE ANNUAL LEAVE ACCRUAL RATE TABLE WITH EXAMPLES</u> .....	III-G-1
III-H. <u>SAMPLE VA FORM 0869 FOR VERIFICATION OF CREDITABLE SERVICE FOR ... PRIOR WORK EXPERIENCE OR ACTIVE DUTY UNIFORMED MILITARY SERVICE</u> .....	III-H-1

**u. Weather and Emergency Situations**

**(1) Definition[s].**

- (a) **Emergency situation** may be caused by heavy snow, severe icing, flooding, earthquakes, hurricanes, massive power failures, fuel shortages, major fires, strikes, public transportation crises, riots, mass demonstrations, etc. [if an employee or group of employees is prevented from safely traveling to or safely performing work at an approved location because of the emergency.] The emergency must be general rather than personal in scope and impact. It should be severe enough to prevent [an employee from safely traveling to, or performing work at an approved location,] or may necessitate the closing of Federal facilities in whole or in part. Usually, an emergency of this type will be the subject of a public declaration of emergency by appropriate Governmental authority.[ ]
- [(b) **Weather and Safety Leave.** Authorized paid leave provided under the authority of 5 U.S.C. § 6329c. Weather and safety leave may be granted at the leave approving official's discretion, but subject to statutory and regulatory requirements, agency policies, and lawful collective bargaining agreements, only when the agency determines that an employee or group of employees are prevented from safely traveling to, or performing work at, an approved work location due to:
- i. An act of God;
  - ii. A terrorist attack; or
  - iii. Another condition that prevents an employee or group of employees from safely traveling to, or safely performing work at, an approved work location.
- (c) **Approved Work Location(s).** The worksite(s) where the employee regularly performs his or her duties. For an employee participating in a telework program, this definition includes the employee's official duty station and approved alternative worksite(s), as listed on their telework agreement (VA Form 0740).
- (d) **Telework-Ready Employee.** An employee who is both eligible to telework and has an approved written telework agreement in place. A telework-ready employee may be on a regular telework agreement or a situational (ad hoc) agreement. All employees on a situational (ad hoc) telework agreement are considered to be continuously participating in a telework program, even if there are extended periods during which the employee does not perform telework. Unless a telework-ready employee is on approved leave, he or she is required to perform telework when the Federal Government is closed when the Federal Government is closed for weather and emergency situations as defined in this policy.]

- (2) **Employees Providing "Critical" Services.** There are certain critical VA operations which cannot be curtailed even though it may be generally necessary to excuse employees for all or part of a day. [For the purposes of this subpart, employees providing critical services may also be referred to as "emergency employees."]

Weather and safety leave will generally not apply to employees who provide critical services because of the need to ensure continuity of essential VA operations. However, in a rare instance, where certain employees who provide critical services make every reasonable effort to get to work and are unable to do so, the facility Director may approve weather and safety leave as provided in subparagraph (9)(a) below.]

- (a) **VA Medical Centers, Domiciliaries, and Outpatient Clinics.** All employees of these facilities are deemed to be providing critical services. Incumbents of these positions are required to be at work regardless of emergency situations or any general dismissal authorization.
  - (b) **Other VA Facilities.** Heads of other types of VA facilities should identify positions that are also deemed to be providing a critical service. Except for office closings, incumbents of these critical positions are also required to be at work regardless of emergency situations or any general dismissal authorization. Employees so designated should be made aware, preferably in writing, of the special requirements placed on them for reporting to, or remaining at, their work-sites in emergency situations.
  - (c) **Identification.** It may be necessary to provide employees of critical positions with some identification that would enable them to commute at times when only emergency travel is allowed on the highways.
- (3) **Absences Due to Emergency Situations.** [When] it is determined that an employee in a non-critical position [cannot safely travel to, or perform work at, an approved location due to severe weather or other emergency situations, weather and safety leave] may be authorized. [Weather and safety leave is typically not applicable to employees who participate in a telework program. However, at the sole discretion of the leave approving official, weather and safety leave (not to exceed one workday) may be appropriately extended, to a telework employee to cover the unusual situation where an employee is unprepared to telework because the event could not be reasonably anticipated (e.g., the regular worksite is rendered unsafe following a fire, flood, or earthquake) and the employee does not have equipment or materials to perform productive work at the alternate worksite, or when the employee is prevented from safely working at the approved telework site due to circumstances arising from one or more of the conditions related to the emergency (e.g. loss of power). Weather and safety leave may be approved without time limitation, however leave approval beyond one workday must be granted by the appropriate higher level authority in accordance with subparagraph 9 below. In the case of an emergency of indefinite duration, VA facilities should consider other more appropriate options, as specified in subparagraph 10 of this part.]
- (4) **Early Dismissals**
- (a) When [an] early dismissal is authorized [based on an employee's or a group of employees' inability to safely remain at an approved work location, weather and safety leave] may be granted to employees who are in duty status. [ ]

- (b) [For this purpose, employees are considered to be in duty status if they are:]
- i. Actually on duty at time of dismissal; [or]
  - ii. Excused from duty (or on approved leave) [for a portion of the business day] at the time of dismissal [and were expected] to return to duty before the close of the business day.
- [(c) Employees who are not in a duty status as described above when notification of dismissal occurs after opening hours will be charged appropriate leave for the entire period of absence.
- (d) Non-critical employees who do not participate in a telework program should be granted weather and safety leave from the time of the early dismissal to the end of the scheduled tour of duty for that day.
- (e) Weather and safety leave authorized to non-critical employees who participate in a telework program will be limited to the amount of time required to commute to the approved alternate worksite (home). Once these employees arrive at the alternate worksite (home), they must complete any remaining portion of the workday by teleworking, taking unscheduled leave, or a combination of both. All employees should keep their supervisors apprised of changes in their work status in the event of an early departure and managers should be mindful that employees' commuting times may vary due to adverse conditions affecting roadways, bridges, and mass transit systems.
- (f) Employees who were already performing telework when an early dismissal is announced must continue to telework or take unscheduled leave or other paid time off, or a combination of both, for the remainder of their scheduled tour of duty.

#### (5) **Late Arrival**

- (a) Weather and safety leave may be granted when an employee's arrival at an approved work location is delayed because of an employee's or group of employees' inability to safely travel to or perform work due to severe weather or other emergency situation. Employees are granted weather and safety leave for the number of hours between the regularly scheduled reporting time and the final reporting time authorized in the late arrival notification, except that the amount of such leave is reduced if the employee arrives at work prior to the final reporting time.
- i. In the event a delayed opening is authorized for a VA facility, requests for unscheduled leave or other paid time off will be charged to the appropriate type of leave or other paid time off for the employee's entire workday.
  - ii. Employees may not receive weather and safety leave for hours during which they are on preapproved leave or other paid time off, such as credit hours, compensatory time off, and time off award hours.

iii. Non-critical employees who participate in a telework program and elect to perform unscheduled telework when a delayed opening is authorized will not receive weather and safety leave for the delayed arrival period. However, if such an employee chooses to report to the regular worksite (i.e. official duty station), the employee should be granted weather and safety leave subject to the same criteria for granting leave to other non-critical employees mentioned in subparagraph (5)(a) above.

iv. Under a delayed opening authorized by the Office of Personnel Management (OPM) or issued by the agency, all non-critical employees must notify their supervisor of their intent to use unscheduled leave, unscheduled telework (if telework-ready), or a combination of both within two hours of the employee's regularly scheduled reporting time.

#### (6) Office Closure

(a) In the event of an office closure, employees may be granted weather and safety leave for the number of hours in their scheduled tour of duty unless one of the following applies:

i. The employee is designated as providing critical services and is required to report for duty.

ii. The employee is participating in a telework program (telework-ready) and is able to safely perform work at an approved location.

iii. The employee is on pre-approved leave (paid or unpaid) or other time off, or the day of closure is a scheduled nonworkday.

iv. The employee is on official travel outside of the duty station.

(b) Under a closure authorized by OPM or issued by the agency, all non-critical employees are required to notify their supervisor of their intent to telework, request unscheduled leave, or a combination of both, for the entire workday within two hours of their regularly scheduled reporting time.]

**([7]) Coordinated Group Actions.** Except for VA employees providing critical services, where there are two or more Federal installations in the community, there should be a coordinated effort in group dismissals or in excusing groups of employees from reporting. In this regard, facility directors are advised to coordinate actions with other local VA installations, Federal Executive Boards and other Federal agencies. Where it appears that consistent action cannot be obtained locally, facilities should seek advice and coordination through appropriate Departmental channels.

**([8]) Remote Employees.** An employee whose home is considered the employee's official duty station (i.e. a 100 percent telework employee) will generally not be

granted weather and safety leave unless the employee is unable to safely perform work at their official duty station due to the conditions described in (u)(1)(a) (ex: employee is unable to safely perform telework due loss of power as a result of a hurricane).]

**([9]) Authority for Excusing Employees From Duty [for Weather and Safety Leave]**

**(a) Field Facilities**

- i. [Leave approving officials are authorized to approve weather and safety leave for weather and emergency situations, not to exceed one workday.
- ii. Field facility heads are authorized to approve weather and safety leave for weather and emergency situations when the absence exceeds one workday, not to exceed seven consecutive workdays.
- iii. The appropriate Under Secretary, Assistant Secretary, Other Key Officials, or their designee must approve any weather and safety leave for field facility employees in excess of seven consecutive workdays.]

**(b) VA Central Office (VACO)**

- i. [Leave approving officials are authorized to approve weather and safety leave] for weather and emergency situations, not to exceed one workday.
- ii. [The appropriate Deputy Assistant Secretary (or equivalent), or their designee, is authorized to approve weather and safety leave for weather and emergency situations when the absence exceeds one workday, not to exceed seven consecutive workdays.
- iii. The Under Secretary for each Administration, Assistant Secretaries of Staff Offices, and Other Key Officials for equivalent organizations such as the Office of General Counsel, Veterans Experience Office, etc. may approve weather and safety leave in excess of seven consecutive workdays].

**([10]) Emergencies of Indefinite Duration.** Where it is necessary to close operations for some prolonged or regularly recurring period (such as during a fuel crisis), the use of [weather and safety leave] is inappropriate. Other options, which should be considered, are as follows:



- (a) **Maximum Use of Details or Temporary Relocation.** Every effort should be made to keep employees at work at affected facilities. Therefore, employees could possibly be detailed or relocated for useful work to facilities where operations have not been curtailed.
- (b) **Extended Work Day and Use of Compensatory Time.** Employees may be granted compensatory time off where overtime worked is either irregular or occasional in nature. Under these emergency circumstances discussed herein, employees could be offered the opportunity to work two additional hours on each of four days with the overtime to be taken as compensatory time off on the fifth day within the same workweek.

**NOTE:** VA policy on compensatory time for General Schedule (GS) and Federal Wage System (FWS) employees can be found in part II, chapter 3, paragraph 5 of this handbook.

- (c) **Use of Annual Leave.** General Schedule employees who do not wish to work overtime hours for compensatory time and Federal Wage System employees may use any annual leave which is available to them. While the taking of annual leave can be at the request of any employee, agencies have the authority to place employees with sufficient annual leave to their credit (including any annual leave that will accrue to the employees during the year) on annual leave at times considered appropriate by management. In exercising the authority to place employees on annual leave, agencies must comply with the provisions in negotiated agreements.
- (d) **Use of Leave Without Pay.** In the absence of earned leave that will accrue during the year, or if an employee prefers not to use accumulated leave, an employee can be placed on leave without pay, but only at the employee's request.
- (e) **Furlough.** Furlough, while not precluded, should generally be used only as a last resort.

[(11) **Reporting Requirements.** VA Facilities must record weather and safety leave separately from other forms of administrative leave, as required under 5 CFR 630.1607.]

- v. **State or Local Holidays.** If an office is closed on a State or local holiday because it is determined that Federal work may not be properly performed, as provided in part II, chapter 3 of this handbook, absence on such day is not chargeable to leave for any employee of the office. This is so even if such absence occurs within a period of approved leave, or at the beginning or end of approved leave. Such approved time off is considered authorized absence [holiday excused] without charge to leave.

- w. Parades, Ceremonies and Civic Activities.** Employees may be excused Official Duty Status to attend officially authorized parades and ceremonies, or civic activities consistent with the prevailing practice among all Federal agencies in the local area. Employees in a leave status immediately prior to or following such a period will be charged leave for the entire period.
- x. Federal Wage System Operations.** All members of local wage survey committees, while performing committee duties, and all data collectors, while performing duties connected with the data collection function, are to be considered on official assignment to the interagency function, not on leave.

e. **Disabled Veteran Leave [for Healthcare Professionals in VHA].** [Individuals appointed to positions listed in 38 U.S.C. § 7421(b) are considered covered employees for the purpose of disabled Veteran leave.] The Office of Personnel Management regulations published in 5 CFR 630.1301-1307 will be used to implement the statutory requirements for administering disabled Veteran leave entitlements for [employees appointed under 38 U.S.C., chapter 73, and 38 U.S.C. § 7401(1).]

- (1) Upon receipt of the certifying documentation under 5 CFR 630.1304, full-time and part-time physicians, dentists, podiatrists, chiropractors, optometrists, nurses, nurse anesthetists, physician assistants (PAs), and expanded-function dental auxiliaries (EFDAs), appointed under authority of 38 U.S.C., chapter 73 and 38 U.S.C. § 7401(1) must be granted disabled Veteran leave.
- (2) Full-time physicians, dentists, podiatrists, chiropractors, and optometrists appointed under 38 U.S.C. § 7401(1) leave is credited and used by the day, therefore the 104 hours of disabled Veteran leave is intended to provide the equivalent of 13 days of leave. The requirement to convert the hours of disabled Veteran leave to days is accomplished by using an 8-hour divisor for these title 38 employees (i.e., 104 hours divided by 8 = 13 days).
- (3) Full-time nurses, nurse anesthetists, PAs, and EFDAs must be granted up to 104 hours of disabled Veteran leave.
- (4) For part-time employees, the 104-hour disabled Veteran leave entitlement must be prorated based on the number of hours in the part-time schedule (e.g., 52 hours for half-time schedule).

**NOTE:** The OPM Pay and Leave office guidance on The Application of the Disabled Veteran Leave Provision to title 38 Employees for Whom Leave is Charged on a Daily Basis, November 2, 2016, documents the position of OPM regarding the policy of applying disabled Veteran leave to title 38 employees who are under a leave system in which leave is charged on a daily basis—i.e., full-time physicians, dentists, podiatrists, chiropractors, and optometrists.

## 8. RELIGIOUS, STATE AND LOCAL HOLIDAYS

- a. **Religious Holidays.** While there is no official observance of religious holidays, except those which may also be national holidays, it is the policy of VA to permit, when practicable, absence from work for those employees who desire to observe religious holidays. Employees may, under provisions of Public Law 95-390, and applicable regulations, elect to work compensatory overtime for the purpose of taking