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NASA Procedural Requirements

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COMPLIANCE IS MANDATORY

Attendance and Leave

Responsible Office: Office of Human Capital Management

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CHANGE LOG**NPR 3600.1A Attendance and Leave**

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Date	Description
10/17/2006	Section 3.10.á The word "abstinence" was changed to "absence."

Preface

P.1. Purpose

NASA strives to foster a culture that is responsive to the needs of its workforce and an environment which is free of unlawful discrimination and encourages the highest employee productivity toward the accomplishment of the Agency's mission. This NPR establishes the responsibilities, procedures, and guidelines for determining hours of duty, the administration of absence and leave, and a voluntary leave transfer program in accordance with applicable laws and regulations. It provides Agency direction, which should be used in conjunction with the referenced statutory and regulatory requirements. Center Human Resources Offices should be consulted for further information and guidance.

P.2. Applicability

This NPR is applicable to NASA Headquarters, NASA Centers (including Component Facilities) and the NASA Shared Services Center. Unless otherwise indicated, use of the word Center(s) in the text of this NPR includes NASA Headquarters and the NASA Shared Services Center. Any reference to Center Director(s) includes the Assistant Administrator for Infrastructure and Administration and the Executive Director, NASA Shared Services Center. Hours of duty provisions of this NPR do not apply to members of the Senior Executive Service.

P.3. Authority

- a. 5 U.S.C. §6101 et. Seq., Hours of Work.
- b. 5 U.S.C. §6301 et. Seq., Leave.
- c. 5 U.S.C. §6322, Leave for jury or witness service; official duty status for certain witness service.
- d. 5 U.S.C., §6323, Military Leave; Reserves and National Guardsmen.
- e. 5 U.S.C., §9812, NASA Flexibility Act of 2004.
- f. 5 CFR Part 610, Hours of Duty.
- g. 5 CFR Part 630, Absence and Leave.
- h. Federal Workforce Flexibility Act of 2004 (P.L. 108-411, October 30, 2004).

P.4. References

- a. NPD 3000.1, Management of Human Resources.
- b. NPD 1440.6, NASA Records Management.
- c. NPR 1441.1, NASA Records Retention Schedule.

P.5. Cancellation

NPR 3600.1, Attendance and Leave.

/s/

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Acting Associate Administrator for
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CHAPTER 1. Responsibility

1.1 Center Directors

Center Directors shall be responsible for establishing the following for their respective Centers:

- a. Basic workweeks (no redelegation is authorized except by virtue of succession).
- b. Regularly scheduled administrative workweeks.
- c. Irregular and special tours of duty.
- d. Procedures for planning, scheduling, and rescheduling annual leave, including leave in separate leave accounts. Such procedures will include a method of managerial review of actions taken to ensure adherence to procedures and to avoid unbalanced situations in which employees approach the end of the leave year with significant amounts of leave that must be used or forfeited. These procedures must be communicated to all employees.
- e. Procedures for Center Chief Financial Officer (CFO) Personnel or Human Resources Personnel to provide: (a) data entry and system operation for the NASA Time and Attendance system to update leave transactions, and (b) for forwarding leave data to the Liaison Payroll Office for transmission to the Department of the Interior (DOI) Federal Personnel and Payroll System.

1.2 Chief Financial Officer

The Office of the CFO, NASA Headquarters, shall be responsible to ensure the arrangements for cross-servicing payroll through the DOI: (a) include adequate procedures and processes to permit accurate record keeping for administering separate leave accounts, and (b) provide audit verification of DOI's handling of leave record keeping.

CHAPTER 2. Hours of Duty

2.1 Reference

5 CFR Part 610.

2.2 Establishment of Workweeks

2.2.1 Administrative Workweek. NASA's administrative workweek begins at 12:01 a.m. Sunday and ends at 12 midnight the following Saturday. Each pay period consists of two administrative workweeks.

2.2.2 Basic Workweek

2.2.2.1 Except when an authorized official establishes a different workweek, the basic workweek for full-time employees is fixed at 40 hours, which covers five days, Monday through Friday, eight hours each day. The hours of duty (beginning and ending times) within the basic workweek(s) will be established by each Center. The basic workweek(s) for each Center, including the hours of duty, calendar days, and the number of hours of employment for each calendar day in the workweek, will be published and communicated to employees.

2.2.3 Regularly Scheduled Administrative Workweek

2.2.3.1 The regularly scheduled administrative workweek can be one of the following:

- a. The same as the basic workweek for full-time employees who do not have regularly scheduled overtime.
- c. The officially prescribed days and hours part-time employees are required to be on duty regularly.

2.2.3.2 For each group of full-time employees, Centers must establish, in writing, the regularly scheduled administrative workweek, which consists of the 40-hour basic workweek and the periods of overtime work, if any, regularly required. Centers must specify, by calendar days and number of hours a day, those periods included in the regularly scheduled administrative workweek that do not constitute a part of the basic workweek.

2.2.3.3. Standby Time -- When standby duty (see 5 CFR Part 610, Subpart A) covers a period of 24 consecutive hours, except in cases of emergencies, eight of the 24 hours will be allowed for sleeping and eating, and these eight hours are not hours of work.

2.3 Establishment of Work Schedules

2.3.1 General Rule

2.3.1.1 Work schedule, regularly scheduled administrative workweek, and "basic workweek" are the same for full-time employees who do not have regularly scheduled overtime. Example: 8 a.m. to 4:30 p.m., including .5 hour for lunch, Monday through Friday.

2.3.1.2. In order to control "split shifts," Centers may not establish a daily tour of duty with a break of more than one hour. For example, a shift from 8 a.m. to noon and 4 p.m. to 8 p.m. may not be

established.

2.3.2. Alternate Work Schedules. Centers are authorized to establish compressed and flexible work schedules in accordance with the provisions of 5 U.S.C. Chapter 61, Subchapter II.

2.3.3. Variations for Educational Purposes. Centers shall maintain central records of special tours authorized for educational purposes. Records shall include the name and position classification of the employee, the type of training (e.g., course title), and the duration of the tour.

2.3.4. Variations for Personal Reasons. Variations in an employee's work schedule may be authorized for personal reasons provided all of the following criteria apply:

- a. Rearrangement of the employee's tour will not appreciably interfere with accomplishment of the work to be performed.
- b. Additional costs to the Government will not be incurred.
- c. The employee will not be paid premium pay solely because of the tour.

2.3.5. Notification. Employees will be advised of any change to their work schedule at least three days before the beginning of the administrative workweek when the change is to be effective. Exceptions to this requirement may be made when the hours of work cannot be determined in advance due to the nature of the employee's duties. Center CFOs or designees will be notified in writing of an employee's established tour of duty or of any authorized changes to the tour.

2.4 Special Considerations in Establishing Work Schedules

Although state and local labor laws are not binding upon Federal agencies, Centers shall comply with these laws to the fullest extent practicable with regard to the hours of employment of minors.

2.5 Holidays for Part-Time Employees

See Chapter 3, paragraph 3.6.4.

2.6 Significant Change in Hours of Duty

2.6.1 A significant change is one that is expected to impact the following:

- a. A large number of NASA Center employees and/or employees of other agencies or centers.
- b. The work of other agencies or centers.
- c. Communications between NASA Centers.
- d. Contractors.
- e. Dealings with the public.

2.6.2 The Center Director shall notify the Assistant Administrator for Human Capital Management, in advance, when one of the following occurs:

- a. A significant change in hours of duty is planned.
- b. The Center, or a major portion of the Center, is to be closed for a brief period.

c. Groups of employees (e.g., generally 50 or more) are to be excused without charge to leave or loss of pay.

d. An exception to providing advance notification is reasonable when emergency or severe inclement weather conditions would preclude doing so. However, notice is to be provided at the earliest time possible.

CHAPTER 3. Administration of Absence and Leave

3.1 Annual Leave

3.1.1 Reference

5 CFR Part 630, Subparts A through C.

3.1.2 Crediting Annual Leave. Leave credited to employees will be available for use during the leave year, as follows:

3.1.2.1 Temporary employees will be credited with annual leave as it is earned.

3.1.2.2 Employees whose current employment is limited to less than 90 days are entitled to annual leave only after being currently employed for a continuous period of 90 days under successive appointments without a break in service.

3.1.2.3 All other employees will be credited at the beginning of the leave year or their tour of duty with the amount of annual leave accumulated and with the amount they are expected to accrue during the balance of the leave year.

3.1.2.4 Uncommon tours of duty are as follows:

a. Employees who work 24-hour shifts, or other uncommon tours of duty, will have their leave earnings and charges adjusted by the ratio of their workweek to the regular 40-hour workweek. For example, employees on a 72-hour workweek will accrue leave according to the following schedule:

Years of Service	Annual Leave		Sick Leave
	First 25 Pay Periods	Last Pay Period	Per Pay Period
Up to 3	7	12	7
3 to 15	11	13	7
15 and over	14	4	7

Leave used will be charged based on the same proportion as earned (e.g., an employee working a 72-hour tour will be charged 72 hours for a week's absence).

b. When the employee converts to a different basic workweek, the leave balance will be converted based on the proportion of hours in the new workweek compared to the base hours in the former workweek. Conversion formulas for a 72-hour workweek are established as follows:

(1) When change is from a 40-hour workweek to a 72-hour workweek, NUMBER OF HOURS IN LEAVE BALANCE X 72/40 = NEW LEAVE BALANCE.

(2) When change is from a 72-hour workweek to a 40-hour workweek, NUMBER OF HOURS IN LEAVE BALANCE X 40/72 = NEW LEAVE BALANCE.

c. Other approved uncommon tours of duty will have leave earnings and charges adjusted consistent

with the formula outlined above.

d. Leave will be approved/charged in increments of .25 hour.

3.1.3 Scheduling Annual Leave

3.1.3.1 Annual leave is considered to be scheduled when it has been requested by the employee and the request has been approved by the supervisor.

3.1.3.2 Employees are responsible for requesting, scheduling, and using annual leave. If an employee does not request leave, or does not use leave that was approved, any resulting forfeiture will be considered to be by the employee's choice. The following is required for requests for annual leave:

a. Be requested in advance, except in unforeseen circumstances, to allow for the careful scheduling of leave and the efficient conduct of work by all employees in the work unit.

b. Be requested as promptly as is reasonable in the case of an unscheduled absence.

3.1.3.3 Supervisors will attempt to ensure the scheduling of leave, including that which an employee otherwise might forfeit, by assisting employees in planning the use of annual leave on a year-round basis.

a. Requests for annual leave shall be approved if it is reasonable in consideration of work and human resources requirements, including consideration of other employees' leave plans and schedules. Leave credited to a probationary (or trial period) employee, that is in advance of the amount earned, will be approved judiciously.

b. When a request for annual leave is denied or approved leave is canceled, an alternative period of time should be scheduled immediately.

3.2 Use or Lose Leave

3.2.1. A timely request to take Use or Lose leave will be approved if forfeiture is the only alternative unless the Center Director has determined that there is an exigency of the public business that precludes excusing the employee from duty.

3.2.2. Denial of Use or Lose leave due to an exigency of the public business must be made in writing and will include consideration of such factors as cost, productivity, schedules, safety, health, effect of postponement, and whether other employees, who would not forfeit annual leave, could be assigned to do the work.

3.2.3. Use or Lose leave will be restored for the following reasons:

a. It was forfeited due to an exigency of the public business, documented as described in paragraph 3.2.2, and provided that such leave was requested and approved or denied in writing within the time constraints specified by regulation.

b. Sickness (or injury or any other medical condition for which paid sick leave would be approved) causes the forfeiture of annual leave at the end of a leave year, provided the following conditions are met:

(1) The annual leave was requested and approved or denied in writing within the time constraints specified by regulation (i.e., before the start of the third pay period prior to the end of the leave year (5 CFR Part 630.308)).

(2) The sick leave was substantiated properly using the same criteria for sickness at any other time.

(3) The employee was unable to use the annual leave after the sickness but before the end of the leave year. If an exigency of the public business prevented the subsequent use of the annual leave, the procedure for denial of leave, as stated in paragraph 3.2.2, must have been followed.

3.2.3.1. An administrative error caused the forfeiture of the leave. An administrative error includes the commission or omission of an action that is in violation of law, regulations, or nondiscretionary Agency policy and includes failure to put into effect a decision that has been made properly. When annual leave is restored due to an administrative error, the reasons for the error and corrective actions, if any, that should be taken to prevent a recurrence, must be identified. The record must substantiate the amount of annual leave to be restored. If official records are not available, an estimate of the employee's leave account is acceptable when accompanied by official statements reflecting clearly the factors that form the basis for the estimate.

3.2.3.2. Documentation for the restoration of Use or Lose leave will include the following:

- a. Management's approval of the restoration of the leave.
- b. The date the leave was restored for use.
- c. The amount of leave restored.
- d. The specific schedule for use of the leave in the account; e.g., the time period during which the leave must be used in accordance with applicable laws and regulations. At a minimum, the schedule should identify the number of hours to be taken per month during the period of availability of the leave.
- e. The usage and balance.

3.3 Sick Leave

3.3.1 Crediting and Granting Sick Leave

3.3.1.1 All employees otherwise eligible to accrue leave as defined in 5 CFR 630.401, including temporary employees, will be credited with sick leave, which then becomes available for use at the beginning of each pay period during which it will be earned.

3.3.1.2 Employees who work 24-hour shifts or other uncommon tours of duty will have their sick leave earnings and charges adjusted in accordance with paragraph 3.1.2.3.

3.3.2 **Notification of Absence**. An employee who is absent due to sickness will notify his or her supervisor or other appropriate person as early as practicable on the first day of such absence, or as soon as possible thereafter.

3.3.3 **Supporting Evidence**. Notification of a requirement to provide additional supporting evidence beyond the employee's own certification should be given to the employee in advance.

3.3.4 **Advance of Sick Leave**. A proper request for an advance of sick leave will be approved without regard to the amount of annual leave an employee may have. This advance of sick leave may be used only for the illness or injury identified and for the time period approved.

3.3.5 Leave will be granted in increments of .25 hour.

3.4 Leave for Family Responsibilities

3.4.1. In accordance with applicable laws and regulations, annual leave, sick leave, and/or leave without pay may be approved for various types of family responsibilities.

3.4.2. Approval of leave to care for children or attend to other family responsibilities will be equally flexible for male and female employees. Special effort should be made to accommodate requests for leave on compassionate grounds, depending upon the urgency of the employees' circumstances and as long as the absence does not interfere with mission accomplishment.

3.4.3. Leave requested by eligible employees under provisions of 5 U.S.C., Chapter 63, Subchapter V (Family and Medical Leave), must be granted as an entitlement, without regard to any other leave usage by the employee for the same or other circumstances.

3.5 Military Leave

3.5.1 An eligible employee will be granted any military leave available whenever ordered to active duty. Military leave will be charged on an hourly basis. The minimum charge to military leave is one hour. Military leave will be charged only for the hours the employee would have worked and received pay.

3.5.1.1 Fifteen Days Military Leave Entitlement. This time is provided for employees per fiscal year for active duty, active duty training, and inactive duty training. Employees can carry over a maximum of 15 days into the next fiscal year. When employees use their 15 days (or 30 days if they have a carryover), they earn their full military pay in addition to the civilian pay that they earn while in a military leave status.

3.5.1.2 Twenty-two Days Military Leave Entitlement. P.L. 108-136, amended 5 U.S.C. 6323(b) and provides expanded application of this military entitlement for those employees who perform full-time military services as a result of a call or order to active duty in support of a contingency operation, to 22 days of military leave each calendar year. This time is in addition to the 15 days entitlement. There are two conditions under which employees are entitled to the additional 22 days:

- a. Reservists or National Guard members who perform military duty in support of civil authorities in the protection of life and property.
- b. Employees who perform full-time military service as a result of a call or order to active duty in support of a contingency operation.

Any military pay received by an individual in a military leave status under 5 U.S.C. 6323(b) must be credited against any Federal civilian pay the employee receives during these 22 days of military leave. The employee is entitled only to that part of his or her civilian pay that exceeds the amount of military pay received during that period.

3.5.2 If an employee is not entitled to, does not request, or has exhausted his or her military leave, the employee will be granted annual leave or leave without pay (LWOP), as requested, for performance of active or inactive duty, except in those cases in which the Agency chooses the option of furloughing the employee.

3.5.3 Requests for military leave must be supported by a copy of the military orders. The employee will submit a certification by the appropriate military officer as evidence that the active duty was performed in accordance with Center process. When the certification is not submitted, the absence will be charged either to annual leave or LWOP when annual leave is not available.

3.6 Court Leave

3.6.1 Excused Absence from Jury Duty. Only in exceptional situations in which the public interest would be served better by the employee being at their job (e.g., where the services of the employee are absolutely necessary), will a NASA Center request release of an employee from jury duty. In such cases, the Center Director shall submit a letter to the court that has ordered the employee to report for jury duty explaining the facts and requesting that the employee be released from jury duty.

3.6.2 Certificate of Attendance. A properly executed certificate of attendance from the clerk of the court, or other appropriate court official, will be submitted to the supervisor by the employee upon return from court leave. When the certificate is not submitted, the absence will be charged either to annual leave or to LWOP when annual leave is not available.

3.6.3 Uncommon Tours of Duty. Absences of employees who are assigned to a 24-hour shift and who are called to jury duty or witness service, which qualifies for excused absence, will be processed as follows:

- a. When the employee is absent for the entire 24-hour shift because jury duty or witness service coincides with the employee's duty hours, court leave will be granted for the total 24-hour shift.
- b. When the employee serves on jury duty or witness service, the 8-hour duty portion of the 24-hour shift, and also has jury duty or witness service during the remaining hours of the 24-hour shift, court leave will be granted on the day following the jury duty or witness service.

3.7 Excused Absences

3.7.1 Travel after Midnight. Employees who are required to perform official travel and who arrive at their residences after midnight may be excused, in accordance with the Center's provisions, for a reasonable length of time before reporting for duty, but not in excess of eight hours. Where applicable, supervisors should consider authorizing use of compensatory time for travel.

3.7.2 Medical Examination or Treatment

3.7.2.1 NASA Health Programs. When health examinations are conducted by NASA Centers, employees will be excused without charge to leave for the purposes of the examination. This provision is also applicable to sick calls and preventive medical programs at the NASA health clinics and initial referrals and subsequent visits allowed under the Center's Employee Assistance Program (EAP) policy to the NASA EAP.

3.7.2.2 Job-Related Illnesses and Injuries. An employee suffering a job-related illness or injury will not be charged leave of any kind for any required absence from duty on the day on which the illness or injury occurs. Any diagnostic examinations or tests of job-related conditions, which are authorized and scheduled by Federal medical officers, will be considered official work time with no charge to leave. If further absence from work is necessary for treatment or recovery, pay continuation (as provided for in the Office of Workers' Compensation Programs (OWCP) regulations at http://www.dol.gov/esa/owcp_org.htm) or sick leave, annual leave, or LWOP will be authorized.

3.7.2.3 Physical Examinations Related to Military Service

- a. An employee shall be excused without charge to leave or loss of pay for the time required for a physical examination before induction into or recall to active duty in the armed forces.
- b. If the employee is required to be absent more than one workday, the employee must obtain a

justifying statement from the examining station.

c. An employee required to report for periodic physical examinations for any Reserve component of the armed forces or in the National or State Guard organizations will be granted sick leave for the period of the physical examination. If the employee does not have sick leave, either annual leave or LWOP will be granted.

3.7.3 Registration and Voting. At appropriate times, Centers are responsible for the following:

a. Communicate to employees the options that are available in regulations for excused absences for registration and voting.

b. Assemble and maintain necessary information about hours during which polls are open in all political subdivisions in which their employees reside.

c. Determine the amount of excused leave that may be granted.

d. Notify employees of the determinations made and the local procedures to be followed.

3.7.4 Holidays for Part-Time Employees. Part-time employees are not, as a matter of right, entitled to compensation for days observed as holidays in lieu of actual holidays. NASA Centers will grant excused absence to part-time employees, without charge to leave, for the in lieu of holiday of full-time employees to the extent such days fall within the regularly scheduled workweeks of the part-time employees, unless work load dictates that their presence is necessary.

3.7.5 Other Excused Absences. Consistent with the decisions of the Comptroller General and the Office of Personnel Management, Center Directors or their designees may determine administratively other situations in which employees may be excused from duty without charge to leave.

3.8 Leave Without Pay

3.8.1. As a basic condition to approval of extended LWOP, there should be 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.

c. Retention of a desirable employee.

d. Furtherance of a program of interest to the Government.

3.8.2 Employees seeking advanced degrees or accepting full-time faculty and staff positions with institutions of higher learning may be granted LWOP for one year, renewable to a total of three years.

3.8.3 When an absence will exceed one year, the reasons must be reviewed carefully before an extension is authorized.

3.8.4 LWOP is normally not granted when earned annual or sick leave is available. However, if an employee requests leave under the Family Medical Leave Act, their annual leave account cannot be a factor in granting the LWOP request.

3.9 Brief Periods of Absence or Tardiness

Unavoidable or necessary absence of less than one hour, or tardiness, may be excused; time equal to time of absence may be worked at the end of the same day with supervisory approval; charged to available compensatory time or annual leave; or if leave is not available, charged to LWOP. If the leave charged exceeds the period of absence or tardiness, the employee will not be required to work for any part of the leave period charged against the employee's account.

3.10 Absence for Religious Observance

It is NASA's policy to allow its employees to observe the various established religious holy days of their faith, for example, Good Friday or Yom Kippur. If an employee's religious beliefs require absence from work during certain periods of time, that employee shall have the option to work compensatory overtime for the purpose of taking time off without charge to leave (see 5 CFR 550.1001 et seq.).

3.11 Leave Accounting

Accounting for leave taken will be in increments of .25 hour.

CHAPTER 4. Voluntary Leave Transfer Program

4.1 Responsibilities

Subject to the conditions and limitations in applicable laws and regulations and the NASA procedures contained herein, the Directors of NASA Centers have the following responsibility:

- a. Implement a program allowing for the voluntary transfer of leave from one employee to another employee within NASA and the transfer of leave to or from an employee of another agency.
- b. Approve an employee's written request to become a leave recipient.
- c. Determine that the medical emergency affecting a leave recipient has not terminated.
- d. Approve a NASA employee's voluntary written request to transfer leave to the leave account of an approved leave recipient.

4.2 Application to Become a Leave Recipient

4.2.1. A NASA employee who has been affected by a medical emergency shall have the option of making written application to the approving official to become a leave recipient. If an employee is not capable of making application on his or her own behalf, a personal representative (who need not be a NASA employee) of the potential leave recipient may make written application for the leave recipient.

4.2.2. An employee's supervisor(s) must review and make a recommendation on a request to become a leave recipient before it may be approved. The supervisor(s) will continuously monitor the status of the medical emergency affecting a leave recipient. Centers may establish local procedures for monitoring medical emergencies and may require the leave recipient to apprise the supervisor(s) periodically of prospects for the medical emergency ending and the employee returning to work. Centers may continue to accept donated leave for up to two pay periods following the end of the medical emergency for a leave recipient. However, the Human Resources Officer can, in individual cases, extend that time period when circumstances warrant it.

4.2.3. The approving official will notify the Center's Payroll Office of the approved starting date of the medical emergency and will notify the leave recipient (or the personal representative who made application on behalf of the leave recipient) within ten days after the date a complete application was received. If an application is not approved, a written explanation of the reasons for its disapproval will be provided to the leave recipient or the personal representative.

4.2.4. The approving official will ensure that the personal reasons justifying an employee's written request to become a leave recipient are kept strictly confidential, with access to the documentation limited to the maximum extent that is consistent with reasonable implementation of the program. An employee's name should not be included in any general notice or announcement of leave recipients unless the employee has given consent.

4.3 Transfer of Annual Leave

4.3.1. The leave recipient may be employed at the same NASA Center, a different NASA Center, or a different agency. Each approving official should coordinate with the Center's Payroll Office to establish reasonable time limits within which leave donations will be credited to the accounts of designated leave recipients.

4.3.2. Compensatory time cannot be donated since it is actually premium pay and not leave. Regulations also do not permit donation of credit hours, time-off awards, or sick leave.

4.3.3. NASA Centers that have employees who earn and use annual leave on the basis of an uncommon tour of duty will establish procedures for administering the transfer of annual leave to or from such employees.

4.3.4. Employees may not donate annual leave to their immediate supervisor, and the Agency shall not transfer it.

4.4 Accrual of Annual and Sick Leave

4.4.1. When an employee is in a transferred-leave status at the beginning of the leave year, the Agency will not advance the annual leave that the employee would be expected to earn during the leave year.

4.4.2. If the employee moves into a transferred-leave status after the leave year has begun, any unused portion of annual leave that was advanced at the beginning of the leave year is to be retracted and set aside, as explained in paragraph 4.5.1.

4.4.3. The total of annual leave accrued by the leave recipient while in a transferred-leave status and annual leave advanced at the beginning of the year may not exceed the amount the employee would be entitled to earn during the entire year while in a regular pay status.

4.4.4. At the time an employee goes into a transferred-leave status, the annual leave account must have a zero balance because all earned annual leave must be used before any donated leave is used. In the case of a personal medical emergency, the sick leave account must also have been exhausted. When the medical emergency involves a family member, the employee may not use more than a total of up to 480 hours of sick leave during a leave year (per 5 CFR 430.401(c)(1)). Therefore, the employee is not required to have a zero sick leave balance. However, under applicable laws and regulations the employee must have exhausted the ability to use sick leave to care for a family member.

4.4.5. When accrued leave is transferred to the employee's available leave account after the termination of the medical emergency, it may not be used to liquidate any indebtedness for advanced leave that was not liquidated by donated leave.

4.5 Use of Transferred Leave

4.5.1. Any annual or sick leave accumulated, accrued, or earned (prior to the date the application to become a leave recipient was approved) and available for use during the medical emergency must be exhausted to the extent permitted by regulation before any donated annual leave may be used.

The Center's Payroll Office will not move an approved leave recipient into a transferred-leave status until that portion of the leave, made available at the beginning of the year, that has been earned to date is depleted. When that occurs, the Payroll Office will retract the unused portion of the annual leave that was made available at the beginning of the year and immediately place the leave recipient in a transferred-leave status. The remainder will be removed from the leave recipient's annual leave

account and will not be available for the employee's use until all donated leave has been exhausted.

4.5.2. Advanced sick leave that has been requested and approved can be available at the same time that an employee enters into the leave share program. If an employee enters leave on his/her Time and Attendance to the leave share code, and does not have any leave donations, the system will automatically take it from the advanced sick leave account.

4.5.3. When the medical emergency terminates, the unused balance of annual leave the employee could earn during the remainder of the year should be credited to his or her account and made available for use.

4.6 Termination of Medical Emergency

The approving official will notify the Payroll Office of the termination date for the medical emergency.

4.7 Records

4.7.1. Separate leave accounts must be established for tracking leave received and leave donated in order that leave may be restored to donors when the medical emergency terminates.

4.8 Prohibition of Coercion

In addition to those actions prohibited by applicable laws and regulations, a supervisory employee may not attempt to directly or indirectly influence a subordinate employee to donate leave.

Chapter 5. Enhanced Annual Leave Earning Rates

5.1 Reference

The NASA Flexibility Act of 2004 (P.L. 108-201) as codified in 5 U.S.C. 9812.

5.2 Responsibility

NASA Center Directors and the Assistant Administrator for Human Capital Management have authority to determine that a period of qualified non-Federal service is creditable under this provision for annual leave accrual purposes. This authority may be re-delegated in accordance with Center policy.

5.3 Policy

In order to recruit skilled and experienced employees from the private sector, authorized officials may approve enhanced annual leave accrual rates by determining that a period of qualified non-Federal service is creditable for annual leave accrual purposes for certain newly appointed employees.

5.4 Definitions

5.4.1 Newly appointed employee means an individual who is first appointed:

- a. As an employee of the Federal Government.
- b. As an employee of the Federal Government following a break in service of at least
- c. 90 days after that individual's last period of Federal employment, other than:
 - (1) employment under the Student Educational Employment Program administered by the Office of Personnel Management.
 - (2) employment as a law clerk trainee.
 - (3) employment as a student under a short-term temporary appointing authority during periods of vacation from the educational institution at which the student is enrolled.
 - (4) employment under a provisional appointment if the new appointment is permanent and immediately follows the provisional appointment.
 - (5) employment under a temporary appointment that is neither full-time nor the principal employment of the individual.

5.4.2 Period of qualified non-Federal service means the period of service performed by an individual that:

- a. Was performed in a position the duties of which were directly related to the duties of the position

in NASA which that individual will fill as a newly appointed employee.

b. Except for this section, otherwise would not be service performed by an employee for purposes of 5 U.S.C. 6302.

5.4.3 Directly related to the duties of the position means duties and responsibilities in the same line of work which require similar qualifications.

5.5 Employees Covered

5.5.1 Except for employees covered by paragraph 5.4.2, newly appointed NASA employees are eligible for enhanced leave based on an approved period of qualified non-Federal service.

5.5.2 All employees paid under 5 U.S.C. 5376 (senior-level positions) and 5 U.S.C. 5383 (Senior Executive Service) and employees in equivalent categories whose rate of basic pay is greater than the rate payable at GS-15, step 10 level shall receive one day of annual leave for each full biweekly pay period.

5.5.3 Enhanced leave authorized under this authority for employees covered by Administratively Determined (AD) pay schedules must be redetermined whenever adjustments are made to an employee's pay. Employees whose pay falls below the GS 15, step 10 level become ineligible for enhanced leave under this authority and must have their service credit for leave redetermined in accordance with 5 U.S.C. Chapter 63. If the employee's pay is adjusted subsequently above the GS-15, step 10 level, the employee once again becomes entitled to enhanced leave under this authority.

5.6 Employees Excluded

This authority may not be used in connection with a political appointee who holds (1) a position that has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character ("Schedule C position"); or (2) a position in the Senior Executive Service (SES) as a noncareer appointee, as such term is defined in 5 U.S.C. 3232(a).

5.7 Criteria for Approval

5.7.1. Approving officials must consider the following prior to approving a period of qualified non-Federal service for credit under this section for newly appointed employees:

<i>Considerations</i>	<i>Definition</i>
The Skills are Essential	Importance of the required skills to the organization's and NASA's success.
Degree of Difficulty in Obtaining the Skills	Availability of quality candidates with the desired skills and experience. Positions with a limited qualified applicant pool may indicate a shortage of labor and, therefore, the skills may be difficult to obtain.

5.7.2 Approval must be based on written documentation that:

- a. The skills are essential.
- b. The skills are difficult to obtain.
- c. Enhanced annual leave entitlement will assist NASA in obtaining these skills.

5.7.3 Annual leave enhancements should be used as a recruitment incentive.

5.7.4 Internal equity and leave accrual rates for the organization's current Federal employees with equivalent skills and length of service should be considered when determining the amount of non-Federal experience to be credited for leave accrual purposes.

5.8 Leave Accrual Rates

5.8.1 When the approving official has determined that a period of qualified non-Federal service is creditable for leave accrual under this section, all or a portion of the specified period of creditable non-Federal service may be used to determine an employee's annual leave accrual rate. The accrual rate will be determined in accordance with 5 U.S.C. 6303(a).

5.8.2 All employees paid under section 5 U.S.C. 5376 (senior-level positions), 5 U.S.C. 5383 (SES), and employees in equivalent categories whose rate of basic pay is greater than the rate payable at the GS-15, step 10 level shall receive one day for each full biweekly pay period.

5.8.3 While employed at NASA, annual leave accrual rates established under this section shall continue. Upon transfer to another Federal agency, the employee's creditable service for annual leave accrual and the annual leave accrual rate will be determined by the gaining agency in accordance with 5 U.S.C. Chapter 63.

5.9 Personnel Action Processing

The REMARKS section of the personnel action (Standard Form 50) must state: "The employee's annual leave accrual rate was set pursuant to 5 U.S.C. 9812. In the event the employee leaves NASA and is employed subsequently in another position subject to the provisions of 5 U.S.C. Chapter 63, the employee's service credit for annual leave and annual leave accrual rate will be determined by the gaining agency in accordance with 5 U.S.C. Chapter 63."

5.10 Records and Reports

Center Human Resource Officers must maintain a record of:

- a. The total number of employees who were awarded enhanced annual leave under this section during the previous fiscal year.
- b. The number of employees who were awarded enhanced annual leave who were serving in a position addressing a critical need described in the workforce plan pursuant to 5 U.S.C. 9802.
- c. The average amount of additional annual leave such employees earned in the preceding fiscal year (over and above what they would have earned absent this section) for each of the categories in paragraph a. and b. above.

