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# Responsible Office: Office of the Chief Human Capital Officer

# Subject: Attendance and Leave

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**Preface**

## P.1 Purpose

This directive establishes procedural requirements for implementing Agency attendance and leave regulations and Office of Personnel Management (OPM) policies and guidance on hours of duty, absence and leave, and leave sharing programs. Each Center, Mission Enterprise Support Organization, and Office of the Inspector General may create its own attendance and leave policies, consistent with Title 5 and this directive, that meet its mission requirements. Consult the servicing Human Resources (HR) office for further information and guidance.

## P.2 Applicability

a. This directive is applicable to NASA Headquarters and NASA Centers, including Component Facilities and Technical and Service Support Centers (Agency-wide).

b. In this directive, all mandatory actions (i.e., requirements) are denoted by statements containing the term “shall.” The terms “may” or “can” denote discretionary privilege or permission, “should” denotes a good practice and is recommended, but not required, “will” denotes expected outcomes and “are/is” denotes descriptive material.

c. Any reference to Center Director(s) includes the Executive Director for Headquarters Operations and the Executive Director of the NASA Shared Services Center.

d. In this directive, all document citations are assumed to be the latest version unless otherwise noted.

e. Hours of duty provisions in this directive do not apply to members of the Senior Executive Service or to employees assigned to Scientific and Professional (ST) and Senior Leader (SL) positions.

## P.3 Authority

1. Powers, 5 U.S.C. Chapter 3
2. Pay Administration, 5 U.S.C. Chapter 55.
3. Hours of Work, 5 U.S.C. Chapter 61.
4. Leave, 5 U.S.C. Chapter 63.
5. Other than Full-Time Career Employment (Part-Time, Seasonal, On-Call, and Intermittent), 5 CFR pt. 340.
6. Hours of Duty, 5 CFR pt. 610.
7. Absence and Leave, 5 CFR pt. 630.
8. Paid Parental Leave, 5 CFR pt. 630 subpt. Q.
9. Family and Medical Leave, 5 CFR pt. 630 subpt. L.
10. Substitution of Sick Leave for Unpaid Family and Medical Leave to Care for a Covered Service Member, 5 CFR § 630.403.
11. Termination of a Disaster or Emergency, 5 CFR § 630.1116.
12. Compensatory Time Off for Religious Observances, 5 CFR pt. 550 subpt. J.
13. NASA Policy Directive (NPD) 3000.1, Human Capital Management.
14. NASA Procedural Requirements (NPR) 1800.1, NASA Occupational Health Program Procedures.

## P.4 Applicable Documents and Forms

1. OPM Form 1637, Application to Become a Leave Recipient Under the Emergency Leave Transfer Program.
2. Standard Form (SF) -15, Application for 10-Point Veterans’ Preference.
3. Department of Defense (DD) -214 (Member 4 copy), Certificate of Release or Discharge from Active Duty.

## P.5 Measurement/Verification

The Chief Human Capital Officer (CHCO) has responsibility for ensuring Agency compliance with applicable laws, regulations, and Agency requirements governing attendance and leave. Compliance with this directive is measured during any OPM review, internal review conducted by the accountability program office, or other internal controls required by NASA policies or service delivery guides.

## P.6 Cancellation

a. NPR 3600.1A, Attendance and Leave, dated April 24, 2006.

b. NPR 3600.3, NASA Voluntary Leave Bank Program, dated November 4, 2013.

c. NASA Interim Directive (NID) 3600.116, Emergency Leave Transfer Program, dated July 31, 2018.

d. NID 3600.131, Federal Employee Paid Leave Act (FEPLA), dated October 1, 2020.

**Chapter 1. Responsibilities**

* 1. **Chief Human Capital Officer (CHCO)**

1.1.1 The CHCO will:

1. Provide direction and establish Agency requirements and guidance on the administration of leave and attendance laws, regulations, and policies to include annual leave, sick leave, family and medical leave, leave sharing programs, military leave, and excused absences.
2. Appoint a senior management official from the Office of the Chief Human Capital Officer (OCHCO) to serve as the chairperson for the Leave Bank Board and provide administrative support to the Leave Bank Board.
3. Upon notification from OPM, establish an emergency leave transfer program (ELTP) for a specific disaster or emergency, decide on the establishment of an Agency ELTP, determine the duration of the emergency, and appoint an ELTP Board.
   1. **Officials-in-Charge (OICs) of Headquarters Offices/Center Directors**

1.2.1 OICs of Headquarters Offices/Center Directors will:

Establish basic workweeks (i.e., hours of duty), regularly scheduled administrative workweeks, and irregular/special tours of duty.

Establish time bands where employees can earn credit hours.

1. Establish organizational attendance and leave policies and procedures.
2. Determine, where applicable as it pertains to excess annual leave, the existence of an exigency of the public business that precludes excusing an employee from duty.
   1. **Servicing HR Directors**

1.3.1 Servicing HR Directors will:

1. Provide guidance to management officials and employees on the application of attendance and leave regulations and policies and advise supervisors on strategies on the use of leave for approved leave recipients to ensure efficient and effective use of leave sharing programs.
2. Administer leave programs and assure compliance with all applicable policies, regulations, and this directive.
3. Inform the CHCO and the NASA Shared Services Center (NSSC) Chief, HR Services Division (HRSD) in advance or as soon as practical, when the Center or major portion of the Center is closed for a brief period or when large groups of employees (i.e., ten or more employees) are to be excused without charge to personal leave balances or loss of pay (i.e., when there is an event that would warrant weather and safety or excused leave) in accordance with this directive.
4. When an ELTP has been established, designate an ELTP Coordinator to serve as the Center’s primary point of contact for reporting requirements and Center communication/education efforts.
5. Approve requests for annual leave restoration and ensure approved requests are in conformance with applicable rules and regulations prior to submission.
6. Approve or deny employee requests to be a leave recipient under the leave donor programs for a period longer than one calendar year.
   1. **Chief, HRSD, NSSC**

1.4.1 The Chief, HRSD, NSSC will:

Provide program management, oversight, advisory services, and administrative support for leave programs, i.e., Voluntary Leave Transfer Program (VLTP), Voluntary Leave Bank Program (VLBP), ELTP, advanced sick leave, Paid Parental Leave Program, and leave restoration in accordance with regulatory requirements and this directive.

**1.5 Voluntary Leave Bank Board**

The Leave Bank Board will manage the Agency VLBP in accordance with regulatory requirements and this directive.

**1.6 ELTP Board**

The ELTP Board will manage the Agency ELTP in accordance with regulatory requirements and this directive to include deciding on employee leave recipient requests, distribution of leave, and recommendation of program duration.

**1.7 ELTP Coordinators**

1.7.1 ELTP Coordinators will:

1. Serve as the Center’s primary point of contact and liaison with the Agency ELTP program manager.
2. Manage organizational communication and education efforts regarding ELTP.
3. Report data as requested by the Agency ELTP program manager, including the number of affected employees and the estimated number of hours needed for the Center.

**1.8 Supervisors**

1.8.1 Supervisors will:

1. Inform employees, in advance, of established policies and procedures for requesting leave and any requirements for providing administratively acceptable evidence for extended periods of absence due to any valid use of sick leave.  Supporting evidence for leave requests will be safeguarded and maintained separately from other personnel records to ensure the security and confidentiality of medical documentation.
2. Assist employees in the planning of the use of annual leave and in monitoring usage of annual leave to minimize forfeiture of leave at the end of the leave year.
3. Approve or deny requests for the use of donated leave, including leave granted by the Leave Bank Board and ELTP, in accordance with applicable law, regulation, and this directive.
4. Monitor the status of employees who are approved recipients for donated or advanced leave to ensure continued program eligibility. Report any changes in status to the NSSC.
5. In coordination with the servicing HR office, approve or deny employee requests to waive the annual leave donation limitation for contributions to the VLTP in accordance with applicable regulations and this directive.
6. Review and approve daily and weekly work schedules and review/approve timecards in the Agency time and attendance system.
7. Take timely action on all leave requests to include denial, approval, or rescheduling for another time.

**1.9 Employees**

1.9.1 Employees shall:

1. Plan their leave and follow organizational procedures for requesting leave.
2. Understand that falsification of information or documentation provided to support leave requests or leave sharing programs may result in program ineligibility, requirement to refund previously received leave, and disciplinary action.
3. Initiate requests for work schedule variations, when applicable, for personal reasons as further defined in paragraph 2.2.2.

**Chapter 2. Hours of Duty and Work Schedules**

**2.1 Establishment of Workweeks**

2.1.1 The Agency’s administrative workweek begins at 12:01 a.m. Sunday and ends at 12:00 midnight the following Saturday. Each pay period consists of two administrative workweeks.

2.1.2 Centers shall establish hours of duty within the basic work week for all full-time employees. The basic workweek for full-time employees is fixed at 40 hours over five days (Monday through Friday) with eight hours each day, exclusive of the luncheon period, unless the employee works a flexible or compressed work schedule or is on a first 40-hour work schedule.

2.1.3 The regularly scheduled administrative workweek can be the same as the basic workweek for full-time employees who do not have regularly scheduled overtime. For part-time employees, the administrative workweek is their prescribed days and hours.

2.1.4 When standby duty covers a period of 24 consecutive hours, except in cases of emergencies, eight of the 24 hours will be allowed for sleeping and eating; these eight hours are not charged as hours of work.

**2.2 Establishment of Work Schedules**

2.2.1 Work schedule for a regularly scheduled administrative workweek and a basic workweek are the same for full-time employees who do not have regularly scheduled overtime. Example: 8:00 a.m. to 4:30 p.m., including 30 minutes for lunch, Monday through Friday.

2.2.2 Supervisors may approve employee requests for work schedule variations (e.g., Maxiflex) for personal reasons, (e.g., to pursue educational goals, balance work and family demands, improve fitness/health, etc.) when the work schedule will not interfere with accomplishment of work to be performed and when there will be no additional costs to the Government. Supervisors will record work schedule changes in the Agency time and attendance system prior to the start of the affected pay period when possible.

2.2.3 Supervisors will advise employees of any work schedule change in advance, unless the hours of work cannot be determined in advance due to the nature of the employee’s duties.

**2.3 Alternate Work Schedules**

OICs of Headquarters Offices/Center Directors are authorized to establish compressed and flexible work schedules in accordance with the provisions of Hours of Duty, 5 CFR pt. 610.

**2.4** **First 40 Work Schedule**

2.4.1 When it is impracticable to prescribe a regular workweek tour of duty schedule due to mission requirements, OICs of Headquarters Offices/Center Directors are authorized to establish the first 40 hours of duty performed within a period of not more than six days of the administrative workweek as the basic workweek.

2.4.2 A first 40-hour tour of duty is the basic workweek without the requirement for specific days and hours within the administrative workweek. All work performed by an employee within the first 40 hours is considered regularly scheduled work for premium pay and hours of duty purposes.

**2.5 Credit Hours**

2.5.1 Credit hours are hours that an employee on a flexible work schedule elects to work, with supervisory approval, in excess of the normal workday requirement. Employees on compressed work schedules are not eligible to earn credit hours. Employees may accumulate the maximum amount allowable by law. Credit hours are voluntary and do not entitle an employee to night differential, Sunday premium pay, or holiday pay.

2.5.2 Employees will follow established organizational procedures for earning or requesting use of credit hours. Accounting for earning/usage of credit hours is the same as any other leave categories (reference Chapter 3 of this directive).

2.5.3 The Center Director or OIC establishes time bands where employees can earn credit hours.

2.5.4 The following applies for situations where an employee with a credit hour balance voluntarily or temporarily moves from a flexible work schedule to a non-flexible work schedule:

a. Employees will not be paid for the balance of earned credit hours based on a voluntary or temporary work schedule change.

b. Employees will retain the credit hours they have earned and may continue to use/charge to the earned credit hours until their credit hour balance is at zero hours.

2.5.5 For the duration of an employee’s employment at NASA, any earned credit hours will remain available for use regardless of work schedule changes.

2.5.6 Senior Executive Service (SES) members are not authorized to earn credit hours; SES members who have a credit hour balance from a previous NASA General Schedule (GS) or ST/SL appointment may continue to use/charge to those earned credit hours until their credit hour balance is at zero balance.

**2.6 Compensatory Time Off for Religious Observances**

2.6.1 Employees will be permitted to modify work hours, in accordance with 5 CFR pt. 550, subpt. J, for the purpose of taking time off without charge to leave for religious observances. Employees shall schedule time to earn and use religious compensatory time off in accordance with all applicable regulatory requirements and organizational leave procedures.

2.6.2 If the employee fails to earn religious compensatory time off within 13 pay periods after taking religious compensatory time off, corrective action will be taken to eliminate or reduce the negative balance by making a corresponding reduction in the employee’s available paid leave balance.

2.6.3 When religious compensatory time off is requested, the employee shall provide the name and/or description of the religious observance, dates and times of absence, and dates and times the employee plans to earn religious compensatory time off.

**2.7 Part-Time Work Schedule**

2.7.1 Supervisors may authorize an employee’s request to convert from a full-time to a part-time work schedule. Prior to considering such a request, supervisors shall ensure that the part-time schedule will not adversely impact the organization’s ability to accomplish its work and that the employee has obtained information on the impact to Federal benefits, including health benefits, pay, leave, and retirement.

2.7.2 According to the provisions in Other than Full-Time Career Employment, 5 CFR pt. 340, part-time employment is defined as a work schedule that is regularly scheduled from 16 to 32 hours per week or 32 to 64 hours per pay period.

2.7.3 Servicing HR Directors or designees may temporarily or permanently approve employees to work less than the basic part-time requirement limit (16 to 32 hours per week).

2.7.4 To change an employee’s work schedule to part-time, supervisors will coordinate with the servicing HR office for guidance on officially documenting the work schedule change. This coordination is not required for employees on student appointments.

**Chapter 3. Leave Administration**

**3.1 Leave Accounting**

Accounting for earned time accrued or leave taken/charged is established at 15-minute increments, except for military leave, which is charged in one-hour increments and home leave, which is charged in one-day increments.

**3.2 Annual Leave**

3.2.1 Employees shall request, schedule, and use annual leave in accordance with all applicable regulatory requirements and organizational policies/procedures. If an employee does not schedule annual leave or does not use leave that was approved, any resulting use or lose leave will be forfeited at the end of the leave year. Reference section 3.5 for guidance on annual leave restoration for use or lose annual leave.

3.2.2 Annual leave is considered scheduled when it has been requested by the employee and approved by the supervisor in writing. When possible, leave requests should be submitted via the Agency time and attendance system.

3.2.3 Employees and their supervisors are mutually responsible for planning and scheduling employees’ annual leave throughout the leave year. Employees shall request annual leave in a timely manner and supervisors will respond to such requests in a timely manner.

**3.3 Advanced Annual Leave**

3.3.1 In addition to earned annual leave, permanent employees are credited at the beginning of each leave year or upon hire with annual leave that they are expected to accrue during the leave year.

3.3.2 Supervisors will not approve advanced annual leave when it is known or reasonably expected that the employee will not return to duty, for example, when the employee has applied for disability retirement or when the employee is in a shared leave status, i.e., the status of an employee while using transferred leave in the VLTP or VLBP. In addition, supervisors should not approve advanced annual leave when the requesting employee demonstrates a pattern of excessive use of leave.

3.3.3 When an employee has used advanced annual leave and is transferring to another Federal agency without a break in service, the employee’s negative leave balance will be transferred to the employee’s new agency.

3.3.4 When an employee leaves Federal service and has used advanced annual leave, the employee will be indebted for the unearned leave, unless the NSSC, in consultation with the servicing HR office, determines that the employee is exempt from the regulatory requirement set forth in Absence and Leave, 5 CFR pt. 630.

**3.4 Enhanced Annual Leave**

3.4.1 There are two separate authorities for granting an enhanced annual leave benefit to new employees: Government-wide authority governed by 5 CFR pt. 630 and Agency-specific authority governed by the statute for Annual Leave Enhancements, 5 U.S.C. § 9812. The annual leave enhancement benefit under the Agency-specific authority applies to Agency employees only and may not be transferred to another Federal agency except as provided for by Federal law/regulations.

3.4.2 This authority may only be used for a newly appointed or reappointed employee in accordance with the provisions of 5 CFR § 630.205 or 5 U.S.C. § 9812(a). This authority may not be used in connection with a political appointee (i.e., Schedule C position), a senior-level or SES position, or any position with a rate of basic pay greater than the rate payable at the GS-15, step 10 level.

3.4.3 OICs of Headquarters Offices and Center Directors may determine that a period of qualified non-Federal service is creditable for leave accrual rates and approve enhanced annual leave. All or a portion of a period of creditable service may be used to determine an employee’s annual leave accrual rate. This approval authority may be re-delegated.

3.4.4 Under the NASA Flexibility Act of 2004, approving officials will consider the individual’s skills and the degree to which they are essential to the organization or the Agency’s success as well as the degree of difficulty in obtaining the required skill(s). When approving the incentive under the Federal-wide authority, the determination will be consistent with applicable regulatory requirements.

3.4.5 The servicing HR office shall ensure that decisions to authorize the enhanced leave benefit for the purposes of a recruitment incentive are documented in accordance with applicable law/regulations.

**3.5 Use or Lose Annual Leave**

3.5.1 Use or lose annual leave is excess annual leave which exceeds the maximum carryover limit for Federal employees. Typical carryover limits are 240 hours (i.e., 30 days) for employees stationed within the United States and 360 hours (i.e., 45 days) for employees stationed overseas. Any accrued annual leave above the carryover limit will be forfeited if it is not used by the final day of the leave year.

3.5.2 For use or lose leave to be eligible for restoration, either due to sickness or an urgent need for the employee to be at work (i.e., an exigency of public business), the use or lose annual leave will be scheduled before the start of the third biweekly pay period prior to the end of the leave year.

3.5.3 Employees who would forfeit annual leave in excess of the maximum annual leave allowable carryover because of their work to support the Nation during a national emergency, will have their excess annual leave deemed to have been scheduled in advance and eligible for leave restoration.

3.5.4 Supervisors shall approve a timely leave request for use or lose annual leave, unless a Center Director or OIC has determined that there is an exigency of the public business that results in an urgent need for certain employees to be at work which precludes excusing the employee from duty.

3.5.5 When there is an exigency of the public business, as declared by a Center Director or OIC of Headquarters Offices, supervisors may cancel leave requests for use or lose annual leave. Each request will consider factors such as cost, productivity, schedules, safety, health, effect of postponement, and whether other employees, who would not have to forfeit annual leave, could be assigned to perform the work. Except where made by the head of the Agency, the determination may not be made by any official whose leave would be affected by the decision.

3.5.6 An employee’s use of earned compensatory time-off, time-off awards, or credit hours does not constitute an exigency of the public business. If the use of time off results in the forfeiture of annual leave, the forfeited leave cannot be restored.

3.5.7 Supervisors are authorized to restore use or lose annual leave that was forfeited due to an administrative error that was beyond the employee’s control or due to an illness that occurred 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.

3.5.8 When use or lose annual leave is restored, supervisors shall document the employee’s subsequent written requests to schedule restored leave. If an approved request for use or lose or restored leave is subsequently cancelled the reason for the cancellation will be documented in writing.

3.5.9 The expiration date of restored annual leave is the end of the leave year in which the two-year anniversary date of restoration occurs. Leave that is not used by this deadline may not be restored again unless an employee’s ability to take leave was hindered due to a declared national emergency.

**3.6 Sick Leave/Advanced Sick Leave**

3.6.1 Supervisors will notify employees of established organizational policies and procedures for requesting sick leave and any requirements for providing administratively acceptable evidence.

3.6.2 Supervisors may approve requests for advanced sick leave in the same manner as they approve sick leave. Supervisors will not approve requests for advanced sick leave when it is known or reasonably expected that the employee will not return to duty, which would result in a negative sick leave balance upon separation. Approvals will be made in coordination with the servicing HR office, when appropriate, and in accordance with all regulatory requirements.

3.6.3 At the request of the employee, supervisors may grant sick leave to an employee on annual leave for any of the purposes for which sick leave may be granted.

3.6.4 In addition to using sick leave for an employee’s own medical reasons, employees may also use sick leave for family care or bereavement purposes. Full-time employees are entitled to up to 104 hours (13 days) of sick leave each leave year for general family care and bereavement or up to 480 hours (12 weeks) of sick leave to care for a family member with a serious medical condition. These amounts are prorated for part-time employees in accordance with applicable law/regulations. Employees should consult with their servicing HR office or supervisor to determine appropriate uses of sick leave for family care or bereavement purposes.

3.6.5 An employee is entitled to use sick leave when he or she is absent from work for purposes related to adoption of a child. There is no limitation on the amount of sick leave that may be used for adoption-related purposes. Sick leave for adoption-related purposes does not count towards the 13-day limit of sick leave each leave year for family care and bereavement purposes or the overall limit of 12 weeks of sick leave each year for all family care purposes.

3.6.6 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.

3.6.7 Notification of a requirement to provide additional supporting evidence beyond the employee’s own certification should be given to the employee in advance.

**3.7 Family and Medical Leave Act (FMLA)**

3.7.1 Most employees are entitled to receive up to 12 administrative workweeks of unpaid leave, also known as leave without pay (LWOP) in accordance with 5 CFR pt. 630 subpt. L during any 12-month period for the reasons outlined in 5 CFR 630.1203. An employee may elect to substitute available paid parental leave for any FMLA unpaid leave granted under 5 U.S.C. § 6382(a)(1)(A) or (B). An employee may also elect to substitute any of the employee’s accrued or accumulated annual or sick leave for any part of the 12-week period of leave granted under 5 U.S.C. § 6382(a)(1)(C), (D), or (E), but only to the extent such paid leave is permitted under current law or regulation.

3.7.2 Supervisors shall approve leave requests for employees eligible for FMLA that meet notification and medical certification requirements in accordance with regulation without regard to any other leave usage by the employee for the same or other circumstances. Leave may be taken intermittently or on a reduced leave schedule when medically necessary. Employees will work with the supervisor in advance of taking leave under FMLA, when possible, to aid the organization in planning a strategy for accomplishing work objectives.

3.7.3 Employees shall submit FMLA leave requests in advance in accordance with regulatory requirements in 5 CFR pt. 630. Notice requirements vary depending on the circumstances, for example, regulations require a notice period of not less than 30 calendar days before the leave is to begin for a foreseeable extended absence or as soon as possible if 30-day advance notice is not practicable. Employees may retroactively invoke their entitlement to FMLA leave only if the medical situation was an emergency, advance notice was not practicable, and notice is given as soon as reasonably possible.

3.7.4 The FMLA also covers leave to care for a military service member with a serious injury or illness (also known as military caregiver leave). Eligible full-time employees may substitute up to 26 administrative workweeks of accrued and accumulated sick leave in a single 12-month period to care for a service member in accordance with OPM rules for the substitution of sick leave for unpaid family and medical leave to care for a covered servicemember, 5 CFR § 630.403. These amounts are prorated for part-time employees in accordance with applicable law/regulations.

**3.8 Paid Parental Leave**

3.8.1 The provisions of paid parental leave allow management officials to authorize certain employees, who are otherwise eligible, the option to substitute up to 12 weeks of unpaid leave under FMLA with paid leave in conjunction with the birth, adoption, or foster placement of a child. Employees are required to invoke FMLA to be eligible for paid parental leave and may elect to substitute paid parental leave for unpaid FMLA.

3.8.2 An employee shall meet FLMA eligibility requirements and invoke FMLA before requesting use of paid parental leave.

3.8.3 Employees are not required to exhaust their sick or annual leave balances prior to being eligible for paid parental leave.

3.8.4 Employees are required to submit documentation supporting the request for this type of leave. Supporting documentation at a minimum should identify the parental affiliation and the date of the event (i.e., birth, adoption, or foster care placement). At a supervisor’s discretion, additional documentation may be requested.

3.8.5 Before the commencement of paid parental leave, the employee is required to agree in writing to work for NASA for not less than a period of 12 workweeks beginning on the date such leave concludes regardless of the actual amount of leave used. If an employee fails to complete the service agreement, NASA will recover from the employee the total amount of Government contributions paid to maintain the employee’s Federal Employees Health Benefits (FEHB) coverage during the period of leave. This provision does not apply to employees who fail to return to complete the service agreement due to the continuation, recurrence, or onset of a serious health condition of the employee or the child or due to any other circumstances beyond the control of the employee. Circumstances that constitute a matter of employee preference or convenience, such as an employee choosing to stay home to care for a healthy newborn, will not suffice.

3.8.6 Paid parental leave can only be used within 12 months of the date of the birth or placement of the child. It does not accumulate for any subsequent use. If the parental role ends during the 12-month period, the eligibility to substitute paid parental leave under FMLA also concludes at the same time the parental role ceases.

3.8.7 Use of paid parental leave is appropriate when taken to care for a newly born or placed son or daughter. This generally refers to leave covering periods when the employee is in the home with the child or is otherwise involved in spending time with the child, i.e., bonding. It may include short periods away from the child’s physical presence to purchase supplies needed to care for the child (e.g., buying baby food, diapers, or other supplies). It is not appropriate for employees to request paid parental leave if they will not be engaged in activities directly connected to care of the child or bonding with the child during the period of leave.

3.8.8 If an employee believes that the decision to deny a leave request under FEPLA did not fully comply with the rights and requirements provided by Title II of the FMLA and OPM’s implementing regulations at 5 CFR 630, the employee may file a grievance under applicable Agency administrative procedures or negotiated grievance procedures.

3.8.9 Employees can be authorized to use this type of leave intermittently, subject to section 3.8.6; however, intermittent use requires prior authorization from the supervisor.

**3.9 Weather and Safety Leave**

3.9.1 In accordance with 5 CFR pt. 630, weather and safety leave is authorized when weather or other safety-related conditions prevent employees from safely traveling to or safely performing work at an approved location.

3.9.2 Weather and safety leave is typically authorized in conjunction with an Agency or Center operating status announcement.

3.9.3 Employees may be granted weather and safety leave during closures, early dismissals, and delayed arrivals if they are prevented from safely traveling to or safely performing work at a location approved by the Agency. For information on telework requirements during an emergency situation, see NPR 3600.2, Chapter 9.

3.9.4 All telework eligible employees (i.e., employees on an Agency-approved telework agreement) are ineligible for weather and safety leave when a closure is announced, unless the supervisor grants an exception based on the following situations:

a. In the supervisor’s judgment, the employee could not have reasonably anticipated the severe weather or other emergency condition and therefore did not take home needed equipment or work (e.g., earthquake, severe unexpected weather change, etc.).

b. When the employee is prevented from working at the telework site because of the severe weather and safety event, for example a power failure, flooding, roof collapse, or other unsafe conditions at the telework site.

3.9.5 A telework eligible employee shall be prepared to work from home during an anticipated weather and safety event and during a Center closure even if it is not a regularly scheduled telework day, unless the Agency, Center, or supervisor has approved an exception in accordance with the regulation or OPM guidance. If a teleworker prefers not to work or is unable to work due to other than weather or safety-related reasons that do not prevent telework, the employee may request leave.

3.9.6 Employees on pre-approved leave are not eligible for weather and safety leave, unless the employee cancels the pre-approved leave due to their leave plans being disrupted by the weather and safety event (e.g., cancelled medical appointment, cancelled scheduled flight). This type of leave would only be appropriate if the supervisor determines a telework eligible employee is not telework ready through no fault of their own. Cancellation of leave is subject to supervisory approval under these circumstances.

3.9.7 While in a telework status, when a young child or other person requiring the presence of a caregiver is present in the home, any time an employee spends providing care to such individuals would not be considered hours of work.  Employees shall account for work and non-work hours during the scheduled workday and request an appropriate leave type to provide such care.

3.9.8 Centers shall issue operating status announcements for Center or facility closures, dismissals, or delayed arrivals to employees (or instructions to supervisors of affected groups of employees) who report to offices outside of the Washington, DC area using the terminology set forth in Government-wide guidance, including the use of “weather and safety leave” instead of administrative leave or excused absence when approving an absence without charge to leave or loss in pay due to severe weather and other qualifying emergency situations.

3.9.9 Employees who report to offices located inside the Washington, DC area, which is defined as locations inside the Washington Capital Beltway, will follow OPM operating status announcements.

3.9.10 Employees shall monitor forecasted weather and safety events affecting their locations.

3.9.11 Supervisors shall communicate known anticipated weather and safety events to their employees to ensure that they are prepared to telework during the event. If a supervisor fails to inform an employee of an anticipated weather event, this does not automatically entitle the employee to weather and safety leave if they are deemed not telework ready. It is still the responsibility of the employee to monitor for these events as well.

3.9.12 Weather and safety leave is not authorized for remote workers, i.e., employees who perform work full-time at an alternative location (e.g., employee’s residence), unless the weather and safety event directly affects the alternative worksite (e.g., loss of power or unsafe condition of the alternate worksite).

3.9.13 Servicing HR Directors will report operating status announcements to the workforce, CHCO, Deputy CHCO, and Chief, Human Resources Division at the NSSC as soon as practicable after the determination is made.

**3.10 Military Leave**

3.10.1 Supervisors shall grant employees, permanent and temporary, who are members of the National Guard or Reserve components of the Armed Forces military leave upon notification of military duty or training.

3.10.2 Unless prevented by military necessity, an employee shall inform the supervisor prior to departing for military training or service.

3.10.3 5 U.S.C. § 6323(a) provides 15 days per fiscal year for active/inactive duty, funeral honors duty, and certain types of training. An employee can carry over a maximum of 15 days into the next fiscal year.

3.10.4 5 U.S.C. § 6323(b) provides 22 workdays per calendar year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor. This leave is provided 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 as defined in section 101(a)(13) of title 10, U.S.C.

3.10.5 5 U.S.C. § 6323(c) provides unlimited military leave 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.

3.10.6 5 U.S.C. § 6323(d) provides that Reserve and National Guard Technicians only are entitled to up to 44 workdays of military leave for duties overseas under certain conditions.

3.10.7 Employees shall submit supporting documentation for military leave that reflects the dates of the military duty or training to the supervisor and the NSSC Payroll Office within two full pay periods of returning to work. The NSSC Payroll Office requires the supporting documentation to validate the usage of military leave as part of the payroll validation process. If supporting documentation is not submitted timely, the leave may be changed to another appropriate leave type. Supporting documentation may include, but is not limited to discharge papers, leave and earnings statements, school completion certificate, endorsed orders, or a letter from a proper military authority to establish the length and character of service.

3.10.8 An employee who does not provide the required documentation within the specified period is not entitled to military leave, unless an extension is approved. The supervisor may approve an extension for up to 30 days if the delay is due to circumstances outside of the employee’s control. In this case, the supervisor will submit the approved extension notification to the NSSC payroll office.

3.10.9 The NSSC payroll office shall maintain supporting documentation in accordance with the Agency’s record retention schedule.

3.10.10 Military leave is credited to a full-time employee on the basis of an eight-hour workday. The minimum charge to leave is one hour. An employee may charge military leave only for hours that the employee would otherwise have worked and received pay.

**3.11 Disabled Veteran Leave**

3.11.1 Disabled veteran leave is available to employees **hired on or after November 5, 2016,** with a service-connected disability rated at **30 percent or more** for the purposes of undergoing medical treatment for such disability for which sick leave could regularly be used. Disabled veteran leave is available for 12 months following the Agency’s eligibility determination. There are no provisions to carry over disabled veteran leave. Leave that is not used during the 12-month eligibility period is forfeited.

3.11.2 Eligibility will be determined according to the employee’s SF-15, Application for 10-Point Veteran Preference, and the DD-214 (Member 4 copy), Certificate of Release or Discharge from Active Duty, and a letter from the Veterans Administration stating the percentage of the disability. Once the employee is determined eligible, the NSSC will update the personnel system so that the employee will be able to request disabled veteran leave in the Agency time and attendance system.

3.11.3 Eligible full-time employees will be credited up to 104 hours of disabled veteran leave all at once upon being newly appointed as a Federal employee or once the employee is determined eligible. These amounts are prorated for part-time employees in accordance with applicable law/regulations. The hours will be offset by any sick leave balance currently credited to the employee. Eligible employees need only self-certify that the disabled veteran leave is being used (or was used) for medical treatment for the qualifying service-connected disability.

**3.12 Court Leave**

3.12.1 An employee is entitled to paid time off for service as a juror or witness in a judicial proceeding in which the Federal, a state, or a local government is a party. An employee is responsible for informing their supervisor if they are excused from service as a juror or witness. The employee shall submit court provided documentation to the supervisor and NSSC Payroll Office upon return from court leave within two full pay periods. If supporting documentation is not submitted timely, the leave may be changed to another appropriate leave type. If an employee is summoned as a witness in an official capacity on behalf of the Federal Government, court leave would not be appropriate since they would be in an official paid duty status.

3.12.2 An employee who does not provide the required documentation within the specified period is not entitled to court leave, unless an extension is approved. The supervisor may approve an extension for up to 30 days if the delay is due to circumstances outside of the employee’s control. In this case, the supervisor will submit the approved extension notification to the NSSC payroll office.

3.12.3 The NSSC payroll office shall maintain supporting documentation in accordance with the Agency’s record retention schedule.

3.12.4 In exceptional situations in which the public interest would be served better by an employee remaining at work, the OIC/Center Director (or designee) 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.

**3.13 Organ Donor/Bone Marrow Donor Leave**

3.13.1 An employee is entitled to use up to seven days of paid leave to serve as a bone-marrow donor and up to 30 days of paid leave each calendar year to serve as an organ donor.

3.13.2 The entitlement to donor leave is subject to the employee submitting written medical certification issued by the health care provider (see definition in Appendix A) as soon as possible and no later than two full pay periods after returning to work. The certification will indicate the type of donation being made, the start date, and the anticipated return to duty date.

3.13.3 An employee who does not provide the required documentation within the specified period is not entitled to organ or bone marrow donor leave, unless an extension is approved. The supervisor may approve an extension for up to 30 days if the delay is due to circumstances outside of the employee’s control. In this case, the supervisor will submit the approved extension notification to the NSSC payroll office.

**3.14 Funeral Leave for Family Members of Military**

3.14.1 Employees are entitled to up to three days of funeral leave, without charge to personal leave balances, to make arrangements for, or attend the funeral or memorial service for an immediate relative who died as the result of a wound, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone in accordance with 5 CFR pt. 630.

3.14.2 Refer to Section 3.6.4 for additional guidance regarding the use of sick leave for all other bereavement and funeral planning purposes.

**3.15 Leave Without Pay (LWOP)**

3.15.1 Extended LWOP should only be approved when it is in the best interest of the Agency and when there is a reasonable expectation that the employee will return at the end of the approved period. Supervisors will consult with the servicing HR office prior to approving LWOP for more than 30 days.

3.15.2 LWOP is normally not granted when earned annual or sick leave is available, unless the employee is requesting leave under the FMLA. When an employee invokes FMLA, the employee’s annual and sick leave balance is not a factor in granting a request for LWOP.

3.15.3 All requests for LWOP will be submitted in writing by the employee.

3.15.4 In most cases, the authorization of LWOP is a matter of supervisory discretion. Supervisors who find themselves in a situation where they feel it is appropriate to place an employee on LWOP without the employee’s consent should consult with their servicing HR office for guidance on other options.

**3.16 Absent Without Leave (AWOL)**

3.16.1 AWOL is a non-pay status that covers an absence from duty that has not been approved or has been denied by the employee’s supervisor. AWOL is considered misconduct and may be subject to discipline.

3.16.2 Supervisors shall record instances of AWOL in the Agency time and attendance system and address attendance issues with employees promptly.

3.16.3 If the supervisor is aware or should be aware that an employee is too ill to request sick leave, the supervisor should consider granting sick leave in lieu of coding the employee AWOL.

3.16.4 Supervisors should consult with the servicing HR office for guidance on handling attendance issues.

**3.17 Home Leave for Employees Assigned Overseas**

## 3.17.1 Home leave is a period of approved absence with pay for employees stationed outside of the United States. Employees who meet the statutory requirements described in Annual Leave; Accumulation, 5 U.S.C § 6304(b) for the maximum of 45 days of annual leave and who are recruited for overseas duty from the U.S. are entitled to home leave.

3.17.2 The NSSC will advise employees on eligibility requirements, determine when an employee is eligible for home leave, and if eligible, the rate at which the employee will earn home leave in accordance with 5 CFR pt. 630. Employees’ home leave balances will be noted on the employees’ leave and earnings statements.

3.17.3 Employees will request home leave similar to any other leave request and include the destination. Supervisors will coordinate with NSSC as needed to validate eligibility, that the number of days on the request is authorized, and that the destination is authorized for the use of home leave.

3.17.4 The eligibility date for home leave is normally 24 months from the date the employee arrived at the duty location unless the employee has completed 24 continuous months on a previous assignment to an overseas location. In that case, the eligibility date to use home leave will be the date of arrival at the overseas location. There is no authority available that would allow this requirement to be waived.

3.17.5 Employees should have at least six months remaining on their overseas tour after completing home leave unless the supervisor grants an exception in advance for circumstances that were beyond the employee’s control in accordance with 5 CFR 630.606(e). Supervisors shall document exceptions in writing and include the reason(s) for the exception.

3.17.6 An employee who would otherwise be indebted for using home leave may request a waiver of home leave reimbursement if one of the following reasons apply:

a. The employee completed or is expected to complete not less than six months of service in an assignment in the United States following the period of home leave;

b. The employee’s failure to return was due to compelling personal reasons of a humanitarian or compassionate nature, such as physical or mental health issues or circumstances beyond the employee’s control; or

c. The Agency determines that it is in the public interest not to return the employee to his/her overseas assignment.

3.17.7 Waiver requests will be documented in writing and describe the reasons for the waiver. Such requests will be decided in accordance with the Agency debt waiver process. When a determination is made that the employee is indebted, and a refund of home leave is required, the employee’s home leave will be charged to annual leave or, when there is an insufficient annual leave balance, from other available paid time in accordance with Agency procedures.

**3.18 Annual Leave Accumulation for Employees Assigned Overseas**

3.18.1 GS employees assigned outside of the United States who meet the requirements at 5 U.S.C. § 6304(b) are entitled to carry over into the new leave year up to 45 days (360 hours) of annual leave. Upon return to the United States, an eligible employee may continue to carry over up to the 360-hour annual leave balance into the next leave year. However, if the amount of leave falls below 360 hours at any time during the leave year, the maximum amount of allowed leave becomes either the new leave balance or the standard 240, whichever is higher.

3.18.2 The NSSC will advise employees on eligibility requirements, determine when an employee is eligible for the 45-day annual leave accumulation, and notify the payroll office of the effective date of the employee’s eligibility. The employee’s leave and earnings statement will reflect a new calculation for use or lose annual leave based on the increase for up to 45 days.

**Chapter 4. Excused Absence**

Excused absence, also referred to as administrative leave, is an administratively authorized absence from duty without loss of pay or charge to leave.

**4.1 Medical Examination or Treatment**

4.1.1 Supervisors may excuse employees for a brief period of time, without charge to personal leave balances, for Agency-sponsored/funded health examinations and preventive medical programs if the absence does not otherwise interfere with the accomplishment of work.

4.1.2 Supervisors shall excuse employees who are examined or treated at Agency facilities for illness, minor non-duty related injury, referrals under the Agency’s Employee Assistance Program, or for Agency-ordered employment-related medical examinations, without charge to leave for the time necessary to be examined or treated.

**4.2 Job-Related Traumatic Injury or Occupational Disease or Illness**

4.2.1 An employee who suffers a job-related injury will be excused without charge to leave for any required absence on the initial date of injury (including local travel time) required for initial examination or outpatient treatment by a qualified physician or at any hospital of the employee’s choice. To report a claim, the employee completes and submits applicable forms in accordance with NPR 1800.1, NASA’s Occupational Health Program Procedures. On the date of injury, time away from work should be coded as administrative leave unless the injury occurred before the work shift began.

4.2.2 After the initial date of injury, an employee who suffered a job-related injury may elect to use accrued sick leave, other paid/unpaid leave, or Continuation of Pay (COP), if available, for medical appointments or disability. Medical documentation will be submitted by employees to support the use of COP.

4.2.3 An injured employee filing claims for occupational disease or illness is not entitled to excused absence, COP, or payment for medical or compensation until the claim is accepted. Injured employees claiming an occupational disease or illness will use annual leave, sick leave, or LWOP until the claim is accepted by the Office of Workers’ Compensation Program (OWCP).

4.2.4 For further information on the Federal Workers’ Compensation Program, see NPR 1800.1, Chapter 6.

**4.3 Physical Examinations Related to Military Service**

4.3.1 Employees will be excused without charge to leave/loss of pay for the time required for a physical examination to determine fitness for performance of uniformed service as defined by 5 CFR § 353.102, or to determine qualifications for retention in reserve components provided no military pay is received for the period. For approval of an excused absence of more than one workday, the employee shall submit documentation from the examining station.

4.3.2 Periodic physical examinations for any Reserve component of the armed forces or in the National or State Guard organizations is not considered an excused absence. In this situation, the employee is charged for sick leave, or the employee can opt to use annual or other paid/unpaid leave.

**4.4 Blood Donations**

Supervisors may excuse employees for the time it takes to donate blood, not to exceed four hours. The four hours is inclusive of the time required to reach the donation site and return, donate blood, and recuperate.

**4.5 Voting**

4.5.1 When election polls are not open at least three hours either before or after an employee’s regular work hours, supervisors should allow maximum work schedule flexibility, to include telework, to allow an employee to vote. Supervisors may also grant administrative leave for a limited amount of time to permit the employee to report to work up to three hours after the polls open or leave from work up to three hours before the polls close, whichever requires the lesser amount of time off.

4.5.2 Extended Commuting Distance. If an employee’s voting place is beyond normal commuting distance and vote by absentee ballot is not permitted, the supervisors may grant excused absence (not to exceed one day) to allow the employee to make the trip to the voting place to cast a ballot.

4.5.3 Time spent during the workday for volunteering at an election poll is not an excused absence.

**4.6 Brief Periods of Absence or Tardiness**

Supervisors may excuse occasional and infrequent absence or tardiness, that is unavoidable or necessary, of less than one hour without charge to leave. For more than one hour, the supervisor may either approve the employee’s use of available paid leave or allow the employee to make up the time at the end of the workday or no later than the end of the current pay period

**4.7 Volunteer Work**

4.7.1 NPD 1388.1 addresses employee participation in NASA education and communications outreach activities that are covered within the scope of official duty.

4.7.2 Volunteer opportunities not specifically considered official duty by the Agency, such as charities (including charities sponsored by the Combined Federal Campaign) may only be performed by the employee outside of work or when the employee requests and is approved for leave.

4.7.3 Employees may also use various flexible schedule options to volunteer, consistent with Center policies and supervisor approval.

**4.8 Other Excused Absences**

Center Directors or OICs may determine situations in which employees may be excused from duty without charge to leave consistent with Administrative Leave, 5 U.S.C. Chapter 63, 5.U.S.C. §§ 301-302, and Comptroller General/OPM decisions.

**Chapter 5. Voluntary Leave Transfer Program (VLTP)**

**5.1 Overview**

5.1.1 Under the VLTP, an employee may donate accrued annual leave to an approved leave recipient during a medical emergency as defined in 5 CFR pt. 630.

5.1.2 VLTP was created to fill a gap for employees during a temporary medical emergency or while awaiting approval for disability retirement. This program is not a replacement for disability retirement. In addition to meeting the eligibility requirements, approval of VLTP participation should balance an employee’s individual needs with the need to ensure organizational work requirements are fulfilled and Agency operations are conducted efficiently and effectively. Accordingly, supervisors should consider the following factors when approving or denying an eligible employee’s request:

a. The mission needs of the organization.

b. Whether there are other options better suited to the situation, such as telework, a change in work schedule, etc.

c. The likelihood the employee will return to work. If the medical documentation is unclear about the employee’s ability to return to work, a disability retirement may be an appropriate course of action for the employee to consider. Supervisors should consult with the servicing HR office and Medical Officer for guidance.

5.1.3 An approved leave recipient, who is a member of the VLBP, shall exhaust donated leave from the VLTP before using donated leave from the leave bank.

5.1.4 VLTP is a discretionary benefit; therefore, management may remove an approved recipient from the programs at any point if it is deemed in the best interest of the Agency. For example, the employee has been an approved recipient for more than one year or there is no expectation that the employee will return to work in the near future.

**5.2 Application to Become a Leave Recipient**

5.2.1 Employees affected by a personal or a family member’s medical emergency may apply to become a leave recipient by submitting a request in the Agency time and attendance system in accordance with Agency instructions.

5.2.2 If an employee is unable to submit a request, they may request assistance from their supervisor or a personal representative may submit a request and otherwise act on their behalf.

5.2.3 When a medical condition is ongoing, to continue enrollment in the program, the leave recipient or their personal representative shall provide updated medical certification, as requested by the supervisor or the NSSC, to determine the projected date that the medical emergency is expected to terminate. This provision does not apply to employees who have submitted an application for disability retirement to OPM. Information will be safeguarded and maintained separately from other personnel records to ensure the security and confidentiality of medical documentation.

**5.3 Procedures for Applications/Requests for Extensions for Less Than One Year**

5.3.1 The NSSC determines program eligibility and notifies the employee, the supervisor, and servicing HR office of such determination. Ineligible determinations will include a written explanation. Once an employee is determined eligible, program participation is subject to supervisory approval.

5.3.2 Supervisors shall monitor the medical emergency of their employee and promptly notify the NSSC of any status changes.

**5.4 Requests for Extensions for More Than One Year**

5.4.1 Servicing HR Directors shall approve or deny continued enrollment in the leave transfer program for medical emergencies expected to last more than one year. When appropriate, HR Directors should consult with an Agency Medical Officer. Extension decisions will be in writing and provided to the supervisor, employee, and the NSSC.

5.4.2 Approvals are appropriate when there is evidence (i.e., a prognosis) that the medical emergency is expected to terminate, the employee may recover in the foreseeable future and is expected to return to work, or when the employee has applied for disability retirement and is waiting for a decision from OPM.

**5.5 Termination of Medical Emergency**

5.5.1 Employees shall provide notice to their supervisor and to the NSSC via the Agency time and attendance system in accordance with Agency guidance when the medical emergency ends.

5.5.2 An employee may use donated leave up to the date of termination of the medical emergency. If the employee has insufficient leave donations on the date the medical emergency terminates, the NSSC will continue to accept donated leave for up to two pay periods following the end of the medical emergency for the purpose of providing a leave recipient time to receive adequate donations of leave during the medical emergency.

5.5.3 Upon termination of the medical emergency, any unused transferred annual leave will be restored to the leave donor(s).

**5.6 Annual Leave Donations**

5.6.1 Employees may donate accrued annual leave, which includes restored annual leave to a specific leave recipient, by submitting an application through the Agency time and attendance system. Employees may not donate leave to their immediate supervisor.

5.6.2 Once a donation has been processed in the Agency’s personnel and payroll system, it cannot be canceled. If an employee submits a request to donate leave and subsequently elects to cancel the donation, the cancellation request can only be honored if the donation has not already been processed in the personnel and payroll system.

5.6.3 Unless a waiver is requested and approved, a leave donor may not donate more than one-half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the donation is made. An employee with “use or lose” annual leave may donate the lesser of one-half of the annual leave they would accrue in a leave year or the number of hours remaining in the leave year (as of the date of the leave transfer) for which the employee is scheduled to work and receive pay. This limit is set by OPM.

5.6.4 Accrual rate/maximum leave donation:

a. 8-hour annual leave category = 104 hours

b. 6-hour annual leave category = 78 hours

c. 4-hour annual leave category = 52 hours

**5.7 Waiver of Annual Leave Donation Limitations**

5.7.1 A waiver is required to donate annual leave above the regulatory limitation. This limitation applies regardless of whether the leave is donated consecutively or intermittently during the leave year. The maximum leave donation limits apply to the total amount of annual leave an employee may donate to the VLTP and the VLBP in a leave year.

5.7.2 Supervisors, in consultation with the servicing HR office, have the authority to grant waivers of the annual leave donation limitations for VLTP when the leave donor has sufficient leave to cover the proposed donation, a reasonable amount of annual leave remains for personal use during the leave year, and it is anticipated that there will be insufficient donations to meet the needs of the recipient.

5.7.3 Leave donors shall submit a written request for a waiver to their supervisor with the following information:

a. The reason for the request.

b. The number of hours the donor has already donated to the leave transfer and leave bank programs in the current leave year and the number of hours requested that exceed the leave limitation.

c. Self-certification that the employee has sufficient leave to cover the proposed donation and a reasonable amount of annual leave remaining for personal use during the leave year. Self-certification is not required when the employee is donating leave that would otherwise be forfeited at the end of the current leave year.

5.7.4 HR Directors or their designees should approve waiver requests for donations when leave is considered use or lose or expiring restored annual leave and the recipient needs leave donations.

5.7.5 Donations will not be approved when it would potentially place the donating employee at risk of not having a reasonable amount of available annual leave. HR Directors or their designees may also approve a lower amount of hours than requested.

5.7.6 Decisions will be in writing in accordance with regulatory requirements, will include an explanation for denials, and will be provided to the employee/leave donor and the NSSC.

**5.8 Accrual and Use of Annual and Sick Leave**

5.8.1 Once a leave recipient begins using donated leave, the employee continues to accrue annual and sick leave at the same rate as if the employee were in a paid leave status, up to 40 hours in each category in a separate leave account (set-aside). Once 40 hours are accumulated in each leave category, the accumulation stops in the separate leave account, even if the medical emergency still exists. When an employee is in a shared leave status (i.e., using transferred leave), they are not entitled to receive or use advanced annual leave.

5.8.2 After the termination of the medical emergency, if eligible, the employee will be credited with the amount of annual leave expected to accrue during the remainder of the leave year; however, it may not be used to liquidate any indebtedness for advanced sick leave.

**5.9 Retroactive Coverage**

5.9.1 For retroactive coverage to the beginning of the medical emergency, employees may apply for the VLTP up to 30 calendar days after the end of the medical emergency. Leave donations can only be received during the 30 calendar days following the end of the medical emergency.

5.9.2 Donated annual leave may be substituted retroactively for periods of LWOP, advanced annual leave, or advanced sick leave that was granted to an approved leave recipient to cover absences during a medical emergency.

**CHAPTER 6. NASA’s Voluntary Leave Bank Program (VLBP)**

**6.1 Overview**

6.1.1 The leave bank is a pooled fund of annual leave established in accordance with 5 CFR pt. 630, which allows employees to donate unused accrued annual leave to an approved leave bank.

6.1.2 Approved leave recipients shall exhaust donated leave from the VLTP prior to using donated leave from the leave bank.

6.1.3 The NSSC shall provide program and administrative support to the Leave Bank Board (the Board), including validating eligibility, assisting with monitoring the status of medical emergencies, and communicating open enrollment periods and related marketing and enrollment activities to support the VLBP.

6.1.4 The VLBP was created to fill a gap for employees during a temporary medical emergency or while awaiting approval for disability retirement. This program is not a replacement for disability retirement. In addition to meeting the eligibility requirements, approval of VLBP participation should balance an employee’s individual needs with the need to ensure organizational work requirements are fulfilled, and Agency operations are conducted efficiently and effectively. Accordingly, supervisors should consider the following factors when approving or denying an eligible employee’s request:

a. The mission needs of the organization.

b. Whether there are other options better suited to the situation, such as telework, a change in work schedule, etc.

c. The likelihood the employee will return to work. If the medical documentation is unclear about the employee’s ability to return to work, an application for disability retirement should be discussed as an appropriate course of action.

**6.2 Eligibility**

Employees who earn annual leave and contribute at least the minimum amount of annual leave established by the Board are eligible to become a member of the leave bank.

**6.3 Leave Bank Board**

6.3.1 The Board consists of:

a. Senior management official from the OCHCO, who will serve as the Chairperson.

b. Servicing HR Director appointed by the CHCO on an annual rotating basis. The HR Director may further delegate to the Deputy HR Director, the Employee Relations Officer, or a HR supervisor/management official.

c. A Labor representative.

6.3.2 The OCHCO provides administrative support for the operations of the Board.

6.3.3 Board members may be a member of the leave bank; however, board members shall recuse themselves from acting on matters involving their own leave, the leave of family members, or any other matters in which they do not believe they can be impartial. When a board member recuses, the Chair will appoint an alternate.

6.3.4 The Board administers the leave bank program in accordance with regulations. In addition, the Board shall perform the following functions:

1. Establish the open enrollment periods and the minimum amount of leave required for leave bank membership.
2. Approve or disapprove leave recipient requests and notify the NSSC within ten workdays of receipt of request.
3. When the Leave Bank Board denies a request or does not approve the number of hours requested, the Leave Bank Board shall provide a rationale for the denial in writing along with information pertaining to the employee’s right to request reconsideration.
4. Determining the amount of leave granted from the leave bank to each leave recipient.
5. Deciding on individual or blanket waivers of annual leave donation limitations for the leave bank program.
6. Conducting periodic assessments of the program to ensure the needs of the membership are being met.
7. Maintaining records and reports in accordance with regulatory requirements.

**6.4 Enrollment**

6.4.1 To become a member of the leave bank, employees may enroll during an annual open or individual enrollment period through the Agency time and attendance system.

6.4.2 Employees who are new to the Agency or were on an extended absence, defined as an absence of at least 30 calendar days during the open enrollment period, may join the leave bank during the individual enrollment period. This period is a maximum of 60 calendar days starting on the date the employee enters on duty with the Agency or returns from the extended absence.

6.4.3 Only leave bank members can become recipients of the leave bank. Once enrolled, an employee’s membership is automatically extended each year, unless the employee terminates their membership in accordance with this chapter.

6.4.4 Employees enrolled in the leave bank shall deposit the amount of annual leave equal to the amount accrued during one pay period to the leave bank during the first pay period of the leave year, unless the Board has raised or lowered this minimum amount in accordance with paragraph 6.4.6 below.

6.4.5 The annual leave deduction for employees who enroll outside of the open enrollment period will occur the first pay period after enrollment. Thereafter, employees are subject to automatic leave deductions during the first pay period of each leave year.

6.4.6 The Board may raise or lower the minimum amount of leave required for the leave bank membership; however, any changes will be communicated to all employees before the effective date of the change. The Board may also request additional leave on a voluntary basis from members, when needed.

6.4.7 The Board may not return a contribution of annual leave to a leave donor after a deposit to the leave bank under any circumstances, unless the Agency leave bank program is terminated.

**6.5 Annual Leave Donations**

Leave bank members and non-members may donate accrued annual leave to the leave bank any time, subject to Agency Leave Bank Board limitations. This blanket waiver is subject to change.

**6.6 Application to Become a Leave Bank Recipient**

Requests to become a leave recipient or continue enrollment as a leave recipient will be submitted via the Agency time and attendance system in accordance with Agency guidance.

**6.7 Reconsideration**

6.7.1 If a request for leave is denied or if the Board does not approve the number of hours requested, the employee will receive notification explaining the reason(s) for the denial or modification to the original request. An employee may request reconsideration of the Board’s determination within 15 business days of notification. Reconsideration requests will be submitted to the Board via the NSSC with the reason(s) why the request should be reconsidered and any additional documentation to further support the request.

6.7.2 The Board will review a reconsideration request and render a written decision within ten workdays of receipt of the request. The Board’s decision is final. The NSSC will notify the employee in writing of the Board’s decision.

**6.8 Use of Leave from Leave Bank**

6.8.1 An employee may use leave granted from the leave bank for the medical emergency for which the leave recipient was approved. Employees shall submit a separate leave request to their supervisor for approval even though the medical emergency was approved for leave bank participation.

6.8.2 All leave, including accrued annual or sick leave, any advanced sick leave, or leave donated from the VLTP, is to be exhausted prior to using leave granted by the Board. Leave withdrawn from the leave bank may be substituted retroactively for any period of leave without pay or used to liquidate indebtedness for any period of advanced leave that began on or after the date the Board has determined the medical emergency began.

**6.9 Termination of Medical Emergency**

6.9.1 Employees shall provide notice to their supervisor and to the NSSC via the Agency time and attendance system in accordance with Agency guidance when the medical emergency ends.

6.9.2 After 30 days from the date the medical emergency terminated, an employee is not eligible to request or receive leave from the leave bank for the medical emergency for which the leave recipient was approved, and the NSSC shall return any leave not used for the medical emergency to the leave bank.

**6.10 Termination of Leave Bank Membership**

6.10.1 Employees may only terminate their membership during an open enrollment period. Membership automatically terminates upon separation from the Agency.

6.10.2 Employees who separate in the middle of a leave year are not eligible to be recredited with the annual leave that was donated to the leave bank to become a member, regardless of the duration an employee was on the rolls for the leave year.

**Chapter 7. Emergency Leave Transfer Program (ELTP)**

**7.1 Overview**

7.1.1 This chapter sets forth required procedures for processing annual leave donations and employee requests to become a leave recipient under an ELTP that has been authorized by OPM and the Agency as a result of a major disaster or emergency that results in severe adverse effects (e.g., loss of life or property, serious injury, or mental illness as a result of a direct threat to life or health) for a substantial number of employees in accordance with 5 CFR pt. 630.

7.1.2 The ELTP provides a method under which unused accrued/restored annual leave of an employee may be donated to an ELTP to assist emergency leave transfer recipients approved to receive such leave due to the established major disaster or emergency.

7.1.3 The NSSC, in coordination with the Agency program manager establishes and communicates procedures for donating leave and submitting applications to become a leave recipient.

7.1.4 The ELTP Board consists of three to five individuals, including:

a. OCHCO senior manager.

b. Servicing HR Director (or designee).

c. Labor representative.

d. Senior Center representative (optional).

**7.2 Eligibility**

7.2.1 All Agency employees who are eligible to earn annual leave may donate leave to the ELTP.

7.2.2 Any employee who earns annual leave and has been adversely affected by the established emergency or disaster may submit a leave recipient request. Employees may also apply for donated annual leave to assist an affected family member provided that the family member has no reasonable access to other forms of assistance.

7.2.3 An employee or the family member is considered to be adversely affected if the established disaster or emergency has caused a severe hardship to such a degree that the employee’s absence from work is required. When an employee applies for the emergency leave transfer program, the ELTP Board may require the employee to document his or her relationship to a family member.

**7.3 Procedures for Donating Leave**

7.3.1 An employee may voluntarily submit a request via the Agency time and attendance system to donate or transfer a specified number of hours of accrued or restored annual leave to the Agency ELTP. Employees will be notified when leave donations are accepted.

7.3.2 Leave hours may be donated to an ELTP bank from the Agency’s VLBP, with the approval of the VLBP Board or, during a Government-wide transfer of annual leave, by another agency.

7.3.3 Employees may donate an unlimited amount of leave to an established ELTP bank, subject to ELTP Board limitations.

**7.4 Application to Become an Emergency Leave Recipient**

7.4.1 An employee may apply to become a leave recipient by submitting a completed application via the Agency time and attendance system. If an employee is not able to apply, a personal representative may submit a written request using OPM Form 1637, Application to Become a Leave Recipient Under the Emergency Leave Transfer Program, on behalf of the employee.

**7.5 Approval of Leave Recipients**

7.5.1 The ELTP Board decides on all employee requests to become a leave recipient and determines the leave distribution (i.e., number of hours to eligible recipients) based on the employee’s requested number of hours, the estimated duration of the emergency, and the total number of eligible recipients and the number of hours available in the ELTP bank.

7.5.2 The ELTP Board shall document decisions and provide a written rationale for disapproval of a request. All decisions are reported to the NSSC for processing.

**7.6 Distribution of Leave Hours to Approved Recipients**

An emergency leave recipient may receive a maximum of 240 hours of donated annual leave at any one time from an ELTP for each disaster or emergency. The ELTP Board may allow an employee to receive additional disbursements of donated annual leave based on the continuance of an ongoing disaster or emergency and the employee’s continuing need. Each disbursement of transferred annual leave may not exceed 240 hours.

**7.7 Accrual of Leave While Using Donated Leave**

An emergency leave recipient using donated leave continues to accrue annual and sick leave at the same rate as if the employee were in a paid leave status. The employee’s annual leave is subject to annual leave limitations in paragraph 3.5.1.

**7.8 Use of Donated leave**

7.8.1 An approved emergency leave recipient is not required to exhaust accrued annual and sick leave before receiving donated annual leave under the ELTP. In accordance with applicable regulations, any donated annual leave an emergency leave recipient receives from an ELTP bank may be used only for purposes related to the disaster or emergency for which the emergency leave recipient was approved.

7.8.2 Leave recipients will document use of ELTP donated leave in the Agency time and attendance system.

**7.9 Termination of a Disaster/Emergency**

7.9.1 Employees can only use donated leave for a set time, which is determined by the ELTP Board in accordance with applicable regulations outlined in 5 CFR § 630.1116.

7.9.2 When the emergency is terminated, any unused donated leave will be returned to the leave donor(s).

**Appendix A. Definitions**

**Administrative workweek.** The period an employee is regularly scheduled to work within a workweek (i.e., a period of seven consecutive 24-hour periods designated in advance). For a full-time employee, it consists of the 40-hour basic workweek plus any periods of regularly scheduled overtime work. For a part-time employee, it means the officially prescribed days and hours during which the employee is regularly scheduled to work.

**Available Paid Leave.** 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 set-aside leave accounts which has not yet been transferred to the employee’s regular annual or sick leave account, or other forms of paid time off (i.e., credit hours under flexible work schedules, compensatory time off, or religious compensatory time off).

**Basic workweek.** The officially prescribed days and hours during which a full-time employee is entitled to basic pay. For example, the basic work week for all full-time employees is 8:30 a.m. to 5:00 p.m., Monday through Friday, including a daily non-compensable lunch period of 30 minutes. Variations from the basic workweek may be authorized by a management official.

**Compressed Work Schedule.** An 80-hour biweekly basic work requirement that is scheduled (i.e., required) by an agency for less than 10 workdays.

**Credit Hours.** Hours that an employee elects to work, with supervisory approval, in excess of the employee’s basic work requirement under a flexible work schedule.

**Employee.** The meaning given in Definitions at 5 U.S.C. § 6301(2) that includes all full-time employees and part-time employees with scheduled tours of duty in all pay systems. Employees with intermittent tours of duty are excluded from coverage under 5 U.S.C. §§ 6329a, 6329b, and 6329c.

**Enhanced Annual Leave.** Enhanced Annual Leave is a recruiting incentive that may be used for difficult-to-fill positions. This is a discretionary authority, not an employee entitlement. A newly appointed or reappointed employee (after a 90-day break in service) may receive service credit for prior non-Federal service or active duty uniformed service that otherwise would not be creditable for the purpose of determining his or her annual leave accrual rate. To be eligible, the individual must have prior work experience that is directly related to the duties of the position to which he or she is being appointed and the prior experience must be necessary to achieve an important Agency mission or performance goal.

**Family Member.** The definition of family member in 5 CFR pt. 630 covers a wide range of relationships, including spouses, and parents thereof; sons and daughters, and spouses thereof; parents, and spouse’s thereof; brothers and sisters, and spouses thereof; grandparents and grandchildren, and spouses thereof; domestic partners and parents thereof, including domestic partners of any individual listed prior; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship. See 5 CFR § 630.1202 for definitions of each family member (i.e., son, daughter, and spouse) as it relates to FMLA.

**Flexitour.** A work schedule in which an employee is allowed to select starting and stopping times within the flexible hours authorized by the organization. Once approved, the hours are fixed until the employee requests and the supervisor approves a different schedule.

**Flexible Work Schedule (FWS).** A work schedule with an 80-hour biweekly basic work requirement that allows an employee to determine his or her own schedule within the limits set by the organization. In the case of a part-time employee, an employee may determine his or her own schedule within the limits set by the organization. At NASA, there are three work schedule options under FWS: flexitour, variable week, and maxiflex.

**Health Care Provider.** This term includes any health care provider as defined by 5 CFR § 630.1202.

**Leave Donor.** An employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved by a designated official.

**Leave Recipient.** A current employee for whom NASA has approved an application to receive annual leave from the annual leave accounts of one or more leave donors.

**Leave Sharing Programs.** This includes any of the following leave programs: Voluntary Leave Transfer Program (VLTP), the Voluntary Leave Bank Program (VLBP), and the Emergency Leave Transfer Program (ELTP).

**Maxiflex Work Schedule.** A work schedule that contains core hours on fewer than 10 workdays in the biweekly pay period and in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period, but in which an employee may vary the number of hours worked on a given workday or the number of hours each week within the limits established for the organization

**Medical Certification.** A written statement signed and dated by a registered practicing health care provider or other appropriate expert that certifies to the incapacitation, examination, or treatment of an employee or qualified family member and the duration of the medical emergency.

**Medical Emergency.** Means a medical condition of an employee or a family member of such employee that is likely to require an employee’s absence from duty for a prolonged period and to result in a loss of substantial income (at least 24 hours for a full-time employee).

**Other than Full-Time Career Employment.** Employment with a work schedule that is regularly scheduled from 16 to 32 hours per week or 32 to 64 hours per pay period.

**Set-Aside Leave Accounts.** While using donated leave, a leave recipient may accrue up to 40 hours of annual leave and 40 hours of sick leave in a set-aside account. The leave in the set-aside account will be transferred to the employee’s regular leave accounts when the medical emergency ends or if the employee exhausts all donated leave. Leave in set-aside accounts is not available for use by the employee until transferred to the employee’s regular leave accounts.

**Shared Leave Status.** The status of an employee while using transferred leave in either the VLTP, VLBP, or the ELTP.

**Variable Week.** A type of flexible work schedule containing core hours on each workday in the biweekly pay period and in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period, but in which an employee may vary the number of hours worked on a given workday or the number of hours each week within the limits established for the organization.

**Appendix B. Acronyms**

AWOL Absent Without Leave

CFR Code of Federal Regulations

CHCO Chief Human Capital Officer

COP Continuation of Pay

ELTP Emergency Leave Transfer Program

FEHB Federal Employee Health Benefits

FEPLA Federal Employees Paid Leave Act

FMLA Family and Medical Leave Act

FWS Flexible Work Schedule

GS General Schedule

HR Human Resources

LWOP Leave Without Pay

NID NASA Interim Directive

NASA National Aeronautics and Space Administration

NPR NASA Procedural Requirements

NSSC NASA Shared Services Center

OCHCO Office of the Chief Human Capital Officer

OIC Officials-in-Charge

OPM Office of Personnel Management

OWCP Office of Workers’ Compensation Programs

SES Senior Executive Service

SF Standard Form

SL Senior Leader

ST Scientific or Professional

U.S.C. United States Code

VLBP Voluntary Leave Bank Program

VLTP Voluntary Leave Transfer Program

**Appendix C. References**

C.1 Annual Leave; Accumulation, 5 U.S.C § 6304.

C.2 Annual Leave Enhancements, 5 U.S.C. § 9812.