

ABSENCE AND LEAVE

1. PURPOSE

This Directive provides a uniform policy on administering absence and leave benefits and entitlements for Marketing and Regulatory Programs (MRP) employees.

2. REPLACEMENT HIGHLIGHTS

This Directive replaces MRP Directive 4630.1, dated 9/12/97.

3. AUTHORITIES

This Directive supplements the following laws, rules, and regulations:

- a. Title 5 U.S. Code, Chapter 35, Subchapter II and Chapter 63,
- b. Title 5 Code of Federal Regulations, Parts 353 and 630;
- c. The Family and Medical Leave Act of 1993 (Public Law (P.L.) 103-3, February 5, 1993);
- d. Federal Leave Sharing (P.L. 103-103, October 8, 1993);
- e. The Federal Employees Family Friendly Leave Act of 1994 (section 629(b) of P.L. 103-329, the Treasury, Postal Service and General Government Appropriation Act for fiscal year 1995, September 30, 1994);
- f. Uniformed Services Employment and Reemployment Rights Act of 1994 (P.L. 103-353, October 13, 1994);
- g. Departmental Personnel Manual (DPM) Chapter 640, Subchapter 11-5 and DPM Bulletin 630-93, Five-Year Voluntary Leave Transfer Program; and
- h. Departmental Notice 4070-001, Emergency Leave Transfer Program – Hurricane Katrina, dated December 13, 2005.

4. POLICY

It is MRP policy that:

- a. Leave entitlements and benefits will be administered in accordance with applicable laws and regulations and in a fair and equitable manner to all employees;
- b. Leave charges (including absence without leave) will be made in 15-minute increments;
- c. The designation of “emergency employees” will be made on an annual basis by the applicable program and that employees so designated will be notified;
- d. The President's request, dated April 11, 1997, will be adhered to by entitling employees up to 24 hours of leave without pay per calendar year for certain child and elder care situations/needs; and
- e. If an employee has exhausted annual leave (sick leave, if consistent with current regulations) and wishes to apply for the leave transfer program, the application must be filed within 90 calendar days of exhausting leave.
- f. Programs with recognized bargaining units must meet their obligations to consult and/or negotiate, as appropriate and required, before changes made by this Directive can become effective for bargaining unit employees.

5. DELEGATIONS OF AUTHORITY

With two exceptions (a. and b. below), the authority to approve absence and leave is delegated through this Directive to the level of supervision consistent with the authority to approve time and attendance reports. If this level of delegation does not meet their specific needs, individual programs within MRP agencies have the discretion to retain approval authority at higher levels than prescribed in this Directive.

- a. The authority to approve restoration of annual leave forfeited due to exigencies of the public business (operational emergencies) is delegated to the following officials and may not be redelegated:
 - (1) AMS - Administrator, Associate Administrator, Deputy Administrators, Associate Deputy Administrators, and Program/Staff Directors;
 - (2) APHIS - Administrator, Deputy Administrators, and Directors (Program, Regional, Center, Lab, and Division); and
 - (3) GIPSA - Administrator, Deputy Administrators, and Division Directors.

- b. The authority to approve restoration of annual leave forfeited due to sickness, administrative error, or unwarranted or unjustified personnel action is retained by the Director, Marketing and Regulatory Programs Human Resources (MRPHR).

6. REPORTING REQUIREMENTS

Annual reports on the use of the delegated authority for leave restoration must be submitted to the Director, MRPHR, by May 1. As a minimum, each report should contain information regarding the nature of the exigencies for which leave was forfeited by employees, copies of any approved Forms AD-582, Authorization for Restored Annual Leave, copies of notifications to employees where leave restoration was denied, and any other information or comments relevant to administration of this authority.

7. OPERATING GUIDELINES

Operating guidelines for administering leave benefits and entitlements are contained in Human Resources Desk Guide (HRDG - formerly Supervisor's Desk Guide) Subchapter 4630, Absence and Leave. The Guide is intended to be a user-friendly reference tool, to be shared by supervisors and their employees.

8. INQUIRIES

General inquiries on procedural matters regarding absence and leave issues should be directed to the servicing personnel office. Requests for policy interpretations for complex or recurring situations, as well as all questions regarding restoration of annual leave, should be referred to the Leave Policy Specialist, Employment and Classification Policy Branch, MRPHR. This Directive and HRDG Subchapter 4630 are available on the MRPHR Internet home page at www.aphis.usda.gov/mb/mrphr, the Information Technology library at www.aphis.usda.gov/library, and the AMS Issuances home page at www.ams.usda.gov/issuances.

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