

BPA Human Resources Desk Reference

Leave Administration

HR Desk Reference: 410-06-01

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1. Purpose & Background

The HR Desk Reference implements BPA HR Directive 410-06: Employee Leave, Work Schedules, and Telework.

A. Introduction

1. **Governance model:** This HR Desk Reference is part of a tiered approach to BPA’s Human Resources governance model. The first tier is the BPA Human Resources Policy, which provides broad BPA-wide guidelines and standards for making specific human resources-related decisions and specifies who in BPA is delegated the authority to make them.

The second tier consists of HR Desk References covering more detailed instructions concerning program administration and processes. These second tier documents will be authorized in the “Related HR Desk References” section of the BPA HR Directives when they are published as an extension of a specific HR Policy.

The third tier consists of Standard Operating Procedures applicable to a specific business process. Standard Operating Procedures may stand alone or be encompassed in an HR Desk Reference.

2. **Design of the HR Desk Reference:** In order to support the overarching guidance contained in the relevant HR Policy, this HR Desk Reference provides a standardized and consistent approach to HCM’s and BPA Management’s administration of the programs and processes contained in this HR Desk Reference.
3. **Using the HR Desk Reference:** Recorded information is an integral part of all business functions at BPA and as such, is an asset of the agency that is handled and managed based upon content and the circumstances surrounding the function. Users of this HR Desk Reference are likely to reference a specific function or procedure rather than reading it in its entirety and it is therefore structured to reflect this type of use.

B. Purpose/Objectives:

1. This HR Desk Reference supplements BPA HR Directive 410-06: Employee Leave, Work Schedules, and Telework. The HR Desk Reference guide provides guidance to managers and supervisors in administering leave programs related to employee earning, accrual, and requesting of time off as well as the documentation required.
2. The HR Desk Reference guide content is separated into chapters for various types of absence and leave. Generally applicability, responsibilities, definitions, etc. that apply to all absence and leave chapters are located in this section of the guide. Content and specific guidance unique to specific type of leave is contained within the chapter.

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3. The provisions of BPA collective bargaining agreements will be administered in conjunction with the provisions of this HR Desk Reference.

C. **Background:** Employees are one of the Bonneville Power Administration’s (BPA’s) most critical assets for delivering on the agency’s mission in the Pacific Northwest, and absence and leave tools contribute to the recruitment, retention, and sustainment of this talent by allowing employees time to balance personal life demands, medical conditions, and family needs.

2. Applicability

This HR Desk Reference applies to all BPA annual and hourly employees. Each chapter of the HR Desk Reference guide provides information regarding the applicability for the specific type of leave.

3. Terms & Definitions

Generally, the terms related to absence and leave that pertain to more than one chapter are defined below. All other terms are defined in the applicable chapter.

- A. **Accrued leave:** Leave earned during the current leave year that remains available for use during that leave year.
- B. **Accumulated leave:** The total leave carried over from the previous year, including restored annual leave (maintained in a separate account) and accrued leave.
- C. **Family member (sick leave to care for a family member):** The definition of a family member is different under FMLA and FFLA. FMLA’s definition is more restrictive, with a family member being a spouse, a son or daughter, foster care children legally in your custody 24 hours per day, and a parent. Under FFLA, a family member may include, in addition to the FMLA definition, siblings and their spouses, and any individual related by blood or affinity whose close relationship with the employee is the equivalent of a family relationship. See Chapter 4 of this document for complete definitions of family members.
- D. **Family Medical Leave Act (FMLA):** The FMLA entitles employees to unpaid leave for up to 12 weeks within any 12-month period to meet certain family and medical needs. Such needs include those related to the birth, adoption, and/or care of a child, for the employee’s own serious health condition, and to care for a family member with a serious health condition. The FMLA also permits 12 weeks of FMLA leave to be used for exigencies related to active military duty and the NDAA of 2010 provides a total of 26 weeks of unpaid leave in a 12-month period to care for a covered service member with a serious injury or illness (the combined total of “regular” FMLA and military caregiver FLMA cannot exceed 26 weeks)

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- E. **Full-time employee:** An employee regularly scheduled to work 80 hours in a biweekly pay period.
- F. **Intermittent employee:** An employee who does not have a regular work schedule. An intermittent employee receives compensation only for time worked and is not eligible for any type of leave or excused absence.
- G. **Leave ceiling:** The maximum annual leave that may be carried over to the following leave year is 240 hours. Senior Executive Service employees may usually carry over 720 hours.
- H. **Leave year:** A 12-month period which begins with the first day of the first complete pay period in a calendar year and ends the day immediately before the first day of the first complete pay period in the following calendar year.
- I. **Medical certificate:** A written statement signed by a state-licensed diagnostician certifying the incapacitation, examination, or period of sickness or disability during which the employee was a patient receiving medical treatment. A written statement from a state-licensed practitioner certifying that the employee is/was receiving counseling/treatment is also acceptable. For the purpose of this handbook, examples of a practitioner include an alcohol or drug abuse counselor, a Christian Science practitioner, a marriage counselor, a medical doctor, and a psychologist or psychiatric social worker, so long as the treatment is within his/her authority to administer. (Note: See Chapter 4 for specific definition applicable to the FMLA).
- J. **On-call employee:** An employee that works under a permanent (competitive or excepted) appointment on an as-needed basis during periods of heavy workload. An on-call employee is expected to have a cumulative service period of at least 6 months in pay status each year. An on-call employee may have a full-time or part-time tour-of-duty.
- K. **Over-ceiling (use-or-lose leave):** For most employees, this occurs when an employee’s annual leave balance or projected annual leave balance exceeds or will exceed 240 hours by the end of a leave year. This triggers a leave status known as “use-or-lose” leave.
- L. **Part-time employee:** An employee with an established tour-of-duty that is 16-32 hours per week (32-64 hours per pay period if on a compressed work schedule).
- M. **Regularly scheduled administrative workweek:** For full-time employees, it is the period within an administrative workweek when regularly required to be on duty (normally Monday through Friday, but it can be any 5 or 6 consecutive days of the administrative workweek, and may include regularly scheduled overtime). For part-time employees, it is the officially prescribed days and hours within an administrative workweek when

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regularly scheduled to work as reflected on the current Notification of Personnel Action, Standard Form (SF) 50.

- N. **Restored annual leave:** Annual leave previously forfeited as a result of administrative error, exigency of the public business, or sickness of the employee that has been restored for a limited period of time and maintained in a separate account.
- O. **Seasonal employee:** An employee who works recurring periods lasting less than 12 months, but more than 6 months, in a service year. Employees who work on a seasonal basis hold permanent (competitive or excepted) appointments. A seasonal employee may have a full-time, part-time, or intermittent tour-of-duty.
- P. **Serious health condition:** The term "serious health condition" has the same meaning as used in Federal regulations for administering the FMLA (See Chapter 4 and Attachment 3). A serious health condition is: 1) an illness, injury, impairment, or physical or mental condition that involves hospital care; 2) absence plus treatment; incapacity due to pregnancy or for prenatal care; 3) chronic conditions requiring treatments over an extended period of time; or 4) a permanent/long-term conditions requiring supervision or multiple treatments.
- Q. **Sick leave used to care for a family member:** Federal leave policy that allows full-time and part-time Federal employees to use a limited amount of sick leave for family care or bereavement purposes. (See Appendix 1)
- R. **Tour-of-duty:** The hours of a work day (daily tour-of-duty) and the days of the work week (weekly tour-of-duty) which constitute an employee's regularly scheduled administrative work week.
- S. **Acronyms:**
 - 1. **AWOL:** Absent Without Leave
 - 2. **CEO:** Chief Executive Officer
 - 3. **CFR:** Code of Federal Regulations
 - 4. **COO:** Chief Operating Officer
 - 5. **DOE:** Department of Energy
 - 6. **DOL:** Department of Labor
 - 7. **FMLA:** The Family and Medical Leave Act
 - 8. **GS:** General Schedule
 - 9. **HCM:** Human Capital Management
 - 10. **HRD:** Human Resources Director
 - 11. **SF:** Standard Form

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- 12. **SOP:** Standard Operating Procedures
- 13. **VLTP:** Voluntary Leave Transfer Program

4. Responsibilities

A. The Administrator or Chief Executive Officer (CEO):

- 1. Determines and declares system-wide or individual office closures; and
- 2. Re-delegates authority to the Chief Operating Officer (COO) and/or those officials who are called upon to perform the duties of the Administrator or CEO.

B. Human Resource Director (HRD) or his/her assignee:

- 1. Conducts official leave policy inquiries and communications with OPM and Department of Energy (DOE) offices;
- 2. Provides advice and assistance to managers on leave administration policies and procedures;
- 3. Provides periodic leave administration reminders to employees; and
- 4. Approves restoration of use-or-lose annual leave forfeited as the result of an approved exigency.

C. Managers/Supervisors (or acting):

- 1. Approve annual leave requests to ensure that there is minimal work disruption;
- 2. Approve sick leave;
- 3. Disapprove annual and sick leave, as appropriate;
- 4. Educate employees and timekeepers on leave administration procedures and rules;
- 5. Maintain awareness and monitors subordinate employee's leave balances so as to avoid approval of nonexistent leave and to remind employees about the potential loss of annual leave, including restored leave;
- 6. Ensure that employee leave documentation is maintained as prescribed by the provisions of this HR Desk Reference and other established unit time and labor procedures and practices;
- 7. Maintain leave records as necessary for Payroll Disbursement and Records Management to carry out its responsibilities; and
- 8. If applicable, abide by further responsibilities outlined in BPA’s Collective Bargaining Agreements.

D. Payroll Disbursement:

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1. Maintains payroll records; and
2. Monitors in collaboration with Human Capital Management the use of accumulated leave consistent with federal regulations and other fiduciary responsibilities.

E. Employees:

1. Adhere to and apply all leave policies;
2. Communicate with managers to plan all nonemergency leave in advance to allow management time to schedule work assignments;
3. Take leave appropriately for the purpose for which it was designed;
4. Schedule annual leave in order to avoid the forfeiture of “use-or-lose” leave;
5. Properly request, record and manage leave use; and
6. Follow any leave request, approval, and/or documentation procedures specific to their units or the instructions of their supervisors (employees may not approve their own leave requests).

5. Annual & Sick Leave (Self & Family Members) Requirements & Guidance

5.1 Purpose & Background

A. Purpose/Objectives: This section provides guidance to managers, supervisors, and employees related to employees earning, accruing, and requesting time off. The chapter also provides guidance, procedures, and documentation required for the use of annual and sick leave.

B. General:

1. Employees who have a regular tour-of-duty established during the regularly scheduled administrative workweek can earn annual and sick leave.
2. BPA employees (full or part-time) may use annual leave for planned vacations, personal reasons, or unplanned emergencies. An employee has a right to take annual leave that is subject to the right of the supervisor to schedule the time at which annual leave may be taken. An employee will receive a lump-sum payment for accumulated and accrued annual leave when he/she separates from Federal service or enters on active duty in the Armed Forces and elects to receive a lump-sum payment.
3. Intermittent employees are not eligible for any type of leave (or excused absence).
4. Employees with annual leave balances who are converted to intermittent positions will have their annual leave held in abeyance during their intermittent duty and re-

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credited when they return without a break in service to either full-time or part-time employment.

5. On-call and seasonal employees earn annual or sick leave only during periods of work in accordance with their established tour of duty.
6. Annual and sick leave are earned and used in 30-minute increments.
7. When an employee is on extended continuous LWOP, alternating paid and unpaid leave for the benefit of obtaining a paid holiday is not permitted.

C. Earning annual leave:

1. BPA employees with an initial appointment of more than 90 days earn and may use annual leave as of the first day of employment.
2. A temporary employee with an appointment of less than 90 days is entitled to accrue annual leave only after being currently employed for a continuous period of 90 days under successive appointments without a break in service. (This restriction only applies to the accrual of annual leave. If an employee on such an appointment already has annual leave to his or her credit from a previous appointment, he/she is allowed to use this annual leave during the temporary appointment.) After completing the 90-day period of continuous employment, the employee is entitled to be credited with the leave that would have accrued to him or her during that period.
3. Full-time employees earn annual leave based on length of service as follows:
 - a) Employees earn 4 hours of annual leave during each full biweekly pay period if they have less than 3 years of service.
 - b) Employees earn 6 hours of annual leave during each full biweekly pay period if they have 3 or more, but less than 15 years of service. Employees in this category earn 10 hours of annual leave on the last pay period of the leave year.
 - c) Employees earn 8 hours of annual leave during each full biweekly pay period if they have 15 or more years of service.
4. Part-time employees earn annual leave based on years of service and the number of hours spent in a pay status:
 - a) 1 hour of annual leave for every 20 hours in a pay status if they have less than 3 years of service.
 - b) 1 hour of annual leave for every 13 hours in a pay status if they have 3 or more, but less than 15 years of service.
 - c) 1 hour of leave for every 10 hours in a pay status if they have 15 or more years of service.

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5. Changes in annual leave accrual rates are made at the beginning of the pay period following the completion of 3 and 15 years of service.
6. Leave is charged only for an absence that occurs during the basic 40-hour workweek.
7. Since overtime work is only counted if the employee actually works during that period, overtime work is not scheduled or charged to leave during an employee absence.

D. Earning sick leave:

1. An employee is not required to complete a 90-day period of continuous employment in order to be entitled to earn or use sick leave. Such leave is available for use at any time during the pay period in which it is earned.
2. Full-time employees earn 4 hours of sick leave for each full bi-weekly pay period.
3. Part-time employees earn sick leave on a prorated basis of 1 hour for each 20 hours of duty.
4. Unused sick leave accumulates throughout an employee's career without limit.

E. Restrictions on outside employment during periods of sick leave:

1. Employees are required to notify their managers whenever they engage in outside employment on one or more days during a period in which they have requested sick leave.
2. If the employee is unable to work for BPA because of illness or injury, the employee is generally considered unable to work elsewhere. Employees are required to obtain prior approval before engaging in outside work during a period of sick leave.
3. Managers may approve outside employment in rare instances such as an employee confined at home because of pregnancy who engages in telephone solicitation work where the condition might prevent the employee from carrying out official duties, but might not prevent her from engaging in the telephone work.

5.2 Annual and sick leave processes and procedures

A. Scheduling/using leave (annual and sick):

1. **General:** Leave during the regularly scheduled administrative work week may be charged and an absence may be granted only on days in which the employee is scheduled to work, i.e., the employee's regularly scheduled administrative work week.
2. **Annual leave:** BPA employees (full or part-time) may use annual leave for vacations, rest and relaxation, and personal business or emergencies. Annual leave may also

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be requested due to medical reasons in lieu of using sick leave (using appropriate timesheet time reporting code).

3. **Sick leave:** There is no limit on the amount of sick leave that an employee may use for her own personal medical needs, however an employee has no entitlement to use sick leave except for authorized sick leave purposes. Except where noted, a request to use sick leave is submitted and must be granted when an employee is:
 - a) Physically incapacitated for the performance of duties by sickness, injury, or pregnancy (for prenatal care, any period of incapacity due to her pregnancy—including periods of morning sickness or medically prescribed bed rest—childbirth, and recovery from childbirth);
 - b) Receiving medical, dental, or optical examination or treatment;
 - c) Receiving therapy or rehabilitation treatment associated with mental or emotional illness, or substance abuse;
 - d) Receiving treatment from a licensed family/marriage counselor;
 - e) Providing care for a family member who is incapacitated by medical or mental condition or attends to a family member receiving medical, dental, or optical exam or treatment where there may not be a serious health condition (see section below regarding limitations on amount of sick leave available for use under this provision);
 - f) Providing care for a family member with a serious health condition (see section below for limitations on amount of sick leave available for use under this provision);
 - g) Making arrangements necessitated by the death of a family member or attending a funeral of a family member (see section below for limitations on amount of leave available for use under this provision);
 - h) Absence from work when absences relate to the adoption of a child including, appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed. This does not include time spent bonding with the child; or
 - i) Exposed to a communicable disease and because of this exposure his/her presence on the job would jeopardize the health of others. (Use of sick leave to care for family members who are ill is covered above.) A state-licensed diagnostician must diagnose the disease. The maximum time periods for which leave may be granted after an employee has been exposed to a communicable disease is listed below. The employee must produce a medical certificate to document his/her eligibility to use sick leave under this provision.

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Disease*	Amount of Sick Leave that May Be Granted
Measles	Infectious from onset of first symptoms until 4 days after the appearance of the rash.
Rubella	Infectious from 7 days before the rash appears until 4 days after.
Mumps	Infectious from 3 days before the glands swelling until 7 days after the swelling has subsided.
Chicken Pox	Infectious from 5 days before the rash appears until all the spots have scabs.
Tuberculosis	Once diagnosed, employee must receive clearance from County Health Department before returning to work.

*Exposure to which would qualify for use of Sick Leave

4. Use of sick leave for family care requires inclusion of an override reason code with the type of leave or LWOP used in the time and labor system. The following limitations apply to use of sick leave for family care and bereavement:
 - a) For use of sick leave for a family member with a non-serious health condition or to attend a family member’s funeral, full-time employees may use a maximum of 104 hours of sick leave in any leave year. This amount is prorated for employees in part-time or uncommon tours-of-duty (as specified in 5 CFR Section 630.401).
 - b) For use of sick leave to care for a family member with a serious health condition, full-time employees may use a maximum of 480 hours of sick leave in any leave year. This amount is prorated for employees in part-time or uncommon tours-of-duty (as specified in 5 CFR Section 630.401).
 - c) If an employee has previously used any portion of the 104 hours of sick leave for a family member or to attend a family member’s funeral, that amount must be subtracted from the 480 hour maximum amount. If an employee has already used the 480 hours maximum of sick leave to care for a family member, he/she cannot use an additional 104 hours in the same leave year for other family care or for bereavement purposes. An employee is entitled to a total of 480 hours of sick leave each leave year for all family care and bereavement purposes.

5.3 Approving Leave Requests

- A. Leave requests (written or electronic) are official records and information on the request, including the type of leave requested, is covered under the Privacy Act. Therefore, only managers and authorized employees, e.g., office managers or timekeepers, have a need to know this information, and it should not be made available to others.

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- B. Non-emergency requests for leave are submitted in a timely manner for approval, to allow a manager to schedule for office coverage or completion of critical projects (as applicable).
- C. Managers may approve leave via the following options and should communicate his/her preferred method(s):
 1. Using an electronic calendar for optional use within a manager’s workgroup to request leave, e.g., Outlook or SharePoint calendars.
 - a) If this information is accessible to employees who do not have a need to know, then these calendars should not include the employee’s specific type of leave to be taken, e.g., annual or sick leave, or the word “leave”.
 - b) It is permissible to communicate and note “out of the office” for an employee’s absence with the specific date and time. If the employee is out of the office for work related reasons it is acceptable to indicate the reason, such as training or telework, with the date and time.
 2. Printed copy of the official leave request form, e.g., OPM-71, Application of Leave, for employee signature/date and manager approval and date.
 3. Submit a leave request or an e-mail message. If an electronic leave form or e-mail is sent for approval, the Subject Line of the e-mail should contain “Leave Request”. The electronic method would be deemed to have been “signed” by the employee by virtue of having sent the e-mail and by the manager by providing a positive approval via return e-mail.
 4. Requiring a telephone or verbal request procedure where the manager is held responsible for recording the leave request and approval by utilizing a paper or electronic document (electronic or paper calendar, note to file, etc.) that the manager deems appropriate.
 5. Allowing employees to certify their own leave usage, if requesting less than a full day of leave, by signing the Time and Attendance Sheet (applicable only for those using a hard copy timesheet).
- D. Any period of absence not approved by a supervisor will be considered and recorded as AWOL according to the evidence supporting this charge. A charge of AWOL may be changed to an authorized absence upon managerial approval of the absence.

5.4 Substitution of Sick Leave for Annual Leave

When an employee is injured or becomes ill during a period covered by annual leave, sick leave may be substituted for the period of incapacitation or the employee may continue on annual leave. If sick leave is to be used in lieu of annual leave, the employee must provide appropriate documentation of his/her incapacitation.

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5.5 Advancing Leave

- A. Advanced annual leave and sick leave are at manager’s discretion to approve or disapprove. Employees are not entitled to have requests for advanced leave approved. (Approval is required for childbirth, adoption and foster care purposes, see 03.05 below). Managers may contact the Leave Program Specialist or Employee Relations Specialist in HCM for further guidance on disapproving requests for advanced sick leave.
- B. Annual and sick leave may not be advanced if it is known that the employee will not return to BPA.
- C. The employee submits either the OPM-71 form (paper or electronic) or leave calendar request to the manager for approval. The request should specify the type of advanced leave, the dates, and amount.
- D. If advanced leave is approved, a copy of the leave request (paper or electronic) is sent to Payroll Disbursement and received and processed before the advanced hours can be entered into the Payroll system. This must occur prior to the end of the pay period. The original leave request may remain with the originating office files.
- E. Advanced leave is entered as annual (AL) or sick leave (SL) by the employee. The amount that exceeds the employee's leave balances must match the advanced leave request approved by the manager. The approving official approves the amount of advanced leave in the Time and Labor system.
- F. Advanced annual leave and sick leave must be repaid upon separation from Federal Service except upon:
 - 1. Death of employee;
 - 2. Disability retirement;
 - 3. Resignation or separation because of a disability which prevents the employee’s return to duty or continuation in Federal service and which is the basis for the separation as determined by BPA based on medical evidence;
 - 4. Inability of an employee to return to duty because of disability (the employee's disability claim must be supported by a medical certificate acceptable to the manager, which is then sent with a statement from the manager listing the pertinent facts to the Human Capital Management Office for coordination with the Payroll Office, Disbursement Operations; or
 - 5. An employee who enters active military service with a right to restoration is not considered as having separated and is not required to refund the amount of advanced annual leave when entering military service. The advanced sick leave should be liquidated either after the employee returns to duty or is separated from Federal service.

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5.6 Advanced Annual Leave

- A. In deciding whether or not to approve advanced annual leave, the manager needs to consider work-related considerations, e.g., coverage, employee’s leave use patterns, etc.
- B. Advanced annual leave must be approved upon an employee’s request for childbirth, adoption, and foster care purposes, with the same limitations provided in C below.
- C. The manager may approve advanced annual leave up to the total amount of leave the employee could earn during:
 - 1. the remainder of the current leave year; or
 - 2. for a temporary employee, the rest of his/her appointment or the remainder of the current leave year, whichever is less.
- D. Advanced annual leave requires the immediate manager’s approval. If approved, a copy of the leave request is the only documentation sent to Payroll and the original is retained with the employee’s timesheet.

5.7 Advanced Sick Leave

- A. Advanced sick leave may only be advanced for the serious disability or ailment of the employee or employee’s family member with the following limitations:
 - 1. For full-time permanent employees, advanced sick leave cannot exceed a total of 240 hours for the employee;
 - 2. For employees on a part-time work schedule, advanced sick leave may be scheduled on a pro-rata basis, e.g., a permanent part-time employee with a tour of duty of 20 hours per week would be eligible for a total of 120 hours of advanced sick leave;
 - 3. Temporary employees may be advanced only the amount of sick leave remains to be earned during their current appointment;
 - 4. Up to 40 hours of sick leave may be advanced per leave year to care for a family member with a serious ailment or disability (pro-rated for part-time employees);
 - 5. A doctor’s statement is required to include the nature and estimated duration of the serious disability or ailment of the employee or family member. HCM’s Leave Program Specialist may be consulted to determine whether or not the request meets the criteria for approval; and
 - 6. Advanced sick leave requires two levels of manager approval and must be supported by a statement by the physician (submitted to Occupational Health). If approved, a copy of the leave request is the only documentation sent to Payroll and the original is retained with the employee’s timesheet.

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- B. The maximum amount (240 hours) of advanced sick leave must be approved for childbirth, adoption, and foster care.
- C. Sick leave cannot be advanced for the purpose of being applied retroactively to cover previous absences in which annual leave or LWOP was used, unless it is substituted in the same pay period during which absence occurred.
- D. Sick leave cannot be advanced beyond the ability of the employee to repay the advanced sick leave he/she has requested. For example, advanced sick leave shall not be approved beyond the date that the employee has chosen to terminate employment.
- E. Advanced sick leave should not be granted to an employee who has applied for disability retirement after submitting an application for disability retirement to the Office of Personnel Management through Human Capital Management.
- F. If there is any unused advanced sick leave when the employee returns to duty, the manager must inform the employee and Payroll that unused advanced sick leave has been canceled, unless the approved advanced sick leave was documented for a continuing medical condition. If an additional period of advanced sick leave is needed, the request is handled in the same manner as the initial request and is subject to the same conditions.

5.8 Medical Documentation

- A. A manager may require that each period of sick leave of more than 3 consecutive workdays be supported by either a medical certificate issued by a state-licensed diagnostician or by other evidence (advanced sick leave, care of a family member with a serious health condition, and FMLA-required medical documentation). The medical certificate or other evidence must be administratively acceptable to the manager (meaning that the medical evidence must have the date of the visit; a statement that the employee was incapacitated for duty or unable to work due to illness; the dates of incapacitation; the medical care provider’s signature; and it must be on letterhead with the provider’s name, address, and phone number). This certificate must be presented within 15 calendar days of the request made by the manager. An employee who fails to do so is not entitled to the sick leave.
- B. Also, a medical certificate for any period of sick leave for less than 3 consecutive workdays may be required at the manager’s discretion, provided the employee has been given written notice of this requirement in advance or if the manager believes a specific leave request is suspicious and provides the employee with an explanation as to why the certificate is being requested (except for advanced sick leave, care of a family member with a serious health condition, or if FMLA has been invoked for self or a family member). The medical certificate must be provided by the employee within the time frame addressed in the advance written notice or within 15 calendar days of being

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requested to submit it if there is no advance written notice. If an employee fails to do so, the employee is not entitled to the sick leave and the manager should consult an Employee Relations Specialist in HCM to determine the appropriate action to be taken.

- C. Documentation of a serious health condition is required when caring for a family member. DOL WH-380-F forms (available on e-forms) shall be used for this purpose as written certification from the health care provider of the family member’s need for psychological comfort and/or physical care. An employee must provide medical documentation within 15 calendar days after the manager requests such documentation to the Leave program specialist in HCM (or by secure facsimile number provided upon request). If it is not practicable under the particular circumstances to provide the documentation within this time frame despite the employee’s diligent, good faith efforts, the employee must provide it within a reasonable period under the circumstances, but no later than 30 calendar days after the manager’s request. An employee who fails to do so is not entitled to sick leave.
- D. If an employee fails to provide required documentation within the timelines discussed above, management may approve the sick leave even though the employee is not entitled to it. In making such decisions, management will take into consideration situations in which an employee is able to document diligent, good faith efforts on the employee’s part to obtain such documentation but the medical provider has not been responsive.
- E. All medical documentation is submitted to the HCM Leave Program Specialist. Access to such documentation will be limited to those with a need to know in HCM.

5.9 Disposition of Annual and Sick Leave - Transfer and Upon Separation

- A. When transferred, the employee's annual and sick leave balances will be certified to the gaining agency.
- B. Terminal leave is annual leave taken at the conclusion of a period of service and immediately before separation or retirement without the employee being present at his/her workstation and in a work status at the end of the workweek or pay period in which he/she separates or retires. Managers may not grant an employee terminal leave immediately prior to separation from Federal service when it is known, in advance, that the employee is to be separated, except where the exigencies of the service require such action.
- C. Upon separation, an employee will receive a lump-sum payment for all unused annual leave, but not sick leave. This includes any annual leave accrued and unused during the year of separation, leave carried forward from the previous year, and restored leave that is within the 2-year time limit prescribed by statute.

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- D. The unused sick leave of an employee covered by the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) who:
 1. **Retires on an immediate annuity;** or
 2. Dies leaving a surviving spouse entitled to a survivor annuity, is used to increase the amount of service on which to base a retirement annuity. Each 8 hours of unused sick leave constitutes 1 day of credit. This credit is converted to days, months, or years on the basis of a 260-day work year.

6. Excused Absences (Administrative Leave)

6.1 Purpose & Background

A. References:

1. [OPM’s Administrative Leave Fact Sheet \(June 2015\)](#)
2. [DOE Order 333.1 – Administering Work Force Discipline](#)

B. Purpose & Objectives:

This section describes the types of situations or events where excused absence (administrative leave) may be granted on an individual (discretionary and non-discretionary) basis and for group dismissals. It also provides the process that excused absence is requested, approved, and documented.

The term "excused absence" (administrative leave) is authorized absence from duty with pay and without charge to leave or other personal time-off accounts. Administrative leave is intended to generally be granted for an individual employee or group from duty for brief periods of time. Extended periods of administrative leave may only be granted with review and authorization from Human Capital Management (HCM).

C. Definitions:

1. **Administrative order:** BPA’s memorandum prepared by HCM instructing a particular workgroup(s) or individual and authorizing excused absence for a dismissal, delayed arrival or closure, or other event determined by BPA senior management or the on-site field supervisor for field offices.
2. **Discretionary individual excused absences:** Managers have discretion to approve or determine when excused absence is granted for reasons described Attachment 1.
3. **Group dismissal:** Group dismissals can be granted only to employees who are in a work status, under a regularly scheduled tour of duty at the time of dismissal, by appropriate officials, as described further in Section 10.01.

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4. **Individual excused absence:** Medical Situations: When an employee’s medical condition presents a risk, such as a contagious illness of a serious nature to himself/herself or others. BPA’s Occupational Health/Safety office may be consulted and a decision can be made by the HRD to place the employee on excused absence for a brief period of no more than two (2) work days.
5. **Non-discretionary individual excused absences:** Excused absence must be granted for the situations provided in Appendix 1. However, managers retain the discretion in some cases as to the actual time when employees will be released from work for excused absence.
6. **Volunteer service:** Volunteer service means an activity that an employee might engage in for long periods of time during official duty time, such as Board Members of the Credit Union and members/officers of a non-work related organization.
7. **Acronyms:**
 - a) **CFR:** Code of Federal Regulations
 - b) **COO:** Chief Operating Officer
 - c) **COOP:** Continuity of Operations (office or program)
 - d) **HCM:** Human Capital Management
 - e) **HRD:** Human Resources Director
 - f) **OPM:** The Office of Personnel Management
 - g) **SOP:** Standard Operating Procedure
 - h) **SVP/EVP/VP:** Senior Vice President/Executive Vice President/Vice President

D. Responsibilities:

1. **The Chief Executive Officer/Administrator, the Deputy Administrator, or Chief Operating Officer (COO):**
 - a) Declares an agency-wide or Portland/Vancouver area office closure (upon recommendation from appropriate BPA officials);
 - b) Authorizes an Administrative Order for a Group Dismissal. In the case of employees who are scheduled to work at locations in Portland/Vancouver offices, Administrative Orders may be authorized by the Chief Executive Officer/Administrator, the Deputy Administrator, or COO, for any of the situations described in Section 6.2. In addition, any SVP or VP may issue an administrative order for any of the situations described in Section 6.3.B.3.f; and
 - c) Reviews and determines approval of a request for use of excused absence (individual or group) for a reason not provided in this HR Desk Reference (based

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on memoranda submitted through the originating office’s SVP/EVP/VP, through HCM’s Leave Program Manager.

2. **Senior Vice-Presidents or Vice-Presidents:** Grants excused absence for dismissals as described in Section 6.2, but only when it applies to the employees in their organizations. The authority should be exercised only when the senior-level on-site officials designated in Section 6.2 are not available or unable to act.
3. **Senior-Level On-Site Official for an Individual Field Office:**
 - a) Authorizes dismissals described in Section 6.2. When there are multiple organizations at the same facility or work location, the organizations should coordinate, preferably in advance, to designate the senior-level on-site official and any back-up officials with the authority to make a decision that covers all such organizations. In making any excused absence determination, the senior-level on-site official should coordinate, as appropriate, with other agencies in the local commuting area that are similarly affected by the circumstances that occasion the need for excused absence; and
 - b) Prepares and approves the administrative order and providing a copy to HCM’s Leave Program Specialist and to Payroll Disbursements.
4. **Managers/Supervisors (or acting):**
 - a) Excuses employees on an individual basis for reasons listed in Appendix F. Managers should consult with HCM when there is doubt as to the applicability of the following criteria to unique situations; and
 - b) Coordinates with HCM’s Leave Program Specialist prior to approving excused absence for any circumstance that may warrant individual excused absence that is not covered in this HR Desk Reference or Attachment 6, Discretionary/Non-Discretionary Excused Absences. The excused absence must not be approved by an individual manager (such as volunteer participation in other public activities in which the government participates or is interested in encouraging). A formal request by memorandum approved by a Senior Vice President or Vice President is submitted to HCM’s HRD for concurrence or approval.
5. **Human Resource Director (HRD):** Reviews and concurs or approves requests for excused absence not covered in this HR Desk Reference or Attachment 6 Discretionary/Non-Discretionary Excused Absences and indicated in the memorandum (or e-mail request), as appropriate.
6. **Non-Discretionary Excused Absence:** Excused absence must be granted for situations provided in Appendix F. However, managers retain the discretion in some cases as to the actual time when employees will be released from work for excused absence. Managers should consult with HCM’s Leave Program Specialist for

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assistance with the situation and applicability of the following criteria to special cases.

6.2 Excused Absence Requirements and Guidance

A. General:

1. Excused absence for a group dismissal may not be applicable to those employees whose duties are defined as those whose presence is essential to the continuing operation of BPA and its power and transmission systems, as determined by their managers.
2. Managers may not approve extended amounts of excused absence (administrative leave) beyond what is provided in this HR Desk Reference or Attachment 6 Discretionary/Non-Discretionary Excused Absences unless consulted by HCM, Safety, or appropriate program contact, e.g., Employee Relations, Occupational Health. Prior to approval, review is required by the Leave Program Specialist with approval through the appropriate level official.
3. Employees may not approve their own excused absence.
4. Volunteer Service: Under law, BPA is authorized to only pay the salaries of employees who perform work related to the BPA’s mission. Excused absence may be approved for BPA employees who participate in BPA-sponsored events or for educational activities on a discretionary individual basis as provided in Attachment 6, Discretionary/Non-Discretionary Excused Absences.
5. Managers are encouraged to support employees by making proper use of flexi-schedule or, if appropriate, to approve work schedule changes to allow employees to engage in volunteer service for personal interest. Prior to approving an employee request, managers must give due consideration to the effect that the employees absence or change in duty schedule will have on operations and/or productivity.

6.3 Group Dismissals

- A. Group dismissals can be granted only to employees who are in a work status under a regularly scheduled tour of duty at the time of dismissal. Excused absence in such situations will not apply to employees who are on approved leave at the time of the dismissal.
- B. Group dismissals may be authorized by Administrative Order when:
 1. The closing of an activity is required for short periods of time for managerial reasons;
 2. Employees, as a group, participate in external activities which the government is interested in encouraging; and

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3. Normal operations are interrupted by events beyond the control of management or employees. Such events may include, but are not restricted to:
 - a) Hazardous weather conditions, including road and/or BPA-facility access conditions that warrant office closure or decisions to authorize delayed arrival (see Appendix G, Hazardous Weather Procedures for Portland/Vancouver Area);
 - b) Threat to office operations or essential functions, including restricted building access and/or worksite closure;
 - c) Serious interruption of public transportation services, except as a result of strikes;
 - d) Emergency fuel or power shortages at Federal offices or facilities;
 - e) Fire, flood, other disasters, or natural phenomena which require closing an installation or which prevent employees from working or reporting to work; or
 - f) Alteration of work place, moving of offices, breakdown of equipment, and similar interruption of normal operations, provided other duties or training cannot reasonably be scheduled during the interruption (not to exceed 8 hours), including performance of work at home.

- C. When a group dismissal for early release is ordered by the President or Secretary of Energy, no administrative order is required. When the Secretary of Energy takes action that authorizes, but does not require early dismissal, the COO, or higher-level BPA official considers whether to grant early release. In either situation, if early release is granted for any employee, the following actions will occur:
 1. HCM’s Leave Program Specialist will coordinator will coordinate with Payroll Disbursement to include pertinent leave/timesheet/payroll information in the official notification;
 2. Public Affairs will finalize the official notification, receive BPA executive office approval and edit accordingly, and distribute via e-mail to all employees as quickly as possible;
 3. Group dismissal is authorized by this issuance for employees, in a work status, on December 24 and December 31, when those dates fall on a day of the week other than Friday, Saturday, or Sunday;
 4. The amount of excused absence is two hours and it applies to the end of an employee's regularly scheduled tour of duty that starts on December 24 or 31. As this is a standing policy, no administrative order is required when BPA exercises this authority; and
 5. Line management may not augment this amount. Any alteration of this excused absence may be made only by an Administrative Order, with coordination of HCM’s

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Leave Program Specialist, and will be authorized by the Chief Executive Officer/Administrator, Deputy Administrator, or the COO.

- D. Excused absence in this section will be automatically superseded whenever the President declares part or all of December 24 or 31 to be a paid holiday or as excused absence or when the Secretary of Energy declares any excused absence for the same dates. In the event of such higher-authority decision, the total amount of excused time shall be the amount declared by the President or the Secretary of Energy and will be subject to any conditions prescribed by either authority.
- E. Office-approved or Office-sponsored holiday activities during the month of December:
 1. Employees may be granted one excused absence of up to two (2) hours to attend a work group holiday party or function during the December holiday season.
 2. Work groups can combine lunch times with such parties. However, the 30 minutes allotted to employees for lunch must fall within the lunchtime range of 11:00 a.m. to 1:30 p.m. Thus, for employees with a 30-minute lunch, a work group function could start as early as 9:00 a.m. and end at 11:30 a.m. or as late as 1:00 p.m. and end at 3:30 p.m.
 3. Functions that are not held in conjunction with the lunch period may not exceed two (2) hours of excused absence (managers may not augment this amount of excused absence to an additional amount of time granted).
 4. The intent of this excused absence is for an employee to attend his/her own work group’s holiday party or function. If the employee wants to attend another work group’s holiday party the employee may request annual leave (or credit hours/comp time used or leave without pay), instead of use of the excused absence. Employees who choose not to participate in their immediate workgroup’s office party or function are not entitled to any amount of the excused absence.
 5. If a holiday party or function gets canceled due to hazardous weather it can be rescheduled, but it should be rescheduled during December, if possible, or early January. It may not be “saved” or postponed to be used at a future date beyond January (unless the weather further postpones it). If this occurs, the manager should send an e-mail to HR Help and Payroll Disbursement to state when the two hours of excused absence will be used and that it is for a re-scheduled holiday party.
 6. If a holiday party or function is scheduled to go beyond an employee’s normal departure time, credit hours or overtime may not be approved. The affected employee could adjust his/her work schedule accordingly that day (if on a flexi-schedule), leave work at his/her normal departure time, or remain at the holiday party on his/her own time.

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- 7. A holiday party or function can be an activity such as bowling, ice skating, or providing assistance as a group in the community. The function can include the lunch period plus the excused absence or just the two hours of excused absence if it's held before or after the 11 a.m. to 1:30 p.m. lunch period. An additional amount of excused absence is not authorized.
- 8. A holiday party or function cannot be changed to a "holiday luncheon" to include as part of a staff meeting so a work group's contract personnel can attend and not have to use their personal leave. If contract personnel would like to attend their work group's holiday party or function, they will need to attend on their own time or use their personal leave.

6.4 Unique Non-Discretionary Individual Excused Absences

- A. **Workplace Disruption:** In some situations, it may be appropriate to place an employee on excused absence due to either actual or potential behavior that seriously and negatively impacts, or might so impact, the workplace. Refer to DOE Order 333.1, Administering Work Force Discipline.
- B. **Return from Active Military Duty:** Members of the National Guard or Reserve who have been called to active duty in campaigns to support the Global War on Terrorism must be granted five (5) days of uncharged leave (excused absence) upon return to duty for each deployment. If the employee returns to duty and chooses not to use the excused absence at that time, then the employee is entitled to use the excused absence at a mutually agreeable time between the employee and the manager. These rules apply to both an initial deployment and any subsequent deployments as defined in the first sentence of this section. A copy of the official orders must be submitted to Payroll prior to active duty or it must be submitted as soon as the employee returns and uses the excused absence.
- C. **Bone Marrow or Organ Donation:** Absences for bone marrow or organ donations are treated as paid leave rather than excused absence. Federal law provides up to seven (7) days of paid leave for bone-marrow donations and up to 30 days for organ donations. Such leave is separate from either annual or sick leave and is charged with a specific Time Reporting Code, DONR. Employees applying for such leave should use this code when completing their Time and Attendance sheet.
- D. **Individual Excused Absence in medical situations.** In situations in which an employee's medical condition presents a risk such as a contagious illness of a serious nature to himself/herself or others, the employee should be advised to use paid leave or leave without pay. As a last resort, if an employee refuses to do so, the supervisor should consult with the Manager for Employee Relations to place the employee on excused absence. If appropriate, a decision may be made to place the employee on excused absence for a brief period of no more than two (2) work days. This should be done only

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if the seriousness of the situation warrants such action. This paragraph does not address behavioral or psychiatric conditions.

6.5 Requesting Use of Excused Absence (Administrative Leave)

- A. For authorized group dismissals, a request for leave is not required.
- B. For authorized individual excused absences, the employee must submit a leave request prior to the use of the administrative leave. Managers may approve leave via the following options and should communicate his/her preferred method(s):
 - 1. Printed copy of the official leave request form (OPM-71, Application of Leave) for employee signature/date and manager approval and date;
 - 2. Electronic leave request or an e-mail message. If an electronic leave form or e-mail is sent for approval, the Subject Line of the e-mail should contain "Leave Request". The electronic method would be deemed to have been "signed" by the employee by virtue of having sent the e-mail and by the manager by providing a positive approval via return e-mail;
 - 3. Using an electronic calendar for optional use within a manager’s workgroup to request leave, e.g., Outlook or SharePoint calendars.
 - a) If this information is accessible to employees who do not have a “need to know,” then these calendars should not include the employee’s specific type of leave to be taken, e.g., annual or sick leave, or the word “leave”.
 - b) It is permissible to communicate and note “out of the office” for an employee’s absence with the specific date and time. If the employee is out of the office for work related reasons it is acceptable to indicate the reason, such as training or telework, with the date and time.
 - 4. Requiring a telephone or verbal request procedure where the manager is held responsible for recording the leave request and approval by utilizing a paper or electronic document (electronic or paper calendar, note to file, etc.) that the manager deems appropriate; or
 - 5. Allowing employees to certify their own leave usage, if requesting less than a full day of leave, by signing the Time and Attendance Sheet (applicable only for those using a hard copy timesheet).
- C. The reason for the use of excused absence can be included on the leave requests (without including any confidential or medical information).
- D. Excused absence (administrative leave) is used in 15-minute increments on the timesheet, and recorded on the timesheet using the appropriate time reporting code (ADM).

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- E. Excused absence is never granted to account for a period of overtime regardless of the reasons that might trigger the need to excuse employees from work that they are doing while in an overtime status.

7. Leave Without Pay (LWOP)

7.1 Purpose & Background

This section provides guidelines for the approval and use of leave without pay (LWOP) and the procedures and documentation for requesting and approving leave.

A. References:

1. Executive Order 5396, July 17, 1930
2. 5 CFR Part 353
3. 5 CFR Part 630
4. 5 CFR part 630, Subpart L
5. 5 CFR 353.106
6. Public Law 103-3, February 5, 1993
7. Public Law 103-353, October 13, 1994
8. [OPM Fact Sheet – LWOP](#)
9. [OPM Military Leave FAQ’s](#)

B. Definitions:

1. **Discontinuous leave without pay:** LWOP taken sporadically and discontinuously as needed.
2. **Extended leave without pay:** Leave without pay for more than 30 continuous days.
3. **Family Medical Leave Act (FMLA):** (See 3, D).
4. **Leave without pay:** LWOP is non-pay, non-work status requested by an employee and approved by management.
5. **OWCP:** On-the-Job Injury for which receiving injury compensation for the Office of Workers’ Compensation Program.
6. **Tour-of-duty:** (See 3, R).
7. **Acronyms**
 - a) **AFGE:** American Federation of Government Employees
 - b) **COO:** Chief Operating Officer

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- c) **CFR:** Code of Federal Regulations
- d) **CPTC:** Columbia Power Trades Council
- e) **CSRS:** Civil Service Retirement System
- f) **eOPF:** Electronic Official Personnel Folder
- g) **FEHB:** Federal Employee Health Benefits
- h) **FERS:** Federal Employee Retirement System
- i) **FMLA:** Family Medical Leave Act
- j) **GS:** General Schedule
- k) **HCM:** Human Capital Management
- l) **HRD:** Human Resources Director
- m) **OWCP:** Worker’s Compensation
- n) **USERRA:** Uniformed Services Employment and Reemployment Rights Act

C. Responsibilities:

1. The Chief Executive Officer/Administrator, the Deputy Administrator, or the COO: Reviews and approves/disapproves continuous LWOP requests beyond one (1) year.

D. Senior Vice-Presidents or Vice-Presidents: Review requests and justifications for extended LWOP (consecutive use of LWOP over 30 days) in a timely manner.

E. Supervisors/Managers:

1. Review LWOP requests in a timely manner for approval (or disapproval for discretionary LWOP) prior to the end of a pay period;
2. Ensure that requests for extended LWOP (over 30 consecutive days) are appropriately approved through approving officials (as provided in section 10), including appropriate justification;
3. Ensure that HCM receives notification through HR Help of an extended LWOP request (over 30 consecutive days) to be documented in HRmis and the employee’s e-OPF;
4. Ensure that LWOP is not used to “unofficially” reduce an employee’s work schedule (see section 6.7); and
5. Provide guidance to employees on the use of LWOP and effects on leave accrual and benefits.

F. Human Resources Director:

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1. Provides guidance to managers and employees on the use of LWOP; and
2. Facilitates benefit payment arrangements between employees and Payroll Operations.

G. Payroll Disbursement:

1. Coordinates payments from employees in an extended LWOP status for premium payment for health benefits; and
2. Notifies the employee, manager, and/or HCM’s Leave Administration Leave Program Manager when an employee’s health benefits (or other benefits) maybe affected by extended LWOP.

H. Employees:

1. Request LWOP in advance, when possible;
2. Obtain information and consider the impact that LWOP may have on benefits, e.g., leave accrual, FEHB, CSRS, FERS, etc.; and
3. Arrange benefit payments with program coordinator in HCM and Payroll Disbursements, when needed.

7.2 Leave without pay requirements and guidance

A. General:

1. Granting LWOP is at the sole discretion of BPA management, except when required by law or regulation as outlined below. Managers will ensure that the approval and use of discretionary LWOP does not cause significant work disruption or interfere with the accomplishment of the Agency’s mission and business objectives.
2. Written approval from an employee’s immediate manager/supervisor and BPA’s Ethics Official (Legal) before engaging in any compensated or uncompensated outside employment while on LWOP.

B. Non-Discretionary LWOP:

Employees are entitled to LWOP upon request for the following:

1. **FMLA:** Provides covered employees with an entitlement to a total of up to 12 weeks of unpaid leave (LWOP) during any 12-month period for certain family and medical needs.
2. **Medical Treatment for Disabled Veterans:** USERRA provides employees with an entitlement to LWOP when employment with an employer is interrupted by a period of service in the uniformed service.

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3. **On-the-Job Injury** for which receiving injury compensation for the Office of Workers' Compensation Program (OWCP). Employees may not be in a pay status while receiving workers' compensation payments from the Department of Labor.
4. **Active military service or active/inactive duty** for training in the uniformed services.
5. **The 24-hour LWOP policy:** Established by President Clinton in 1997 to encourage Federal agencies to make 24 hours of unpaid leave available to Federal employees for the three family support purposes as an interim measure while pursuing legislation to amend the FMLA. Although FMLA was never amended for these purposes, President Obama continues to support this LWOP policy with a current emphasis to extend coverage to Federal employees with same-sex domestic partners.
 - a) **School and Early Childhood Educational Activities:** Federal employees may participate in school activities directly related to the educational advancement of a child, including children of an employee's same-sex domestic partner. This includes parent-teacher conferences or meetings with child-care providers, interviewing for a new school or child-care facility, or participating in volunteer activities supporting the child's educational advancement. "School" refers to an elementary school, secondary school, Head Start program, or a child-care facility.
 - b) **Routine Family Medical Purposes:** Federal employees may be permitted to accompany the children, including the children of their same-sex domestic partners to routine medical or dental appointments, such as annual checkups or vaccinations.
 - c) **Elderly Relatives' Health or Care Needs:** Federal employees may accompany an elderly relative, including the elderly relative of their same sex domestic partner to routine medical or dental appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meals, phones, banking services, and other similar activities.
- C. **Discretionary LWOP:** Approval of discretionary LWOP must not cause significant work disruption or significantly interfere with achieving BPA's mission and goals. Managers have discretion to approve or deny all other requests for LWOP consistent with approval authorities in Section 7 below.
- D. **Tour of Duty:** LWOP may be used to account for all or a portion of an employee's regularly scheduled tour of duty.
- E. **Substitution for annual or sick leave:** An employee may use approved LWOP even when he/she has a positive annual or sick leave balance.
- F. **Annual and sick leave reduction:** When an employee reaches 80 hours of non-pay status during the Leave Year, annual and sick leave are reduced by the amount of leave

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that would have otherwise been earned during that pay period. Such reduction occurs each time an 80-hour increment occurs; no adjustment occurs for periods of less than 80hours.

- G. **Non-pay status and paid holidays:** An employee must be in pay status (either working or on paid leave) on the scheduled workday either before or after a Federal holiday to receive compensation for the holiday. An employee on approved LWOP may not substitute credit hours, annual leave, sick leave, or compensatory time off for LWOP for purposes of qualifying for a paid holiday.
- H. **Reduced work schedule:**
 - 1. Managers will not approve discretionary LWOP as a substitute for officially reducing an employee’s work schedule. A fixed pattern of absences on LWOP that creates a de-facto part-time work schedule for a full-time employee or reduces a part-time employee’s total hours of work, e.g., 24 hours per week to 16 hours per week) requires an official personnel action.
 - 2. Temporary or permanent change to a part-time schedule is not applicable to full-time employees working reduced schedules and receiving compensation from OWCP for hours not worked as a result of on-the-job injury.
- I. **Medical incapacity:** Generally employees are placed on LWOP at their request; however, it may be appropriate to place an employee on LWOP without his/her request or consent in cases of medical incapacity. Managers may consult with an Employee Relations Specialist.
- J. **Discontinuous Leave Basis:** LWOP may be granted on a discontinuous leave basis or for periods of time. Discontinuous LWOP is different from continuous LWOP in that it is intermittent over a period of time. A manager may approve extended LWOP (LWOP for more than 30 continuous days) only when there is a reasonable expectation that the employee will return to BPA at the end of the LWOP period.
- K. **Maximum time limits for extended LWOP:**
 - 1. **Dependent of military service person:** Up to three months to avoid a break in the continuity of service when a permanent employee must relocate because he/she is a dependent of a military service person. This applies only when the employee is obligated to move on rotational assignments, seeking federal employment in a different locality, or involved in a transfer of function or activity.
 - 2. **Disability retirement:** No limitation to protect an employee’s status and benefits pending final action by the Office of Personnel Management on a claim for disability retirement.

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3. **Disabled veteran:** No limitation (Executive Order 5396, July 17, 1930) provided that the veteran provides an official statement from the medical officer of a Government hospital specifying that such treatment is necessary.
 4. **Education:** Up to one year if the employee has worked for BPA at least one year and the course of study or research is aligned with the mission of BPA.
 5. **Illness, disability, or incapacitation:** Up to one year for illness, disability, or incapacitation (also see FMLA HR Desk Reference and follow FMLA documentation procedures).
 6. **OWCP:** One year while awaiting action on a claim for workers’ compensation; no limitation while receiving compensation from OWCP (contact HCM’s OWCP Program Manager for further guidance).
 7. **Outside service:** Up to six months with a non-Federal public or quasi-public organization.
 8. **Student program:** No limitation for employee in a recognized student program provided they continue to meet the requirements of the program.
 9. **Return to duty:** Employees on extended LWOP must seek advanced managerial approval to return to duty prior to the approved end date for LWOP.
 10. **Impact of LWOP on pay and benefits:** Attachment 2 provides a summary of the effect of extended LWOP on various benefits and programs and covers procedures for benefit payments while on leave without pay.
- L. **Extended LWOP for union representatives:** Extended LWOP may be granted to an employee for the purpose of serving on a temporary basis as an officer or representative of the union.
1. **Union duties:** Up to one year for election or appointment to a union office that is directly concerned with the function of BPA and may be extended for longer than one year (see CPTC or AFGE collective bargaining agreement).
 2. **Retirement Benefits:** The employee must file an election to receive retirement credit within the first 60 days of LWOP. The employee is responsible for paying both the amounts of the normal retirement deductions, plus agency contributions that would be applicable if he/she were in a pay status. If the employee does not make the election and all payments are not made, the employee receives no retirement credit for the period of LWOP. Payment must be arranged with HCM’s LWOP program coordinator and Payroll Disbursements.
 3. **Thrift Savings Plan (TSP):** Employee and employer contributions may continue as described in this paragraph. With respect to employer contributions, the union (as the employer) may, at its sole discretion, choose to make employer contributions,

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and both CSRS and FERS employees may arrange with the union to have the union deduct employee contributions from their actual pay received from the union. The union is responsible for making arrangements to transmit both employer and employee contributions to Payroll Disbursements. Upon receipt, BPA is responsible for transmitting such contributions to the TSP Board record keeper.

- 4. **Federal Employees Group Life Insurance (FEGLI):** Within the first 60 days of LWOP, the employee may elect to continue life insurance. The insurance continues for the duration of the LWOP even if the LWOP lasts longer than 12 months. The employee must make arrangements with Payroll Disbursements to pay the full cost of Basic and any Optional Insurance. There is no Government Contribution.
- 5. **Health Insurance:** Within the first 60 days of LWOP, the employee may elect to continue health and life insurance coverage. The employee must make arrangements with Payroll Disbursements to pay the full cost (both employee and employer contributions) in order to retain coverage. The health benefits coverage continues for the length of the appointment, even if the LWOP status lasts longer than 365 days.

M. **Reasonable Accommodation (RA):** Use of LWOP (or paid leave) may be granted through the Reasonable Accommodation process (applies to LWOP not used under FMLA or beyond the 12-weeks of FMLA).

7.3 LWOP Request & Approval Process & Procedures

A. Discontinuous LWOP or continuous for 30 or fewer days:

- 1. **Request:** Employees may request discontinuous LWOP or LWOP for 30 or fewer continuous calendar days by submitting a leave request, e.g. OPM-71 form, or request on a leave calendar in place for his/her organization. An employee without internet or e-mail access may submit an OPM Form 71 (or other methods approved by his/her organization).
- 2. **Approval:** Immediate supervisors may approve using the leave request system in place in his/her organization.

B. Extended LWOP – Continuous for more than 30 days:

- 1. **Request:** Employees may request continuous LWOP (except student program employees) by using the leave calendar or absence and leave request system in place for his/her organization along with a memorandum describing the reasons for requesting extended LWOP to their immediate manager. An employee without internet or e-mail access may submit a leave request form, e.g., OPM Form 71, along with the memorandum (or other methods approved by his/her organization).

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2. **Approval:** Immediate supervisor will forward requests through appropriate management channels to the authorized approving official along with a written justification establishing:
 - a) The value BPA will derive by granting the request; or
 - b) Convincing evidence that the needs of the employee are sufficient to offset the costs and administrative inconvenience of extended LWOP. Possible costs to BPA include:
 - i) loss of the employee’s services to the organization;
 - ii) obligation to provide active employment at the end of the approved LWOP period;
 - iii) six months credit per year toward retirement;
 - iv) cost of retirement coverage while in non-pay status; and
 - v) continued life insurance coverage without cost to the employee for up to 52 calendar weeks of LWOP.
3. **FMLA:** When a request for extended LWOP is for a reason qualifying under FMLA, it is highly recommended that managers not approve the request unless the employee has invoked his/her FMLA entitlement.
4. **Health Benefits:** The employee (or his/her representative) must complete the form “FEHB Options while in a LWOP or Non-Pay Status” (BPA Form 3809.01e) and submit to Payroll Disbursements for determination of the health benefits premium payment.

C. Authorized approvers:

1. **Extended LWOP for 6 months or less** is approved by the second-level or Tier II level manager, whichever is lower.
2. **Extended LWOP for more than 6 months up to one year** is approved by the Tier II manager (or next level manager for a Tier II or higher level employee).
3. **Extended LWOP – no time limit** is approved by the Tier II manager for LWOP extending beyond one year only for the following reasons:
 - a) Retention of appointees in the student program when they return to school between any periods of employment with BPA;
 - b) Employee awaiting approval of a disability retirement application;
 - c) Employee while being compensated by OWCP; or
 - d) A disabled veteran entitled to LWOP for medical treatment as provided by Executive Order 5396.

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4. **Extended LWOP:** Beyond maximum time limits in 10.9 Maximum Time Limits for Extended LWOP is approved by the Tier I or equivalent manager or Vice President.

D. Personnel action (SF-52) requirements:

1. The processing of a personnel action (HRmis) is required for approved continuous LWOP of 31 days or more.
2. The submittal of a Standard Form 52 (SF-52) Request for Personnel Action is required prior to the effective date of the LWOP or as soon as once it is known that the LWOP will exceed 30 days. A SF-52 is required to extend a previously-approved LWOP beyond expiration date.
3. Return to duty from the continuous LWOP.

8. Family & Medical Leave Act (FMLA)

8.1 Purpose & Background

A. References

1. [5 U.S.C., 6381 - 6383](#)
2. [5 CFR Part 630, Subpart L](#)
3. [5 CFR Part 339](#)
4. [National Defense Authorization Act \(NDAA\) of 2008](#)
5. [National Defense Authorization Act \(NDAA\) of 2010](#)
6. [Chief Human Capital Officers Council, Transmittal CPM 2008-04](#)
7. [Chief Human Capital Officers Council, Transmittal CPM 2009-26](#)
8. [Chief Human Capital Officers Council, Transmittal CPM 2010-06](#)
9. [Memorandum from the White House, 4/11/97, Expanded FMLA](#)
10. [OPM Fact Sheet: Family and Medical Leave Act \(FMLA\)](#)

B. Objectives:

This chapter provides guidelines for the approval and use of Family and Medical Leave (FMLA) and the procedures and documentation for requesting and approving leave.

C. Definitions:

1. **Child:** As referred to under qualifying military exigencies means a biological, adopted, or foster child, a stepchild, or a legal ward of a covered military member, or a child for whom a covered military member stands in loco parentis, who is either

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under the age of 18 or who is incapable of self-care because of a mental or physical disability.

2. Covered Active Duty:

- a) In the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; and
- b) In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Section 101 (a)(13)(B) of Title 10, United States Code (U.S.C.). The call or order to active duty must be covered by one of the following specific provisions in Title 10 of the U.S.C.: 688, 12301(a), 12302, 12304, 12305, or 12406, Chapter 15 (which includes Sections 331, 332, and 333), or any other provision of law during a war or national emergency declared by the President or Congress.
- c) For purposes of military exigency leave, covered active duty for a member of a reserve component of the Armed Forces does not include voluntary active duty under 10 U.S.C. 1203(d) or annual training duty under 10 U.S.C. 10147 or 12301(b).

3. Covered military member: Employee’s spouse, son, daughter, or parent on covered active duty or called to covered active duty.

4. Covered service member:

- a) A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness; or
- b) A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

5. Foster Care: 24-hour care for children in substitution for, and away from, their parents or guardians, made by or with the agreement of the State or as a result of a judicial determination.

6. Health Care Provider, Licensed Doctor of Medicine, or Doctor of Osteopathy:

- a) Any health care provider recognized by the Federal Employees Health Benefits Program who is licensed or certified under Federal or State law to provide

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service or who is authorized to practice in a country other than the United States;

- b) Christian Science practitioner listed with the First Church of Christ, Scientists, in Boston, Massachusetts; or
 - c) Native American who is recognized as a traditional healing practitioner by native traditional religious leaders.
7. **In loco parentis:** An individual who has day-to-day responsibility for the care or financial support of a child. A biological or legal relationship is not necessary. This includes day-to-day care or financial support that establishes an in loco parentis relationship where the employee intends to assume the responsibilities of a parent with regard to a child. In all cases, whether an employee stands in loco parentis to a child will depend on the particular facts.
 8. **Incapacity:** For purposes of FMLA, means the inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from. (See Appendix 3)
 9. **Inpatient care:** Typically an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
 10. **Intermittent leave:** Leave taken in separate blocks of time rather than for one continuous period of time and may range from 1/2 hour to several weeks.
 11. **Next of kin:** For purposes of military caregiver leave, the nearest blood relative of a covered service member.
 12. **Outpatient status:** The status of a member of the Armed Forces assigned to:
 - a) A military medical treatment facility as an outpatient; or
 - b) A unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
 13. **Parent:** A biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child; parent does not include “in-law” parents.
 14. **Reduced work schedule:** A work schedule under which the usual number of hours of regularly scheduled work per workday or workweek of an employee is reduced. The number of hours by which the daily or weekly tour of duty is reduced are counted as leave for the purpose of FMLA.

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15. **Serious health condition:** An illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment. (See Attachment A for full definition.)
16. **Serious injury or illness (member of armed forces and veteran):** An injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or which existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating. In the case of a veteran, including a member of the National Guard or Reserves, the qualifying injury or illness may have manifested itself before or after the member became a veteran.
17. **Son or daughter:** A biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is under the age of 18 years or over the age of 18 years and incapable of self-care because of a mental or physical disability. A son or a daughter incapable of self-care requires active assistance or supervision to provide daily self-care in several of the “activities of daily living.”
18. **Spouse:** An individual who is a husband or wife pursuant to a marriage that is a legal union between one man and one woman, including common law marriage between one man and one woman in States where it is recognized, or a legally married spouse of the same sex, regardless of the employee’s or annuitant’s state of residency.
19. **Acronyms:**
 - a) **AWOL:** Absence without leave
 - b) **CFR:** Code of Federal Regulations
 - c) **FMLA:** Family and Medical Leave Act
 - d) **GS:** General Schedule
 - e) **HCM:** Human Capital Management
 - f) **HRD:** Human Resources Director
 - g) **LWOP:** Leave Without Pay
 - h) **NDAA:** National Defense Authorization Acts
 - i) **OPM:** Office of Personnel Management
 - j) **RIF:** Reduction in Force
 - k) **USC:** United States Code
 - l) **VLTP:** Voluntary Leave Transfer Program

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D. Responsibilities:

1. BPA Managers and Supervisors:

- a) Informs employees of their entitlements and responsibilities under FMLA;
- b) Approves FMLA leave (on a provisional basis, as needed) and, as applicable, substitution of paid leave; and
- c) Ensures the correct override reason codes are used under FMLA when approving an employee’s timesheet.

2. Employees:

- a) Requests and provide notice of FMLA leave following requirements in this guide;
- b) Provides timely documentation as required; and
- c) Uses the correct override reason codes under FMLA on the timesheet.

3. Human Resource Director (HRD) or his/her assignee:

- a) Provides overall guidance and direction in administration of FMLA to BPA Federal managers and employees and appropriate HCM staff;
- b) Establishes and oversees effective FMLA tracking management system; and
- c) Provides a memorandum summary to the manager and employee regarding FMLA, including describing any work-related impacts identified by the health care provider on the medical documentation, such as limitations, duration of condition or treatment, length of absence, and other non-medical information (administrative acceptable in accordance with Federal regulations), and notifying the employee and manager if further medical or documentation is required.

4. HCM’s Leave Program Manager:

- a) Reviews and advises managers and employees on FMLA requests (notification form, timesheet codes and medical documentation);
- b) Maintains the FMLA database by logging in notifications of FMLA and tracking FMLA requests;
- c) Reports use of FMLA as needed; and
- d) Assists management and employees with guidance on FMLA regulations, use of leave ,and procedures.

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8.2 FMLA Program Administration Requirements and Guidance

A. General:

1. The Family and Medical Leave Act (FMLA) entitles employees to unpaid leave for up to 12 weeks within any 12-month period to meet certain family and medical needs. Such needs include those related to the birth, adoption, and/or care of a child, for the employee’s own serious health condition, and to care for a family member with a serious health condition.
2. The National Defense Authorization Acts (NDAA) of 2008 amended the FMLA also permits 12 weeks of FMLA leave to be used for exigencies related to active military duty
3. The NDAA of 2010 provides a total of 26 weeks of unpaid leave in a 12-month period to care for a covered service member with a serious injury or illness (the combined total of “regular” FMLA and military caregiver FLMA cannot exceed 26 weeks).

B. Entitlement:

1. BPA Federal employees who have completed at least 12-months of Federal service (does not have to be 12 consecutive months and may include previous Federal service) are eligible to request FMLA leave.
2. FMLA leave is up to 12 administrative workweeks of FMLA in a 12-month period for qualifying events listed in Section C below, and up to 26 administrative weeks for Military Caregiver Leave (Section D(2) below).
3. Once a 12-month period has ended, employees may invoke FMLA in the subsequent 12-month period for the same event or for a new event.
4. **Proration:** Employees who are on a part-time tour of duty are entitled to a prorated amount of unpaid leave under FMLA. The amount of leave is calculated on an hourly basis and is 12 times the average number of hours in the employee’s regularly scheduled workweek.

If an employee’s regularly scheduled workweek varies from week to week, a weekly average of the hours scheduled over the 12 weeks prior to approval of FMLA will be the basis for the prorated amount of leave.

5. **Dual entitlement:** When both parents work at BPA, each parent working a full-time tour of duty is entitled to 12 administrative workweeks of unpaid leave provided in this HR Desk Reference for the birth, adoption, or foster care of a son or a daughter. This entitlement also applies to both parents when they are caring for a son or a daughter with a serious health condition, and siblings who work at BPA who are caring for a parent with a serious health condition. Part-time employees using this entitlement will receive a prorated amount of unpaid leave.

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6. **Retroactive entitlement:** FMLA cannot be used retroactively for any previous absence from work unless an employee and/or the employee’s personal representative is physically or mentally incapable of invoking FMLA. If both are incapable of invoking FMLA during the entire period of the employee’s absence, the employee may retroactively invoke FMLA within 2 workdays after returning to work. Documentation of incapacity of both the employee and personal representative will be required as provided for in regulations.

7. **Intermittent and reduced leave schedule:** FMLA leave may be taken intermittently or on a reduced leave schedule. Approval of intermittent or reduced leave schedule is subject to the following requirements:
 - a) Management’s approval is discretionary when FMLA is for birth or adoption/foster care placement.
 - b) Management must approve when FMLA leave is taken for the serious medical condition of an employee or his/her spouse, son, daughter, or parent, or for military caregiver leave when the intermittent or reduced schedule is medically necessary per appropriate medical documentation.
 - c) BPA may place an employee temporarily in an alternative position for which qualified that better accommodates recurring periods of leave when the intermittent or reduced leave schedule is foreseeable based on planned medical treatment or recovery at the same grade and pay or equivalent. Upon return the employee is entitled to his/her permanent position or an equivalent position with the same grade and pay or equivalent.
 - d) Invoking FMLA is voluntary and an employee may request leave for any FMLA qualifying event without invoking entitlement to family and medical leave.
 - e) Managers are not required to approve LWOP requests other than authorized sick leave. Managers should be aware that when an employee does not invoke FMLA, the employee still has a right to subsequently request FMLA with no reduction in the amount of time entitled because of the previously approved leave.

8. **Substitution of paid leave:**
 - a) Employees may elect but cannot be required to substitute paid leave for all or part of FMLA leave taken.
 - b) Use of paid leave must comply with the rules governing its use (See Chapter 1).
 - c) An employee must request substitution of paid leave before the payroll is processed for the pay period in which absent on FMLA leave. Requests to

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retroactively substitute paid leave will not be granted. For purposes of this guide, paid leave includes:

- i) Accrued annual or sick leave;
- ii) Approved advanced annual or sick leave as appropriate;
- iii) Donated leave for an employee in the Voluntary Leave Transfer Program (VLTP); and
- iv) Restored annual leave.

C. FMLA qualifying events and timeframes:

1. The birth of a son or a daughter of the employee and the care of such son or daughter:
 - a) The 12-month period may begin prior to or on the actual date of birth and will expire no later than 12 months after the date of birth or from the date it began if prior to birth.
 - b) Intermittent or reduced schedule leave under this event is subject to management’s approval.
2. The placement of a son or a daughter with the employee for adoption or foster care:
 - a) The 12-month period may begin prior to or on the actual date of adoption or foster care and will expire 12-months after the date of placement or the date it began if prior to placement.
 - b) Intermittent or reduced schedule leave under this event is subject to management’s approval.
3. The care of a spouse, son, daughter, or parent of the employee who has a serious health condition:
 - a) Regardless of when invoked, the 12-month period begins on the date the employee first takes leave related to this event.
 - b) Intermittent or reduced schedule leave under this event must be granted when medically necessary and documented appropriately.
4. A serious health condition of the employee that makes the employee unable to perform the essential functions of his or her position:
 - a) Regardless of when invoked, the 12-month period begins on the date the employee first takes leave related to this event.
 - b) Intermittent or reduced schedule leave under this event must be granted when medically necessary and documented appropriately.

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D. Military family leave entitlements:

1. The National Defense Authorization Acts for Fiscal Year 2010 (Section 565) and for Fiscal Year 2008 (Section 585) amend FMLA for federal employees to include military caregiver leave and military exigency leave. Both of these Military Family Leave entitlements may be used intermittently (prorated for part-time employees).
2. **Military caregiver leave:**
 - a) An employee who is the spouse, son, daughter, parent, or next of kin of a covered service member or veteran with a serious injury or illness shall be entitled to a total of 26 administrative workweeks of FMLA leave during a 12-month period to care for the covered service member.
 - b) An employee’s entitlement to Military Caregiver Leave combined with other FMLA leave, i.e., Military Exigency Leave or regular FMLA leave cannot exceed 26 weeks in a single 12-month period. For example, an employee who has used 12 weeks of regular FMLA described in Section C is entitled to no more than 14 weeks of Military Caregiver Leave in that same 12-month period.
3. **Military exigency leave:**
 - a) An employee who is the spouse, son, daughter, or parent of a covered military member who is on covered active duty or who has been notified of an impending call or order to covered active duty in the Armed Forces is entitled to up to 12 administrative workweeks of FMLA in any 12-month period to manage exigencies and circumstances related to the covered active duty or call to covered active duty of a covered military member.
 - b) Management must approve when FMLA is taken for Military Exigency leave subject to documentation requirements for use of the exigency leave.
4. **Qualifying exigencies:** Each exigency outlined below must arise from or be tied to the covered active duty or call to covered active duty status.
 - a) **Short-notice deployment:** Leave for the purpose may not exceed 7 calendar days beginning on the date of notification of the call or order. To address any issue that arises from the fact that a covered military member is notified of an impending call or order to covered active duty 7 or fewer calendar days prior to deployment.
 - b) **Military events and related activities:** To attend any official ceremony, program, or event sponsored by the military that is related to the call to or covered active duty; and/or to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service

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organizations, or the American Red Cross that are related to the call to or covered active duty.

- c) **Childcare and school activities:** To arrange for alternative childcare; to provide childcare on an urgent, immediate need basis (not routine, regular, or everyday); to enroll in or transfer to a new school or a daycare facility; and/or to attend meetings with school staff or a daycare facility staff when such needs arise from the call to or covered active duty.
- d) **Financial and legal arrangements:** To make or update financial or legal arrangements to address the military member’s absence while on covered active duty or call to covered active duty status; and/or to act as the covered military member’s representative before a Federal, State, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on call to or covered active duty and for 90 days following the termination of the covered active duty.
- e) **Counseling:** To attend counseling provided by someone other than a health care provider for oneself, for the covered military member, or for a child of the military member provided that the need arises from the call to or covered active duty.
- f) **Rest and recuperation:** To spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to 5 days of leave for each instance of rest and recuperation.
- g) **Post-deployment activities:** To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the covered active duty; and/or to address events related to the death of a covered military member including funeral arrangements.
- h) **Additional activities:** Employees may be entitled to additional events under Military Exigency Leave when the event is related to the covered active duty and when the employee and manager agree to the timing and duration of the leave.

E. Additional medical opinions:

- 1. BPA may obtain the medical opinion of another health care provider at its own expense when management doubts the validity of any medical statement provided by the employee.
 - a) The second health care provider cannot be employed or under contract to BPA.

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b) BPA may at its own expense require the employee to obtain the opinion of a third health care designated or approved jointly by BPA and the employee when the second opinion differs from the first. The opinion of the third health care provider will be binding on the employee and BPA.

2. **Subsequent medical re-certification:** BPA may, at its own expense, require subsequent medical re-certification from the health care provider on a periodic basis, but not more often than every 30 calendar days. Re-certification requests may be required more frequently than every 30 calendar days if the employee requests that the original leave period be extended, the circumstances described in the original medical documentation have changed significantly, or BPA receives information that casts doubt upon the continuing validity of the medical documentation.

F. Provisional leave:

- a) Management will grant FMLA on a provisional basis pending final written medical certification when an employee is unable to provide required medical documentation before leave begins or when management doubts the validity of the original certification and has requested a second opinion.
- b) Management may either charge the employee AWOL or allow the employee to request that the provisional leave be charged to LWOP or to annual or sick leave, as appropriate, if the employee fails to provide required documentation after the leave has commenced.
- c) Management will consider non-responsiveness by a medical provider and the employee’s diligent, good faith efforts to obtain documentation when deciding whether to charge AWOL or permit charge to LWOP or paid leave. Management should, if possible, notify the employee as soon as practicable of its decision to charge the employee with AWOL.

G. Notification, requesting and documenting FMLA leave:

- 1. To invoke FMLA, prior notification of 30 days (when possible) is required by submitting the following documentation:
 - a) OPM-71 form, Request for Leave or Approved Absence (box 5 checked) to his/her manager; and
 - b) Supporting documentation:
 - i) FLMA Medical Certification Form for Employee's Serious Health Condition (WH 380e); or
 - ii) FLMA Medical Certification Form for Family Member's Serious Health Condition (WH 380f); or

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- iii) FMLA Certification of Qualifying Exigency (WH 384)
- c) Other documentation that is administratively acceptable to the immediate manager and HCM.
- 2. The supporting medical documentation or other evidence that is administratively acceptable must be provided within 15 calendar days (or as soon as reasonably possible, up to 30 days).

H. Scheduling FMLA leave:

- 1. Employees must submit a leave request to request and schedule leave under FMLA on the leave calendar or leave request form (OPM-71). Note: use of extended LWOP over 30 days requires an SF-52 action entered into HRmis. Please submit a copy of the OPM-71 form to HCM’s Leave Program Specialist
- 2. Requests based on birth, placement for adoption or foster care, or planned medical treatment: The employee should submit leave request to the manager at least 30 calendar days before the date the leave is to begin. When the date is unforeseeable or requires leave to begin within 30 calendar days, the employee must provide notice to the manager as soon as practicable.
- 3. Requests based on planned medical treatment: The employee must make a reasonable effort to schedule treatment so as not to unduly disrupt work operations. The manager, for valid work-related reasons, may request that the employee re-schedule treatment subject to the approval of the health care provider.
- 4. Military Exigency leave requests: If foreseeable, the employee must request leave as soon practicable to use FMLA for a qualifying military exigency no matter how far in advance.
- 5. Unforeseeable FMLA leave, e.g., medical emergency: Employee or an employee’s personal representative, e.g., family member or other responsible party must provide as much notice as possible. Generally, leave cannot be delayed or denied by the manager when an event is unforeseeable.
- 6. An employee may take only the amount of leave under FMLA needed to manage the circumstances that prompted the need.

I. Supporting documentation:

- 1. **FMLA leave for birth or adoption:** Employee must provide evidence of birth or placement (adoption or foster care) that is administratively acceptable to HCM. The employee must provide evidence at the time the leave is requested or as soon as practicable thereafter.
- 2. **Military Exigency leave:** Employee must provide his/her manager a copy of the covered military member’s active duty orders or other documentation issued by the

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military which indicates that the covered military member is on covered active duty or call to covered active duty status.

- a) The employee must provide this documentation only once to cover all qualifying exigencies arising out of the covered active duty or call to covered active duty status (use form FMLA Certification for Qualifying Exigency, WH 384e).
- b) A copy of new orders or other documentation must be provided for subsequent requests based on exigencies arising out of different covered active duty or call to covered active duty status.
- c) Employees must also provide a signed statement or description to support each exigency for which leave is requested. The facts must be sufficient to support the need for leave, must include information on the type of qualifying exigency as provided in Section D and any available written documentation that supports it. If appropriate, third party contact information should also be provided.

3. **FMLA leave for serious health condition of the employee or employee’s spouse, son, daughter or parent; or FMLA Military Caregiver Leave:** Written medical certification by health care provider on forms WH-380e, WH-380f, or WH 384-f. Certification will be provided to HCM’s Leave Program Specialist within 15 calendar days of application or management’s request.

4. **Documentation security:** The Certification of Health Care Provider and any supporting documentation for an employee or family member is maintained in a secure electronic file, accessible only by the appropriate HCM program specialist with a need to know.

J. **Protection of employment and benefits:**

- 1. An employee who takes FMLA leave is entitled to return to the same position held before leave began or an equivalent position with equivalent benefits, grade, pay, status, and other terms and conditions of employment. An equivalent position must have the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.
- 2. Managers must consult with HCM’s Employee Relations staff if an employee will not be returned to his/her previous position at the conclusion of FMLA leave.
- 3. Under OPM regulations, an employee is not protected from displacement if the employee’s position was eliminated due to a reduction in force (RIF).
- 4. An employee’s decision to invoke FMLA leave does not prohibit management from proceeding with appropriate conduct or performance-based actions.
- 5. An employee using FMLA because of his/her own serious health condition must obtain medical clearance to return to work when his/her position has specific

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medical standards or physical requirements or is covered by a medical evaluation program under 5 CFR Part 339. This requirement does not apply to employees who take FMLA intermittently or on a reduced leave schedule. The health care provider must certify that the employee is able to perform the essential functions of his/her position and meets the specific physical qualifications and/or medical standards for his/her position. (Such certification is all that is required. Information identifying the employee’s actual medical condition is unnecessary and shall not be solicited.) For an employee subject to this requirement, the manager must notify the employee of the requirement before the leave begins, or to the extent practicable in emergency medical situations. In addition, BPA shall pay the cost, or reimburse employees the cost, for obtaining such certification.

9. Military Leave and Reservist Differential

9.1 Purpose & Background

A. References:

1. 5 U.S.C. 5538 (as added by the Omnibus Appropriations Act of 2009, Public Law 111-8, March 11, 2009, and amended by the Consolidated Appropriations Act, 2010, Public Law 111-117, December 16, 2009)
2. OPM Policy Guidance dated December 8, 2009, amended December 22, 2009, and OPM interim regulation
3. OPM Policy Guidance Regarding Reservist Differential under 5 U.S.C. 5538, June 23, 2015
4. 5 U.S.C. 632
5. 5 U.S.C. 6323 (a)(1)
6. 5 CFR Part 550, Subpart A
7. 5 CFR Part 530, Subpart B
8. USERRA (38 U.S.C. Chapter 43)
9. 10 U.S.C., Sections 331, 332, 333, 688, 12301(a), 12302, 12304, 12305, and 12406
10. Omnibus Appropriations Act of 2009, as Public Law 111-8
11. OPM Fact Sheet: Leave for Funerals and Bereavement
12. OPM Fact Sheet: Fact Sheet: [5 Days of Excused Absence for Employees Returning from Active Military Duty](#)

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B. Purpose/Objectives:

This section provides guidance and procedural requirements for the use of Military Leave and application and payment of Reservist Differential by BPA employees. A BPA employee is entitled to time off (Military Leave) at full pay for certain types of active or inactive duty in the National Guard or as a Reserve of the Armed Forces. An employee may also be eligible to claim Reservist Differential during a qualifying period of active duty if the employee meets specific conditions described in this chapter.

C. Definitions:

1. **Active duty:** Full-time duty in the active military service of the United States. This includes members of the Reserve Components serving on active duty or full-time training duty, but does not include full-time National Guard duty for State service. National Guards called to Federal service under Articles I and II of the U.S. Constitution and 10 U.S.C. 12041-12048 are considered on Federal active duty.
2. **Active duty training:** A tour of active duty used for training members of the Reserve Components to provide trained units and qualified persons to fill the needs of the Armed Forces in time of war or national emergency and such other times as the national security requires.
3. **Contingency operation:** A military operation that:
 - a) Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or
 - b) Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of Title 10, U.S.C.; Chapter 15 of Title 10, U.S.C.; or any other provision of law during a war or national emergency declared by the President or Congress.
4. **Inactive duty training:** Authorized training performed by members of a Reserve Component not on active duty and performed in connection with the prescribed activities of the Reserve Component. It consists of regularly scheduled unit training periods, additional training periods, and equivalent training.
5. **Military leave:** An absence, with pay, for brief periods of active military duty, reserve or National Guard training, or for the purpose of providing military aid to enforce the law.
6. **Reservist differential:** A payment provided to a reservist that is equal to the amount by which an employee’s projected civilian “basic pay” for a covered pay period

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exceeds the employee’s actual military “pay and allowances” allocable to that pay period.

7. Acronyms:

- a) **CFR:** Code of Federal Regulations
- b) **GS:** General Schedule
- c) **HCM:** Human Capital Management
- d) **HRD:** Human Resources Director
- e) **RD:** Reservist Differential

D. Responsibilities

1. BPA Managers and Supervisors:

- a) Approve Military Leave requests in a timely manner;
- b) Ensure that employees requesting Military Leave or Reservist Differential understand the procedural requirements provided in this guide; and
- c) Maintain such records as are necessary for Payroll Disbursements to carry out its responsibilities.
- d) Notify HCM prior (through HR Help) when an employee will deploy or be in training for an extended period of service (over 30 days).
- e) Notify HCM (through HR Help) prior or upon return of an employee returning from an extended period of service (over 30 days).

2. BPA Human Resources Director or his/her delegate: Requests documentation from the employee or military authorities, when appropriate, to support the use of Military Leave under 5 U.S.C. 6323 or Reservist Differential.

3. Employees:

- a) Request Military Leave or Reservist Differential.
- b) Submit proper documentation for Military Leave or Reservist Differential to his/her Manager and Payroll Disbursement.

4. Payroll disbursement:

- a) Maintains records as prescribed by applicable law and the provisions of this guide; and
- b) Determines Reservist Differential Payments, per this guidance.

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9.2 Military Leave & Reservist Differential Requirements and Guidance

A. Military leave and reservist differential eligibility:

1. Military Leave provisions of this desk reference applies to all BPA employees whose appointments are not limited to one year or less. The following types of service are covered by Military Leave for Reserve Components as defined by 38 United States Code (U.S.C.) 101(27) (Reserve Officers Training Corps Program is not a military reserve component for Military Leave purposes):
 - a) Army National Guard of the United States;
 - b) Army Reserve;
 - c) Naval Reserve;
 - d) Marine Corps Reserve;
 - e) Air National Guard of the United States;
 - f) Air Force Reserve; and
 - g) Coast Guard Reserve
2. **Reservist differential:** Reservist Differential provisions of this guidance apply to all eligible Federal civilian employees called or ordered to active duty under specific provisions outlined herein. Federal civilian employees who were on post-active duty between March 15, 2009, and December 19, 2009, may also be eligible for Reservist Differential payments.

B. Military leave for active duty, active duty training, and inactive duty training:

1. **Full-time accrual:** Eligible full-time employees accrue 15 days (120 hours) of Military Leave at the beginning of each fiscal year. Up to 15 days of unused Military Leave may carry over into the new fiscal year, allowing for a maximum of 30 days of Military Leave available during any fiscal year. An employee may take the 30 days of Military Leave prior to the end of a fiscal year in conjunction with 15 days of Military Leave for the new fiscal year for a maximum 45 days of Military Leave.
2. **Part-time accrual:** Eligible part-time employees who work between 16 and 32 hours with a predetermined, regularly scheduled tour-of-duty are credited with military leave on a prorated basis. To determine the prorated number of hours received, take the number of hours per week normally worked divided by 40, and multiply by 120. Example: An employee regularly scheduled to work 20 hours per week. (20 hours / 40 hours = 0.5 x 120 hours = 60 hours of Military Leave available.)
3. **Leave increment charge:** Military leave is charged in 1-hour increments and only for hours during which the employee would otherwise have worked for BPA and received pay. For example, employees who request Military Leave for inactive duty

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training (which is typically 2, 4, or 6 hours in length) will be charged only the amount of military leave necessary to cover the period of training and necessary travel. When the amount of Military Leave charged is less than the employee’s regularly scheduled tour-of-duty, the balance of the day must be worked or charged to another leave or paid-time off category, i.e., credit hours, compensatory time.

4. **Other leave use:** An employee is entitled to use annual leave, military leave, earned compensatory time off for travel, or sick leave (when appropriate) intermittently with leave without pay while on active duty or active/inactive duty training.
 5. **Civilian pay:** An employee’s civilian pay remains the same including any premium pay (except Sunday premium pay) when on Military Leave covered in this section.
- C. **Military leave (civil emergencies/support of contingency operation):** This section describes the provisions for military leave to assist civil authorities in emergencies or to perform military service in support of a contingency operation.
1. For periods of Military Leave under this section, military pay received by the employee must be credited (less any travel, transportation, or other per diem allowance) against civilian pay received during the same period. Employees are entitled to the greater of the civilian or military pay, not both. Employees who choose to take accrued leave instead of Military Leave may retain both civilian and military pay.
 2. **Allowance:** Reservists or National Guard members are granted Military Leave not to exceed 22 workdays per calendar year covered under official orders when activated by the President, Secretary of Defense, or a State Governor to either:
 - a) Enforce the law;
 - b) Assist civil authorities in the protection or saving of life or property or the prevention of injury; or
 - c) Perform full-time military service as a result of call or order to active duty in support of a contingency operation.
 3. Military Leave for these purposes does not reduce the amount of Military Leave to which the employee is entitled for active duty or active duty/inactive duty training.
 4. **Other leave use:** An employee is entitled to use annual leave, Military Leave, earned compensatory time off for travel, or sick leave (when appropriate) intermittently with leave without pay while on active duty and to save accrued Military Leave days for a later use.

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D. Military leave for funeral honors duty:

1. An employee who is a member of the National Guard or a Reserve component of the Armed Forces may use Military Leave to attend to funeral honors duty under 10 U.S.C. 12503 and 32 U.S.C. 115.
2. Prior to attending the service, an employee must provide with orders or documentation to support the use of Military Leave to include the date of services, number of hours and location.
3. Travel time is not included in the amount of Military Leave used for this reason (personal leave may be granted).

E. Return from active military duty:

Members of the National Guard or Reserve who have been called to active duty in campaigns to support the Global War on Terrorism:

1. Must be granted 5 days of uncharged leave (excused absence) upon return to duty for each deployment.
2. If the employee returns to duty and chooses not to use the excused absence at that time, then the employee is entitled to use the excused absence at a mutually agreeable time between the employee and the manager.
3. These rules apply to both an initial deployment and any subsequent deployments, as defined in the first sentence of this section.
4. A copy of the official orders must be submitted to Payroll prior to active duty or it must be submitted as soon as the employee returns and uses the excused absence.
5. The timesheet is coded as ADM.
6. An employee may be granted 5 days of excused absence only after he/she returns from at least 42 consecutive days of active military service in connection with the continuing overseas contingency operation (see OPM Fact sheet 5 Days of Excused Absence for Employees Returning from Active Military Duty for more information).

F. Reservist differential:

1. Reservist Differential is a supplemental payment made by the employee’s organization that is equal to the amount by which the employee-reservist’s projected civilian “base pay” for a covered pay period exceeds his/her actual military “pay and allowances”, allocable to that pay period.
2. Reservist Differential is not payable for periods during which an employee is receiving civilian base pay for performing work, using Military Leave or other civilian paid leave or other paid time off, e.g., 5 days of excused absence upon return to civilian duty. When an employee is authorized to use the additional 22 days of

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Military Leave under section 06.03, the employee will need to determine and inform payroll if he/she wants to use the 22 days of Military Leave or receive Reservist Differential payments.

3. **Qualifying Period:** Reservist Differential is payable during a qualifying period if the employee meets both conditions below:
 - a) A covered employee is absent from a Federal civilian position in order to perform active duty in the uniformed services pursuant to a call or order to active duty under section 331, 332, 333, 688, 12301(a), 12302, 12304, 12304(a), 12305, or 12406, of 10 U.S.C., and is serving on such qualifying active duty; and
 - b) The employee is entitled to reemployment rights under the USERRA (38 U.S.C. Chapter 43) for such active duty.
4. Federal employees who are members of a reserve component are not entitled to both the Reservist Differential Payment Program and the Reserve Income Replacement Program administered by the Department of Defense (37 U.S.C. 910).
5. **Post-active duty periods:** Under the pre-amendment version of 5 U.S.C. 5538, covered employees may receive reservist differential pay for pay periods that fall within the post-active duty period in which they have re-employment rights following the completion of that duty. The Reservist Differential payment applies for post-active duty periods between March 15, 2009, and December 19, 2009. Reservist Differential payment does not apply to post-active duty periods beginning December 20, 2009, forward.
6. **Pay and leave status:** Receipt of Reservist Differential payments will not affect an employee’s civilian pay or leave status. Reservist Differential is supplemental to civilian pay and is not considered basic pay except for the purpose of other laws governing Federal employee compensation, e.g., laws governing salary offset for debt collection, waiver of overpayments, garnishment, and back pay.
7. Reservist Differential is not counted as part of aggregate compensation in applying the aggregate pay limits.
8. Reservist Differential is also not payable for periods following completion of active duty other than as provided in Post Active Duty Periods (section 06.05.E.).

9.3 Military Leave and Reservist Differential Procedures

A. Requesting and reconciling military Leave:

1. **Application:** An employee should request Military Leave in advance, when possible, by using the leave calendar or absence and leave request system in place in his/her organization. An employee without internet or e-mail access may submit an appropriate leave request, e.g., OPM Form 71. The following documentation must

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be provided (prior to use of the absence) to the manager and Payroll Disbursement when requesting Military Leave:

- a) The dates of Military Leave;
 - b) The amount of Military Leave requested;
 - c) The reason for the use of Military Leave;
 - d) The military component of which the employee is a member; and
 - e) When possible, official military orders.
2. **Reconciliation:** Upon return to duty, the employee should provide Payroll Disbursement with a complete set of military orders to account for the leave entitlement. Payroll may request certification that military orders, including dates the employee was on active duty or ordered to inactive duty training, are correct from the appropriate military officer.
 3. Employees called to duty under support of civil authorities or the national emergency outlined above must also provide Payroll Disbursement with Military Leave and Earning statements (including an itemization of pay received for travel and/or per diem allowance). Subsequent pay will be adjusted to credit BPA where appropriate.

B. Reservist differential:

1. **Notification:** An employee must complete the Reservist Differential Payment Form (Attachment A) and provide the following documents to BPA’s Payroll Disbursement office, either in printed or electronic form, to claim Reservist Differential while on active duty:
 - a) A copy of the military orders that lists the section of the U.S.C. for which the employee was called to duty (if not previously submitted upon deployment);
 - b) Request for Reservist Differential Payment form (Attachment 5 or on eForms). (The request form is also included in the Deployment Packet provided by HCM); and
 - c) A copy of the Military Leave and Earning statement for each period of Reservist Differential claimed.
2. Payroll Disbursement will notify the employee-reservist if he/she is eligible to receive Reservist Differential payments.
3. **Determination of Reservist Differential:** Payroll will determine the employee’s Reservist Differential by:

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- a) Identifying the bi-weekly civilian tour-of-duty and computing the applicable civilian base pay for that tour-of-duty;
 - b) Adjusting the projected civilian base pay accordingly, as it would have been adjusted but for the interruption of military active duty (to include general increase, locality pay, within-grade increases, etc.);
 - c) Determining the actual paid gross amount of military pay and allowances for each pay period in a qualifying period, based on the Military Leave and earning statements submitted by the employee.
4. **Payment:** Reservist Differential is paid from the same appropriation fund that is used to pay the employee’s civilian salary. Payments will be paid no later than eight weeks (four bi-weekly pay periods) after the normal civilian salary payment date for a given pay period. This payment date may be pushed back beyond the eight weeks if the employee does not provide the agency with a copy of any needed military orders and Military Leave and Earnings Statement on a timely basis.
- a) If a reservist performs qualifying active duty as described above, and the reservist’s orders are later changed and reissued under 10 U.S.C. 12301(h) due to a combat injury, the reservist will be considered to still be performing qualifying active duty under the changed orders for the purpose of eligibility for a reservist differential.
 - b) If there are questions about whether the orders are specific enough or whether they cite the correct authority, the reservist or the civilian employing agency may contact the headquarters that issued the orders (listed at top of orders) for clarification.
5. **Taxability:** Generally the following apply to the taxability of Reservist Differential payments; however, employees should contact the Payroll office to discuss deductions and withholdings:
- a) Reservist Differential paid under 5 U.S.C. 5538 is taxable income for Federal income tax purposes.
 - b) Reservist Differential payments are treated as wages (salary) for Federal income tax withholding purposes, regardless of the length of the active duty.
 - c) Reservist Differential payments are reported as wages in box 1 of Form W-2 and in line 7 of Form 1040.
 - d) Reservist Differential payments are not subject to FICA (Social Security and Medicare) taxes if the differential payments are paid for periods of active duty of more than 30 days; and

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- e) Reservist Differential payments are subject to FICA taxes if the payments are paid for periods of active duty of 30 days or less.

10. Voluntary Leave Transfer Program (VLTP)

10.1 Purpose & Background

A. References:

1. 5 U.S.C. 6331-6340
2. 5 CFR part 630, subpart I
3. VLTP Office of Personnel Management (OPM) Fact Sheet

B. Objectives:

This chapter provides guidance to managers, supervisors and employees and describes BPA’s Voluntary Leave Transfer Program (VLTP) and procedures. BPA’s Voluntary Leave Transfer Program (VLTP) provides for the transfer of annual leave (including restored annual leave) from employees (donors) who donate such leave to other employees (recipients) for use in a medical and/or family medical emergency situation.

C. Definitions:

1. **Donor:** An employee who approves the transfer of his/her annual leave or restored annual leave to a VLTP recipient.
2. **Family member:** The definition of family member covers a wide range of relationships, including spouse; parents; parents-in-law; children; brothers; sisters; grandparents; grandchildren; step parents; step children; foster parents; foster children; guardianship relationships; same sex and opposite sex domestic partners; and spouses or domestic partners of the aforementioned, as applicable.
3. **Medical emergency (ME):** As used in the VLTP, is a medical condition suffered by the employee or a family member that is likely to require the employee's absence from duty for a prolonged period of time and to result in a substantial loss of income (see definition, below) to the employee because of the unavailability of paid leave, excluding advanced leave.
4. **Prolonged absence and substantial loss of income:** As used in the VLTP, is an absence from duty without available paid leave, excluding advance leave, that has been, or is expected to be, at least 24 hours in duration for full-time employees on regular tours of duty, (for part-time employees, 30 percent of the average number of hours in the employee's biweekly tour of duty).
5. **Recipient:** A BPA employee who has been approved to be a VLTP recipient by the VLTP Coordinator in HCM.

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6. **Voluntary Leave Transfer Program (VLTP):** Provides for the transfer of annual leave (including restored annual leave) from employees (donors) who donate such leave to other employees (recipients) for use in medical or family medical emergency situations.

7. **Acronyms**

- a) **CFR:** Code of Federal Regulations
- b) **GS:** General Schedule
- c) **HCM:** Human Capital Management
- d) **HRD:** Human Resources Director
- e) **LWOP:** Leave Without Pay
- f) **ME:** Medical Emergency
- g) **VLTP:** Voluntary Leave Transfer Program

D. **Responsibilities**

1. **BPA Human Resources Director or his/her delegate:**

- a) Oversees the VLTP to ensure BPA is in compliance with Federal regulations; and
- b) Coordinates and approval if a leave bank or emergency leave transfer program is established at BPA.

2. **VLTP Coordinator:**

- a) Receives and approves (or disapproves) VLTP applications received in HCM (BPA form 3510.03e) within 10 working days from receipt of a completed application and receipt of the appropriate doctor’s statement;
- b) Prepares and provides the approval memoranda to the employee, supervisor, and payroll with the effective dates of the medical emergency;
- c) Updates and maintains a VLTP database, as needed, in coordination with Payroll Disbursement;
- d) Publishes the VLTP recipient list in appropriate BPA publications and continues to evaluate approved recipients;
- e) Immediately notifies Payroll Disbursement, the supervisor, and the recipient of all changes in the status of the recipient’s eligibility to participate in the Program;
- f) Updates and maintains a tracking system or data base of recipients’ information to include the beginning and ending date of the medical emergency, the date the program ends and enters recipient information into VLTP database; and

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- g) Updates the VLTP database of any changes to the medical emergency date or if/when VLTP program ends.
3. **Managers/Supervisors:**
- a) Notify the VLTP Coordinator when the recipient has returned to work;
 - b) Ensure and approve the appropriate leave request form, e.g., OPM-71 is completed for each period of absence attributable to the medical emergency; and
 - c) Forward a copy of the approved leave request to Payroll Disbursements.
4. **VLTP Recipient:**
- a) Submits a VLTP application and appropriate medical documentation to HCM’s VLTP Coordinator;
 - b) The recipient must notify the VLTP Coordinator whenever there are changes in the status of the medical emergency;
 - c) Notifies his/her manager/supervisor, the VLTP Coordinator and Payroll Disbursements when the medical emergency ends; and
 - d) Notifies Payroll Disbursements when an absence occurs during the VLTP medical emergency that is not related to the medical emergency.
5. **Payroll Disbursement:**
- a) Updates bi-weekly the recipient’s leave accounts and the VLTP database (shared with VLTP Coordinator) to enter donated leave received, donated leave used and the balances of LWOP and advanced leave;
 - b) Accepts annual leave donations from employee (donors) and credit the recipient’s account as appropriate, and notifies donors when the amount of leave individuals wish to donate is in excess of that permitted by regulation;
 - c) Establishes a separate leave account for the recipient’s earned sick and annual leave while participating in the VLTP and releasing that leave as appropriate. Notifies both the recipient and the VLTP Coordinator prior to releasing the leave in the set aside account; and
 - d) Adjusts the recipient’s leave accounts required by Program rules.

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10.2 Program Requirements and Procedures

A. Applying for VLTP:

1. The employee applies for VLTP by completing the VLTP Leave Recipient Application form 3510.03e (on eForms), and providing adequate medical documentation if he/she has a medical emergency that meets the criteria defined in Section 03.C.
2. An employee cannot begin VLTP program until the doctor’s statement has been provided, stating the nature of the illness and beginning and ending date of the medical emergency.
3. The VLTP application is signed by the First Line Manager, and received/approved by the VLTP Coordinator. Before the application for leave transfer can be certified, the employee’s absence from work must be approved by the first-line manager by indicating that a leave request has been completed and the absence has been approved.
4. The VLTP Coordinator will verify the applicant’s leave balances. Approval of absence from work will be determined when the employee will or has exhausted all accrued leave during a medical emergency, by confirmation with Payroll Disbursement.
5. **Representative:** If the employee is not capable of acting on his/her own behalf, a personal representative may make application on the employee’s behalf after obtaining a written consent from the employee or a member of the employee’s family.
6. The employee or his/her representative may submit a VLTP application in anticipation of a medical emergency, during the medical emergency or within 30 days after a medical emergency terminates.
7. Certified applicants will be notified in writing and will be provided the beginning and approximate ending dates of their certification. The Payroll organization will receive a copy of the certification and will establish a donated leave account for the recipient (with a copy to the employee). Applications that cannot be certified by the VLTP Coordinator will be returned to the applicant with a written explanation of why it could not be certified.

B. Publicity:

Unless a recipient indicates otherwise on the VLTP application, the recipient's name, routing, and amount of leave to be covered by donations, and the nature of the medical emergency will be publicized by means of a release sent to all employees by the VLTP Coordinator. This information, in part or in whole, will be published periodically as long as the employee continues program participation and is eligible to receive leave donations.

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C. Receipt and use of donated leave:

1. A VLTP leave recipient may receive leave donations from any BPA employee, except from an employee for whom he/she is the immediate supervisor.
2. Donations may also be received from any employee in another Federal agency that has a VLTP in place, via submission of OPM 630b (on e-Forms) to Payroll Disbursements.
3. Donated leave may be used to liquidate LWOP and/or advanced annual or sick leave used, only for the medical emergency for which the recipient is certified. If the applicant is certified after his/her medical emergency, the medical documentation submitted with the VLTP application must specify if previous LWOP, advanced annual and/or sick leave was related to the medical emergency.
4. An OPM-71 (Application for Leave) must be submitted for each period of absence due to the medical emergency, and this application must contain the notation VLTP (and purpose as applicable) in the remarks section. If there is more than one medical emergency occurring at the same time, e.g., self and a family member, the recipient is also responsible for notifying Payroll Disbursement as to which medical emergency the LWOP or advanced leave will apply.
5. All accumulated leave, excluding any advanced leave, must be exhausted prior to using any donated leave. If the recipient’s certification is for a personal emergency, the recipient’s leave account(s) will be charged in the following order:
 - a) all leave;
 - b) compensatory time;
 - c) credit hours; and
 - d) donated leave.
6. If the recipient’s certification is for a family emergency, his/her leave account will be charged in the following order:
 - a) sick leave available under the Family and Medical Leave Act (FMLA) and sick leave to care for a family member;
 - b) annual leave;
 - c) compensatory time;
 - d) credit hours;
 - e) donated leave; or
 - f) the remaining portion of the absence, if any, will be charged to LWOP.

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D. Monitoring and terminating the medical emergency:

1. The VLTP Coordinator will monitor the status of the medical emergency affecting the leave recipient to ensure that the leave recipient continues to be affected by the medical emergency. The medical emergency will be terminated unilaterally when it is determined that the recipient is no longer affected by the medical emergency. Prior to terminating the medical emergency, the VLTP Coordinator will give the recipient written notice and an opportunity to answer the notice.
2. Leave recipients are responsible for notifying their manager and VLTP Coordinator when their medical emergency has terminated.
3. An employee's medical emergency will end:
 - a) The pay-period your certifying physician states there is no longer a medical emergency;
 - b) The employee notifies the VLTP coordinator that the medical emergency has ended (by phone or in writing);
 - c) The employee does not provide continuing certification of the medical emergency, as requested, whichever date is sooner;
 - d) The employee is approved by OPM for a disability retirement or terminates employment with this agency;
 - e) In some cases, when the employee resumes full-time duties, if the medical certification does not indicate a limited work schedule; or
 - f) When the employee resigns or is terminated from this agency.
4. If it is uncertain whether the employee is experiencing (or continuing to experience) a legitimate medical emergency, he/she may be required to provide appropriate medical documentation to ascertain the correct medical status of the affected individual. If necessary, the employee or family member may be required to be examined by one or more qualified physicians of BPA's choosing and at BPA's expense.

E. Extension of initial certification:

Additional substantiating documentation will be required if the medical emergency extends beyond the originally established ending date. A recipient who fails to provide additional documentation may be decertified, i.e., the medical emergency will be deemed to have terminated and all donated leave frozen pending verification of continued eligibility.

F. Termination of leave donation program:

Even after the medical emergency terminates, the employee may continue to experience a hardship due to outstanding LWOP or advanced annual/sick leave. Because of this, the

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employee may continue to receive donated leave for not more than 2 years after the employee’s medical emergency terminates, in order to replace the LWOP or advanced leave taken during his/her medical emergency.

G. Leave accrual and use while using donated leave (set aside account):

1. The first 40 hours of annual and sick leave that a VLTP recipient accrues as a result of the use of donated leave will be set-aside in a separate leave account by Payroll and is limited to 40 hours for annual and sick leave accrued. This leave must be accrued and cannot be utilized during the recipient’s medical emergency unless there is no more donated leave available.
2. Once the 40-hour accrual is reached, the recipient no longer accrues any leave that is a result of donated leave. There may be situations where the recipient works a portion of the pay period, e.g. where the certifying physician has recommended limited work hours, periodic medical treatment and recovery, which causes you to be absent, or other similar situations. In those cases, the recipient will earn leave accruals for those hours actually worked and for donated leave (up to 40 hours towards the separate leave accounts).
3. Once the 40-hour accruals are reached, the recipient will no longer earn accruals on the donated leave and the accruals earned on for actual work hours must be used at the start of the next pay-period, so effectively the recipient will be at a zero leave balance (not including donated leave or advanced sick or annual leave) for the duration of the emergency.
4. If there is not enough donated leave to permit the recipient to accrue 40 hours of sick and annual leave for the set aside account, then the recipient may only accrue sick and annual leave up to the amount that is earned based on donated leave.
5. For part-time employees, the limit is equal to the average number of hours in the employee's weekly scheduled tour of duty. Leave accrues at the employee's normal earning rate until the limit is reached, at which point accrual stops.
6. These limits apply only to the leave accrued while absent on donated leave. In situations where recipients are able to work intermittently or on a reduced schedule they continue to accrue leave without regard to limits during portions of the pay period when they are working or when using leave, which they have earned.
7. The leave in the set-aside account may be used at the beginning of the first applicable pay period beginning on or after termination of the medical emergency (unless that termination is due to separation from the Federal service, in which case the leave is not available for any purpose, including lump sum payment for annual leave or additional service credit for sick leave). However, an employee may use such accrued leave prior to termination of the medical emergency, if the employee has exhausted all donated leave in his/her account (in which case, all leave in the

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set-aside account must be exhausted before donated leave may continue to be used).

8. Once the deferred leave account reaches the maximum of 40 hours, it may not be replenished even after the employee exhausts the leave in the deferred account and returns to a donated leave status for the same medical emergency.

H. Leave donations:

1. Leave donations must be made on the Leave Donation Authorization Form, 3510.02e (available in e-forms). After the form is completed, it is e-mailed or sent directly to Payroll Disbursements.
2. Only annual leave or restored annual leave may be donated to an approved recipient.
3. Leave may not be donated to an employee who is not approved to be a VLTP recipient. Leave may not be donated prior to the pay period when the employee will exhaust both annual and sick leave (cannot be “stored” by Payroll).
4. This leave donation is not recognized for income tax purposes.
5. The maximum amount of annual leave (including restored annual leave) that an employee may donate during a leave year is the lesser of:
 - a) One-half of the amount of annual leave he/she would be entitled to accrue during the leave year in which the donation is made; or
 - b) The number of hours of use-or-lose annual leaves remaining in the leave year (as of the date of the transfer) for which the leave donor is scheduled to work and receive pay.
6. When the medical emergency is over, unused donated leave in the recipient’s account will be restored to the donor’s annual leave account, unless the donor leaves Federal service before restoration of annual leave. At the discretion of the leave donor, the unused annual leave may be:
 - a) Credited to the current year’s annual leave balance; or
 - b) Credited to next year’s annual leave balance (does not apply to restored annual leave if the donor’s time limit for using such leave expires in the current year) or donated to another recipient in the Voluntary Leave Transfer Program.

In any case, the donor may only carry a maximum of 240 hours (720 for SES) of annual leave to the next year (excluding any restored leave that has not expired).

- i. **Prohibition of coercion:** An employee may not directly or indirectly intimidate, threaten, coerce or attempt to intimidate, threaten, or coerce any other employee for

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the purpose of interfering with any right an employee may have with respect to donating and/or receiving annual leave or using donated leave under this program.

J. Outside agency (donating and receipt of leave):

1. Recipients may receive leave donations from an employee in an outside agency who also has an established VLTP.
2. Recipients may donate leave to an employee in an outside agency who also has an established VLTP.
3. The OPM for 630b (available in e-Forms) form is completed by the donor and submitted to his/her Payroll office. The employee’s (donor) Payroll contact information is provided on this form to coordinate the transfer of the annual leave.
4. The receiving Payroll office coordinates with the donating Payroll office to transfer the amount of annual leave to the leave recipient and to deduct that amount from the donor’s leave accrual amount (annual or restored leave).
5. Payroll must ensure that the agency receiving any donations from a BPA employee must have a VLTP program.

11. Performance & Monitoring

- A. The HCM program coordinator maintains reports on the use of time reporting codes used for sick leave (self) and sick leave used for family members, and provides reports to the HCM group in HCM responsible for the internal metrics tracking system.
- B. Override reason code reports are also ran, as needed, to track and observe use of sick leave to care for a family member and leave or unpaid leave used under the Family Medical Leave Act (FMLA).
- C. Managers have access to view his/her employees’ leave reports based on time reporting codes and override reason codes used for sick leave to care for a family member or FMLA.

12. Authorities & References

- A. BPA HR Directive 410-06: Employee Leave, Work Schedules and Telework
- B. 5 U.S.C., Chapter 61, Hours of Work
- C. 5 U.S.C., Chapter 63, Leave
- D. 5 CFR, Part 610, Hours of Duty
- E. 5 CFR, Part 630, Absence and Leave
- F. DOE Policy Memorandum #3, Advanced Leave for Childbirth, Adoption, and Foster Care

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- G. [Presidential Memorandum – Modernizing Federal Leave Policies for Childbirth, Adoption, and Foster Care to recruit and Retain Talent and Improve Productivity, January 15, 2015](#)

13. Contacts

- A. For information on Leave Administration, contact the Leave program coordinator, HCM, through [HR Help](#), 503-230-3230.
- B. For assistance with timesheets, please contact [Payroll Disbursement](#), 503-230-3993.

14. Revision History

Version Number	Issue Date	Brief Description of Change or Review
1.0	4/18/2016	Initial Issuance.

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Appendix A: Sick leave to care for a family member

Sick Leave to Care for a Family Member with		Family Medical Leave Act (FMLA)
Non-serious health condition	Serious Health Condition	Serious Health Condition
<p>Employees are allowed to use a limited amount of sick leave per leave to <u>provide care</u> for family members (as defined in Chapter 1) with a non-serious health condition for reasons such as:</p> <ul style="list-style-type: none"> incapacitation due to physical or mental illness or injury; medical, dental, or optical examination; or to make funeral arrangements or attend a funeral. <p>Eligibility: Full-time employees can use a maximum of 104 hours per leave year of sick leave to care for a family member with a <u>non-serious health condition</u>. (This amount is pro-rated for part-time employees).</p> <p>Notification: Submission of the OPM-71 (written or electronic) to supervisor for approval with the amount of sick leave requested and "Purpose" box checked that applies.</p> <p>Override Reason Code-FFLA must be used with the TRC-SL</p>	<p>Additional hours of sick leave can be used per leave year to care for a family member (as defined in Chapter 1) with a serious health condition.</p> <p>Eligibility: Full-time employees may use a maximum of 480 hours of sick leave to care for a family member with a serious health condition in any leave year.</p> <p>Advanced Sick Leave: Up to 40 hours of advanced sick leave may be advanced to care for a family member with a serious disability or ailment.</p> <p>The total sick leave for both non-serious and serious health conditions for a family member combined cannot exceed 480 hours in any leave year.</p> <p>Notification: Submission of OPM-71 (written or electronic), indicating the number of sick leave hours with the box "Purpose" box that applies.</p> <p>Must provide WH-380-e form stating seriousness, duration, and recommended treatment by health care provider and submit to HCM's Leave Program Specialist. Override Reason Code-FFLAS must be used with TRC's-SL or ASL</p>	<p>Leave Entitlement under FMLA: FMLA entitles <i>eligible</i>* employees to be absent from work (on LWOP) for 12 weeks for any 12 month period for self or family members (as defined in Chapter 4) with a serious health condition . This entitlement may be invoked on the FMLA Application (BPA F 3510.04). Leave is then requested on OPM-71 form indicating FMLA has been invoked.</p> <p>*Employees who have completed at least 12 months of federal service (not required to be 12 recent or consecutive months).An employee is entitled to substitute paid time off for any or all of the period of LWOP. In accordance with rules governing use of leave, A/L, S/L, approved advanced A/L or S/L, or donated leave, can be substituted.</p> <p>Notification: Employees are required to give reasonable notice of leave as soon as it is practical to do so. For <u>each</u> period of leave taken under FMLA, employees must submit the OPM-71 with FMLA box checked and; <u>must provide WH-380e form</u> stating seriousness, duration, and recommended treatment (or birth placement) by physician and must be acceptable by the manager; provide original to HCM's Leave Program Specialist.</p> <p>FMLA Override Reason Codes: FMLAS (Self) or FMLAF (Family) use with TRC's-LWOP, A/L, AAL, RLU, or DLU. (Use FMLAF for military family leave-exigency.)</p> <p>FMLA Override Reason Codes: FMLAS (self) or FFFMF (Family Member) only use with TRC's-S/L or ALS.</p> <p>FMLAM Override Reason Code: 26-weeks military family leave <u>only</u> use TRC's-LWOP, A/L, AAL, RLU, DLU, SL or ASL.</p>

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Appendix B: Effect of extended LWOP on benefits & programs

The table below is a summary of the effects of extended leave without out pay on an employee’s entitlement to or eligibility for certain Federal benefits.

	Benefit or Program	Creditable Service for determining entitlement or eligibility	Notes/Comments
General	Military duty or workers’ compensation	Non-pay status for employees who are performing service in the uniformed services (as defined in 38 U.S.C. 4303 and 5 CFR 353.102) or have been placed in a non-pay status because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C. Chapter 81 counts as creditable service for purposes of rights and benefits based on seniority and length of service upon the employee’s return to duty (38 U.S.C. 4316(a) and 5 CFR 353.107).	
Tenure Based Programs	Career tenure	The first 30 calendar days of each non-pay period are creditable service (5 CFR 315.201(b)(4)(ii)(A)).	
	Probationary period	For the computation of a probationary period on an initial appointment to a competitive service position, a total of 22 workdays in a non-pay status is creditable service (5 CFR 315.802(c) and 317.503(d)(2)).	
	Qualification standards	For General Schedule positions, there is no requirement to extend qualifying periods by the amount of non-pay status. However, agencies may require such extensions in order to meet training requirements or ability to perform.	
	Time-in-grade requirements (requirements for promotion)	All non-pay status is creditable service.	
	Within-grade increases	An aggregate of no more than 2 workweeks in a non-pay status in a waiting period is creditable service for advancement to steps 2, 3, and 4 of the General Schedule; 4 workweeks for advancement to steps 5, 6, and 7; and 6 workweeks for advancement to steps 8, 9, and 10 (5 CFR 531.406(b)). For prevailing rate employees (WG, WL, and WS schedules), an aggregate of 1 workweek non-pay status is creditable service for advancement to step 2, 3 workweeks for advancement to step 3, and 4 workweeks for advancement to steps 4 and 5 (5 CFR 532.417(c)).	
	Service computation date (annual leave accrual)	For purposes of computing accrual rates for annual leave (i.e., 4, 6, or 8 hours per pay period), an aggregate of 6 months of non-pay status in a calendar year is creditable service (5 U.S.C. 6303(a) and (f) and 8332(f)). The service computation date must be adjusted by the amount of non-pay time in excess of 6 months in a calendar year (i.e., excess time is added to the employee’s service computation date).	

	Benefit or Program	Creditable Service for determining entitlement or eligibility	Notes/Comments
Leave Accrual	Accrual of annual and sick leave	<p>The accumulation of non-pay status hours during a leave year can affect annual leave and sick accrual (see 5 CFR 630.208(a)).</p> <p>For example, when a full-time employee with an 80-hour biweekly tour of duty accumulates a total of 80 hours of non-pay status from the beginning of the leave year (either in one pay period, or over the course of several pay periods), the employee will not earn annual and sick leave in the pay period in which that 80-hour accumulation is reached. If the employee again accumulates 80 hours of non-pay status, he/she will again not earn leave in the pay period in which that new 80-hour total is reached. (This means that a full-time employee who is in the 6-hour annual leave accrual category and who has accumulated 80 hours of non-pay status in the last pay period of the year will forfeit 10 hours of leave accrual in that pay period.)</p> <p>At the end of the leave year, any accumulation of non-pay status hours of less than 80 hours is zeroed out so that the accumulation for the next leave year starts at zero. For part-time employees, leave accrual is prorated based on hours in a pay status in each pay period; thus, time in non-pay status reduces leave accrual in each pay period containing such time (5 CFR 630.303 and 5 U.S.C. 6307).</p>	<p>OWCP: employees will not accrue annual leave or sick leave while receiving OWCP benefits. Accruals will be pro-rated for any approved OWCP time, including partial days.</p>
Enhanced Leave Accrual	Enhanced annual leave flexibility (required 1-year period of continuous service)	<p>If an employee who has been provided with an enhanced annual leave accrual rate under 5 CFR 630.205 is placed in a leave without pay status during the required 1-year period of continuous service, the 1-year period of continuous service must be extended by the amount of time in a leave without pay status.</p>	
	Enhanced annual leave flexibility (required 1-year period of continuous service)	<p>Military Service</p> <p>If the employee separates or is placed in a leave without pay status to perform military service and later returns to civilian service through the exercise of a reemployment right, then the period of leave without pay is creditable towards the 1-year period of continuous service (5 U.S.C. 6303(e) and 5 CFR 630.205).</p> <p>OWCP</p> <p>If the employee separates or is placed in a leave without pay status while receiving workers' compensation and later recovers sufficiently to return to work, then the period of leave without pay is creditable towards the 1-year period of continuous service (5 CFR 630.206 (f)).</p>	

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	Benefit or Program	Creditable Service for determining entitlement or eligibility	Notes/Comments
Reduction in Force	Reduction in force (determining years of service)	An aggregate of 6 months non-pay status in a calendar year is creditable service.	
	Severance pay	Non-pay status time is fully creditable for the 12-month continuous employment period to qualify for severance pay (5 U.S.C. 5595(b)(1) and 5 CFR 550.705). However, for the purpose of determining service creditable towards the computation of an employee's severance payment, no more than 6 months of non-pay time per calendar year is creditable service (5 U.S.C. 5595(c)(1) and 5 CFR 550.707-550.708).	
Benefits	Retirement benefits	An aggregate non-pay status of 6 months in any calendar year is creditable service. Coverage continues at no cost to the employee while in a non-pay status. When employees are in a non-pay status for only a portion of a pay period, their retirement deductions are adjusted in proportion to their basic pay (5 U.S.C. 8332 and 8411).	
	Life insurance	Coverage continues for 12 consecutive months in a nonpay status without cost to the employee (5 CFR 870.508(a)) or to the agency (5 CFR 870.404(c)). The nonpay status may be continuous, or it may be broken by a return to duty for periods of less than 4 consecutive months. Please note that premium payments are required if an enrolled employee in nonpay status is receiving workers' compensation (5 CFR 870.508(a)). Please note that premium payments are required if an enrolled employee in non-pay status is receiving workers' compensation (5 CFR 870.508(a)).	OWCP: the OWCP will deduct the premium from benefit checks after 28 days of continuous benefits.
Benefits (continued)	Health benefits	Enrollment continues for no more than 365 days in a nonpay status. The nonpay status may be continuous or broken by periods of less than 4 consecutive months in a pay status (5 CFR 890.303(e)). The Government contribution continues while employees are in a nonpay status. The Government also is responsible for advancing from salary the employee share as well. The employee may choose between paying the agency directly on a current basis or having the premiums accumulate and be withheld from his or her pay upon returning to duty. If non-pay status is due to a lapse of appropriations (shutdown furlough), there will be no opportunity for an employee to pay the agency directly. In this instance, the premiums will accumulate and be paid upon return to duty.	<p>OWCP: enrollment will continue. After 28 days of approved OWCP benefits, premium deductions will transfer to OWCP.</p> <p>Military: If employee is in support of contingency, BPA will pay the employee portion up to 24 months.</p> <p>Title 32 operation EE must pay his portion of premium.</p>

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	Benefit or Program	Creditable Service for determining entitlement or eligibility	Notes/Comments
	Flexible Spending Account (FSAFEDS)	<p>Health. Incurred eligible health care expenses will not be reimbursed until the employee returns to a pay status and the allotments are successfully restarted (in which case the remaining allotments would be recalculated over the remaining pay periods to match the employee's annual election amount). Eligible dependent care expenses incurred during the nonpay status may be reimbursed up to whatever balance is in the employee's dependent care account, as long as the expenses incurred during the nonpay status allow the employee (or employee's spouse if married) to work, look for work, or attend school full-time. Once dependent care allotments are successfully restarted, remaining allotments would be recalculated over the remaining pay periods to match the employee's annual election amount.</p> <p>Dependent Care. Eligible dependent care expenses incurred during the non-pay status may be reimbursed up to whatever balance is in the employee's dependent care account, as long as the expenses incurred during the non-pay status allow the employee (or employee's spouse if married) to work, look for work, or attend school full-time. Once dependent care allotments are successfully restarted, remaining allotments would be recalculated over the remaining pay periods to match the employee's annual election amount.</p>	
	Federal Long Term Care Insurance Program (FLTCIP)	Coverage continues for as long as premiums are paid. If Long Term Care Partners receives \$0 in premium for 3 consecutive pay periods, they begin directly billing the enrollee. If they receive \$0 in premium for 2 or fewer pay periods, they will adjust future deductions with a cap of an additional \$50 until the balance is collected. Enrollees can contact Long Term Care Partners at 1-800-582-3337 for a billing change form if they wish to change their premium billing method from payroll deduction to automatic bank withdrawal or direct billing.	
	Federal Employees Dental Vision Insurance (FEDVIP)	Coverage will continue. BENEFEDS will generate a direct bill for past due premiums when no premium is paid for 2 consecutive pay periods. Coverage will continue only if the direct bills are paid timely.	
Benefits (continued)	Thrift Savings Plan (TSP)	Agencies and employees should refer to the TSP website (external link) or contact their agency representative for information. Agency representatives may contact the Federal Retirement Thrift Investment Board at (202) 942-1450 for additional information.	

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Appendix C: Definition of Serious Health Condition & Continuing Treatment

A. Serious health condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

1. **Inpatient care:** Typically means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care; or
2. **Continuing treatment:** By a health care provider that includes (but is not limited to) examinations to determine if there is a serious health condition and evaluations and continuing treatment of the serious condition. Continuing treatment by a health care provider may include one or more of the following:
 - a) A period of incapacity of more than 3 consecutive calendar days, including subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - i) Treatment two or more times by a health care provider, by a health care provider under the direct supervision of the affected individual’s health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or
 - ii) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider, e.g., a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition.
 - b) Any period of incapacity due to pregnancy or childbirth, or for prenatal care, even if the affected individual does not receive active treatment from a health care provider during the period of incapacity or the period of incapacity does not last more than 3 consecutive calendar days.
 - c) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that:
 - i) Requires periodic visits for treatment by a health care provider or by a health care provider under the direct supervision of the affected individual’s health care provider;
 - ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

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- iii) May cause episodic rather than a continuing period of incapacity, e.g., asthma, diabetes, epilepsy, etc.. The condition is covered even if the affected individual does not receive active treatment from a health care provider during the period of incapacity or the period of incapacity does not last more than 3 consecutive calendar days.
- d) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The affected individual must be under continuing supervision of, but need not be receiving active treatment by, a health care provider, e.g., Alzheimer’s, severe stroke, or terminal states of a disease.
- e) Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than 3 consecutive calendar days in the absence of medical intervention or treatment, e.g., chemotherapy/radiation for cancer, physical therapy for severe arthritis, dialysis for kidney disease.

B. Serious health condition does *not* include:

1. Routine physical, eye or dental examinations;
2. A regimen of continuing treatment that includes the taking of over-the-counter medications, bed rest, exercise, and other similar activities that can be initiated without a visit to the health care provider;
3. A condition for which cosmetic treatments are administered, unless inpatient hospital care is required or unless complications develop;
4. An absence because of an employee’s use of an illegal substance, unless the employee is receiving treatment for substance abuse by a health care provider;
5. Ordinarily, unless complications develop, the common cold, the seasonal flu, earaches, upset stomach, headaches (other than migraines), routine dental or orthodontia problems, and periodontal disease;or
6. Allergies, restorative dental or plastic surgery after an injury, removal of cancerous growth, or mental illness resulting from stress may be serious health conditions only if such conditions require inpatient care or continuing treatment by a health care provider.

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Appendix D: USERRA/FMLA Questions and Answers

The effect of the Uniform Services Employment and Reemployment Rights Act (USERRA) on leave eligibility under the Family and Medical Leave Act:

- A. **What is the Uniformed Services Employment and Reemployment Rights Act (USERRA)?** USERRA is a Federal law that provides reemployment rights for veterans and members of the National Guard and Reserve following qualifying military service. It also prohibits employer discrimination against any person on the basis of that person’s past military service, current military obligations or intent to join one of the uniformed services. Enacted in 1994, USERRA traces its roots to 1940. It is codified at 38 U.S.C. § 4301 to §4333.
- B. **What is the Family and Medical Leave Act (FMLA)?** FMLA is a Federal law that provides “eligible” employees of a covered employer the right to take up to 12 workweeks of unpaid, job-protected leave, during any 12 months, for the birth and care of a newborn, adoption or foster care, or a serious health condition of the employee or certain family members. An “eligible” employee is one who meets certain requirements specified in the statute. FMLA was enacted in 1993 and is codified at 29 U.S.C. § 2601 to § 2654 and at 5 U.S.C. § 6381 to § 6387, relating to Federal civil service employees.
- C. **What effect does USERRA have on these requirements?** USERRA requires that service members who conclude their tours of duty and who are reemployed by their civilian employers receive all benefits of employment that they would have obtained if they had been continuously employed, except those benefits that are considered a form of short-term compensation, such as accrued paid vacation. If a service member had been continuously employed, one such benefit to which he/she might have been entitled is leave under the FMLA. The service member’s eligibility will depend upon whether the service member would have met the eligibility requirements outlined above had he/she not performed military service.
- D. **How should the 12-month FMLA requirement be calculated for returning service members?** USERRA requires that a person reemployed under its provisions be given credit for any months he/she would have been employed but for the military service in determining eligibility for FMLA leave. A person reemployed following military service should be given credit for the period of military service towards the months-of-employment eligibility requirement. Each month served performing military service counts as a month actively employed by the employer. For example, someone who has been employed by an employer for 9 months is ordered to active military service for 9 months after which he/she is reemployed. Upon reemployment, the person must be considered to have been employed by the employer for more than the required 12 months (9 months actually employed plus 9 months while serving in the military service)

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for purposes of FMLA eligibility. It should be noted that the 12 months of employment do not have to be consecutive to meet this FMLA requirement.

- E. **Where can I get more information about USERRA?** The Department of Labor’s Veterans’ Employment and Training Service (VETS) administers USERRA, provides technical assistance/educational outreach, and investigates complaints. Information about USERRA is available on the VETS Web site. The address is <http://www.dol.gov/vets/>. There you will find USERRA information as well as a directory of local VETS offices.

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Appendix E: Request for Reservist Differential Payments

The Bonneville Power Administration is authorized to pay Reservist Differential to eligible BPA reservist-employees serving on active duty in the Reserve or National Guard based on the Omnibus Appropriations Act of 2009, as Public Law 111-8, which became effective March 11, 2009 (effective civilian pay period 09-07, March 15, 2009). Therefore, you may submit this request for determination of eligibility and payment of the Reservist Differential Payments.

To initiate this process, please complete this form and submit it to: Bonneville Power Administration, PO Box 3621, Portland, OR 97208-3621, Attn: Charlie McVay, Payroll Disbursements FTDP-2 (or via e-mail: cwmcvayjr@bpa.gov). The Military Leave and earnings statements can also be mailed or scanned and e-mailed to Charlie McVay.

1. **Name:** _____
2. **HRmis ID#:** _____
3. **Title/Series/Grade of BPA position:** _____
4. **Tour-of-duty (BPA):** _____ **Full-time** _____ **Part-time** (indicate number of hours per day) _____
5. **BPA Office Routing:** _____
6. **Current Manager:** _____
7. **Home or Mailing Address:** _____
8. **Current Active Duty Mailing Address:** _____
9. **E-mail Address** (while on active duty): _____
10. **Contact Phone Number(s)** (while on active duty): _____
11. **Indicate the beginning and ending date of active duty as indicated on your military orders:**
Active Duty Dates: From: _____ **To:** _____

Note: If the current orders have not previously been submitted to Payroll upon deployment, a copy must be submitted with this request.

Employee Signature _____ **Date Signed** _____

Privacy Act Statement: Authority for collection of this information is 5 U.S.C Section 6311 and E.O. 9397. The purpose for which the information will be used is to administer and process your request for Reservist Differential payment. The information on this form may be disclosed as generally permitted under 5 U.S.C. Section 552a(b) of the Privacy Act, as amended. Providing this information is voluntary, however, failure to supply the required documentation may result in delay of determination and payment of any Reservist Differential payment due.

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Appendix F: Discretionary/Non-Discretionary Excused Absences

1. Discretionary: Subject to the provisions of negotiated labor contracts, managers have the discretion to excuse employees on an individual basis for any of the reasons listed below. Managers should consult with the HCM’s Leave Program Manager, Talent Sustainment, when there is doubt as to the applicability of the following criteria to special cases. Circumstances that may warrant individual excused absence but which are not provided for in this chapter, such as employee participation in other public activities in which the government participates or is interested in encouraging, should be submitted as a formal request (administrative order) from a Senior Vice President or Vice President (or delegated authority) through the Leave Administration program coordinator, for review/concurrence of the HRD, for approval by BPA’s Chief Operating Officer.

Activity and Duration			Appropriate Type of Absence		
Activity	Periods of Time Involved: Estimated Absence Per Event	Basis for Management Support for Individual Excused Absence	Duty Time	Excused Absence (ADM)	Other Leave Options Beyond ADM
Tardiness	15-minute increments, up to one (1) hour.	Occasional tardiness and reason is acceptable to the manager.	Not applicable to employees on a flexible work schedule (except for a period extending into core time, e.g., arrival after 9:00 a.m. at HQ and Vancouver).	ADM up to 1 hour. (Not applicable for employees when excused absence is granted due to delayed arrival or early departure of employees due to hazardous weather conditions.)	Annual leave or LWOP, (or other appropriate time-off accounts, upon request by the employee.
Delayed arrival at work due to hazardous weather (granted to employees who report to work.) See Attachment 2 for further guidance on	In the absence of an Administrative Order up to two (2) hours when no Administrative Order is issued to generally cover delayed arrivals caused by the hazardous weather period, with the intent that	Individual employee excused absence for a hazardous weather delayed arrival. (Note: managers may not approve an early dismissal as excused absence).		ADM Does not apply to employees who telework during the delay.	Employees who do not make it to their intended work location must request appropriate leave. (If an employee is tardy beyond any authorized

<p>Hazardous Weather Procedures.</p>	<p>the employee arrives at his/her worksite.</p>	<p>Is not to be used to grant excused absence in addition to that granted by an administrative order for delayed arrivals or tardiness.</p>			<p>delayed arrival, or are absent for the workday even though the office is open, they must charge such tardiness or absence to annual leave or LWOP, or other appropriate time-off accounts.)</p>
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Activity and Duration			Appropriate Type of Absence		
Activity	Periods of Time Involved: Estimated Absence Per Event	Basis for Management Support for Individual Excused Absence	Official Duty Time	Excused Absence (ADM)	Other Leave Options Beyond ADM
<p>Community Education Support Activities</p> <p>BPA sponsored events only are announced prior, through Public Affairs.</p>	<p>Not to exceed eight (8) hours for nonrecurring activities and two (2) hours per week for ongoing activities.</p>	<p>Subject to workload demands, for BPA sponsored community outreach activities or to provide assistance to community education programs.</p>	<p>REG (regular time) with manager approval, only when duties are part of an employee’s job. Overtime may be appropriate if approved to participate (work) outside of the employee’s normal work schedule.</p>	<p>ADM - Amount may vary per event.</p> <p>(Individual work groups may not approve use of excused absence for an “outreach or team events”.)</p>	<p>Annual leave or LWOP, (or other appropriate time-off accounts), upon request by the employee.</p>
<p>Representing Employee Organizations. Subject to the provisions of a negotiated agreement.</p> <p>Note: This is not to be confused with employees who are bargaining unit representatives and receive “official time” to represent the union or its bargaining unit employees. (The Labor Relations staff must be involved in any such determination.)</p>	<p>A reasonable amount of excused absence (up to 8 hours per day).</p>	<p>An employee serving as an officially designated representative of an employee organization may be excused to receive training on matters of mutual concern to BPA and the employee in his/her capacity as a union representative.</p>	<p>Official time, in this regard, is treated as regular hours of duty.</p>	<p>ADM - May vary per event.</p>	<p>Annual leave or LWOP, (or other appropriate time-off accounts) upon request by the employee.</p>

Blood/Platelet Donation	Up to four (4) hours per event. Frequency for donations based on recommendation by The American Red Cross (ARC).	When the location of the ARC center is not held at the worksite. May include recuperation and travel time to/from site.	No official time is granted for blood/platelet donation off-site.	ADM	Annual leave or LWOP, (or other appropriate time-off accounts) upon request by the employee. (SL beyond the 4 hours may be granted if employee becomes ill or needs longer recuperation).
Armed Forces Entrance Exams	Reasonable amount of actual time required for the examination.	An employee taking a physical examination required for entry into the Armed Forces (Reserves/National Guard, Ready Reserves, etc.).	N/A	ADM	Annual leave or LWOP, (or other appropriate time-off accounts) upon request by the employee for travel to/from the exam site.
Relocation Arrangements (in accordance with BPA's Relocation Travel Manual also)	NTE 32 hours	Applies to current Federal employees who are selected or placed in a position with a permanent change in duty station that also involves a change in the employee's residence; and (b) new appointees who are authorized relocation expenses by BPA to their first post of duty. Such	N/A	ADM - (ADM will not be granted for activities that could be accomplished during off-duty hours or by use of flexible arrival and departure features of BPA's flexi-schedule system.)	Annual leave or LWOP, (or other appropriate time-off accounts) upon request by the employee.

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		employees, and appointees once they have reported for duty, may be excused from work for brief periods to make necessary arrangements for the transportation, storage, or receipt of household goods, and other activities associated with a move of permanent residence such as receipt of transported goods.			
BPA Placement Exams	Reasonable amount of time to complete the examination(s) and travel to/from site (if off site within local commuting area).	Taking examinations used in the BPA merit promotion process, including civil service tests, which are required by either the qualification standard of the position, such as apprentice examination, to which the employee is aspiring, or when such examinations are part of the normal applicant evaluation process, for instance panel interviews or assessment centers.	N/A	ADM	Annual leave or LWOP, (or other appropriate time-off accounts) upon request by the employee for travel time beyond local commuting area.

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Activity and Duration			Appropriate Type of Absence		
Activity	Periods of Time Involved: Estimated Absence Per Event	Basis for Management Support for Individual Excused Absence	Official Duty Time	Excused Absence (ADM)	Other Leave Options Beyond ADM
Interviewing & Placement Exams Within DOE.	Limited to a reasonable amount of time for interviewing or taking tests for job placement opportunities within DOE	The employee may be granted excused absence for an interview or placement exam within the DOE, if location is outside employee's worksite.	N/A	ADM – (does not include travel time).	Annual leave or LWOP, (or other appropriate time-off accounts) upon request by the employee for travel time or time needed beyond the interview or test timeframe.
Interviewing & Placement Exams Outside DOE.	Limited to a reasonable amount of time considering workload, placement opportunities; mutual benefit to the organization and the employee and other relevant factors taken into consideration on a case-by-case basis.	The employee may be granted excused absence for an interview or taking tests for job placement opportunities <u>outside DOE</u> only when: the employee has been notified that he/she has been reached for separation by reduction-in-force procedures; and if the employee presents reasonable evidence that a bona fide placement opportunity exists.	N/A	ADM	Annual leave or LWOP, (or other appropriate time-off accounts) upon request by the employee for travel time or time needed beyond the interview or test timeframe.
Professional Exams for State licensing or professional certification	Limited to a reasonable amount of time for the time required to take the	Excused absence may be granted for the time needed to take a	N/A	ADM – (does not include travel time).	Annual leave or LWOP, (or other appropriate time-off accounts)

<p>in the occupational field that the employee is working.</p>	<p>written test.</p>	<p>professional examination when considered to be in the best interest of BPA. The employee is also responsible for examination and travel expenses, if any. If an employee has to take an examination for a second time, the absence will not be excused.</p>			<p>upon request by the employee for travel time or time needed beyond the exam timeframe or to re-take an exam.</p>
<p>Participating in a BPA Associates-Sponsored Activity.</p>	<p>Excused absence may be granted for activities as the Associates meetings, special events, or sales.</p>	<p>Excused absence may be granted to allow reasonable amounts of time for this purpose. All time away from work must be approved by the manager. (Excused absence <u>may not</u> be granted to sell at the Associates-sponsored craft bazaar.)</p>	<p>May not be recorded as REG (regular hours)</p>	<p>ADM</p>	<p>Annual leave or LWOP, (or other appropriate time-off accounts) upon request by the employee.</p>

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Activity and Duration			Appropriate Type of Absence		
Activity	Periods of Time Involved: Estimated Absence Per Event	Basis for Management Support for Individual Excused Absence	Official Duty Time	Excused Absence (ADM)	Other Leave Options
Voting in an election or in a referendum on a civic matter in the employee's community.	Up to 3 hours, NTE one (1) day (Note: Approving excused absence to vote in Oregon should only be under exceptional circumstances, due to mail-in ballots.)	<p>Excused absence may be granted for employees who work in a state that does not accept mail-in ballots when: Polls are not open at least three (3) hours before or three (3) hours after an employee's scheduled tour of duty.</p> <p>The employee may be granted sufficient time off from work to permit him/her to report to work up to three (3) hours after the polls open or leave work up to three (3) hours before the polls close, whichever requires the least amount of time off.</p> <p>Under exceptional circumstances, such as when an absentee ballot is not permitted, or when the three (3) hours do not</p>	TDY - Employees who are, or will be, on TDY are not authorized excused absence to travel back to their voting districts when the travel time is greater than 3 hours.	ADM	Annual leave or LWOP, or other appropriate time-off accounts) upon request by the employee.

		allow sufficient time, an employee may be excused for the additional time needed, depending upon the circumstances, but not to exceed one (1) day.			
Activity and Duration			Appropriate Type of Absence		
Activity	Periods of Time Involved: Estimated Absence Per Event	Basis for Management Support for Individual Excused Absence	Official Duty Time	Excused Absence (ADM)	Other Leave Options
<p>Local Community Emergencies.</p> <p>Participating in emergency rescue or protective work in the local community as a volunteer, or as a member of an organization such as the Civil Air Patrol, during an emergency such as fire, flood, riot, or search operations.</p>	Normally, a single period of excused absence shall not exceed three (3) workdays, but additional days of excused absence may be authorized under unusual circumstances.	The absence may be granted only if the employee can be spared from the job and is not required at the installation to protect Federal property. (Employees who perform such work as part of a Military Reserve or National Guard unit under military orders; such time is charged to military leave (see HR Desk Reference: Military Leave/Reservist Differential).	N/A (may be applicable to DOE ESF-12 Emergency Responders, but REG time is charged to assigning agency, such as FEMA.)	ADM (Excused absence is not authorized for participation in activities such as recurring volunteer fire fighting, if such participation would require frequent absences from duty.)	Annual leave or LWOP, or other appropriate time-off accounts) upon request by the employee (if the amount of time is beyond the three (3) days, unless further excused absence is authorized and announced by DOE/OPM).

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Activity and Duration			Appropriate Type of Absence		
Activity	Periods of Time Involved: Estimated Absence Per Event	Basis for Management Support for Individual Excused Absence	Official Duty Time	Excused Absence (ADM)	Other Leave Options Beyond ADM
Active Military Duty (prior to departure).	Up to three (3) workdays.	Excused absence may be granted to facilitate an employee preparing him/herself and his/her family for the employee's extended absence for active military service. This amount of excused absence only applies to employees who are ordered to active duty for reasons other than training, thereby requiring, over the course of their active duty service that they are in a leave-without-pay status.	N/A	ADM	Annual leave or LWOP, or other appropriate time-off accounts) upon request by the employee.

Activity and Duration			Appropriate Type of Absence		
Activity	Periods of Time Involved: Estimated Absence Per Event	Basis for Management Support for Individual Excused Absence	Official Duty Time	Excused Absence (ADM)	Other Leave Options Beyond ADM
Armed Forces Funeral.	NTE more than four (4) hours per event.	Excused absence may be granted for an employee serving as an active pallbearer, guard of honor, or member of a firing squad in a funeral ceremony for a member of the Armed Forces whose remains are returned from abroad for final internment. (Applies only to employees who are veterans of a foreign war, campaign, or expedition for which a campaign badge has been authorized, or to employees who are members of a firing squad or a ceremonial guard of honor in a funeral or ceremony related to internment.)	N/A	ADM	Annual leave or LWOP, or other appropriate time-off accounts) upon request by the employee.

Activity and Duration			Appropriate Type of Absence		
Activity	Periods of Time Involved: Estimated Absence Per Event	Basis for Management Support for Individual Excused Absence	Official Duty Time	Excused Absence (ADM)	Other Leave Options Beyond ADM
Funeral Leave (for a Family Member in the Uniformed Services).	Up to three (3) days	Excused absence may be granted to allow an employee to make arrangements for, or to attend the funeral or memorial service for an immediate relative who died as a result of a wound, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone. The three (3) days need not be consecutive, although the employee must provide satisfactory justification to the approving manager	N/A	ADM	Annual/Sick leave or LWOP, (or other appropriate time-off accounts) upon request by the employee. (Also see HR Desk Reference-Leave Administration for use of SL to plan/attend a family member's funeral.)

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Activity	Periods of Time Involved: Estimated Absence Per Event	Basis for Management Support for Individual Excused Absence	Official Duty Time	Excused Absence (ADM)	
Employee Assistance Program (EAP) or OMBUDS to communicate with an EAP counselor or to meet with BPA's Ombudsman.	A reasonable amount to attend an EAP or Ombuds appointment during duty hours.	Excused absence may be granted if the employee provides that the request for excused absence is to attend an EAP or Ombuds appointments (as determined by EAP or Ombudsman). If an employee does not want to disclose the reason for use of the Excused Absence, he/she may request use of personal leave.	N/A	ADM	
BPA On-site Health Units	Up to one (1) hour for occasional use or appointments.	Excused absence may be granted with prior notification by the employee to visit BPA's Occupational Health Units on site during operating hours. Excused absence should not be granted on a regular or recurring basis.	Visits to a Health Unit may be needed during an employees break or on a case-by-case basis for certain medical conditions.	ADM	

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Activity and Duration			Appropriate Type of Absence		
Activity	Periods of Time Involved: Estimated Absence Per Event	Basis for Management Support for Individual Excused Absence	Official Duty Time	Excused Absence (ADM)	C E
Absences of less than one (1) hour for reasons acceptable to the manager.	Increments of 15- minute, up to 1 hour only.	<p>Excused absence may be granted on an infrequent basis <u>only</u> when the employee is unavoidably or necessarily absent, e.g., early departure of an employee's carpool due to emergency reasons such as an injured or sick child.</p> <p>This authority may not be used to supplement any other discretionary excused absences, e.g., to extend the time authorized for donating blood, or attending office sanctioned holiday parties during December, any planned group absences, tardiness, etc.</p>	N/A	ADM	A (c b

2. NON-DISCRETIONARY INDIVIDUAL EXCUSED ABSENCES: Excused absence must be granted for the following situations. Note: Managers retain the discretion in some cases as to the actual time when employees will be released from work for excused absence. Managers should consult HR Help to contact HCM’s Leave Program Specialist when there is doubt as to the applicability of the following criteria to special cases.

Activity and Duration			Appropriate Type of Absence		
Activity	Periods of Time Involved: Estimated Absence Per Event	Basis for Management to Retain Discretion when the employee will be Released from work to use the Excused Absence	Official Duty Time	Excused Absence (ADM)	Other Leave Options Beyond ADM
<p>Equal Employment Opportunity Activity.</p> <p>Managers are encouraged to contact EEO/Civil Rights staff for guidance in applying excused absence to EEO activities.</p>	<p>EEOC regulations require that the amount of time be reasonable.</p>	<p>Excused absence is granted to pursue EEO counseling at the informal stage and for the processes associated with formal EEO complaints. This includes time to meet an EEO Counselor, present relevant information, respond to agency requests for information, meet with an EEO investigator to prepare a sworn affidavit and rebuttal statement, prepare for meetings and hearings, and to attend such meetings and hearings.</p> <p>A reasonable amount of excused absence is defined in terms of hours that are requested and approved in</p>	<p>If an employee is required to appear on behalf of the Federal government (cross-agency), regular duty time (REG) instead of excused absence is appropriate.</p>	<p>ADM</p>	<p>Annual leave or LWOP, (or other appropriate time-off accounts) upon request by the employee. (An employee may use other forms of leave to meet with an EEO Counselor. This may be true especially if the employee would prefer to not divulge the fact that he/she is meeting with an EEO counselor.)</p>

		<p>advance so that a mutual understanding between the employee and manager of the number of hours needed is known.</p> <p>The manager has discretion to determine the actual time when the employee is released from work for such excused absence when the timing of the activity is discretionary.</p>			
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Appendix G: Hazardous Weather Procedures for Portland/Vancouver Offices/Field Sites

1. The BPA Emergency Information Hotline, (503)230-3333, will be updated by 5:00 a.m. with applicable office closure or delayed arrival information. Vancouver employees may dial (360) 418-8000, and when voice mail answers, dial ext. 3333 (do not press the pound sign first). The BPA external websites, <http://www.BPA.gov/emergency> and <http://www.BPAinfo.com> will be updated to indicate delays or building closures.

2. **Dismissal or closure due to severe weather or other emergencies:** Administrative leave may be granted to employees who are prevented from reporting for work or faced with a personal emergency because of a weather emergency and its aftermath and who can be spared from their usual responsibilities.

BPA's policy on hazardous weather procedures is based on our concern for employee safety balanced with our responsibility to provide service to our customers under all conditions. Since BPA is a utility business, there should be a general expectation that we will be open whenever possible. In addition to weather conditions, road and/or BPA-facility access conditions are also considered in making any office closure or delayed arrival decisions. Such decisions may not apply to essential employees (or they may be requested to remain at the worksite, if already on site, as authorized) defined as those whose presence is essential to the continuing operation of BPA and its power and transmission systems, as determined by their managers.

3. Unless closure is announced over the BPA Emergency Information Hotline, BPA offices and facilities will be considered open at the normal time. Employees are encouraged to make a reasonable attempt to arrive at work on time. Employees are also encouraged to exercise individual judgment, in view of their particular circumstances and not expose themselves to excessive risk in attempting to get to work under unusually hazardous weather conditions. If an employee decides not to report to work, they should advise their managers as soon as possible and request appropriate leave.
4. **Note:** Such decisions may also vary for different facilities depending on weather, road, and building access conditions. Managers may contact HRHelp@bpg.gov, or call 503-230-3230) with respect to granting administrative leave for employees with unusual circumstances that prevent them from teleworking at their homes, or other leave questions.
5. **Note for Contract Personnel:** If contract personnel have an Offsite Work MOU in place, it is preferred, for safety sake during inclement weather closures, that they work from home, as long as a BPA manager approves and can validate the time spent working and quantify that work product(s) was/were delivered. If workers do not have an offsite work MOU, then they cannot access BPA systems from home. If they took other work home, and that work is approved and validated by the BPA manager, they can get paid for hours spent working.

Contract Personnel are allowed to enter the building as BPA buildings are never completely closed. Contract personnel are permitted to come to work, as long as a BPA manager approves it and can validate the time spent working, via the approved Fieldglass timesheet. Contract personnel are voluntarily choosing to come to the office and should do so with extreme caution. However once here and working, BPA will pay for services rendered.

6. **Resources:**

- [Continuity of Operations \(COOP\)](#) website.
- Emergency Information Website - www.bpa.gov/emergency.
- [Telework program website](#) or the TeleworkCoordinator@bpa.gov Outlook mailbox.
- Assistance with leave or an Administrative Order, please contact HRHelp@bpa.gov , phone 503-230-3230.
- Assistance with timesheets contact Payroll Disbursements, Payroll@bpa.gov, phone 503-230-3993.
- Contract Personnel: [Supplemental Labor Office \(SLMO\)](#).
- COOP - Continuity of Operations Management;
- PA - Public Affairs office;
- HCM - Human Capital Management office;
- OPM - Office of Personnel Management.

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Activity and Duration			Appropriate Type of Absence		
Activity/Type of Communication	Periods of Time Involved	Level of Management Approval	Administrative Order	Excused Absence (ADM)	Use of Other Leave or Telework Status
<p>BUILDING CLOSURE-Occurring Prior to the Beginning of a Workday (announced prior to 6 a.m.).</p> <p>1. COOP sends global text/e-mail to all affected employees (prior to 6 a.m., to those who signed up to receive notifications);</p> <p>2. COOP updates Emergency Information Hotline Phone Message & Webpage (simultaneously with notifications).</p> <p>3. PA sends All Employee e-mail (a.m., soon after COOP notifications)</p> <p>4. PA sends All Manager e-mail w/Admin. Order (from HCM, during that day).</p> <p>5. PA posts follow up article on BPAX (during the a.m. or during that day, as needed).</p>	<p>6 a.m. – 6 p.m.</p>	<p>Chief Operating Officer (COO) or higher, approves prior to 6:00 a.m. (in coordination with BPA’s Weather Team Participants or other appropriate offices).</p>	<p>a. Prepared and reviewed by HCM;</p> <p>b. Approved by the COO;</p> <p>c. Issued by Public Affairs to affected BPA managers;</p> <p>d. Copy to Payroll Disbursement.</p>	<p>ADM (amount of employee’s normal work schedule).</p> <p>ADM will generally not be granted for Telework Ready employees, (see BPA HR Directive 410-006: Employee Leave Schedules, Work Schedules and Telework and HR Desk Reference 410-06-03: Telework Program for further guidance).</p> <p>ADM generally will not apply to employees who are in a travel status.</p>	<p>As determined in the Admin. Order, (per event or situation).</p> <p>Employees already on paid leave, LWOP or extended LWOP (or other unpaid leave) will remain in that status (unless ALL federal bldgs. close).</p> <p>Teleworking and Telework Ready employees with a Routine or Situational telework arrangement in place will telework. (If circumstances prevent the employee from working – employee should contact his/her manager).</p>

Activity and Duration			Appropriate Type of Absence		
Activity/Type of Communication	Periods of Time Involved	Level of Management Approval	Administrative Order	Excused Absence (ADM)	Use of Other Leave or Telework Status
<p>EARLY GROUP DISMISSAL – Occurs During the Day (6am-6pm)</p> <p>1. COOP sends global text/e-mail to all affected employees (who signed up to receive notifications);</p> <p>2. COOP updates Emergency Information Hotline Phone Message & Webpage (simultaneously with notifications).</p> <p>3. PA sends All Employee e-mail (shortly after event occurs).</p> <p>4. PA sends All Manager e-mail w/Admin. Order (from HCM, during that day or next if occurs late in the day).</p> <p>5. PA posts follow up article on BPAX (as needed).</p>	<p>6am – 6pm</p> <p>Brief period of time, depending time of the dismissal.</p>	<p>Chief Operating Officer (COO) or higher, approves upon decision to excuse employees (in coordination with BPA’s Weather Team Participants (or other appropriate offices).</p>	<p>a. Prepared and reviewed by HCM;</p> <p>b. Approved by the COO;</p> <p>c. Issued by Public Affairs to affected BPA managers;</p> <p>d. Copy to Payroll Disbursement.</p>	<p>ADM – Granted to employees who were in a work status (teleworking or arrived to work).</p> <p>The amount of ADM granted is recorded from the time of the dismissal up to the employee’s normal departure time.</p> <p>Generally will not apply to employees who are in a travel status.</p>	<p>ADM generally not granted to Teleworking and Telework Ready employees with a Routine or Situational telework arrangement in place will telework. (If circumstances prevent the employee from working – employee should contact his/her manager).</p> <p>Employees on extended LWOP or other non-paid leave are not granted excused absence.</p>

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