DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE MANUAL

TRANSMITTAL SHEET

Release No. 307

SUBJECT: Administrative Series
Part 370.630 Attendance and Leave
Chapters 1-9

EXPLANATION OF MATERIAL TRANSMITTED:

These chapters establish Minerals Management Service (MMS) policy concerning the administration of leave and explain applicable regulations.

Director

Remove:	Insert:
Part 370.630 – Attendance and Leave	Part 370.630 – Attendance and Leave
Chapter 1 – General Provisions	Chapter 1 – General Provisions
Chapter 2 – General Provisions for Annual and Sick Leave	Chapter 2 – General Provisions for Annual and Sick Leave
Chapter 3 – Annual Leave	Chapter 3 – Annual Leave
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Chapter 5 – Court Leave	Chapter 5 – Court Leave
Chapter 6 – Excused Leave	Chapter 6 – Excused Leave
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OPR: Human Resources Officer
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Minerals Management Service
Minerals Management Service Manual

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Series: Administrative
Part 370.630: Attendance and Leave
Chapter 3: Annual Leave

Originating Office: Human Resources Division, Office of Administration and Budget

1. **Accrual Rates for Full-Time Employees**.

Length of Service	Amount Earned Each Pay Period (80 Hours)	Days Accrued Per Year
Less than 3 years	4 hours of annual leave	13
3-15 years	6 hours of annual leave; 10 hours of annual leave in the last pay period in the calendar year	20
More than 15 years	8 hours of annual leave	26

2. **Accrual Rates for Part-Time Employees**.

Length of Service	Amount Earned Each Pay Period
Less than 3 years	One hour of annual leave accrued for every 20 hours in pay status up to 80 hours, but not to exceed 4 hours of leave credit. Excess hours worked are carried forward to subsequent pay periods.
3 to 15 years	One hour of annual leave accrued for every 13 hours in pay status up to 80 hours, but usually not to exceed 6 hours of leave credit. A seventh hour may be credited if it accrues as a result of pay status hours carried over from a prior pay period. Excess hours worked are carried forward to subsequent pay periods.

More than 15 years	One hour of annual leave accrued for every 10 hours in pay status. Excess hours worked are carried forward to subsequent pay periods.

Exceptions:

(1) Members of the Senior Executive Service (SES) accrue annual leave at the rate of 1 day (8 hours) for each full biweekly pay period regardless of their amount of service.

(2) As a recruitment incentive, prior job related experience in non-Federal positions or as retired members of the uniformed services may be credited towards earning annual leave. Such crediting may be granted to an employee on the date of their initial appointment or re-appointment, after a break of 90 calendar days, from the date of their last period of civilian Federal employment. Prior approval must be obtained by the hiring supervisor from the Chief, Human Resources Division. See Department of the Interior (DOI) Personnel Bulletin No. 05-05

3. **Eligibility**.

A. Appointments Over 90 Days. Employees who are appointed to positions not limited to 90 days or less are entitled to annual leave accrual upon completion of the first biweekly pay period.

B. Appointments Less Than 90 Days. Annual leave does not accrue to an employee appointed for less than 90 calendar days. However, an extension or conversion of appointment for a period of 90 calendar days or longer is treated as a new appointment entitling the employee to immediate accrual of annual leave. The employee will receive retroactive credit from the date of initial appointment to the date of extension or conversion when they have served a total of 90 calendar days. Where each successive extension or conversion is less than 90 calendar days, the employee accrues annual leave after completing 90 calendar days of continuous service from the date of the initial appointment. Because intermittent employees are not covered by the leave system, the nature of the appointment held at the time of change to a full-time or part-time basis determines retroactive accrual entitlement.

C. Fractional Pay Period. Annual leave does not accrue during the fractional pay period in which an employee enters on duty or is separated.

D. Period Covered by Lump Sum Payment. Annual leave does not accrue on payments of lump sum leave.

4. **Applying for and Granting Annual Leave**.

A. Using Annual Leave. The MMS encourages employees to use the annual leave to which they are entitled. Employees are to consult with and gain supervisory approval for annual leave. Supervisors are to arrange leave schedules and approve or deny requests for leave, taking into consideration the employees' wishes while ensuring that work programs do not suffer. Employees are encouraged to take annual leave of at least 5 consecutive workdays per leave year for personal well being and to promote quality of work and family life issues.

B. Prior Approval. Prior approval of annual leave is required except in emergencies. When advance approval is not possible, employees should follow procedures established by their supervisor.

C. Leave Request Form. A standard form such as the SF-71, Application for Leave, may be used but is not mandatory unless requested by the employee's supervisor.

5. **Maximum Accumulation**.

A. Maximum Hours for Non-Senior Executive Service (SES) Employees. The law permits non-SES employees to carry over up to 240 hours of annual leave from 1 leave year to the next. These maximum accumulation levels do not apply to leave accumulated by employees who have been authorized amounts in excess of the established leave ceiling by regulation.

B. Maximum Hours for SES Employees. For members of the SES annual leave may accumulate until it totals not more than 90 days or 720 hours as of the beginning of the first pay period in a leave year. The SES members who accumulated more than 90 days of annual leave as of October 14, 1994, retain that higher amount as a personal leave ceiling in accordance with 5 CFR 630.301(d). Annual leave credited to an SES employee that is in excess of 90 days shall be subject to reduction in the same manner as provided in 5 U.S.C. 6304(c) until the accumulated annual leave is equal to or less than 90 days.

C. Employees Detailed to an International Organization. Employees detailed to an international organization under Public Law 85-795 may accumulate up to 45 days of annual leave per year.

D. Employees Headquartered outside the United States. Employees headquartered outside the United States may accumulate 45 days of annual leave per year and includes:

(1) Persons directly recruited or transferred by the Federal Government from the United States, Puerto Rico, or the possessions of the United States for employment outside the respective areas.

(2) Persons hired locally but who are in the areas because of:

(a) Previous employment under the following conditions:

i. Recruited originally from the following areas: the United States, Puerto Rico, and the possessions of the United States.

ii. Employed substantially and continuously by other Federal agencies; U.S. firms, interests, or organizations; international organizations in which the U.S. Government participates; or foreign governments.

iii. Conditions of employment provide for their return transportation to the United States, Puerto Rico, or the possessions of the United States.

(b) Travel or formal study, when:

i. Temporary absence is from the following areas: the United States, Puerto Rico, and the possessions of the United States.

ii. During such temporary absence, residence is maintained in the areas listed above.

(3) Persons who are not normally residents of the area concerned and who are discharged from the military service of the United States.

6. **Savings Provisions**.

A. Leave Carried Over from 1952. Leave carried over from 1952 remains to the credit of the employee until used.

B. Overseas Employee. An overseas employee reassigned to a position under which they are no longer entitled to 45 days leave accumulation retains the amount previously accumulated, until used.

C. Employees Who Leave the SES. An employee who leaves the SES is subject to the applicable 30-day or 45-day maximum accumulation of annual leave at the beginning of each leave year. However, the established ceiling will be equal to the accrued and accumulated annual leave to the employee's credit at the time of separation from the SES (excluding any restored annual leave). The employee retains the amount of annual leave accumulated while in the SES until the used leave reduces the accumulated leave to 30 days or 45 days, as applicable.

7. **Religious Observance**. An employee shall be granted annual leave, with prior supervisory approval, to observe established holy days of their faith. An employee may request to perform compensatory overtime and be granted compensatory time off for any period that their personal religious beliefs require the abstention from work. Such requests shall be approved unless the resulting adjustment of work schedules interferes with the efficient accomplishment of the mission of the MMS.

8. **Advancing Annual Leave**. See the MMS Handbook on Administrative Delegations of Authority (218-H) for approval authorities.

A. Unlimited Appointments. Employees with unlimited appointments, who have at least 1 year of current continuous Federal employment, may be advanced annual leave in appropriate circumstances provided they are expected to return to duty, and the approving official knows of no reason why the employee will not be able to earn the leave to repay the advance. The filing of a disability retirement application precludes an advance of annual leave. An annual leave advance may not exceed the amount to be accrued by the end of the current leave year.

B. Limited Appointments. Employees with limited appointments are granted only the annual leave to their credit at the beginning of the leave year, plus accrual through the current pay period, minus leave used during the leave year.

9. **Annual Leave in Lieu of Sick Leave**. Generally an approved absence which would be chargeable to sick leave may be charged instead to annual leave if requested by the employee and approved by the supervisor. However, there is no authority to substitute annual leave for sick leave previously granted and taken except to liquidate advanced sick leave. Under no circumstances can annual leave be substituted for sick leave previously granted to avoid a forfeiture of annual leave at the end of a leave year.

10. **Excess Travel Time**. When travel by common carrier is indirect, or interrupted for personal reasons, or when use of a combination of a privately owned vehicle and common carrier is involved, the employee is charged annual leave for time in excess of that required for official travel by common carrier via a direct route. When only a privately owned vehicle is used, annual leave shall be charged for all travel in excess of the time required for the trip. All leave taken while in a travel status must be reported on the traveler's Time and Attendance Record and reflected on the travel voucher.

11. **Recredit of Annual Leave**.

A. Appointments Made without a Break in Service. The annual leave balance is credited to an employee upon transfer or reappointment without a break in service. Any restored leave balance is also credited for use, within the timeframe originally established, for that period of approved restored leave.

B. Appointment Made with a Break in Service. An employee reappointed after a break in service of 1 or more days who must refund a part of the lump sum payment is credited with the annual leave covered by the refund. However, restored annual leave included in the lump sum may not be credited.

12. **Lump Sum Leave Payment**.

A. Payment Circumstances. Accumulated, accrued, and restored annual leave shall be paid in a lump sum under the following circumstances:

(1) A separation with a break in service of 1 or more workdays.

(2) A change to intermittent status, except that no lump sum payment is made for a student trainee where the terms of appointment specify full-time and intermittent employment.

B. Entering Military Service or Transferring to an International Organization. An employee entering military service or transferring to an international organization may elect to be paid in a lump sum for their accumulated and accrued annual leave or to have such leave remain to their credit until they return to Federal employment. Any unused restored leave in a separate account must be paid in a lump sum.

C. Reemployment. An employee who is reemployed (other than on an intermittent basis) in the Federal service in a position under the same leave system, prior to the expiration of the annual

leave period covered by the lump sum payment, must refund to the employing agency an amount equal to the compensation in their former position which covers the period between the date of reemployment and the expiration of the leave period (5 U.S.C. 6306). An appointment official may permit a prospective employee to wait until the leave period expires before entering on duty; otherwise, the employee should be told that upon entering on duty they must make refund to the MMS for the unexpired period. When an employee is to a make refund, the appointment official shall notify the Financial Management Branch of the expiration date of the leave period and the salary rate of the lump sum payment. Restored annual leave included in a lump sum payment is not subject to refund.

13. **Indebtedness for Annual Leave at Separation**. An employee indebted for unearned leave at time of separation shall refund the amount paid for such expenses, except in cases of death, retirement for disability, or inability to return to duty because of disability. However, a medical certificate must support disability cases. Employees entering active military service with restoration rights are not considered separated for this purpose.

14. **Forfeiture of Hours**. To avoid forfeiture of unused annual leave at the end of the leave year, annual leave must be scheduled for use during the leave year. If the leave is cancelled, the employee should reschedule if possible. The leave must have been scheduled before the start of the third pay period prior to the end of the leave year in order for forfeited leave to be restored. The scheduling and rescheduling must be in writing and must include the date that the leave was approved or disapproved by the official having authority to approve or disapprove the leave, the dates that the leave was scheduled for use, and the amount of leave (days/hours) scheduled.

15. **Restoration of Forfeited Leave**. Unused annual leave forfeited at the end of the leave year may be restored under the following conditions:

A. Administrative Error. Leave which was forfeited erroneously by administrative personnel through no fault of the employee.

B. Exigency of Public Business. Annual leave that was scheduled and approved in advance but subsequently cancelled because of an exigency or operational demand of such major importance and significance that the employee could not be excused from duty to avoid forfeiture.

C. Illness or Injury. Annual leave that was scheduled in advance but was precluded because of a lengthy period of illness or injury may be restored. The period of absence due to sickness must have occurred at such a time late in the leave year or was of such duration that the annual leave could not be rescheduled for use before the end of the leave year to avoid forfeiture.

16. **Submitting Claims for Restored Leave**.

A. Leave Forfeited Due to Exigency of Public Business or Illness. Claims for leave forfeited because of the exigency of public business or illness are to be made by the employee, certified by their supervisor or appropriate management official, and addressed to the Chief, Human Resources Division, MMS. Claims should include the following:

(1) The employee's SF-71 or other written request for leave which is dated before the beginning of the third pay period prior to the end of the leave year and which includes the dates that the leave was scheduled to be used and the total hours requested.

(2) In the case of exigency of public business, a statement from the supervisor explaining the reason for cancellation of the leave and the reason the leave could not be rescheduled to avoid forfeiture must be provided. The operational requirements for cancellation of the leave must have been of such magnitude or significance that the employee could not be excused from duty to avoid forfeiture. The specific beginning and ending dates of the exigency period during which the employee was prevented from using annual leave must be included.

(3) In the case of illness, provide the date the employee returned to duty and the reason why the annual leave could not be rescheduled to avoid forfeiture. If the employee is being carried on sick leave pending disability retirement, this should be indicated.

B. Leave Forfeited Due to Administrative Error. Claims for restoration of leave which was forfeited because of an administrative error must be made by the employee, certified by the supervisor or appropriate management official, and submitted to the Chief, Human Resources Division. Such claims must include substantiating information.

C. Approval Authority. The Director, MMS, determines whether or not to approve claims for restored leave after review by the Chief, Human Resources Division.

17. **Time Limit for Use of Restored Leave**. Management and the employee have a mutual obligation to plan and schedule the restored leave for use as expeditiously as circumstances permit, taking into consideration such factors as the amount of restored leave, need to schedule regular leave, and operational demands.

A. Normal Time Limits. Restored annual leave normally must be used no later than the end of the leave year which ends 2 years after the date the annual leave was forfeited because of administrative error, the exigency of public business, or the date the employee returned to duty from illness or injury. Any restored leave unused at the expiration of the 2-year limit is again forfeited with no further right to restoration, barring the exceptions provided in 17.B. below.

B. Extensions. If the full amount of restored and accrued leave cannot be used within the 2 years specified above, the balance of restored leave may be scheduled and used within a time period not to exceed 2 years for each consecutive year or partial year during which the exigency existed. The extended exigency must be of such significance as to:

(1) Threaten the national security, safety, or welfare.

(2) Last for more than 3 calendar years.

(3) Affect a segment of an agency or occupational class.

(4) Preclude subsequent use of both restored and accrued leave within the time limits specified in 17.A. above.

18. **Effect of Restored Leave on Normal Annual Leave Limits**. The restored annual leave is credited to a separate leave account. It has no affect on the employee's normal maximum permissible leave carryover.