

ARTICLE 9 Leave

Section 1. General Provisions

This Article shall be administered in accordance with Title 5, United States Code (U.S.C.), Chapter 63; and Title 5 Code of Federal Regulations (C.F.R.) Part 630.

- A. Leave Approval: Except in emergency or unanticipated circumstances, all leave must be requested, approved and scheduled before the employee is absent from work. If not requested and approved in advance, the employee must notify the supervisor, or supervisor's designee, of the request by telephone/voicemail, email or text (in the manner designated by the supervisor) as soon as possible, but typically no later than the start of the employee's scheduled tour of duty unless the employee is incapacitated and unable to communicate with their supervisor. If the employee is physically unable to make the request, the employee must take proactive steps when possible to ensure that the supervisor or designee is notified consistent with this Article. If an employee receives an "out-of-office" message from the supervisor via phone or email, or otherwise becomes aware that the supervisor is not available that day; the employee must notify the supervisor's designee (or higher level manager if there is no clear designee) of any request for leave that has not been preapproved. When an employee's situation will require the employee to be absent longer than one day, the employee must indicate the expected return to duty date. These telephone/voicemail/email/text communications are not substitutes for other time accounting or payroll systems which are still required to show schedules or certify time.

If leave is denied, the Agency will provide the reason(s) for denial, at the request of the employee. The Supervisor, or their designee, will communicate approval or disapproval as soon as possible after receipt of request, but before the date of requested leave.

- B. Leave Increments: All leave may be requested and used in 15-minute increments.
- C. Electronic/Calendar Record of Leave: Employees must make their requests for leave, either in advance for planned leave or no later than the day of their return from leave that was not preapproved, in the designated Agency's electronic system, currently PeoplePlus.
- D. Office Scheduling Procedures: Employees using leave are required to comply with their office workforce scheduling procedures, including updating electronic calendars with planned leave. If there are no specific procedures for an employee's office, at a minimum, for planned absences, the employee is expected to indicate leave on the Agency's calendar system (currently Outlook, but any successor system).
- E. Out-of-Office Procedures: Employees are required to comply with their office's out-of-office procedures, including modifying their outgoing voicemail, updating their out-of-office email messages and, if applicable, notifying their customers of their absence(s). If there are no specific procedures for an employee's office, at a minimum, for planned absences, the employee is expected to update outgoing voicemail and email messages with a brief and professional statement about the employee's absence and expected

duration and, where appropriate, who should be contacted in their absence.

- F. Attend Health Unit: The employee is responsible for notifying the supervisor or designee when they visit the health unit and immediately if they will not be returning to work.
- G. Tardiness: In accordance with policy, rule, and regulation the Agency may excuse infrequent tardiness of less than one hour.
- H. Use or Lose Leave:
 - (1) The Agency endeavors to issue an annual notice advising and reminding employees of the regulations concerning use or lose annual leave and the need to request annual leave to avoid unintended forfeiture.
 - (2) The agency may restore annual leave that was forfeited because it was in excess of the maximum leave ceilings if the leave was forfeited because of an administrative error, exigency of the public business, or sickness of the employee. Upon employee request, the Agency will undertake to restore the forfeited leave in accordance with applicable law, rule and regulation.

Section 2. Sick Leave and Medical Documentation

- A. Government-Wide Regulations Control: Sick leave shall be administered pursuant to 5 C.F.R. Part 630, Subpart D.
- B. Administratively Acceptable Evidence is Required: Per 5 C.F.R. 630.405(a), the Agency will grant sick leave “only when the need for sick leave is supported by administratively acceptable evidence.”
- C. Medical Certificate - Per 5 CFR 630.201(b), a “medical certificate means a written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, or treatment, or to the period of disability while the patient was receiving professional treatment.” A medical certificate constitutes one form of administratively acceptable evidence referred to in Section 2.B. Medical certificates, at a minimum, must contain a statement that the employee is under the care of a medical professional, the nature of the employee’s incapacitation, the impact of the incapacitation on the employee’s ability to perform their duties, and the expected duration of the incapacitation.
- D. Employee Self-Certification: Per 5 C.F.R. 630.405(a), “an employee’s self-certification as to the reason for their absence” constitutes another form of administratively acceptable evidence referred to in Section 2.B.
- E. When a Medical Certificate is Required: In accordance with 5 C.F.R. 630.405(a), An Agency may also require a medical certificate or other administratively acceptable evidence as to the reason for an absence for any of the purposes described in §630.401(a) for an absence in excess of 3 workdays, or for a lesser period when the agency determines it is necessary i.e. suspects leave abuse.

When requested by the supervisor (or other Agency official), an employee must provide a

medical certificate within 15 calendar days of the date of the request. If despite diligent, good faith efforts it is not practicable under the particular circumstances to provide the requested evidence or medical certification within 15 calendar days the employee must provide the documentation no later than 30 calendar days. Per 5 C.F.R. 630.405(b). An employee who does not timely provide the medical certificate “is not entitled to sick leave.”

Section 3. Other Types of Leave

All additional types of leave shall be administered consistent with applicable laws, rules, regulations and Agency policy, including Leave Without Pay (LWOP), Advanced Annual or Sick Leave, Family Medical Leave Act (FMLA), Federal Employees Family Friendly Leave Act (FEFFLA), Paid Parental Leave, Leave Bank, Leave Transfer, Administrative Leave, Weather and Safety Leave, Military Leave, Court Leave, Funeral Leave, Credit Hours Used, Compensatory Time in lieu overtime, Religious Compensatory Time, Time off to Vote, Blood Donations to an outside organization or in emergency situation, and Bone Marrow or Organ Donation Leave.

Section 4. Sabbatical

Sabbaticals may be granted at the discretion of the Agency for the purpose of professional study or to gain additional work experience outside the Federal government or other substantial reasons.

Section 5. Professional Examinations

Employees may be allowed time off with pay on Administrative Leave in connection with the taking of State Licensure examinations such as P.E., etc., where such licensure, in the Agency’s opinion, would contribute to the employee’s capability to effectuate the mission of the Agency within the employee’s current classification.

FOR ESC:

FOR EPA: