

**United States Department Of The Interior
BUREAU OF LAND MANAGEMENT
National Human Resources Management Center
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In Reply Refer to:P
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October 29, 1998

EMS TRANSMISSION

Instruction Memorandum No. HR-99-007

Expires 9/30/99

To: All HR, BC, NI, RS, SNPIT, and WO Field BIA Liaison Office Employees

From: Director, National Human Resources Management Center

Subject: Avoiding Forfeiture of Annual Leave

This is a reminder that employees may not carry more than 240 hours of annual leave into the new leave year, which begins January 3, 1999. In order to avoid forfeiture of annual leave hours exceeding 240 hours, employees should submit their written request for leave, and plan to use all excess annual leave between now and January 2, 1999.

To preclude forfeiture of excess annual leave, employees who previously submitted a written request and received supervisory approval to take annual leave during a specific period, but were later unable to use the leave, may donate the unused portion of their leave to an authorized recipient in the Leave Transfer Program, or they may request restoration of their leave into the new leave year. Restoration of annual leave may be granted under the following limited circumstances:

1. Administrative Error - Annual leave was previously requested and approved in writing, but due to a documented administrative error the employee was precluded from using it before the end of the leave year.
2. Annual leave was previously requested and approved in writing, but a documented employee illness or injury prevented the use of the leave. This situation has two criteria that must be met:
 - a. The leave was requested and approved in writing before the start of the third bi-weekly pay period prior to the end of the leave year.
 - b. The period of absence could not have been rescheduled early enough during the leave

year to avoid forfeiture.

3. Annual leave was previously requested and approved in writing, but later canceled due to an exigency(s) of the government. This situation has five criteria that must be met:

a. The appropriate Center Director approved the exigency as being too important to allow the employee to take leave, prior to canceling it.

b. There were no reasonable alternatives to canceling the pre-approved leave.

c. The exigency must have had a pre-determined beginning and ending date, or due to the suddenness or uncertainty of the situation, there was no advance notice.

d. The leave must have been requested and approved in writing prior to the start of the third bi-weekly pay period before the end of the leave year.

e. There was not enough time remaining after the exigency ended to reschedule the employee's leave, prior to the end of the leave year.

Requests for approval of exigencies must be prepared in writing by the supervisor, recommended by the Division Chief or Division/Group Administrator, forwarded through the National Human Resources Management Center (NHRMC), Employee/Labor Relations and Employee Development Group (HR-220) to the appropriate Center Director for approval. A written request to cancel leave due to exigency of work must include the employee's name; type of exigency; beginning and ending date of exigency; importance of employee's presence during the exigency; reason(s) why alternatives could not have been used; and why leave could not have been reasonably rescheduled during the calendar year.

For those employees who had an approved leave canceled due to an approved exigency, meet the requirements to have their leave restored, and wish to request to have their leave restored, must submit a Request for Restoration of Forfeited Annual Leave (Form Int 4727-78) to their supervisor. The supervisor will review the request, attach the required documentation to the form, and forward it to the appropriate Center Director for approval.

Send the approved requests for leave restoration to the NHRMC, HR-220, for review and submission to the Bureau of Reclamation, Administrative Service Center, Payroll Operations Division for processing. All restored leave will be credited to the employee in a separate leave account. The employee will be responsible for using the restored annual leave prior to the end of the leave year ending 2 years after restoration is approved. No payment is authorized for unused restored leave after the 2 year period expires. If the employee separates from federal service prior to the end of the 2 year, payment for the unused balance will be included in the employee's lump-sum payment for annual leave.

To obtain a copy of Int Form 4727-78, and for questions regarding maximum leave balances, restoring annual leave, and/or the Leave Transfer Program, please call Patty Elliott, (303) 236-6667.

Signed
Linda D. Sedbrook
Director, NHRMC

Authenticated
Patty Elliott
Employee Relations Specialist

Attachment
1 - Int 4727-78

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