

**United States Department Of The Interior  
BUREAU OF LAND MANAGEMENT  
National Human Resources Management Center  
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In Reply Refer to:  
1400-630 (HR-220) P

October 23, 2003

EMS TRANSMISSION

Instruction Memorandum No. HR-2004-002

Expires 9/30/05

To: All BC, HR, NI, ST, NCS-WO and BIA Field Office Employees

From: Director, National Human Resources Management Center

Subject: Avoiding Forfeiture of Annual Leave and Requesting Restoration of Leave

Program Area: Annual Leave

Purpose: This Instruction Memorandum (IM) serves as a reminder to employees that they may not carry more than 240 hours of annual leave into the new leave year, which begins January 11, 2004. It also provides the procedure to be followed when requesting the restoration of excess annual leave which unavoidably could not be used by the end of the leave year (January 10, 2004).

Action: To avoid forfeiture of annual leave hours in excess of 240 hours, employees should submit their **written** request for leave, and plan to use all excess annual leave between now and January 10, 2004. **Leave must be requested, in writing, and approved no later than November 28, 2003.**

Employees may not carry more than 240 hours of annual leave into the new leave year, which begins January 11, 2004. In order to avoid the forfeiture of annual leave hours exceeding 240 hours, it is the responsibility of employees to submit their written requests for leave for approval, and plan to use all excess annual leave between now and January 10, 2004.

**Criteria for Leave Restoration.** Sometimes for reasons beyond the employee's control, he/she may be unable to use scheduled annual leave which is in excess of the 240 hours. In such a circumstance, the employee may donate the unused portion of their leave to an authorized recipient in the Leave Transfer Program, or may request restoration of their leave into the new leave year **if** they meet one of the following criteria:

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 (by November 28, 2003).
  - 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.

### **Procedures for Requesting an Exigency or Restoration of Annual Leave**

1. Requests for approval of exigencies must be prepared in writing by the supervisor, and submitted through supervisory channels to the appropriate Center Director for approval. The 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.
2. Employees who had approved annual 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 the following:

- a completed copy of the enclosed Request for Restoration of Forfeited Annual Leave (Int Form 4727-78);
- a copy of the employee's approved request for leave;
- a copy of the supervisor's cancellation of that leave;
- a copy of the appropriate Center Director's approval of the exigency (if applicable); and
- a supervisor's statement supporting the employee's request for restoration. The statement should include an explanation why other alternatives could not have been implemented; and why the excess leave could not have been scheduled prior to the end of the leave year.

3. Approved requests for leave restoration must be submitted to the NHRMC ( HR-220) for review and submission to the DOI National Business 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 two (2) years after restoration is approved. No payment is authorized for unused restored leave after the two (2) year period expires. If the employee separates from federal service prior to the end of the second year, payment for the unused balance will be included in the employee's lump-sum payment for annual leave.

For leave to be restored, the employee must complete the attached Request for Restoration of Forfeited Annual Leave (Form Int 4727-78) and submit it through supervisory channels to the appropriate Center Director for approval.

Timeframe: Effective immediately

Budget Impact: Minimal

Contact: Questions regarding this matter should be directed to Lenna Gerwing at 236-6667.

Signed  
Linda D. Sedbrook  
Director, NHRMC

Authenticated  
Luron Porter  
Secretary

1 Attachment

1 - Int Form 4727-78, Request for Restoration of Forfeited Annual Leave (1 pg)

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