In Reply Refer to:  
1400-630 (OR-953) P

October 29, 2003

EMS TRANSMISSION  11/03/2003  
Instruction Memorandum No. OR-2004-012  
Expires:  09/30/2005

To: All Oregon/Washington Employees

From: State Director

Subject: Scheduling Leave and Restoring Forfeited Annual Leave DD: 11/29/2003

Program Area: Bureau of Land Management (BLM) Oregon/Washington (OR/WA) Employee’s Annual Leave. This is not a change in policy but an annual reminder of current policy.

Purpose: This is to remind you that Public Law 93-181 requires positive scheduling of annual leave during the current leave year. The current leave year expires on January 10, 2004. It is the mutual responsibility of employees and management to plan, schedule and use annual leave systematically throughout the leave year. Supervisors have access to bi-weekly leave reports on PayCheck to review and track their employees’ leave balances.

Policy/Action: In accordance with 5 USC 6304(d)(1), forfeited annual leave in excess of the maximum accumulation (normally 240 hours) may be restored under certain circumstances. Leave may be restored because of administrative error, illness, or exigency of the public business if all criteria regarding restoration are met. Annual leave which is forfeited at the end of the leave year (except for administrative error) cannot be considered for restoration unless the leave has been scheduled in advance. The law requires that leave must have been requested and approved in writing prior to the third biweekly pay period before the end of the leave year (by November 29, 2003). Documentation must be on an SF-71, Application for Leave, or similar evidence. If, after the leave is approved it and becomes necessary to cancel the leave, the employee may be eligible for restoration following the expiration of the leave year.


Restoration of forfeited annual leave due to exigency of the public business is a two-step process:

**Step 1: Request for Determination of Exigency.** This request is forwarded prior to the end of the leave year AND prior to denial of leave by the supervisor. A request for a determination of exigency is forwarded through supervisory channels up to the Associate State Director (ASD) for final decision. This should be done as early as possible to provide the ASD an opportunity to review your justification. If approved by the ASD, leave can be canceled.

**Step 2: Request for restoration of forfeited annual leave.** This request is forwarded to OR-953 after the end of the leave year (after January 10, 2004).

Details on Processing Requests for Restoration of Leave
Step 1 (prior to denial of leave): Request for Exigency Determination

If an employee believes that she/he may forfeit annual leave due to an illness or a work-related project of emergency proportions (exigency of the public business), the employee should bring this to the supervisor's attention immediately. The supervisor will need to take the appropriate action from there, including forwarding any request to deny leave for approval/disapproval. Authority to determine whether an exigency of public business is sufficient to warrant leave disruption is reserved to the ASD. If prior approval to deny leave is not obtained from the ASD, your request for restoration of forfeited annual leave cannot be approved.

There is no authorization to restore leave forfeited due to an employee's own determination that an exigency exists. Prior to leave being canceled, a determination must be made that an exigency does exist and is of such importance that an employee cannot be excused from duty. The requesting office's documentation of an exigency should be sent through your servicing Human Resources (HR) Specialist in the Oregon State Office (OSO), Branch of Human Resources (OR-953), for review and forwarding to the ASD as soon as it is known that it may affect the ability of employees to use their use-or-lose annual leave.

Documentation shall include evidence of:

1. cause of exigency, explanation of situation,
2. approximate beginning and ending dates of the exigency,
3. impact on the public service if the request for an exigency determination is denied, and
4. alternative to canceling employee’s leave.

Step 2 (after end of leave year, January 10, 2004): Request to Restore Leave

If an exigency was approved by the ASD (Step 1 above) and the leave is actually lost at the end of the leave year, a request to restore leave should be forwarded through your district office to your Servicing HR Specialist in the OSO, Branch of Human Resources (OR-953).

Requests must include:

1. Number of hours requested to be restored.
2. SF-71 (or similar evidence) indicating number of hours of leave requested, date leave was requested and approved in writing.
3. Calendar date the leave was canceled including copy of notification to the employee of the cancellation and reason why.
4. If applicable, date(s) the canceled leave was rescheduled including total number of hours.
5. Amount of annual leave used during the last three pay periods of the leave year.

Since restored leave must be scheduled and used no later than two (2) years after the leave year in which the leave was forfeited, requests should be submitted to the OSO as soon as possible after forfeiture. Authority to approve leave restoration is reserved for the State Director’s office. Supervisors/employees will be notified by OR-953 when leave has been approved for restoration.

Questions on this subject should be directed to your servicing HR Specialist in the OSO.

Background: This memo changes the key dates in accordance with the new fiscal year payroll schedule.

Manual/Handbook Sections Affected: No changes are affected to the related material. Referenced material includes: 1400-630, 5 CFR 630, 5 USC 6304(d)(1), and Public Law 93-181.

Coordination: None.

Contact: Your HR Specialist in your district, and your servicing HR Specialist in the OSO, OR-953.
**Districts with Unions** are reminded to notify their unions of this IM and satisfy any bargaining obligations before implementation. Your servicing Human Resources office or Labor Relations Specialist can provide you assistance in this matter.

Signed by  
Cathy L. Harris  
Acting Associate State Director  

Authenticated by  
Mary O'Leary  
Management Assistant  

Distribution  
WO700 (Room 5628 - MIB) - 1