HOURS OF DUTY AND LEAVE

1. REASON FOR ISSUE: To issue Department of Veterans Affairs (VA) procedures regarding hours of duty and leave.

2. SUMMARY OF CONTENTS/MAJOR CHANGES: This handbook sets forth mandatory procedures previously contained in numerous other issuances. The pages in this handbook replace the corresponding page numbers in VA Handbook 5011. Revised text is contained in [brackets]. These changes will be incorporated into the electronic version of VA Handbook 5011 that is maintained on the Office of Human Resources Management Web site. Significant changes include:

   a. Provides guidance to Human Resources (HR) offices regarding the requirement to record telework data in the Department of Veterans Affairs (VA) electronic time and attendance systems and the automated HR system, HR·Smart;

   b. Clarifies the advanced sick leave policy for title 5 and title 38 employees; and

   c. Removes the requirement for the signature of the Information Security Officer.


5. RESCISSIONS: None.

CERTIFIED BY:                        BY DIRECTION OF THE SECRETARY OF VETERANS AFFAIRS:

/s/
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CHAPTER 4. ALTERNATIVE WORKPLACE ARRANGEMENTS (TELEWORK)

1. PURPOSE. This chapter sets forth Departmental policies and procedures on alternative workplace arrangements (telework). Telework provides employees with the opportunity to perform their work at locations other than the traditional office setting.

2. COVERAGE. This chapter covers all VA employees in telework suitable positions.

3. EXCLUSIONS

a. Employees who have been officially disciplined for absence without approved leave (AWOL) for more than 5 days in any calendar year after December 9, 2010.

b. Employees who have been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

4. RESPONSIBILITIES

a. Under Secretaries, Assistant Secretaries, Other Key Officials, or their designees, are responsible for implementation and administration of telework programs and this policy within their organizations; ensuring that managerial, logistical, organizational, or other barriers to implementation and successful functioning of the telework program are removed and approving or discontinuing telework arrangements in VA Central Office. Each Administration and Staff Office will be required to [ ] ensure employee telework data is being recorded in a timely manner in HR·Smart and the VA electronic time and attendance systems.

b. Facility Directors are responsible for implementing telework programs and approving or discontinuing telework arrangements for employees under their jurisdiction and periodically remind employees of the workplace flexibilities available. The responsibility for approving or discontinuing telework arrangements may be delegated as far down as first level supervisors. The approval of telework arrangements must be coordinated with facility Human Resources Officers and supervisors.

c. The Deputy Assistant Secretary for Human Resources Management will advise management and operating officials on the policies and procedures in this chapter.

[d. Supervisors are responsible for:

(1) Determining position suitability and employee eligibility for telework arrangements;

(2) Coordinating the completion of the User’s Remote Computing Security Agreement with employees (available in the “VA Remote Access Guidelines.”);

(3) Ensuring that the employee [has] remote access [ ];}
(4) Ensuring adequate coverage during public business hours; that operations continue to be carried out in an efficient and economical manner; and that participating and non-participating employees are treated equitably;

(5) Coordinating updates to telework indicator code in HR-Smart with their servicing Human Resources office; and

(6) Coordinating changes to employee telework schedules with their servicing timekeeper.

e. Timekeepers are responsible for coding employee timecards with the appropriate descriptors for regularly schedule telework or ad-hoc/situational telework each pay period.]
Employees are responsible for:

1. Maintaining productivity and for fulfilling their obligation to account for their scheduled daily tour of duty. Participants may be permitted to work at home or other telework worksites full days or a portion of a day. Leave may be requested for the period of time not worked.

2. Working with their supervisor in completing the User’s Remote Computer Security Agreement.

3. Requesting permanent and temporary changes to their telework schedules through their supervisors.

5. DEFINITIONS

a. Ad Hoc Telework. Telework that occurs on an occasional, non-routine basis. Telework that occurs to complete short-term special assignments or to accommodate special circumstances even though the telework arrangement may occur continuously for a limited and specific period of time.

b. Alternative Work Site. The worksite location where the teleworker works away from the traditional office.

c. Classified Documents. Documents that have been officially designated as either Confidential, Secret, or Top Secret.

d. Continuity of Operations Planning (COOP). Planning to ensure that the capability exists to continue agency essential functions across a wide range of emergencies, either natural or declared.

e. Docking Station. A piece of equipment that is used with an agency issued laptop computer to allow for the convenient and quick connection of peripheral and/or telecommunications.

f. Mobile Work. Work which is characterized by routine and regular travel to conduct work in customer or other worksites as opposed to a single authorized alternative worksite. Examples of mobile work include site audits, site inspections, investigations, property management, and traveling between worksites, or on Temporary Duty (Note: Normal commuting time from home to work and from work to home is not hours of work).

[g.] Official Duty Station. The city/town, county, and State in which the employee works as determined by the employing agency.

[h.] Regular and Recurring Telework. An approved telework schedule where eligible employees work at an alternative work site on a regular, recurring, and ongoing basis. Employees may work as few as one day per month or as many as five days per week.

[i.] Remote Work. Work performed on full-time basis anywhere other than a VA facility or using VA-leased space.
[j.] **Telework.** A flexible work arrangement under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

[k.] **Telework Agreement.** A required written agreement, completed and signed by an employee and appropriate officials, outlining the terms and conditions of an alternative workplace arrangement (telework).

[l.] **Telework Coordinator.** VA employee designated in each facility to handle the responsibilities of maintaining a record of employees under telework agreements and any other duties requested by management to help manage a facility’s telework program.

[m.] [ ] [**Virtual Work.**] [ ] [Work performed on a full-time basis using VA-leased space or at a VA facility other than the facility that hired the employee.]

6. **POLICIES AND PROCEDURES**

   a. It is the policy of VA to encourage the use of alternative workplace arrangements. Managers and supervisors should permit eligible employees to participate in telework to the maximum extent possible provided it does not diminish employee performance or Departmental operations. Telework supports VA goals for improving environmental stewardship and providing employees with greater worklife flexibilities, as well as providing an effective and efficient means to continue performing mission critical functions during local or national incidents.

   b. Managers and supervisors must determine whether a position is suitable for telework and whether the employee is eligible to participate in a telework arrangement. Managers and supervisors also must issue notification letters to employees apprising them of their eligibility to participate in telework (see sample letters in appendices A and B). The procedures for the notification may be determined at the local level with appropriate bargaining unit involvement.

   c. Telework is not an employee entitlement. An employee’s participation in telework is voluntary, and approval will be based on management’s determination that telework supports the mission of the organization and does not diminish either employee performance or agency operations. Management may disapprove or terminate an alternative workplace arrangement if it is not compatible with or does not contribute to the organization’s mission. Telework notification letters should be provided in writing and include the business-based rationale for the decision. This is a matter for local negotiation.

   d. Employees who meet the criteria for telework may participate in telework arrangements in accordance with applicable laws and collective bargaining agreements. Participation in a telework arrangement is subject to supervisory approval. Whenever appropriate, management may consider establishing telework arrangements to meet its needs as well as those of employees. Telework provides managers, supervisors, and employees with alternatives to the traditional worksite in accomplishing work objectives. Telework may be used as a reasonable accommodation for employees with qualifying disabilities under the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. Detailed guidance on reasonable accommodation may be found in VA Handbook 5975.1.
8. PROCESS FOR ESTABLISHING A TELEWORK AGREEMENT

a. Management must first identify an employee’s position as suitable for telework, determine whether the employee is eligible to participate in telework, and notify the employee of his or her eligibility in writing, regardless of whether the employee has submitted a request to telework.

b. Eligible employees interested in telework should discuss the matter with their supervisor and, if they would like to telework, submit a request.

c. The supervisor will consider the request and determine whether telework is an appropriate work arrangement. When the supervisor and employee agree that the alternative workplace arrangement is an acceptable option, additional discussions should be held regarding the employee’s work schedule, work requirements and job expectations.

d. Upon completion of the mandatory telework training course, including the Information Security Awareness Training and VHA Privacy Policy Training, as applicable, the employee must complete VA Form 0740, Telework Agreement, which lists all terms and conditions for the telework alternative workplace arrangement, and collaborate as needed with the facility’s Telework Coordinator.

9. PROCEDURES TO REQUEST A TELEWORK AGREEMENT

(1) Employees may submit a written request to their immediate supervisor to telework. The request must state the specific work schedule, as well as the proposed work days, hours, etc. as applicable.

(2) The immediate supervisor must meet or confer directly with the requesting employee within 10 business days after receipt of a written request to telework to understand fully the nature of and need for the requested flexibility.

(3) The supervisor must carefully consider the request and any supporting information provided by the employee and provide a written decision to the employee within 20 business days after receipt of the initial request, or within the timeframes set forth in an applicable collective bargaining agreement. Supervisors must consider VA’s mission-related requirements and the impact on VA operations when rendering a decision. If the supervisor is unable to grant the employee’s request due to mission-related requirements and the impact on VA operations, the supervisor should work with the employee to determine if there are alternatives available that are beneficial to VA and the employee.

(4) If the supervisor denies the employee’s request to telework the employee has the right to file a grievance in accordance with the procedures outlined in VA Handbook 5021, Part IV, or applicable collective bargaining agreement.

10. REFERENCES

a. 5 CFR, part 531, subpart F, January 1, 2015 (Locality Pay)


e. Public Law 104-191, the Health Portability and Accountability Act of 1996 (HIPAA).


submitted within 15 calendar days after the employee returns to work. Failure to furnish a medical certificate may be cause for disapproval of sick leave. Such failure will not of itself be the cause for disciplinary action.

(4) When an employee has been given notice that any sick leave request must be supported by a medical certificate, leave approving officials will review the case in not later than 6 months to determine whether the requirement for furnishing a medical certificate for approved sick leave may be eliminated. If it is determined that a medical certificate is no longer required for sick leave of 3 days or less, the employee shall be so notified in writing.

(5) An employee will not routinely be required to reveal the nature of illness as a condition of approval of leave. However, food handlers must disclose certain kinds of diseases upon return to duty in order that they may be examined to protect patients and others from certain types of communicable diseases. (See VA Handbook 5019, Occupational Health Services.)

(6) When illness occurs during a period of annual leave or LWOP, sick leave may be substituted for annual leave or LWOP, provided the illness is reported promptly to the employee's supervisor and the request is supported by medical certification or other acceptable evidence. Sick leave may be granted during annual leave or to become eligible for donated leave in accordance with 5 CFR 630.40[6].

c. **Time Limitation for Medical Documentation.** All supporting documentation for use of sick leave must be submitted by the employee no later than 15 calendar days after the employee returns to work. If, due to circumstances beyond the control of the employee, he or she is unable to provide the documentation within 15 calendar days, the employee must provide the evidence or medical certification no later than 30 calendar days after returning to work. An employee who does not provide the required evidence within 30 calendar days is not entitled to sick leave.

d. **Prolonged Illness.** Employees who are not expected to return to duty because of prolonged incapacitation will, where possible, be granted all available sick leave and such annual leave that cannot be included in lump-sum payment. (Refer to the rules on the appropriate use and termination of annual leave balances for employees who are participants in the Voluntary Leave Transfer Program (5 CFR 630.909-910; and 5 CFR 630-1205) on the use of paid leave by employees while invoking their Family and Medical Leave entitlements.) Employees who can reasonably be expected to return to duty after a prolonged period of incapacitation may be advanced sick and annual leave or granted LWOP.

e. **Advanced Sick Leave**

   (1) [ ] [Advanced sick leave not in excess of 13 days (104 hours) may be granted to a full-time employee who is not on a time-limited or term appointment at the discretion of the agency, and subject to sick leave limitations:]

   (a) For medical, dental or optical examination or treatment;

   (b) To provide care for a family member who is incapacitated by a medical or mental condition or to attend to a family member receiving medical, dental, or optical examination or treatment;
(c) To provide care for a family member who has been exposed to a communicable disease when the family member’s presence in the community would jeopardize the health of others according to the health authorities having jurisdiction or by a health care provider; or

(d) To make arrangements necessitated by the death of a family member or to attend the funeral of a family member.

(2) [ ] [Advanced sick leave not in excess of 6 weeks (240 hours) may be granted to full-time employee who is not on a time-limited or term appointment at the discretion of the agency, and subject to sick leave limitations:]

(a) When incapacitated for the performance of his or her duties due to physical or mental illness, injury, pregnancy, or childbirth;

(b) For a serious health condition of the employee or a family member;

(c) When the employee has been exposed to a communicable disease and the employee’s presence in the community would jeopardize the health of others according to the health authorities having jurisdiction or by a health care provider;

(d) For purposes relating to the adoption of a child; or

(e) For the care of a covered servicemember with a serious injury or illness when the employee is exercising his or her Family and Medical Leave Act entitlement under 5 U.S.C. 6382(a)(3).

(3) For part-time employees and employees on uncommon tours of duty, the maximum amount of sick leave advanced shall be prorated according to the number of hours in the employee’s regularly scheduled workweek.

(4) An employee serving under a time limited or term appointment may be granted sick leave up to the total leave that would otherwise be earned during the term of the appointment.

(5) There may not be more than 30 days (240 hours) of advanced sick leave on an employee's record at any one time (5 CFR 630.402(b)).

(6) The amount of annual leave to an employee's credit generally will have no bearing on grants of advanced sick leave.

(7) It is not appropriate to approve advance sick leave to an employee when it is known, or reasonably expected, that the employee will not return to duty, e.g., when the employee has applied for disability retirement.

(8) Medical certification requirements as set forth in VA Handbook 5011, Part III, Chapter 2, paragraphs 4b and c are applicable when requesting advance sick leave.
d. **Supervisory Responsibility.** It will be the responsibility of supervisory personnel at all levels to ensure that each employee fully understands the manner of charging for authorized annual leave.

e. **Procedure for Requesting Annual Leave**

(1) Annual leave will be requested in advance by all employees except when unusual or unforeseen circumstances prevent the employee from making the request in advance. Under such circumstances, the employee will notify, as soon as possible, the person authorized to approve leave.

(2) Except as provided in subparagraph (3) below, requests for annual leave not in excess of 3 days may be made verbally. If the request is approved in advance of the dates of requested leave, the employee should enter the request into the Enhanced Time and Attendance (ETA) system. However, if the request cannot be entered into the ETA by the employee prior to the commencement of the leave period, the supervisor will report the amount of leave to be taken to the unit [timekeeper] who will make proper posting daily in the ETA system. Requests for leave of more than 3 days will be made into the ETA system unless not practicable.

(3) Full-time nurses and nurse anesthetists on the Baylor Plan may verbally request 2 workdays of annual leave and, if approved, enter the request into the ETA system when practicable. Requests for leave of more than 2 workdays shall be made in the ETA system.

**NOTE:** Any requests, submitted by nurses, nurse anesthetists, PAs, and EFDAs for annual leave in proximity to overtime by the same employee will be reviewed to assure that the granting of annual leave is in the interest of good administrative practice.

f. **Advanced Annual Leave [Limits]** (see paragraph 6f(3), this chapter)

(1) Annual leave may be advanced at any time during the calendar year.

(2) All credits of annual leave which become due while there is an indebtedness of annual leave will be applied to the reduction of the indebtedness.

g. **Leave in Connection With Travel**

(1) Employees traveling at Government expense are in a duty status for the period required to perform the travel authorized unless the total elapsed travel time is excessive. If travel is interrupted or delayed for the convenience of the employee, leave will be charged for the period of interruption or delay. Where an employee has been authorized to travel by privately owned conveyance for the individual’s convenience, leave will be charged for travel time during the employee’s regularly scheduled basic workweek in excess of that which would have been required had travel been performed by the carrier used to determine per diem allowance, as provided in VA Financial Policies and Procedures Travel Per Diem Volume XIV, chapter 2. When use of privately owned conveyance is authorized or approved as being advantageous to the Government, and the employee uses excessive travel time to enable the individual to be absent from assigned duties for such purposes as the taking of leave or the performance of circuitous travel, leave shall be charged for the excessive time. The period to be charged to leave will be based on the facts in each case. Where absence for a part of a day is involved, paragraph 11b is
appropriate as a guide in determining the charge to leave for excessive absence by an employee who travels by privately owned conveyance for the individual’s convenience.

(2) Travel time used to transfer from one facility to another, when the transfer is arranged for reasons other than for the convenience of the Government, will be charged to annual leave or to leave without pay when annual leave is not available.

g. **Involuntary Leave.** Employees may be placed on involuntary annual leave when the needs of the service dictate. When an employee reasonably may not be regarded as ready, willing and able to work, the employee may be placed on involuntary annual leave or in a leave without pay status, as the employee’s leave account and the circumstances may require.

h. **Voluntary Leave Transfer Program.** See paragraph 20 of chapter 2, [of] this part.

5. **SICK LEAVE**

a. **Sick Leave.** Sick leave shall be granted to employees when they are incapacitated for the performance of their duties because of personal illness, disease, injury, pregnancy and confinement, for necessary medical, dental or optical examination or treatment, or when a member of the immediate family of the employee is afflicted with a contagious disease and requires the care and attendance of the employee; or when through exposure to contagious disease the presence of the employee at the post of duty would jeopardize the health of others.

b. **Charging Sick Leave**

(1) The minimum sick leave charge for full-time physicians, dentists, podiatrists, chiropractors, and optometrists appointed under 38 U.S.C. 7401, 7405 or 7306 is 1 calendar day and multiples thereof. When a scheduled day's work extends over portions of 2 calendar days, sick leave will be charged for the day on which the greater part of the day's work falls, or for the first day when the day's work is equally divided between 2 calendar days. No charge to sick leave will be made for absence of these employees on administrative nonduty days.

(2) Except as provided in subparagraph (3), the minimum sick leave charge for full-time nurses, nurse anesthetists, including those on the Baylor Plan, PAs, EFDAs, 7306 appointees in Title 5 and Hybrid Title 38 occupations and part-time employees is one quarter hour (15 minutes) and multiples thereof. Sick leave for these employees will be charged as approved and used.

(3) Full-time nurses and nurse anesthetists on a 72/80 Work Schedule shall be charged 1.111 hours of sick leave for each hour of sick leave taken. Leave shall be charged only for absences from the basic workweek. The minimum charge of annual leave for these employees is one quarter (15 minutes) and multiples thereof.

(4) Medical and dental residents covered by disbursement agreements shall be granted sick leave in accordance with those agreement.
It is incumbent on the facility to inform the employee when approving LWOP of the provisions of these subparagraphs with particular emphasis on subparagraph (a) below.

(a) Employee immediately on becoming incapacitated notifies the individual's supervisor of illness; or, if unable to do so promptly because of the serious nature of the illness, notifies the supervisor as soon thereafter as possible. The supervisor will advise the employee of the receipt of the notice and that a copy of the notice, with the copy of communication from the supervisor, will be made a matter of record.

(b) Illness will be substantiated by a medical certificate or other acceptable evidence of illness following recovery. At the time the supervisor advises the employee of the receipt of the notification of illness, the employee will also be advised that the provision of this subparagraph will be met promptly.

(c) Sick leave may not be granted during LWOP, but on actual return to duty, substitution will be made for the period of illness providing the foregoing requirements are met. Under no circumstances will sick leave be advanced to cover illness which has occurred during a period of LWOP.

d. **Advanced Sick Leave [Limits]** (see paragraph 6f(3) this chapter)

[(1)] Advanced sick leave not in excess established limits may be granted to a full-time employee who is not on a time-limited or term appointment at the discretion of the agency, and subject to sick leave limitations.]

[(2)] A request for advanced sick leave will be supported by a medical certificate.

[(3)] A full-time employee who is injured in the line of duty and who has exhausted accrued and accumulated sick leave, and who is not in receipt of workers' compensation benefits, may at the discretion of the approving official, be advanced sick leave not in excess of the maximum outlined in this chapter.

[(4)] All accruals of sick leave which become due while an employee is indebted for sick leave will be applied to the indebtedness. Advanced sick leave may also be liquidated, at the employee's request, by a charge against an equivalent amount of annual leave provided:

(a) The annual leave is substituted prior to the time it would be forfeited.

(b) The approving official would have been willing to grant the annual leave had the employee requested it.

[(5)] Only the Under Secretary for Health and facility directors or their designees are authorized to grant advanced sick leave.

e. **Leave for Pregnancy and Confinement**

(1) The services of pregnant employees should be utilized to the extent their health will permit. However, such utilization may not extend beyond the period when an employee fails to meet the physical requirements of the assignment. Therefore, employees will be encouraged to report pregnancy as soon as it is an established fact. The earliest possible knowledge of such condition will provide the opportunity to protect the employee's health and permit such planning as may be necessary for proper staffing during the employee's prospective absence.
(3) Advanced Leave

(a) Full-Time Physicians, Dentists, Podiatrists, Chiropractors, and Optometrists Appointed Under 38 U.S.C. 7401, 7405 or 7306

1. Annual leave not to [exceed the amount that will accrue during the current leave year, may be granted to these employees at any time during the year] to full-time physicians, dentists, podiatrists, chiropractors, and optometrists appointed under authority of 38 U.S.C. 7401(1), 7405(a)(1)(A) or 7306, except that such leave for temporary full-time employees appointed under authority of section 7405(a)(1)(A) shall not be advanced in an amount in excess of that amount which could accrue during the remainder of the current appointment.

2. Sick leave not to exceed 45 days, [may be advanced at any time] to full-time physicians, dentists, podiatrists, chiropractors, and optometrists appointed under authority of 38 U.S.C. 7401(1), 7405(a)(1)(A) or 7306. However, sick leave shall not be advanced to employees on time-limited [or term] appointments in an amount in excess of that amount which could accrue during the remainder of the current appointment. [Approval of advanced sick leave is at the discretion of the agency and subject to sick leave limitations.]

(b) Full-Time Nurses, Nurse Anesthetists, PAs, EFDAs and 7306 Appointees in Title 5 and Hybrid Title 38 Occupations

1. Annual leave, not to exceed [the amount that will accrue during the current leave year, may be granted to these employees at any time during the year,] except that [such] leave for employees on time-limited [or term] appointments shall not be advanced in an amount in excess of that amount which could accrue during the remainder of the current appointment.

2. Sick leave, not to exceed 360 hours, may be advanced to these employees at any time. However, sick leave shall not be advanced to employees on time-limited [or term] appointments in an amount in excess of that amount which could accrue during the remainder of the current appointment. [Approval of advanced sick leave is at the discretion of the agency and subject to sick leave limitations.]

(c) Part-Time Physicians, Dentists, Podiatrists, Chiropractors, Optometrists, Nurses, Nurse Anesthetists, PAs, EFDAs and 7306 Appointees in Title 5 or Hybrid Title 38 Occupations.
Part-time physicians, dentists, podiatrists, chiropractors, optometrists, nurses, nurse anesthetists, PAs and EFDAs may be advanced annual and sick leave based on the ratio which their employment bears to full-time employment and the amount of annual and sick leave that may be advanced to a full-time employee covered by subparagraph (3)(a) and (b). For example, a half-time employee who is not on a time limited appointment may be advanced up to 104 hours of annual leave and up to 180 hours of sick leave at any time during the leave year. [Approval of advanced sick leave is at the discretion of the agency and subject to sick leave limitations.]

(d) Leave Advanced During Time-Limited Appointments. Advance sick and annual leave may not exceed the amount an employee can accrue during the remainder of any time limited [or term] appointment. (Sick leave may be advanced to full-time or part-time employees irrespective of whether or not there is annual leave to the employee’s credit).
(e). **Long Term Absences and Adoptions.** In cases of serious disability, ailments, or for adoption-related purposes, an employee with no time limit in his or her appointment may be advanced sick leave not in excess of 30 days (240 hours). An employee serving under a time limited or term appointment may be granted sick leave up to the total leave that would otherwise be earned during the term of the appointment. There may not be more than 30 days (240 hours) of advanced sick leave on an employee's record at any one time. The amount of annual leave to an employee's credit generally will have no bearing on grants of advanced sick leave.

7. **OTHER LEAVE**

a. **Military Leave**

   (1) A full-time employee appointed under authority of 38 U.S.C. 7306, 7401(1), 7405 (a)(1)(A) or (D) or 7406 not limited to 1 year or less is eligible for and shall be granted military leave in the same manner as other Federal employees. The granting and charging of military leave contained in chapter 2 of this part for title 5 employees is also applicable to title 38 employees covered under this paragraph. Administrative non-duty days that occur within the period of military service will not be charged to military leave. However, those employees on 24/7 schedules will continue to be charged military leave on a daily basis for duty days.

   (2) A part-time employee appointed under authority of 38 U.S.C. 7405(a)(1)(A) or (D) or 7406 not limited to 1 year or less is entitled to leave without loss in pay, time or performance or proficiency rating for active duty or engaging in field or coast defense training under sections 502-505 of title 32, United States Code, as a member of the Reserve of the armed forces or member of the National Guard. Leave accrues for these employees at the rate of 15 days per fiscal year (to be credited at the beginning of the fiscal year) and, to the extent that it is not used in a fiscal year, accumulated for the use in the succeeding fiscal years until it totals 15 days at the beginning of a fiscal year. Scheduled workdays and intervening days for which no work is scheduled falling within a period of absence for this duty are not charged to military leave. This entitlement is provided pursuant to authority of 38 U.S.C. 7421.

b. **Court Leave.** Employees appointed under authority of 38 U.S.C. 7306, 7401(1), 7405(a)(1)(A) or (D) or 7406 are eligible for and shall be granted court leave in the same manner as other eligible Federal employees.

c. **Home Leave.** Employees shall earn and be granted home leave on the same basis as employees subject to the provisions of 5 U.S.C. chapter 63.

d. **Family and Medical Leave Act**

   (1) Office of Personnel Management regulations published in 5 CFR 630.1201-1211 will be used to implement the statutory requirements for administering Family and Medical Leave Act entitlements for [full and part-time employees in positions appointed] under 38 U.S.C. 7401(1).

   (2) An employee may substitute up to 26 administrative workweeks of accrued and accumulated sick leave when using FMLA under 5 U.S.C. 6382(a)(3) to provide care for a covered servicemember. Amounts are prorated for part-time employees and employees on uncommon tours of duty (5 CFR 630.403).