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**POLICY AND PROCEDURES**

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**OFFICE OF MANAGEMENT**

**Advanced Annual and Sick Leave**

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**BACKGROUND**

This MAPP outlines the policies and procedures for granting and using advanced annual and sick leave in the Center for Drug Evaluation and Research (CDER).

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**POLICY**

The second level supervisor is authorized to approve requests for advanced annual leave and advanced sick leave.

**1. Advanced Annual Leave**

Normally, annual leave is granted to an employee only after the leave is accrued. However, the approving official will consider and ordinarily grant requests for advanced annual leave upon proper application when:

- a. Needed for non-repetitive, non-routine circumstances exist.
- b. The employee is eligible to earn annual leave and the employee is not on leave restriction.
- c. The request does not exceed the amount of annual leave that the employee would earn during the remainder of the leave year or the remainder of his or her appointment, whichever is shorter.

- d. There is reasonable assurance that the employee will return to duty.

Annual leave earned may not be used except in rare and unusual circumstances beyond the employee's control with authorization by the second level supervisor, until the amount of annual leave advanced to the employee has been repaid.

An employee who is indebted for advanced annual leave and separates from Federal service is required to refund the amount of advanced annual leave or the Agency will deduct that amount from any pay due the employee upon separation. However, if the employee dies, retires or goes out on disability, or is separated or resigns because of disability, the requirement to repay does not apply. The Agency will make the determination as to whether an employee has separated or resigned because of disability.

An employee who enters active military service with a right to restoration is not considered as having separated and is not required to refund the amount of advanced annual leave when entering military service. The advanced annual leave should be liquidated either after the employee returns to duty or is separated from Federal service.

## 2. **Advanced Sick Leave**

Advanced sick leave may be granted to an employee with a zero sick leave balance if the employee is: 1) incapacitated by physical or mental illness, injury, pregnancy, or childbirth; 2) has a serious health condition (as defined under Definitions); 3) would, as determined by the health authorities having jurisdiction or by health care provider, jeopardize the health of others by their presence on the job because of exposure to a communicable disease; 4) engaged in the adoption of a child; or 5) for the care of a covered service member with a serious injury or illness, provided the employee is exercising his or her entitlement to FMLA leave to care for a covered service member; and provided there is a reasonable expectation that the employee will return to duty, e.g., when the employee has applied for disability retirement. For purposes of the policy on Sick Leave for Family Care or Bereavement (previously known as the Family Friendly Leave Act - FFLA), employees may be advanced up to 104 hours of sick leave in a leave year.

The total advancement of sick leave **at no time may exceed 30 calendar days (240 hours) for full-time employees.** For example, an employee may be granted advanced sick leave at any time in increments of 15 minutes or more, provided the negative sick leave balance at no time exceeds 30 calendar days. For part-time employees (or an employee with an uncommon tour of duty), the maximum amount is prorated according to the number of hours in the employee's regularly scheduled administrative workweek. The employee, supervisor, and timekeeper

must jointly ensure that advanced sick leave does not exceed maximum limitations.

For employees serving a limited appointment, sick leave must not be advanced in excess of the sick leave to be earned during the remaining period of employment.

An employee who is indebted for advanced sick leave and separates from Federal service is required to refund the amount of advanced sick leave or the Agency will deduct that amount from any pay due the employee upon separation. However, if the employee dies, retires or goes out on disability, or is separated or resigns because of disability, the requirement to repay does not apply. The Agency will make the determination as to whether an employee has separated or resigned because of disability.

Requests for advanced sick leave must be in writing and supported by medical documentation administratively acceptable to the approving official. The approving official may consider an employee's self-certification as to the reason as administratively acceptable evidence regardless of the duration of the absence, or may also require medical certification from the physician. Requests should be evaluated on a case-by-case basis and all relevant factors should be considered before approval.

Advanced sick leave may be granted regardless of an employee's annual leave balance.

Employees should be encouraged to accumulate sick leave for unexpected illness and medical appointments, and for use in computing Civil Service Retirement System (CSRS) annuities.

Employees may consider other options, such as annual leave, Leave Without Pay, Family and Medical Leave Act provisions, and participation in the Voluntary Leave Transfer Program.

A Payroll Service Letter (PSL) must be submitted to the CDER Payroll Liaison in the Office of Human Resources (OHR) so that a balance of the advanced sick hours can be established in the Defense Finance and Accounting Service (DFAS) for the employee to use.

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## PROCEDURES

1. **The employee will:**
  - a. Prepare an Application for Leave (OPM-71) for the immediate supervisor's concurrence and the second level supervisor's approval, and provide other documentation required to support the need for advanced

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leave. (A fillable Application for Leave (OPM-71) can be found at [inside.FDA.gov](http://inside.FDA.gov) under the Office of Management's Administrative Toolbox under "Leave Administration".

- b. Provide medical documentation for advanced sick leave requests as required.
- c. Communicate with the immediate supervisor to ensure that the leave has been approved before the leave is taken.
- d. If approved, request leave through ITAS.
- e. Coordinate with the immediate supervisor and timekeeper to ensure that the advanced annual leave is limited to the amount of annual leave an employee would accrue in the remainder of the leave year or the remainder of his/her employment, whichever is less; and to ensure that sick leave advanced to an employee does not exceed 30 calendar days.

**2. The immediate supervisor will:**

- a. Review the OPM-71, supporting information, and medical documentation, if appropriate, for completeness and accuracy.
- b. Concur or non-concur with the advanced leave request by initialing the OPM-71 and forwarding all paperwork to the second level supervisor for approval or disapproval.
- c. Notify the requesting employee and the timekeeper of the approved or disapproved advanced leave before the leave is to be taken. If approved, inform the employee to request the leave in ITAS.
- d. Coordinate with the timekeeper to ensure that the advanced annual leave is limited to the amount of annual leave an employee would accrue in the remainder of the leave year or the remainder of his/her employment, whichever is less; and to ensure that sick leave advanced to an employee does not exceed 30 calendar days.

**3. The second level supervisor will:**

- a. Evaluate all factors relevant to the employee's request for advanced leave along with policy requirements in determining approval or disapproval .
- b. Approve or disapprove the advanced leave request by signing the OPM-71, and forwarding all paperwork to the timekeeper.

- c. Notify the immediate supervisor of the approved or disapproved advanced leave before the leave is to be taken.
- d. Contact the OHR Workforce Relations Division for assistance in sorting considerations and consequences of denying advanced leave requests.

**4. The timekeeper will:**

- a. Follow time and attendance procedures outlined in the HHS Guide for Timekeepers for recording and filing advanced leave requests.
- b. Coordinate with the immediate supervisor and employee to ensure the advanced annual leave and advanced sick leave requests at no time exceed the maximum allowable.
- c. Complete and submit the Payroll Service Letter (PSL) PS05-01 for advanced sick leave to the CDER Payroll Liaison, OHR for processing before the employee can use the advanced leave. The PSL must have all required fields filled out along with evidence of supervisory approval.
- d. Ensure the employee does not use used advanced sick leave until it is posted on the employee's LES and added to the Leave Balance Tab in ITAS.
- e. Refer to the *Voluntary Leave Transfer Program* MAPP, 4657.12 (Rev1) if the employee is participating in the Voluntary Leave Transfer Program. This MAPP outlines procedures regarding advanced leave.

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**REFERENCES**

- 1. CDER MAPP 4657.12, *Voluntary Leave Transfer Program*
- 2. HHS Guide for Timekeepers
- 3. Collective Bargaining Agreement between the Food and Drug Administration and the National Treasury Employees Union, Section (October 1, 2010), Articles 15 (Annual Leave), 16 (Sick Leave), 18 (Family Leave), and 21 (Leave Sharing)
- 4. CDER Administrative Toolbox (Leave Administration): Advanced Annual and Sick Leave, Sick Leave to Care for a Family Member, Family Medical Leave Act, and Voluntary Leave Transfer Program

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5. Code of Federal Regulations Title 5, Part 630.402, Limitation of Advanced Sick Leave
  6. ITAS Manual
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**DEFINITIONS**

1. **Advanced Annual Leave:** Annual leave taken but not yet earned by the employee.
  2. **Advanced Sick Leave:** Sick leave taken but not yet earned by the employee.
  3. **Serious Health Condition:** The term *serious health condition* has the same meaning as used in OPM's regulations for administering the Family and Medical Leave Act of 1993 (FMLA). That definition includes such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy, and childbirth. The term *serious health condition* is not intended to cover earaches, upset stomach, headaches (other than migraines), routine dental or orthodontia problems, etc., which are not serious health conditions unless complications arise.
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**SUMMARY OF CHANGES**

1. Updated to include ITAS.
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**EFFECTIVE DATE**

This MAPP is effective upon date of publication.

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**CHANGE CONTROL TABLE**

Effective Date	Revision Number	Revisions