

RESTORATION OF FORFEITED ANNUAL LEAVE

Applicable to U.S. appropriated fund civilian employees

PURPOSE: Annual leave that would otherwise be forfeited may be restored when it is lost because of exigencies of the service or sickness of the employee, if the leave was scheduled in advance. Before forfeited annual leave may be considered for restoration, use of the annual leave must have been requested, approved, and scheduled in writing before the start of the third biweekly pay period before the end of the leave year. Leave may also be restored when an administrative error causes the loss of annual leave otherwise accruable, or leave lost by an employee serving in a Combat Zone.

EXIGENCY APPROVAL PROCESS: An “exigency of the service” is an urgent event or situation that requires employees who were previously approved and scheduled for annual leave to report to duty. The organizational commander is the approving authority of the exigency. Approval of an exigency is required in advance of cancellation of leave. In the event of an emergency, this determination must be made as soon after the occurrence of the emergency as possible. As soon as it is known that leave will be canceled and forfeiture will be unavoidable, the supervisor initiates a letter to the organizational commander explaining the exigency and requesting approval to cancel the scheduled leave. The supervisor coordinates the letter with the Civilian Personnel Flight’s Employee Relations Section, 86 FSS/FSCA-E, to ensure that the conditions for restoration in governing directives are met, and that documentation to support the request has been provided. At a minimum the documentation to support the request must contain:

- The beginning and ending dates of the exigency period;
- The dates and number of hours scheduled which must be canceled, and when this leave was scheduled and approved in writing;
- A description of the exigency which shows that it is of such importance that the employee cannot be excused from duty;
- A statement as to why there is no alternative to cancellation of the scheduled leave and why use of the leave cannot be rescheduled during the remainder of the year; and
- Once the organizational commander renders a decision on the request, it must be coordinated through 86 FSS/FSCA-E to the originating supervisor and transmitted to the employee.

RESTORATION OF ANNUAL LEAVE PROCEDURES:

- **Due to Exigency of the Service** – When an exigency has been approved an employee must immediately provide the documentation listed below to his or her supervisor after the leave year ends. The supervisor then forwards it to 86 FSS/FSCA-E for endorsement. The request must include:
 - A written request for restoration of leave stating the actual number of hours lost on specific dates that could not be rescheduled;
 - Leave and earning statements showing the amount of leave that was forfeited
 - A copy of the approved exigency.

86 FSS/FSCA-E (Employee Relations) • Unit 3221, APO, AE, 09094-3221
Ramstein AB, Building 2120 • DSN: 314-478-7143/6714 • Fax: 480-7054

E-mail: 86fss.fsec.us-emr@us.af.mil

- **Due to Sickness of the Employee** – When annual leave was forfeited because of a period of absence due to an **employee's sickness or injury** that occurred late in the leave year or was of such duration that the excess annual leave could not be rescheduled for use before the end of the leave year:

The employee initiates the request for restoration of annual leave forfeited because of sickness as soon as the leave year ends and has the supervisor endorse it to 86 FSS/FSCA-E. The request must include:

- The beginning and ending dates of the period of illness or incapacity that interfered with the use of the scheduled annual leave, with medical certification as required;
 - Dates and number of hours of annual leave scheduled which had to be canceled and documentation of when this leave was scheduled and approved in writing; and
 - Information as to why canceled annual leave could not be rescheduled before end of leave year.
 - Leave and earning statements showing the amount of leave that was forfeited
- **Due to Administrative Error** - Determinations regarding what constitutes an administrative error are made by 86 FSS/FSCA-E. Advice and assistance may be obtained by contacting your Employee Relations Specialist at 86fss.fsec.us-emr@us.af.mil.
 - **Personnel in a Combat Zone.** Any leave lost by an employee serving in a Combat Zone, regardless of whether such leave was scheduled, is to be restored to the employee and credited to the employee's leave account. The term "combat zone" has the meaning given such term in 26 USC §112(c)(2). This includes employees assigned for any length of time during the leave year in the combat zone. The employee is not required to be in the combat zone on the last day of the leave year to be eligible.

The employee initiates the request for restoration of annual leave forfeited as soon as the leave year ends and has the supervisor endorse it to 86 FSS/FSCA-E.

- Leave and earning statements showing the amount of leave that was forfeited
- A copy of the orders showing the employee served in a combat zone during the leave year

RESTORATION APPROVAL PROCESS: 86 FSS/FSCA-E will review all annual leave restoration requests and, upon determination that the documentation is adequate, will endorse it to the civilian payroll office which, in turn sends it to DFAS for establishment of a Restored Annual Leave Account, with a copy to the employee.

USING RESTORED LEAVE: Restored annual leave must be used by the end of the leave year ending two years after:

- The termination date of the exigency that resulted in forfeiture of the annual leave; or
- The date the employee is determined to be recovered and able to return to duty if the leave was forfeited because of sickness; or
- The date of restoration of the annual leave forfeited because of administrative error.

REFERENCE: DoDI 1400.25 Volume 630_AFI 36-815, *Leave*

Additional guidance on this topic is available from your Employee Relations Specialist in 86 FSS/FSCA-E. Contact information found in the footer below.

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