

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. Leave may also be restored when an administrative error causes the loss of annual leave otherwise accruable. 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.

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 Ramstein installation commander or designee 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 need to be canceled and forfeiture is unavoidable, the supervisor initiates a letter to the organizational commander explaining the exigency and requesting concurrence. At a minimum the letter and documentation to support the request must contain:

1. The beginning and ending dates of the exigency period;
2. The dates and number of hours scheduled which must be canceled, and when this leave was scheduled and approved;
3. A description of the exigency which shows that it is of such importance that the employee cannot be excused from duty;
4. A statement as to why there is no alternative to cancellation of the scheduled leave; and,
5. Why use of the leave cannot be rescheduled during the remainder of the year.

The supervisor then coordinates the finalized 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, that sufficient documentation to support the request has been provided, and for coordination with the Ramstein installation commander or designee who renders a decision on the request. The supervisor may also have the 86 FSS/FSCA-E review the drafted request prior to receiving organizational commander concurrence. The Ramstein installation commander or designee’s decision is coordinated through 86 FSS/FSCA-E to the originating supervisor who transmits it to the employee.

NEW: DECLARED NATIONAL EMERGENCY EXIGENCY APPROVAL PROCESS: New regulations at 5 CFR §630.310 remove the administrative burden of leave scheduling and canceling for these employees whose work is deemed essential in direct support of declared national emergencies, such as the current COVID-19 national emergency. Employees or groups of employees who are prevented from scheduling/using annual leave because of their work *in direct support of* the COVID-19 national

emergency, such as medical or health professions, acquisition, engineering, and installation infrastructure, may be determined to be performing essential services that qualify to be an exigency of the public business. The Ramstein installation commander or designee will approve or disapprove a supervisor's request for employee coverage under these provisions, typically in response to a serviced population-wide tasker that results from the declared national emergency. For approved requests, the supervisor will document the designation with a signed memo provided to and acknowledged by 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.
 - A written request for restoration of leave stating the actual number of hours lost on specific dates that could not be rescheduled, and;
 - A copy of the approved exigency.
- **Due to a Declared National Emergency such as COVID-19** – When an employee has been determined to be performing essential services in direct support of the agency's response to a declared national emergency, such as COVID-19, 86 FSS/FSCA-E will include the employee's name on a listing of employees approved for such coverage and provide it to Civilian Payroll/DFAS.
- **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 employee's 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 when this leave was scheduled and approved; and
 - Information as to why canceled annual leave could not be rescheduled before end of leave year.
- **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 86 FSS/FSCA-E.

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.

86 FSS/FSCA-E (Employee Relations) • Unit 3221, APO, AE, 09094-3221
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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;
- 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.

REFERENCES:

- DoDI 1400.25 Volume 630_AFI 36-815, *Leave*
- DCPAS Message 2020125, *Scheduling of Annual Leave by Employees Performing Services Determined Essential for the Response to Certain National Emergencies*
- AFPC/DP3FS, *Scheduling of Annual Leave by Employees Performing Services Determined to be Essential for the Response to Certain National Emergencies – Frequently Asked Questions 2020*
- 5 CFR Subpart C- *Annual Leave*

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

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