



Leave Options in Emergency Situations

Employees should always attempt to talk with their supervisor, or another management official in their office, before not reporting to work or before leaving the worksite early. If this is not possible, the employee must leave a phone or e-mail message or written note for his/her supervisor. However, simply leaving a message with his/her supervisor does not mean that the absence after the authorized arrival or before departure time is approved. Supervisors will review the individual hardship or special circumstance of an employee's request and notify the employee of approval or non-approval of leave. The following leave options are available to assist employees affected by an emergency situation (unless excused absence is authorized by the OPM, the Executive Director, Headquarters Operations, or the Director, Headquarters HRMD):

Sick Leave – An employee may use any or all accrued sick leave when he or she is unable to perform his or her duties due to physical or mental illness; is receiving medical examination or treatment; or when he or she would, as determined by the health authorities or a health care provider, jeopardize the health of others because of his or her exposure to a communicable disease.

Sick Leave for General Family Care and Bereavement – An employee may use a total of up to 104 hours (13 days) of sick leave each leave year to provide care for a family member who is ill or receiving medical examination or treatment or to make arrangements necessitated by the death of a family member or attend the funeral of a family member. The amount of sick leave permitted for family care and bereavement purposes is pro-rated for part-time employees and employees with uncommon tours of duty in proportion to the average number of hours of work in the employee's regularly scheduled administrative workweek.

Sick Leave To Care for a Family Member with a Serious Health Condition – An employee may use a total of up to 12 workweeks of sick leave each leave year to care for a family member with a serious health condition. If an employee has already used 13 days of sick leave for general family care and bereavement purposes (discussed above), the 13 days must be subtracted from the 12 weeks.

Annual Leave – An employee may use any or all accrued annual leave for personal needs, such as rest and relaxation, vacations, medical needs, personal business or emergencies, or to provide care for a healthy or sick family member, including providing child care when a child care center is closed due to a pandemic. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken.

In addition, at the beginning of each leave year employees are credited (advanced) the amount of annual leave they will earn during the new leave year (except for employees on temporary appointments). New Federal employees entering duty after the beginning of the leave year are credited with the amount of annual leave they can earn during the balance of the leave year at the beginning of the first full biweekly pay period of their employment. The advancement of annual leave that will be earned during the leave year is a privilege and not a right. While advanced leave is available for use, employees are financially liable for the difference between the leave used and leave earned when they leave the agency. Supervisors may determine whether the emergency justifies approval of advanced annual leave.

Advance Sick Leave – If an employee has exhausted his or her accrued sick leave, he or she may request advance sick leave. A maximum of 30 days (240 hours) of sick leave may be advanced for an employee's serious disability or illness. All requests for advanced sick leave are processed by the NSSC. Additional guidance as to the process and documentation required can be obtained via <https://www.nssc.nasa.gov/>.



Leave Without Pay (LWOP) – If an employee has exhausted his or her available annual or sick leave or other forms of paid time off, he or she may request leave without pay (LWOP). LWOP is a temporary non-pay status and absence from duty that, in most cases, is granted at the employee's request. Employees, however, have an entitlement to LWOP in the following situations:

- a. The Family and Medical Leave Act (FMLA) provides covered employees with an entitlement to a total of up to 12 weeks of unpaid leave (LWOP) during any 12-month period for certain family and medical needs. Unpaid leave under the FMLA can be used “all at once”, intermittently, or to enable the employee to work a part-time schedule. Accrued annual or sick leave may be used in lieu of unpaid leave. FMLA may be granted for situations necessitated by (a) the birth of, or to care for, a newborn child; (b) the placement of a child with the employee for adoption or foster care; (c) the care of a family member (child, spouse, or parent) who has a serious illness and is incapacitated or who is receiving medical treatment; or (d) the employee’s own health problems which preclude performance of the employee’s duties.
- b. The Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353) provides employees with an entitlement to LWOP when employment with an employer is interrupted by a period of service in the uniformed service.
- c. Disabled veterans are entitled to LWOP for necessary medical treatment.
- d. Employees may not be in a pay status while receiving workers' compensation payments from the Department of Labor; therefore, such employees may be charged LWOP.

All requests for LWOP for 30 or more consecutive days must be processed through the Headquarters HRMD.

Family and Medical Leave – An employee may invoke his or her entitlement to **unpaid** leave under the Family and Medical Leave Act of 1993 (FMLA). Under the FMLA, an employee may take up to 12 weeks of leave without pay for a serious health condition that prevents an employee from performing his or her duties or to care for a spouse, son or daughter, or parent with a serious health condition. An employee may substitute his or her accrued annual and/or sick leave for unpaid leave in accordance with current laws and regulations governing the use of annual and sick leave. All requests for LWOP for 30 or more consecutive days must be processed through the Headquarters HRMD.

Donated Leave - If an employee has a personal or family medical emergency or is adversely affected by a major disaster or emergency, he or she may qualify for donated annual leave from the NASA and/or Federal voluntary leave transfer program, voluntary leave bank program, and/or emergency leave transfer program. All requests to participate in a leave donation program are processed by the NSSC. Additional guidance as to the process and documentation required can be obtained via <https://www.nssc.nasa.gov/>.

Voluntary Leave Transfer Program – The voluntary leave transfer program allows Federal employees to donate annual leave to assist another Federal employee who has a personal or family medical emergency and who has **exhausted his or her own available paid leave**.

Voluntary Leave Bank Program – The voluntary leave bank program allows Federal employees who are members of the agency’s voluntary leave bank to receive donated annual leave from the leave bank if the employee experiences a personal or family medical emergency and has **exhausted his or her own available paid leave**.

Emergency Leave Transfer Program – An emergency leave transfer program (ELTP), established by OPM when directed by the President, allows an employee in any Executive agency to donate annual leave for transfer to Federal employees who are adversely affected by a major disaster or emergency, such as a flood, earthquake, tornado, bombing, or a pandemic influenza. An employee is **not required to exhaust his or her available paid leave** before receiving donated annual leave. When, and if an ELTP is established by OPM, they will provide guidance as to the process and documentation required for applicants.



Other Paid Time Off

An employee may use earned compensatory time off, compensatory time off for travel, and/or credit hours if he or she is unable to report for work as a result of an emergency situation or pandemic influenza.

Compensatory Time Off – Compensatory time off is earned time off with pay in lieu of overtime pay for overtime work which was requested and approved by the supervisor.

Compensatory Time Off for Travel – Compensatory time off for travel is earned time off with pay for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable.

Credit Hours – Credit hours are hours an employee elects to work, with supervisory approval, in excess of the employee's basic work requirement under a **flexible work schedule**.

Military Leave - Any full-time Federal civilian employee whose appointment is not limited to 1 year is entitled to military leave. Military leave under 5 U.S.C. 6323(a) is prorated for part-time career employees and employees on an uncommon tour of duty.

Employees must provide a copy of their military orders to the Headquarters Payroll Coordinator. If a copy cannot be submitted prior to active military duty/training, the employee shall be placed in an appropriate leave category (i.e., annual leave) and WebTADS will be adjusted upon receipt of the military orders.

Types of Military Leave

5 U.S.C. 6323 (a) provides 15 days (120 hours) per fiscal year for active duty, active duty training, and *inactive duty training*. An employee can carry over a maximum of 15 days into the next fiscal year.

Inactive Duty Training is authorized training performed by members of a Reserve component not on active duty and performed in connection with the prescribed activities of the Reserve component. It consists of regularly scheduled unit training periods, additional training periods, and equivalent training. For further information, see Department of Defense Instruction Number 1215.6, March 14, 1997.

5 U.S.C. 6323 (b) provides 22 workdays per calendar year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor. This leave is provided for employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation* as defined in section 101(a)(13) of title 10, United States Code.

5 U.S.C. 6323(c) provides unlimited military leave to members of the National Guard of the District of Columbia for certain types of duty ordered or authorized under title 39 of the District of Columbia Code.

5 U.S.C. 6323(d) provides that **Reserve and National Guard Technicians** *only* are entitled to 44 workdays of military leave for duties overseas under certain conditions.

* The term "contingency operation" means a military operation that -

(a) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(b) results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of title 10, United States Code, chapter 15 of title 10, United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress.



Days of Leave

Military leave should be credited to a full-time employee on the basis of an 8-hour workday. The minimum charge to leave is 1 hour. **An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay.**

Employees who request military leave for inactive duty training (which generally is 2, 4, or 6 hours in length) will be charged only the amount of military leave necessary to cover the period of training and necessary travel. Members of the Reserves or National Guard will no longer be charged military leave for weekends and holidays that occur within the period of military service.

A full-time employ working a 40-hour workweek will accrue 120 hours (15 days x 8 hours) of military leave in a fiscal year, or the equivalent of three 40-hour workweeks. Military leave under 6323(a) will be prorated for part-time employees and for employees on uncommon tours of duty based proportionally on the number of hours in the employee's regularly scheduled biweekly pay period.