

BPA Human Resources Directive 410-06

Employee Leave, Work Schedules, and Telework

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1. Purpose & Background

Communicates BPA-wide guidance for employee absences, leave administration, establishing work schedules, and employee teleworking as permitted by Government regulations and/or Department of Energy (DOE) policy.

2. Policy Owner

The Chief Administrative Officer (CAO), through Human Capital Management's (HCM) Integrated Strategy (NHI-1), has overall responsibility for monitoring, reporting, executing, and maintaining this BPA HR Directive.

3. Applicability

Except where noted, this BPA HR directive applies to all BPA General Schedule (GS) or equivalent, Senior Executive Service (SES), senior level (SL/ST), and hourly employees.

4. Terms & Definitions

- A. **Extended Leave without Pay (LWOP):** LWOP for more than 30 continuous days.
- B. **Limited Duration Part-Time Work Schedule:** A part-time work schedule an employee works for a limited period of time, not to exceed 52 weeks (may be extended to total no more than 104 consecutive weeks), at the end of which the employee is entitled to return to his/her original schedule.
- C. **On-Call Work Assignment:** When an employee is off duty and it may become necessary at any time to call the employee back to work because of emergencies or administrative requirements that may occur outside the employee's normal workday or workweek. Time spent in an on-call status is not hours of work if: (1) the employee is allowed to leave a telephone number or carry an electronic device for the purpose of being contacted even though the employee is required to remain within a reasonable call-back radius; or (2) the employee is allowed to make arrangements for another person to perform any work that may arise during the on-call period.
- D. **Part-time Career Employment:** Employment of 16-to-32 hours-a-week (or 32-to-64 hours during a biweekly pay period in the case of a flexible or compressed work schedule) under a schedule consisting of an equal or varied number of hours per day whether in a position which would be part-time without regard to 5 U.S.C. Chapter 34 or one established to allow job-sharing or comparable arrangements, which does not include employment on a temporary or intermittent basis.
- E. **Telework:** A work flexibility arrangement under which an employee performs the duties and responsibilities of his/her position and other authorized activities from an approved worksite other than the location from which the employee would otherwise work.

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5. Policy

The key to achieving a diverse, high-performing workplace that values and supports employee's work-life balance is full use of all the Human Resources (HR) flexibilities available to a Federal agency, including those related to employee absences and to work schedule and work location flexibilities. BPA programs and practices link to organizational business strategy and mission while aligning employee and business needs.

6. Responsibilities

As stated in applicable HR Desk References and/or Standard Operating Procedures (see "Related HR Desk References" section).

7. Standards & Procedures

7.1. Work Schedules

- A. Regular work schedule, i.e., regularly scheduled administrative workweek for annual employees (GS or equivalent, SES, and SL/ST).
 - 1. The regularly scheduled administrative workweek for full-time employees, exclusive of any regularly scheduled overtime, is 7:30 AM to 4:15 PM, Monday through Friday, with a 45-minute lunch. All Memoranda of Understanding (MOU) are still in effect, along with all schedules for those employees working the alternative work schedule cycle.
 - 2. For part-time employees it is the officially prescribed days and hours within an administrative workweek during which the employee is regularly scheduled to work.
 - 3. Managers may approve exceptions to the regular work schedule daily tour of duty. Exceptions must be in writing and must consist of five consecutive days scheduled within the seven days of the administrative workweek, eight hours of daily work, and the same working hours in each day of the workweek.
- B. Flexible work schedule for annual employees (GS or equivalent, SES, and SL/ST).
 - 1. This work schedule includes designated hours and days during which employees on this work schedule must be present for work, and designated hours during which employees on this work schedule may elect their arrival and departure time for the purpose of accumulating credit hours to reduce the length of the workweek or another workday.
 - 2. Flexible arrival and departure time bands for full-time employees located in Portland and Vancouver are as follows:

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- a. 6:00 AM to 9:00 AM: Flexible arrival
- b. 9:00 AM to 3:00 PM: Core time with a regular 30-minute lunch
- c. 3:00 PM to 6:00 PM: Flexible departure
 - i) Lunch breaks must be taken between 11:00 AM and 1:30 PM. The standard lunch time is 30 minutes. With prior approval of the manager, an employee may take a lunch period of up to 2-1/2 hours.
 - ii) Flexible arrival and departure time bands for employees outside of Portland and Vancouver are established by the senior manager with administrative responsibility at the duty station and must be in writing.
 - iii) Annual employees, including those who are non-exempt from the Fair Labor Standards Act, are authorized to work under the flexible schedule.
 - iv) Employees, including part-time employees, on a flexible schedule may earn a maximum of two credit hours a day on regularly scheduled workdays. Credit hours are earned and used in multiples of half (½) hour. Additional guidance regarding earning and using credit hours and carryover of unused credit hours is provided in HR Desk Reference 410-06-01: Leave Administration.
 - v) Managers, who are direct reports to a Tier 1 or equivalent manager or to a Vice-President, may permanently deny the credit hour feature of the flexible schedule for employees within their organization. They may also deny or restrict flexible arrival and departure times for any employee or group of employees when, in their judgment, work demands will not be met under that schedule.
 - vi) Managers may temporarily deny or restrict the flexible schedule to an employee or group of employees with a valid business reason based on need for office coverage or other essential work demands, or place an employee on a regular work schedule. Approval by a Tier 2 manager or higher is required if the temporary periods are frequent or lengthy.

C. Compressed work schedule for annual employees (GS or equivalent, SES, and SL/ST).

1. If work requirements make a compressed work schedule more suitable for a specific activity, such a schedule may be established by Tier 1 or equivalent managers or Vice-Presidents, as required to be negotiated with the appropriate bargaining units, including those with Memorandums of Understanding (MOU) negotiated through coordination with the Labor Relations staff. Compressed work schedules are documented in a MOU.
2. For full-time employees a compressed work schedule is an 80-hour biweekly basic work requirement which is scheduled for less than 10 workdays.

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- 3. For part-time employees, a compressed work schedule is a biweekly basic work requirement of less than 80 hours which is scheduled for less than 10 workdays.
- D. Tours of duty for full-time hourly employees are described in the BPA-CPTC Collective Bargaining Agreement. Establishing part-time tours of duty for hourly employees requires the Labor Relations staff consultation with the bargaining unit.
- E. Employees may be placed on a regular work schedule (8 hours a day, 5 days a week, Monday through Friday) during a period of training or on a work schedule that corresponds to the hours of training.
- F. Labor Relations staff coordinates with BPA's bargaining units changes in administrative workweeks, tours of duty that vary from those established by BPA HR Directive shown immediately above, changes in lunch periods, and establishment of compressed work schedules. Such coordination must occur prior to changes being effected.

7.2. Part-Time Career Employment

- A. BPA permits employees to work part-time, either permanently or for limited duration, whenever such a schedule does not interfere with the efficiency and effectiveness of the organization.
- B. Part-time employees can work regular, compressed, and flexible work schedules. Part-time employees on a regular schedule normally work a minimum of 16 and a maximum of 32 hours per week, but if on a compressed or flexible work schedule normally work no less than 32 hours and no more than 64 hours per biweekly pay period.
- C. Hourly employees are excluded from part-time work except: (1) when they are under an excepted appointment as a Pathways Intern and a part-time schedule is consistent with the employee's training program; or (2) as otherwise mutually agreed to by BPA as a result of consultation between BPA's Labor Relations staff and the bargaining unit.
- D. Part-time vacancies are announced under merit promotion plan procedures, except when they are filled by conversion of full-time BPA employees.
- E. A part-time employee may hold more than one position at a time with the same or different agency in the same or different series and/or grade.
- F. The total number of hours scheduled to work in a biweekly pay period for part-time employees must be whole hour increments. For a single workday, the number of hours are scheduled in either whole-hour or half-hour increments.
- G. An employee may request a limited-duration part-time work schedule. Approval of an employee's request is at BPA management's discretion. A manager must not permit an employee to work under a Limited Duration Part-Time Work Schedule Agreement (BPA F 3330.10e) for more than a total of 104 consecutive weeks.

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- H. A part-time employee’s work schedule may be increased beyond the 32 hours per week limit for up to two consecutive weeks if necessary to meet heavy workload demands, training requirements, or travel demands.
- I. Changes may be made to an employee’s work schedule and the number of hours worked as stated in the applicable HR Desk Reference or Standard Operating Procedure (SOP). Changes need to be *voluntary* actions the employee agrees to or requests. *Involuntary* work schedule changes that decrease an employee’s number of work hours (and consequentially result in a pay reduction) are covered under adverse action or reduction-in-force procedures.
- J. BPA managers decide if part-time positions are appropriate within their organizations and whether they will hire part-time employees or approve a full-time employee’s request to convert to a part-time work schedule.
- K. The immediate manager may terminate an employee’s limited duration agreement at any time. Whether an employee has the same option is noted in the terms of the agreement. The manager should consider the impact of permitting the employee to terminate the agreement.

7.3. On-Call Work Assignment for General Schedule (GS) or Equivalent Employees

- A. There may be occasions when the nature of operation of an organizational unit to which an employee is assigned may require calling the employee back to work because of emergencies or administrative requirements occurring outside the employee’s normal workday or workweek. All prospective and existing situations must be documented and approved based on specific criteria stated in the applicable HR Desk Reference or SOP.
- B. Positions of experts and consultants, and positions above the GS-15 grade level, including positions in the Senior Executive Service (SES), are excluded from the provisions of this BPA HR Directive for on-call work assignment.
- C. Employees on an on-call work assignment who are actually called back to duty or who perform duty over the telephone when they receive a call to correct a problem by either giving telephonic advice or by using remote computer equipment are entitled to receive overtime compensation as stated in the applicable HR Desk Reference.
- D. Employees in an on-call status who incur long distance telephone expenses in response to being contacted are reimbursed by BPA for such expenses or BPA provides a government calling card.
- E. Executive/Senior Vice Presidents approve the designation of organizational units where employees may be required to be placed in on-call work assignments.
- F. Vice Presidents and Tier II Managers annually review the appropriateness of organizational units designated to require on-call work assignments and as necessary

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terminate the on-call work assignment designation of organizational units and report such termination to the appropriate Vice President.

7.4. Telework

- A. Participation in telework is voluntary.
- B. BPA hourly employees are not eligible for telework.
- C. Employees and managers must complete telework training and the manager must assess the requesting employee’s appropriateness for participation in the telework program prior to establishing a Telework Agreement.
- D. Telework Agreements must be renewed annually.
- E. BPA’s telework directive is superseded by directions from the business continuity teams when the teams are activated as a result of emergency response in connection with the Business Continuity of Operations Plan (COOP).
- F. Employees who have an approved Telework Agreement must telework during dismissal and closure procedures due to weather and other emergencies, unless circumstances prevent the employee from working. In these circumstances, the employee may request excused absence or may request paid leave, in lieu of telework. The supervisor/manager will assess whether the employee is unable to work, and if so, will grant the appropriate leave.
- G. There are three types of telework arrangements as described below. Specific guidance and examples about the telework arrangements that are appropriate based on the nature of the employee’s telework needs are described in the applicable HR Desk Reference.
 - 1. **Medical:** Telework arrangements where an employee is working at an alternative worksite because of medical reasons.
 - 2. **Regular:** Telework arrangements where an employee is working at the alternative work site each week on a regular basis.
 - 3. **Situational:** Telework arrangements where an employee is working at the alternative work site on an occasional, non-routine, temporary or short-term basis.
- H. There are certain circumstances where employees may be allowed to work at the alternate work site up to full-time, such as:
 - 1. Reasonable accommodation for persons with disabilities;
 - 2. Ill or injured employees who are able to perform duties in a home setting during recovery, including injured employees who are covered by the Federal Employees’ Compensation Act (FECA) under the Office of Workers’ Compensation Program (OWCP); and

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3. Other reasons where it may be mutually beneficial to BPA and the employee for a business need.
- I. Employees are not eligible for relocation allowances and/or incentives on the basis of a change to their official worksite/duty station resulting from an approved telework arrangement.
- J. Employees participating in telework may work a flexible schedule, including flexible arrival and departure times.
- K. When a telework request is denied or a telework agreement cancelled, the manager is required to document the specific business reason for such action and notify the employee of his/her right to grieve the decision.
- L. An employee with an approved reasonable accommodation is provided with appropriate equipment to satisfy the accommodation.
- M. Teleworkers are expected to have a safe offsite work environment and meet safety requirements described in the applicable HR Desk Reference.
- N. Managers/supervisors approve, disapprove, modify or cancel Telework Agreements in consideration of location, frequency, impact to BPA operations and employee performance expectations based on the current status and Executive Order.
- O. Managers may grant excused absence at the alternate work site the same as at the traditional worksite.
- P. The manager shall evaluate an employee request for a Telework Agreement within two weeks to ensure approval, modifications, or disapproval are based upon criteria outlined in this BPA HR Directive, unless Telework Agreement is a result of a Reasonable Accommodation. In that case the review is within HCM's Reasonable Accommodation Office's authority.

7.5. Leave Administration

A. General Requirements:

1. The minimum annual leave and sick leave charge is 30 minutes and additional charges are in multiples thereof.
2. Leave is charged only for an absence that occurs during the basic 40-hour workweek. Since overtime work is only counted if the employee actually works during that period, overtime work is not scheduled or charged to leave during an employee absence.
3. Managers must maintain documentation of leave requests and leave-related approvals, denials and supportive documentation in accordance with applicable federal record retention standards.

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B. Annual Leave:

1. Annual leave should be scheduled as far in advance as is practicable so managers/supervisors can adequately plan and coordinate work.
2. It is at the manager’s/supervisor’s sole discretion to approve annual leave.
3. Annual leave may be advanced up to the total amount of leave the employee could earn during: (a) the remainder of the current leave year; or (b) for a temporary employee, the rest of his/her appointment or the remainder of the current leave year, whichever is less.
4. Annual leave may not be advanced if it is known that the employee will not return to BPA.
5. Supervisors/Managers may request an exigency be declared in order to restore an employee’s forfeited unused leave if they identify that a work situation is likely to require cancellation of properly scheduled leave.

C. Sick Leave:

1. Non-emergency sick leave must be scheduled in advance.
2. When an employee is unable to report for work because of injury, illness, or the need to care for a family member, he/she will notify the manager (or use other notification procedures approved in advance by the manager) not later than two hours into the daily tour of duty on the first day of absence, or as soon as physically able. A lesser period of time may be required by the manager.
3. If an employee does not notify his/her supervisor/manager of the need for sick leave, the absence is not authorized and must be charged to Absence Without Leave (AWOL). The AWOL is changed to the appropriate leave category if the supervisor/manager approves leave later.
4. Supervisors/Managers may require employees to provide evidence that is administratively acceptable, other than a medical certificate, in support of their requests for sick leave, except when a medical certificate is required by regulation or DOE order (i.e., for advanced sick leave for serious disability or ailment, care of a family member with a serious health condition, if Family Medical Leave Act has been invoked for self or a family member, or for sick leave if for more than three consecutive workdays).
5. A medical certificate for any period of sick leave for less than three consecutive workdays may be required at the manager’s discretion based on suspicion of leave abuse.
6. Documentation of a serious health condition, using BPA Form 3780.02e, Certification of Health Care Provider, is required when caring for a family member.

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7. Employees in positions with medical standards/physical requirements, and/or who are subject to medical surveillance, who are absent due to illness or injury that is non-work-related for more than four consecutive workdays (or for a lesser period if deemed necessary) because of a condition which prevents them from meeting the medical standards or physical requirements, are required to provide a statement from a state-licensed diagnostician (at BPA's expense) certifying the employee's fitness for duty and that the employee can resume at least the essential functions of his/her work without risk of health or injury hazards to self or others.
8. Employees who are not in positions with medical standards/physical requirements may be offered a fitness for duty examination upon returning to work after an absence of five or more consecutive workdays due to a non-work-related illness or injury if the supervisor questions the employee's ability to complete assigned work in a satisfactory manner.
9. It is the supervisor's responsibility to determine the impact that an employee's medical condition is having or may have on the performance of his/her duties.

D. Excused Absence (Administrative Leave):

1. Excused absence is never granted to account for a period of overtime, regardless of the reasons that might trigger the need to excuse employees from work that they are doing while in an overtime status.
2. A written administrative order is required when authorizing group dismissals, except when a group dismissal (early release) is ordered by the President of the United States or the Secretary of Energy. Specific guidance about what constitutes an administrative order and who has authority to issue such an order is stated in the applicable HR Desk Reference.
3. Subject to the provisions of negotiated labor contracts, managers have discretion to authorize administrative leave on an individual basis. The specific reasons and length of time that may be approved are stated in the applicable HR Desk Reference.
4. An employee who incurs a work-connected traumatic injury after the beginning of the workday or shift may be granted administrative leave on the day of injury for the time required for examination and/or emergency treatment. If the treating physician determines the employee is medically unable to return to duty for the remainder of the day or shift, the employee continues on administrative leave for the remaining hours of his/her tour-of-duty on the day of injury.

E. Leave Without Pay (LWOP):

1. LWOP is not an entitlement: managers/supervisors consider granting LWOP on a case-by-case basis, and may deny approval of LWOP at their sole discretion, except when required by Federal law or regulation.

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2. Managers must ensure that the approval and use of discretionary LWOP does not cause significant work disruption or interfere with the accomplishment of the BPA's mission and business objectives.
3. Employees are placed on LWOP at their request; however, it may be appropriate to place an employee on LWOP without his/her request or consent in cases of medical incapacity, managers may consult with the BPA Medical Program Officer before doing so.

F. Family Medical Leave Act (FMLA):

1. FMLA leave may be taken intermittently or on a reduced leave schedule. Approval of an intermittent or reduced leave schedule is subject to the requirements stated in the applicable HR Desk Reference.
2. Employees may elect but cannot be required to substitute paid leave for all or part of FMLA leave taken. Use of paid leave must comply with the rules governing its use.
3. Written medical certification by a health care provider on a BPA approved form is required for FMLA leave for a serious health condition of the employee or the employee's spouse, son, daughter, or parent; or for FMLA Military Caregiver Leave.
4. BPA may obtain the medical opinion of a health care provider of its choice at its own expense when management determines the need for a second opinion.
5. BPA may, at its own expense, require subsequent medical re-certification from the health care provider on a periodic basis, but not more often than every 30 calendar days. Re-certification requests may be required more frequently than every 30 calendar days if the employee requests that the original leave period be extended, the circumstances described in the original medical documentation have changed significantly, or BPA receives information indicating a change in medical condition.
6. An employee using FMLA because of his/her own serious health condition must obtain a statement from a state-licensed diagnostician (at BPA's expense) certifying the employee's fitness for duty and that the employee can resume at least the essential functions of his/her work without risk of health or injury hazards to self or others when his/her position has specific medical standards or physical requirements or is covered by a medical evaluation program.

G. Military Leave:

1. The following documentation must be provided to the Manager and Payroll Disbursement when requesting military leave:
 - a. The dates of military leave;
 - b. The amount of military leave requested;

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- c. The reason for the use of military leave;
 - d. The military component of which the employee is a member; and
 - e. Official military orders or other applicable documentation from the military unit
2. Upon return from military leave the employee must substantiate duty performed through some form of documentation in order to receive military leave if unable to provide official military orders or other documentation prior to using military leave.

H. Court Leave:

1. Employees must attach a court summons or subpoena to his/her leave request when applying for court leave.
2. The minimum reporting increment is 15 minutes.
3. If an employee is excused by the court for a substantial part of the day (i.e., two or more work hours remaining of the work day), he/she is expected to return to work or to request annual leave unless returning to work would cause a hardship because of the distance of the court from the employee’s residence or place of duty, or the tour of duty is at night and the employee would be deprived of sleep.
4. Employees who complete court duty must obtain an affidavit from the Clerk of the Court showing the amount of court pay, if any, the reason(s) for it, and the dates of court attendance and will submit the information through their supervisor to BPA’s Payroll office.

I. Absence Without Leave (AWOL):

1. An employee’s absence from duty is considered unauthorized and may be charged as AWOL when: (a) the employee is absent from duty without obtaining authorization for paid or unpaid leave; (b) the employee is absent from duty after a leave request is denied; or (c) the employee is not ready, willing, or able to perform official duties due to his/her own misconduct.
2. Charging AWOL is not in itself a disciplinary action; however, the record of AWOL may be used in support of subsequent disciplinary action. Charging AWOL officially records the fact that an attendance irregularity occurred and withholds pay for the period of absence.

J. Voluntary Leave Transfer Program (VLTP):

1. If the recipient’s certification is for a personal emergency, the recipient’s leave account(s) will be charged in the following order: (1) all leave; (2) compensatory time; (3) credit hours; and (4) donated leave.
2. If the recipient’s certification is for a family emergency, his/her leave account is charged in the following order: (1) sick leave available; (2) annual leave, if applicable;

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(3) compensatory time; (4) credit hours; and (5) donated leave. The remaining portion of the absence, if any, is charged to LWOP.

3. If it is uncertain whether the employee is experiencing (or continuing to experience) a medical emergency, he/she may be required to provide appropriate medical documentation to ascertain the correct medical status of the affected individual. If necessary, the employee or family member may be required to be examined by one or more qualified physicians of BPA's choosing and at BPA's expense.
 4. Additional substantiating documentation is required if the medical emergency extends beyond the originally established ending date. A recipient who fails to provide additional documentation may be decertified (i.e., the medical emergency is deemed to have terminated) and all donated leave frozen pending verification of continued eligibility.
 5. If after the medical emergency terminates the employee continues to experience a hardship due to outstanding LWOP or advanced annual/sick leave, the employee may continue to receive donated leave for not more than two years after the employee's medical emergency terminates. The donated leave replaces the LWOP or advanced leave taken during his/her medical emergency.
- K. Supervisors/Managers approve leave, except as described in bullets N, O, and P below.
 - L. Senior Vice Presidents or Vice Presidents determine if an exigency exists.
 - M. The Human Resources Director (HRD) approves requests for restoring annual leave forfeited because of an exigency of the public business or due to administrative error.
 - N. A second-level manager approves or denies an advanced sick leave request.
 - O. A second-level manager or Tier II manager approves extended LWOP of six months or less.
 - P. A Tier II manager approves extended LWOP of more than six months up to one year. In certain circumstances, as stated in the applicable HR Desk Reference, the Tier II manager approves extended LWOP beyond one year.
 - Q. Supervisors/Managers address unauthorized employee absences and charge absences as AWOL when appropriate.

8. Authorities & References

- A. 5 U.S.C. 5515, Crediting amounts received for jury or witness service
- B. 5 U.S.C. 5537, Fees for jury and witness service
- C. 5 U.S.C. 5542, Overtime rates; computation
- D. 5 U.S.C. Chapter 34, Part-Time Career Employment Opportunities

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- E. 5 U.S.C. Chapter 61, Hours of Work, Subchapter I – General Provisions, and Subchapter II – Flexible and Compressed Work Schedules
- F. 5 U.S.C. Chapter 63, Leave, Subchapter 1, Annual and Sick Leave, Subchapter II – Other Paid Leave, Subchapter III – Voluntary Transfers of Leave, and Subchapter V – Family and Medical Leave
- G. 5 U.S.C. Chapter 65, Telework
- H. 5 CFR Part 339, Medical Qualification Determinations
- I. 5 CFR Part 340, Other Than Full-Time Career Employment (Part-Time, Seasonal, On-Call, and Intermittent)
- J. 5 CFR Part 531, Pay Under the General Schedule
- K. 5 CFR Part 550, Pay Administration (General)
- L. 5 CFR Part 610, Hours of Duty
- M. 5 CFR Part 630, Absence and Leave
- N. DOE O 314.1, DOE-Flex: DOE’s Telework Program
- O. DOE O 320.1, Acquiring and Positioning Human Resources, Chapter III, Part-Time Career Employment Program
- P. DOE O 322.1C, Pay and Leave Administration and Hours of Duty
- Q. DOE Desk Reference on DOE-Flex
- R. DOE Handbook on Leave and Absence
- S. DOE Policy Clarifying the Criteria for Returning to Work after Injury or Significant Illness for Federal Employees, A List of Frequently Asked Questions (FAQs)
- T. DOE Policy Memorandum #26, Official Worksite Determinations, 1/02/2012
- U. And as stated in applicable HR Desk References and/or Standard Operating Procedures
- V. Related HR Desk References:
 - 1. 410-06-01: Leave Administration
 - 2. 410-06-02: Hours of Duty and Credit Hours
 - 3. 410-06-03: Telework Program

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9. Revision History

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1.0	01/19/2016	Initial publication.
2.0	04/18/2016	Style, formatting, and grammar changes.

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