

## **2012 PROCEDURES FOR CANCELLATION AND RESTORATION OF CIVILIAN “USE OR LOSE” ANNUAL LEAVE**

For most employees, the maximum amount of annual leave that can be carried forward from one leave year to the next is 30 days or 240 hours. At the end of the leave year (12 Jan 2013), hours in excess of this amount are normally forfeited. Annual leave that would otherwise be forfeited may be restored when it is lost as a result of: 1) an exigency of the service; 2) sickness/incapacitation of the employee; or 3) an administrative error. 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, which for the 2012 leave year is 1 Dec 2012.

### **EXIGENCIES OF THE SERVICE**

Here are some of the specifics about processing requests for restoration of forfeited annual leave due to exigencies of the service - a mission requirement of such magnitude or urgency that: (1) annual leave, that was previously scheduled and approved in writing, must be cancelled (the written scheduling and approval must have been accomplished prior to the beginning of the third full pay period before the end of the leave year which is prior to 1 Dec 2012); (2) the cancelled leave is likely to be forfeited at the end of the leave year, 12 Jan 2013; and (3) the affected employee is expected to request restoration of the forfeited leave. ***All of these elements must be present.*** Examples of exigencies of the service may include but are not limited to: long-term training (as defined in the ACTEDS Training Catalog, Appendix C); a mission critical project; or overseas deployment.

If management believes an exigency situation warranting cancellation of leave exists, the appropriate requesting official (usually the immediate supervisor) must prepare, in a timely manner, a request for approval to cancel “use or lose” annual leave due to an exigency. The request for approval of an exigency must be in writing, and specify: the beginning and ending dates of the exigency period, unless the suddenness or uncertainty of the circumstances prevents advance notification; the dates and amount of leave that must be cancelled, and when this leave was scheduled and approved; a description of the exigency which shows that it is of such importance that the employee cannot be excused from duty; a statement of why there is no alternative to canceling the employees’ scheduled leave and why the leave cannot be rescheduled prior to the end of the leave year, which is 12 Jan 2013. The approving official (the Assistant and Deputy Chiefs of Staff for employees in their organizations; the AFDW and 11<sup>th</sup> Wing Commanders for their respective organizations; Tenant Commanders for their tenant organizations; and the Administrative Assistant to the Secretary of the Air Force, SAF/AA for employees of the Office of the Secretary of the Air Force and all other employees not within the purview of the aforementioned organizations) will render a timely decision on the request and return the decision through the servicing Civilian Personnel Office (CPO) AFDW/A1CE to the requesting official for transmittal to the employee.

Requests for any such action, and the associated approval/disapproval of action to cancel scheduled “use or lose” annual leave is reserved for the appropriate approving official.

Requests for any such action and the decision of the approving official must be fully documented in writing prior to final cancellation of any leave likely to be forfeited. In time-critical situations requiring an immediate determination, the requesting official may directly obtain concurrence of the approving official verbally or via e-mail. Verbal or e-mail approvals are subject to immediate follow-up confirmation via written correspondence.

Even in a situation where leave cancellation is approved due to an exigency, the supervisor should allow as much leave use as events may permit during the remainder of the leave year in order to minimize the amount of leave forfeited.

### **ILLNESS OR INCAPACITATION**

The employee initiates the request for restoration of annual leave forfeited as a result of illness or incapacitation as soon as he/she returns to duty. This may also include employees who are in a leave without pay (LWOP) or continuation of pay (COP) status as a result of an on-the-job injury. The requesting official will be responsible for reviewing the employee's request and forwarding it to the servicing AFDW/A1CE Human Resources Specialist (Employee/Labor Relations). The HR Specialist will review the request and upon determination that the documentation is adequate, will endorse it to the Civilian Payroll Office and DFAS for establishment of a Restored Annual Leave (RAL) account, with a copy to the employee.

### **ADMINISTRATIVE ERROR**

The determination as to what constitutes an administrative error is the responsibility of the employing agency. When an administrative error caused loss of leave, all leave *must* be restored. Official leave records should be used to substantiate the amount of annual leave to be restored. If these records are not available, an estimate of the employee's leave account may be used if accompanied by required documentation to explain the basis for the estimate. If the employee is separated before the error is discovered, the restored leave is subject to credit and liquidation by lump sum payment if a claim is filed within 3 years immediately following the date of discovery of the error.

### **DOCUMENTATION REQUIRED FOR RESTORATION OF FORFEITED ANNUAL LEAVE**

The following documentation is required for submission to AFDW/A1CE by the requesting official for restoration of annual leave forfeited resulting from an exigency or illness/capacity: (1) a copy of the employee's approved Office of Personnel Management (OPM) Form 71, Request for Leave and Approved Absence; (2) the number of hours for which restoration is requested; (3) the actual dates and hours of annual leave lost due to the exigency or illness/incapacitation; (4) the reason the leave could not be taken; (5) information why cancelled annual leave could not be rescheduled and used before the end of the leave year; (6) a copy of the written notification canceling the leave; (7) a copy of the documentation approving the cancellation of leave due to an exigency situation; (8) a copy of acceptable medical documentation for illness/incapacitation; and (9) a copy of the employee's Leave and Earnings Statement (LES) for the pay period ending 12 Jan 2013. Requests for restoration of forfeited annual leave are due to AFDW/A1CE after 13 Jan 2013, but not later than 30 calendar days

thereafter (12 Feb 2013). Incomplete requests will be returned to the requesting official for further action.

**PROCEDURE FOR RESTORATION OF ANNUAL LEAVE FOR EMPLOYEES  
WHOSE SERVICES ARE DETERMINED TO BE NECESSARY FOR THE CURRENT  
NATIONAL EMERGENCY**

On March 4, 2002, OPM issued final regulations that permit "use or lose" annual leave to be restored to employees whose services are determined to be necessary for the current national emergency. Employees in this situation are entitled to have their excess annual leave restored without the administrative burden of scheduling and canceling such leave. In addition, the time limitations for using restored annual leave are suspended for the entire period during which employees' services are determined to be essential for activities associated with the national emergency. At the end of the national emergency, or when the services of the employee no longer are determined to be necessary, a new time limit will be established for using all restored leave available to the employee.

As a result, the permanent supervisor of record will document the exigency simply by sending an email to the following Outlook email address: AFDW/A1CE Workforce Effectiveness Branch with a courtesy copy to the in-theater supervisor. The email will state that the employee's services were determined to be necessary for current national emergency (Iraq/Afghanistan, etc.) and include the employee's total amount of "use or lose" annual leave as of 12 Jan 2013. The deployed employee is responsible for ensuring, upon return to their permanent position of record, that AFDW/A1CE knows they have returned. AFDW/A1CE will determine the new date by which the employee must use their restored annual leave.

**USING RESTORED LEAVE**

Restored Leave must be used by the end of the leave year ending two years after the termination date of the exigency that resulted in the forfeiture of the annual leave especially when small amounts (5 days or less) are involved. In the case of large amounts of restored leave, it may be appropriate to prorate the use over the entire 2 year limit or such lesser times as deemed warranted. Restored leave should be used before using regularly accrued leave.