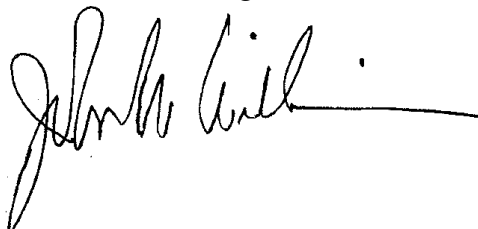


For: FSA, RMA, and FAS Employees, Except Overseas Employees

**Using Annual Leave to Avoid Forfeiture
and Exigency/Year 2000 (Y2K) Regulations**

Approved by: Acting Deputy Administrator, Management



1 Overview

A

Purpose

This notice reminds employees:

- that **annual leave** exceeding their maximum carryover will be forfeited if it is not used or donated before the end of pay period 26, January 1, 2000, except employee's identified by their supervisor as Y2K critical or employee's granted an exigency of public business

Note: See paragraphs 5 and 6 for details.

- about **compensatory** leave rules
- about **donating leave** that might otherwise be forfeited.

<p>Disposal Date</p> <p>March 1, 2000</p>	<p>Distribution</p> <p>All FSA, RMA, and FAS employees, except overseas employees; State Offices relay to County Offices</p>
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2 Maximum Annual Leave Carryover

A

240-Hour Carryover

Only 240 hours of regular annual leave may be carried forward into the new leave year (LY).

B

Exempted Employees

Employees, who are exempt from the 240-hour rule, may contact their servicing personnel office to verify the status of their current annual leave ceiling.

C

FAS Employees Reassigned to U.S.

Employees reassigned and returning to U.S., after serving overseas, fall back to an entitlement of 240 hours as their annual leave ceiling. **However**, they may retain a higher ceiling of up to 360 hours of annual leave as long as their annual leave balance, at the **end of the LY**, does not fall below either of the following:

- 360 hours
- the leave ceiling they established upon their return.

Note: During the LY, a returning FAS employee's annual leave balance may fall below 360 hours or their established leave ceiling, **but** their annual leave balance at the end of the LY must have accrued back up to 360 hours or their desired leave ceiling **before the end of the LY** to retain the higher annual leave ceiling.

3 Compensatory Time

A

Rules

Compensatory leave must be used before annual leave, **except** at the end of the LY when usage would result in forfeiture of annual leave.

B

Time Limit

Compensatory leave should be used by the end of the LY **following** the LY in which it was earned.

C

Unused Compensatory Time

Employees not using compensatory time within the timeframe mentioned in subparagraph B shall be paid for their compensatory time at the overtime rate in effect when the compensatory time was earned.

Note: For payment of compensatory leave, employees shall contact their servicing personnel office.

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4 Donating Excess Annual Leave

A

Donations

Under the voluntary leave transfer program, Federal employees may donate their excess annual leave to another Federal employee or employees who are approved as leave recipients. CO County Office employees may do the same for an approved CO County Office leave recipient.

LY donation limits are the lesser of the following:

- one-half of their accrued annual leave entitlement for LY 1999
- the number of scheduled workhours remaining in the LY.

Exemptions to these limitations may be granted by the leave transfer coordinator in your servicing personnel office when the recipient being donated to is still in need of leave.

Note: By law, Federal employees **cannot** donate to CO County Office employees or vice-versa.

B

Eligible Recipients

For a list of Federal employees who are approved as leave recipients, contact the leave transfer coordinator in your servicing personnel office.

State Offices shall maintain a list of approved CO County Office leave recipients within their State. State Offices may FAX a copy of their recipient list to other States and/or to Sally Reed at 202-418-9129 for distribution nationwide.

5 Exigency of Public Business

A

**Definition of
Exigency of
Public Business**

The following is the legal definition of an exigency of public business.

An exigency occurs when a critical need is sudden or unexpected, an emergency, or a pressing necessity, characterized by additional work with deadlines required by statute, Executive Order, court order, regulation, or formal directive from the head of an agency or designee.

A heavy workload or recurring cyclical peak, alone, does **not** constitute an exigency.

B

**Exigency
Approval**

The approval of exigencies shall be done on an individual, case-by-case, situation-by-situation basis. Questions about the appropriateness of an exigency request may be discussed with an approving official or their designee. See paragraph 7.

6 OPM's Y2K Exemption Ruling

A

Final Y2K Rule

This paragraph contains a summary text from OPM's Final Rule, which affects employees who have been identified by their supervisor as working on Y2K computer conversion efforts. This would include Y2K computer conversion projects or any Y2K computer-related operational problems.

OFFICE OF PERSONNEL MANAGEMENT
5 CFR Part 630

Absence and Leave

AGENCY: Office of Personnel Management.

ACTION: **Final rule.**

SUMMARY: The Office of Personnel Management is issuing final regulations to aid agencies and employees involved in Year 2000 (Y2K) computer conversion efforts. The regulations provide that excess annual leave forfeited by employees who are unable to schedule and use their leave as a result of Y2K computer conversion efforts will be deemed to have been scheduled in advance and therefore eligible for restoration (of forfeited annual leave).

EFFECTIVE DATE: August 25, 1999.

7 Approving Officials for Exigencies and Y2K

A

Approving Officials

Only the Administrators of FAS, RMA, and FSA and their designees have the authority to declare and/or approve an exigency of public business or Y2K exemption for an employee or group of employees. FSA designees are:

- Deputy Administrators
- SED's
- Deputy Directors, KCMO
- Director, KCCO.

Approving an exigency or Y2K exemption allows personnel to restore an employee's forfeited annual leave. See paragraph 8 for responsibilities and action.

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8 Responsibilities and Actions

A Supervisory Action

Managers and supervisors shall:

- discuss leave plans with employees needing to use **excess** annual leave
- require SF-71's for the use of **excess** annual leave be submitted no later than November 19, 1999, **except** for those employees who qualify for OPM's Y2K exemption
- approve SF-71's submitted for use of excess annual leave and compensatory time

Note: If the use of excess annual leave must be denied or later canceled, the word "canceled" or "denied" shall be written across SF-71 and the reason documented.

- document, sign, and forward requests for an **exigency of public business** to the appropriate approving official or designee listed in subparagraph 7 A

Note: Include the names of the affected employee, justification for the exigency, and a copy of the canceled or denied SF-71's

- document, sign, and forward the names of employees who will forfeit annual leave because of their work on **Y2K computer conversion efforts** to the appropriate approving official or designee listed in subparagraph 7 A

Note: Employees, who have **completed** their Y2K conversion projects, still have time to schedule the use of their excess annual leave

- ensure that **exigency** and **Y2K** approval documentation is forwarded to your Exigency/Restoration Coordinator listed in subparagraph 8 D **after** it has been approved by one of the "approving officials" listed in subparagraph 7 A

Note: This documentation should be received by your Exigency/Restoration Coordinator no later than the end of pay period 1, 2000.

- advise employees who are on sick leave pending approval of disability retirement to use their excess annual leave or risk forfeiture at the end of the LY.

Continued on the next page

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8 Responsibilities and Actions (Continued)

B

Employee Action

Employees shall:

- review projected annual leave balance for excess annual leave
- review and determine whether any compensatory leave hours should be used before the end of the LY

Note: See paragraph 3.

- schedule the use of **excess** annual leave by submitting SF-71 to your supervisor by November 19, 1999, **except** when you have been identified by your supervisor as exempt from this requirement because of your Y2K computer conversion efforts

Note: Y2K identified employees are **not** required to schedule the use of their excess annual leave.

- retain a copy of any SF-71's where the use of excess annual leave has been denied or canceled because of an exigency of public business.
-

C

**Exigency/
Restoration
Coordinator
Action**

The Exigency/ Restoration Coordinators will process annual leave restorations for **exigency** and **Y2K** approved employees in pay period 2, 2000 or as soon afterwards as possible. See subparagraph 8 D for a table identifying the FFAS Exigency/Restoration Coordinators.

Continued on the next page

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8 Responsibilities and Actions (Continued)

D

Contacts

If there are questions about this notice, contact the appropriate Exigency/Restoration Coordinator according to this table.

Location	Exigency/Restoration Coordinator
FSA County Office (Federal employees) FSA County Offices (CO employees)	State Office
FSA State & Field Offices RMA (Kansas City Offices)	Contact either of the following: <ul style="list-style-type: none">• Carolyn Layden, KCMO, PD 816-926-6709 (voice) 816-926-5609 (FAX)• Myrna Highlander, KCMO, PD 816-926-6184 (voice) 816-926-5609 (FAX)
FAS & FSA National Office RMA, except Kansas City	Sally Reed, HRD, PMBAB 202-418-9032 (voice) 202-418-9129 (FAX) Sally_Reed@wdc.fsa.usda.gov
