

Special Leave Procedure

A Special Leave Procedure memorandum is not considered to be a disciplinary action but is an attempt to correct a difficult attendance issue. If appropriate, supervisors should also consider referring an employee with attendance problems to the HRO Employee Assistance Program (EAP) in an effort to resolve any contributing personal problems.

It is also important to become familiar with employee entitlements under the Family and Medical Leave Act (FMLA) and any entitlement an employee may have to use sick leave for purposes of family care. Different requirements and procedures apply for employees who are requesting leave under these authorities. You should contact the Human Resource Office with questions regarding the requirements and procedures that apply.

Point's of Contact:

Employee Relations Specialist: 304-561-6431

Employee Assistance Program Manager: 304-561-6430

Reference:

<http://www.opm.gov/flsa/oca/leave/index.asp>

STATE OF WEST VIRGINIA
ADJUTANT GENERAL'S DEPARTMENT
1703 COONSKIN DRIVE
CHARLESTON, WV 25311-1085

OFFICE SYMBOL

Date: XXXXXX

MEMORANDUM FOR XXXXXX

SUBJECT: Special Leave Procedures

1. This memorandum is official notice that your current leave records from [date] through [date] reveals an unsatisfactory pattern of leave use and absenteeism. You have used [#] hours of annual leave and [hours] of sick leave in approximately [#] months. Most of these hours were not scheduled in advance. I have discussed my concern over the use of your leave on several occasions, the last being [date], in an attempt to assist you in improving your attendance. Because no improvement has been shown, these special procedures for requesting leave are being provided to you. It is hoped that these detailed procedures for requesting leave will assist you with improving your attendance.

2. As a provision of these special leave procedures, effective the date of this memorandum, you are required to [modify the next part of the sentence to meet your needs] *example: sign in when you arrive in the morning and sign out upon departing in the evening, using ITAS, the automated timekeeping system OR a sign in/ sign out log will be located in [location]. The self-certification log can no longer be used to document your work hours.* In addition, beginning on the date of this memorandum, you are to follow the procedures specified below to request approval for your absence:

a. Hours of Duty: Your scheduled tour of duty is [specify].

b. Annual Leave: An employee may use annual leave for vacations, rest and relaxation, and personal business or emergencies. Leave approving officials may, consistent with operational demands, prescribe when annual leave may be taken, refuse to grant annual leave, or revoke annual leave that has been granted and recall an employee to duty.

c. Non-Emergency Requests for Annual Leave: You must request leave using the automated Time and Attendance System [or by submitting the SF 71, Application for leave, if applicable] and receive approval at least [number] full workdays in advance, for use of annual leave of [number] days or less in duration. Requests for more than [number] days annual leave must be made at least one week in advance.

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d. Emergency Requests for Annual Leave/ Late Arrival/ Early Departure: It is expected that emergency requests for annual leave will be kept a minimum. However, in those rare instances that you are unavoidable late for work, or require a period of emergency leave of less than a full work day, you must request in accordance with paragraph d(1) before [specify the time the employee's tour of duty begins or the time as required by the needs of the office] of that day. If additional emergency leave is needed at the expiration of the initial period of approved emergency leave, you must obtain approval again in accordance with paragraph d(1) below no later than [specify time limit] after you were expected.

(1) If your reason for requesting emergency leave is not acceptable as determined by the leave approving official, you will be charged AWOL in quarter hour increments, and you must comply with the provisions of paragraph h before consideration will be given to changing the AWOL charge to approved leave.

(2) Requests for emergency annual leave must be made by you personally and may not be made via a message left on voice mail; requests on your behalf by others will not be approved.

e. Unscheduled Requests: Leaving the work site before the end of your tour of duty that are made on that same day should be kept to a minimum. You must make these requests, personally, in accordance with paragraph E below before you leave the workplace. Notification of your need to leave during the workday made via a message left on voice mail, a note from you, a message left with a co-worker, or e-mail message is not acceptable. Failure to personally request and obtain approval prior to leaving will be considered a violation of these special leave procedures and will result in your absence being charged as AWOL in quarter hour increments.

f. Sick Leave- Requests for Leave for Scheduled Medical and/or Dental Appointments: Sick leave requests for scheduled medical and dental appointments must be made in writing [#] full workdays in advance and must be made using ITAS [or by submitting an SF-71, if applicable] in accordance with paragraph E below. An adequate and reasonable amount of sick leave will be approved to allow for the visit and travel to and from the doctor's office provided you obtain and present an original statement personally signed by the doctor on his/her letterhead stationary certifying that you were under his/her care and the time period you were at the doctor's office. This certificate must be submitted to me immediately on the day you return to duty. Failure to provide certification upon your return to duty will be considered a violation of these Special Leave Procedures and may result in your being charged as AWOL for your absence.

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g. Requests for Leave in Cases of Illness: In the event that you are ill and unable to report to work, you must request leave in accordance with paragraph d(1) before [specify the time the employee's tour of duty begins]. You must call before [specify the time the employee's tour of duty begins] each workday that you are ill, unless you are hospitalized or otherwise officially excused. Requests must be made by you personally and may not be made via a message left on voice mail. Telephone calls may be made by someone else only if it is impossible for you to do so personally. Failure to appropriately request sick leave each working day will be considered a violation of these special leave procedures and may result in charges of AWOL.

(1) For periods of illness of [#] workday[s], you must provide an administratively acceptable, original medical certificate personally signed by your doctor on his/her letterhead specifying the date(s) you were seen by the doctor and providing a reason(s) why you were unable to report to duty and/or perform the duties of your position. Depending upon the circumstances, you may be required to submit medical documentation. Failure to provide the required medical documentation will be considered a violation of these special leave procedures and may result in your absence being charged as AWOL.

(2) If you become ill after you arrive for the workday, you must request and obtain approval for leave in accordance with paragraph E. below before you leave the workplace. The request must be made personally by you, not via a message left on voice mail, a note from you, a message left with a co-worker, or an e-mail message. You will need to provide medical documentation as specified in paragraph C.2(b) above. Failure to personally request and obtain approval prior to leaving the work site and/or failure to provide medical documentation will be considered a violation of these Special Leave Procedures and may result in your absence being charged as AWOL.

(3) Requests for sick leave for purposes of family care are subject to the same requirements for requesting and receiving approval of leave as described in paragraph 2 (a) through (c) above. Medical documentation will be required. In addition, to use sick leave for purposes of family care requires that you maintain a minimum specified sick leave balance, and only a specified number of hours per leave year may be used for this purpose. Please see me concerning any questions you may have about using sick leave for family care.

h. Requests for Leave Without Pay: Requests for leave without pay must receive prior approval and will be subject to either the annual or sick leave approval procedures outlined above, depending on the circumstances necessitating the request. Please remember that LWOP need not be granted even if you have a legitimate need to be absent from work.

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(1) If you are requesting leave without pay for reasons that may qualify you for a grant of leave under the Family and Medical Leave Act (FMLA), i.e., for the birth and care of your child; the placement of a child with you for adoption or foster care; for the care of your spouse, son, daughter, or parent with a serious health condition, as specifically defined by the FMLA; and/or for a serious health condition that renders you unable to perform one or more of the essential functions of your position, you must notify me not less than 30 calendar days before the date the leave is to begin or, should circumstances warrant, as soon as is practicable.

(2) Appropriate medical certification will be required and must be provided to me no later than 15 calendar days after the date that I request it. If despite your diligent, good faith efforts it is not practicable to provide the medical certification within 15 calendar days, you must provide it within a reasonable time, under the circumstances involved, but no later than 30 calendar days following my request. Leave under the FMLA may not be invoked retroactively. Questions regarding any entitlement you may have to leave under the FMLA and the procedures that apply should be directed to me.

i. Authorized Personnel to Contact: Only the following persons are authorized to accept your leave requests or calls from you regarding absences and to approve or disapprove your request for any type of leave and must be contacted personally in the order shown:

1st –

2nd –

3rd –

(1) Notification to individuals other than those listed in paragraph 3 a. above is not acceptable, will be considered a violation of these special leave procedures, and may result in charges of AWOL. In the event that none of the individuals listed in paragraph 3. a. above are available when you call to request emergency leave, you must leave a telephone number where you may be reached, and your call will be returned. Requests for approval of your absence may not be made by voice mail message.

j. "Unscheduled Leave Policy": In the rare cases where the federal government is operating under an "unscheduled leave policy", you may take leave without prior approval but you must notify your supervisor of your intent to take annual leave or LWOP. In these instances only, you may call your supervisor and leave a message.

k. Charging Leave: Annual or sick leave, leave without pay, or AWOL will be charged at the rate of one-fourth hour for each one-fourth hour of absence or less.

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I. Requests to Have AWOL Charges Changed to Approved Leave: When you return from a period of unexcused absence (AWOL), acceptable evidence to substantiate the existence of an emergency (or an acceptable explanation, in writing, of the reason documentation of the emergency is not available) and/or the reason for failure to follow these Special Leave Procedures will be required before consideration will be given to changing the AWOL to an approved absence.

3. At this time, it is important that you understand that it is your responsibility to correct your attendance pattern and that charges of AWOL can and will be the basis for my proposing disciplinary action. Continued charges of AWOL will be the basis for my proposing progressively substantive disciplinary actions and ultimately may be the basis for proposing your removal from your position and from the federal government.

4. These Special Leave Procedures will remain in effect until you are notified in writing that your attendance has improved to the point that the procedures no longer must be followed. The need for these procedures will be reviewed periodically [specify time period, e.g. will be reviewed in six months]. It is my sincere wish that you take the necessary steps to correct your unsatisfactory attendance record. If there is anything I can do to assist you, please do not hesitate to ask.

SUPERVISOR NAME
COL, AG, WVARNG
Title

CF: HRO (w/encl)

Technician Signature (Receipt Acknowledged)

Date