Effective Date:
Series: Administrative
Part 370.630: Attendance and Leave
Chapter 4: Sick Leave

Originating Office: Personnel Division, Office of Administration and Budget

1. **Accrual and Accumulation**. Sick leave is available at the beginning of the pay period in which it accrues. Sick leave accrues each pay period while an employee is in a pay status with the following exceptions:

A. Fractional Pay Periods. Sick leave does not accrue during the fractional pay period in which an employee enters on duty or is separated.

B. Lump Sum Payments. Sick leave does not accrue during the period covered by a lump sum payment.

C. Leave Without Pay (LWOP). Sick leave accrues to a full-time employee while on LWOP. However, for each 80 hours of LWOP accumulated (or combination of LWOP and other types of absence in nonpay status), sick leave credits are reduced by 4 hours. No leave accrues when an employee has been on LWOP for an entire year.

D. Rate of Accrual. Employees of the MMS (except those employed on an intermittent basis) can earn sick leave as follows:

Type of Employment	Accrual Rate Per Pay Period
Full-time	4 hours
Part-time	1 hour for each 20 hours in pay status

E. Maximum Accumulation. There is no limitation on the amount of sick leave that may be accumulated and carried forward from 1 year to another.

2. **Granting Sick Leave**. Sick leave may be granted under the following conditions:

A. Illness. Sick leave may be granted for an employee's incapacitation by sickness, injury, pregnancy, or confinement.

B. Medical Treatment. Sick leave may be granted for medical, dental, or optical examination or treatment of the employee.

C. Caring for Family Member.

(1) Most Federal employees may use a total of up to 12 administrative workweeks of sick leave each leave year to care for a family member with a serious health condition. If an employee previously has used any portion of the 13 days of sick leave for general family care or bereavement purposes in a leave year, that amount must be subtracted from the 12-week entitlement. If an employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, they cannot use an additional 13 days in the same leave year for general family care purposes. An employee is entitled to a total of 12 weeks of sick leave each year for all family care purposes.

(2) The term serious health condition has the same meaning as used in OPM's regulations for administering the Family and Medical Leave Act of 1993 (FMLA). That definition includes such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy, and childbirth. The term serious health condition is not intended to cover short-term conditions for which treatment and recovery are very brief. The common cold, the flu, earaches, upset stomach, headaches (other than migraines), routine dental or orthodontia problems, etc., are not serious health conditions unless complications arise. The agency may require medical certification of a serious health condition.

(3) The same limitations apply to the use of sick leave to care for a family member with a serious health condition as apply to the use of sick leave for general family care or bereavement purposes. A full-time employee may use 40 hours (5 workdays) of sick leave each leave year for these purposes. An employee may use an additional 64 hours (8 days) of sick leave for general family care or bereavement purposes or to care for a family member with a serous health condition, if the employee maintains a balance of at least 80 hours of sick leave in their account. Only the first 40 hours of sick leave (or a proportional amount for an employee on a part-time schedule or uncommon tour of duty) may be advanced.

3. **Minimum Charge**. The minimum charge for sick leave is 15 minutes. Additional charges are in multiples thereof.

4. **Sickness during Annual Leave**. When sickness occurs within a specified period of annual leave, sick leave may be substituted upon prompt submission of supporting evidence.

5. **Absence for Maternity**.

A. Employee's Responsibility. In the interests of the employee's health and to enable the supervisor to make work plans, the employee should report the pregnancy as soon as it is an established fact. Additionally, the dates and types of leave to be requested should be specified as soon as possible.

B. Supervisor's Responsibility. If requested by the employee, the supervisor should ascertain that working conditions are not hazardous to the employee's health, obtaining medical advice if necessary. After consulting her physician, if the employee requests modification of her duties, every reasonable effort should be made to accommodate her request. The supervisor may

require the employee to obtain from her physician a medical certification explaining the limitations recommended.

C. Type of Leave Which Can Be Used. Sick leave is granted only to cover the time required for physical examinations and the period that the employee is incapacitated. (See chapter 9 of this issuance for information on the FMLA.) After delivery and recuperation, sick leave may not be granted when the employee desires a period of adjustment or to care for the child. Such additional absence is covered either by the FMLA leave without pay option or annual leave. Should the employee require hospitalization or extended medical treatment after delivery, a request for additional sick leave must be submitted to the employee's supervisor. Only if the employee plans to return to work may LWOP be granted.

D. Incapacitation for Duty and Resignation. An employee who is incapacitated for duty and does not plan to return to work shall be separated at the expiration of his/her accumulated and accrued sick leave or at such earlier date as may be required (such as a reduction in force), provided a medical certificate that covers the entire period of incapacitation has been submitted. Such granting of sick leave cannot be made if the employee is not incapacitated at the time she submits her resignation prior to delivery.

6. **Terminal Sick Leave.** (Approved absence immediately before an employee's separation when the agency knows the employee will not return to duty before the date of his/her separation) An employee who resigns while on approved sick leave may be granted accumulated and accrued sick leave prior to separation, provided that the medical certificate includes a statement that, for medical reasons, the employee will be (or was) unable to work for the period of sick leave. The granting of sick leave under these circumstances is an administrative matter and not a matter of right.

7. **Applying for Sick Leave.**

A. Illness. Notification of illness must be given to the supervisor as soon as possible on an employee's first day of absence.

B. Medical Appointment. Sick leave requests for medical, dental, or optical examinations, or any treatment planned in advance, require prior approval by the supervisor. Except in emergencies, the request must be submitted at least 1 day in advance of the absence.

C. Supporting Evidence. A grant of sick leave must be supported by evidence that is administratively acceptable. Regardless of the duration of the absence, an employee's certification as to the reason for their absence may be considered as administratively acceptable evidence. However, for an absence in excess of 3 workdays, or for shorter periods when determined necessary by a supervisor, a medical certificate or other administratively acceptable evidence as to the reason for the absence is required.

8. **Advancing Sick Leave.** Sick leave may be advanced even though the employee has annual leave to their credit. Advanced sick leave requests are submitted by the employee, recommended by the supervisor and approved one level above the immediate supervisor. Sick leave should be

advanced only in cases of serious disability or ailment and when required by the exigencies of the situation.

A. Applying for Advance Sick Leave. Form SF-71, Application for Leave, or other appropriate written request is required for all advanced sick leave. The application with the appropriate approval shall be maintained with the employee's time and attendance records.

B. Limitations for Type of Appointment. An advance of sick leave for full-time employees shall be for not more than 30 workdays or 240 hours. An employee working a part-time tour of duty of 20 hours a week can be advanced 120 hours of sick leave, while an employee working 30 hours a week can be advanced up to 180 hours. However, an employee with a limited appointment may be advanced only the sick leave which will be earned in the remaining period of the appointment.

C. Limitations Due to Indebtedness. Sick leave may not be advanced if it increases the employee's existing sick leave indebtedness to a total of more than 240 hours.

D. Returning to Duty. Sick leave shall not be advanced when it is known at the time that the employee will not return to duty. The filing of an application for disability retirement precludes an advance of sick leave.

9. **Indebtedness for Sick Leave.**

A. At Separation. An employee indebted for unearned sick leave shall refund the amount paid for such excess, except in cases of death, retirement for disability, or inability to return to duty because of disability. However, a medical certificate must support disability cases. Employees entering active military service with restoration rights are not considered separated for this purpose.

B. At the End of Leave Year. Overdrawn sick leave is forwarded for charge against the subsequent year's sick leave earnings.

10. **Recredit of Sick Leave.** A former employee is entitled to a recredit of sick leave regardless of the date of their separation if they are reemployed in the Federal Government on or after December 2, 1994, unless the sick leave was forfeited upon re-employment in the Federal Government before December 2, 1994.

A. Documentation Required. The documentation must support the recredit of sick leave and must specify the date of separation from the Federal Government and the amount of sick leave to be recredited. Documentation can be obtained from:

(1) The employing agency, from its official personnel records concerning the employee.

(2) The official records of the employee's former employing agency.

(3) Copies of earnings and leave statements provided by the employee.

(4) Copies of other contemporaneous written documentation acceptable to the supervisor.

B. Former Employees of the Government of the District of Columbia. An individual who was first employed by the government of the District of Columbia before October 1, 1987, and who has had a break in service is entitled to a recredit of sick leave regardless of the date of their separation if they return to Federal employment on or after December 2, 1994, unless the sick leave was forfeited upon reemployment in the Federal Government before December 2, 1994.

C. Reemployed Annuitant. A reemployed annuitant can have a recredit of sick leave; however, any sick leave creditable in the annuity computation is not available for use as sick leave. Recredited sick leave will be added to the reemployed annuitant's current sick leave account for use in their current employment. If the reemployed annuitant qualifies for a supplement (a supplemental annuity accrues after one actual, continuous year of full-time reemployment or the part-time equivalent) or redetermined annuity (accrues after five or more actual, continuous years of full-time reemployment or the part-time equivalent) under the Civil Service Retirement System, any unused sick leave in the employee's sick leave account upon separation after reemployment may be included in the computation of the supplemental or redetermined benefit.