

# Article 15 Annual Leave

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## **Section 1**

Employees will earn annual leave in accordance with applicable statutes and regulations.

## **Section 2A**

Annual leave will be charged in increments of one-quarter hour and requested in increments of not less than one-quarter hour.

## **Section 2B**

The use of annual leave is a right of the employee subject to the approval of the Employer. Leave-approving officials (LAO) may, consistent with operational demands, workload and with consideration of optimal staffing levels, determine when annual leave may be taken, refuse to grant annual leave, or revoke annual leave that has been granted, which may require recalling an employee to duty.

## **Section 2C**

Requested leave must not be considered officially authorized until approved by the LAO.

## **Section 2D**

The Employer shall not deny the use of annual leave as a disciplinary measure. Leave will not be denied for arbitrary or capricious reasons.

## **Section 2E**

Annual leave requests for employees in travel status are subject to the same provisions of this Article and Article 42, Travel.

## **Section 2F**

If leave is denied, upon the employee's request, the Employer will provide reasons for the denial in writing to the employee, which may be by email.

## **Section 2G**

It is the responsibility of the employee to request annual leave in advance. However, when an employee is unable to make the request in advance due to unforeseen circumstances, the use of leave may be approved.

## **Section 2H**

Employees must report to work or have leave approved, every day, no later than the beginning of her/his fixed tour of duty or, for an employee working a flexible tour of duty, no later than her/his normal starting time or the start of core hours if s/he does not have a normal starting time. Supervisors may waive this requirement and approve annual leave after-the-fact for unexpected delays of an urgent nature which cause a later arrival. This provision does not alter the right to have other leave approved consistent with the terms of other leave articles in this contract.

## **Section 2J**

When an employee has not received advance approval for leave but is not able to report to work for personal reasons, the employee must, by no later than his/her normal starting time or the start of core hours, whichever is earlier, speak directly to her/his leave-approving official (his/her superior or designee) or leave a voicemail and/or e-mail message, with a return number, for that official, requesting leave and giving the reason for not having secured advance approval. The leave-approving official will approve or deny the leave requested.

## **Section 3A**

Employees are encouraged to submit requests for annual leave as far in advance as possible. Extended leave requests (any request for annual leave for periods of five (5) or more consecutive workdays and/or days off immediately preceding or following a holiday) should be submitted in advance. Such requests for annual leave will be approved or denied prior to the date the leave is needed, but, unless the workload can be properly assessed for the requested period, no later than ten (10) workdays after receipt of the request. During period of high leave use or operational needs, the Employer may require that extended leave requests be submitted by a specific date.

## **Section 3B**

When an employee's request for extended annual leave conflicts with the request(s) of other employee(s) for the same date(s), the employees affected who are equally-qualified and capable of performing the needed work during that period will first try to resolve the conflict in requests informally. If resolution is not possible, the determination will be made by the supervisor, based on the dates on which the conflicting requests were submitted, seniority (based upon service computation date), prior leave approved for that period if close to a holiday and operational demands.

## **Section 4A**

An employee may be permitted to change scheduled leave that s/he had requested to another time. Such changes will be considered and approved in accordance with section 2 above.

## **Section 4B**

Employees will be provided with the opportunity, where practical, to use any annual leave earned that will be in excess of the maximum allowable carry-over (so-called "use-or-lose") at some time during the course of the leave year so as to avoid losing annual leave. Each employee will monitor her/his annual leave account in order to make appropriate advance requests to the Employer for leave for vacation and other purposes which will contribute toward avoiding loss of annual leave.

## **Section 4C**

Not later than September 15th of each year, the Employer will remind employees of a need to request annual leave to avoid forfeiture of "use-or-lose" leave.

## **Section 5**

Employees, upon request, may change previously-authorized annual leave to sick leave, where sick leave is appropriate.

**Section 6A**

Consistent with the applicable HHS Instruction at the time of the request and the provisions of this Article, the Employer will consider and may in its discretion grant requests for advance annual leave upon proper application, when:

non-repetitive, non-routine circumstances exist;

the employee is eligible to earn annual leave;

the request does not exceed the amount of annual leave that the employee would earn during the remainder of the leave year or the remainder of her/his appointment, whichever is shorter; and

The Employer has reasonable assurance that the employee will return to duty and is not contemplating retirement or resignation.

**Section 6B**

Annual leave earned on a current basis may not be used except in extenuating circumstances, until the amount of annual leave advanced to the employee has been repaid.

**Section 6C**

Employees must repay any leave advanced and not earned at the time of separation except no repayment is necessary if the separation is due to the employee's death or disability retirement.