



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

OPI: HRD/PDB
NUMBER: 3630.02
DATE: February 1, 2017

Leave and Benefits

/s/

Approved: Thomas R. Kane
Acting Director, Federal Bureau of Prisons

PURPOSE AND SCOPE

This Program Statement covers a broad range of areas related to leave and benefits with the Federal Bureau of Prisons.

a. Program Objectives. The expected results of this program are:

Staff will be aware of workplace flexibilities and work life programs available for them.

b. Summary of Changes

Policy Rescinded.

P3620.02 Telework Program (Non-Bargaining Unit Employees) (3/12/2010)

A number of sections from the Program Statement **Human Resources Management Manual** have been extensively updated and included in this policy: 630.1, 630.2, 630.3, 630.4, 630.5, 640.1, 810.1, 831.1, and 875.1.

c. Institution Supplement. None required. Should local facilities make any changes outside the required changes in the national policy or establish any additional local procedures to implement the national policy, the local Union may invoke to negotiate procedures or appropriate arrangements.

REFERENCES

Program Statements

P1237.14	Personal Computers and Network Standards (5/7/07)
P1237.16	Information Security (9/27/16)
P2200.03	BOP Temporary Duty (TDY) Travel Regulation (8/26/16)
P3420.11	Standards of Employee Conduct (12/6/13)
P4100.05	Bureau of Prisons Acquisition Policy (3/3/16)

BOP Forms (available on Sallyport and attached to policy)

BP-A0832	Voluntary Leave Transfer (VLTP) and Voluntary Leave Bank (VLBP) Recipient Application
BP-A0899	Telecommuting Agreement Form
BP-A0901	Telecommuting Request Form
BP-A0926	BOP Secure Portal Request and Agreement Form
BP-A1086	Annual Leave Credit Form
BP-A1087	Annual Leave Credit Service Agreement
BP-A1088	Written Agreement – Additional Tour of Overseas Duty for Home Leave Entitlement
BP-A1090	Compressed Work Schedule (CWS) Agreement
BP-A1091	Compressed Work Schedule (CWS) Request
BP-A1092	Compressed Work Schedule (CWS) Supervisory Pre-Implementation Questionnaire
BP-A1093	Request for Restoration of Forfeited Annual Leave
BP-A1094	Supervisory Assessment of Compressed Work Schedule
BP-A1109	BOP Telework Agreement Form

ACA Standards (see P.S. Directives Management Manual, sections 2.5 and 10.3)

- American Correctional Association Standards for Adult Correctional Institutions, 4th Edition: 4-4048, 4-4065
- American Correctional Association Performance Based Standards for Adult Local Detention Facilities, 4th Edition: 4-ALDF-7E-01, 4-ALDF-7E-03
- American Correctional Association Standards for Administration of Correctional Agencies, 2nd Edition: 2-CO-1C-01, 2-CO-1C-04, 2-CO-1C-22

Records Retention

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on Sallyport.

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Section 1. Administrative Leave

1. PURPOSE AND SCOPE

This policy establishes criteria for granting administrative leave to an employee or placing an employee on administrative leave. Although the term “administrative leave” is not specifically recognized in legislation or regulation, for the purposes of this chapter, administrative leave and excused absence are deemed interchangeable.

References

DOJ Order 1630.1B, Leave Administration (7/22/91)

2. CRITERIA

An excused absence is an absence from duty that is administratively authorized without loss of pay or charge to leave. When the agency grants or places an employee on administrative leave, it does not restrict the activities of the employee any more so than the employee who is granted sick or annual leave; nor does the agency require the employee to remain at their residence.

Administrative leave may be granted to an employee as deemed necessary. The determination will be made by the approving officials identified in this chapter. A high level of discretion must be used when granting administrative leave to ensure the request meets the intent of this policy. Administrative leave is only granted when no other statute, regulation, or executive order operates directly to relieve employees from duty.

Supervisors may grant up to one hour of excused absence at their discretion. Approval for time in excess of one hour must be requested and approved by the Director.

All requests for administrative leave in excess of 10 work days must be submitted to the Assistant Attorney General for Administration or his/her designee.

3. ADMINISTRATIVE LEAVE DUE TO HAZARDOUS WEATHER CONDITIONS

At times, hazardous weather conditions may prevent employees from reporting to work. During those instances, the employee may request administrative leave for the absence.

a. **Individual Requests.** The employee must prepare a request for administrative leave and submit to his/her Chief Executive Officer (CEO) through his/her supervisor. The request must identify the date of the absence and the number of hours requested, and provide a justification for the absence. All requests must be reviewed and routed with recommendations by the CEO/Branch Chief and the appropriate regional officer/Assistant Director, then submitted to the Staffing and Employee Relations Section, who will route to the Director for approval.

b. Requests for a Group of Employees. When multiple employees request administrative leave due to the same circumstances (winter storm, tornado, etc.), each requestor must submit an individual memorandum which identifies the date(s) of the absence, number of hours requested and provides a justification for the absence. All of the requestors must be listed on one cover memorandum routed through the CEO/Branch Chief and Regional Director/ Assistant Director to the Assistant Director, Human Resource Management Division, with each employee's individual request as an attachment (see above for information required in the individual request). This memorandum and supporting documentation is submitted to the Staffing and Employee Relations Section, who will route to the Director for approval.

Administrative leave will not be granted to employees for the purpose of childcare due to school or daycare closures. Annual leave should be used in those circumstances.

c. Federal Government Closure due to Adverse Weather Conditions. Decisions to close the Federal Government in the Washington Metropolitan Area are made by the Director of the Office of Personnel Management (OPM). Central Office employees follow those OPM guidelines.

For other non-institution locations, the heads of Federal Executive Boards or similar organizations of Federal officials are responsible for the development and dissemination of adverse weather leave policies and procedures for their locales.

Due to the nature of work in Federal correctional facilities, employees deemed essential are responsible for reporting to work. During situations in which adverse weather conditions prohibit an employee from traveling to work, the employee should prepare an individual request for administrative leave as discussed above.

4. ADMINISTRATIVE LEAVE IN CONJUNCTION WITH RELOCATION

The authority to approve administrative leave in conjunction with an employee's relocation to another Bureau facility has been delegated to the Chief Executive Officer (CEO). The employee must prepare a request through his/her supervisor to the CEO for approval. Determination will be made in accordance with the following criteria:

The leave is needed to complete tasks related to the relocation, such as real estate transactions, opening or closing bank accounts, enrolling or withdrawing children from school, packing, loading or unloading household goods, connecting utilities, registering or licensing vehicles, obtaining a driver's license, etc. This leave may not be used to delay the employee's travel en route to the new location.

Employees may be granted up to 40 hours of administrative leave, regardless of whether a move has been paid by the agency for the new position. The employee is not required to take a house-hunting trip to receive the administrative leave. The leave may be used prior to the move, following the move, or in any combination. In no case may the administrative leave exceed 40 hours.

The administrative leave may be taken no sooner than official notification of the relocation, and no later than 90 days after the employee reports for duty or the employee's family vacates the permanent residence at the old duty station.

Administrative leave for relocation purposes may be granted to both an employee and spouse only if the spouse is a Bureau employee and has been accepted for employment at the new location.

5. ADMINISTRATIVE LEAVE IN CONJUNCTION WITH ALLEGATIONS OF SERIOUS MISCONDUCT OR RISK TO WORKPLACE OPERATIONS

The Director of the Bureau of Prisons has the authority to approve up to 10 work days of administrative leave in conjunction with serious allegations of misconduct. As a reminder, the activities of an employee placed on administrative leave are not restricted nor are they required to remain in their residence.

The agency will utilize administrative leave to remove employees from the worksite who pose a significant risk to him-/herself, staff, inmates, or the public, or otherwise be disruptive, detrimental to morale or good order, or an embarrassment to the employer.

6. SITUATIONS THAT WARRANT EXCUSED ABSENCE

Refer to the DOJ Leave Administration Order 1630.1b, Chapter 14, Excused Absence for Individual Employees, for other situations for which administrative leave may be approved.

a. Voting and Registration. An employee may be excused to vote or register to vote in any election or on a civic matter in his/her community as follows:

When the polls are not open at least three hours before or after the employee's regular hours of work, the employee may be granted an amount of excused absence that will permit him/her to report for work three hours after the polls open or leave work three hours before the polls close, whichever requires the lesser amount of time away from the worksite.

Under unique circumstances, when the rule above does not apply, an employee may be excused for additional time on a case-by-case basis. The approved time may not exceed a full day, regardless of the circumstances.

If the employee's voting location is beyond normal commuting distance and vote by absentee ballot is not permitted, the employee may be granted sufficient time off to make the trip and cast a ballot. When more than one day is required to make the trip to the voting place, an unscheduled leave policy will be observed. Time off in excess of one day will be charged to annual leave or Leave Without Pay (LWOP).

An employee who votes in a jurisdiction that requires registration in person may be granted time off to register under the same provisions allowed for voting. However, no time will be granted if registration can be accomplished on a non-workday and the place of registration is within reasonable one-day, round-trip travel distance of the employee's residence.

b. **Blood Donation.** An employee who donates blood may be excused for up to four hours for recuperative purposes.

c. **Employee Assistance Program Counseling.** An employee should be granted administrative leave to attend counseling sessions with an EAP counselor. An employee who is referred for treatment outside of the free sessions must request sick leave, annual leave, or Leave Without Pay for such treatment.

The employee's immediate supervisor is the approving authority for excused absences for the situations listed in Section 6. The supervisor must determine the employee meets the above criteria.

Section 2. Annual Leave Credit

1. PURPOSE AND SCOPE

To establish procedures for granting applicants annual leave credit.

References

5 CFR part 630

5 U.S.C. § 6303

2. ANNUAL LEAVE CREDIT

a. **Criteria.** The basis for annual leave credit is to credit prior work experience towards an applicant's annual leave accrual rate.

Annual leave credit can be granted for prior work experience acquired through civilian service or active duty in the uniformed services that otherwise would not be creditable in determining the employee's annual leave accrual rate.

Annual leave credit requests are used to attract top-quality candidates from outside Government service whose skills and experience in a prior position are essential to the new position and meet *all* of the following:

The non-Federal duties or active duty uniformed service duties are directly related to the duties of the position for which the candidate is being appointed.

The experience must achieve an important agency mission or performance goal.

The candidate selected is filling a hard-to-fill position.

The annual leave credit request must be approved prior to the applicant's entry on duty date.

It must be the applicant's initial appointment into Government service or after a break in Government service of at least 90 days.

b. **Review and Approval Authority.** The appropriate Chief Executive Officer/Branch Chief must request each annual leave credit request and forward it to the Regional Director/Assistant Director for review and concurrence. The appropriate Human Resource Office submits the annual leave credit request to the Staffing and Employee Relations Section (SERS), which forwards the request to the Bureau Personnel Director, for final approval.

Annual leave credit requests for attorney positions will be approved by the Director, Office of Attorney Recruitment and Management, U.S. Department of Justice.

3. PROCEDURES

The annual leave credit request must contain the following documents for submission to SERS:

Annual Leave Credit Request Memo (Attachment B).

Annual Leave Credit Form (BP-A1086).

Resume.

Annual Leave Credit Service Agreement (BP-A1087).

Copy of the position description and cover sheet.

a. **Annual Leave Credit Request Memo.** The Annual Leave Credit Request Memo (Attachment B) must include the applicant's name, proposed position, location, total amount of service to be credited towards the annual leave credit, and the tentative entry on duty date.

The local Human Resource Office ensures the following factors are addressed in the memo:

- Description of the applicant's prior work experience that is directly related to the position being filled. The description should include details of tasks and duties performed.
- Description of the difficulty in filling the position if an annual leave credit is not granted, based on recruitment and retention efforts and results.
- Discussion on the recent turnover in this position, as well as similar positions. Include factors such as the proportion of positions filled for this occupation, past job offers and acceptance rates, and any related factors.
- Discussion on the impact of labor market factors (i.e., remote location, desire to work in a non-correctional versus correctional environment, higher salaries or incentives offered by private or state organizations) that may affect the ability to recruit high-quality candidates for the position and similar positions.
- Description of how the applicant's experience is directly related to the mission or performance goal.
- Explanation of the special qualifications needed for the position, including OPM qualifications and institution/Bureau requirements.

b. **Annual Leave Credit Form.** The local Human Resource Office must use the Annual Leave Credit Form (BP-A1086) to document non-Federal service that is creditable for the annual leave credit. Only experience that is directly related to the position to be filled should be documented on the form.

The Annual Leave Credit Form is not limited to the applicant's immediate placement in the 6- or 8-hour category, but can be used to credit experience for advanced placement in the 6- or 8-hour category, if lacking the required amount. Reducing the waiting period into the 6- or 8-hour category can be used as a recruitment tool.

Part-time experience that has been determined to be creditable for the Annual Leave Credit must be pro-rated.

When computing the amount of creditable experience for positions that overlap during the same employment period, experience should not be credited for more than the 40-hour workweek.

The local Human Resource Office uses the Annual Leave Credit Form to total all creditable experience, determine the appropriate leave category, and certify by signature that all required documentation is included in the request.

Special Instructions for claiming military service for annual leave credit under this program:

- Military credit is typically credited for leave accrual purposes and does not require the Bureau's Annual Leave Credit Program. HRM Offices seeking guidance for leave accrual purposes related to active duty military service *or* for retired members of the uniformed service *covered* under 5 U.S.C. § 6303(a) should contact the Consolidated Benefits Unit (CBU).
- HRM Offices seeking military credit under the Bureau's Annual Leave Credit Program for active duty service for a retired member of the uniformed services that otherwise *would not be creditable* under 5 U.S.C. § 6303(a) should contact the Staffing and Employee Relations Section (SERS).

c. **Resume.** The resume must contain a detailed description of experience, duties, and other responsibilities that is directly related to the position being filled.

Each position being credited must also contain the beginning and ending dates of employment *and* the number of hours worked per week.

d. **Service Agreement.** Prior to approving an Annual Leave Credit, the affected applicant must sign an Annual Leave Credit Service Agreement (BP-A1087) to complete a minimum of one (1) full continuous year of employment with the Bureau.

Once the employee completes one full continuous year, the period of service that was granted for the annual leave credit is now permanently creditable for determining the employee's leave accrual rate.

If the employee is placed in a leave without pay (LWOP) status while on the service agreement, the service period must be extended by the amount of time in LWOP status.

The only exceptions for employees placed in LWOP status are:

- The employee separates or is placed in LWOP status to perform service in the uniformed services and later returns by exercising restoration rights.
- The employee separates or is placed in LWOP status due to an on-the-job injury that entitles him/her to injury compensation, and who later recovers and returns to work.

e. **Failure to Complete Service Period.** If the employee separates from the Bureau or transfers to another Federal agency prior to completing one full continuous year, the following is applicable:

- The employee is not entitled to keep the additional service credit previously granted under the program.
- The additional service credit is subtracted from the employee's total service credit, and the new service computation date for leave accrual purposes is established.
- The annual leave accumulated by the employee under the program remains to the credit of the employee.
- If the employee transfers to another Federal agency, the remaining balance will be transferred, or, if he/she is separating, a lump sum payment will be made for unused annual leave.

f. **Position Description (PD) and Cover Sheet.** A copy of the PD with all required signatures on the cover sheet is required.

g. **Submission of the Request.** The Annual Leave Credit Request and all required documents should be submitted at least three weeks in advance of the entry-on-duty date to SERS.

Section 3. Telework

1. PURPOSE AND SCOPE

This chapter establishes procedures for the Bureau of Prisons Telework Program. Telework refers to paid employment performed away from the traditional office for an agreed-upon part of the workweek.

Employees may telework from home or from an authorized telecenter. It is important to understand that telework is not an employee right. Federal law requires agencies to establish telework programs but does not give individual employees a legal right to telework. That being said, it is clear that the intent of the laws on telework is to encourage agencies to allow participation in the telework program to the maximum extent possible without diminished employee performance.

Program Objective. The objective is to afford eligible employees the opportunity to participate in the Telework Program.

Telework is an essential part of the Bureau's Continuity of Operations Plan (COOP). In the event of an emergency (e.g., terrorist threats, severe weather, or natural disaster), approved teleworkers are able to ensure the continuity of Bureau operations.

References

Program Statement **Information Security**

Program Statement **Personal Computers and Network Standards**

Program Statement **Standards of Employee Conduct**

DOJ Policy Statement 1200.1, Telework (07/20/2012)

DOJ Order 2640.2F, Information Technology Security (11/26/08)

OPM Guide to Telework in the Federal Government

OPM Washington, DC, Area Dismissal and Closure Procedures (12/2015)

Rehabilitation Act of 1973 (29 U.S.C. § 794d).

Americans With Disabilities Act of 1964 (42 U.S.C. § 2000d)

2. POSITIONS CONSIDERED

Telework-compatible positions are those for which employees can effectively accomplish job functions outside the traditional worksite.

The nature and work composition of a position do not change when the incumbent is teleworking. Supervisors must monitor their employees' work schedules and determine whether

adequate onsite personnel coverage will be provided to ensure the department/work unit's effective and efficient functioning.

The overall interest of the office takes precedence over the employee's ability to work at an alternative worksite.

a. **Impact on Staff.** Managers must ensure an equitable distribution of workload is maintained, and methods should be used to ensure that office employees do not have to handle the telecommuting employee's work.

b. **Employee Performance.** A decision to allow participation in the Telework Program depends upon the supervisor's assessment of several job-related factors, including:

- The employee has shown independence and dependability in accomplishing work assignments.
- The employee can work effectively without direct supervision and has good time management skills.
- The employee has a history of reliable and responsible performance of his/her current duties.

Administrative support and clerical positions would rarely be appropriate for telework. Other positions that do not lend themselves to telework include:

- Those requiring regular "face-to-face" interaction with co-workers, other employees or agencies, or the public.
- Those having frequent access to material that cannot be removed from the duty location.
- Those involving Top Secret or other classified materials and documents.
- Site-specific occupations (e.g., mailroom staff).
- Trainee and entry-level positions.

3. ELIGIBILITY

This policy applies to full-time and part-time employees whose duty station is located in the Central Office, Regional Offices, or Grand Prairie. Due to the Bureau's mission, security concerns, and the critical need for all law enforcement staff to supervise inmates and respond to emergencies, primary law enforcement staff located in correctional facilities are excluded from participation in the Telework Program. Central and Regional Office staff with primary law enforcement coverage located on the grounds of or in correctional facilities are also excluded.

Training Center staff are excluded from this program due to the need for immediate and frequent accessibility to the institutions and students.

Employees must demonstrate the ability to function independently in all of the duties of their position. They must have no less than an “Achieved Results/Successful” performance rating. The following factors may prohibit participation if they occurred within the last year:

- Documented prior disciplinary action. NOTE: Prior disciplinary action for absence without official leave (AWOL) for more than five days in any calendar year and/or inappropriate use of a computer will prohibit participation.
- Substantiated leave abuse.
- Substantiated performance issues.

4. **SCHEDULING REQUIREMENTS AND RESTRICTIONS**

Telecommuting schedules normally allow no more than three days per week outside the office.

a. **Schedule Limitations.** Employees may be allowed telework as follows:

Central Office and Grand Prairie supervisors and managers: one day per week.

Regional Office supervisors and managers: up to three days per week.

Central and Regional Office non-supervisory employees and Grand Prairie Complex staff: up to three days per week.

b. **Telework Types.** There are three types of telework:

- **Routine.** Routine telework occurs as part of an ongoing, regular schedule.
- **Situational.** Situational telework is approved on a case-by-case basis, where the hours worked were **not** part of a previously approved, ongoing, and regular telework schedule. Situational telework is sometimes also referred to as episodic, intermittent, unscheduled, or ad hoc telework.
- **Continuity of Operations (COOP):** An effort within individual agencies or organizations to ensure they can continue to perform their Mission Essential Functions and Primary Mission Essential Functions during a wide-range of emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies.

Employees who are approved for routine telework also are eligible for situational telework.

c. **Coordinating Work Schedules.** Work schedules can parallel those in the office or be structured to meet the needs of both employees and supervisors.

The supervisor and employee (in accordance with negotiated work schedules) must establish a fixed and pre-set schedule of offsite work hours before the employee begins working offsite. Unstructured arrangements where employees work without prior approval from their supervisor are not permitted.

The supervisor retains the right to switch the telework day in the event the employee is needed at the traditional work site on the normal telework day. When possible, a 24-hour notice will be provided.

d. **Personal Responsibilities.** While telework arrangements can provide valuable help in managing work/family schedules, employees who work at home must not simultaneously provide their own child or dependent care. Teleworkers are bound by the BOP Telework Agreement Form (BP-A1109).

e. **Temporary Disability.** Employees approved for telecommuting based on a temporary disability may be scheduled for more than three days of telecommuting if appropriate and if the work remains essentially the same as that performed in the office. Telecommuting days may be alternated with days of paid or nonpaid leave.

f. **Temporary Disability Duration.** Telecommuting schedules based on temporary disability may be approved for the duration of the medical disability, as determined by a medical professional(s). In accordance with Section 4.e., such schedules may not exceed six months unless an additional review/agreement is approved.

g. **Telework and Childbirth.** Telework is not a substitute for dependent care and an employee may not care for a newborn while engaged in the performance of official duties. However, telework can provide employees with valuable additional time to spend with family members by reducing commuting time and is also valuable when an employee transitions back to work after the birth of a child. Telework is often used in conjunction with paid leave during the transition period between childbirth and the return to full-time official duties.

5. REQUESTS AND APPROVALS

Requests are considered on a case-by-case basis. The local Human Resource Office coordinates the requests and maintains records of approvals/disapprovals.

a. **Requests.** The employee completes the Telecommuting Agreement Form, (BP-A0899), the BOP Secure Portal Request and Agreement Form (BP-A0926, if applicable) and the required Telework Training course and submits the request to his/her supervisor for review/approval. The supervisor forwards the employee's request (within two weeks, barring extenuating circumstances) for telework to the local Human Resource Office.

b. **Review and Approval.** The local Human Resource Office will coordinate the approval process and is responsible for maintaining records documenting approval and disapprovals. Telework Agreements must be approved by the immediate supervisor, Regional or Assistant Director, and the Assistant Director of the Human Resource Management Division.

Requests approved by the employee's supervisor are sent to the Regional or Assistant Director, who approves or disapproves.

Requests disapproved by the employee's supervisor are sent to the employee. Disapprovals must be based on sound business management principles and not for personal reasons.

Approved requests are forwarded to the local Human Resource Office, which forwards them via the Human Resource Management Division (HRMD) telework mailbox (BOP-HRM/Telework). The Staffing and Employee Relations Section will review and forward the request to the Assistant Director, HRMD, for consideration of approval, as delegated by the Director.

c. **Changes.** Modifications to the original Telework Agreement must be approved by the immediate supervisor, Regional or Assistant Director, and the Assistant Director of the Human Resource Management Division.

d. **Notification.** Determinations are normally completed within 30 calendar days from the date the employee signs the request.

When the Assistant Director, HRMD, makes a final determination, the local Human Resource Office will be notified by the Human Capital Advisor.

The local Human Resource Office provides the employee's supervisor with written notifications of approvals/disapprovals. Disapprovals may be appealed through the appropriate grievance procedures or the Equal Employment Opportunity process.

e. **Agreement Termination.** The employee may terminate the telework agreement at any time. The supervisor may terminate the agreement if the arrangement negatively affects the department/unit or the employee's performance declines.

6. **DISMISSAL AND EMERGENCY CLOSURE PROCEDURES**

The following OPM dismissal and closure procedures are specific to the Central Office. Staff whose duty location is outside the Washington, DC, area must follow the announcement of their local Federal Executive Board (FEB), taking into account the teleworker's ability to work from the alternate site. The 2015 OPM chart below is current as of the date of this policy and should be used to clarify information received from the FEB. In the future refer to www.opm.gov for the most recent version.

Announcement (Washington, DC Only)	What Announcement Means
OPEN	<p>“Federal agencies in the Washington, DC, area are OPEN.”</p> <p>Employees are expected to report to their worksites or begin telework on time. Normal operating procedures are in effect.</p> <p>Employees account for their hours of work by WATS:</p> <p>Working at a worksite in the DC area. Alternative work schedules (AWS) day off. Teleworking. Scheduled leave or other paid time off.</p>
OPEN WITH OPTION FOR UNSCHEDULED LEAVE OR UNSCHEDULED TELEWORK.	<p>“Federal agencies in the Washington, DC, area are OPEN and employees have the OPTION for UNSCHEDULED LEAVE OR UNSCHEDULED TELEWORK.”</p> <p>Non-Emergency Employees must notify their supervisor of their intent to use unscheduled leave or unscheduled telework (if telework-ready). In accordance with their agency’s policies and procedures, subject to any applicable collective bargaining requirements (as consistent with law), non-emergency employees have the option to use:</p> <p>Earned annual leave, compensatory time off, or sick leave, as appropriate. Leave without pay. Their alternative work schedule (AWS) day off or rearrange their work hours under flexible work schedules. Unscheduled telework (if telework-ready).</p> <p>Telework-Ready Employees who are regularly scheduled to perform telework or who notify their supervisor of their intention to perform unscheduled telework must be prepared to telework, take unscheduled leave, or a combination of both, for the entire workday in accordance with their agency’s policies and procedures, subject to any applicable collective bargaining requirements (as consistent with law).</p> <p>Emergency Employees are expected to report to their worksites on time unless otherwise directed by their agencies.</p>

<p>OPEN – XX HOUR(S) DELAYED ARRIVAL – WITH OPTION FOR UNSCHEDULED LEAVE OR UNSCHEDULED TELEWORK</p>	<p>“Federal agencies in the Washington, DC, area are OPEN under XX HOUR(S) DELAYED ARRIVAL and employees have the OPTION FOR UNSCHEDULED LEAVE OR UNSCHEDULED TELEWORK. Employees should plan to arrive for work no more than XX hour(s) later than they would be expected to arrive.”</p> <p><i>Non-Emergency Employees</i> who report to the office will be granted excused absence (administrative leave) for up to XX hour(s) past their regular arrival time. In accordance with their agency’s policies and procedures, subject to any applicable collective bargaining requirements (as consistent with law), non-emergency employees may notify their supervisor of their intent to use:</p> <p>Earned annual leave, compensatory time off, or sick leave, as appropriate. Leave without pay. Their alternative work schedule day (AWS) off or rearrange their work hours under flexible work schedules. Unscheduled telework (if telework-ready).</p> <p>(Employees who request unscheduled leave should be charged leave for the entire workday.)</p> <p><i>Telework-Ready Employees</i> who are regularly scheduled to perform telework or who notify their supervisor of their intention to perform unscheduled telework must be prepared to telework, take unscheduled leave, or a combination of both, for the entire workday in accordance with their agency’s policies and procedures, subject to any applicable collective bargaining requirements (as consistent with law).</p> <p><i>Pre-approved Leave.</i> Employees on pre-approved leave for the entire workday or employees who requested unscheduled leave for the entire workday should be charged leave for the entire day.</p> <p><i>Emergency Employees</i> are expected to report to their worksite on time unless otherwise directed by their agencies.</p>
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<p>OPEN – DELAYED ARRIVAL – EMPLOYEES MUST REPORT TO THEIR OFFICE NO LATER THAN XX:XX – WITH OPTION FOR UNSCHEDULED LEAVE OR UNSCHEDULED TELEWORK</p>	<p>“Federal agencies in the Washington, DC, area are OPEN under a DELAYED ARRIVAL where employees in the Washington, DC, area must REPORT TO THEIR OFFICE NO LATER THAN XX:XX and have the OPTION FOR UNSCHEDULED LEAVE OR UNSCHEDULED TELEWORK.”</p> <p><i>Non-Emergency Employees</i> who report to the office will be granted excused absence (administrative leave) up until the announced reporting time. In accordance with their agency’s policies and procedures, subject to any applicable collective bargaining requirements (as consistent with law), nonemergency employees may notify their supervisor of their intent to use:</p> <p>Earned annual leave, compensatory time off, or sick leave, as appropriate. Leave without pay. Their alternative work schedule (AWS) day off or rearrange their work hours under flexible work schedules. Unscheduled telework (if telework-ready).</p> <p>(Employees who request unscheduled leave should be charged leave for the entire workday.)</p> <p><i>Telework-Ready Employees</i> who are regularly scheduled to perform telework or who notify their supervisor of their intention to perform unscheduled telework must be prepared to telework for the entire workday, or take unscheduled leave, or a combination of both, for the entire workday in accordance with their agency’s policies and procedures, subject to any applicable collective bargaining requirements (as consistent with law).</p> <p><i>Pre-approved Leave.</i> Employees on pre-approved leave for the entire workday should be charged leave for the entire workday.</p> <p><i>Emergency Employees</i> are expected to report to their worksite on time unless otherwise directed by their agencies.</p>
<p>OPEN – XX HOUR(S) STAGGERED EARLY DEPARTURE</p>	<p>“Federal agencies in the Washington, DC, area are OPEN. Employees should depart XX HOUR(S) earlier than their normal departure times and may request UNSCHEDULED LEAVE to depart prior to their staggered departure times.”</p>

	<p><i>Non-Emergency Employees:</i></p> <p>Excused Absence. Non-emergency employees will be dismissed from their office XX hour(s) early relative to their normal departure times and will be granted excused absence (administrative leave) for the number of hours remaining in their workday.</p> <p>Departure Prior to Early Departure Time. Nonemergency employees who depart prior to their staggered early departure times may request to use unscheduled leave. Such employees will be charged leave for the remainder of their workday and will not be granted excused absence.</p> <p>Telework-Ready Employees performing telework must continue to telework or take unscheduled leave, or a combination of both, for the entire workday or the remainder of the workday, as applicable, in accordance with their agency’s policies and procedures, subject to any applicable collective bargaining requirements.</p> <p>Pre-approved Leave. An employee on pre-approved leave for the entire workday or an employee who has requested unscheduled leave before an early departure policy is announced should continue to be charged leave for the remainder of the workday.</p> <p>Emergency Employees are expected to remain at their worksite unless otherwise directed by their agencies.</p>
<p>OPEN – XX HOUR(S) STAGGERED EARLY DEPARTURE – ALL EMPLOYEES MUST DEPART NO LATER THAN XX:XX, AT WHICH TIME FEDERAL OFFICES ARE CLOSED</p>	<p>“Federal agencies in the Washington, DC, area are OPEN. Employees should depart XX HOUR(S) earlier than their normal departure time and may request UNSCHEDULED LEAVE to depart prior to their staggered departure time. All employees MUST DEPART at no later than XX: XX, at which time FEDERAL OFFICES in the Washington, DC, area are CLOSED.”</p> <p><i>Non-emergency Employees:</i></p> <p>Excused Absence. Non-emergency employees will be dismissed from their office early relative to their normal departure time or at the final departure time and will be granted excused absence (administrative leave) for the number of hours remaining in their workday beyond their early departure time or their final departure time.</p>

	<p>Departure Prior to Early Departure Time. Non-emergency employees who depart prior to their staggered early departure time or final departure time may request to use unscheduled leave. Such employees will be charged leave for the remainder of their workday and will not be granted excused absence.</p> <p>Pre-approved Leave. Employees on pre-approved leave for the entire workday or employees who have requested unscheduled leave before an early departure policy is announced should continue to be charged annual or sick leave for the entire day or remainder of the workday, as applicable.</p> <p>Telework-Ready Employees performing telework must continue to telework or take unscheduled leave, or a combination of both, for the entire workday in accordance with their agency’s policies and procedures, subject to any applicable collective bargaining requirements.</p> <p>Emergency Employees are expected to remain at their worksite unless otherwise directed by their agencies.</p>
<p>IMMEDIATE DEPARTURE – FEDERAL OFFICES ARE CLOSED</p>	<p>“IMMEDIATE DEPARTURE. Employees should depart IMMEDIATELY. FEDERAL OFFICES in the Washington, DC, area are CLOSED.”</p> <p>Non-emergency employees should depart immediately from the office. All non-emergency employees will be granted excused absence (administrative leave) for the number of hours remaining in their workday unless they are:</p> <p>On official travel outside of the Washington, DC, area. On leave without pay. On an alternative work schedule (AWS) day off.</p> <p>Telework-Ready Employees performing telework must continue to telework for the entire workday or take unscheduled leave for the remainder of the workday, as applicable, in accordance with their agency’s policies and procedures, subject to any applicable collective bargaining requirements(as consistent with law).</p> <p>Emergency Employees are expected to remain at their worksite unless otherwise directed by their agencies.</p>

<p>FEDERAL OFFICES ARE CLOSED – EMERGENCY AND TELEWORK-READY EMPLOYEES MUST FOLLOW THEIR AGENCY’S POLICIES</p>	<p>“FEDERAL OFFICES in the Washington, DC, area are CLOSED. Emergency and telework-ready employees required to work must follow their agency’s policies, including written telework agreements.”</p> <p><i>Non-Emergency Employees</i> will be granted excused absence (administrative leave) for the number of hours they were scheduled to work unless they are:</p> <p>Required to telework. On official travel outside of the Washington, DC, area. On preapproved leave (including leave without pay). On an alternative work schedule (AWS) day off.</p> <p><i>Telework-Ready Employees</i> who are scheduled to perform telework on the effective day of the announcement or who are required to perform telework on a day when Federal offices are closed must telework the entire workday or request leave, or a combination of both, in accordance with their agency’s policies and procedures, subject to any applicable collective bargaining requirements (as consistent with law).</p> <p><i>Emergency Employees</i> are expected to report to their worksite unless otherwise directed by their agencies.</p>
<p>SHELTER-IN-PLACE</p>	<p>“FEDERAL OFFICES in the Washington, DC, area are under SHELTER-IN-PLACE procedures and are CLOSED TO THE PUBLIC.”</p> <p><i>Employees Located at Agency Worksite.</i> All employees should follow their agency’s emergency procedures for shelter-in-place. Employees should remain in their designated safe area until they are notified by agency officials that they may return to the office or leave the worksite.</p> <p><i>Telework-Ready Employees</i> performing telework are expected to continue working during the shelter-in-place unless affected by the emergency or otherwise notified by their agencies.</p>

Exceptions to Dismissal and Closure Procedures

Personal situations. Supervisors may exempt individual employees from early departure to avoid personal hardships (e.g., no available public transportation or alternative forms of child/elder care). However, supervisors and employees must be mindful that the purpose of early departures is to allow an orderly release of Federal employees to avoid traffic gridlock and overcrowding of public transportation.

Employees who leave before an early departure is announced or before their early departure time. An employee who leaves work before an early departure is announced, or before his/her early departure time, should be charged annual leave or leave without pay beginning at the time the employee left work and for the remainder of his/her scheduled workday.

Telework. A telework employee may be required to continue to work at the telework site to complete the workday when an early office departure policy is announced.

Employee who teleworks from a remote location. An employee who is teleworking from a remote location when an early departure is announced may be required to continue working when early departure procedures are implemented. If the agencies in the area of the employee's remote telework location announce an early departure, the employee must adhere to the BOP's procedures.

Employee on pre-approved leave or employee who has requested unscheduled leave. An employee on pre-approved leave for the entire workday or an employee who has requested unscheduled leave before an early departure policy is announced should be charged annual or sick leave for the entire workday. An employee scheduled to take pre-approved leave commencing after his/her early departure time may not be charged leave for that period. Instead, the employee should be granted excused absence for the remainder of the workday following his/her early departure time.

Employees on Official Travel. The hours of work will be determined by the duty location of the official travel site.

On a case-by-case basis, a telework employee may be granted excused absence (administrative leave) during an emergency if the emergency adversely affects the telework site, if the teleworker faces a personal hardship (e.g., electricity, connectivity issues) that prevents him/her from working successfully, or if the teleworker's duties are such that he/she cannot continue to work without contact with the regular worksite.

Teleworkers (who are telework-ready) may be required by their supervisor to telework outside of their normal telework schedule in a temporary emergency situation (e.g., worksite closure, authorized early dismissal, authorized late arrival, declaration of COOP status).

7. ADMINISTRATIVE MANAGEMENT

The employee's regular office is the official duty station for pay, leave, and travel. Employees must observe normal policies when requesting leave while teleworking.

Employees eligible for overtime remain eligible while teleworking, provided advance approval is received to work in excess of normal duty hours.

Employees are bound by the Program Statement **Standards of Employee Conduct** while teleworking.

Teleworkers are covered by the Federal Tort Claims Act or the Federal Employees Compensation Act and qualify for continuation of pay or workers' compensation for on-the-job injuries or occupational illness. Employees are responsible for informing their supervisor of an injury as soon as possible.

Safety staff may inspect the alternative worksite during normal working hours to ensure proper maintenance of Government property and conformance with safety standards listed on the telework form checklist. The employee is given at least a 24-hour notice before an inspection.

The employee must ensure a safe work environment at the alternative worksite, as outlined in the Telework Agreement.

8. EQUIPMENT AND UTILITIES

Teleworkers will be provided a Government-issued, properly configured laptop to connect remotely to the BOP and DOJ systems. The Government may periodically audit the computer's security configuration to ensure conformance with Federal IT security requirements. The BOP is responsible for service and maintenance of Government-issued equipment.

Teleworkers must use Government-issued equipment for official purposes only. Family members and friends of employees are not authorized to use Government-issued equipment and materials. Teleworkers must return Government-issued equipment to the BOP at the conclusion of teleworking arrangements or at the Bureau's request.

Use of personally owned computers to access unclassified BOP or DOJ systems or networks remotely must comply with the criteria and guidelines for using personal equipment established by the BOP.

Teleworkers are responsible for the installation, repair, and maintenance of all personally owned equipment and other incremental costs associated with the residential workplace. Operating costs associated with the teleworker using his/her personal residence as the alternate worksite, including home maintenance, insurance, or utilities (e.g., heat, electricity), will not be assumed by the BOP.

9. SECURITY CONSIDERATIONS

Teleworkers are responsible for protecting and safeguarding DOJ information, Government-issued equipment, and Government property while teleworking.

Teleworkers must not take classified documents (hard copy or electronic), as defined in the Program Statement **Information Security**, to any telework location.

Teleworkers must protect sensitive unclassified data, including Privacy Act or Sensitive But Unclassified data, consistent with guidance in DOJ Order 3011.1A and the Program Statement **Information Technology Security** (11/26/08). This includes Social Security Numbers (SSN) and other personally identifiable information (PII). Electronic records containing such information must be transported or transmitted in an encrypted format.

Work conducted from alternate worksite locations must comply with DOJ Order 2640.2F, Information Technology Security (11/26/08), and the Program Statement **Personal Computers and Network Standards**.

Teleworkers must protect competition-sensitive source selection information, or contractor proprietary data restricted by 41 U.S.C. § 423 (also known as Section 27 of the Office of Federal Procurement Policy Act, as amended), or data otherwise restricted by the Federal Acquisition Regulation or the Program Statement **Bureau of Prisons Acquisition Policy**.

Section 4. Compressed Work Schedules

1. PURPOSE AND SCOPE

To provide general information regarding compressed work schedules and to specify the procedural guidelines for submitting and obtaining clearance for compressed work schedules. Section 4 and attachments apply to non-bargaining unit employees only.

Bargaining unit employees are bound by the terms of any applicable collective bargaining agreement and 5 U.S.C., Chapter 61. Any proposal for a Compressed Work Schedule for a bargaining unit employee must be submitted by the Union.

References

5 U.S.C., Chapter 61, Subchapter II
5 CFR part 610, Subpart D

2. OVERVIEW

Issues regarding compressed schedules include:

A compressed work schedule enables a full-time employee to work his/her 80-hour bi-weekly work requirement in less than 10 workdays. All compressed work schedules are fixed schedules, meaning the time of arrival and departure are regular and fixed. There are no provisions under this type of schedule for flexible tour of duty hours. In determining schedules, Chief Executive Officers (CEOs) have the authority to set core hours (designated hours and days during which an employee must be present for work) based on the needs of the discipline or department/work unit.

For purposes of this section, CEO means Assistant Directors, Regional Directors, and local Chief Executive Officers.

The Bureau currently utilizes two types of compressed work schedules where it is feasible to do so, the 4/10 hour-day workweek and the 5-4/9 plan:

The 4/10 hour-day workweek is a fixed tour of duty limited to four 10-hour days per week. The 5-4/9 plan is a fixed tour of duty limited to eight 9-hour days and one 8-hour day within a bi-weekly pay period.

Workdays in excess of 10 hours are not recommended for inclusion in a compressed work schedule. These schedules may have a detrimental effect on security and could inhibit employees' ability to adequately perform job functions due to excess fatigue caused by the

longer hours. Schedules consisting of 12-hour days may be approved under limited circumstances.

Compressed work schedules are not an employee entitlement. Supervisors are responsible for establishing and monitoring their employees' work schedules, and determining if adequate personnel coverage will be provided to ensure the effective and efficient functioning of the department/work unit. A compressed work schedule may be requested for one employee or a group of employees. In considering requests, special attention should be given to the work needs of the office and the demonstrated performance and reliability of the individual(s) involved. The duties of some positions do not lend themselves to this type of work schedule. Position complement may also restrict participation.

An employee on a compressed work schedule who transfers to another office must follow the schedule in effect in the new office.

If an employee goes to another position while remaining within the same office, the supervisor must evaluate the impact of participation on the work requirements of the new assignment.

An employee may request to be excluded from a compressed work schedule if that schedule would impose a personal hardship on him/her.

The servicing Human Resource Office must maintain records documenting the number of requests approved and denied, the type of schedules(s) in use, and the number of participating employees. Any documents containing an evaluation of the program in terms of measuring the impact on the effective and efficient functioning of the department/work unit must also be maintained.

3. PROCEDURES

Requests for compressed work schedules may be approved or disapproved at the local or regional level by the CEO/Branch Chief, on a case-by-case basis, in accordance with the terms of 5 U.S.C., Chapter 61, Subchapter II.

Supervisors must coordinate requests with their servicing Human Resource Office to ensure consistent processing of requests.

The completed compressed work schedule request package must include:

- A cover memorandum from the CEO to the Office of General Counsel (OGC), Employment Law Branch.

- A Compressed Work Schedule (CWS) Request (BP-A1091).
- A Compressed Work Schedule (CWS) Agreement (BP-A1090) for each employee covered by the schedule.
- A Compressed Work Schedule (CWS) Supervisory Pre-Implementation Questionnaire (BP-A1092).
- A U.S. Department of Justice Flexible Work Option Request Form completed by each employee participating in the compressed work schedule.
- Three copies of the package.

If a request is disapproved at the local or regional level, notification of the denial must be provided by the CEO to the servicing Human Resource Office. The Human Resource Office then prepares a written response to the appropriate supervisor.

The compressed work schedule package approved at the local level is forwarded by the institution's servicing Human Resource Office to the Regional Director, who forwards it to the Employment Law Branch, OGC, for a legal and technical review. OGC's legal and technical review must be coordinated with the Assistant Director for the discipline. Schedules may not be implemented until the final review is completed. A copy of the final decision and the request package is forwarded by OGC to the servicing Human Resource Office.

If, upon completion of the review at the national level, a schedule is determined to be legally insufficient, the Employment Law Branch will provide a written opinion to the CEO. If determined to be legally sufficient, OGC notification to implement the schedule will be forwarded to the CEO.

Six months after implementation of an approved schedule, supervisors may conduct an evaluation to determine its effectiveness. If an evaluation is conducted, the procedures noted below should be followed.

Complete the Supervisory Assessment of Compressed Work Schedule (CWS) (BP-A1094), if unfavorable changes are noted.

This form, along with a cover memo that includes the institution name and the department/unit working the schedule, is submitted to the Employment Law Branch. OGC will coordinate a technical and legal review with the appropriate discipline's Assistant Director.

If at any time a supervisor or CEO determines the compressed work schedule has an adverse impact on the agency's mission, he/she will refer the determination to OGC for a legal review. The CEO issues a decision to the parties involved following OGC's concurrence.

If a schedule is discontinued for reasons **other than** an adverse agency impact, OGC must be notified in writing of the discontinuance and the reason(s) for it.

Section 5. Family and Medical and Federal Employees Family Friendly Leave Acts

1. PURPOSE AND SCOPE

This policy establishes procedures for the Family and Medical Leave Act (FMLA) and Federal Employees Family Friendly Leave Act (FEFFLA).

References

5 U.S.C. § 6307

5 U.S.C. §§ 6381 -- 6387

Federal Employees Family Friendly Leave Act, Pub. L. 103-388, 108 Stat. 4079 (1994) (adding 5 U.S.C. § 6307(d) (2000))

Family and Medical Leave Act Of 1993, Pub. L. 103-3, 107 Stat 6 (1993) (29 U.S.C.A. Ch. 28)

5 CFR part 630

OPM Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption, and Foster Care

2. FAMILY AND MEDICAL LEAVE ACT CRITERIA

FMLA entitles most Federal employees a total of up to 12 workweeks of **unpaid** leave during any 12-month period for the following purposes:

- The birth of a son or daughter of the employee and the care of such son or daughter.
- The placement of a son or daughter with the employee for adoption or foster care.
- The care of spouse, son, daughter, or parent of the employee who has a serious health condition.
- A serious health condition of the employee that makes the employee unable to perform the essential functions of his/her position.
- A qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

Under certain conditions, an employee may use the 12 weeks of FMLA leave **intermittently**. An employee may elect to substitute any available leave (e.g., annual, sick, compensatory), consistent with current laws and the Office of Personnel Management's (OPM) regulations for using any available leave, for any unpaid leave under the FMLA. The amount of sick leave that may be used to care for a family member is limited to 480 hours minus any Family Friendly sick leave used during the same leave year.

3. FMLA AND CHILDBIRTH

Employees are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period for **one or more** of these purposes related to childbirth:

- The birth of a son or daughter of the employee and the care of such son or daughter.
- The care of a spouse, son or daughter, or parent of the employee who has a serious health condition.
- A serious health condition of the employee that makes the employee unable to perform the essential functions of his/her position.

An employee must have completed at least 12 months of service (not required to be consecutive and not required to be at the same agency) as a covered Federal employee to be entitled to FMLA leave.

Although not an entitlement, it is encouraged that new employees not eligible for FMLA be provided FMLA-like benefits listed throughout this policy.

a. **FMLA For Employee's Own Care.** An employee who must be absent from work because of a serious health condition is entitled to unpaid FMLA leave for prenatal care or any period of incapacity due to pregnancy, childbirth, or recovery from childbirth.

Since sick leave and FMLA are two separate entitlements, an employee does not need to invoke FMLA to use sick leave for her period of recovery from childbirth. She can use 6-8 weeks of sick leave for recovery from childbirth, then later invoke FMLA to bond with her baby.

b. **FMLA To Care For Birth Mother.** An employee is entitled to use FMLA leave for a wife, daughter (generally under 18 years of age, see OPM's definition of son or daughter used for FMLA), or mother for prenatal care or any period of incapacity due to pregnancy, childbirth, or recovery from childbirth. The broad definition of *family member* used for sick leave does not apply to the FMLA; therefore, an employee can only use FMLA leave to provide care for the individuals specified in law.

c. **FMLA to Care for a Newborn.** Each parent is entitled to use FMLA leave for the birth of a child and care of the newborn. An employee may elect to substitute any available leave (e.g., annual, sick, compensatory) for any or all of the leave without pay under the FMLA, consistent with the laws and regulations for using any available leave. An employee's entitlement to FMLA leave expires 12 months following the date of the birth of a child.

d. Intermittent Use of FMLA Leave or Use on a Reduced Leave Schedule. An employee is entitled to take FMLA leave on an intermittent basis or on a reduced leave schedule for absences in connection with a serious health condition. A reduced leave schedule is a special kind of intermittent leave that amounts to a change in an employee's usual number of working hours in a workweek or workday, in many cases reducing an employee's full-time schedule to a part-time schedule for the period of FMLA leave. Therefore, an employee is entitled to take FMLA leave for her own or an eligible birth mother's prenatal appointments, for any period of incapacity due to pregnancy, childbirth, or recovery from childbirth (including for "morning sickness"), or to care for his/her child with a serious health condition. Eligibility and medical certification for the serious health condition is established when the employee first invokes FMLA for a serious health condition. A medical note is not required for each absence related to the serious health condition.

Upon agreement between the approving official and the employee, the employee may use FMLA leave intermittently or on a reduced leave schedule to bond with or care for his/her healthy baby, taking into consideration the impact on Bureau operations.

e. Leave Without Pay (LWOP). An employee may request LWOP to be absent from work for purposes related to pregnancy and childbirth. An employee may request LWOP without invoking FMLA, even if he/she has available paid leave.

Being in LWOP status (or unpaid leave) affects various employee entitlements, including the accrual of annual and sick leave. For example, when a full-time employee with an 80-hour biweekly tour of duty accumulates a total of 80 hours of non-pay status (either in one pay period or over the course of several pay periods), the employee will not earn annual and sick leave in the pay period. If the employee again accumulates 80 hours of non-pay status, he/she will again not earn leave in the pay period in which that new 80-hour total is reached.

4. JOB BENEFITS AND PROTECTION

Upon return from FMLA leave, an employee must be returned to the same position or to an "equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment."

An employee who takes FMLA leave is entitled to maintain health benefits coverage. An employee on unpaid FMLA leave may pay the employee share of the premiums on a current basis or pay upon return to work.

5. ADVANCE NOTICE AND MEDICAL CERTIFICATION

An employee must provide notice to his/her immediate supervisor of his/her intent to take family and medical leave not less than 30 days before leave is to begin or, in emergencies, as soon as is practicable.

A supervisor may request medical certification for FMLA leave taken to care for an employee's spouse, son, daughter, or parent who has a serious health condition or for the serious health condition of the employee. Once a determination is made for leave, all copies of the medical certification are to be returned to the employee. No medical certification is to be retained by the employer.

6. DISABLED VETERAN LEAVE

Disabled veteran leave is provided by the Wounded Warriors Federal Leave Act, Pub. L. 114-75, 129 Stat. 640 (2015) (amending 5 U.S.C. Ch. 63).) (hereafter referred to as "the Act"). The Act added 5 U.S.C. § 6329, which provides a one-time credit of "disabled veteran leave" to any Federal employee *hired on or after November 5, 2016*, who is a veteran with a service-connected disability rated at 30 percent or more for purposes of undergoing medical treatment for such disability for which sick leave could regularly be used.

a. **Definitions:** The Act defines the following terms:

- *Employee.* Has the same meaning as provided for in the definition of "employee" under 5 U.S.C. § 2105, and also includes employees of the United States Postal Service and the Postal Regulatory Commission.
- *Veteran.* Means a person who served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable.
- *Service-Connected.* Refers to a disability that was incurred or aggravated in the line of duty in the active military, naval, or air service (as determined by the Veterans Benefits Administration).

b. **Coverage.** Disabled veteran leave will be available only to an eligible employee *hired on or after November 5, 2016* (which is the date that is one year after the date of enactment). The term "hired" refers to employees who are:

- Newly hired with no previous Federal service.
- Reappointed with at least a 90-day break in service.
- Military reservists or members of the National Guard who return to duty in their civilian positions after a period of military service (during which the individual was in continuous civilian leave status).

Disabled veteran leave is only available to employees with a service-connected disability rated at 30 percent or more, as determined by the Veterans Benefits Administration.

The new leave benefit applies to Federal civilian employees as defined in 5 U.S.C. § 2105 that are covered by 5 U.S.C. § 6329.

The new leave benefit does not apply to employees who do not have an established tour of duty under which leave is charged for periods of absence—e.g., employees with an intermittent work schedule or certain Presidential appointees who are leave exempt.

c. Qualifying Service-Connected Disability. For purposes of disabled veteran leave, a “qualifying service-connected disability” means a service-connected disability rated at 30 percent or more, as determined by the Veterans Benefits Administration. This would include a combined degree of disability of 30 percent or more that reflects the combined effect of multiple individual disabilities. A disability is not qualifying unless the 30 percent rating is in effect, based on the effective date established by the Veterans Benefits Administration.

For the purpose of determining whether an employee has a qualifying service-connected disability, a temporary disability rating issued by the Veterans Benefits Administration under 38 U.S.C. § 1156 is considered a valid rating for as long as such rating is in effect.

To establish eligibility for disabled veteran leave, an employee must provide his/her employing agency with documentation from the Veterans Benefits Administration certifying that the employee has a qualifying service-connected disability.

d. Benefit Period. Disabled veteran leave is available during the continuous 12-month period following the “first day of employment.” In the regulations, we are using the term “12-month eligibility period.” This new leave category is a one-time benefit. Once an employee has been provided the leave benefit, he/she will not have any further entitlements to the benefit.

For any eligible employee, there is a single 12-month eligibility period during which disabled veteran leave may be used. The leave benefit expires at end of the 12-month eligibility period, and any unused leave is forfeited at that time. Unused disabled veteran leave may not be cashed out and paid in a lump sum.

The 12-month eligibility period starts on “first day of employment,” which is the first day in a covered position occurring on the later of:

- The earliest date an employee is hired after the effective date of a qualifying disability; or
- The effective date of a qualifying disability (i.e., the hiring event occurs before the effective date).

Note: The effective date is generally either the day after the date of military discharge (if the person filed a disability claim within 1 year of discharge date) or the date the claim was filed.

e. **Leave Benefit.** Disabled veteran leave credited to a regular full-time employee may not exceed 104 hours. Employees with part-time, seasonal, or uncommon tours of duty will be provided a proportionally equivalent amount of leave (see 5 CFR § 630.1305(a)-(b)). This proportional adjustment is similar to the adjustments made for sick leave and annual leave for employees who are not regular full-time employees.

f. **Usage of Leave for Medical Treatment.** Disabled veteran leave may be used only for the purpose of medical treatment of a qualifying service-connected disability.

The employee will be required to self-certify that the disabled veteran leave is being used (or was used) for the treatment of the qualifying service-connected disability.

An agency may require, at its own discretion, confirmation from a health care provider that the treatment provided was for the qualifying service-connected disability.

Qualifying medical treatment may be provided or prescribed by any health care provider who is covered by the definition of “health care provider” in OPM’s Family and Medical Leave Act (FMLA) regulations at 5 CFR part 630.

g. **Retroactive Usage.** If, for any reason, an eligible employee doesn’t provide certifying documentation that the employee has a qualifying service-connected disability before receiving medical treatment for such disability, the employee may still use disabled veteran leave for that medical treatment through retroactive substitution. The medical treatment must have occurred within the employee’s 12-month eligibility period. One reason that retroactive substitution may be necessary is because of the lag in time between an employee’s filing of a claim with the Veterans Benefits Administration and the approval of that claim (since the disability rating may be effective retroactive to the date the claim was filed and that effective date may retroactively start the 12-month eligibility period).

When retroactive substitution is appropriate, disabled veteran leave to the employee’s credit may be substituted for a period of absence for qualifying medical treatment—excluding periods of suspension or absence without leave (AWOL), but including approved leave without pay, sick leave, annual leave, compensatory time off, or other paid time off.

Given the possibility of retroactive substitution as described above, an employee with a pending disability claim under review at the Veterans Benefits Administration should keep records regarding medical treatment for disabilities covered by the claim.

7. MILITARY CAREGIVER LEAVE ENTITLEMENTS

An employee who is the spouse, son, daughter, parent, or next of kin of a covered service member (normally designated in writing by the service member) is entitled to a total of 26 administrative workweeks of leave during a 12-month period to care for the service member. This leave is only available during a single 12-month period. Substitution of sick leave for unpaid family and medical leave in this situation is permitted.

8. FEDERAL EMPLOYEES FAMILY FRIENDLY LEAVE ACT CRITERIA

The Federal Employees Family Friendly Leave Act authorizes covered full-time employees to use a total of up to 104 hours (13 days) of sick leave per year for the following purposes:

- Provide care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth.
- Attend to a family member receiving medical, dental, or optical examination or treatment.
- Provide care for a family member who would, as determined by the health authorities having jurisdiction or a health care provider, jeopardize the health of others by that family member's presence in the community because of exposure to a communicable disease.
- Make arrangements necessitated by the death of a family member, or attend a funeral of a family member.

For the purpose of using sick leave under the FEFFLA the term "family member" is defined by OPM as follows:

- Spouse, and parents thereof.
- Sons and daughters, and spouses thereof.
- Parents, and spouses thereof.
- Brothers and sisters, and spouses thereof.
- Grandparents and grandchildren, and spouses thereof.
- Domestic partner and parents thereof, including domestic partners of any individuals listed above.
- Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Thus, the coverage of the FEFFLA (in terms of the individuals for whom a Federal employee may provide care while on paid sick leave) is somewhat broader than the coverage of the Family and Medical Leave Act of 1993, under which Federal employees may use unpaid leave to care for a "spouse, son, daughter, or parent."

a. **FEFFLA and Childbirth.** Employees are entitled to use sick leave for personal medical needs while pregnant or recovering from childbirth, to care for a family member with a serious health condition, or for general family care purposes such as well-baby doctor visits or illnesses. Supervisors may request administratively acceptable evidence indicating the duration of the employee's or family member's recovery from childbirth, if longer than the normal 6-8 week recovery period.

FEFFLA sick leave is an entitlement that may be used without invoking leave under FMLA. Employees are entitled to invoke FMLA after use of sick leave under FEFFLA.

b. **Sick Leave for Employee's Own Care.** An employee who is the birth mother is entitled to use any accumulated or accrued sick leave for prenatal care, any period of incapacity due to her pregnancy, including periods of morning sickness or medically prescribed bed rest, childbirth, and recovery from childbirth. There is no limit on the amount of sick leave that an employee may use for her own personal medical needs.

c. **Sick Leave to Care for a Newborn.** Employees may not use sick leave to be absent from work to bond with or care for a healthy newborn (with the exception of FMLA). An employee is entitled to use sick leave for general family care purposes; e.g., to care for a child who has a routine illness or to take a child to medical, dental, or optical appointments or well-baby doctor visits; or if the baby has a serious health condition. Supervisors may request acceptable documentation of a child's illness or treatment.

d. **Sick Leave for Adoption.** An employee is entitled to use sick leave when he/she must be absent from work for purposes related to his/her adoption of a child. Such adoption-related purposes may include:

- Appointments.
- Court proceedings.
- Required travel.
- Any periods of time during which the employee is ordered or required by the adoption agency or by the court to take time off from work to care for the adopted child.
- Any other activities necessary to allow the adoption to proceed.

Employees may not use sick leave (with the exception of FMLA) to be absent from work to bond with or care for a healthy child. There is no provision in law or regulation that permits the use of sick leave to care for a healthy newborn, bond with a healthy child, or for other child care responsibilities. An employee is also entitled to 12 weeks of sick leave each year to care for his/her adopted or foster child with a serious health condition (FMLA). There is no limitation on the amount of sick leave that may be used for adoption-related purposes. Sick leave for

adoption-related purposes does not count towards the 104-hour (13-day) limit of sick leave each year for family care and bereavement purposes **or the overall limit of 12 weeks of sick leave each year for all family care purposes.**

e. **Advanced Sick Leave.** Upon an employee's request, an employee must be granted advanced sick leave to the maximum extent practicable, in accordance with sick leave laws and regulations and consistent with mission needs. An employee is eligible for a maximum of 240 hours (30 days) of advanced sick leave for purposes related to his/her adoption of a child, birth of a child, or care of his/her child. New employees are eligible to receive advanced sick leave.

f. **Advanced Annual Leave.** Advanced annual leave must be granted to the maximum extent practicable, in accordance with annual leave laws and regulations and consistent with mission needs. Annual leave may be advanced in the amount the employee would accrue during the remainder of the leave year. Advanced annual leave should be granted to the maximum extent practicable for purposes related to childbirth, adoption, or foster care. Advanced annual leave may be granted for the same reasons annual leave is granted, as specified in law and regulation, irrespective of the employee's existing annual leave balance. New employees are eligible to receive advanced annual leave.

An employee is required to repay advanced leave except in very limited circumstances (e.g., disability retirement or death). Advanced leave should not be granted if it is known or reasonably expected the employee will not return to duty.

Section 6. Home Leave

1. PURPOSE AND SCOPE

The purpose of this section is to establish guidelines and procedures for granting Home Leave to BOP employees recruited from the United States for service abroad, including Puerto Rico.

References

DOJ Order 1630.1B, Leave Administration (7/22/91)

Civilian Personnel Law Manual, Title 2, Chapter 5.E (Home Leave)

Civilian Personnel Law Manual, Title 4, Chapter 2.D (Renewal Agreement Travel)

5 U.S.C. §§ 6304(b) and 6305(a)

5 U.S.C. § 5728

5 CFR part 630

Federal Travel Regulation, 41 C.F.R. § 302-2.14

Program Statement 2200.03, **BOP Temporary Duty (TDY) Travel Regulation**

2. PROCEDURES

The contents of the references are not repeated herein; however, the following clarification is offered:

To be eligible for Home Leave, the Bureau employee must have completed 24 months of continuous creditable service in Puerto Rico and agree to an additional tour of duty of not less than 12 months by completing form BP-A1088. Home Leave is to be taken in the United States. Home Leave may not be used in Puerto Rico.

Prior to being transferred to Puerto Rico, for Foreign Assignment, Overseas Transfers, the employee must complete the Initial Written Agreement for a 24-month period (see the Federal Travel Regulation, 41 C.F.R. § 302-2.14.)

Bureau employees will earn no more than 5 days of Home Leave for each 12-month period.

The renewal travel agreement provisions are intended to provide expense reimbursement for round-trip travel and transportation by civilian Government employees and their families between tours of duty overseas for the purpose of taking home leave.

Home Leave may be approved in combination with other leave of absence, at the discretion of the Warden.

Section 7. Public Safety Officers' Benefits Program

1. PURPOSE AND SCOPE

To describe the Public Safety Officers' Benefits (PSOB) Program.

References

42 U.S.C., Chapter 46

28 CFR part 32

Public Safety Officers' Benefits Act of 1976 (the "Benefits Act" or "Act"), Pub.L. No. 94-430, 90 Stat. 1346 (codified as amended at 42 U.S.C. §§ 3796-3796c (1994)).

2. BENEFITS

The PSOB makes eligibility determinations on and provides death and education benefits to survivors of public safety officers whose deaths are the direct and proximate result of a traumatic injury sustained in the line of duty or certain eligible heart attacks or strokes as well as disability benefits to officers catastrophically injured in the line of duty.

The PSOB payment will be made in accordance with the Public Safety Officers' Benefits Act.

The Public Safety Officers' Benefits Act identifies incidents where this benefit will not be made. For information on this, go to: www.psob.gov.

The PSOB for death is paid in addition to other benefits. It is exempt from Federal income and estate taxes.

3. PROCEDURES FOR EMPLOYEE DEATH

The facility notifies the Consolidated Benefits Unit (CBU) of a staff death.

The CBU will forward the required/requested information to PSOB. The PSOB should contact the survivor. The local HRM will notify the survivor of the benefit, and provide the website information (www.psob.gov) and the contact phone number (888-744-6513).

Once all information is received, the packet is mailed via FedEx to:

Public Safety Officers' Benefits Program
Bureau of Justice Assistance
810 Seventh Street, NW
Washington, DC 20531

Five working days after submission, the Chief, CBU, contacts the PSOB Office at 1-888-744-6513 to ascertain receipt and answer questions. Additional information needed by PSOB must be gathered and submitted immediately.

4. PROCEDURES FOR DISABILITY

PSOB provides a one-time benefit to eligible public safety officers who are permanently and totally disabled as a result of a catastrophic injury sustained in the line of duty. Injuries must permanently prevent officers from performing any gainful work in the future. For procedures with filing a claim, HRMs will refer the employee to 42 U.S.C., chapter 46, subpart C and www.psob.gov.

5. PROCEDURES FOR EDUCATION

PSOB provides support for higher education to eligible spouses and children of public safety officers who died in the line of duty or were catastrophically disabled in the line of duty. For current details regarding educational assistance, HRMs will refer the survivor or employee to 42 U.S.C., chapter 46, subpart D and www.psob.gov.

Section 8. Restoration of Annual Leave

1. PURPOSE AND SCOPE

This policy establishes procedures for restoring forfeited annual leave for BOP employees.

References

5 CFR part 630

5 U.S.C. § 6304

DOJ 1630.1B, Leave Administration

NFC Human Resource Operation Guide

2. CRITERIA

Forfeited annual leave may be restored to the employee if the forfeiture came about as a result of illness, exigencies of the public business (i.e., an event causing the BOP to cancel scheduled leave), administrative error, or unjustified or unwarranted personnel action.

3. PROCEDURES

a. **General Requirements.** The initial request for restoration of forfeited annual leave is the responsibility of the employee. Human Resource Managers ensure that the Request for Restoration of Forfeited Annual Leave Form (BP-A1093) is accurately completed.

Human Resource Managers review the request and attachments, ensuring it meets the requirements in DOJ Order 1630.1B, Leave Administration (7/22/91). Approved requests are processed by the appropriate HR Office in accordance with the NFC Human Resource Operation Guide.

Restored annual leave must be scheduled and used in accordance with provisions in 5 CFR part 630.

b. **Institution Requests.** Institution Human Resource Managers complete and sign the checklist (Attachment C), attach it to the request, and forward the request and attachments to the Regional Human Resource Administrator.

Regional Human Resource Administrators review the request and determine whether it warrants approval of restoration of forfeited annual leave. Approved requests are returned to the institution HRM for processing.

c. **Regional Office Requests.** Regional Human Resource Administrators also review requests for Regional Office employees.

d. **Central Office Requests.** Central Office employees submit their requests to the Central Office Human Resource Office (COHRO) for review and approval. Approval requests are processed in COHRO.

e. **MSTC and STA Requests.** Management and Specialty Training Center (MSTC) and Staff Training Academy (STA) employees submit their requests to the local HRM for approval.

f. **Grand Prairie Requests.** Requests for employees at the Grand Prairie Office Complex are processed by the local HRM.

Section 9. Voluntary Leave Transfer Program

1. PURPOSE AND SCOPE

The purpose of this section is to establish guidelines and procedures for the administration of the Voluntary Leave Transfer Program (VLTP) in the Federal Bureau of Prisons. This program permits Federal employees to donate annual leave for use by other Federal employees who are experiencing a medical emergency.

Directives Referenced.

5 U.S.C., Chapter 63, Subchapter III – Voluntary Transfers of Leave, Sections 6331-6340
5 CFR part 630

2. MEDICAL EMERGENCY

The term “medical emergency” means a medical condition of an employee or the employee’s family member that is likely to require a prolonged absence from duty (that is or is expected to be at least 24 hours) and result in a substantial loss of income to the employee because of the unavailability of paid leave.

The existence of advanced leave may not be considered when determining whether to grant leave under this program.

A medical emergency could be a serious medical problem of the employee or a member of his/her family. Absence for maternity reasons could constitute a medical emergency only during the period of the employee’s physical incapacitation for duty and must be supported by documentation from the attending physician. The determination that a medical situation constitutes an emergency is made by the local VLTP Screening Committee on a case-by-case basis after careful consideration of the medical reasons and documentation provided by the employee or someone acting on his/her behalf.

If the Screening Committee requires additional medical documentation from more than one source (second opinion), the applicant is not responsible for the payment of expenses charged by the additional source.

The definition of “family member” covers a wide range of relationships: spouse, parents, parents-in-law, children, brothers, sisters, grandparents, grandchildren, stepparents; stepchildren, foster parents, foster children, guardianship relationships; same-sex and opposite-sex domestic partners, spouses or domestic partners of the aforementioned, and any individual related by

blood or affinity whose close association with the employee is the equivalent of a family relationship.

3. DESIGNATION OF COMMITTEES

Requests to participate in the VLTP as a recipient will be processed through a VLTP Screening Committee. Screening Committees must be established at institutions, Regional Offices, Training Centers, Grand Prairie, and the Central Office, and should have a Chairperson and three or more members. Designation of the Committee's size and membership is at the Chief Executive Officer's discretion.

The Committee must include a representative from the HRM Department, a representative from the Medical Department, and a Union representative appointed by the local Union president. The CEO may select other members for this Committee. All members serve on the Committee as a collateral duty or on official time, as appropriate. Any violations of the employee's privacy rights may result in administrative or criminal sanctions.

Screening Committees have authority to approve or deny requests to participate in the VLTP. Upon approval of an employee to be a recipient under the program, the VLTP Screening Committee forwards the appropriate authorization to the HRM Department.

Screening Committees establish appropriate control and follow-up systems to monitor the eligibility of recipients for continued participation. Except for documented emergencies that will obviously be of extended duration, the Screening Committee will require, as appropriate, from the recipient the periodic submission of updated supporting medical documentation that is not covered by the original request.

Institutions, the Management and Specialty Training Center, the Staff Training Center, Grand Prairie, Regional Offices, and the Central Office committees provide service to their employees.

Screening Committees should maintain records of all leave approved and disapproved at the local and national level. Information maintained by these committees will be provided to the Union upon request, consistent with 5 U.S.C. § 7114.

4. ADMINISTRATION

a. **Recipients.** An employee who has been affected by a medical emergency may submit an application (BP-A0832) to become a leave recipient to their servicing Human Resource Office. An employee may seek the assistance of the Human Resource Office in completing the application. If an employee is not capable of making the application, a personal representative (an immediate family member, guardian, or trustee) of the employee may make written

application on his/her behalf and may request agency assistance in completing the application. Application may be delivered by personal representative, as described above, or by a coworker.

The Human Resource Manager will be responsible for insuring the VLTP application is submitted to the local Screening Committee in a timely manner.

Screening Committee decisions will be based upon a majority vote. The local Screening Committee will decide on the propriety of the request, based upon proof of a medical emergency.

Leave balances must be within established criteria, as determined by the Human Resource Office. The criteria are:

For an approved leave recipient whose medical emergency is a medical condition of his/her own, or to provide care and attendance to a member of the immediate family who has a contagious disease (for which public health officials require that a patient be quarantined, isolated, or restricted), sick and annual leave balances must be zero (or negative) prior to the official transfer of donated annual leave. In accordance with 5 U.S.C. § 6333, this does not apply to employees who sustain combat-related disabilities.

For an approved leave recipient whose medical emergency is a medical condition of his/her family (other than a contagious disease), the employee's annual leave balance must be zero (or negative), and the employee must use sick leave in accordance with the sick leave provisions outlined in 5 CFR part 630, prior to the transfer of donated leave.

The Human Resource Manager will notify the applicant of the Screening Committee's decision as soon as practicable, but no longer than 10 days (excluding Saturdays, Sundays, and legal holidays) after the application is received. If the application is not approved, the notification must include the reasons for disapproval.

Annual leave transferred may be substituted retroactively for periods of leave without pay (LWOP), or advanced annual and/or sick leave granted on or after the date verified by the Screening Committee as the commencing date of the medical emergency, at the recipient's election.

Annual and sick leave accruals received as a result of donated leave may each accumulate up to a maximum of 40 hours in a separate account. This leave will be credited and made available for the employee's use, effective the beginning of the pay period after the date on which the employee's medical emergency terminates. If the medical emergency has not ended but there are no further donors, this account may be credited to the employee to use. The employee must

continue to accrue annual leave while in a shared leave status to the extent necessary for the purpose of reducing any indebtedness caused by the use of annual leave advanced at the beginning of the leave year.

b. **Donors.** An employee who wishes to make a donation of annual leave to an approved leave recipient may submit an application (OPM 630-A) to the local Human Resource Office.

The Human Resource Office reviews each donor's request to ensure its accuracy, compliance with policy, and that the recipient is not the donor's immediate supervisor. No one may donate leave to his/her immediate supervisor.

The Human Resource Office will also ensure that the donor is not transferring more leave than is permitted under the guidelines outlined below:

- In any one leave year, a leave donor may donate no more than a total of one-half of the amount of annual leave he/she would be entitled to accrue during the leave year in which the donation is made.
- In the case of a leave donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year, the maximum amount of annual leave that may be donated during the leave year must be the lesser of:
 - One-half of the amount of annual leave he/she would be entitled to accrue during the leave year in which the donations is made; or
 - The number of hours remaining in the leave year (as of the date of the transfer) for which the leave donor is scheduled to work and receive pay. For example, if you are projected to forfeit 80 hours and there are only 5 working days left in the leave year, the maximum number of hours you can contribute is 40. The other 40 hours will be forfeited. This constraint only becomes a problem when employees wait until very late in the leave year to make a contribution.

The Human Resource Manager may waive the limitation on annual leave contributions as prescribed above, when it is determined that granting the waiver would benefit the Voluntary Leave Transfer Program. Consideration for a waiver is made on a case-by-case basis and must be documented in writing. Examples include, but are not limited to, family members and donor requests.

The decision to donate annual leave is irrevocable once the leave has been transferred. The minimum amount of annual leave that can be transferred from a donor to a leave recipient is 4 hours.

c. **Nationwide Solicitation Process.** When insufficient donations are received locally, the institution may request nationwide solicitation if the employee desires. Ordinarily, the request will not be denied for nationwide solicitation if the local screening committee has already approved the request for local donations. The request is addressed to the Personnel Director from the Human Resource Manager and sent via GroupWise to the Staffing and Employees Relations Section (BOP-HRM/SERS) for processing. The request must include:

- The recipient's name.
- A brief statement indicating the total number of hours donated at the local level, and the nature of the emergency.
- A statement that all local donations have been exhausted.
- A statement that the employee has requested to be placed on the national VLTP.
- Copy of the employee's latest T&A.
- Copy of the VLTP committee minutes.
- VLTP/VLBP Application filled out completely.

Once the request has been approved, the institution will be notified and given permission to solicit contributions nationwide. Nationwide solicitations may be made only to Bureau institutions. No formal solicitations will be made to the Department of Justice or to other Federal agencies.

Note: when employees from one institution know of another employee's need for leave under VLTP at a different institution, it is not necessary to request nationwide solicitation. Further, employees in Federal complexes are considered to be from the same institution.

It is only necessary to request nationwide solicitation approval when there are no further donations from the local area or other sources.

d. **Donations To and From Other Federal Agencies.** Federal regulations allow leave donations to and from other Federal agencies when:

- The leave recipient is a family member employed by another agency.
- There are insufficient donations to meet the leave recipient's needs; and/or
- Acceptance of leave transferred from another agency would further the VLTP program's purpose.

Human Resource Offices should coordinate with other agencies to get the leave expeditiously transferred to the appropriate leave recipients or from the appropriate donors.

Employees who wish to donate leave to a recipient at another Federal agency may use the Request to Donate Annual Leave to Leave Recipient (Outside Agency) Under the Leave Transfer Program (OPM 630-B).

5. TERMINATION OF PARTICIPATION

The medical emergency affecting an individual must terminate:

- Upon formal request from the recipient stating that his/her medical emergency has ended (**note:** the Screening Committee does not need to review this request).
- At the end of the pay period in which the Screening Committee determines, after written notice from the agency and an opportunity for the leave recipient (or a personal representative) to answer orally or in writing within five working days, that the medical emergency no longer exists.
- When the recipient's employment is terminated; or
- No later than at the end of the pay period in which notice is received that application for disability retirement has been approved.

When necessary, and after coordination with the recipient's supervisor, the Human Resource Manager will issue notifications to recipients of their termination as participants. These notices must provide the reason(s) for the termination.

6. REFUNDS OF DONATED LEAVE

When a recipient is terminated from participation in the VLTP, the Human Resource Manager will determine the amount of leave to be refunded to each donor, if there are any remaining hours.

If an employee's medical emergency is terminated due to death or OPM approval of disability retirement, any transferred annual leave remaining in the recipient's account is used first to liquidate any annual or sick leave advanced to the employee, then to replace any leave without pay, prior to restoration of such leave to the leave donor(s). (**Note:** the disability annuity begins on the first day in nonpay status.)

Any transferred annual leave remaining to the credit of a leave recipient when the medical emergency terminates must be restored to the leave donor in full-hour increments. The minimum amount of leave that can be restored under Title 5 CFR part 630, is one hour. The restoration formula is:

- Divide the number of hours of unused transferred annual leave by the total number of hours of annual leave transferred to the leave recipient.
- Multiply the ratio obtained above by the number of hours of annual leave transferred by each leave donor.
- Round the result obtained above to the next lower whole hour amount. This is the amount restored to each leave donor.
- If the total number of leave donors exceeds the total number of hours of annual leave to be restored, no unused transferred annual leave may be restored.
- Should any donated annual leave be returned to the donor that places the donor in forfeiture status, the rules governing restoration of annual leave apply.

Refund of Donated Leave from DOJ Leave Bank. When a recipient receives donations from both VLTP and the DOJ Leave Bank, VLTP donations must be used first. If there are any remaining hours after the medical emergency ends, the hours must be returned to the DOJ Leave Bank. A written memorandum is submitted to the DOJ Leave Bank through the Bureau's Leave Bank Coordinator, stating how many hours are being returned to the Leave Bank from the recipient.

7. SUPERVISORS' RESPONSIBILITIES

Supervisors must be familiar with the VLTP and cooperate with the VLTP Screening Committees in the administration of this program. Supervisors cannot disqualify or prohibit an employee from applying for approval as a leave recipient under VLTP. However, immediate supervisors continue to maintain their responsibilities and rights for approving the use of transferred annual leave and accrued sick or annual leave, regardless of whether the employee has been approved as a leave recipient, and for requesting updated medical documentation.

Immediate supervisors should monitor the use of transferred leave and notify the VLTP screening committee of any concerns they may have regarding its inappropriate use.

8. HUMAN RESOURCE OFFICE RESPONSIBILITIES

The Human Resource Manager will certify donations of leave for each recipient and ensure that donating employees' "ANNUAL LV USED YTD" field through TINC is adjusted.

For recipients, donated leave hours will be placed in the "RESTORED ANNUAL LEAVE" field through TINC. Leave recipients may use the Restored Annual Leave after the Master Record has been adjusted.

The timekeeper/timekeyer must apply leave so that appropriate sick and annual leave balances are at zero, in accordance with Section 4 [medical or family emergency], for the employee while that employee is in a recipient status. The timekeeper manually keeps a running total of leave accruals that will be made available to the recipient after the medical emergency has been terminated.

At the end of the medical or family emergency, the Human Resource Manager ensures the timekeeper/timekeyer that the employee is being removed from the VTLP. Upon this notification, the timekeeper/timekeyer recredits the leave that the employee would have received had he/she been in regular duty status.

The recredit will be what the employee would have received or up to 40 hours, whichever is less, and includes annual and sick leave. An employee who is out for an extended period under Section 4 [medical emergency] will continue to accrue sick and annual leave up to 40 hours each. An employee who is out under Section 4 [family medical emergency] will continue to accrue annual leave up to 40 hours; however, sick leave balances are unaffected for situations covered by this section.

Upon notification, the employee's ANNUAL LV ACCRUALS YTD will be adjusted through TINQ to show the accrued leave up to 40 hours (as described above).

9. VLTP RECORDS

The Human Resource Manager will receive documentation on an approved recipient for Voluntary Leave Transfer. The Human Resources Office must submit a MAGIC Help-desk ticket to the Consolidated Processing Unit (CPU) to code the employee as an approved leave recipient and stop leave accruals on the National Finance Center (NFC) database. Once the employee is no longer a leave recipient, the Human Resources Office must submit a MAGIC Help-desk ticket to remove the approved leave recipient code. The Human Resource Manager will notify the timekeeper/timekeyer that the employee is an active recipient of the VLTP and instruct them to make sure leave balances are zero, in accordance with Section 4.

10. APPEALS

There are no statutory or regulatory appeal procedures under this program; appeals are limited to those available under the negotiated or agency grievance procedures or the EEO process.

11. COERCION

An employee may not directly or indirectly intimidate, threaten, or coerce or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using annual leave under this program.

Attachment A. Definitions

Continuity of Operations Plan (COOP) – A plan to ensure that agencies continue to perform their Mission Essential Functions and Primary Mission Essential Functions during a wide range of emergencies, including localized acts of nature, accidents, technological, or attack-related emergencies.

Official Worksite – Designated location where the employee regularly performs his/her duties. It is the assigned duty station, as defined in Federal regulations and OPM guidance.

Pandemic Health Crisis – A disease occurring over a wide geographic area, affecting an exceptionally high proportion of the population and spreading to more than one continent.

Regular and Recurring Telework – Telework that occurs on a routine basis away from a core employee's traditional worksite, at approved telework locations, one or more days per pay period or month.

Situational or Ad Hoc Telework – Telework that occurs on an occasional, non-routine basis. It may be the result of inclement weather, hazardous conditions, emergency situations, short-term medical accommodations, or the need to focus on a special project.

Telework – A work flexibility arrangement under which an employee performs the duties and responsibilities of his/her position, and other authorized activities, from an approved worksite other than the location from which he/she would otherwise work. It is simply getting work done from an approved telework location (e.g., home, telework center) during an agreed-upon portion of the workweek.

Telework Agreement – An agreement between the supervisor and employee covering items specific to the employee's situation, such as type of telework, official work site, telework location, complete work schedule (including any scheduled telework days), and modes of communication (email, phone, etc.). Organizational policy and collective bargaining agreements determine the parameters of the agreement.

Telework Locations – Approved worksites other than the traditional worksite, which may be the employee's residence, a Telework Center, or another DOJ component's work space.

Traditional Worksite – The place where the employee would normally work, absent a Telework Agreement.

Unscheduled Telework – A form of situational telework that provides the opportunity for Federal employees to work from approved telework locations on non-scheduled telework days.

Attachment B. Annual Leave Credit Memorandum

U.S. Department of Justice Federal Bureau of Prisons

(location) (date)

MEMORANDUM FOR (INSERT NAME), BUREAU PERSONNEL DIRECTOR
HUMAN RESOURCE MANAGEMENT DIVISION

THROUGH: (insert name), Regional Director
(insert Regional Office)

FROM: (insert name), Warden
(insert location)

SUBJECT: Annual Leave Credit for (insert candidate's name)

Approval of annual leave credit is requested for (insert candidate's name), an applicant for the position of (insert position, series, grade) at (insert location). We are requesting that (insert candidate's name) be placed in the (insert the number of hours) hour leave category. The applicant has a tentative entry on duty date of (insert date).

The following narrative is provided in support of the request.

Discuss the candidate's prior work experience that is directly related to the position. Do not simply include a list of positions, dates, and locations:

Describe the difficulty in filling the position if an annual leave credit is not granted, based on recruitment/retention efforts and results:

Discuss the recent turnover in similar positions, to include proportion of positions filled and acceptance rates:

Discuss the labor market factors that may affect the ability to recruit high-quality candidates for this position and similar positions:

Describe how the applicant's experience is **directly related** to the mission or performance goal:

Explain the special qualifications needed for the position, including OPM qualifications and institutional/Bureau requirements:

Attachment C. **Checklist For Restoration of Forfeited Annual Leave**

- _____ 1. Use BP-A1093, Request for Restoration of Forfeited Annual Leave.
- _____ 2. Ensure all information is complete, such as SSN, name, name of institution, etc.
- _____ 3. Ensure that the supporting data section only includes hours actually approved, scheduled, **and** forfeited.
- _____ 4. Ensure that documents supporting the approval and scheduling are clearly dated by the approving official. To be eligible for restoration, the forfeited leave must have been scheduled and approved in writing prior to the start of the third pay period before the end of the leave year.
- _____ 5. Ensure that the reasons the employee was unable to take the leave are well-supported and clearly stated in the explanation.
- _____ 6. The employee must state any attempts to reschedule the leave.
- _____ 7. If sick leave precluded the use of scheduled annual leave, are the dates of the sick leave supportive of the dates of the scheduled annual leave?
- _____ 8. If leave was forfeited due to administrative error, are the facts surrounding that error clearly stated?
- _____ 9. Employee and supervisor signatures must be original.
- _____ 10. Under supervisory certification, does the figure in the Annual Forfeited Leave block agree with the employee's account on the memo? Are these figures supported by the final T&A of the leave year?
- _____ 11. Is the block "Exigency Ended" completed where duty requirements necessitated the cancellation of scheduled leave?
- _____ 12. Are supervisory comments supportive of the employee's comments? Do they address attempts at rescheduling?

_____13. Check the payroll calendar to determine whether a 40-hour scheduled leave week included any holidays. A holiday during a period of scheduled leave reduces the amount of leave forfeited during that period.

_____14. Check the T&A's to ensure that no portion of the leave shown as cancelled was actually taken.

_____15. Attach copies of the T&A's for the entire period from the date on which annual leave was cancelled or was first interrupted by a period of sickness through the end of the leave year.

Human Resource Manager

Date

VOLUNTARY LEAVE TRANSFER (VLTP) and VOLUNTARY LEAVE

JUN 10

BANK (VLBP) RECIPIENT APPLICATION

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Please print or type all information

1. Applicant's Name:	2. Social Security Number:
3. Position Title:	4. Position Series/Grade:
5. Home Address and Telephone #:	6. Agency/Component/Location (District)/Telephone #:
7. Timekeeper's Name/Location (District):	8. Timekeeper's Telephone/Fax #'s:
9. Membership in the VLBP does not automatically entitle an employee to leave from the Leave Bank. However, employees may apply to BOTH the Voluntary Leave Transfer and the Voluntary Leave Bank (membership required) Programs at the same time for the same medical emergency. Please indicate which Program(s) you are applying for. <input type="checkbox"/> VLTP <input type="checkbox"/> VLBP <input type="checkbox"/> BOTH	
10. Leave balances as of the end of the last pay period: _____ Annual _____ Sick _____ LWOP _____ AWOL _____ COMP How many hours of LWOP have been used for this medical emergency: _____	
11. Approximate date/pay period when all available leave is exhausted:	
12. Number of hours requested <u>after all available leave has been exhausted</u> : (Note: If applicable, this total should include all advanced leave and LWOP hours that occurred due to this medical emergency.)	
13. Number of hours of advanced leave have been approved for this medical emergency: _____ Annual _____ Sick	
14. Applicants under the VLTP may authorize the release of information about their medical emergency to publicize their need for leave donations. <input type="checkbox"/> I DO authorize the release of information to publicize my need for leave. <input type="checkbox"/> <input type="checkbox"/> I DO NOT authorize the release of information. <input type="checkbox"/> I have my own donors. If you DO AUTHORIZE the release of medical information to publicize your need for leave, please provide a narrative description of no more than twenty(20) words, below:	
15. Have you or do you plan to submit a claim for benefits under the Workers' Compensation Program ? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what is the date of your claim?	
16. Have you, or do you plan to apply to the Office of Personnel Management for disability retirement ? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, (a) what is the date of your application _____ and (b) is your application based on the same medical condition for which you are requesting leave from the leave sharing program(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
17. Immediate Supervisor's Name/Title/Address/Telephone #:	
18. Supervisor's Comments:	
19. Supervisor's Signature*	20. Date
*This signature is used only for the purpose of making the signer aware of the applicant's intent to participate in the leave sharing program. The supervisor retains the authority to deny a request to use emergency leave just as he/she may deny a request to use annual leave.	

TO BE COMPLETED BY APPLICANT'S PHYSICIAN	
21. Provide the beginning date of the personal (or family) medical emergency:	
22. Provide the anticipated ending date (return to work):	
23. Provide the medical re-evaluation date:	
24. Briefly describe the nature, severity and anticipated duration of the medical emergency . If the emergency is a recurring one, provide the approximate duration of the medical emergency of the applicant (or immediate family member who requires care). A "medical emergency" is a medical condition that would most likely require prolonged absence from work and would result in a substantial loss of income (24 hours or more) because of the unavailability of paid leave. (If you prefer, the physician's statement may be submitted on the physician's letterhead.) IF WE DO NOT RECEIVE THE REQUESTED INFORMATION, THIS WILL DELAY THE APPLICATION.	
25. Physician's Name and Telephone #:	26. Date:
27. Physician's Signature:	
Read the following carefully before signing: <i>Any person who knowingly makes any false statement, misrepresentation, containment of fact or fraud to obtain emergency leave from the Leave Transfer and/or Leave Bank Program(s) is subject to civil or administrative remedies as well as felony criminal prosecution, and may, under appropriate criminal provisions, be punished by fine or imprisonment or both.</i> <i>I understand that my signature on this application constitutes a relinquishment of any right to request a waiver of erroneous payment of wages and serves as due process in this regard under the Federal Debt Collection Act of 1982. This applies only in the event I am erroneously overpaid as a result of my status as an approved leave recipient under the Voluntary Leave Transfer and/or Leave Bank Program(s).</i>	
28. Applicant's Signature:	29. Date:
30. Name of person acting on behalf of Applicant and Telephone #:	31. Relationship to Applicant:
32. Signature of person acting on behalf of Applicant:	33. Date:
Privacy Act Statement: The information requested on this form is for the use of determining the employee's eligibility to participate in the Voluntary Leave Transfer and Leave Bank as authorized by Public Law 103.103. Provisions of this information is voluntary, but failure to provide all of the requested information will result in your request not being processed. The information provided could be disseminated to the Office of Personnel Management, the Office of Management and Budget, the General Accounting Office or other government agencies to satisfy reporting requirements under this Program, or to publicize if authorized, your need to leave donors.	

MAY 10

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Part 1-General Information (Please type or print clearly)

Employee Name: _____
Component: Federal Bureau of Prisons-_____
Location: Washington, DC_____
Phone: _____
Immediate Supervisor's Name: _____

Part 2-DOJ TELECOMMUTING Agreement

The following constitutes an agreement on the terms and conditions of the telecommuting arrangement between:

Component/Division: _____

Employee: _____

1. The employee volunteers to telecommute and to adhere to the applicable guidelines and policies. The agency concurs with employee participation and agrees to adhere to the applicable guidelines and policies.

2. The employee agrees to participate for an initial period beginning: _____ and ending: _____. This agreement may be extended beyond the initial period if agreeable to the agency and to the employee. In such a case, the terms of this agreement should be reviewed and updated as necessary.

3. The employee's official tour of duty will be
from: _____ to: _____
on the following days: _____

4. The employee will be working at the alternate worksite
from: _____ to: _____
on the following days: _____

5. Employee's official duty station is: Washington, DC_____

The alternate worksite is located _____

Describe in detail the designated work area at the alternate worksite: _____

All pay, special salary rates, leave and travel entitlements will be based on the employee's official duty station.

6. The employee's timekeeper will have a copy of the employee's telecommuting schedule. The employee's time and attendance will be recorded as performing official duties at the official duty station.

7. The employee must obtain supervisory approval before taking leave in accordance with established office procedures. By signing this form, the employee agrees to follow established procedures for requesting and obtaining approval of leave.

8. The employee will continue to work in pay status while working at alternate worksite. If the employee works overtime that has been ordered and approved in advance, he/she will be compensated in accordance with applicable law and regulations. The employee understands that the supervisor will not accept the results of unapproved overtime work and will act vigorously to discourage it. By signing this form, employee agrees that failing to obtain proper approval for overtime work may result in her/his removal from telecommuting or other appropriate action.

9. If the employee borrows Government equipment, he or she will borrow and protect the Government equipment Government owned equipment will be serviced and maintained by the Government If employee provides own equipment, he/she is responsible for servicing and maintaining it.

10. Provided the employee is given at least 24 hours advance notice, the employee agrees to permit inspections by the Government of the employee alternate worksite at periodic intervals during the employee's normal working hours to ensure proper maintenance of Government owned property and worksite conformance with safety standards and other specifications in these guidelines. Any accident or injury occurring at the alternate worksite must be brought to the immediate attention of the supervisor Because an employment-related accident sustained by a telecommuting employee will occur outside the premises of the official duty station, the supervisor must investigate all reports immediately following notification.

11. The Government will not be liable for damages to an employee's personal or real property during the course of performance of official duties or while using Government equipment in the employee's residence, except to the extent the Government is held liable by Federal Tort Claims Act claims or claims arising under the Military Personnel and Civilian Employees Claims Act.

12. The Government will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities) whatsoever, associated with the use of the employee's residence. While telecommuting, the employee does not relinquish any entitlement to reimbursement for authorized expenses incurred while conducting business for the Government, as provided for by statute and implementing regulations.

13. The employee is covered under the Federal Employee's Compensation Act if injured in the course of actually performing official duties at the official duty station or the alternate worksite.

14. The employee will meet with the supervisor to receive assignments and to review completed work as necessary or appropriate.

15. The employee will complete all assigned work according to work procedures mutually agreed upon by the employee and the supervisor and according to guidelines and standards stated in the employee's performance plan.

16. The employee's job performance will be evaluated on criteria and milestones determined by the supervisor and will be consistent with those of non-telecommuting co-workers.

17. The evaluation of the employee's job performance will be based on norms or other criteria derived from past performance, occupational standards, and/or other standards consistent with these guidelines.

18. The employee's most recent performance rating of record must be fully successful or higher.

19. The employee's current performance plan contains performance standards covering work completed at the official duty station as well as work completed at the employee's alternate worksite.

20. The employee will apply approved safeguards to protect Government/agency records from unauthorized disclosure or damage and will comply with the Privacy Act requirements set forth in the Privacy Act of 1974, PL. 93-579, codified at 5 U.S.C. § 552a.

22. The employee agrees to limit her/his performance of her/his officially assigned duties to her/his official duty station or to agency-approved alternative worksites. Failure to comply with this provision may result in loss of pay, termination of the telecommuting arrangement, and/or other appropriate disciplinary action.

Employee's Signature: _____

Date: _____

Supervisor's Signature: _____

Date: _____

Part 3-Worksite Safety Checklist

This checklist is designed to assess the overall safety of the alternate worksite. Each participant should complete and sign this safety checklist. The employee's immediate supervisor should also sign.

Location of alternate worksite: _____

Description of designated work area: _____

For each question, circle YES or NO:

- | | | |
|---|-----|----|
| 1. Is the space free of asbestos containing materials? | YES | NO |
| 2. If asbestos containing material is present, is it undamaged and in good condition? | YES | NO |
| 3. Is the space free of indoor air quality problems? | YES | NO |
| 4. Is there adequate ventilation for the desired occupancy? | YES | NO |
| 5. Is the space free of noise hazards (noises in excess of 85 decibels)? | YES | NO |
| 6. Is there a potable (drinkable) water supply? | YES | NO |
| 7. Are lavatories available with hot and cold running water? | YES | NO |
| 8. Are all stairs with four or more steps equipped with handrails? | YES | NO |
| 9. Are all circuit breakers and/or fuses in the electrical panel labeled as to intended service? | YES | NO |
| 10. Do circuit breakers clearly indicate if they are in the open or closed position? | YES | NO |
| 11. Is all electrical equipment free of recognized hazards that would cause physical harm (frayed wires, bare conductors, loose wires, flexible wires running through walls, exposed wires fixed to the ceiling)? | YES | NO |
| 12. Will the building's electrical system permit the grounding of electrical equipment? | YES | NO |
| 13. Are aisles, doorways, and corners free of obstructions to permit visibility and movement? | YES | NO |
| 14. Are file cabinets and storage closets arranged so drawers and doors do not open into walkways? | YES | NO |
| 15. Do chairs have any loose casters (wheels)? Are the rungs and legs of chairs sturdy? | YES | NO |
| 16. Is the work area overly furnished? | YES | NO |
| 17. Are the phone lines, electrical cords, and extension wires secured under a desk or alongside a baseboard? | YES | NO |
| 18. Is the office space neat, clean and free of excessive amounts of combustibles? | YES | NO |
| 19. Are floor surfaces clean, dry, level, and free of worn or frayed seams? | YES | NO |
| 20. Are carpets well-secured to the floor and free of frayed or worn seams? | YES | NO |

Employee's Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____

SPECIAL NOTE: Supervisors are encouraged to conduct an onsite inspection for any employee giving five or more "No" answers. Employees are responsible for informing their supervisors of any significant change.

Part 4-Employee/Supervisor Checklist

This checklist is designed to ensure that the participant and the immediate supervisor/employee understand telecommuting policies and procedures.

NOTE: Questions 2, 3, and 4 may not be applicable. If so, write N/A after the statement.

1. The employee has been provided with a schedule for hours/days at the remote work site.
2. The following equipment has been issued to the employee and has been documented by the agency:

Type of Equipment	Issue Date	Documented Date
Computer		
Modem		
Fax machine		
Telephone		
Desk		
Chair		
Other		

3. Policies and procedures for care of equipment issued by the agency have been explained and are clearly understood.
4. Policies and procedures covering classified, secure, or privacy act data have been discussed and are clearly understood.
5. Requirements for an adequate and safe office space and/or area have been discussed, and the employee certifies those requirements are met.
6. Performance expectations have been discussed and are clearly understood.
7. The employee understands that the supervisor may terminate employee participation at any time, in accordance with negotiated agreement, if applicable.

Employee's Signature: _____

Date: _____

Supervisor's Signature: _____

Date: _____

Section I. (To be completed by the Employee)

To: Employee's Supervisor	
Please consider my request for a telecommuting work schedule. I have completed and attached the following documents for your review and signature. U.S. DOJ Flexible Work Options Request Form Telecommuting Agreement Form Memorandum of Understanding	
Employee's Name:	
Position Title & Grade:	
Supervisor's Name:	
Division/Branch/Section:	

Section II. (To be completed by the Division and forwarded to Central Office Employee Services Department)

To: HRMD/Central Office Employee Services Department	
The attached Telecommuting Request is forwarded for your review and consideration. I have reviewed the request, and made the following recommendation. (Note: If disapproved, explanation is required in Section II of the DOJ Flexible Work Options Request Form)	
() Approved () Disapproved	
Supervisor's Signature _____	Date _____
() Approved () Disapproved	
Assistant Director's Signature _____	Date _____

Section III. (To be completed by HRMD)

To: Assistant Director, HRMD	
The attached Telecommuting Request is forwarded for your consideration. The request has been reviewed by the Employee Services Department and is in compliance with policy.	
Employee Services Department (Signature and Title) _____	Date _____
() Approved () Disapproved	
Assistant Director, HRMD (Signature) _____	Date _____

JUN 10

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Add User ☐Delete User ☐Modify User ☐

A - User Information

1. Full Name: _____ 2. User ID: _____

3. E-mail Address: _____ 4. Div./Facility: _____

5. I understand that at anytime I am asked or required to perform official duties using Remote Access during non-duty hours, I will contact my supervisor for approval and will formally document the time spent performing those functions via a request for compensatory time or overtime whichever is most appropriate.

(User Initials): _____

B - Portal Access/Applications Required

Justification for Remote Access (including any justification for remote SENTRY):

Default Portal access includes access to Corel Office Suite, Sallyport and GroupWise. Indicate other applications required (mark w/ an 'X'):

- SENTRY: ☐ (List secure verbs required if any: _____)
- Teamsite: ☐

C - CEO Authorization

Printed Name: _____ Phone: _____

Title: _____ Division/Facility: _____

Signature: _____ Date: _____

D - Assistant Director/Regional Director Authorization (Required for Remote SENTRY)

Printed Name: _____ Phone: _____

Signature: _____ Date: _____

E - IPPA USE ONLY

Approved: Yes ☐ No ☐

Signature: _____

Date: Thomas R. Kane, Asst. Director for IPPA

(Completed forms should be sent via GroupWise to: BOP-IPP/Computer Help Desk; Faxes will not be accepted)

Rules of Behavior and Security Agreement Governing the Use of the BOP Secure Access Portal

The purpose of this agreement is to maintain a usable computing environment for all BOPNet users. BOPNet Network Administrators have the authority to disable logins immediately for failure to comply with this agreement. The following provisions are mandatory. Policy will be strictly enforced in this area in light of the IT security implications for non-compliance.

The following rules apply to any remote access connection to BOPNet via the BOP's Secure Access Portal (hereafter "the portal"):

- 1) All usage of the portal must be consistent with the user's official duties:
- 2) A BOPNet user account (user ID & password) is solely for the use of a single individual, the person for whom the account was approved. Sharing or loaning user login information is strictly prohibited.
- 3) The portal may only be used for lawful purposes. Transmission of any material in violation of any US or state regulation is prohibited. This includes, but is not limited to: copyrighted material (unless authorized by the copyright holder), threatening or obscene material, or material protected by trade secret or unfair trade practices laws.
- 4) The following actions are prohibited:
 - a) Attempts to circumvent established security procedures (including those outlined in Program Statement 1237.13, Information Security, or its successor), or to obtain access privileges to which a user is not entitled.
 - b) Attempts to modify BOPNet computer systems or software in any unauthorized manner.
 - c) Unauthorized access, alteration, or destruction of another user's data, programs, or electronic mail.
 - d) Attempts to adversely affect the availability or quality of service of the BOPNet Network.
- 5) Users shall not conduct a remote portal session in a public place (airports, hotel lobbies, air planes, trains, internet/WiFi cafes, public libraries, etc.).
- 6) Users shall not conduct a remote portal session in the company of anyone, to include Department of Justice employees, who do not have authorized access to BOPNet.
- 7) Because users are not in a controlled environment (institution, Regional Office, Central Office), users must take extreme caution to ensure BOPNet information is not disclosed inappropriately. These precautions include:
 - Safeguarding your remote access password;
 - Being aware of those around you;
 - Being aware of your surroundings;
 - Keeping your remote device in your possession or locked in a safe place not frequented by the general public at all times; and
 - At all times, keeping all print-outs and diskettes generated from a remote session in your possession or locked in a safe place not frequented by the general public.
- 8) The BOP will provide licensed software for connection of approved government computers or laptops to BOPNet via the portal.
- 9) Users must employ commonsense protections on their government laptops, government PCs or home networks to avoid compromising BOPNet due to virus infections, trojans, and/or intrusion attempts by hackers. Such security precautions include the use of current anti-virus software/definitions encryption and a firewall.

User Acknowledgment

I, the undersigned, understand the requirements stated above and agree to comply with its provisions. I fully understand that my authorization to use the BOPNet Remote Access system does NOT automatically grant or include authorization for overtime compensation.

I understand that at anytime I am asked or required to perform official duties using Remote Access during non-duty hours, I will contact my supervisor for approval and will formally document the time spent performing those functions via a request for compensatory time or overtime whichever is most appropriate.

If the propriety of any situation is unclear, I will ask for clarification from the Network Management Branch and/or the Information Security Program Office rather than make any assumptions.

Printed Name: _____ Phone: _____

Title: _____ Division/Facility: _____

Signature: _____ Date: _____

ANNUAL LEAVE CREDIT FORM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

I. Eligibility

Annual Leave Category	Eligibility Requirements
6 hours	3 years but less than 15 years of experience directly related to the position for which the applicant is being appointed.
8 hours	15 or more years of experience directly related to the position for which the applicant is being appointed.

II. Credit for Service

Position	Beginning Date	Ending Date	Total Years/Months
Total amount of service for positions directly related to position selected for:			
Meets the Leave Category for 4 hours 6 hours 8 hours			

III. Attachments

Documents	Check Off
Annual Leave Credit Justification (with all signatures)	
Signed Annual Leave Credit Form	
OF-612 Optional Application/Resume with hours worked and dates of employment	
Signed Service Agreement	
Position Description with Cover Page	

Signature of HR Representative

Date

Printed Name of HR Representative

ANNUAL LEAVE CREDIT SERVICE AGREEMENT

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

I understand that in order to retain this service credit, I must complete one (1) full year of continuous service with the Department of Justice. In the event I leave prior to the completion of one full year of employment, the Department of Justice will recalculate my service credit.

I understand that I will retain all accrued or accumulated annual leave if I transfer within the Department of Justice to a position to which annual leave may be transferred, or I will receive a lump-sum payment if I separate from the Federal service or move to a position to which annual leave cannot be transferred.

I understand if I am placed in a leave without pay (LWOP) status while on the service agreement, the service period must be extended by the amount of time placed in the LWOP status.

The only exceptions to extending the service agreement when placed on LWOP are as follows:

If I separate or am placed in a LWOP status to perform service in the Uniformed Service and later return by exercising restoration rights.

If I separate or am placed in a LWOP status due to an on-the-job injury that entitles me to injury compensation, and I later recover, and return to work.

Applicant's Signature

Date

Applicant's Printed Name

Signature of HR Representative

Date

Printed Name of HR Representative

**Federal Bureau of Prisons New Written Agreement – Additional Tour of
Overseas Duty for Home Leave Entitlement**

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

In order to acquire eligibility for travel and transportation expenses pursuant to Title 5, U.S. Code, Section 5728, and the Federal Travel Regulation, I, _____, agree to remain in the service of the Government at _____ for an additional ____ months following my return to _____, after home leave travel, unless transferred at the convenience of the Government.

It is understood that should I violate this agreement, I become obligated to refund to the Government all costs incurred on my behalf for travel, transportation, and related expenses as prescribed in the Federal Travel Regulation, unless separated for reasons beyond my control and acceptable to the BOP.

Signature/Date

WITNESS:

Signature/Title/Date

COMPRESSED WORK SCHEDULE (CWS) AGREEMENT

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

My signature on this memorandum affirms that I agree to work a compressed 80-hour biweekly work schedule. I understand that this schedule consists of diversified hours, i.e., four 10-hour days a week, or eight 9-hour days and one 8-hour day in a biweekly pay period.

I acknowledge that the compressed work schedule has been fully explained and is understood as an option to the regular work schedule. Additionally, I agree to return to standardized working hours should this schedule have an adverse impact on the operation of the institution as determined by the CEO.

I understand and agree to the conditions of alternative work schedules as stated in 5 CFR part 610, Subpart D, as they apply to premium pay and leave administration.

In addition, I understand that most periods of travel or training can be accommodated without changing the compressed schedule. However, if the travel or training will conflict with a scheduled non-work day, the schedule will be altered to change the non-work day for that pay period.

Name:

Title:

Signature:

Date:

BP-A1091
MAR 16

COMPRESSED WORK SCHEDULE (CWS) REQUEST

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

FOR _____, CHIEF EXECUTIVE OFFICER

THROUGH: _____ Supervisor/Manager

_____ Title

FROM: _____ (Employee's name)

_____ Title

SUBJECT: Compressed Work Schedule Request

This serves as an official request for a Compressed Work Schedule for, Employee name, Title, Section/Department. The type of schedule being requested is

___ 5/4/9-hour or
___ 4/10-hour days per week.

The proposed compressed work schedule will be implemented the first full pay period after approval.

(Sample is below, input preferred schedule)

	Sun	Mon	Tue	Wed	Thur	Fri	Sat
(1st Week)	Off	Off	7:00 am to 4:30 pm	7:00 am to 4:30 pm	7:00 am to 4:30 pm	7:00 am to 4:30 pm	Off
(2nd Week)	Off	7:00 am to 4:30 pm	7:00 am to 4:30 pm	7:00 am to 4:30 pm	7:00 am to 4:30 pm	7:00 am to 3:30 pm	Off

Disapproved: _____

Approved: _____

Name, Chief Executive Officer

**COMPRESSED WORK SCHEDULE (CWS)
SUPERVISORY PRE-IMPLEMENTATION QUESTIONNAIRE**

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

INSTRUCTIONS: In order to assess the effectiveness of the compressed work schedule, you are to examine the results of the CWS relative to proposed goals, objectives and expectations for undertaking the compressed schedule. As the supervisor, you are to complete this questionnaire with the request for a compressed work schedule. In completing this questionnaire, give careful consideration to existing sources of information on the operation of the department/unit, including program or operational reviews, climate surveys, institution character profiles, and employee performance evaluations. As needed, evaluations may be conducted to assess the outcomes of the CWS relative to the goals, objectives and expectations detailed in this questionnaire.

1. Department/Unit Productivity: What do you anticipate will happen to the level of productivity in the department/unit? Include as many measurable outcomes as possible. For example, do you expect overtime costs to decrease, or an increase in coverage during shift changes?

2. Level of Service Provided to the Public: To what extent will the level of services furnished to the public increase or diminish?

3. Cost of Agency Operations: To what extent will the cost to the agency increase or decrease?

Supervisor's Name:

Department/Section:

**REQUEST FOR RESTORATION OF FORFEITED
ANNUAL LEAVE**

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Employee Name and Title: _____

To: Human Resource Manager

Institution: _____ SSN: _____

Leave Year Leave Forfeited: _____

Annual Leave Ceiling: _____

Annual Leave Balance: _____

Annual Leave Forfeited: _____

Supporting Data:

List periods of annual leave approved, scheduled, and forfeited. Provide dates and hours that were approved.

I was unable to take this leave for the following reason(s): Note: Unforeseen work demands, sick leave, and administrative error are acceptable reasons. Please be specific; use additional sheets as necessary. State any attempts to reschedule leave.

Employee Signature: _____

Date: _____

Certification by the Supervisor:

Annual Leave Forfeited: _____

Date exigency ended: _____

The annual leave hours in excess of the maximum permissible were forfeited at the end of the leave year and were the result of the detailed reason(s) claimed by the employee.

Any correction(s) or adjustment(s) are included in comments below and have been considered in excess annual leave hours certified. Describe any attempts to reschedule leave.

Comments: (Use additional sheets as necessary)

Signature: _____

Date: _____

Authorization for Restoration by Designated Official:

Signature: _____

Title: _____ Date: _____

SUPERVISORY ASSESSMENT OF COMPRESSED WORK SCHEDULE**U.S. DEPARTMENT OF JUSTICE****FEDERAL BUREAU OF PRISONS**

INSTRUCTIONS: The purpose of this questionnaire is to evaluate the effectiveness of the compressed work schedule on the department/unit which you directly manage. To properly assess the overall utility of the compressed work schedule, it is important we obtain objective data from supervisors.

Management decisions regarding the continuation of the compressed work schedule will be based, in part, on the results of this questionnaire. Please answer the following as they relate to the impact of the CWS on agency operations, specifically, costs, productivity, and level of service.

As a result of your department's/unit's participation in a compressed work schedule, indicate with a percentage in the appropriate box, the extent to which the following increased or decreased as a result of the CWS in your department/unit.

The percent increase or decrease should be based on comparing data before implementation of the CWS to data from the period during the CWS. This data can consist of employee or departmental/unit records (e.g. sick leave hours, overtime hours, performance records, etc.). For example, to determine the extent sick leave has changed, you should compare employee records of sick leave use prior to implementation to records of sick leave use during the CWS. Data can also consist of your observations (e.g. observations of fatigue, etc.). For example, to assess changes in the level of fatigue, you could observe the level of fatigue of your staff under the CWS and compare it to your observations of staff fatigue prior to implementation. Because observations are open to subjective biases. You should attempt to collect as much objective data and information as possible.

Following the completion of the table, you will be required to provide data to document any changes in costs, productivity, or service to the public which exceeds 10%.

COSTS	PERCENT DECREASE	NO CHANGE	PERCENT INCREASE
Use of sick leave.			
Use of overtime/compensatory time.			
Staffing requirements.			
Overall cost to operate department/unit.			
PRODUCTIVITY	PERCENT DECREASE	NO CHANGE	PERCENT INCREASE
Quality of work by your staff.			
Volume of work produced by staff.			
Staff completing work on time.			
Attendance of staff at meetings.			
Responsiveness of your staff to unanticipated work requests.			
<u>SERVICE TO THE PUBLIC</u>	PERCENT DECREASE	NO CHANGE	PERCENT INCREASE

Service to clients (e.g., inmates, public, other departments and agencies, Unitor customers, etc).			
Provide staff coverage to other department as needed.			
Level of fatigue in department/unit			
Ability to fill vacancies or retain employees in department.			

PROVIDE SPECIFIC DATA TO DOCUMENT ANY INCREASES OR DECREASES GREATER THAN 10% IN PRODUCTIVITY, SERVICE TO THE PUBLIC OR COSTS TO THE AGENCY

RECOMMENDED ACTION:

☐ DISCONTINUE THE COMPRESSED WORK SCHEDULE

☐ CONTINUE THE COMPRESSED WORK SCHEDULE

Institution:

Department/Section:

Supervisor's Name:

Signature:

Date

BUREAU OF PRISONS TELEWORK AGREEMENT FORM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Part 1: General Information (Please type or print clearly)				
Action Requested:	New	Change	Termination	Date of Request
Employee Information				
Employee Name		Region/Division	Office	
()	()	()	()	
Work Phone	Blackberry Phone	Home Phone	Cell Phone	
Supervisor's Name				
Part 2: Telework Agreement				
<i>The following constitutes an agreement on the terms and conditions of the telework arrangement between the employee and the Bureau of Prisons.</i>				
Approved Telework Option/Days <i>Select one option:</i>				
Routine Scheduled Telework Days (Per Pay Period)				
Week 1		Week 2		
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Saturday				
Sunday				
Routine Scheduled Days per month: <i>List Days per month (if not authorized to telework at least one day per pay period, but at least one regularly scheduled and recurring telework day per month):</i>				
Situational (Ad Hoc: short period of time, project based, unscheduled or weather related) <i>Provide examples of approved telework circumstances.</i>				

Terms of Agreement					
1. Telework is not an employee right. The employee volunteers to telework and to adhere to applicable guidelines and DOJ telework policies. The Department concurs with employee participation and agrees to adhere to applicable guidelines and policies.					
2. The employee agrees to participate for a period beginning:_____ and ending:_____. The terms of this agreement should be reviewed and updated as necessary, but no less frequently than once every two years.					
3. The supervisor and employee agree to the following tour of duty for the telework location.					
Start Time		Stop Time			
4. Employee's official worksite:					
Street Address	_____	City, State	_____	Zip Code	_____
5. Employee's traditional worksite (if different from the employee's official worksite):					
Street Address	_____	City, State	_____	Zip Code	_____
6. The approved telework locations are:					
<i>Primary telework location:</i>					
Street Address	_____	City, State	_____	Zip Code	_____
<i>Secondary telework location:</i>					
Street Address	_____	City, State	_____	Zip Code	_____
Describe in detail the designated work area at the telework locations:					
7. Employee has completed the Safety Checklist for Telework Locations. Employee and supervisor have discussed requirements for an adequate and safe work area and the employee certifies that all approved telework locations meet those requirements.					
8. Employee completed telework training on _____(date).					
9. The following equipment has been issued to the employee and documented by the agency:					
Equipment	Description	Issue Date	Serial Number	BOP Property Tag #	Return Date
Computer					
Telephone/ Blackberry					
Other					
Other					
Other					
10. All timekeeping, leave, performance requirements, and special pay approvals are the same as for the traditional worksite, except if telework is frequent enough to require change in duty location.					
11. Provided the employee is given at least 24 hours advance notice, the employee agrees to allow the safety manager or a designee, to inspect the telework location during the employee's normal working hours. This is to ensure worksite conformance with these guidelines.					

Terms of Agreement		
12. The employee must immediately notify the supervisor of any work related accident, injury, or illness occurring at the telework location and timely submit completed Occupational Injury/Illness Forms, as appropriate.		
13. The Government will not be liable for damages to an employee's personal or real property during the course of performance of official duties or while using Government equipment in the employee's residence, except to the extent the Government is held liable by Federal Tort Claims Act.		
14. The Government will not be responsible for operating costs, home maintenance, or any other incidental costs whatsoever, associated with the use of the employee's residence. While teleworking, the employee is entitled to reimbursement for authorized expenses incurred while conducting business for the Government, as provided for by statute and implementing regulations.		
15. The employee will apply approved safeguards when teleworking to protect Government/agency records from unauthorized disclosure or damage. He/she will comply with the Privacy Act requirements per DOJ Order 3011.1A, and the provisions specified in DOJ Order 2640.2F, Information Technology Security, in order to protect access to DOJ electronic information and computer systems.		
16. The employee may voluntarily terminate a telework agreement at any time. Supervisors may remove the employee from a telework agreement in accordance with BOP and DOJ telework policies, established administrative procedures, and union negotiated agreements.		
17. The employee agrees to limit performance of officially assigned duties to the traditional worksite or to agency-approved telework locations. Failure to comply with this provision may result in termination of the telework agreement, or appropriate disciplinary action.		
18. The employee agrees that he or she may be required to telework outside of his or her normal telework schedule in the case of a temporary emergency situation (e.g. worksite closure, authorized early dismissal, authorized delayed arrival, declaration of COOP status).		
19. The employee certifies that adequate dependent care arrangements are in place, and will not interfere with the employee's ability to telework.		
Safety Checklist for Telework Locations		
The following checklist is designed to help you assess the overall safety of telework locations. Each participant should read the safety checklist provided below and certify that all telework locations are in compliance with all listed safety criteria.		
Safety Feature	Yes	No
1. Is the space free of indoor air quality hazards such as asbestos and mold?		
2. Is the work space equipped with fire, smoke, and carbon monoxide detectors?		
3. Are stairways and walkways nonslip and free of obstructions and trip hazards?		
4. Is all electrical equipment free of recognized hazards that would cause physical harm?		
5. Are all areas free of obstructions to permit visibility and movement?		
I hereby agree to the telework Terms of Agreement and certify that my telework location is in compliance with all listed safety criteria.		
Employee's Signature:		Date:
Part 3: Supervisor's Review		
	Approval	
	Approval with modification (please describe):	
	Disapproval (state reason):	
Supervisor's signature:		Date:
Part 4: Regional/Assistant Director's Review		
	Approval	
	Approval with modification (please describe):	
	Disapproval (state reason):	

Regional/Assistant Director's Signature:		Date:
Part 5: Assistant Director, HRMD Review		
	Approval	
	Disapproval (state reason):	
Assistant Director, Human Resource Management's Signature:		Date:

Distribution of Copies

Original – Human Resources

Copy – Employee

Copy – Supervisor