GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Memorandum 2007-4
October 16, 2007

TO: ALL DEPARTMENT AND AGENCY HEADS

ORIGINATOR: Brender L. Gregory, Director, D.C. Department of Human Resources

SUBJECT: Scheduling "Use or Lose" Annual Leave and Requests for Restoration of Annual Leave

Each subordinate agency is to remind its employees that annual leave in excess of the maximum carryover hours of 240 must be used prior to the end of the leave year, **January 5, 2008**, in order to avoid forfeiture (loss) of the annual leave.

In accordance with section 4.9 (L) of Chapter 12 of the District Personnel Manual (DPM), Hours of Work, Legal Holidays and Leave, Part II, Subpart 4 (copy attached), annual leave in excess of 240 hours that would otherwise be forfeited (lost) may be restored for later use if the leave was scheduled at least 3 pay periods in advance of the end of the leave year, approved in writing, and subsequently denied due to the demands of the public business.

Accordingly, employees with "use or lose" leave are to schedule the use of such leave by submitting a *D.C. Standard Form 71, Application for Leave*, **not later than November 24, 2007**.

Agencies should also remind employees that "use or lose" leave may be donated to the Annual Leave Bank Program. Again, to avoid forfeiture of such leave, the donation to the leave bank must be made prior to the end of the leave year. Employees may donate to the Annual Leave Bank Program by completing the "Application to Donate Annual Leave to the Leave Bank" form. The form must be submitted to the appropriate agency official **not later than November 24, 2007**. Agency time and attendance clerks are to prepare a "Leave Used Prior Pay Periods (Adjustments to Automated Leave System)" form for submission with the time and attendance form to the Office of Pay and Retirement Services for the pay period ending **December 8, 2007**.

The provisions of this Mayor's Memorandum **do not** apply to Executive Service employees, who accrue universal leave. Executive Service employees have 26 days of universal leave credited to their universal leave account on the 1st pay period of the leave year, or on a pro-rata basis for appointments made after the 1st pay period of the leave year; and may carry over not more than five 5 days (40 hours) of unused universal leave for use in succeeding years. Any universal leave amount in excess of the 5 days will be forfeited (lost) at the end of the leave year.

Attachment

L. **Restoration of annual leave.**

1. Annual leave which is lost due to administrative error when the error causes a loss of annual leave otherwise accruable after June 30, 1960, exigencies of the public business when the annual leave was scheduled in advance, or sickness of the employee when the annual leave was scheduled in advance, shall be restored to the employee.

a. Restored annual leave which is in excess of 30 days shall be credited to a separate leave account for the employee and shall be available for use by the employee for a period of two years. Agencies shall establish an adequate record-keeping and administrative procedure to properly identify in a separate leave account:

(1) the date the leave was restored for use;

(2) the amount credited;

(3) the specific schedule established for use; and

(4) the amount of usage and balance.

b. Annual leave otherwise accruable after June 30, 1960, which is lost because of administrative error and is not credited because the employee is separated before the error is discovered, shall be subject to credit and liquidation by lump-sum payment only if a claim therefor is filed within three years immediately following the date of discovery of the error.

2. Before annual leave may be restored under the provisions of paragraph L.1 above, exigency of the public business, the head of an agency must determine that an exigency is of major importance and that annual leave scheduled at least three bi-weekly pay periods prior to the actual end of the leave year must be denied, or, in case of substitution of sick leave for annual leave, the annual leave cannot be rescheduled within the leave year and the request for substitution of sick leave is accompanied by a medical certificate.

3. Annual leave restored under paragraph L.1 above must be scheduled and used not later than the end of the leave year ending two years after one of the following:

(a) the date of restoration of the annual leave forfeited because of administrative error;

(b) the date fixed by the agency head, or his or her designee, as the termination date of the exigency of the public business which resulted in forfeiture of the annual leave; or

(c) The date the employee is determined to be recovered and able to return to duty if the leave was forfeited because of sickness.

4. The scheduling and, as necessary the rescheduling of annual leave must be in writing and the documentation (which must be retained until the restored leave has been used; or the time limit specified for use of restored annual leave has expired; or, in the case of separation, when the restored leave is included in a lump-sum payment to the employee) must include the following:

(a) the calendar date the scheduled leave approved by the official having the authority to approve such leave;

(b) the date or dates during which the scheduled leave was to have been used and the amount of such leave stated in days or hours;

(c) the reasons for subsequent cancellation of approved leave (for example, if because of an exigency of the public business, documentation must include the beginning and ending dates of the exigency and a copy of the approval dates indicated above);

(d) the calendar date the rescheduled leave was approved by the official having the authority to approve such leave; and

(e) the date or dates during which the rescheduled leave was to have been used and the amount of such leave stated in days or hours.

5. Restored leave will be included in a lump-sum payment if unused and still available upon the separation of the employee.

6. When an individual who received a lump-sum payment for leave is reemployed before the end of the period covered by the lump-sum payment, other than in a position excepted under Section 4.2 of this chapter, he or she shall refund an amount equal to the pay covering the period between the date of reemployment and the expiration of the lump-sum period.

7. The [Chief Financial Officer], or his or her designee, is authorized to approve the restoration of annual leave.