Leave Control Made Simple

A Postal Supervisor's Quick Reference Guide



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Responsibilities and Call-In Procedures

EMPLOYEE RESPONSIBILITY

Employees are required to be regular in attendance (ELM 665.41)

Requests for scheduled absences are made in writing on Form 3971, Request for or Notification of Absence. Except for emergencies, leave for all employees (excluding Postmasters and Installation Heads) must be requested on Form 3971 and approved in advance by the appropriate supervisor. (Handbook F-21 323.1)

For unscheduled absences, the supervisor or proper official must be notified as soon as the inability to report for duty becomes apparent. (ELM 512.412) Immediately upon their return to duty, the employee must submit Form 3971 and explain the reason for the emergency leave to the supervisor. (F-21 323.2)

Any deviation from the employee's assigned reporting time is considered tardiness (F-21 143)

To the extent possible, employee should schedule medical appointments outside of work hours, or at the beginning or end of tour if possible, to provide the least disruption to the unit.

EMPLOYEE PROCEDURES FOR REPORTING ABSENCES

As soon as employees are aware they are unable to maintain their assigned schedule, they must follow the procedures below:

Non-TACS/eRMS Office:

- 1. Personally call the supervisor or designee at the reporting office.
- 2. Advise him/her of the condition or situation leading to the unscheduled absence.
- 3. Upon return to duty, prior to beginning tour, the employee should report to their duty station early enough to process necessary documentation.
- 4. Military and court leave requests must be submitted immediately after the employee is notified.
- 5. Documentation may be requested for any absence.

TACS/eRMS Office:

- 1. Call 1-877-477-3273 (ITY 866-833-8777)
- 2. For unscheduled leave requests **ALWAYS** wait for and write down the confirmation number
- 3. Upon return to duty, prior to beginning tour, the employee should report to his/her duty station early enough to process necessary documentation.
- 4. Military and court leave requests must be submitted immediately after the employee is notified.
- 5. Documentation may be requested for any absence.

SUPERVISOR / MANAGERIAL RESPONSIBILITY

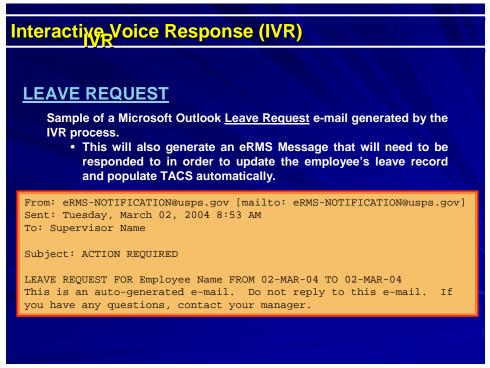
Supervisors are responsible for approving or disapproving applications for leave by signing the Form 3971. (F-21 323.1) For unscheduled absences, the supervisor must inform their employees whom to

contact to "call-in" notice of their absence. The individual that takes the call-in from the employee is to be responsible for initiating Form 3971 and for seeing to it that the Form 3971 is given to the appropriate timekeeper. (F-21 142.3)

eRMS offices will have the absence notification emailed to the supervisor or the supervisor has the capability to check the message log on eRMS. The supervisor should develop a tickler file or outlook notification for documentation required. Audits have revealed most requests for documentation are never provided by the employees and forgotten by the supervisor. This inattention works to the advantage of the employee.

When necessary, supervisors are responsible for issuing corrective action related to leave abuse. When reviewing the employee's Form 3972, supervisors may notice indicators of possible abuse. These "abuse caution signs" can include unscheduled leave requested on:

- The first workday following a pay day
- Before or after a scheduled day off
- On the same calendar day of the week
- Before or after a holiday
- When workload is heaviest
- When overtime is required
- During inclement weather
- On a day of public events and/or ball games
- On a day the working spouse has the day off or vacation
- When previously refused a day off
- When an undesirable job is to be performed
- When scheduled to work weekends or holidays
- Excessive intermittent absences of short duration
- Any time there is insufficient justification
- The beginning of hunting season



OTHER LEAVE

Court Leave

Court Leave is defined as the authorized absence from work status (without loss or reduction in pay, leave to which otherwise entitled, credit for time of service or performance rating) of an employee who is summoned in connection with a judicial proceeding. ELM 516.12

Eligibility

Court leave is granted to all full-time and part-time regular employees. Certain part-time flexible employees are granted court leave as provided and governed by applicable collective bargaining agreements. ALL other employees are ineligible for court leave and must use either annual leave or LWOP to cover the period of absence from postal duties for court service but may retain any fees or compensation received incident to such court service.

Court leave is granted only to eligible employees who would be in a work status or on annual leave except for their summons for jury duty or service as a witness. An employee who is in a LWOP status when called for court service in NOT granted court leave, but may retain any fees or compensation received for such service.

If an employee is summoned for court service while on annual leave, such leave is cancelled and the employee is placed on court leave for the duration.

Combination of Court Service and Postal Duty

- 1. Employees Who Report for Court Service and Are Excused Early. If an employee reports for court service and is excused by the court for the balance of the day or performs court duty for only part of that day is entitled to full compensation for the day in question. However, the employee is required to report to the postal installation for the balance of the postal tour of duty provided:
 - a. An appreciable amount of time of the tour is involved and
 - b. It is feasible to report for work and complete the tour.

The combined court service and postal duty many not exceed 8 hours. No overtime is allowed for court service performed while an employee is on court leave or for a combination of postal work and such court service.

- 1. Employees Who Serve a Full Day in Court. Employees serving a full day in court service are not required to report to their postal duties.
- 2. Employees Excused from Court Service for an Extended Period. Employees excused from court service for an entire day are not entitled to compensation unless they actually perform service as postal employees (ELM 516).

Military Leave

Military leave is defined as an authorized absence from postal duties without loss of pay, time, or performance rating granted to eligible employees who are members of the National Guard or Reservists of the armed forces (ELM 517)

Career postal employees, i.e., full-time, part-time regular and part-time flexible employees who are members of the following components of the armed forces, are eligible for paid military leave:

- 1. The Army National Guard of the United States
- 2. The Army Reserve
- 3. The Naval Reserve
- 4. The Marine Corps Reserve
- 5. The Air National Guard of the United States
- 6. The Coast Guard
- 7. The Air Force Reserve

Granting Military Leave – Pay Status Requirement

Generally, an employee must be in a pay status either immediately prior to the beginning of military duty or immediately after the end of military duty in order to be entitled to military leave with pay. Upon return from military duty, it is the employee's responsibility to provide a copy of military orders or other documentation properly endorsed by appropriate military authority to show the duty was actually performed.

The U.S. Postal Service allows employees:

- 1. To participate in drills or meetings scheduled by the National Guard or Reserve Units of the armed forces.
- 2. To attend usual summer training periods
- 3. To perform any other active duty ordered by the National Guard and Reserve Units of the armed forces.

Military Time Allowances

Eligible full-time and part-time employees receive credit for paid military leave as follows:

- 1. Full-Time Employees: 15 calendar days (120 hours) each FY.
- 2. Part-Time Employees: 1 hour military leave for each 26 hours in pay status in the preceding FY provided:
 - a. Employee was in pay status a minimum of 1040 hours in the preceding fiscal year end and,
 - b. Employee's pay for military leave does not exceed 80 hours.

Administrative Leave

Administrative leave is defined as leave from duty authorized by appropriate postal officials without charge to annual or sick leave and without loss of pay.

Events and Procedures for Granting Administrative Leave

Acts of God: (Community Disasters such as fire, flood or storms). The disaster situation must be general rather than personal in scope and impact. It must prevent groups of employees from working or reporting to work. Employees on annual leave, sick leave or LWOP are not entitled to administrative leave (ELM 519.214)

Civil Disorders: During times of civil disorders in communities, the postmaster, or installation head determines whether conditions are such that postal operations are curtailed or terminated, taking into account the needs of the service, local conditions and the welfare of postal employees (ELM 519.22)

Full-time employees prevented from reporting in civil disorder situations are treated the same as employees in the "Act of God" situation. PTF's are not grated administrative leave except if scheduled to report but are prevented from doing so. (ELM 519.214c)

Voting or Registering to Vote

Three Hour Rule: As a general rule, if the polls are not open at least 3 hours either before or after an employee's scheduled hours of work, the employee may be excused for the length of time that permits them to report 3 hours after the polls open or leave 3 hours before the polls close, whichever requires the lesser amount of time off (ELM 519.32-519.323)

Restrictions: An employee is not allowed administrative leave for voting or registration during a period of absence on sick leave, annual leave or LWOP pay (ELM 519.325)

Blood Donations

Postal employees may be excused for that period of time reasonably necessary to cover any absence from regular tours of duty to make voluntary blood donation, without remuneration. This regulation does not apply to those employees who participate on their own time, off duty. (ELM 519.51)

Bone Marrow, Stem Cell, Blood Platelet and Organ Donation

Career postal employees who wish to donate bone marrow, stem cells, blood platelets, or organs may be granted administrative leave, subject to the limitations in 519.522, with appropriate management approval. Administrative leave is not available to bone marrow or organ recipients. (ELM 519.52)

Bereavement Leave

Beginning <u>January 5, 2008</u>, non-bargaining EAS employees and all bargaining unit employees EXCEPT Rural may use up to three workdays of annual leave, sick leave or leave without pay, to make arrangements necessitated by the death of a family member or attend the funeral of a family member. Authorization of leave beyond three days is subject to the conditions and requirements in ELM 510.

Family member is defined as a:

- (a) Son or daughter a biological or adopted child, stepchild, daughter-in-law or son-in-law;
- (b) Spouse;
- (c) Parent or mother-in-law or father-in-law;
- (d) Sibling brother, sister, brother-in-law or sister-in-law; or
- (e) Grandparent

Use of Sick Leave – For employees opting to use available sick leave, the leave will be charged to sick leave for dependent care, if eligible.

Documentation – Documentation evidencing the death of the employee's family member is required only when the supervisor deems documentation desirable for the protection of the interest of the Postal Service. (EAS Pay Package 2007-2010)

National Day of Observance

In the event the postmaster general or designee determines that the Postal Service will participate in a national day of observance (for example, National Day of Mourning) subsequent to the declaration of a national day of observance by Executive Order of the President of the United States, administrative leave is granted to employees. (ELM 519.41)

Continuation of Pay (COP)

Under the provision of the Postal Reorganization Act all employees of the USPS are covered by the Federal Employees' Compensation Act (FECA) which is administered by the Office of Workers Compensation programs (OWCP), U.S. Department of Labor,. OWCP determines whether the employee, or a claimant acting on behalf of the employee, is entitled to benefits under FECA.

Continuation of Pay can only be approved by the Health and Resource Management Specialist. Postmaster, Installation heads and supervisors do not have authority to authorize continuation of pay. The Office on Injury Compensation bases approval of COP upon medical documentation to support the claim. A PS Form 3971 must be submitted to the Health and Resource Management Specialist along with a properly completed CA-1. COP is never approved for a CA-2.

Nonbargaining Personal Absence

Nonbargaining employees' personal absence time is paid time off. It is not charged as annual leave, sick leave or any other paid leave category. Only FLSA Exempt employees are eligible for such time off.

Nonbargaining unit exempt employees are paid on a salary bases. This means that under the FLSA they are not considered to be hourly rate employees. Therefore, except for absences covered by FMLA, partial day absences are paid the same as work time. While exempt employees are expected to work a full day, they may request time off to attend to personal matters during the work day. If approved, the time off is "personal absence time' and is not charged to annual, sick leave or LWOP. (ELM 519.1)

Full Day ELM 519.731 Partial Day ELM 519.732

AWOL / LWOP

Absent Without Official Leave (AWOL)

Disapproved absences will be charged as absences without leave (AWOL) ELM 513.64

Employees failing to report for duty on scheduled days, including Saturdays, Sundays and holidays, will be considered absent without leave except in actual emergencies which prevent obtaining permission in advance. In emergencies, the supervisor or proper official will be notified as soon as the inability to report for duty becomes apparent. Satisfactory evidence of the emergency must be furnished later. An employee who is absent without permission or fails to provide satisfactory evidence that an emergency existed will be placed in a non-pay status for the period of such absence. The absence will be reported tot eh appropriate authority ELM

- Supervisors are reminded not to charge an employee as being AWOL prior to finding out from the employee the reason(s) for the absence F-21 142.33 142.34
- The employee will be provided a copy of the AWOL charge on a PS Form 3971

Leave Without Pay (LWOP)

Leave without pay (LWOP) is an authorized absence from duty in a non-pay status. LWOP may be granted upon the employee's request and covers only those hours which the employee would normally work or for which the employee would normally be paid. It does not include days on which the employee is not scheduled.

LWOP is different from AWOL (Absent Without Official Leave) which is also a non-pay status due to the determination that no authorized leave can be granted either because:

The employee did not obtain advance authorization, or

The employee's request for leave was denied (insufficient documentation, etc.)

The granting of leave without pay is a matter of administrative discretion in most instances. Requests for LWOP shall be approved or disapproved by the designated authority. Installation heads may approve requests for LWOP in excess of 1 year and District Managers may approve requests for LWOP that are not in excess of 2 years. In granting approval for extended LWOP there should be reasonable expectation that the employee will return at the end of the approved period.

Acceptable Reasons for Leave Without Pav

- Personal illness, injury, maternity or paternity absence; absences covered under the Family and Medical Leave Act of 1993 (ELM 514.4); when sick leave is exhausted and the employee's attendance record does not indicate abuse.
- Scheduled drills or periods of training in the Reserve Forces or National Guard.
- When annual leave is exhausted and the employee requests LWOP for an emergency, emergency annual leave provisions apply.
- Other reasons listed under Section 514, Exhibit 514.4 (page 1 & 2) of the ELM.

For more information on Leave Without Pay please see ELM 514.

Sick Leave

Employees who are incapacitated to perform their work duties may request sick leave provided they have accrued a sick leave balance. Other authorized conditions of sick leave usage are medical confinement, dental, medical or optical examination, contagious disease(s), treatment for disabled veterans, and Dependant Care. (ELM 513)

Sick Leave Absences Three Days or Less (ELM 513.361)

- Supervisors may accept the employee's statement
- Employees that are on restricted sick leave are required to submit acceptable medical documentation or other evidence of incapacity to work.
- Employee may be required to submit medical documentation or acceptable evidence of incapacity to work when deemed necessary for the protection of the interests of the Postal Service

Sick Leave Absences Over Three Days (ELM 513.362)

 Medical documentation or other acceptable evidence of incapacity to work is required for absences in excess of three days.

Extended Sick Leave Absences (ELM 513.363)

Employees who are incapacitated to work for an extended period are required to submit at appropriate levels, but not more frequently than once every 30 days, satisfactory evidence of continued incapacity for work or need to care for a family member unless some responsible supervisor has knowledge of the employee's continuing situation.

Certification Required: All Bargaining Unit Employees and Those Nonbargaining Unit Employees Returning From Non-FMLA Absences (ELM 865.1)

Return-to-work clearance may be required for absences due to an illness, injury, outpatient medical procedure (surgical), or hospitalization when management has a reasonable belief, based upon reliable and objective information, that:

- a. The employee may not be able to perform the essential functions of his/her position, or
- b. The employee may pose a direct threat to the health or safety of him/herself or others due to that medical condition. In making this determination, management must consider the essential functions of the employee's job, the nature of the medical condition or procedure involved, guidance from the occupational health nurse administrator, occupational health nurse, and/or the Postal Service's physician regarding the condition or procedure involved, and any other reliable and objective information to make an individualized assessment whether there is a reason to require the return-to-work documentation. In cases of occupational illness or injury, the employee will be returned to work upon certification from the treating physician, and the medical report will be reviewed by a medical officer or contract physician as soon as possible thereafter.

All medical certifications must be detailed medical documentation and not simply a statement that an employee may return to work. There must be sufficient information to make a determination that the employee can perform the essential functions of his/her job, and do so without posing a hazard to self or others. In addition, the documentation must note whether there are any medical restrictions or limitations on the employee's ability to perform his/her job, and any symptoms that could create a job hazard for the employee or other employees. The occupational health nurse administrator, occupational health nurse, or the Postal Service's physician evaluates the medical report and, when required, assists placing employees in jobs where they can perform effectively and safely. (ELM 865.4)

Dependent Care Sick Leave (ELM 513.12)

Employees may request up to 80 hours of sick leave in a leave year to attend a family member which has an illness or injury that qualify for sick leave usage. Family members include son, daughter, parent and/or spouse. Approval of leave is subject to normal procedures for leave approval.

Advance Sick Leave (ELM 513.5)

A maximum of 30 days (240) hours of sick leave may be advanced to employees in cases of serious disability or illness. The following guideline must be followed by supervisors in advancing sick leave hours:

- Must have reason to believe the employee will return to duty.
- Should not advance sick leave to employees pending disability retirement
- Application for Advance Sick Leave must be supported by medical documentation.
- Advance Sick Leave requires approval of the Installation Head.

Approval / Disapproval of Sick Leave Absences (ELM 513.63)

- Supervisor approves or disapproves application for sick leave by signing Form 3971
- Supervisor gives employee a copy of Form 3971
- When a request for sick leave is disapproved, the supervisor must check the disapproval block on the Form 3971 and state the reason for disapproval in the remark section.

Dependent Care

Use of Earned Sick Leave

Defining a Dependent

Dependents under the MOUs are defined just as the Family Medical Leave Act (FMLA) defines them. Family members who qualify as dependents under the MOUs include son or daughter, parent, and spouse as defined in ELM 515.2 (FMLA implementing regulations)

Approval of Sick Leave for Dependent Care

Approval of sick leave to care for a family member is the same as it is for approval of sick leave for the employee. (ELM 513) Therefore, the employee should normally submit a PS Form 3971 for approval in advance to the appropriate supervisor. To obtain approval of sick leave under Memoranda, the employee must provide the following information in the remarks section of the PS Form 3971 or an attachment thereto.

- The sick leave is requested to care for or attend to a son, daughter, spouse or parent or a person who stands in the place of any one of these designations.
- The employee must specify the medical facts and provide the necessary explanation and/or documentation in support of the illness, incapacity, or other condition affecting the dependent in order for the supervisor to determine whether the same condition if afflicting the employee would warrant use of sick leave.
- The employee must state the nature of his or her need to care for or attend to the dependent.

Documentation

In accordance with normal sick leave policy, medical documentation or other acceptable evidence of the medical need of the dependent is required in the following circumstances; when the employee is on restricted sick leave; when it is deemed desirable by the supervisor for the protection of the Postal Service's interests; when the sick leave is for extended periods; or when the absence exceeds three days.

Documentation or explanation of the dependent's relationship to the employee may also be required. With regard to filing this documentation, supervisors have a responsibility to protect employees' dependents' privacy as well as the privacy of employees. If it is necessary to retain documentation containing restricted medical information for an employee's dependents, it is to be filed in the leave requester's medical file, unless the dependent is also an employee. Otherwise, such records should be returned to the employee or destroyed after necessary review.

In addition, such medical documentation or evidence of medical need is required when necessary to determine whether the FMLA applies to the employee's situation. Supervisors are reminded that they

have an obligation to advise the employee of his or her FMLA rights if they become aware of circumstances which may trigger the FMLA, such as caring for a dependent with a "serious health condition". (ELM 513) If such a condition exists, it may invoke the protections of the FMLA.

Sick Leave for Dependent Care and the FMLA: Differences and Overlap

The FMLA entitles employees to time off for specified situations. Under the FMLA, the determination of whether the time off is paid or unpaid is left to the employer's leave policies. Allowing the use of sick leave for dependent care is a new policy available to all employees.

FMLA coverage for an absence depends on the employee's eligibility and the reason for the absence. Sick leave for dependent care may or may not be covered by the FMLA, the same as sick leave for an employee's illness may or may not be covered by the FMLA. Unless the employee's situation meets the FMLA criteria, it is not an FMLA covered absence. Under the MOUs it is not necessary that sick leave be used for a serious health condition, as it is under FMLA.

The definition for dependent in the MOUs is the same that is defined in the FMLA.

Corrective Action for Irregular Attendance

The MOUs do not diminish the employee's obligation to maintain regular attendance. Irregularities in attendance can be the basis for corrective action, including discipline. However, absences, which qualify under the FMLA, cannot be considered in any determination to take disciplinary action. Unscheduled absences that fall under the provisions of DCSL are subject to the disciplinary procedures as outlined in the National Agreement.

Family Medical Leave Act (FMLA)

FMLA Employee Eligibility

Any employee who has been employed by the Postal Service for at least 12 months, and has worked a minimum of 1250 hours during the 12 month period immediately preceding the date leave is to begin, is eligible for Family Medical Leave. An employee who meets the 1250 hour requirement for the first in a series of intermittent leave is eligible for subsequent intermittent leave for that one qualifying condition for the remainder of that Postal Service leave year, even if they drop below the 1250 hour requirements sometime during the year. That employee is not eligible for Family Medical Leave for any other condition unless that have worked 1250 hours in the 12 months preceding the date the leave is to begin.

On January 28, 2008, President Bush signed into law the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181. Section 585(a) of the NDAA amended the FMLA to provide eligible employees working for covered employers two important new leave rights related to military service:

New Qualifying Reason for Leave. Eligible employees are entitled to up to 12 weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining "any qualifying exigency." In the interim, employers are encouraged to provide this type of leave to qualifying employees.

New Leave Entitlement. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the

servicemember. This provision became effective immediately upon enactment. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

Reasons for Taking FMLA Leave

To care for the employee's child after birth or placement for adoption or foster care; to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or for a serious health condition that makes the employee unable to perform the employee's job.

Amount of Leave Entitlement

- A total of 12 administrative workweeks of leave or up to 480 hours within a leave year.
- Employees with weekly schedules of less than 40 hours are entitled to 12 times the number of hours normally scheduled in their workweek.
- If an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted towards the 12 weeks of leave to which an employee is entitled.

Type of Leave

- Annual, sick or LWOP for serious health conditions for self or family member
- Annual or LWOP for birth, bonding with a child, or placement of a child
- OWCP or COP when injured "On the Job".
- Sick leave for dependent care

Covered Conditions

- The birth of the employee's son or daughter, and to care for the newborn child
- The placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child
 - Entitlement expires one year from the date of birth or placement
 - Intermittent leave or leave on a reduced schedule may be taken only if the employer agrees
- To care for the employee's spouse, son, daughter, or parent who has a serious health condition
- Because of a serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job

Employee MUST

- Fill out PS Form 3971 and turn in to supervisor.
- For a foreseeable absence, give a 30 day notice.
- For an unforeseeable absence, give notice as soon as practical.
- Provide WH-380, APWU Forms, or other documentation, as long as the required information is provided.
- Employee has 15 days to respond to a request for ADDITIONAL documentation.
- Provide information regarding anticipated date of return to work.

Supervisor **MUST**

- Determine whether employee is eligible
- Identify when the information provided by the employee suggests that the leave is FMLA protected
- Provide the employee a copy of Publication 71.
- Determine whether annual leave, sick leave, or leave without pay is to be charged under Postal leave policies and applicable labor agreements
- Return the employee's annotated copy of the Form 3971 with a copy of Publication 71.

Health Care Provider Certification

- For an employee's own incapacity when the employee is unable to perform one or more of the functions of the employee's job.
- For a family member's "serious health condition", that the employee is "needed to care for" or to "provide emotional support" to the family member.
- For leave taken because of the serious health condition of the employee or a qualifying family member.
 - Date of which condition commenced.
 - Probable duration of condition
 - Appropriate medical facts within knowledge of health care provider
 - Statement that employee is needed to care for or to provide emotional support to a family member or that the employee is unable to perform the functions of his or her position.

Certification for Intermittent Leave or Leave on a Reduced Schedule

- Dates of treatments, duration of treatments
- Statement of medical necessity for intermittent or reduced leave
- Expected duration of intermittent leave or reduced leave
- When requesting intermittent leave or leave on a reduced schedule for care of a family member, a statement from the health care provider that employee's intermittent leave or reduced leave schedule is necessary for the care or will assist in the family member's recovery.
- Intermittent leave or leave on a reduced schedule may be denied if not medically necessary.

Certification Forms

- APWU Forms 1-5; or
- Form WH-380; or
- "A paper bag" (anything as long as the information provided by the employee and the health care provider is in compliance with Publication 71; Section IV, Documentation)

Re-Certification

Not more often than once every 30 days and only in connection with an absence unless:

- Employee requests an extension
- Significant change in circumstances
- Questions that cast doubt on the validity of the certification
- Minimum duration of the period of incapacity specified by the health care provider can be more than 30 days.

Delay or Denial of FMLA

- Untimely advance notice for a foreseeable absence
- Failure to provide certification for absence
- Failure to provide certification for return to work
- An employee who obtains or requests FMLA under fraudulent circumstances

Return to Duty

Specific notice shall be given to any employee from whom fitness-for-duty certification will be required either at the time notice of the need for leave is given or immediately after leave commences and the employer is advised of the medical circumstances requiring the leave.

- The documentation need only be a simple statement of an employee's ability to return to work.
- If the absence exceeds 21 calendar days or involves other conditions, the employee must submit medical evidence of his/her ability to return to work. The employer must notify the employee that failure to provide this evidence may delay return to work.

Questioning the Adequacy of a Medical Certification

- If there is a reason to doubt the validity of an original certification, request a second physician's opinion.
- If the second physician's opinion is different from the employee's physician, inform the employee that the leave may be denied and request a third opinion from a physician who is mutually selected by the parties.
- FMLA protection should be provisionally granted while awaiting the outcome of the third opinion.
- The third opinion is final and binding
- Second and third opinions may not be conducted for recertification

Employee Rights

- The same position when returning to work as when leave commenced, or to an equivalent position with equivalent benefits, pay and other terms/conditions of employment.
- The employer must observe any employment benefit program or plan that provides greater family or medical leave rights to employees than rights established by the FMLA.

Penalties

Serious penalties may result from a violation of the FMLA. Supervisors are encouraged to consult the District FMLA Coordinator or Labor Relations if they have any questions about how to administer FMLA leave.

Annual Leave

Annual Leave Requests (ELM 512.4)

Annual leave for all employees, except postmaster, must be requested on Form 3971 and approved by the appropriate supervisor. Leave for rural carriers must be approved in accordance with Article 10 of the USPS-NRLCA National Agreement. Requests not made in advance are unscheduled.

Applications for Annual Leave are made in writing, in duplicate, on Form 3971.

If a supervisor does not approve an application for leave, the disapproval block on Form 3971 is checked and the reason(s) given in the space provided. NOTE: When a request is disapproved, the granting of any alternate type of leave, if any, must be noted along with the reason(s) for disapproval.

For all employees, annual leave is subject to specific vacation planning provisions, of applicable collective bargaining agreements. For all regular employees, both full-time and part-time, vacation leave is granted when requested to the extent practicable (See Local Memorandum of Understanding)

Emergencies (ELM 512.412)

An exception to advance approval requirements is made for emergencies. However, in these situations, the employee must notify the appropriate postal authorities as soon as possible as to the emergency and the expected duration of the absence.

As soon as possible after return to duty, employees must submit PS Form 3971 and explain the reason for the emergency to their supervisor. Supervisors approve or disapprove the leave request, and not leave request as "unscheduled".

When/if the request is disapproved, the absence may be recorded as Leave Without Pay (LWOP) or Absent Without Leave (AWOL) at the discretion of the supervisor as outlined in ELM 512.422.

Annual Leave Credit in Lieu of Holiday Leave Pay (ELM 512.65)

Employees shown to be eligible in 434.422 who work a holiday may elect to receive annual leave credit in lieu of holiday leave pay. If they do so and then work only a partial day, they may use LWOP, annual leave, or sick leave (if they become ill during their scheduled tour) to supplement work hours, up to the limit of their regular work schedule, on the holiday worked.

eRMS/TACS Integration Update

Enterprise Resource Management Systems (eRMS) is an important part of the USPS effort to improve accountability, performance and recognition. eRMS focuses on the effective management of scheduled and unscheduled absences using the latest technology. Through a standard business approach and the deployment of the latest technology, eRMS maximizes a supervisor's time by eliminating most of the manual transactional work associated with leave requests and establishes a consistent approach to leave management. Its integration with the Time and Attendance Collections System (TACS) increase operational efficiency and reduces costs. The system is designed to identify unscheduled absences occurrences and provide managers with information of recognizing employees with good attendance.

eRMS if fully integrated with the TACS application (excluding RTACS and Timecard Offices). It now provides real time information to managers and supervisors allowing them to make business decisions in a timely manner. This integration has improved accuracy and consistency with eRMS. All functionality of eRMS remains the same; however several changes were required in the way individual's access information within the system.

eRMS/TACS - A Shared Database

eRMS and TACS now utilize a shared database. Any leave entered or edited in eRMS or TACS during the current pay week will be reflected in both systems. Future leave entrie3s made in eRMS will be visible within TACS when the pay week opens.

A Report Queue similar to TACS will be implemented within eRMS due to release at the end of the eRMS/TACS rollout. The queue will allow user to generate reports and continue working within the system while reports are being generated. The reports are grouped by type:

Employee Reports: Single and multiple Employee PS 3971, PS 3972, PS 3973, Employee Key Indicator, Unscheduled Occurrences, Schedules, Ready to Review, Admin Actions and Grievance reports.

Call-in Log Reports: Call-in log, Removed Leave, and Denied Leave

Leave Summary Reports: leave Summary by Day, % Requiring Documentation, Payroll Reconciliations and Employee Leave Audit in a future enhancement.

FMLA Data Reports: Sick/FMLA Leave Usage, FMLA Eligibility, Approaching FMLA Certification, FMLA Packet Details and FMLA Data Report.

Message and Role Asgn Reports: System General Messages (Open and Closed messages), Message Hierarchy & Role Definition, No Response Report, and Missing Light Duty Reports.

PS FORM 3971 LEGEND

Employee name

Employee identification number

Date the 3971 is submitted to management by the requesting employee, or the date of the call-in No of Hours Requested – must accurately reflect the number of hours of the absence.

Name of Installation

Non-Scheduled Days – i.e., Sa/Su, We/Th, etc

Pay Location Number (if applicable)

Designated activity code

Entries to reflect the period of absence. (Although a Form 3971 can accommodate up to 4 weeks of leave, it is suggested that a separate Form 3971 be completed for each pay period in which absence is taken)

Time of call or request to be completed at the time of the call-in

Scheduled Reporting Time - To be completed at the time of a call-in

Supervisors may have reason to contact an employee during the course of an absence; a telephone number where the employee can be reached should be obtained at the time of the call-in or leave request and recorded on the Form 3971.

Type of Absence – The category of leave requested by the employee. Supervisors should carefully note the type of leave requested. (Note: A request for sick leave requires further action on the reverse of the form)

Documentation – This area is segregated to ensure that additional documentation has been provided, where necessary. This section requires no action by the employee; it is for official use only.

Revised Schedule – In certain instances a full-time or part-time regular employee may be required or permitted to extend his work schedule to accommodate an absence of 30 mins or less. Schedules can be revised for tardiness. The begin work/lunch out/end work entries are only used when an employee's tour is extended because of tardiness of 30 mins or less. It is never used when the employee's schedule is changed for his/her personal convenience (F-21 120f)

Approved in Advance – Mark whether or not the leave was approved in advance.

Remarks – For employee or supervisor explanatory notes regarding the absence. (Due to the Privacy Act restrictions, medical information may not be recorded in this section. If a supervisor receives a Form 3971 that contains medical information, the form should be returned to the employee for resubmission)

Employee Signature – The Form 3971 is not complete until it is signed and dated by the employee requesting leave. (While completion of the form is voluntary, leave may not be approved in any case when the employee refuses to sign or complete the form).

Person Recording Absence and Signature of Supervisor and Date Notified may be the same person. However, in certain instances, persons other than the immediate supervisor may do the actual record keeping. In this situation, the person actually recording the absence is to sign and date the form. The Supervisor notified must sign and date.

Approval or Disapproval of Leave – (Note that FMLA and leave requiring further documentation be annotated in this section).

Supervisors signature and date signed

The supervisor must indicate if the absence was scheduled or unscheduled for each day covered on the right hand side of the form.

Reverse side of form

If an employee has requested sick leave on the front of the form, an entry must also be made in this item to reflect the nature of the incapacity. (No medical information should be recorded on form 3971) Additional Information – If the employee has further documentation required, i.e. FMLA or dependent care documentation, as stipulated on the front of the form.

Leave type codes are for information only.

The proper completion of the PS Form 3971 is a critical element in properly controlling leave usage

| POSTAL SERVICE | | | _ | ₹eque | st for | or No | Request for or Notification of Absence | on | ¥ A | bse | nce |
|---|--|--|--|----------------|-------------------------------|---|--|-------------------------|-------------|---------|-------|
| Employee's Name (Last, First, M.I.) | M.L.) | Employee ID | | Date Submitted | | No. of Hours Requested | Requested | eduled Un- eduled | eduled 무 | Year | |
| Installation (For PM leave, show city, state, and ZIP code) | w city, state, and ZIP code) | | N/S Day | Pay Loc. # | Pay Loc. # D/A Code From Date | From Date | Hour | | Sch Day | y Init. | Hours |
| Time of Call or Request | Scheduled Reporting Time | Employee Can Be Reached At (If needed) | Reached / | \t (If neede |) No Call | Thru Date | Hour | T. | 3 Sun 23 | | |
| Type of Absence Annual | Documentation (For official use only) | e only) | Revis | ed Schedul | e for (Date) | Revised Schedule for (Date) Approved in Advance | Advance | | Mon 03 | 2 | |
| Holiday/AL Lv Exch | For COP Leave (CA1 on file) | file) | | | | [|] | _ | Tue 04 | 10 | |
| ☐ LWOP (See reverse) | For Advanced Sick Leave (1221 on file) | (1221 on file) | Begin | begin work | | | | | Wed 05 | a. | |
| Sick (See reverse) | For Court Leave (Summons reviewed) | ns reviewed) | Lunch-Out | 1-000 | | | | | Thur 06 | 'n | |
| COP | For Higher Level (1723 on file) | n file) Jalifvino (Memo on fil | | T-III | | | | | Fri 07 | | |
| Other: | Information) | d | Elio Anoliv | , so | | | | | 08 Sat | | |
| | ös | | Total | Total Hours | | | | | 90 09 | , | |
| I understand that the annual | l understand that the annual leave authorized in excess of amount available to me during the leave year will be changed to LWOP. | f amount availabl | e to me du | ring the lea | ve year will | be changed | to LWOP. | | Mon 10 | 5 | |
| Employee's Signature and Date | *** | Signature of Person Recording Absence and Date Signature of Supervisor and Date Notified | ence and Da | ate Signatu | re of Superv | isor and Dat | Notified | | Tue | | |
| Official Action on App | Official Action on Application (Return copy of signed request to employee) | of signed requ | est to er | nployee) | | | | | Wed 12 | ň. | |
| Approved, not FMLA | ☐ Approved FMLA, Pending Documentation Noted on Reverse | | Approved, FMLA (See Publication 71) | 3 | are of Super | Signature of Supervisor and Date | ate | | Thur 13 | И | |
| Ineligible for FMLA (Estimate eligibility date):— | te eligibility date): | | | Cont | Continued on Reverse | verse | | | 14 Fri | | |

PS Form 3971, March 2008 (Page 1 of 2) PSN 7530-02-000-9136 Warning: The furnishing of false information on this form may result in a fine of not more than 5 years, or both. (18 U.S.C. 1001)

| Employee: Reason I Was Incanacitated for Duty During this Absence | Leave Types (Information Only) | | CODES | | _ | | B | Year | |
|--|--------------------------------|----------|-------|----------------|--------|---------------|------|------|-------|
| ☐ Sickness ☐ Undergoing Medical, Dental, or ☐ Optical Examination or Treatment | Leave Type | Timecard | PMLA/ | Time Clock | hedule | Un- hedule | | | |
| | Annual - FMLA | 55 | 01 | 05599 | | S | Day | Init | Hours |
| Cit-the-Job injury | Sick FMLA | 56 | 02 | 05699 | | | Sat | | |
| ☐ Pregnancy and Confinement ☐ Undergoing Medical, Dental, or | Sick - Dependent Care | 56 | 07 | 05697 | | | 01 | | |
| Fernosed to a Contagious Disease Optical Examination or Treatment | Absent Without Leave | 24 | | 02400 | | | Sun | | |
| (Not job related) | Act of God | 78 | | 07800 | | | 02 | | |
| Reason I Was Unavailable for Duty During This Absence | Blood Donor | 69 | | 06900 | | | Mon | | |
| 1 | Civil Defense | 77 | | 07700 | | | 03 | | |
| Sick Leave for Dependent Care Placement of a Child with Employee | Civil Disorder | 81 | | 08100 | | \perp | Tue | | |
| ☐ Birth of Child - Bonding for Adoption or Foster Care | COP - USPS | 71 | | 07100 | | | 2 | | |
| Supervisor: Additional Documentation Regarding Denial of Leave Protection | COP - USPS - FMLA | 71 | 03 | 07199 | | | Wed | | |
| Under FMLA | Convention | 66 | | 06600 | | | 05 | | |
| ☐ Employee Not Eligible Less than 1250 Hours Worked. | Court Duty | 61 | | 06100 | | | Thur | | |
| Employee Not Eligible - Not Employed with LICES 1 Vegr | Donated - FMLA | 46 | | 04600 | | | 8 | | |
| Employee the England of the Employee min con on tour. | HQ Authorized Administrative | 79 | | 07900 | | | F. | | |
| Limproyee mas exhausted i MEX entitlement in Content Esaye real. | HollayiAL Leave Excilatinge | 002 | | 00020 | | | 07 | | |
| Absence Not for a Covered Condition. | LWOP - Fart Day | 80 09 | | 05900 | | | Sat | | |
| ☐ Absence Not for a Covered Family Member. | LWOP - FMI A - Part Day | 59 | 05 | 05999 | L | L | 08 | | |
| Requested Documentation Not Provided. | LWOP - FMLA - Full Day | 60 | 90 | 06099 | | | 09 N | | |
| Description Described Door Not Most Calculate for EMI A Destruction | LWOP - IOD/OWCP FMLA | 49 | 04 | 04999 | I | 1 | | | |
| Additional Documentation Required | LWOP - IOD/OWCP - not FMLA | 49 | | 04900 | | | 10 | | |
| | LWOP - Lieu of SICK Leave | 59 or 60 | | 05901 or 06001 | | | Tue | | |
| | IWOP - Military | 44 | | 04400 | | L | = | | |
| | LWOP - Personal Reasons | 59 or 60 | | 05903 or 06003 | | | Wed | | |
| Debrace Act Statement: Vous information will be used to administer leave | LWOP - Proffered | 59 or 60 | | 05902 or 06002 | I | 1 | 1 2 | | |
| Collection is authorized by 39 USC 401, 404, 1001, 1003, and 1005; and 29 USC | LWOP - Suspension | 59 or 60 | | 05906 or 06006 | | | 13 | | |
| 2601 et seq. Providing the information is voluntary, but if not provided, we may | LWOP - Union Official 84 | 84 | | 08400 | | | 표. | | |
| not process your request. Your information may be disclosed as follows: in | Military | 67 | | 06700 | | | 4 | | |
| agency becomes aware of a violation of law; to a congressional office at your | Relocation | 80 | | 08000 | | | | | |
| request, to entities under contract with USPS and/or authorized to perform audits; | Veteran's Funeral | 86 | | 08600 | | | | | |
| to labor organizations as required by law; to government agencies regarding | Voting Leave | 8 | | 08500 | | | | | |
| personnel matters; and to the EEOC; MSPB or Office of Special Counsel. | Other Paid | 86 | | 08600 | | | | | |

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