



**Tips and Tidbits**  
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**Question: What is "use or lose" [annual] leave and how is it accrued?**

Use or lose leave is annual leave accrued within the leave year that is in excess of the maximum limitation for carry over into the next leave year. For *most* employees, the maximum carry over is 240 hours. Employees returning from overseas may carry over 360 hours indefinitely provided they maintain that "floor" balance. Similarly, employees who have been granted restoration of their annual leave from a previous year may also carry over annual leave in excess of 240 hours; however, these employees must use their restored leave within two years after the end of the calendar year in which the leave is restored unless there is an extended exigency under OPM rules as defined in 5 CFR, Section 630.309.

Leave in excess of the maximum carry over amount may be forfeited. Accordingly, as the end of the current leave year approaches, it is critical that supervisors and employees alike plan for the use of "use or lose" leave. This year, the end of the leave year is January 5, 2008; therefore, all use or lose leave should be taken prior to that date.

When, through no fault of the employee, leave cannot be properly executed by the end of the leave year, there are provisions under which use or lose leave may be restored. Section 3 of Public Law 93-181 and Public Law 106-65 provides those conditions. Forfeited annual leave may be restored when the reasons for forfeiture include:

1. Administrative error – when such errors cause the loss of annual leave;
2. Exigencies of Public Business – (work situation requiring immediate action); **when annual leave was scheduled in advance;**
3. Sickness of the employee – **when annual leave was scheduled in advance;**
4. Emergency Essential employees serving in a combat zone – whether leave was scheduled in advance or not. For this purpose the following areas are considered combat zones: Federal Republic of Yugoslavia (Serbia/Montenegro); Albania; The Adriatic Sea; The Ionian Sea; The Persian Gulf; The Red Sea, The Gulf of Oman; part of the Arabian Sea; Gulf of Aden and the total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, and the United Arab Emirates.

In most cases, restoration is granted as a result of 2 or 3 above. To exercise the provisions provided by Law, the following requirements **must** be met:

1. *The original leave request must have been in writing and approved by the supervisor;*

2. The leave must have been scheduled **prior to the last three pay periods of the leave year, which is 24 November 2007 for the current year;**
3. That any exigency causing cancellation of scheduled leave must be fully documented with respect to why it could not be planned for, and
4. Cancellation of any such scheduled leave is brought to the attention of, and has prior approval of, the supervisor or activity Commander.
5. Emergency Essential Employee – The only requirement is that the restored annual leave be used by the end of the second leave year after termination of the exigency of the public business.

To ensure non-forfeiture, written documentation with approval is essential. Adherence to the above procedure will ensure that all excess leave is used, if possible, and that adequate documentation exists to permit restoration of unused excess leave if nonuse is caused by emergencies, illness, or administrative error.

Employees may also consider donation of excess annual leave to recipients of the Leave Transfer Program by preparing and submitting [OPM Form 630A](#) or [OPM Form 630B](#), Request to Donate Annual Leave to Leave Recipient under the Voluntary Leave Transfer Program. Donations should be submitted to your Payroll Customer Service Representative, Resource Management Office, Bldg 85, Wing A, prior to the end of the leave year. Leave donations made for this purpose are limited to no more than the number of hours remaining in the leave year for which an employee is scheduled to work (non-leave) and receive pay.

Please contact your servicing HR Specialist with questions or for additional information.

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