Annex B to Policy# 42 - Advance Sick Leave: Approval Standards and Supervisory Responsibilities

1. References:

a. Code of Federal Regulations (CFR), Title 5, Part 630.402 Absence and Leave, Advance Sick Leave

b. Department of Defense Instruction 1400.25-V1406, March 20, 2015

c. Office of Personnel Management (OPM) Fact Sheet: Advance Sick Leave

1. Purpose: This memorandum clarifies supervisory responsibilities regarding advance sick leave requests and establishes expectations for consistent, judicious application of approval authority.

2. Background: Advance sick leave is a discretionary benefit designed to assist employees facing legitimate medical emergencies when they lack sufficient accrued leave. It is not an entitlement, and approval requires careful supervisory judgment balancing employee welfare with our fiduciary responsibility to the organization. Recent review indicates we need to strengthen our oversight and ensure consistent application of approval standards.

3. Key Supervisory Responsibilities:

a. Advance Sick Leave is NOT Automatic.

b. You have both the authority and the obligation to deny requests that do not meet policy requirements.

c. Approval is discretionary and must be justified based on the specific circumstances.

d. Compassion does not require abdication of management responsibility.

e. Each request must be individually evaluated against established criteria.

4. Document your justification if approving an advance when the employee has significant accrued leave.

5. Validate Medical Necessity and/or Incapacitation.

a. Medical certification must specifically address the employee's inability to work.

b. Generic or vague medical statements are insufficient and should be returned for clarification.

c. Consider whether telework, modified duties, or schedule adjustments could accommodate the employee.

d. Per AFGE CBA, Article 28, Section 6, and IAFF CBA, Article 11, Section 5, all accumulated sick leave must have been used in order to request advance sick leave.

6. Advance sick leave up to 240 hours may be granted for:

a. Physical/mental illness, injury, pregnancy, or childbirth;

b. Serious health conditions of a family member;

c. When the employee would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease;

d. For purposes relating to the adoption of a child; or

e. For the care of a covered servicemember with a serious injury or illness, provided the employee is exercising his or her entitlement under 5 U.S.C. 6382(a)(3).

7. For employees requesting 104-hour advance (medical appointments/family care), leaders must ensure:

a. The absence cannot reasonably be scheduled during non-duty hours.

b. The duration requested is proportionate to the actual need.

c. Family care situations require the employee's specific involvement.

8. Advance sick leave up to 104 hours may be granted for:

a. When he or she receives medical, dental or optical examination or treatment;

b. To provide care for a family member who is incapacitated by a medical or mental condition or to attend to a family member receiving medical, dental, or optical examination or treatment;

c. To provide care for a family member who would, as determined by the health authorities having jurisdiction or by 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; or

d. To make arrangements necessitated by the death of a family member or to attend the funeral of a family member.

9. Pattern Recognition and Intervention. Review each employee's leave history before approval. Red flags requiring additional scrutiny include:

a. Multiple advance leave requests without full repayment of previous advances.

b. Requests from employees with substantial annual leave balances.

c. Suspicious timing patterns (frequent Mondays/Fridays, before/after holidays).

d. History of leave-related counseling or disciplinary action.

e. Chronic or recurring requests suggest underlying performance or fitness issues.

10. Alternative Actions - Advance sick leave may not be the appropriate response. Consider:

a. Leave Without Pay (LWOP):

(1) Appropriate when employee has exhausted all leave (annual and sick), but advance leave is not justified.

(2) Should be considered for elective procedures without adequate leave planning.

b. Medical Documentation Review:

(1) You may request additional medical certification when initial documentation is insufficient.

(2) Documentation must be specific enough to allow informed decision-making.

(3) Consult with your CHRA LMER HR specialist when documentation raises questions.

11. Return-to-Duty Expectations:

a. Per OPM guidance, do not advance leave when the employee is not expected to return to duty.

b. If retirement has been applied for, advanced leave is generally inappropriate.

c. Document your reasonable expectation of return when approving advances.

12. Documentation Requirements. For each advance leave approval, document:

a. Employee's current leave balances at time of request.

b. Justification for approval, specifically addressing incapacitation, serious health condition, or other approval criteria.

c. Why alternative actions (use of annual leave, LWOP, modified duties) were not appropriate.

d. Expected return to duty date.

e. Repayment plan if applicable

13. Expectations Going Forward:

a. All future advance sick leave requests must demonstrate genuine medical necessity and incapacitation or other approval criteria in accordance with 5 C.F.R. § 630.402.

c. Supervisory approval must be based on documented review of objective criteria.

d. Chronic users may be subject to enhanced scrutiny, required medical certification, and potential fitness evaluations.

e. Patterns of abuse will be addressed through appropriate administrative or disciplinary action.

14. Support Available:

a. This is not about denying legitimate employee needs, it is about ensuring consistent, responsible stewardship of leave programs. Your Civilian Human Resources Agency (CHRA) Labor Management Employee Relations (LMER) human resources (HR) specialist is available to assist with:

(1) Interpreting medical documentation.

(2) Determining when fitness for duty evaluations is appropriate (coordinate with CHRA LMER).

(3) Navigating complex leave situations.

(4) Providing guidance on documentation requirements.

(5) Addressing potential disciplinary matters.

b. Additional information can be found at: https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/advanced-sick-leave/

15. Our commitment to employee welfare must be balanced with our obligation to maintain program integrity and organizational effectiveness. I expect each of you to exercise thoughtful, consistent judgment in evaluating advance leave requests and to take appropriate action where patterns suggest abuse or where fitness for duty is in question.

16. Questions regarding this memorandum should be directed to the USAG DHR CIVPER Division or your CHRA LMER HR Specialist.