

**DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE MANUAL**

TRANSMITTAL SHEET

Release No. 307

SUBJECT: Administrative Series
 Part 370.630 Attendance and Leave
 Chapters 1-9

EXPLANATION OF MATERIAL TRANSMITTED:

These chapters establish Minerals Management Service (MMS) policy concerning the administration of leave and explain applicable regulations.

Director

Remove:

Part 370.630 – Attendance and Leave

Chapter 1 – General Provisions
Chapter 2 – General Provisions for
 Annual and Sick Leave
Chapter 3 – Annual Leave
Chapter 4 – Sick Leave
Chapter 5 – Court Leave
Chapter 6 – Excused Leave
Chapter 7 – Leave Without Pay
Chapter 8 – Family and Medical Leave Act
Chapter 9 – Military Leave

Insert:

Part 370.630 – Attendance and Leave

Chapter 1 – General Provisions
Chapter 2 – General Provisions for
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OPR: Human Resources Officer
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Minerals Management Service
Minerals Management Service Manual

Effective Date: October 22, 2008

Series: Administrative

Part 370.630: Attendance and Leave

Chapter 7: Leave Without Pay

Originating Office: Human Resources Division, Office of Administration and Budget

1. **Definition.** Leave Without Pay (LWOP) is a temporary nonpay status and absence from duty granted upon an employee's request. LWOP may be granted only for those hours of duty which comprise an employee's basic workweek. The permissive nature of LWOP distinguishes it from absence without leave, which is an absence from duty that is not authorized or approved (including leave not approved until required documentation is submitted), or for which a leave request has been denied.

2. **Granting LWOP.** It is the policy of the MMS to grant LWOP only when it will be of mutual benefit to the MMS and to the employee. Normally, a request for LWOP will be granted only when there is reasonable expectation that the employee will return to their position upon expiration of the leave. However, an employee forced to relocate due to the transfer of a spouse to a new duty station, family considerations, etc., may be reason for granting limited LWOP to seek continued Federal employment. Requests for LWOP to pursue outside employment or related activity generally will not be approved. Requests for LWOP must be in writing and approved according to the MMS Administrative Delegations of Authority (MMSM 218.1-H).

3. **Duration.** The following maximum time standards are established for use in approving requests for LWOP:

A. One year for illness or disability.

B. One year for educational purposes for any employee who wishes to undertake career-related education when it is in the interest of the MMS and they expect to return to the MMS at the end of the period of leave.

C. One year for an employee elected or appointed to a union office that occupies all or part of their worktime to transact union business that is directly concerned with the functions of the MMS.

D. Six months for service with a non-Federal public or a quasi-public organization.

E. Three months, depending on the merits of the case, for care of members of the family during illness. (See Chapter 8, Family and Medical Leave Act.)

4. **Extensions.** Requests for extensions of LWOP may be approved by the Director, MMS, when justified.

5. **Effect of LWOP on Benefits**

(a) **Life Insurance.** Employees granted LWOP for more than 1 year should be notified that their Federal Employees' Group Life Insurance is effective for only 12 months plus a 31-day grace period, except when the employee is receiving benefits under the Federal Employees' Compensation Act because of disease or injury to themselves. In these circumstances, an employee's life insurance may be continued only during the period they received such benefits without cost to the employee. (See 5 U.S.C. 8706(c).)

(b) **Health Insurance.** Enrollment continues for no more than 365 days in a nonpay status. The nonpay status may be continuous or broken by periods of less than 4 consecutive months in a pay status (5 CFR 890.303(e)). The Government contribution continues while employees are in a nonpay status. The Government also is responsible for advancing from salary the employee share as well. The employee may choose between paying the agency directly on a current basis or having the premiums accumulate and withheld from his or her pay upon returning to duty.

(c) **Thrift Savings Plan (TSP).** If you are on LWOP you cannot contribute to your TSP account since deductions must be made from civilian pay. A TSP Fact Sheet - Effect of Nonpay Status on TSP Participation is available at www.tsp.gov.

(d) **Retirement Benefits.** A total of 6 months in a nonpay status in any calendar year is creditable service. Coverage continues at no cost to the employee while in a nonpay status. When employees are in a nonpay status for only a portion of a pay period, their contributions are adjusted in proportion to their basic pay (5 U.S.C. 8332 and 8411).

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(e) **Career Tenure.** The first 30 calendar days of each non-pay period is creditable service.

(f) **Completion of Probation.** A total of 22 workdays in a nonpay status is creditable service.

(g) **Time-in-grade requirements (requirements for promotion).** Any nonpay status is creditable service.

(h) Accrual of Annual and Sick Leave. When a full-time employee accumulates 80 hours of LWOP during a pay period, the employee does not earn annual leave or sick leave during that pay period. The employee earns leave in the next succeeding pay periods until he or she again accumulates 80 hours of LWOP during a pay period (5 CFR 630.208). When a part-time employee is in a nonpay status, he or she will accrue less annual leave and sick leave, since part-time employees earn leave on a pro-rata basis--i.e., based on hours in a pay status (5 CFR 630.303 and 630.406).

For purposes of computing accrual rates for annual leave (i.e., 4, 6, 8 hours each pay period), 6 months of nonpay status in a calendar year is creditable service (5 U.S.C. 6303(a) and 8332(f)).

(i) Within-Grade Increases. A total of 2 workweeks in a nonpay status in a waiting period is creditable service for advancement to steps 2, 3, and 4 of the General Schedule; 4 workweeks for advancement to steps 5, 6, and 7; and 6 workweeks for advancement to steps 8, 9, and 10 (5 CFR 531.406(b)). For prevailing rate employees (WG, WL, and WS schedules), a total of 1 workweek in a nonpay status is creditable service for advancement to step 2, 3 workweeks for advancement to step 3, and 4 workweeks for advancement to steps 4 and 5 (5 CFR 532.417(b)).