HRDG 4630 - Absence and Leave - Section B - Subsection h

Last Modified:

- Use of Annual Leave to Establish Initial Eligibility for Retirement in RIF and Other Restructuring Situations
- Accrued and Restored Annual Leave
- Use of Other Leave While Waiting to Attain Eligibility
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Use of Annual Leave to Establish Initial Eligibility for Retirement in RIF and Other Restructuring Situations	An employee who has received a specific notice of involuntary separation by reduction-in-force (RIF), or by adverse action after declining relocation (including a transfer of function), has the right to use annual leave past the effective date he/she would otherwise have been separated in order to establish initial eligibility for immediate retirement, including discontinued service or voluntary early retirement. The same option is also available for the employee to acquire initial eligibility for continuation of health benefits into retirement.
Accrued and Restored Annual Leave	All accumulated, accrued, and restored annual leave to an employee's credit prior to the effective date of a RIF or relocation, and annual leave earned by an employee while in a paid leave status after the effective date of the RIF or relocation may be used for these purposes. Advanced annual leave may not be used.
Use of Other Leave While Waiting to Attain Eligibility	An employee may not use any other leave during the time period he/she is using annual leave to meet eligibility requirements, except as required under 5 Code of Federal Regulations (C .F .R.) 351.606 (b) (5) when an employee is already on sick leave.
Terminal Leave & Lump Sum Payments	An employee is entitled to a lump sum leave payment for annual leave earned during a period of terminal leave (5 U. S. Code [U. S. C.] 5551). An employee need not report for duty on the last day in order to be eligible for a lump sum payment. 5 U. S. C. 6302 (g), provides employees with the entitlement to elect to use their annual leave to remain on an Agency's rolls for the time needed to establish initial eligibility for immediate retirement and/or to acquire eligibility to continue health benefits into retirement.

While in the Leave Transfer Program	An approved leave recipient may use any or all donated annual leave for the purpose of establishing initial retirement eligibility and/or qualifying for continuance of health benefits. A medical emergency continues for the purpose of providing a leave recipient an adequate period of time within which to receive donations of annual leave (e.g., to permit retroactive substitution of donated annual leave for any advance leave or leave without pay taken during the medical emergency or to arrange for or attend the funeral of the family member affected by the medical emergency), (5 C. F. R. 630.910 [d]). However, when a medical emergency terminates, no further requests for donated annual leave may be granted and any unused donated annual leave must be returned to the leave donor(s) (5 C. F. R. 630.910[c]). Therefore, if a medical emergency terminates prior to establishing initial retirement eligibility and/or qualifying for continuance of health benefits, the employee may not continue to use donated annual leave. Prior to granting approval to a leave recipient to use any and all donated annual leave for the purpose of establishing initial retirement eligibility and/or qualifying for continuance of health benefits, verification shall be obtained on the status of the medical emergency.
Once Eligibility is Reached	On the day an employee first becomes eligible for immediate retirement and/or for continuation of health benefits into retirement, he/she may no longer be retained on the Agency's roles (5 C. F. R. 351.606[b][4]).

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