



United States Department of Agriculture

Departmental
Administration

Office of the
Assistant Secretary
for Administration

Office of Human
Resources
Management

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TO: USDA-CHCO-COUNCIL
Mission Area Chief Operating Officers
Staff Office Equivalents

FROM: Anita R. Adkins
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Office of Human Resources Management

SUBJECT: 2022 Annual Leave “Use or Lose” Notice

PURPOSE:

The purpose of this advisory is to remind employees that we are approaching the time of year when excess, or “use or lose”, annual leave for the 2022 calendar year must be scheduled and approved in writing in either the time and attendance system, [OPM-71](#), or email by **November 19, 2022**, or they will lose (forfeit) it.

BACKGROUND:

For annual leave purposes, a leave year begins on the first day of the first full biweekly pay period in a calendar year (e.g., January 2, 2022). A leave year ends on the day immediately before the first day of the first full biweekly pay period in the following calendar year (e.g., December 31, 2022).

“Use or lose” leave is the amount of annual leave in excess of the employee’s applicable annual leave ceiling. Any accrued annual leave in excess of the ceiling is forfeited, if not used by the final day of the leave year. Forfeited annual leave may be restored under [5 U.S.C. 6304\(d\)](#) only for the following reasons:

- An exigency of the public business; or
- Sickness of the employee; or
- An administrative error

Generally, the maximum annual leave employees stationed within the U.S. may carry over is 30 days (240 hours). Employees stationed overseas may carry over no more than 45 days (360 hours). Senior Executive Service (SES) and certain other senior officials may carry over no more than 90 days (720 hours). Annual leave above these maximum limits is subject to forfeiture.

Agencies may restore annual leave that was forfeited due to an exigency of the public business or sickness of the employee **only** if the annual leave was scheduled and

approved in writing before the start of the third biweekly pay period prior to the end of the leave year (November 19, 2022) (see [5 CFR 630.308\(a\)](#)). Any annual leave scheduled after **November 19, 2022**, will be forfeited if not used by the final day of the leave year.

Supervisors and employees are mutually responsible for planning and scheduling the use of employees' annual leave throughout the leave year. Employees should request annual leave in a timely manner, and supervisors should provide timely responses to employees' requests. Employees can view their "use or lose" annual leave balance in the time and attendance system.

Requirements to have Forfeited Annual Leave Restored

Employee requests to restore forfeited annual leave must be scheduled and approved in writing (e.g., leave request through the time and attendance system, [OPM-71](#), or email) before the end of Pay Period 23 on November 19, 2022. Annual leave that is not scheduled and approved in writing by November 19, 2022, is not eligible for restoration, even if the leave is canceled for an exigency of public business, sickness of the employee, or other emergency situation.

Leave restoration should be the exception rather than the rule. Supervisors are responsible for determining if leave needs to be canceled based on an exigency of public business; it is not at the discretion of the employee. Supervisors should provide written cancellation notices to employees before the employee is scheduled to take leave. Employees unable to use approved leave due to an exigency of public business, personal illness, or administrative error, may request restoration.

Note: Employees who were identified as essential for the response to the COVID-19 national emergency should no longer be prevented from scheduling and using their annual leave. Therefore, such employees are no longer eligible to have their excess annual leave automatically restored. Agencies with essential employees who are prevented from scheduling and using their annual leave because they are required to respond to the COVID-19 emergency must contact the Office of Human Resources Management.

Compensatory Time Off

Compensatory time off should be used before annual leave. However, employees who are in a "use or lose" status should use their annual leave before using compensatory time off hours. If an employee uses compensatory time off that is about to expire or credit hours and it results in the forfeiture of excess annual leave, the forfeited annual leave may not be restored because that does not constitute an exigency of public business.

Voluntary Leave Transfer Program

Employees unable to schedule and use all leave in excess of their annual leave ceiling by the end of the leave year may consider donating the extra leave to the Voluntary Leave

Transfer Program (VLTP). This program supports employees in need of leave donations due to serious health conditions. Employees should contact their servicing Human Resources Office for a list of current recipients and information on the VLTP program.

Please ensure your Agency employees are informed of these requirements.

If you have any questions, please contact Monika Rosier, Human Resources Specialist, Office of Human Resources Management Policy Division at (202) 934-1211 or monika.rosier@usda.gov.