

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Director of OPM is authorized and directed to publish this memorandum in the Federal Register.

J.R. BIDEN, JR.

SUBCHAPTER I—ANNUAL AND SICK LEAVE

§ 6301. Definitions

For the purpose of this subchapter—

(1) “United States”, when used in a geographical sense means the several States and the District of Columbia; and

(2) “employee” means—

(A) an employee as defined by section 2105 of this title; and

(B) an individual first employed by the government of the District of Columbia before October 1, 1987;

but does not include—

(i) a teacher or librarian of the public schools of the District of Columbia;

(ii) a part-time employee who does not have an established regular tour of duty during the administrative workweek;

(iii) a temporary employee engaged in construction work at an hourly rate;

(iv) an employee of the Panama Canal Commission when employed on the Isthmus of Panama;

(v) an employee of the Veterans Health Administration who is covered by a leave system established under section 7421 of title 38;

(vi) an employee of either House of Congress or of the two Houses;

(vii) an employee of a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

(viii) an alien employee who occupies a position outside the United States, except as provided by section 6310 of this title;

(ix) a “teacher” or an individual holding a “teaching position” as defined by section 901 of title 20;

(x) an officer in the executive branch or in the government of the District of Columbia who is appointed by the President and whose rate of basic pay exceeds the highest rate payable under section 5332 of this title;

(xi) an officer in the executive branch or in the government of the District of Columbia who is designated by the President, except a postmaster, United States attorney, or United States marshal;

(xii) a chief of mission (as defined in section 102(a)(3) of the Foreign Service Act of 1980); or

(xiii) an officer in the legislative or judicial branch who is appointed by the President.

Notwithstanding clauses (x)–(xii) of paragraph (2), the term “employee” includes any member of the Senior Foreign Service or any Foreign Service officer (other than a member or officer serving as chief of mission or in a position which

requires appointment by and with the advice and consent of the Senate) and any member of the Foreign Service commissioned as a diplomatic or consular officer, or both, under section 312 of the Foreign Service Act of 1980.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 517; Pub. L. 91–375, § 6(c)(17), Aug. 12, 1970, 84 Stat. 776; Pub. L. 95–519, § 1, Oct. 25, 1978, 92 Stat. 1819; Pub. L. 96–70, title III, § 3302(e)(2), Sept. 27, 1979, 93 Stat. 498; Pub. L. 96–465, title II, §§ 2312(a), 2314(f)(1), Oct. 17, 1980, 94 Stat. 2166, 2168; Pub. L. 99–335, title II, § 207(c)(1), formerly § 207(c), June 6, 1986, 100 Stat. 595, renumbered § 207(c)(1), Pub. L. 99–556, title II, § 201(1), Oct. 27, 1986, 100 Stat. 3135; Pub. L. 102–54, § 13(b)(2), June 13, 1991, 105 Stat. 274; Pub. L. 116–283, div. A, title XI, § 1103(f)(1), Jan. 1, 2021, 134 Stat. 3889.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(1)	5 U.S.C. 2061(d).	Sept. 6, 1960, Pub. L. 86–707, § 402(c), 74 Stat. 800.
(2)	5 U.S.C. 2061(a), (b), (c)(1) (less last sentence).	Oct. 30, 1951, ch. 631, § 202, 65 Stat. 679. July 2, 1953, ch. 178, § 1 “(c)(1) (less last sentence)”, 67 Stat. 136. Sept. 6, 1960, Pub. L. 86–707, § 402(a), 74 Stat. 800. Aug. 21, 1964, Pub. L. 88–471, § 6(a), 78 Stat. 583.
	5 U.S.C. 2067.	Aug. 21, 1964, Pub. L. 88–471, § 1, 78 Stat. 582.
	5 U.S.C. 2358(a) (less applicability to the Federal Employees Pay Act of 1945, as amended).	July 17, 1959, Pub. L. 86–91, § 10(a) (less applicability to the Federal Employees Pay Act of 1945, as amended), 73 Stat. 217.

In paragraph (1), the words “when used in a geographical sense” are added for clarity.

In paragraph (2), the words “an employee as defined by section 2105 of this title” are coextensive with and substituted for “civilian officers and employees of the United States . . . including officers and employees of corporations wholly owned or controlled by the United States”. Specific reference to officers and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police force, and the White House Police force, as set forth in former section 2067, is omitted as unnecessary in view of the provisions of paragraph (2)(A), (B). The exception for “commissioned officers of the Public Health Service” and “commissioned officers of the Coast and Geodetic Survey” in former section 2061(b)(1)(E), (F) is omitted as unnecessary since these officers are excluded by the definition of the word “employee” in section 2105.

In paragraph (2)(ix), the words “as defined by section 901 of title 20” are added on authority of former section 2351, which section is scheduled for transfer to section 901 of title 20.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes

REFERENCES IN TEXT

Section 102(a)(3) of the Foreign Service Act of 1980, referred to in par. (2)(xii), was redesignated section 102(3) of that Act by Pub. L. 98–164, which struck out the designation “(a)” and struck out subsec. (b) of section 102. Section 102 is classified to section 3902 of Title 22, Foreign Relations and Intercourse.

Section 312 of the Foreign Service Act of 1980, referred to in text, is classified to section 3952 of Title 22.

AMENDMENTS

2021—Par. (2)(B)(v). Pub. L. 116-283 which directed the general amendment of cl. (v) without specifying the subpar., was executed by amending cl. (v) of subpar. (B) generally to reflect the probable intent of Congress. Prior to amendment, cl. (v) read as follows: “a physician, dentist, or nurse in the Veterans Health Administration of the Department of Veterans Affairs;”.

1991—Par. (2)(v). Pub. L. 102-54 substituted “Veterans Health Administration of the Department of Veterans Affairs” for “Department of Medicine and Surgery, Veterans’ Administration”.

1986—Par. (2)(B). Pub. L. 99-335 amended subpar. (B) generally, substituting “first employed” for “employed” and inserting “before October 1, 1987”.

1980—Pub. L. 96-465, §2312(a), inserted provision at end of par. (2) extending definition of “employee” notwithstanding cls. (x) to (xii) of par. (2).

Par. (2)(xii). Pub. L. 96-465, §2314(f)(1), substituted “a chief of mission (as defined in section 102(a)(3) of the Foreign Service Act of 1980)” for “an officer who receives pay under section 866 of title 22”.

1979—Par. (2)(iv). Pub. L. 96-70 substituted “Panama Canal Commission” for “Canal Zone Government or the Panama Canal Company”.

1978—Par. (2)(xiii). Pub. L. 95-519 added cl. (xiii).

1970—Par. (2)(ii). Pub. L. 91-375 struck out “, except an hourly employee in the postal field service,” after “part-time employee”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-335 effective Jan. 1, 1987, see section 702(a) of Pub. L. 99-335, set out as an Effective Date note under section 8401 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-519 effective beginning on first day of first applicable pay period beginning on or after Oct. 25, 1978, see section 4(a) of Pub. L. 95-519, set out as a note under section 5551 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106-56, §1(a), Sept. 24, 1999, 113 Stat. 407, provided that: “This Act [amending section 6327 of this title and renumbering another section 6327 of this title as section 6328] may be cited as the ‘Organ Donor Leave Act’.”

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-388, §1, Oct. 22, 1994, 108 Stat. 4079, provided that: “This Act [amending section 6307 of this title] may be cited as the ‘Federal Employees Family Friendly Leave Act’.”

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-103, §1, Oct. 8, 1993, 107 Stat. 1022, provided that: “This Act [amending sections 6331, 6337, 6361, 6362,

and 6373 of this title, enacting provisions set out as notes under section 6331 of this title, and repealing provisions set out as a note under section 6331 of this title] may be cited as the ‘Federal Employees Leave Sharing Amendments Act of 1993’.”

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-566, §1, Oct. 31, 1988, 102 Stat. 2834, provided that: “This Act [enacting subchapters III and IV of this chapter, amending sections 5724 and 8112 of this title, and enacting provisions set out as notes under section 6331 of this title] may be cited as the ‘Federal Employees Leave Sharing Act of 1988’.”

EMERGENCY FEDERAL EMPLOYEE LEAVE FUND

Pub. L. 117-2, title IV, §4001, Mar. 11, 2021, 135 Stat. 77, provided that:

“(a) ESTABLISHMENT; APPROPRIATION.—There is established in the Treasury the Emergency Federal Employee Leave Fund (in this section referred to as the ‘Fund’), to be administered by the Director of the Office of Personnel Management, for the purposes set forth in subsection (b). In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$570,000,000, which shall be deposited into the Fund and remain available through September 30, 2022. The Fund is available for reasonable expenses incurred by the Office of Personnel Management in administering this section.

“(b) PURPOSE.—Amounts in the Fund shall be available for reimbursement to an agency for the use of paid leave under this section by any employee of the agency who is unable to work because the employee—

“(1) is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;

“(2) has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

“(3) is caring for an individual who is subject to such an order or has been so advised;

“(4) is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

“(5) is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, if the school of such son or daughter requires or makes optional a virtual learning instruction model or requires or makes optional a hybrid of in-person and virtual learning instruction models, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions;

“(6) is experiencing any other substantially similar condition;

“(7) is caring for a family member with a mental or physical disability or who is 55 years of age or older and incapable of self-care, without regard to whether another individual other than the employee is available to care for such family member, if the place of care for such family member is closed or the direct care provider is unavailable due to COVID-19; or

“(8) is obtaining immunization related to COVID-19 or is recovering from any injury, disability, illness, or condition related to such immunization.

“(c) LIMITATIONS.—

“(1) PERIOD OF AVAILABILITY.—Paid leave under this section may only be provided to and used by an employee during the period beginning on the date of enactment of this Act [Mar. 11, 2021] and ending on September 30, 2021.

“(2) TOTAL HOURS; AMOUNT.—Paid leave under this section—

“(A) shall be provided to an employee in an amount not to exceed 600 hours of paid leave for each full-time employee, and in the case of a part-time employee, employee on an uncommon tour of duty, or employee with a seasonal work schedule, in an amount not to exceed the proportional equivalent of 600 hours to the extent amounts in the Fund remain available for reimbursement;

“(B) shall be paid at the same hourly rate as other leave payments; and

“(C) may not be provided to an employee if the leave would result in payments greater than \$2,800 in aggregate for any biweekly pay period for a full-time employee, or a proportionally equivalent biweekly limit for a part-time employee.

“(3) RELATIONSHIP TO OTHER LEAVE.—Paid leave under this section—

“(A) is in addition to any other leave provided to an employee; and

“(B) may not be used by an employee concurrently with any other paid leave.

“(4) CALCULATION OF RETIREMENT BENEFIT.—Any paid leave provided to an employee under this section shall reduce the total service used to calculate any Federal civilian retirement benefit.

“(d) EMPLOYEE DEFINED.—In this section, the term ‘employee’ means—

“(1) an individual in the executive branch for whom annual and sick leave is provided under subchapter I of chapter 63 of title 5, United States Code;

“(2) an individual employed by the United States Postal Service;

“(3) an individual employed by the Postal Regulatory Commission; and

“(4) an employee of the Public Defender Service for the District of Columbia and the District of Columbia Courts.”

EMPLOYEES OF THE DISTRICT OF COLUMBIA

Pub. L. 99-335, title II, §207(c)(2), as added by Pub. L. 99-556, title II, §201, Oct. 27, 1986, 100 Stat. 3135, provided that: “The amendment made by paragraph (1) [amending this section] shall not result in the coverage, under subchapter I of chapter 63 of title 5, United States Code, of any individual (or class of individuals) employed by the government of the District of Columbia who would not have been covered under such subchapter if such amendment had not been made.”

Executive Documents

EXECUTIVE ORDER NO. 10540

Ex. Ord. No. 10540, June 29, 1954, 19 F.R. 3983, which related to the designation of certain officers as exempt from the Annual and Sick Leave Act of 1951, was revoked by section 2-201 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out as a note under section 1101 of this title.

§ 6302. General provisions

(a) The days of leave provided by this subchapter are days on which an employee would otherwise work and receive pay and are exclusive of holidays and nonworkdays established by Federal statute, Executive order, or administrative order.

(b) For the purpose of this subchapter an employee is deemed employed for a full biweekly pay period if he is employed during the days within that period, exclusive of holidays and nonworkdays established by Federal statute, Executive order, or administrative order, which fall within his basic administrative workweek.

(c) A part-time employee, unless otherwise excepted, is entitled to the benefits provided by subsection (d) of this section and sections 6303, 6304(a), (b), 6305(a), 6307, and 6310 of this title on a pro rata basis.

(d) The annual leave provided by this subchapter, including annual leave that will accrue to an employee during the year, may be granted at any time during the year as the head of the agency concerned may prescribe.

(e) If an officer excepted from this subchapter by section 6301(2)(x)–(xiii) of this title, without a

break in service, again becomes subject to this subchapter on completion of his service as an excepted officer, the unused annual and sick leave standing to his credit when he was excepted from this subchapter is deemed to have remained to his credit.

(f) An employee who uses excess annual leave credited because of administrative error may elect to refund the amount received for the days of excess leave by lump-sum or installment payments or to have the excess leave carried forward as a charge against later-accruing annual leave, unless repayment is waived under section 5584 of this title.

(g) An employee who is being involuntarily separated from an agency due to a reduction in force or transfer of function under subchapter I of chapter 35 or section 3595 may elect to use annual leave to the employee’s credit to remain on the agency’s rolls after the date the employee would otherwise have been separated if, and only to the extent that, such additional time in a pay status will enable the employee to qualify for an immediate annuity under section 8336, 8412, 8414, or to qualify to carry health benefits coverage into retirement under section 8905(b).

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 517; Pub. L. 93-181, §4, Dec. 14, 1973, 87 Stat. 706; Pub. L. 95-519, §2, Oct. 25, 1978, 92 Stat. 1819; Pub. L. 104-208, div. A, title I, §101(f) [title VI, §634], Sept. 30, 1996, 110 Stat. 3009-314, 3009-363; Pub. L. 105-277, div. A, §101(h) [title VI, §653], Oct. 21, 1998, 112 Stat. 2681-480, 2681-528.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a)–(c)	5 U.S.C. 2064 (less (d), (e)).	Oct. 30, 1951, ch. 631, §205 (less (d)), 65 Stat. 681.
(d)	5 U.S.C. 2062(h).	Oct. 30, 1951, ch. 631, §203(h), 65 Stat. 681.
(e)	5 U.S.C. 2061a(b).	July 2, 1953, ch. 178, §2(b), 67 Stat. 137.

In subsection (d), the words “the head of the agency concerned” are substituted for “the heads of the various departments and independent establishments”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes

AMENDMENTS

1998—Subsec. (g). Pub. L. 105-277 inserted “or section 3595” after “chapter 35”.

1996—Subsec. (g). Pub. L. 104-208 added subsec. (g).

1978—Subsec. (e). Pub. L. 95-519 substituted “6301(2)(x)–(xiii)” for “6301(2)(x)–(xii)”.

1973—Subsec. (f). Pub. L. 93-181 added subsec. (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-519 effective beginning on first day of first applicable pay period beginning on or after Oct. 25, 1978, see section 4(a) of Pub. L. 95-519, set out as a note under section 5551 of this title.

TEMPORARY AUTHORITY TO TRANSFER LEAVE

Pub. L. 101-237, title II, §206(b)(2), Dec. 18, 1989, 103 Stat. 2068, provided that: “The authority of the Department of Veterans Affairs under section 618 of the Treasury, Postal Service and General Government Appro-

priations Act, 1989 [Pub. L. 100-440, set out below], to operate a leave-transfer program for employees subject to section 4108 of title 38, United States Code, is extended until the programs provided for in subsection (e) of such section 4108 (as added by subsection (a) of this section) are implemented, but not later than October 1, 1990."

Similar provisions were contained in the following acts:

Pub. L. 101-144, title V, §518, Nov. 9, 1989, 103 Stat. 874.

Pub. L. 101-110, §1(d), Oct. 6, 1989, 103 Stat. 682.

Pub. L. 100-440, title VI, §618, Sept. 22, 1988, 102 Stat. 1755, provided that: "In order to ensure that the experimental use of voluntary leave transfers established under Public Laws 99-500, 99-591 [Pub. L. 99-500, §101(m) [title VII], Oct. 18, 1986, 100 Stat. 1783-308, 1783-334, and Pub. L. 99-591, §101(m) [title VII], Oct. 30, 1986, 100 Stat. 3341-308, 3341-334], and 100-202 [Pub. L. 100-202, §101(m) [title VI, §625], Dec. 22, 1987, 101 Stat. 1329-390, 1329-430] may continue and may cover additional employees in fiscal year 1989, the Office of Personnel Management may continue to operate by regulation, notwithstanding chapter 63 of title 5, United States Code, a program under which the unused accrued annual leave of officers or employees of the Federal Government may be transferred for use by other officers or employees who need such leave due to a personal emergency as defined in the regulations. The Office may provide by regulation for such exceptions from the provisions of section 7351 of title 5 as the Office may determine appropriate for the transfer of leave under this section. The Veterans' Administration may operate a similar program for employees subject to section 4108 of title 38, United States Code. The programs operated under this section shall expire at the end of fiscal year 1989, but any leave that has been transferred to an officer or employee under the programs shall remain available for use until the personal emergency has ended, and any remaining unused transferred leave shall, to the extent administratively feasible, be restored to the leave accounts of the officers or employees from whose accounts it was originally transferred."

Similar provisions were contained in the following prior appropriations act:

Pub. L. 100-202, §101(m) [title VI, §625], Dec. 22, 1987, 101 Stat. 1329-390, 1329-430.

For provisions ratifying any actions of the Secretary of Veterans Affairs in carrying out section 618 of Pub. L. 100-440, set out above, during the period Dec. 1, 1989, to Dec. 18, 1989, see section 604 of Pub. L. 101-237, set out as a note under section 1720B of Title 38, Veterans' Benefits. Similar provisions for the period Oct. 1, 1989, to Oct. 6, 1989, were contained in section 3(b) of Pub. L. 101-110, set out as a note under section 1720B of Title 38.

§ 6303. Annual leave; accrual

(a) An employee is entitled to annual leave with pay which accrues as follows—

(1) one-half day for each full biweekly pay period for an employee with less than 3 years of service;

(2) three-fourths day for each full biweekly pay period, except that the accrual for the last full biweekly pay period in the year is one and one-fourth days, for an employee with 3 but less than 15 years of service; and

(3) one day for each full biweekly pay period for an employee with 15 or more years of service.

In determining years of service, an employee is entitled to credit for all service of a type that would be creditable under section 8332, regardless of whether or not the employee is covered by subchapter III of chapter 83, and for all service which is creditable by virtue of subsection (e). However, an employee who is a retired mem-

ber of a uniformed service as defined by section 3501 of this title is entitled to credit for active military service only if—

(A) his retirement was based on disability—

(i) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(ii) caused by an instrumentality of war and incurred in line of duty during a period of war as defined by sections 101 and 1101 of title 38;

(B) that service was performed in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(C) on November 30, 1964, he was employed in a position to which this subchapter applies and thereafter he continued to be so employed without a break in service of more than 30 days.

The determination of years of service may be made on the basis of an affidavit of the employee. Leave provided by this subchapter accrues to an employee who is not paid on the basis of biweekly pay periods on the same basis as it would accrue if the employee were paid on the basis of biweekly pay periods.

(b) Notwithstanding subsection (a) of this section, an employee whose current employment is limited to less than 90 days is entitled to annual leave under this subchapter only after being currently employed for a continuous period of 90 days under successive appointments without a break in service. After completing the 90-day period, the employee is entitled to be credited with the leave that would have accrued to him under subsection (a) of this section except for this subsection.

(c) A change in the rate of accrual of annual leave by an employee under this section takes effect at the beginning of the pay period after the pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, in which the employee completed the prescribed period of service.

(d) Leave granted under this subchapter is exclusive of time actually and necessarily occupied in going to or from a post of duty and time necessarily occupied awaiting transportation, in the case of an employee—

(1) to whom section 6304(b) of this title applies;

(2) whose post of duty is outside the United States; and

(3) who returns on leave to the United States, or to his place of residence, which is outside the area of employment, in its territories or possessions including the Commonwealth of Puerto Rico.

This subsection does not apply to more than one period of leave in a prescribed tour of duty at a post outside the United States.

(e)(1) Not later than 180 days after the date of the enactment of this subsection, the Office of Personnel Management shall prescribe regulations under which, for purposes of determining years of service under subsection (a), credit shall, in the case of a newly appointed employee, be given for any prior service of such employee that would not otherwise be creditable for such purposes, if—

(A) such service—

(i) was performed in a position the duties of which directly relate to the duties of the position to which such employee is so appointed; and

(ii) meets such other requirements as the Office may prescribe; and

(B) in the judgment of the head of the appointing agency, the application of this subsection is necessary in order to achieve an important agency mission or performance goal.

(2) Service described in paragraph (1)—

(A) shall be creditable, for the purposes described in paragraph (1), as of the effective date of the employee's appointment; and

(B) shall not thereafter cease to be so creditable, unless the employee fails to complete a full year of continuous service with the agency.

(3) An employee shall not be eligible for the application of paragraph (1) on the basis of any appointment if, within 90 days before the effective date of such appointment, such employee has held any position in the civil service.

(f) Notwithstanding any other provision of this section, the rate of accrual of annual leave under subsection (a) shall be 1 day for each full biweekly pay period in the case of any employee who holds a position which is subject to—

(1) section 5376 or 5383; or

(2) a pay system equivalent to either of the foregoing, as determined by the Office of Personnel Management.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 518; Pub. L. 93-181, § 2, Dec. 14, 1973, 87 Stat. 705; Pub. L. 99-335, title II, § 207(d), June 6, 1986, 100 Stat. 595; Pub. L. 102-83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-378, § 2(52), Oct. 2, 1992, 106 Stat. 1353; Pub. L. 108-411, title II, § 202(a), (b), Oct. 30, 2004, 118 Stat. 2312.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	5 U.S.C. 2062(a), (b), (e), (i).	Oct. 30, 1951, ch. 631, § 203(a), (b), (e), (i), 65 Stat. 679-681. Sept. 6, 1960, Pub. L. 86-707, § 401 “(e)”, 74 Stat. 799. Aug. 19, 1964, Pub. L. 88-448, § 203, 78 Stat. 487.
.....	5 U.S.C. 3101 (as applicable to 5 U.S.C. 2062(a)).	Aug. 19, 1964, Pub. L. 88-448, § 101 (as applicable to § 203), 78 Stat. 484.

In subsection (a), the words “Except as otherwise provided in this subsection” are omitted as unnecessary in view of the specific inclusion of the exception in the third sentence. The words “for the purposes of this subsection” are omitted as surplusage. The reference to “section 8332 of this title for the purpose of an annuity under subchapter III of chapter 83 of this title” is substituted for “section 3 of the Civil Service Retirement Act for the purposes of an annuity under such Act to reflect the codification of that Act in this title. In paragraph (B), the words “on November 30, 1964, he was employed in a position to which this subchapter applies and thereafter he continued to be so employed” are substituted for “immediately prior to the effective date of this sentence he was employed in a civilian office to which this Act applies and, on and after such date, he continued to be employed in any such office”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (e)(1), is the date of enactment of Pub. L. 108-411, which was approved Oct. 30, 2004.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-411, § 202(a)(2), inserted “, and for all service which is creditable by virtue of subsection (e)” before period at end of second sentence. Subsec. (e). Pub. L. 108-411, § 202(a)(1), added subsec. (e).

Subsec. (f). Pub. L. 108-411, § 202(b), added subsec. (f). 1992—Subsec. (a). Pub. L. 102-378 amended second sentence generally. Prior to amendment, second sentence read as follows: “In determining years of service, an employee is entitled to credit for all service creditable under section 8332 of this title for the purpose of an annuity under subchapter III of chapter 83 of this title and all service creditable under section 8411 of this title for the purpose of chapter 84 of this title.”

1991—Subsec. (a)(A)(ii). Pub. L. 102-83 substituted reference to section 1101 of title 38 for reference to section 301 of title 38.

1986—Subsec. (a). Pub. L. 99-335 inserted “and all service creditable under section 8411 of this title for the purpose of chapter 84 of this title” at end of second sentence.

1973—Subsec. (b). Pub. L. 93-181 substituted “an employee whose current employment is limited to less than 90 days is entitled” and “under successive appointments” for “an employee is entitled” and “under one or more appointments” respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-411, title II, § 202(c), Oct. 30, 2004, 118 Stat. 2312, provided that: “None of the amendments made by subsection (a) [amending this section] shall apply in the case of any employee holding a position pursuant to an appointment made before the effective date of the regulations implementing such amendments.”

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-378, § 9, Oct. 2, 1992, 106 Stat. 1360, provided that:

“(a) IN GENERAL.—Except as otherwise provided in this section, this Act and the amendments made by this Act [see Tables for classification] shall take effect as of the date of enactment of this Act [Oct. 2, 1992].

“(b) EXCEPTIONS.—(1) The amendment made by section 4(c) [amending provisions set out as a note under section 4725 of Title 2, The Congress] shall be effective as of December 31, 1991.

“(2) The amendments made by section 5(d) [amending section 8440d of this title] shall be effective as of December 9, 1991.

“(3) The amendments made by sections 2(13) and 2(17) [amending section 4109 of this title and repealing section 3342 of this title] shall be effective as of October 1, 1991.

“(4) The amendments made by sections 2(11), 2(19), 2(29), and 2(38) [amending sections 3324, 4505a, 5332, and 5403 of this title] shall be effective as of May 4, 1991.

“(5) The amendments made by section 2(25) [amending section 5302 of this title] shall be effective as of February 3, 1991.

“(6) The provisions of section 8(a) and the amendments made by sections 2(57)(A), 2(60), 2(64), 2(67), 2(71), 2(75)(A), 3(1), 3(4), 3(6), and 5(a) [amending sections 5532, 8331, 8335, 8344, 8347, 8425, 8461, 8468, and 8901 of this title, repealing section 5380 of this title, enacting provisions set out as a note under section 5532 of this title, amending provisions set out as notes under sections 2105, 5304, 5305, 5378, and 8348 of this title, and repealing provisions set out as notes under sections 5380 and 5532 of this title] shall be effective as of November 5, 1990.

“(7) The amendment made by section 2(52) [amending this section] shall be effective as of January 1, 1989, except that no amount shall become payable, as a result of the enactment of such amendment, under—

“(A) subchapter VI of chapter 55 of title 5, United States Code, based on a separation that takes effect or an election that is made before the date of enactment of this Act [Oct. 2, 1992]; or

“(B) section 5551(b) of title 5, United States Code, which is attributable to an individual’s being excepted from subchapter I of chapter 63 of such title before the date of enactment of this Act.

“(8) The amendment made by section 2(69) [amending section 8440 of this title] shall be effective as of November 10, 1988.

“(9) The amendments made by sections 2(40), 2(41), 2(42), 2(43), and 3(5) [amending sections 5541, 5542, 5544, and 5547 of this title and provisions set out as a note under section 5305 of this title] shall be effective as of the first day of the first applicable pay period beginning on or after the date of enactment of this Act [Oct. 2, 1992].

“(10) The amendments made by section 2(28) [amending section 5314 of this title] shall be effective as of the first day of the first applicable pay period beginning on or after November 5, 1990.

“(11) The amendment made by section 2(49) [amending section 5724 of this title] shall apply with respect to a separation that takes effect on or after the date of enactment of this Act [Oct. 2, 1992].

“(12) The amendment made by section 5(e) [amending section 1441a of Title 12, Banks and Banking] shall apply with respect to any action (described in subclause (I) or (II) of the provisions struck by such amendment) occurring on or after the date of enactment of this Act [Oct. 2, 1992].”

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-335 effective Jan. 1, 1987, see section 702(a) of Pub. L. 99-335, set out as an Effective Date note under section 8401 of this title.

§ 6304. Annual leave; accumulation

(a) Except as provided by subsections (b), (d), (e), (f), and (g) of this section, annual leave provided by section 6303 of this title, which is not used by an employee, accumulates for use in succeeding years until it totals not more than 30 days at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year.

(b) Annual leave not used by an employee of the Government of the United States in one of the following classes of employees stationed outside the United States accumulates for use in succeeding years until it totals not more than 45 days at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year:

(1) Individuals directly recruited or transferred by the Government of the United States from the United States or its territories or possessions including the Commonwealth of Puerto Rico for employment outside the area of recruitment or from which transferred.

(2) Individuals employed locally but—

(A)(i) who were originally recruited from the United States or its territories or possessions including the Commonwealth of Puerto Rico but outside the area of employment;

(ii) who have been in substantially continuous employment by other agencies of the United States, United States firms, inter-

ests, or organizations, international organizations in which the United States participates, or foreign governments; and

(iii) whose conditions of employment provide for their return transportation to the United States or its territories or possessions including the Commonwealth of Puerto Rico; or

(B)(i) who were at the time of employment temporarily absent, for the purpose of travel or formal study, from the United States, or from their respective places of residence in its territories or possessions including the Commonwealth of Puerto Rico; and

(ii) who, during the temporary absence, have maintained residence in the United States or its territories or possessions including the Commonwealth of Puerto Rico but outside the area of employment.

(3) Individuals who are not normally residents of the area concerned and who are discharged from service in the armed forces to accept employment with an agency of the Government of the United States.

(c) Annual leave in excess of the amount allowable—

(1) under subsection (a) or (b) of this section which was accumulated under earlier statute; or

(2) under subsection (a) of this section which was accumulated under subsection (b) of this section by an employee who becomes subject to subsection (a) of this section;

remains to the credit of the employee until used. The excess annual leave is reduced at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year, by the amount of annual leave the employee used during the preceding year in excess of the amount which accrued during that year, until the employee’s accumulated leave does not exceed the amount allowed under subsection (a) or (b) of this section, as appropriate.

(d)(1) Annual leave which is lost by operation of this section because of—

(A) administrative error when the error causes a loss of annual leave otherwise accruable after June 30, 1960;

(B) exigencies of the public business when the annual leave was scheduled in advance; or

(C) sickness of the employee when the annual leave was scheduled in advance;

shall be restored to the employee.

(2) Annual leave restored under paragraph (1) of this subsection, or under clause (2) of section 5562(a) of this title, which is in excess of the maximum leave accumulation permitted by law shall be credited to a separate leave account for the employee and shall be available for use by the employee within the time limits prescribed by regulations of the Office of Personnel Management. Leave credited under this paragraph but unused and still available to the employee under the regulations prescribed by the Office shall be included in the lump-sum payment under section 5551 or 5552(1) of this title but may not be retained to the credit of the employee under section 5552(2) of this title.

(3)(A) For the purpose of this subsection, the closure of, and any realignment with respect to, an installation of the Department of Defense pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) during any period, the closure of an installation of the Department of Defense in the Republic of Panama in accordance with the Panama Canal Treaty of 1977, and the closure of any other installation of the Department of Defense, during the period beginning on October 1, 1992, and ending on December 31, 1997, shall be deemed to create an exigency of the public business and any leave that is lost by an employee of such installation by operation of this section (regardless of whether such leave was scheduled) shall be restored to the employee and shall be credited and available in accordance with paragraph (2).

(B) For the purpose of subparagraph (A), the term “realignment” means a base realignment (as defined in subsection (e)(3) of section 2687 of title 10) that meets the requirements of subsection (a)(2) of such section.

(4)(A) For the purpose of this subsection, service of a Department of Defense emergency essential employee in a combat zone is an exigency of the public business for that employee. Any leave that, by reason of such service, is lost by the employee by operation of this section (regardless of whether such leave was scheduled) shall be restored to the employee and shall be credited and available in accordance with paragraph (2).

(B) As used in subparagraph (A)—

(i) the term “Department of Defense emergency essential employee” means an employee of the Department of Defense who is designated under section 1580 of title 10 as an emergency essential employee; and

(ii) the term “combat zone” has the meaning given such term in section 112(c)(2) of the Internal Revenue Code of 1986.

(e) Annual leave otherwise accruable after June 30, 1960, which is lost by operation of this section because of administrative error and which is not credited under subsection (d)(2) of this section because the employee is separated before the error is discovered, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed within 3 years immediately following the date of discovery of the error. Payment shall be made by the agency of employment when the lump-sum payment provisions of section 5551 of this title last became applicable to the employee at the rate of basic pay in effect on the date the lump-sum provisions became applicable.

(f)(1) This subsection applies with respect to annual leave accrued by an individual while serving in—

(A) a position in the Senior Executive Service;

(B) a position in the Senior Foreign Service;

(C) a position in the Defense Intelligence Senior Executive Service;

(D) a position in the Senior Cryptologic Executive Service;

(E) a position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service;

(F) a position to which section 5376 applies;

(G) a position designated under section 1607(a) of title 10 as an Intelligence Senior Level position; or

(H)¹ a position in the Library of Congress the compensation for which is set at a rate equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314.

(H)¹ a position in the United States Secret Service Uniformed Division at the rank of Deputy Chief, Assistant Chief, or Chief.

(2) For purposes of applying any limitation on accumulation under this section with respect to any annual leave described in paragraph (1)—

(A) “30 days” in subsection (a) shall be deemed to read “90 days”; and

(B) “45 days” in subsection (b) shall be deemed to read “90 days”.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 519; Pub. L. 93-181, § 3, Dec. 14, 1973, 87 Stat. 705; Pub. L. 95-454, title IV, § 410, title IX, § 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1173, 1224; Pub. L. 96-54, § 2(a)(39), Aug. 14, 1979, 93 Stat. 383; Pub. L. 96-465, title II, § 2312(b), Oct. 17, 1980, 94 Stat. 2166; Pub. L. 97-89, title VIII, § 802, Dec. 4, 1981, 95 Stat. 1161; Pub. L. 100-325, § 2(k), May 30, 1988, 102 Stat. 582; Pub. L. 102-378, § 2(53), Oct. 2, 1992, 106 Stat. 1354; Pub. L. 102-484, div. D, title XLIV, § 4434, Oct. 23, 1992, 106 Stat. 2722; Pub. L. 103-337, div. A, title III, § 341(c), div. B, title XXVIII, § 2816(a), Oct. 5, 1994, 108 Stat. 2720, 3056; Pub. L. 103-356, title II, § 201(a), Oct. 13, 1994, 108 Stat. 3411; Pub. L. 105-261, div. A, title XI, § 1105, Oct. 17, 1998, 112 Stat. 2142; Pub. L. 106-65, div. A, title XI, § 1103(a), Oct. 5, 1999, 113 Stat. 776; Pub. L. 110-181, div. A, title XI, § 1112, Jan. 28, 2008, 122 Stat. 360; Pub. L. 111-68, div. A, title I, § 1404(1)-(3), Oct. 1, 2009, 123 Stat. 2038; Pub. L. 111-282, § 2(b), Oct. 15, 2010, 124 Stat. 3038.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)	5 U.S.C. 2062(c).	Oct. 30, 1951, ch. 631, § 203(c), 65 Stat. 680. July 2, 1953, ch. 178, § 3(a), 67 Stat. 137.
(b)	5 U.S.C. 2602(d).	Oct. 30, 1951, ch. 631, § 203(d), 65 Stat. 680. July 2, 1953, ch. 178, § 3(b), 67 Stat. 137. Sept. 6, 1960, Pub. L. 86-707, § 401 “(d)”, 74 Stat. 799.
(c)	5 U.S.C. 2066(a).	Oct. 30, 1951, ch. 631, § 208(a), 65 Stat. 682. July 2, 1953, ch. 178, § 3(c), 67 Stat. 137.

The words “Except as provided by subsection (b) of this section” are added to subsection (a), and the words “Notwithstanding the provisions of subsection (c)” in former section 2062(d) are omitted as unnecessary because of the exception added to subsection (a).

The words “full biweekly pay period” are substituted for “complete biweekly pay period” to conform to section 6303.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

¹ So in original. Two subpars. (H) have been enacted.

Editorial Notes

REFERENCES IN TEXT

The Defense Base Closure and Realignment Act of 1990, referred to in subsec. (d)(3)(A), is part A of title XXIX of div. B of Pub. L. 101-510, Nov. 5, 1990, 104 Stat. 1808, which is set out as a note under section 2687 of Title 10, Armed Forces. For complete classification of this Act to the Code, see Tables.

Section 112(c)(2) of the Internal Revenue Code of 1986, referred to in subsec. (d)(4)(B)(ii), is classified to section 112(c)(2) of Title 26, Internal Revenue Code.

AMENDMENTS

2010—Subsec. (f)(1)(F). Pub. L. 111-282, §2(b)(1), which directed amendment of subpar. (F) by striking “or” after the semicolon, could not be executed because the word “or” did not appear.

Subsec. (f)(1)(G). Pub. L. 111-282, §2(b)(2), which directed substitution of “; or” for the period, could not be executed because there was no period.

Subsec. (f)(1)(H). Pub. L. 111-282, §2(b)(3), added subpar. (H) relating to a position in the United States Secret Service Uniformed Division.

2009—Subsec. (f)(1)(H). Pub. L. 111-68 added subpar. (H).

2008—Subsec. (f)(1). Pub. L. 110-181 substituted “in—” for “in a position in—” in introductory provisions, inserted “a position in” before “the” in subpars. (A) to (E), struck out “or” at end of subpar. (D), substituted semicolon for period at end of subpar. (E), and added subpars. (F) and (G).

1999—Subsec. (d)(4). Pub. L. 106-65 added par. (4).

1998—Subsec. (d)(3)(A). Pub. L. 105-261 inserted “the closure of an installation of the Department of Defense in the Republic of Panama in accordance with the Panama Canal Treaty of 1977,” after “2687 note) during any period.”

1994—Subsec. (d)(3). Pub. L. 103-337, §2816(a), designated existing provisions as subpar. (A), substituted “closure of, and any realignment with respect to,” for “closure of”, and added subpar. (B).

Pub. L. 103-337, §341(c), substituted “the closure of an installation of the Department of Defense pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) during any period, and the closure of any other installation” for “the closure of an installation”.

Subsec. (f). Pub. L. 103-356 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: “Annual leave accrued shall not be subject to the limitation on accumulation otherwise imposed by this section if such leave is accrued by an individual while serving in a position in—

“(1) the Senior Executive Service;

“(2) the Senior Foreign Service;

“(3) the Defense Intelligence Senior Executive Service;

“(4) the Senior Cryptologic Executive Service; or

“(5) the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.”

1992—Subsec. (d)(3). Pub. L. 102-484 added par. (3).

Subsec. (e). Pub. L. 102-378 substituted “date” for “date of” in last sentence.

1988—Subsec. (f)(5). Pub. L. 100-325 added par. (5).

1981—Subsec. (f). Pub. L. 97-89 amended subsec. (f) generally, transferring from former subsec. (g) provisions excepting from the limitation on accumulation otherwise imposed by this section any annual leave accrued by members of the Senior Foreign Service and inserting provisions relating to annual leave accrued by individuals while serving in positions in the Defense Intelligence Senior Executive Service or the Senior Cryptologic Executive Service.

Subsec. (g). Pub. L. 97-89 struck out subsec. (g). Provisions formerly set out in subsec. (g), relating to annual leave accrued by members of the Senior Foreign service, were incorporated in subsec. (f).

1980—Subsec. (a). Pub. L. 96-465, §2312(b)(1), inserted reference to subsec. (g).

Subsec. (g). Pub. L. 96-465, §2312(b)(2), added subsec. (g).

1979—Subsec. (e). Pub. L. 96-54 substituted “rate of basic pay” for “salary rate”.

1978—Subsec. (a). Pub. L. 95-454, §410(1), inserted reference to subsec. (f).

Subsec. (d)(2). Pub. L. 95-454, §906(a)(2), (3), substituted “Office of Personnel Management” and “Office” for “Civil Service Commission” and “Commission”, respectively.

Subsec. (f). Pub. L. 95-454, §410(2), added subsec. (f).

1973—Subsec. (a). Pub. L. 93-181, §3(1), substituted “subsections (b), (d), and (e) of this section” for “subsection (b) of this section”.

Subsecs. (d), (e). Pub. L. 93-181, §3(2), added subsecs. (d) and (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-282 effective on first day of first pay period which begins after Oct. 15, 2010, see section 5 of Pub. L. 111-282, set out as a note under section 5102 of this title.

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-68, div. A, title I, §1404(4), Oct. 1, 2009, 123 Stat. 2038, provided that: “The amendments made by subsection (a) [probably means pars. (1) to (3), which amended this section] shall apply with respect to annual leave accrued during pay periods beginning after the date of the enactment of this Act [Oct. 1, 2009].”

EFFECTIVE DATE OF 1994 AMENDMENTS

Pub. L. 103-356, title II, §201(a), Oct. 13, 1994, 108 Stat. 3411, provided that the amendment made by that section is effective on the first day of the first applicable pay period beginning after Oct. 13, 1994.

Pub. L. 103-337, div. B, title XXVIII, §2816(b), Oct. 5, 1994, 108 Stat. 3056, provided that: “The amendments made by subsection (a) [amending this section] shall apply only with respect to the restoration of annual leave of employees at military installations undergoing realignment if such leave is lost by operation of section 6304 of title 5, United States Code, on or after the date of the enactment of this Act [Oct. 5, 1994].”

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-89 effective Oct. 1, 1981, see section 806 of Pub. L. 97-89, set out as an Effective Date note under section 1621 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by section 410 of Pub. L. 95-454 effective 9 months after Oct. 13, 1978, and congressional review of provisions of sections 401 through 412 of Pub. L. 95-454, see section 415 of Pub. L. 95-454, set out as an Effective Date note under section 3131 of this title.

Amendment by section 906(a)(2), (3) of Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as an Effective Date of 1978 Amendment note under section 1101 of this title.

TEMPORARY INCREASE IN LIMITATION ON ACCUMULATION OF ANNUAL LEAVE FOR EXECUTIVE BRANCH EMPLOYEES

Pub. L. 116-283, div. A, title XI, §1111, Jan. 1, 2021, 134 Stat. 3893, provided that:

“(a) IN GENERAL.—At the discretion of the Director of the Office of Personnel Management, annual leave provided to an Executive branch employee may accumulate for use in leave year 2021 in an amount equal to 125% of the maximum amount of annual leave permitted, but for this subsection, to accumulate for use in that leave year under the leave system covering such employee.

“(b) EXCLUSION FROM LUMP-SUM PAYMENT.—Any annual leave accumulated pursuant to subsection (a) in excess of the maximum amount of annual leave permitted, but for this section, to accumulate for use in succeeding years shall not be included in any lump-sum payment for leave to an individual, including any lump-sum payment under section 5551 or 5552 of title 5, United States Code.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘agency’ means each agency, office, or other establishment in the executive branch of the Federal Government; and

“(2) the term ‘Executive branch employee’—

“(A) means—

“(i) an employee of an agency;

“(ii) an employee appointed under chapter 74 of title 38, United States Code, notwithstanding section 7421(a), section 7425(b), or any other provision of chapter 74 of such title; and

“(iii) any other individual occupying a position in the civil service (as that term is defined in section 2101(1) of title 5, United States Code) in the executive branch of the Federal Government; and

“(B) does not include any individual occupying a position that is classified at or above the level of a Senior Executive Service position or the equivalent thereof.”

RESTORATION OF ANNUAL LEAVE FOR CERTAIN DEPARTMENT OF DEFENSE EMPLOYEES

Pub. L. 108-136, div. A, title XI, §1114, Nov. 24, 2003, 117 Stat. 1635, provided that:

“(a) RESTORATION OF ANNUAL LEAVE.—During the period October 1, 1992, through December 31, 1997, all employees transferring from a closing or realigning Department of Defense installation or activity as defined under section 6304(d)(3) of title 5, United States Code, to another Department of Defense installation or activity—

“(1) may be deemed eligible by the Secretary of Defense for automatic restoration of forfeited annual leave under section 6304(d)(3) of title 5, United States Code, during the year of transfer; and

“(2) may be deemed by the Secretary of Defense to have used all forfeited annual leave properly restored under section 6304(d)(3) of title 5, United States Code, within the appropriate time limits, only if such restored annual leave was used by the employee or paid to the employee in the form of a lump sum payment under section 5551(a) of title 5, United States Code, by the last day of the 2001 leave year.

“(b) PAYMENT OF RESTORED ANNUAL LEAVE.—(1) On or after September 23, 1996, all employees transferring from a closing or realigning Department of Defense installation or activity as defined under section 6304(d)(3)(A) of title 5, United States Code, to another Department of Defense installation or activity who, upon transfer, were entitled to payment of a lump sum payment under section 5551(c) of title 5, United States Code, for forfeited annual leave properly restored under section 6304(d)(3) of title 5, United States Code—

“(A) may be paid only for any such restored annual leave currently remaining to their credit at the hourly rate payable on the date of transfer with appropriate back pay interest; and

“(B) shall be deemed paid for all such restored annual leave to which that employee was entitled to payment upon transfer, but subsequently used or was otherwise paid for upon separation.

“(2) This subsection shall take effect on the date of the enactment of this Act [Nov. 24, 2003].”

USE OF EXCESS LEAVE

Pub. L. 103-356, title II, §201(b), Oct. 13, 1994, 108 Stat. 3411, provided that: “Notwithstanding the amendment made by subsection (a) [amending this section], in the case of an employee who, on the effective date of subsection (a) [see Effective Date of 1994 Amendments note above], is subject to subsection (f) of section 6304 of title 5, United States Code, and who has to such employee’s credit annual leave in excess of the maximum accumulation otherwise permitted by subsection (a) or (b) of section 6304 (determined applying the amendment made by subsection (a)), such excess annual leave shall remain to the credit of the employee and be subject to reduction, in the same manner as provided in subsection (c) of section 6304.”

LUMP-SUM PAYMENT FOR ACCRUED ANNUAL LEAVE TO FORMER EMPLOYEES

Pub. L. 93-181, §5, Dec. 14, 1973, 87 Stat. 706, provided that where former employees (other than former employees of Post Office Department or United States Postal Service) had accrued annual leave after June 30, 1960, but had not been on the rolls on Dec. 14, 1973, and where annual leave thus accrued had been lost because of administrative error, such accrued annual leave was subject to credit and liquidation by lump-sum payment but only if a claim therefor was filed within three years after Dec. 14, 1973, with agency by which the employees had been employed when lump-sum payment provision of section 5551 of this title had last become applicable to them.

Pub. L. 93-181, §6, Dec. 14, 1973, 87 Stat. 706, provided that where former employees of Post Office Department or United States Postal Service with prior civilian service with Post Office Department or other Federal agency had accrued annual leave after June 30, 1960, and before July 1, 1971, but had not on the rolls on Dec. 14, 1973, and where annual leave thus accrued had been lost because of administrative error, such accrued annual leave was subject to credit and liquidation by lump-sum payment, but only if a claim therefor was filed within three years after Dec. 14, 1973, with Postal Service, at salary rate in effect on date these employees had been employed when lump-sum payment provision of section 5551 of this title or comparable provisions of regulations of Postal Service had last become applicable to them. With respect to present employees of Postal Service who had prior Federal civilian service with Post Office Department or other Federal agency, annual leave which had accrued after June 30, 1960, and before July 1, 1971, but, because of administrative error had been lost, was subject to credit and liquidation by lump-sum payment only if a claim therefor was filed within three years of Dec. 14, 1973, with Postal Service, at salary rate in effect on Dec. 14, 1973.

§ 6305. Home leave; leave for Chiefs of Missions; leave for crews of vessels

(a) After 24 months of continuous service outside the United States (or after a shorter period of such service if the employee’s assignment is terminated for the convenience of the Government), an employee may be granted leave of absence, under regulations of the President, at a rate not to exceed 1 week for each 4 months of that service without regard to other leave provided by this subchapter. Leave so granted—

(1) is for use in the United States, or if the employee’s place of residence is outside the area of employment, in its territories or possessions including the Commonwealth of Puerto Rico;

(2) accumulates for future use without regard to the limitation in section 6304(b) of this title; and

(3) may not be made the basis for terminal leave or for a lump-sum payment.

(b) The President may authorize leave of absence to a chief of mission excepted from this subchapter by section 6301(2)(xii) of this title for use in the United States and its territories or possessions. Leave so authorized does not constitute a leave system and may not be made the basis for a lump-sum payment.

(c) An officer, crewmember, or other employee serving aboard an oceangoing vessel on an extended voyage may be granted leave of absence, under regulations of the Office of Personnel Management, at a rate not to exceed 2 days for each 30 calendar days of that service without regard to other leave provided by this subchapter. Leave so granted—

(1) accumulates for future use without regard to the limitation in section 6304(b) of this title;

(2) may not be made the basis for a lump-sum payment, except that civil service mariners of the Military Sealift Command on temporary promotion aboard ship may be paid the difference between their temporary and permanent rates of pay for leave accrued under this section and section 6303 and not otherwise used during the temporary promotion upon the expiration or termination of the temporary promotion; and

(3) may not be made the basis for terminal leave except under such special or emergency circumstances as may be prescribed under the regulations of the Office.

(d) With respect to an officer, crewmember, or other employee of the Department of Defense serving aboard an oceangoing vessel on an extended voyage, the first sentence in the matter preceding paragraph (1) of subsection (c) of this section shall be applied by substituting “7 calendar days” for “30 calendar days”.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 520; Pub. L. 89-747, §1(1), (2), Nov. 2, 1966, 80 Stat. 1179; Pub. L. 90-623, §1(16), Oct. 22, 1968, 82 Stat. 1313; Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 96-54, §2(a)(15), Aug. 14, 1979, 93 Stat. 382; Pub. L. 96-465, title II, §§2312(c), 2314(f)(2), Oct. 17, 1980, 94 Stat. 2167, 2168; Pub. L. 106-398, §1 [[div. A], title XI, §1133], Oct. 30, 2000, 114 Stat. 1654, 1654A-318; Pub. L. 118-31, div. A, title XI, §1110, Dec. 22, 2023, 137 Stat. 428.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2062(f).	Oct. 30, 1951, ch. 631, §203(f), 65 Stat. 680. Sept. 6, 1960, Pub. L. 86-707, §401 “(f)”, 74 Stat. 799.
(b)	5 U.S.C. 2061(c)(2).	July 2, 1953, ch. 178, §1 “(c)(2)”, 67 Stat. 136.

The words “in his discretion” are omitted as unnecessary in view of the permissive grant of authority.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes

AMENDMENTS

2023—Subsec. (d). Pub. L. 118-31 added subsec. (d).

2000—Subsec. (c)(2). Pub. L. 106-398 amended par. (2) generally. Prior to amendment, par. (2) read as follows:

“may not be made the basis for a lump-sum payment; and”.

1980—Subsec. (a). Pub. L. 96-465, §2312(c), inserted “(or after a shorter period of such service if the employee’s assignment is terminated for the convenience of the Government)” after “outside the United States”.

Subsec. (b). Pub. L. 96-465, §2314(f)(2), substituted “a chief of mission” for “an officer” after “leave of absence to”.

1979—Subsec. (c)(3). Pub. L. 96-54 substituted “Office” for “Commission”.

1978—Subsec. (c). Pub. L. 95-454 substituted “Office of Personnel Management” for “Civil Service Commission”.

1968—Subsec. (c). Pub. L. 90-623 substituted “2” and “30” for “two” and “thirty”, respectively.

1966—Pub. L. 89-747 added subsec. (c) and inserted reference to leave for crews of vessels in section catchline.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

Executive Documents

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a) of this section delegated to Office of Personnel Management, see section 1(2) of Ex. Ord. No. 11228, June 14, 1965, 30 F.R. 7739, set out as a note under section 301 of Title 3, The President.

EX. ORD. NO. 10471. AUTHORIZATION TO GRANT LEAVES OF ABSENCE

Ex. Ord. No. 10471, July 17, 1953, 18 F.R. 4231, as amended by Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13967, provided:

1. The heads of the several departments and agencies of the Government are hereby authorized and empowered, without the approval, ratification, or other action of the President, to exercise, with respect to personnel in their respective department or agency, the authority conferred upon the President by section 6305(b) of title 5 of the United States Code, to authorize leaves of absence in accordance with the said section 6305(b) to persons who receive compensation in accordance with section 401 of the Foreign Service Act of 1980 (22 U.S.C. 3961).

2. This order shall be effective as of July 5, 1953.

§6306. Annual leave; refund of lump-sum payment; recredit of annual leave

(a) When an individual who received a lump-sum payment for leave under section 5551 of this title is reemployed before the end of the period covered by the lump-sum payment in or under the Government of the United States or the gov-

ernment of the District of Columbia, except in a position excepted from this subchapter by section 6301(2)(ii), (iii), (vi), or (vii) of this title, he shall refund to the employing agency an amount equal to the pay covering the period between the date of reemployment and the expiration of the lump-sum period.

(b) An amount refunded under subsection (a) of this section shall be deposited in the Treasury of the United States to the credit of the employing agency. When an individual is reemployed under the same leave system, an amount of leave equal to the leave represented by the refund shall be recredited to him in the employing agency. When an individual is reemployed under a different leave system, an amount of leave equal to the leave represented by the refund shall be recredited to him in the employing agency on an adjusted basis under regulations prescribed by the Office of Personnel Management. When an individual is reemployed in a position excepted from this subchapter by section 6301(2)(x)–(xiii) of this title, an amount of leave equal to the leave represented by the refund is deemed, on separation from the service, death, or transfer to another position in the service, to have remained to his credit.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 520; Pub. L. 95–454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 95–519, §2, Oct. 25, 1978, 92 Stat. 1819.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 61b (3d–5th sentences).	Dec. 21, 1944, ch. 632, §1 (1st proviso and so much of last sentence as precedes 2d proviso), 58 Stat. 845. July 2, 1953, ch. 178, §4(a) (2d–4th sentences), 67 Stat. 137. Aug. 18, 1959, Pub. L. 86–168, §202(e), 73 Stat. 389.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes

AMENDMENTS

1978—Subsec. (b). Pub. L. 95–519 substituted “6301(2)(x)–(xiii)” for “6301(2)(x)–(xii)”.

Pub. L. 95–454 substituted “Office of Personnel Management” for “Civil Service Commission”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENTS

Amendment by Pub. L. 95–519 effective beginning on first day of first applicable pay period beginning on or after Oct. 25, 1978, see section 4(a) of Pub. L. 95–519, set out as a note under section 5551 of this title.

Amendment by Pub. L. 95–454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95–454, set out as a note under section 1101 of this title.

§ 6307. Sick leave; accrual and accumulation

(a) An employee is entitled to sick leave with pay which accrues on the basis of one-half day for each full biweekly pay period, except that sick leave with pay accrues to a member of the

Firefighting Division of the Fire Department of the District of Columbia on the basis of two-fifths of a day for each full biweekly pay period.

(b) Sick leave provided by this section, which is not used by an employee, accumulates for use in succeeding years.

(c) Sick leave provided by this section may be used for purposes relating to the adoption of a child.

(d) When required by the exigencies of the situation, a maximum of 30 days sick leave with pay may be advanced for serious disability or ailment, or for purposes relating to the adoption of a child, except that a maximum of 24 days sick leave with pay may be advanced to a member of the Firefighting Division of the Fire Department of the District of Columbia.

(d)(1)¹ For the purpose of this subsection, the term “family member” shall have such meaning as the Office of Personnel Management shall by regulation prescribe, except that such term shall include any individual who meets the definition given that term, for purposes of the leave transfer program under subchapter III, under regulations prescribed by the Office (as in effect on January 1, 1993).

(2) Subject to paragraph (3) and in addition to any other allowable purpose, sick leave may be used by an employee—

(A) to give care or otherwise attend to a family member having an illness, injury, or other condition which, if an employee had such condition, would justify the use of sick leave by such an employee; or

(B) for purposes relating to the death of a family member, including to make arrangements for or attend the funeral of such family member.

(3)(A) Sick leave may be used by an employee for the purposes provided under paragraph (2) only to the extent the amount used for such purposes does not exceed—

(i) 40 hours in any year, plus

(ii) up to an additional 64 hours in any year, but only to the extent the use of such additional hours does not cause the amount of sick leave to the employee’s credit to fall below 80 hours.

(B) In the case of a part-time employee or an employee on an uncommon tour of duty, the Office of Personnel Management shall establish limitations that are proportional to those prescribed under subparagraph (A).

(4)(A) This subsection shall be effective during the 3-year period that begins upon the expiration of the 2-month period that begins on the date of the enactment of this subsection.

(B) Not later than 6 months before the date on which this subsection is scheduled to cease to be effective, the Office shall submit a report to Congress in which it shall evaluate the operation of this subsection and make recommendations as to whether or not this subsection should be continued beyond such date.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 520; Pub. L. 103–329, title VI, §629(b)(1), Sept. 30, 1994, 108 Stat. 2423; Pub. L. 103–388, §2, Oct. 22, 1994, 108 Stat. 4079.)

¹ So in original. Probably should be “(e)(1)”.

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2063.	Oct. 30, 1951, ch. 631, §204, 65 Stat. 681. Aug. 21, 1964, Pub. L. 88-471, §6(b), (c), 78 Stat. 583.

The word “officer”, referring to an officer of the Firefighting Division, is omitted as covered by the words “a member of the Firefighting Division”.

In subsection (c), the words “with pay” are added for clarity.

Standard changes are made to conform with the definitions applicable and style of this title as outlined in the preface to the report.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (d)(4)(A), is the date of enactment of Pub. L. 103-388, which was approved Oct. 22, 1994.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-329, §629(b)(1)(B), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 103-388 added subsec. (d) relating to use of sick leave for purposes relating to family member.

Pub. L. 103-329, §629(b)(1)(A), (C), redesignated subsec. (c) as (d) and inserted “or for purposes relating to the adoption of a child,” after “ailment,”.

Statutory Notes and Related Subsidiaries

REGULATIONS

Pub. L. 103-329, title VI, §629(b)(3), Sept. 30, 1994, 108 Stat. 2423, provided that:

“(3)(A) The Office of Personnel Management shall prescribe regulations under which any employee who used or uses annual leave for an adoption-related purpose, after September 30, 1991, and before the date as of which sick leave first becomes available for such purpose as a result of the enactment of this subsection may, upon appropriate written application, elect to have such employee’s leave accounts adjusted to reflect the amount of annual leave and sick leave, respectively, which would remain had sick leave been used instead of all or any portion of the annual leave actually used, as designated by the employee.

“(B) An application under this paragraph may not be approved unless it is submitted—

“(i) within 1 year after the date of the enactment of this Act [September 30, 1994] or such later date as the Office may prescribe;

“(ii) in such form and manner as the Office shall require; and

“(iii) by an individual who is an employee as of the time of application.

“(C) For the purpose of this paragraph, the term ‘employee’ has the meaning given such term by section 6301(2) of title 5, United States Code.”

ADOPTIONS DURING FISCAL YEAR 1991

Pub. L. 101-509, title V, §536, Nov. 5, 1990, 104 Stat. 1470, for fiscal year 1991, authorized sick leave provided by section 6307 of this title to be approved for purposes related to the adoption of a child.

§ 6308. Transfers between positions under different leave systems

(a) The annual and sick leave to the credit of an employee who transfers between positions under different leave systems without a break in service shall be transferred to his credit in the

employing agency on an adjusted basis under regulations prescribed by the Office of Personnel Management, unless the individual is excepted from this subchapter by section 6301(2)(ii), (iii), (vi), or (vii) of this title. However, when a former member receiving a retirement annuity under sections 521-535 of title 4, District of Columbia Code, is reemployed in a position to which this subchapter applies, his sick leave balance may not be recredited to his account on the later reemployment.

(b) The annual leave, sick leave, and home leave to the credit of a nonappropriated fund employee of the Department of Defense or the Coast Guard described in section 2105(c) who moves without a break in service of more than 3 days to a position in the Department of Defense or the Coast Guard, respectively, that is subject to this subchapter shall be transferred to the employee’s credit. The annual leave, sick leave, and home leave to the credit of an employee of the Department of Defense or the Coast Guard who is subject to this subchapter and who moves without a break in service of more than 3 days to a position under a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard, respectively, described in section 2105(c), shall be transferred to the employee’s credit under the nonappropriated fund instrumentality. The Secretary of Defense or the Secretary of Homeland Security, as appropriate, may provide for a transfer of funds in an amount equal to the value of the transferred annual leave to compensate the gaining entity for the cost of a transfer of annual leave under this subsection.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 521; Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 101-508, title VII, §7202(h), Nov. 5, 1990, 104 Stat. 1388-336; Pub. L. 109-241, title IX, §902(a)(3), July 11, 2006, 120 Stat. 566.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2064(e).	July 2, 1953, ch. 178, §4(b), 67 Stat. 138. Aug. 18, 1959, Pub. L. 86-168, §202(e), 73 Stat. 389. Aug. 21, 1964, Pub. L. 88-471, §6(d), 78 Stat. 583.

In the last sentence, the word “officer” is omitted as covered by the word “member”, and the words “sections 521-535 of title 4, District of Columbia Code” are substituted for “the Policemen and Firemen’s Retirement and Disability Act, as amended”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-241 substituted “Secretary of Homeland Security” for “Secretary of Transportation”.

1990—Pub. L. 101-508 designated existing provisions as subsec. (a) and added subsec. (b).

1978—Pub. L. 95-454 substituted “Office of Personnel Management” for “Civil Service Commission”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1990 AMENDMENT**

Amendment by Pub. L. 101-508 applicable with respect to any individual who, on or after Jan. 1, 1987, moves from employment in nonappropriated fund instrumentality of Department of Defense or Coast Guard, that is described in section 2105(c) of this title, to employment in Department or Coast Guard, that is not described in section 2105(c), or who moves from employment in Department or Coast Guard, that is not described in section 2105(c), to employment in nonappropriated fund instrumentality of Department or Coast Guard, that is described in section 2105(c), see section 7202(m)(1) of Pub. L. 101-508, set out as a note under section 2105 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

ELECTION OF LEAVE OR LUMP-SUM PAYMENT FOR CERTAIN EMPLOYEES

Pub. L. 102-484, div. A, title X, §1077, Oct. 23, 1992, 106 Stat. 2512, authorized an employee referred to in section 6308(b) of this title, who made an employment move described in such subsection after Dec. 31, 1986, and before Apr. 16, 1991, to elect to repay the lump-sum payment received based on such employment move in lieu of annual leave and have the annual leave recredited to the employee's leave account, or to keep the lump-sum payment in lieu of that annual leave.

[§ 6309. Repealed. Pub. L. 94-183, § 2(26), Dec. 31, 1975, 89 Stat. 1058]

Section, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 521, related to authorized leave of absence of a rural postal carrier which occurred at beginning, during, or at end of a period of annual or sick leave.

§ 6310. Leave of absence; aliens

The head of the agency concerned may grant leave of absence with pay, not in excess of the amount of annual and sick leave allowable to citizen employees under this subchapter, to alien employees who occupy positions outside the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 521.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2062(g).	Oct. 30, 1951, ch. 631, §203 (g), 65 Stat. 681. Sept. 6, 1960, Pub. L. 86-707, § 402(b), 74 Stat. 800.

The words "head of the agency concerned" are substituted for "head of the department or agency concerned".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 6311. Regulations

The Office of Personnel Management may prescribe regulations necessary for the administration of this subchapter.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 521; Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2065.	Oct. 30, 1951, ch. 631, §206, 65 Stat. 681.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes**AMENDMENTS**

1978—Pub. L. 95-454 substituted "Office of Personnel Management" for "Civil Service Commission".

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1978 AMENDMENT**

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

§ 6312. Accrual and accumulation for former ASCS county office and nonappropriated fund employees

(a) Credit shall be given in determining years of service for the purpose of section 6303(a) for—

(1) service as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Allotment Act or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act; and

(2) service under a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c) by an employee who has moved without a break in service of more than 3 days to a position subject to this subchapter in the Department of Defense or the Coast Guard, respectively.

(b) The provisions of subsections (a) and (b) of section 6308 for transfer of leave between leave systems shall apply to the leave systems established for such county office employees and employees of such Department of Defense and Coast Guard nonappropriated fund instrumentalities, respectively.

(Added Pub. L. 90-367, §2(a), June 29, 1968, 82 Stat. 277; amended Pub. L. 90-623, §1(25), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 99-251, title III, §306(c), Feb. 27, 1986, 100 Stat. 27; Pub. L. 101-508, title VII, §7202(i)(1), Nov. 5, 1990, 104 Stat. 1388-337.)

Editorial Notes**REFERENCES IN TEXT**

Section 8(b) of the Soil Conservation and Allotment Act, referred to in subsec. (a)(1), probably means section 8(b) of the Soil Conservation and Domestic Allotment Act, which is classified to section 590h(b) of Title 16, Conservation.

Section 10(b) of the Agricultural Adjustment Act, referred to in subsec. (a)(1), is classified to section 610(b) of Title 7, Agriculture.

AMENDMENTS

1990—Pub. L. 101-508 inserted “and nonappropriated fund” after “office” in section catchline and amended text generally. Prior to amendment, text read as follows: “Service rendered as an employee of a county committee established pursuant to section 590h(b) of title 16, or of a committee or an association of producers described in section 610(b) of title 7, shall be included in determining years of service for the purpose of section 6303(a) of this title. The provisions of section 6308 of this title for transfer of annual and sick leave between leave systems shall apply to the leave system established for such employees.”

1986—Pub. L. 99-251 struck out “in the case of any officer or employee in or under the Department of Agriculture” at end of first sentence.

1968—Pub. L. 90-623 substituted “section 590h(b) of title 16” and “section 610(b) of title 7” for “section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))” and “section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37)” respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 applicable with respect to any individual who, on or after Jan. 1, 1987, moves from employment in nonappropriated fund instrumentality of Department of Defense or Coast Guard, that is described in section 2105(c) of this title, to employment in Department or Coast Guard, that is not described in section 2105(c), or who moves from employment in Department or Coast Guard, that is not described in section 2105(c), to employment in nonappropriated fund instrumentality of Department or Coast Guard, that is described in section 2105(c), see section 7202(m)(1) of Pub. L. 101-508, set out as a note under section 2105 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

SUBCHAPTER II—OTHER PAID LEAVE

§ 6321. Absence of veterans to attend funeral services

An employee in or under an Executive agency who is a veteran of a war, or of a campaign or expedition for which a campaign badge has been authorized, or a member of an honor or ceremonial group of an organization of those veterans, may be excused from duty without loss of pay or deduction from annual leave for the time necessary, not to exceed 4 hours in any one day, to enable him to participate as an active pallbearer or as a member of a firing squad or a guard of honor in a funeral ceremony for a member of the

armed forces whose remains are returned from abroad for final interment in the United States. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 521.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	5 U.S.C. 30q.	Aug. 16, 1949, ch. 441, 63 Stat. 608. July 17, 1952, ch. 932, §1, 66 Stat. 758.

The words “Executive agency” are coextensive with and substituted for “executive branch of the Government” in view of the definition of “Executive agency” in section 105. Applicability to the General Accounting Office is based on former section 933a.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 6322. Leave for jury or witness service; official duty status for certain witness service

(a) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives) or an individual employed by the government of the District of Columbia is entitled to leave, without loss of, or reduction in, pay, leave to which he otherwise is entitled, credit for time or service, or performance of efficiency rating, during a period of absence with respect to which he is summoned, in connection with a judicial proceeding, by a court or authority responsible for the conduct of that proceeding, to serve—

(1) as a juror; or

(2) other than as provided in subsection (b) of this section, as a witness on behalf of any party in connection with any judicial proceeding to which the United States, the District of Columbia, or a State or local government is a party;

in the District of Columbia, a State, territory, or possession of the United States including the Commonwealth of Puerto Rico or the Trust Territory of the Pacific Islands. For the purpose of this subsection, “judicial proceeding” means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

(b) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives) or an individual employed by the government of the District of Columbia is performing official duty during the period with respect to which he is summoned, or assigned by his agency, to—

(1) testify or produce official records on behalf of the United States or the District of Columbia; or

(2) testify in his official capacity or produce official records on behalf of a party other than the United States or the District of Columbia.

(c) The Office of Personnel Management may prescribe regulations for the administration of this section.