

“(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

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(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)–(xii)” for “6301(2)(x)–(xi)”.

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. 2063, provided that: “The authority of the Department of Veterans Affairs under section 618 of the Treasury, Postal Service and General Government Appropriations 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 member 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