



United States Department of Agriculture

Departmental  
Administration

Office of the  
Assistant Secretary  
for Administration

Office of Human  
Resources  
Management

1400 Independence  
Avenue, SW  
Washington, DC  
20250-9600

**TO:** USDA Chief Human Capital Officers  
Chief Operating Officers and Staff Office Equivalents

**FROM:** Anita R. Adkins  
Acting Chief Human Capital Officer  
Office of Human Resources Management

**SUBJECT:** 2021 Annual Leave "Use-or-Lose" Notice - OHRM Advisory 2022-001

As we approach the end of the calendar year, we want to remind employees who wish to have their forfeited annual leave restored due to an exigency of public business or sickness of the employee, that the leave must be scheduled in writing by November 20, 2021. Though many employees are working from home or on modified schedules due to COVID-19, employees should be encouraged to use their leave throughout the year to avoid a use-or-lose leave situation.

For most employees, any annual leave in excess of 240 hours is forfeited at the beginning of the leave year. Certain employees have higher annual leave carryover limits (720 hours for members of the Senior Executive Service and certain other senior officials; 360 hours for certain employees stationed outside the U.S.; and certain employees have temporary personal leave carryover limits). Agencies may restore annual leave that was forfeited due to an exigency of the public business or sickness of the employee only if the annual leave was scheduled in writing before the start of the third biweekly pay period prior to the end of the leave year. (See [5 CFR 630.308\(a\)](#))

Employee requests to restore forfeited annual leave must be scheduled and approved in writing (i.e., leave request through WebTA, OPM-71, or email) before the end of Pay Period 23 on November 20, 2021. Annual leave that is not scheduled in writing by November 20, 2021, is not eligible for restoration, even if the leave is cancelled for an exigency of public business, sickness of the employee, or other emergency situation.

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

Annual leave re-credited under [Section 1111 of the National Defense Authorization Act](#) (NDAA) must be used by January 1, 2022, and may not be restored.

Employees who have been identified as essential for the response to the COVID-19 national emergency will continue to have their excess annual leave restored if they were unable to use their leave because they were required to respond to the emergency. (See [5 CFR 630.310](#))

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

Employees unable to schedule and use all leave in excess of 240 hours by the end of the leave year may want to consider donating the extra leave to the Voluntary Leave Transfer Program (VLTP). This program supports employees in need of leave donations due to serious health conditions. Employees should contact their servicing Human Resources Office for a list of current recipients and information on the VLTP program. Excess NDAA carryover hours may not be donated.

Please ensure your Agency employees are informed of these requirements.

If you have any questions about this guidance, please contact Lisa Swenka, HR Specialist, Pay and Leave Policy, at [Lisa.Swenka@usda.gov](mailto:Lisa.Swenka@usda.gov) or at (202)731-7958 or Allen Hatcher, Acting Deputy Chief Human Capital Officer, at [Allen.Hatcher@usda.gov](mailto:Allen.Hatcher@usda.gov) or at (703) 457-7760.