



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Tuesday, January 5, 2021
CPM 2021-05

MEMORANDUM FOR: HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: MICHAEL J. RIGAS, ACTING DIRECTOR

Subject: Higher Annual Leave Carryover Limit under Section 1111 of the National Defense Authorization Act for Fiscal Year 2021

This memorandum provides guidance on implementing the higher annual leave carryover limit established under section 1111 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (H.R. 6395), which was enacted on January 1, 2021.

Section 1111 provided the Director of the U.S. Office of Personnel Management (OPM) with discretionary authority to establish, for Executive branch employees, a higher annual leave carryover limit—125 percent of the limit that would otherwise apply to a given employee—to be applied at the beginning of the 2021 leave year (January 3, 2021 for most employees). This memorandum documents my exercise of the section 1111 discretionary authority.

The attached policy guidance describes the employees to whom the higher annual leave carryover limit by section 1111 may be applied. I have determined that all executive branch employees identified as eligible for coverage under section 1111 are entitled to application of the higher carryover limit at the beginning of leave year 2021, if they would otherwise have annual leave forfeited on January 3, 2021, and not restored under the annual leave carryover limit provisions that normally apply to the given employee.

After addressing coverage issues, the attached policy guidance addresses the implementation of section 1111 for executive branch employees covered by the annual leave provisions in 5 U.S.C. chapter 63, which are regulated by OPM. Executive branch agency heads who administer annual leave programs under any other law must apply the OPM policies described above and in the attached guidance by establishing parallel policies to the maximum extent practicable. I am delegating authority to such agency heads authority to implement those policies. This delegated authority does not prevent an agency head from providing a greater benefit under the agency head's independent leave system authority.

The attached policy guidance addresses how the section 1111 authority works in conjunction with the regular leave restoration rules in 5 U.S.C. 6304(d).

Additional Information

Agency headquarters-level human resources offices may contact OPM at pay-leave-policy@opm.gov. Employees should contact their agency human resources office for further information on this memorandum.

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, and Human Resources Directors

Attachment (see 508-conformant PDF below)