



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

Wednesday, November 7, 2001

MSG 2001-097a

MEMORANDUM FOR: Human Resources Directors

FROM: Doris Hausser, Acting Associate Director for Performance and Compensation Systems Design

Subject: Restoring Annual Leave for Employees Deemed Essential in the National Emergency

We are pleased to announce the issuance of interim regulations that will assist Federal employees who would lose their excess annual leave because of their involvement in activities related to the current national emergency. The interim regulations were published in the Federal Register on November 2, 2001 (66 FR 55557), and are available on the Office of Personnel Management's (OPM's) Web site at opm.gov/fedregis/index.htm.

Section 6304 of title 5, United States Code, establishes limitations on the amount of annual leave an employee may carry over from one leave year to the next. However, 5 U.S.C. 6304(d)(1)(b) also provides that excess annual leave lost as a result of "exigencies of the public business when the annual leave was scheduled in advance" may be restored to the affected employee. On September 14, 2001, President Bush declared a "National Emergency by Reason of Certain Terrorist Attacks" on the World Trade Center and the Pentagon. The "National Emergency by Reason of Certain Terrorist Attacks" constitutes an exigency of the public business, which justifies the restoration of any forfeited annual leave in excess of the maximum allowable limits.

The interim regulations simplify the procedures for restoring annual leave forfeited by an employee who is performing work vital to our Nation and impose relaxed time limitations for using restored annual leave. **The interim regulations became effective on November 2, 2001.** (On November 6, 2001, the Federal Register issued a correction to change the effective date of the interim regulations from December 3, 2001, to November 2, 2001 (66 FR 56033).) Comments on the interim regulations must be submitted to OPM by January 2, 2002.

Questions may be referred to OPM's Office of Compensation Administration on (202) 606-2858 or by email at payleave@opm.gov.