

Leave Basics & Perspective from a Supervisor

The Federal government has been operating under employee-favorable leave policies for over ten years. These policies are generally much more generous than those in the private sector. Bereavement, family care and other kinds of leave coupled with an extensive right to demand the use of leave raise serious issues among managers and supervisors.

A key question is whether the congress or political executives have hampered accountability and productivity with this approach to leave entitlements when considered side by side with other programs such as work at home, flexible and alternative work schedules and the like. Many managers worry that training, mentoring, performance management, accountability and productivity may suffer under current rules.

In this series, we'll take a look at exactly what leave entitlements employees have, the uses and abuses, and why Federal managers are concerned. First let's look at the various programs that affect attendance and leave.

Leave Basics - Annual Leave

Annual leave is for employee's discretionary use. Annual leave must be scheduled and approved in advance. Except for Senior Executive Service personnel who earn 8 hours per pay period (PP) regardless of years of service (since 2004), full-time Federal employees earn 4 hours per PP when hired, 6 hours per PP after 3 years (10 hours in the last PP of the year) and 8 hours per PP after 15 years.

Sick Leave

Sick leave may be used for medical, dental, or optical examination or treatment; incapacitation by physical or mental illness, injury, pregnancy, or childbirth.

Federal regulations also allow sick leave if exposure to a communicable disease would jeopardize the health of others by sick person's presence on the job and for certain adoption-related activities. In addition, a limited amount of sick leave may be granted to provide care for a family member as the result of physical or mental illness, injury, pregnancy, childbirth, or medical, dental, or optical examination or treatment; make arrangements necessitated by the death of a family member or attend the funeral of a family member.

A full-time employee may use up to 40 hours (5 days) of sick leave each leave year for family care and bereavement purposes. Previously, an additional 64 hours (8 days) could be used as long as balance of at least 80 hours of sick leave was maintained in the person's sick leave account. New regs were issued in August of 2006 eliminating the he requirement to maintain an 80 hour balance in order to use the 104 hours of sick leave for general family care adding an additional leave benefit to Federal employees. Other than full-time employee use is pro-rated. Subsequently encoded, the family care and bereavement policies started with a Clinton era executive order calling them Family Friendly programs.

Family and Medical Leave Act of 1993 (FMLA)

Under FMLA, covered employees are entitled to a total of 12 administrative workweeks of

unpaid leave (leave without pay or LWOP) during any 12-month period for:

- The birth of a son or daughter and care of the newborn
- The placement of a son or daughter with the employee for adoption or foster care
- The care of the employee's spouse, son, daughter, or parent with a serious health condition
- The employee's serious health condition that makes him/her unable to perform the duties of the job

Upon return from FMLA leave, an employee must be returned to the same or equivalent position. While on FMLA leave, health benefits coverage continues. Employees on LWOP under the FMLA are responsible for paying the employee share of the health benefits premium. Also when employees return, they may choose to substitute annual leave for LWOP under the FMLA. Employees may also substitute sick leave in those situations in which the use of sick leave is permitted. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met. The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable." An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA or to discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Leave For Bone-Marrow Or Organ Donation

Federal employees are entitled to use 7 days of paid leave each calendar year in addition to annual or sick leave to serve as a bone-marrow or organ donor.

Leave Sharing

Employees with a medical emergency that have exhausted their own leave may avail themselves of the leave transfer program which allows other Federal employees to donate annual leave. Agencies also may establish a leave bank program. These bank programs allow members (those who contribute a specific amount) to apply for leave from the leave bank in the event of a medical emergency.

Flexible and Compressed Work Schedules

Flexitime (the common slang for a flexible work schedule) and AWS (common slang for a compressed work schedule) have been around for much longer than liberal leave policies but got their greatest expansion in the union friendly years of the Clinton administration.

Almost every Federal employee has the option of working a flexible or alternate work schedule. Flexitime relates to the hours to be worked in a given work day while AWS generally addresses the weekly tour of duty. For example, under a flexitime scheme, employees may vary their start and quit times often around fixed hours (called core hours) in the middle of the work day. Under AWS, employees may work four 10-hour days in a

week (4-10s), eight 9-hour days and one 8-hour day over a pay period (called a 5-4-9 schedule), or other scheme. There is also something called maxiflex.

One agency's program called magnified maxiflex (no kidding) is detailed on the web and requires employees to be at work from 10 am until 2 pm on Tuesdays, Wednesdays and Thursdays. The constraints are that the employee is limited to working 5 am to midnight Mondays and Fridays; 5 am to 10 am and 2 pm to midnight on Tuesdays, Wednesdays and Thursdays; and 5 am to 6 pm on Saturdays. Also, the employee can work credit hours (see below) if they choose.

Some interesting developments are becoming more common. These include gliding flexitours, a new type of flexible schedule that includes a basic work requirement of 8 hours in each day and 40 hours in each week. The employee may, however, select an arrival time, departure and lunch each day, and may change those times daily; and credit hours, similar to compensatory time, except that the request to work credit hours is at the initiation of the employee.

Telecommuting

Telecommuting, otherwise known as work at home is increasingly popular, particularly in the Washington DC metro area. An interesting thing about telecommuting is that the program is championed primarily by congressmen in the Washington, DC suburbs but not outside the beltway regardless of party affiliation. In fact, perhaps the biggest proponent is a [Virginia Republican](#).

Some believe this support arises from the fact that employees who work at home spend their lunch (and perhaps other) money in their home congressional districts rather than in D.C., Arlington and Alexandria where most Federal agencies have their headquarters. Now there's a good human resource management reason to have a program. I have been told by unnamed very senior executives both political (both parties) and career that intense pressure has come their way to implement and then expand these programs.

Great stuff, huh? I'd be the first to say that Federal employees are very fortunate to have the freedom to control where and when they work and to use approved leave to cover virtually any situation life may throw at them. This part of the series will look at all of this flexibility from a supervisor or manager's perspective.

I wonder if Luther Gulick, who gave us PODSCORB (planning, organizing, directing, staffing, coordination, reporting, and budgeting) and is considered by many the most important theorist of public administration and management, could have predicted the complexity with which public managers must now deal in getting a job done. The Federal service, it seems to me, spends a lot of time on trendy performance evaluation schemes and annually conceived variations creating myriad structures but comparatively little time on the development of its supervisors to get the day to day work done.

I have spent an entire career amazed by the continual misunderstanding of Federal supervision by both political parties as they possess alternately or together the Congress and the administration. Clinton/Gore, the champions of the "reinvention" mantra did what most other "reformers" do, only more so. The Clinton/Gore reinvention geniuses pushed expansion of the ratio of supervisors to employees from whatever was is to 1 to 15 or 1 to 25.

After all, with automation and Dr. Deming to guide us, who needs managers anyway? They

never got (very few have) that Federal supervisors and managers work. The reality in government is that supervision is usually a sideline job. Most are selected for supervisory positions because they either understand the work better or do it better than other contenders. An interesting euphemism "personally performed duties" (I guess as opposed to impersonally-performed tasks) has sprung up to identify these activities. Ask any supervisor what supervisory training or developmental activities they participated in before selection and almost all will say none. I honestly don't know why anyone takes the job of first-line supervisor other than perhaps from the probably mistaken belief that they might have more control over their work. The difference in pay certainly isn't worth the hassle.

The Premise

So let's look at my premise. Supervisors and managers are selected for their understanding and ability of the work not of people nor because they possess supervisory skills. OPM used to mandate 80 hours of supervisory training for newly selected supervisors and first time managers but that went away with the evil Federal Personnel Manual which sought to provide consistent guidance to agencies on "human capital" (newest trendy name of personnel) management. So now you can become a supervisor without prior or post selection training. When I conduct supervisory training (in labor and employee relations), I ask who has had basic supervisory courses. Large numbers say they haven't. If you buy my premise, then who's surprised when managers and supervisors are extremely frustrated at having to get the work done in the face of an elusive workforce that is flexing, telecommuting, exercising FMLA rights, and otherwise isn't very predictable in its availability. Even assuming that these programs were a good idea in the first place, managing them presents substantial challenges.

Ten Supervisory Responsibilities that Liberal Leave and Work Scheduling Make More Difficult.

1. Planning Work

Planning to put tab A into slot A is no big deal. Most Feds don't deal with slots and tabs unless they are on case files, computer drives and the like. The government's work is largely regulatory, financial, analytical or service-based. Before any supervisor can envision staffing a project management effort, an analysis of mission needs must be accompanied by matrix identifying who is available and on what days and dates. It gets more complicated when the interactions are with people who have no or a conflicting work or leave schedule.

2. Delegating Work

Delegation is an art not a science. Factors such as experience, ability, training, relationship skills and the like are part of the mix. Most supervisors rely on their knowledge of employee strengths and weaknesses in making these decisions. Trust is often a function of the depth of the relationship between people and the opportunity to observe interactions first hand. The less people interact, the less trust will result. You figure it out.

3. Developing Coworker Interaction

Trust isn't only between supervisors and subordinates. A smooth and successful operation often depends on the relationship between coworkers. If people don't interact frequently, information sharing and mutual interdependence either won't develop at all or may be severely limited. While many meetings are poorly run, these interactions offer people the opportunity to assess coworkers. Meetings in a flexible environment can be difficult to

engineer. Teamwork is a frequently advanced goal in government. If you're not on the playing field, it's tough to be part of a team.

4. Supervisor-Employee Interaction

Mentoring and coaching come to mind as important supervisory functions. Let's think about doing this by phone or email exclusively. "nuff said.

5. Training

Whether supervisors are trying to schedule on-the-job training or formal off-site training, scheduling adds a complexity to the process. I've been in negotiations where the union wanted Byzantine rules established wherein, for example, an employee who works a 4-10 hour day week (got that?) gets overtime for the day they are usually off even if the week long class is only eight hours per day. This proposal was made with a straight face and reflected a belief that an AWS was a God-given right like sick leave.

6. Preparing Employees to Advance

Frequently supervisors seek to expand an employee's horizons and understanding of the organization with details and developmental assignments. These often require scheduling adjustments which may clash with personal activities that come about as a result of the alternate schedule or leave use.

7. Rotational Assignments

Management has the absolute right to assign work and, at least according to Federal labor law, can't bargain it away even if it wants to (Not apparent to Clinton appointees even on the FLRA). The real problem is that nobody wants to be the bad guy inconveniencing people by assigning work that requires them to rescheduled child care, elder care, medical appointments, beauty appointments, car repair and so on.

8. Office Coverage

Even mentioning this will relegate me to true dinosaur status. Not every Agency will have a 9/11 or Katrina crisis requiring the marshalling of massive efforts. Every agency does however have the obligation to provide within the same day, a real person to respond to real concerns of whoever the agency deals with. This gets hard even in an environment rife with voice mail, call forwarding, etc. The day will come, however, when a President decides that someone live must be available to help with agency provided services.

9. Customer Service

Please don't laugh. There is a concept called civil service. I have had a number of union representatives tell me that they are absolutely not civil servants but rather government employees. I didn't need to be told. I'd already figured that out. The Federal civil service without doubt should be held in as high regard as those Americans in the uniformed services. The oath is virtually identical. The duty is also identical. The politicals who run against us for votes and the media who revile us for sound bites have done great harm to the image of Federal employees. There is a way out and that's to leave our customers, whether outside government or within, as thankful for us as we were for the first responders that morning in September. Perhaps we should consider putting our customers over ourselves believing that we are not a business but embody the public trust a very

different kind of enterprise.

10. Evaluating Work

This difficult and thankless job is made more arduous by distance and lack of personal contact. It's not really the people we need to look at in the long run but the quality of the work turned out. This is the ultimate missed point. I have witnessed failing work organizations hand out awards at the end of the year. More about this in the next article.

Here are some numbers to mull over. There are 260 work days in the year. An employee who has 15 or more years of service gets 26 of them off leaving 234. There are 10 federal holidays leaving 224. The president and the weather usually claim another 4 or so leaving 220. Employees who work 4-10s don't come to work 52 days leaving 168. If a family member needs care, the employee is entitled to another 60 days of LWOP leaving 108. If the employee is sick himself, he earns 13 days per year to use leaving 95. My guess is that mandatory sexual harassment, ethics, diversity training and awards ceremonies and all hands meetings eat up another 15 leaving 80 to complete the employee's IDP, standards setting, progress reviews, performance appraisals, job interviews, and other mandated activities. Wouldn't you just love to be a Federal supervisor?

Supervisors may have resources available they don't even know about. Supervisors also have some tools they may not have known were in the toolbox. Below are some "to dos" that may help.

Read the Rules Governing Leave Carefully

Find one of those old fake leather three ring binders or one you got from a training class in 1997 that you haven't opened since. Print out your agency's policies on employee work scheduling and leave including FMLA, three hole punch it, put it in a binder you keep on the desk and, oh yeah, read it, underline key passages and attach some kind of tab to the important stuff. No, I'm not a Luddite and, yes, I'm a frequent computer user but there's no substitute for a hands on accessible manual. If you don't understand parts of the policy, a not uncommon occurrence considering how they're often written, call or email (get a read receipt) your servicing "Employee Relations Specialist" in the personnel or human resources office and get an explanation.

Find Out What the Union Agreement Says

If the contract has articles and/or sections covering one of the leave policies or flexibilities, copy the section and add it to your desk binder. If you're starting to ask why doesn't my agency do this for me already, that's a darn good question. If there are parts of the union contract you don't understand, call or email a "Labor Relations Specialist" and get an explanation. No labor or employee relations specialists at your location, you say. Find an agency directory and call anybody with a similar title or if that's no help, call a person with the title Personnel or Human Resources Director and ask where you can get help.

Get Organized

Develop a spreadsheet or MSWord table that lists every employee that works for you and identifies the work schedule of each. Some policies and/or labor agreements require a contract between the employee and the supervisor for telework. Find them and put them in your binder. While you're at it, make sure the document is current. Do the same thing for flexitime and alternate work schedules. If you are a relatively new supervisor, inherited

people from somewhere or were (past tense starting now) a crummy record keeper, email the employee for whom you lack info and nail down the arrangement and who it was made with.

Tracking Leave Usage

What I am about to suggest takes considerable self discipline. Keep an employee by employee leave record. Require the use of SF-71s or other approval vehicle unless forbidden to do so (not likely). If there's a time keeper, have that person prepare the record for you, but you read it every pay period and you make sure it's correct. If you have an electronic time and attendance system, print out the results each pay period and check it against your record. Employees are required to request leave, make sure they do so by requesting it from you in on a form or by email. If this is an area in which you have been remiss, send out an email telling employees what you want and how you want it. If the entire organization is lax, over tolerant of abuse and generally spineless, you may want to talk with your "Labor Relations Specialist" before you issue the email but don't drop the ball.

Track the Work

I'll bet good money that the position descriptions in your organization are useless documents (at least to you) and help you do little or nothing. Some kind of work tracking system is essential if you're trying to juggle schedules and leave. Require employees to keep a list of projects they are working on and due dates or milestones with due dates. How often you want them may depend on how detailed the assignment, how quickly due dates come up or how much interdependence exists (where a dropped ball affects a number of people or can embarrass the organization.) This applies to all occupations and all grade levels. In fact, in higher level jobs with frequent distractions and shifting priorities, failing to track work can be disastrous. I'm a believer that the higher you go, the less you know. Until you get to the top, then you know nothing at all. In essence, if you don't have a reliable work information generator that you use regularly, shame on you or better yet, start looking over your shoulder because an enormous ball is just waiting to be dropped (on you).

Use Performance Management Systems to Help

Every Federal employee is covered by a performance management system. All can use results as a measure. The better ones encourage it. Make sure that your work tracking and performance management system track each other. The less you see someone, the more you must pay attention to performance. Some Agency systems require quarterly progress reviews, most semiannually. There is no prohibition I know against more frequent performance tracking whether face to face or in writing. If you plan wisely, you can conduct a performance review with an employee in 15 minutes. This assumes the employees know what will happen including what you expect from them. If you can't arrange for a sit down update on employee performance each month, you need to rethink your schedule and priorities. If you have ten subordinates, this will take 3-6 hours per month. If the idea of a monthly performance meeting makes you uncomfortable, call it an update or whatever you want, but do it.

Establish Formal Employee Communications Systems

A good practice is to greet each employee each day. Yeah, yeah, I know how very busy you and they are. Right! The number one contributor to supervisor-employee problems is alienation. See and be seen doing the seeing. If there is an employee on the clock who you do not see on a given day, email them and ask how they are doing. Get them used to this.

If you have people on the road, touch base on a regular basis or make sure they do. There are those who will consider this as a sign you don't trust them. They'll get over it. The ones who regularly do a good job will recognize the 25 or so good reasons why a supervisor should stay in touch. If someone is on extended sick leave, call and wish them well on a regular basis.

Stay on Top of Problems

If something happens that makes you uneasy or an employee does or fails to do something they should, talk with them as soon as you can. In person is best, by phone if that's not possible. Don't address your concerns by email. State what appears to have happened and ask for their version. If their version doesn't address the issue, is an excuse, or inconsistent with independently available facts, tell them that and ask them to explain. Some people are very, very good at moving a conversation away from unpleasantness. Stay focused. You're looking for recognition on their part that there's a problem and they need to address it. If you don't get that recognition, a piece of paper is probably necessary.