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HRDG 4630 - Absence and Leave - Section N

Last Modified:

Subchapter 4630 - Absence and Leave

Section N - Time Off for Safe Leave Purposes Added 08/24

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In response to Presidential Memorandum, Supporting Access to Leave for Federal Employees, the Office of Personnel Management (OPM) issued [CPM 2024-11](#), Maximizing Access to Leave to Seek Safety and Recover from Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Relates Forms of Abuse or Harassment (Safe Leave) dated May 15, 2024.

Background

The OPM memo directs agencies to the maximum extent possible to approve leave requests if an employee is requesting time off for qualifying safe leave purposes.

Note: This is not a new paid leave category. Rather the guidance below explains the existing leave or other time off options and available workplace flexibilities for employees seeking time off for qualifying safe leave purposes.

Qualifying safe leave purposes are requests for time off by an employee (including requests for the employee to assist a family member):

**What are Qualifying
Safe Leave
Purposes?**

- To seek safety or recovery from:
 - Domestic or dating violence,
 - Sexual assault,
 - Stalking, or
 - Related forms of abuse or harassment including economic or technological.
- Seeking medical treatment, including seeking mental health services such as counseling or therapy,
- Securing housing or relocating,
- Obtaining services from organizations or groups providing services for survivors of domestic violence, sexual assault, image-based abuse, human trafficking, or stalking,
- Participating in safety planning or taking other actions to increase safety,
- Attending court to obtain a protective order, participate in child custody proceedings, or obtain legal or other victim services, or

Otherwise dealing with the consequences of the abusive behavior, e.g. arranging for childcare, enrolling a family member in a new school due to relocation.

Employees may request time off for safe leave purposes to support their family member. The broad definition of family member is used for this purpose. (See [5 CFR 630.201](#) and MRP HRDG 4630, Absence and Leave, [Definitions](#)). A family member is a:

Definition of “Family Member” for Safe Leave Purposes

1. Spouse, and parent(s) thereof;
2. Son(s) and daughter(s), and spouses thereof;
3. Parent(s), and spouse(s) thereof;
4. Brother(s) and sister(s), and spouse(s) thereof;
5. Grandparent(s) and grandchildren, and spouse(s) thereof;
6. Domestic partner and parent(s) thereof, including domestic partners of any individual in 2 through 5 of this definition; and
7. Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

**Requesting Time Off
for Qualifying Safe
Leave Purposes**

Employees may submit leave requests to their supervisor through WebTA following each Program's leave requesting procedures. Programs should be accommodating, to the maximum extent practicable as permitted by law, and understand employees may not be able to make advance time-off requests for safe leave purposes. If an employee is unable, for reasons beyond their control, to obtain advance approval for an absence for a valid safe leave purpose, Programs should retroactively approve an appropriate form of approved paid or unpaid leave upon the employee's return to work.

Note: OPM indicates that an employee should be permitted the opportunity to request leave or other time off through a third party, such as an Employee Assistance Program (EAP) coordinator or other point of contact identified by the agency if the employee does not feel comfortable speaking with a supervisor. Although the supervisor is the only person who can approve the leave, the leave request may be made through the third party.

Employees are not required to provide personal details in their requests for safe leave purposes. However, employees are required to provide enough information in their leave requests, so their supervisors know which type of leave is appropriate (sick leave, annual leave, LWOP under the Family and Medical Leave Act [FMLA], etc.). Supervisors should consider whether an employee is entitled to a certain type of leave (for example, FMLA or sick leave) or whether an employee's request for leave other than under the FMLA should be granted.

Documentation Requirements

An employee's credible statement that they are dealing with domestic or dating violence, sexual assault, stalking, or related forms of abuse or harassment should generally be a sufficient basis for a supervisor to grant leave for qualifying safe leave purposes. If the supervisor deems it necessary to request additional information for purposes of verification, supporting information may include, but need not be limited to, a service provider's statement, medical records, or a doctor's statement, as well as a protection order or police or court reports. *Under no circumstances is the Program or supervisor to require the employee to contact law enforcement or otherwise report the violence as a condition for approving leave. To do so could place survivors in greater danger.*

Available leave options may be different depending on the specific activities and whether employees are engaging in the activities for themselves or are assisting a family member who is engaging in those activities. Each leave option is briefly detailed below.

[Annual Leave](#): Annual leave is granted for all safe leave purposes, including time off for non-medical reasons, for employees to:

- Attend court proceedings to obtain a protective order;
- Obtain legal or other victim services;
- Obtain services from organizations or groups that provide services for survivors of domestic or dating violence, sexual assault, image-based abuse, stalking, or related forms of abuse or harassment;
- Otherwise deal with the consequences of the abusive behavior;
- Participate in child custody proceedings;
- Participate in safety planning or take other actions to increase safety; or
- Secure housing or relocate.

Annual leave can also be used in lieu of sick leave to obtain treatment for illnesses or injuries because of domestic or dating violence, sexual assault, stalking, or related forms of abuse or harassment. An employee has a right to take annual leave, the timing of which is subject to supervisory approval.

[Advanced Annual Leave](#): If an employee has exhausted accrued annual leave, then supervisors should approve an employee's request to use advanced annual leave in an amount not to exceed the amount the employee would accrue in the remainder of the leave year.

[Sick Leave](#): An employee is entitled to use sick leave, consistent with current law and regulations for granting and using sick leave. Sick leave may be used without limitation when, because of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment, the employee:

Employees under the maxiflex work schedule may be able to use tour flexibilities in lieu of paid leave. Available tour flexibilities include, gliding/flexing, core time deviations and credit hours.

In addition [Telework / Temporary Remote Work](#) may be an option.

Available Workplace Flexibilities

Supervisors should, to the maximum extent practicable, permit a telework-ready employee to work from an alternative agency-approved worksite or to work remotely if the employee (or a family member for whom the employee is caring) is experiencing problems associated with abuse or harassment.* Telework or remote work allows an employee to continue to perform work in an alternate location while keeping safe the employee, the employee's family members, or the employee's coworkers. An employee must follow the telework policy for requesting leave and work scheduling changes when performing telework or remote work. If an employee reports that a perpetrator who is posing a threat to the employee knows the location of a possible telework or remote work location, the Program should, if possible, approve an alternative safe work location identified by the employee.

* Note: A telework-ready employee is someone who has been deemed eligible to telework and who has entered into an official telework agreement ([2021 Guide to Telework and Remote Work in the Federal Government](#), page 7).

**Employee
Assistance Program
(EAP)**

Supervisors should support employees who choose to make use of these services for safe leave purposes, in addition to any augmenting resources, classes, services, and activities offered. Employees may be granted up to one (1) hour (or more as necessitated by travel) of administrative leave (TC 66) for each [EAP counseling session](#) for up to six (6) sessions.

Note: While EAP may provide referrals for specialized services to employees who need additional support (including victims/survivors of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment), they should not be utilized as a substitute for victim advocacy programs or for critical incident response.

**Workplace Safety
Threat**

In cases where there is a clear [threat to workplace safety](#) or the employee is asking for help, effective responses of support can be initiated by an EAP coordinator, and may include management, a threat assessment team, and/or, HR – LMER staff, to coordinate efforts with one another to develop and execute a workplace safety plan.

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