

**OFFICE OF RESEARCH AND DEVELOPMENT
VETERANS HEALTH ADMINISTRATION**

ORD Guidance: When is Authorized Absence Appropriate?

DATE: April 17, 2024

BLUF: Because authorized absence (AA) is NOT an official VA duty status, **it should not be used when the employee is traveling on VA duty status, or using VA funds to pay for the travel.** However, granting authorized absence to an employee without charge to leave may be appropriate in certain limited circumstances.

AA is leave that is not authorized under any other provision of law and is granted without a loss or reduction in (1) pay, (2) leave to which an employee is otherwise entitled, or (3) credit for time or service. (5 U.S.C. § 6329a). AA may be given to full-time or part-time employees. When approving AA for an employee, the authorizing official is making a judgement that AA is appropriate because the activity is beneficial to VA or to the employee. Specifically, under VA Handbook 5011, AA is appropriate if:

- 1) the activity is considered to be of substantial benefit to VA in accomplishing its general mission or one of its specific functions,
- 2) the activity will clearly enhance an employee's ability to perform the duties of the position presently occupied or may be expected to prospectively occupy, and/or
- 3) the basis for excusing the employee is fairly consistent with prevailing practices of other Federal establishments in the area concerning the same or similar activities (e.g. time off for voting, VA Handbook 5011, Part III, Chapter 2, paragraph 12b).

A note on requirements for authorizing official approval: Supervisory approval is sufficient for title 5 employees, but title 38 employees must additionally obtain approval from their "facility director, or their designees." (for details, see VA Handbook 5011, part III, chapter 2, paragraph 12 for title 5 employees and part III, chapter 3, paragraph 9 for title 38 employees).

Important limitations to use of AA include:

- 1) **Federal law limits AA to 10 days annually.** While the Office of Personnel Management has yet to issue implementing regulations, 5 U.S.C. § 6329a states that agencies may place an employee on AA for no more than 10 days during a calendar year.
- 2) **AA cannot be used if VA is paying for the travel in full or in part.** Note that while a 50 mile radius from the VA duty station is generally applied to travel for purposes of reimbursement calculations, this assumes the VA is paying for your travel, and AA would not be used. If VA is NOT paying for the travel, then **you can travel any distance on AA**
- 3) **The employee cannot officially represent the VA while on AA,** as AA is not an official duty status.

Within scope of professional activities for research scientists, consideration must be given to the purpose of intended travel or absence from work, whether that purpose requires that the employee be on official VA duty status, and whether the VA is paying for the travel in full or in part. For example:

- 1) **Travel to a Scientific Conference:** AA may be appropriate for attending scientific meetings, or conferences, if attendance would benefit the scientist's ability to conduct their research duties on behalf of VA going forward, and the requirements for VA duty status specified above are not applicable to attendance. Some examples of scientific conference attendance where AA is NOT appropriate as the employee must be on official VA duty status includes:
 - a) If the researcher is presenting VA data at the conference, or otherwise representing the VA in an official capacity at the meeting,

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- b) although VA may not be paying for the travel, AA is NOT appropriate if the employee is receiving travel support in the form of donated travel from a non-federal entity (e.g. a corporate sponsor, using a grant award or discretionary funding administered by the affiliate or your station's nonprofit corporation). Donated travel requires advance review and approval of the donation by OGC Ethics (using VA Form 0893, April 2020), and requires that you are on official duty status for the travel, again therefore AA is NOT appropriate.
- 2) **Invited Presentations:** AA may be appropriate for providing guest lectures or invited presentations at another institution. The same considerations apply as for travel to a conference, if for example the employee is representing the VA in the presentation/lecture, or receiving donated travel support.
- 3) **Serving on Extramural (e.g. NIH) Grant Review Panels:** NIH policy generally requires that federal employees complete their grant review functions on non-federal time, therefore they cannot be on VA time. Nonetheless, serving on NIH and other peer review panels represents an integral component of a VA research scientist's professional activities used to determine eligibility for promotion or receipt of awards such as Research Career Scientist. The appropriate management official can at their discretion determine that service on grant review panels is allowable under AA, with the following caveats:
- a) NIH will offer a modest honorarium to reviewers; this honorarium **MUST** be declined if seeking to participate in the panel under AA status;
 - b) if instead the employee wants to accept NIH's honorarium, they **must take annual leave (AL) to avoid dual compensation** as VA is still paying them under AA.
 - c) The employee **MAY** accept reimbursement of travel expense from NIH or other federal agencies for such purposes, as travel cost reimbursement from federal agencies is NOT considered donated travel.