

Leave Buy Back – In A Nutshell

Q: What Is Leave Buy Back?

A: If your Workers' Compensation claim was approved and you used annual and/or sick leave during periods of disability due to your injury or illness (and you have submitted proper medical documentation which agrees with your leave dates), then you may be eligible to have your leave re-credited to your account via a leave buy back. This will change the leave used to Leave Without Pay and the annual and/or sick leave will be available for your use again.

Q: How Long Does It Take?

A: From the time your request forms are received at the Department of Labor (DOL), it can take up to four (4) months until the actual re-credit of leave will take place. It could take longer, depending on how long you take to pay the amount you owe.

Q: I Will Owe Money?

A: Yes – see the following Q & A.

Q: How Much Will It Cost Me?

A: Calculations may be difficult to figure on your own. DOL bases its calculations for payment of compensation on $\frac{2}{3}$ (with no dependents) or $\frac{3}{4}$ (with dependents) of your gross salary at the time you used the leave. The NIH Workers' Compensation Specialist will provide you with an estimate of the amount you will owe. The amount that will be paid by DOL is based on your weekly pay rate, multiplied by the compensation rate ($\frac{2}{3}$ or $\frac{3}{4}$), multiplied by the number of hours you are re-purchasing, divided by the hours you are normally scheduled to work each week. You will be responsible for paying the difference between the total amount of money due the Department of Health and Human Services (DHHS) and the amount of entitlement from DOL.

Q: Can I Just Have DOL Pay Their Portion Of The Total Amount Due And Only Buy Back That Portion Of The Leave?

A: No, the DOL portion is always based on $\frac{2}{3}$ or $\frac{3}{4}$ of the total amount due to DHHS. If the amount of leave is reduced, the amount of DOL entitlement also is reduced. You will always be responsible for paying the difference.

Q: What Do I Have To Do?

A: You must initiate a leave buy back within one year of the date the leave is used or within one year of the date your injury or illness is accepted by DOL, whichever is later. If you filed a claim for

a traumatic injury and filed Form CA-1, you cannot buy back leave used during the period of eligibility for Continuation of Pay (COP). This does not apply if you filed a claim for an occupational illness and filed a Form CA-2, since you were not entitled to COP. In addition, you cannot buy back credit hours and/or compensatory time that was used in lieu of sick and/or annual leave during your period of disability.

Q: What Happens Next?

A: If you have determined that you wish to buy back the sick and/or annual leave used while you were disabled due to a work-related injury or illness, obtain Form CA-7, Claim for Compensation, and Form CA-7a, Time Analysis Form, from the NIH Workers' Compensation Specialist. Complete the forms and give them to your supervisor, if you have never completed the CA-7 before. The CA-7a should include specific dates and the amount and type of leave you wish to repurchase. If this is the first CA-7 you have submitted, your supervisor should complete his/her portion of the forms and return the documents to the NIH Workers' Compensation Specialist. If this is not the first CA-7, the supervisor does not need to complete the forms and they should be returned after you finish your part. The Compensation Specialist will review all leave buy back request forms and ensure they are accurate before proceeding.

Once the paperwork is reviewed and deemed complete and accurate, the Compensation Specialist will prepare a Form CA-7b, Leave Buyback Worksheet/Certification and Election. This form will provide an estimate of the amount DOL will pay towards your leave buy back and will be forwarded to the payroll provider, DFAS, to determine the total amount owed to repurchase the leave. When the CA-7b is returned, you will be contacted to give you an estimate of the cost to you for your leave buy back. At this point, you will have the option to proceed or discontinue the leave buy back. You will be asked to sign the CA-7b, verifying your decision. Your election must be made within 30 days of the date you are notified of your estimated cost. After that time, DFAS will be notified that you do not wish to buy back your leave and nothing further will be processed. If you choose to proceed, your paperwork will be forwarded to DOL for approval. If you choose to discontinue the process, you forfeit any rights to further leave buy back compensation for that period.

Once the leave buy back package is sent to DOL and is accepted by that office, they will send a check to DFAS for the amount approved. DFAS will then notify you of your share of the cost of the leave buy back and give you options for paying the money. Once you have paid the total amount owed, DFAS will re-credit the leave to your accounts and it will show on your Leave and Earning Statement (LES). When it does, you must take your LES to your Timekeeper or Administrative Officer so the leave can be added to your ITAS balances.

Q: How Will Buying Back My Leave Affect My Leave Records?

A: For every 80 hours of leave bought back and changed to Leave Without Pay, both your annual and sick leave balances will be reduced by the amount you normally earn in a pay period (8, 6 or 4 hours of annual leave and 4 hours of sick leave). In addition, your annual and sick leave records will be amended to show the re-credit of the leave. If buying back your leave puts you in a use or lose category for that year, annual leave bought back in excess of the applicable maximum carryover amount (usually 240 hours) will be forfeited and may not be restored. This does not apply, however, if you separate from the Federal government prior to the end of the leave year in which you are buying back the leave. Contact the Workers' Compensation Specialist for additional information.

Q: What If I Change My Mind?

A: Once you have received the completed CA-7b, you will have the opportunity to proceed or discontinue the process. However, once you have elected to receive compensation to repurchase the leave, you can only stop the process once you are contacted by DFAS for the amount you owe. You then must deal directly with that entity - that office will give you a timeframe in which you must reply or the money will be returned to DOL.

Q: Who Can I Talk With If I Have More Questions?

Contact Mallory Crane, in NIH Workers' Compensation Program. She is located in building 31, room B3C23 and can be reached at (301) 496-2404. Please Call For An Appointment First.