

Incoming Clerks – Leave

What is the Leave Act?

Law clerks are exempt from the provisions of 5 U.S.C. chapter 63, subchapter I (“Annual and Sick Leave,” formerly referred to as the “Leave Act”), **unless specifically included by their appointing judge**. Law clerks who are covered by the Leave Act will accrue a set number of annual leave hours per leave period based on their years of federal service. They also accrue 4.0 hours of sick/family friendly leave hours per leave period and are eligible for all types of leave provided by the Federal Judiciary. Covered law clerks will be informed of local leave practices during their individual orientations.

Term law clerks who are excluded from the leave act do not accrue any leave and are exempt from all Judiciary leave provisions including annual leave, sick leave and home leave; and by reference, family and medical leave, voluntary leave transfer, and emergency leave transfer. However, they remain eligible for court leave, military leave, bone marrow and organ donor leave, and time-off to attend the funeral of an immediate relative who died in military combat.

I will be covered by the leave act, how do I track and request leave?

Leave is most often tracked by a [leave calculator](#) that is provided by the Administrative Office on an annual basis. These forms can be located on the internal [Leave – Policies and Forms](#) page of the internal HR wiki that you will have access to on your first day and are disseminated by Human Resources at the beginning of each leave year. Chambers leave requests should be submitted via form [OPM 71](#), Request for Leave or Approved Absence. These forms should be signed by the Judge and maintained in a file with your leave tracker during your clerkship. At the end of your clerkship you will provide the file to the Human Resources Department so they can audit and close out your leave account.

I am covered by the Leave Act and transferring into a leave-accruing covered position:

If you were covered by the leave act and are transferring without a break in service to another position that also accrues leave, your annual and sick leave balances will transfer with you. Your next agency should request a copy of your SF-1150 (Record of Leave Data) from the AO when they request your Official Personnel File.

I am covered by the Leave Act and transferring into a position that is not covered by the Leave Act:

Any annual leave balance will be paid in a lump sum after your last pay day. During law clerk season, the payout can take upwards of eight weeks because of the volume of leave records being processed by the Administrative Office. It is paid by direct deposit, so please do not close out your direct deposit account before receiving these funds. Your sick leave balance is not paid out, but, if you return to qualifying federal employment in the future the balance will be restored to you at that time.