DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
Bethesda, Maryland 20892

JUN 12 2000

TO: IC Personnel Officers

FROM: Director of Human Resources

SUBJECT: Excused Absence for Injury-Related Examinations or Treatment

As you know, the NIH has the authority to locally regulate the granting of any type of paid leave authorized by law or regulation. Under our current Delegations, leave-approving officials have the authority to excuse absence without charge to leave. However, this authority is discretionary and should be exercised with restraint and prudence.

In administering the NIH Workers' Compensation Program, we receive a number of inquiries regarding the appropriateness of and limitations for granting excused absence for medical appointments associated with work-related injuries or illnesses. NIH policy regarding these circumstances is as follows:

> An employee who has filed a claim for a traumatic injury, has exhausted or forfeited his/her 45 days of continuation of pay (COP), and has returned to work may be excused from duty without charge to leave for medically supported, injury-related examinations or treatment. The amount of excused absence granted shall not exceed four hours in a day and must be **within six months of the date of injury**. The same applies to employees who have filed a claim for an occupational illness and are not eligible for COP.
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> The above does not apply to time away from the work site for which the employee has not been medically cleared for duty. For example, if an employee is cleared by the health care provider to work only four hours of an eight-hour work day, excused absence is not available for the four hours for which the employee has not been cleared to work.
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> In addition, time away from the work site for examinations or treatment beyond the maximum four hours, or more than six months after the date of injury/illness, must be charged to the employee's sick or annual leave, or to leave without pay. Employees may apply through the Office of Workers' Compensation Programs, U. S. Department of

Labor, to repurchase leave used under these circumstances and/or file for compensation due to loss of wages if in a non-pay status.

Please convey this information to your leave-approving officials. If you have questions regarding the above, you may address them to the Human Resource Program Support Division on 62404 or to the Occupational Medical Service Compensation Office on 69822.

Stephen C. Benowitz