

AFGE response to Advance Leave Suspensions

From: Couture, Richard <Richard.Couture@ssa.gov>
Sent: Friday, July 24, 2026 1:48 PM
To: Taylor, Eddie LP <Eddie.Taylor@ssa.gov>
Subject: RE: Notice - AFGE - Advanced Leave Suspension

Mr. Taylor,

As you know, we were just informed via a brief meeting, a Human Resources Internal Communication (HRIC), and your notice to the Union, of the Agency's decision to effectively repudiate Article 31 by indefinitely suspending all advanced annual and sick leave under further notice.

The Agency stated in the overall advanced leave balance at SSA is held by around 8,000 employees (across units and non-bargaining unit), totaling around 750,000 hours (100,000 hours advanced annual, 650,000 advanced sick).

The Agency asserted that the cost is approximately \$40 million, or about 340 full-time equivalents, with no production generated by that cost. The Union reminds the Agency that it paid over 7,000 experienced employees to leave service in the first half of 2025.

The Union asserts that there is no problem with advanced annual leave, given that the maximum amount per year an employee may advance is just 80 hours, and that all advanced leave is repaid by the end of the leave year. Employees, especially newer employees and those who are parents of young children, tend to advance annual leave not just for rest, but also for unanticipated use of leave related to emergencies and unforeseen events. The impact of granting this leave on the Agency is relatively short-term and minor, but the impact of denying access to advanced annual leave to workers (and their families) can be severe.

Indeed, the impact of denying advanced sick leave is even more severe. The contract states that sick leave **will be** advanced when certain criteria are met, primarily the medical certificate substantiating that a serious illness or injury exists and that the employee will be capable of subsequently returning to work and fulfilling the full scope of their job. Denying advanced sick leave will seriously harm these employees, and may lead to more workers leaving service permanently, which would have an even greater impact on productivity than the mere approval of leave. The Union again states that there could be significant agency exposure to disability discrimination and failure to accommodate disabled employees by eliminating advanced sick leave as an option.

In the HRIC, the Agency asserted “In a number of individual cases, advanced leave is unlikely to be earned back due to the large amount of hours.” The Union assumes that this is primarily advanced sick leave, since advanced annual is repaid by the end of the leave year. With that in mind, the Union asserts the following:

1. Article 31, Section 4.D.6 states that approval is appropriate when “there is no expectation that the employee will not remain employed after his/her return to duty long enough to repay the advance of sick leave.”
2. If management had a bona fide reason to believe “advanced leave is unlikely to be earned back due to the large amount of hours”, that would seem to potentially invoke the provision cited above, which management failed to consider.
3. This also shows that the overwhelming majority of advanced sick leave requests are entirely appropriate, and that the elimination of advanced sick leave will unfairly punish employees who need to avail themselves of that right because of management’s inability to properly manage advanced sick leave in the past.

Does the Agency intend to deny reasonable accommodation requests for advanced leave based on this notice? See, e.g., Article 18, Section 10.K.

Finally, none of the communication the Union has received addresses LWOP requests. We have a compelling interest in ensuring that employees are able to take approved absences when the need arises, and not face unfair AWOL charges. Please advise as to whether the Agency will approve LWOP for annual and sick leave purposes, as authorized in the contract.

In conclusion, the Union is exploring all options to address this unfair elimination of advanced leave and will respond formally shortly. The Union urges the Agency to reconsider and rescind this action immediately. Instead, the Agency should study what factors may be driving the use of advanced leave and steps that can be taken to proactively abate those factors that are work-related (e.g., job-related stress, burnout, low pay, difficulty in obtaining flexibilities to allow sick/injured/disabled employees to remain productive without having to use leave (e.g., telework)).

Please advise, especially to the questions raised above. Thank you.

Rich Couture

Spokesperson

AFGE SSA General Committee

AFGE Guidance to Employees

In the meantime, it is our position that the advanced leave provisions of Article 31 must be enforced.

Accordingly, employees should request advanced leave as appropriate and seek a formal denial on their requests, so that we document harm for litigation.

When a denial of advanced leave is received, employees should request other options as necessary to avoid AWOL.

Employees should also document the reason why they needed the leave (e.g., child care, medical issues) to further show harm, and also to establish violations of EEO, MSPB, and other applicable law.

Article 31, Section 7 –LWOP

Section 7. Leave Without Pay

With the exception of circumstances listed in (D) below, leave without pay (LWOP) is not a right which accrues to an employee and may not be demanded by an employee. However, nothing precludes an employee from requesting LWOP for any purpose. Requests for LWOP will be given serious consideration.

LWOP may be requested in the same manner and for the same purposes as annual leave and sick leave. Denial of requests for LWOP will be provided in WebTA, or equivalent.

Upon return to duty after a period of LWOP, Management will restore the employee to the position which the employee held prior to the leave or to a similar position at the same grade level and pay within the commuting area.

Employees have a right to LWOP consistent with government wide rules and regulations:

- When a disabled veteran requests LWOP for medical treatment,
- When requested by a reservist or National Guard member for military duties in accordance with appropriate military orders.
- When requested by an employee who has suffered an incapacitating job-related injury or illness and is waiting adjudication of a claim for employee compensation by the Office of Workers' Compensation Program, or
- When an employee makes a request under the Family and Medical Leave Act, or the Expansion of the Family and Medical Leave Act and meets the criteria for that program.

