

Term Chambers Law Clerk Appointment and Leave Certification

Name of Employee: _____

Name of Appointing Judge: _____

Court: _____

Term Law Clerk Appointments

By signing this form, the appointing judge and the law clerk acknowledge that the law clerk is being appointed to a term position in the appointing judge's chambers. No individual is permitted to serve in the judiciary for more than four (4) years in a term law clerk capacity. (JCUS-SEP 07, p. 26). This term appointment will end no later than _____ (please specify an expiration date for this appointment, no later than four years from the date of the appointment). Law clerks appointed to term appointments are subject to social security deductions and may be eligible for some judicial benefits programs as outlines in [Benefits Eligibility Chart - Law Clerks](#). Term law clerks are not eligible to participate in the retirement system or the Thrift Savings Plan.

Leave Coverage

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 or local rule of court under authority of 28 U.S.C. §§ 712, 752, 156(a), 634(c), and 794. This exemption includes annual leave, sick leave and home leave; and by reference, family and medical leave, voluntary leave transfer, and emergency leave transfer. Any law clerk who is exempt from 5 U.S.C. chapter 63, subchapter I remains 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.

Please check the box below to designate leave coverage.

- Not covered under the leave provisions described in 5 U.S.C. chapter 63, subchapter I.
- Covered under the leave provisions described in 5 U.S.C. chapter 63, subchapter I. The appointing judge is reminded that, in addition to certifying hours of work which is a requirement for all employees regardless of leave coverage, the court is obligated to maintain and certify leave records on a biweekly basis.

Name of Employee

Signature of Employee

Date

Name of Appointing Judge

Signature of Appointing Judge

Date

AO 75A – Term Chambers Law Clerk Appointment And Leave Certification Addendum

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 or local rule of court under authority of 28 U.S.C. §§ 712, 752, 156(a), 634(c), and 794. Judges should consider the following factors when designating leave coverage for term law clerks. While there is no requirement to provide Leave Act coverage, judges are encouraged to be consistent within chambers. The following provides a summary of the employee and financial impact of designating Leave Act coverage.

Designating Leave Act coverage:

- Provides for the accrual of paid annual and sick leave at a [rate determined by the number of years of service](#);
- Requires time and attendance reporting, including leave tracking, and provides a record of when the law clerk will be out;
- Provides for the lump sum payment of any unused balance of annual leave upon separation. The average lump sum annual leave payment is between \$3,100 - \$3,750¹;
- Benefits the law clerk if they are employed by the federal government in the future. While unused sick leave is not paid out, the balance is restored if the law clerk is reemployed;
- Entitles term law clerks protections under the Family and Medical Leave Act, including 12 weeks of paid parental leave after 12 months of employment;
- Entitles term law clerks to other leave entitlements in addition to annual and sick leave, including home leave, voluntary leave transfer, and emergency leave transfer; and
- May provide a recruitment incentive for potential law clerks.

Not designating Leave Act coverage:

- Requires more simplified time and attendance recordkeeping. Law clerks are paid for 80 hours of work per pay period. Time off is at the discretion of the judge and may be paid or unpaid.
- Provides judges discretion on the duration of time off and whether time off is paid or unpaid;
- Reduces costs to the judiciary by avoiding lump sum annual leave payments at the time of the term law clerk separation from the judiciary; and
- Allows for immediate paid time off rather than waiting to accrue leave available under leave coverage.

¹ Based on actual term law clerk separations in fiscal years 2018 through 2020.