

Army Regulation 690–630

Civilian Personnel

Absence and Leave

**Headquarters
Department of the Army
Washington, DC
18 August 2023**

UNCLASSIFIED

SUMMARY

AR 690–630
Absence and Leave

This new regulation, dated 18 August 2023—

- o Provides policy concerning Department of the Army Civilian absence and leave administration (throughout).


Effective 18 September 2023

Civilian Personnel Absence and Leave

By Order of the Secretary of the Army:

RANDY A. GEORGE
*General, Acting United States Army
Chief of Staff*

Official:


MARK F. AVERILL
*Administrative Assistant to the
Secretary of the Army*

History. This publication is a new Department of the Army regulation.

Summary. This regulation prescribes policies and responsibilities concerning Department of the Army Civilian absence and leave administration.

Applicability. This regulation applies to the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated. It also applies to all Army Civilian personnel paid from appropriated funds within the Regular Army, the Army National Guard/Army National Guard of the

United States, and the United States Army Reserve, unless otherwise stated. It does not apply to non-U.S. citizen employees employed outside of the United States and the District of Columbia, or to Title 32 Army National Guard Technicians unless specifically made applicable by the Chief, National Guard Bureau.

Proponent and exception authority. The proponent of this regulation is the Deputy Chief of Staff, G–1. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the

policy proponent. Refer to AR 25–30 for specific requirements.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix B).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Deputy Chief of Staff, G–1 (DAPE–ZA), 300 Army Pentagon, Washington, DC 20310–0300.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Deputy Chief of Staff, G–1 (DAPE–CPZ), 300 Army Pentagon, Washington, DC 20310–0300.

Distribution. This regulation is available in electronic media only and is intended for the Regular Army, the Army National Guard/Army National Guard of the United States, and the United States Army Reserve.

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Glossary

Chapter 1 Introduction

1–1. Purpose

This regulation establishes Department of the Army (DA) Civilian personnel policies concerning absence from work and the administration of leave.

1–2. References and forms

See appendix A.

1–3. Explanation of abbreviations and terms

See the glossary.

1–4. Responsibilities

- a. Assistant Secretary of the Army (Manpower and Reserve Affairs).* The ASA (M&RA) will—
 - (1) Serve as principal advisor to the Secretary of the Army for manpower, human capital management, training, leader development, readiness, and Reserve Affairs.
 - (2) Set strategic direction for, and provide overall supervision of, manpower and personnel affairs across all Army components, including providing civilian human resources policy, programming, and oversight.
- b. Deputy Chief of Staff, G–1.* The DCS, G–1 as the principal military advisor to the ASA (M&RA) will—
 - (1) Provide advice and assistance to the ASA (M&RA) on the development of policies and programs for manpower, human capital management, human resources, and personnel readiness.
 - (2) Advise and assist the ASA (M&RA) in the development of policy for human resources support of the Army, and detailed human resources programs, budgets, and activities, including those involving DA Civilian absence from work and leave administration.
 - (3) Assistant G–1 for Civilian Personnel ensures—
 - (a)* Planning and execution of DA Civilian personnel policy, procedures, and programs, including those involving DA Civilian absence from work and leave administration.
 - (b)* The evaluation and administration of the DA Civilian personnel programs Armywide.
 - (4) Through the Director of the Civilian Human Resources Agency (CHRA) exercises control over the Army's servicing personnel organizations consisting of the Civilian Personnel Advisory Centers (CPACs), and other activities that manage civilian human resources matters such as the Army Benefits Center that do not fall within the authority of another command. As a part of this responsibility, CHRA will establish operational and procedural guidance for the CPACs, as needed, to support implementation and administration of this regulation including, but not limited to, those provisions related to administration of the Voluntary Leave Transfer Program (VLTP) and the Emergency Leave Transfer Program (ELTP).
 - (5) Through servicing CPACs provide DA Civilian personnel support to the commanders, managers, and supervisors, in all phases of the human resources life cycle. With respect to DA Civilian absence from work and leave administration, CPAC responsibilities include --
 - (a)* Providing human resources advice and operational support to commands, activities, and DA Civilian employees concerning absence from work and leave administration (for example, verifying newly hired employees' eligibility for disabled veterans' leave benefits).
 - (b)* Providing leave management advice and assistance to authorized leave approving officials to ensure proper approval, usage, and accounting.
 - (c)* Publicizing annually a reminder of the statutory procedures and suspense date for scheduling annual leave and the procedures and requirements for requesting restoration of forfeited annual leave as a result of an exigency of the public business or sickness or illness of an employee.
 - (d)* Providing leave entitlement information to the workforce, including employee requirements and responsibilities (for example, leave available under the Family and Medical Leave Act (FMLA)).
 - (e)* Administering and providing advice regarding DA Civilian leave donation programs.
 - (f)* Assisting management with fulfillment of any labor relations obligations associated with a civilian leave program.

c. Commanders/Heads of Army commands, Army service component commands, direct reporting units, and the Administrative Assistant to the Secretary of the Army. Commanders/Heads of ACOMs, ASCCs, DRUs, and the AASA will—

- (1) Establish their command or activity policies regarding civilian absence and leave administration as appropriate.
- (2) Ensure leave is administered in accordance with this regulation and any locally established policies.
- (3) Be responsible for the appropriate and effective oversight of all absence and leave-related delegated authorities (for example, authority to authorize service credit for prior work experience), including through the creation of oversight, accountability, and recordkeeping procedures.

1–5. Records management (recordkeeping) requirements

The records management requirement for all record numbers, associated forms, and reports required by this publication are addressed in the Records Retention Schedule–Army (RRS–A). Detailed information for all related record numbers, forms, and reports are located in the Army Records Information Management System (ARIMS)/RRS–A at <https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS–A, see DA Pam 25–403 for guidance.

1–6. Labor relations obligations

Management officials and supervisors will adhere to the provisions of applicable collective bargaining agreements and fulfill all statutory and contractual labor relations obligations identified in Title 5, United States Code, Chapter 71 (5 USC Chapter 71) in advance of implementation and administration of this regulation. Questions concerning labor relations obligations should be addressed with the servicing CPAC.

Chapter 2

Leave Administration

2–1. Leave

a. Leave will be administered uniformly and equitably within the scope of applicable laws and regulations, to include the provisions of this regulation.

b. Leave will be scheduled and approved as far in advance as possible, except in emergency situations. To the extent practicable, supervisors may request employees project their expected leave needs at the beginning of the leave year. Supervisors may create and maintain projected leave schedules that will assist them in ensuring mission accomplishment.

c. Employees must request leave from approving officials through either a written Office of Personnel Management (OPM) Form 71 (Request for Leave or Approved Absence), or an approved automated timekeeping system. Leave requests are not approved until authorized by an approving official. As a result, failure to obtain proper approval for any period of unauthorized absence may result in the absence being recorded as absent without leave (AWOL).

d. Supervisors will evaluate and make decisions on requests for leave in a timely fashion. Where a timely decision cannot be made based on workload uncertainties, the supervisor will inform the employee when a decision will be made and a reason for the delay. Supervisors should also communicate and ensure employees understand proper leave requesting procedures.

e. Leave administration procedures for bargaining unit employees may be subject to local collective bargaining agreements.

f. During a DA Civilian employee's regularly scheduled tour of duty, his or her time must be recorded to a timekeeping system as one of three statuses: at work (that is, regular time); away from work on some form of an approved leave or excused absence; or AWOL.

g. With the exception of military leave and home leave, all time will be charged, credited, and/or reported to the timekeeping system in increments no smaller than 15 minutes. However, an exception may be made when work requirements or reporting systems provide for leave increments of no less than 6 minutes. Leave will only be charged for the days and times when the employee is otherwise scheduled to work and receive pay. With the exception of employees who are paid additional compensation for standby duty (for example, firefighters), leave will not be charged for absences occurring on holidays or other non-workdays.

h. Military leave must be charged in increments no smaller than 1 hour. Home leave must be charged in increments of whole days.

i. When an employee has insufficient leave to cover an approved leave request, the excess absence will be charged in accordance with the order of precedence established by Defense Finance and Accounting Service (DFAS) policy.

j. Employees serving under temporary, or time limited appointments cannot be granted more leave than the amount that can be earned and credited before the appointment expires.

k. Leave will be accumulated and charged based on the leave year. The leave year begins on the first day of the first full biweekly pay period in a calendar year. A leave year ends on the day immediately before the first day of the first full biweekly pay period in the following calendar year. See OPM guidance at www.opm.gov for a comprehensive list of leave year beginning and ending dates.

l. An employee will not be required or permitted to perform work during a period for which the employee is charged leave, compensatory time off, credit hours, or AWOL. This does not prevent management from cancelling an employee's leave where there is a mission-related need for the employee to return to work.

m. Earned leave (that is, annual leave and sick leave) is posted before leave taken in the same pay period is charged against the employee's leave balance.

n. An employee who is engaged in work-related travel during regularly scheduled duty hours does so as part of their hours of work without charge to leave if the travel time does not exceed the time required for completion of the travel by common carrier over the most direct, usually traveled route. Any additional time taken, unrelated to travel-provider delays, must be accounted for by some type of approved leave.

2-2. Absence without leave

a. AWOL is any unapproved, unpaid period of absence from duty, including periods of absence pending submission of required documentation. Note that AWOL and leave without pay (LWOP) are distinct, separate leave categories. Unlike AWOL, LWOP is an unpaid period of absence from duty that has been approved by an authorized leave approving official.

b. If it is later determined that an absence without prior approval was excused, or that the employee was unable to timely request leave because of illness, injury, or other good cause as determined by management, the AWOL must be changed to the appropriate approved leave category.

c. Time recorded as AWOL is considered non-pay, non-duty time; as a result, time recorded as AWOL may impact employee benefits and entitlements. Recording an employee's time as AWOL is not a disciplinary or adverse action. However, any charge of AWOL may serve as a basis for initiating disciplinary or adverse action, up to and including an employee's removal from the Federal service.

d. AWOL is charged in 15-minute increments. Where situations arise resulting in an employee's absence for less than a full 15-minute increment, particularly in situations involving delayed arrival, supervisors are encouraged to allow the employee to work later that day to account for the time (and thus not record the AWOL in the timekeeping system), or inform the employee of the intent to charge a full 15 minutes of AWOL and direct the employee to work only the amount of time commensurate with what they will be compensated for that day. Employees cannot be directed to work if they will not be compensated for the period.

e. Neither the denial of leave nor the time and attendance of AWOL is punitive. Charges of AWOL may form the basis for an administrative action.

Chapter 3 Annual Leave

3-1. Annual leave

a. Annual leave, which is an accrued leave category, is an approved paid absence from duty. An employee has a right to request and be approved for annual leave for any purpose, subject to his or her leave approving official's right to approve the timing of when the annual leave may be taken.

b. DA Civilian employees accrue annual leave based on their type of appointment and length of creditable Federal service. Full- and part-time employees and temporary employees earn annual leave if their appointment is for 90 days or longer consecutively or under successive appointments of short periods without a break in service. Temporary employees with appointments of less than 90 days are entitled to accrue annual leave only after being currently employed for a continuous period of 90 days under successive appointments without a break in service. After completing a 90-day period of continuous employment, those employees are entitled to be credited with the leave that would have otherwise accrued during that period. Full-time employees earn leave as described in paragraph 3-2. To earn annual leave, part-time employees must be assigned to work a regularly scheduled tour of duty. Intermittent employees do not earn annual leave.

c. Creditable service may consist of time spent as a civilian Federal employee and/or certain time spent in military service. Supervisors and employees should contact their servicing CPAC for additional information concerning creditable service.

d. Certain prior non-Federal work and certain military service experience not covered above, may also be considered in determining the amount of creditable service for annual leave accrual purposes. This is a discretionary management flexibility designed for use in meeting civilian strategic human capital needs. There is no automatic entitlement for leave accrual based on this previous work experience. When determining whether to grant the non-Federal work or specific military service for leave accrual purposes, management must consider such factors as the currency and relevancy of the experience to be credited to the position being filled; the criticality of the position to the organization's mission; the difficulty in filling the position; and the existing capabilities to attract candidates to the position when making determinations regarding authorizing such credit.

e. Additional detailed procedures and guidance for granting leave accrual credit are contained in DoDI 1400.25, Volume 631.

3–2. Annual leave accrual

a. DA Civilian employees accrue annual leave in the following manner (see table 3–1)–

Table 3–1
Leave accrual

Employee Type:	< 3 years of creditable service	3 to < 15 years of creditable service	15 or more years of creditable service
<i>Full-time</i>	4 hours/pay period	6 hours/pay period	8 hours/pay period
<i>Part-time</i>	1 hour for every 20 hours in a pay status	1 hour for every 13 hours in a pay status	1 hour for every 10 hours in a pay status
<i>Uncommon Tour of Duty</i>	$(4 \text{ hours}) \times (\text{average \# of hours per biweekly pay period}) \div 80 = \text{biweekly accrual rate}$	$(6 \text{ hours}) \times (\text{average \# of hours per biweekly pay period}) \div 80 = \text{biweekly accrual rate}$	$(8 \text{ hours}) \times (\text{average \# of hours per biweekly pay period}) \div 80 = \text{biweekly accrual rate}$
<i>Senior Executive Service, Senior Level and Scientific or Professional positions, Department of Defense (DoD) highly qualified experts and employees in equivalent pay systems</i>	8 hours/pay period	8 hours/pay period	8 hours/pay period
<i>Intermittent</i>	None	None	None

b. Generally, the maximum amount of annual leave that a DA Civilian employee may carryover from one leave year to another is 240 hours (that is, 30 days). This excludes any restored annual leave. Exceptions to this general rule include–

(1) A full-time employee assigned to an area outside the continental United States (OCONUS) may accumulate and carry forward a maximum of 360 hours (that is, 45 days) from one leave year to the next. Upon return from overseas, the employee's initial maximum annual leave accumulation becomes 240 hours (that is, 30 days) or the amount carried over from the prior leave year, whichever is greater, not to exceed 360 hours (that is, 45 days). Once the returning employee's leave balance falls at or below the 240-hour limit, he or she must return to the maximum limit applicable to his or her currently held position.

(2) Members of the Senior Executive Service may normally accumulate and carry over a maximum of 720 hours (that is, 90 days) from one leave year to the next, unless the individual has a personal leave ceiling that provides otherwise.

(3) Unused annual leave that exceeds an employee's applicable carryover limitation will generally be subject to forfeiture at the end of a leave year (that is, "use or lose").

c. Employees earn and are credited with leave during each full biweekly pay period they are in a pay status, or a combination of a pay and non-pay status. However, no annual leave is earned during a pay period when an employee reaches an accumulated total of 80 hours in a non-pay status in the same leave year. Note that a full-time employee who is in the 6-hour annual leave accrual category and who has accumulated 80 hours of nonpay status in the last pay period of the year, will forfeit 10 hours of leave accrual in that pay period.

3–3. Annual leave usage and limitations

a. Generally, there is no limitation on the amount of accrued annual leave that may be requested and approved during a leave year. However, an employee's entitlement to use earned annual leave is subject to a supervisor's right to schedule it in a manner that ensures mission achievement. Therefore, supervisors are responsible for planning, coordinating, and approving their employees' annual leave throughout the leave year in a manner that promotes a balance between employee needs and mission accomplishment, and ensures that employees will not be in danger of annual leave forfeiture at the end of the leave year. Further, before the beginning of the third full pay period prior to the end of the leave year, employees should take affirmative steps to schedule or reschedule cancelled leave so as to avoid forfeiture. To be eligible for consideration of leave restoration, the cancelled leave must have been scheduled to be used during the last three full pay periods prior to the end of the leave year.

b. Employees with identified and documented leave abuse concerns may be subject to limitations on their use of annual leave through supervisory issuance of a leave restriction memorandum. Where circumstances warrant use of a leave restriction memorandum, supervisors must make contact with their servicing CPAC for advice and assistance in developing and issuing the memorandum to the impacted employee.

c. Annual leave should not be used in the following situations–

(1) When it is clear that an employee will not return to the Federal service after the period of leave and the employee is requesting the leave for the sole purpose of avoiding a lump-sum payment;

(2) As a disciplinary measure; and/or

(3) Pending issuance of a proposed adverse or performance-based action, or during the advance notice period, unless requested by the employee.

d. Annual leave may be used to assist an employee in establishing eligibility for benefits or entitlements in the following situations–

(1) When the employee is separated because of a reduction in force or declination of transfer of function, annual leave may be used to extend the separation date in order to help the employee attain eligibility for retirement annuity and/or Federal Employees' Health Benefits (FEHB) annuitant coverage;

(2) When the employee is pending acceptance for active duty military service; or

(3) When the employee has applied for disability retirement and is pending a final decision on their application.

e. Members of the Reserve or National Guard in an active military duty status may elect to use their civilian annual leave while on active duty.

3–4. Substitution of annual leave

a. Annual leave may be retroactively substituted for LWOP when the period of absence was charged to LWOP pending receipt of an employee's leave records from another agency; or when LWOP was granted to the employee pending recredit of annual leave following refund of a lump-sum leave payment, and the employee has requested the substitution.

b. Annual leave may be substituted for sick leave that has been applied for and approved, but not yet used. Annual leave may also be retroactively substituted for advanced sick leave, including use of use or lose annual leave. The substitution must occur before the annual leave would be forfeited.

c. Retroactively substituting annual leave for sick leave is not authorized except to liquidate advance sick leave indebtedness. The substitution of annual leave for sick leave may not be made retroactively for the purpose of avoiding a forfeiture of annual leave at the end of the leave year.

3–5. Advancing annual leave

a. Annual leave may be advanced to an employee for the full variety of reasons for which earned leave may be requested and approved. In particular, employee requests for advanced annual leave made for the purpose of bonding with the employee's healthy newborn or newly adopted child or for foster care placement in the employee's home should be granted to the fullest extent possible, regardless of the employee's existing accrued leave balances. Generally, however, the decision whether to grant an employee request for advanced annual leave is subject to management discretion because advanced annual leave is not an entitlement.

b. The total amount of annual leave advanced to an employee in a single leave year may not exceed the number of hours the employee will accrue during the remainder of the current leave year.

c. Absent an emergency situation, requests for advanced annual leave must be submitted to the DA Civilian employee's supervisory chain in writing, prior to their proposed absence from duty. The request should be submitted in writing, such as via email or through the automated timekeeping system, and should include the amount of advanced annual leave being requested, an explanation of the need for advanced leave, and a statement concerning the likelihood that the employee will return to a duty status long enough to earn the leave advanced.

d. In considering a request for advanced annual leave, the leave approving official must consider the need for the employee's services as well as whether the employee will return to duty and accrue sufficient annual leave to repay the advance.

e. DA Civilian employees should note that advancement of annual leave creates indebtedness to the Federal government. For that reason, if an employee is advanced annual leave and then separates from Federal service before earning the leave back, the employee will be required to refund the amount of unearned advanced leave, or the agency may deduct that amount from any pay due to the employee upon separation (for example, lump-sum payment for unused annual leave or refunds of retirement contributions). Exceptions to this may include the employee's death; disability retirement; resignation or separation from the Federal service resulting from a disability that prevents the employee from returning to work.

f. An employee continues to earn leave while using any advanced annual leave.

3-6. Restoration of forfeited annual leave

a. Annual leave that would otherwise be forfeited (that is, "use or lose") may be restored when it has been lost due to exigencies of the Federal service or sickness of the employee, if use of the leave was requested and approved in writing before the start of the third biweekly pay period before the end of the leave year. Leave may also be restored when an administrative error caused loss of annual leave that was otherwise accruable (for example, leave recalculation resulting from a change in the employee's service computation date). Delegation of the authority to determine that an exigency is of such importance that it prevents the employees' use of their annual leave subject to forfeiture is addressed in the Secretary of the Army's delegation matrix. An official may not exercise restoration of forfeited leave authority if his or her own leave would be affected by the decision. Individuals exercising this authority must establish dates for the period covered by the exigency.

b. When a request for restoration of forfeited annual leave is based upon an exigency of service, the approving official must determine whether the exigency identified by the requesting employee was of major importance. Approval of an exigency is generally required prior to cancellation of the scheduled leave. In emergency situations, the determination may be made as soon after the occurrence of the emergency as is possible, and the approving official's decision must be provided to the requesting employee and his or her supervisor in writing. The request for restoration of leave based upon an exigency of service must include the following information—

(1) The dates and number of hours scheduled for annual leave which were canceled, and when the leave was originally scheduled and approved;

(2) Description of the exigency, including beginning and ending dates of the exigency period;

(3) A statement explaining why the exigency is of such importance that the employee could not have been excused from duty to use the scheduled annual leave; and

(4) A statement explaining why there was no alternative to cancellation of scheduled leave, and why use of the leave could not have been rescheduled during time remaining of the leave year.

c. Restored annual leave must be used by the end of the leave year, ending 2 years after the date fixed by the approving official as the termination date of the exigency of public business that resulted in forfeiture of annual leave; the date the employee is determined to be recovered and able to return to duty if the leave was forfeited because of sickness; or the date of restoration of annual leave forfeited because of administrative error. Restored annual leave that is not used within the established time limits is forfeited with no further right to restoration.

3-7. Lump-sum payments

a. Employees who separate from the Federal service, or who enter active duty in the Armed Forces and elect to receive a lump-sum payment for annual leave, are entitled to be paid a lump-sum for all accumulated and unused annual leave. Employees who transfer to other positions within the Federal service are not entitled to a lump-sum payment if the accumulated annual leave can be transferred to another Federal leave system. Where a lump-sum payment is available, the payment must equal the pay (excluding foreign area post differential and foreign danger pay allowances, if any) the employee would have received had they remained employed until the accumulated annual leave had expired.

b. Employees entering military service may elect to allow accumulated and unused annual leave to remain in their leave account in lieu of receiving a lump-sum payment.

c. Lump-sum payments are considered pay for taxation purposes only. The period of leave used for purposes of calculating the lump-sum payment may not be extended due to any holiday occurring after separation. Employees may not earn leave for the period covered by the lump-sum payment.

d. If an employee has received a lump-sum payment for accumulated and unused annual leave and is then reemployed in the Federal service prior to the expiration of the lump-sum payment period, the employee must refund

an amount equal to the pay covering the period between the date of reemployment and the expiration of the lump-sum payment period. An amount of annual leave equal to the leave represented by the refund must be reccredited to the employee.

Chapter 4

Sick Leave

4–1. Sick leave

- a. Sick leave is a DA Civilian employee's approved paid absence from duty for personal medical needs; family care and bereavement; care of a Family member with a serious health condition; or adoption-related purposes.
- b. Full- and part-time employees earn sick leave. Intermittent employees do not earn sick leave.
- c. There is no limitation on the amount of sick leave that an employee may accumulate.

4–2. Sick leave accrual

- a. Full-time employees accrue 4 hours of sick leave for each biweekly pay period.
- b. Part-time employees earn 1 hour of sick leave for each 20 hours in a pay status. Credit may not exceed 4 hours of sick leave for 80 hours in a pay status during any full biweekly pay period.
- c. For employees working an uncommon tour of duty, the biweekly sick leave accrual rate is determined by the formula: 4 hours x (average # of hours per biweekly pay period) ÷ 80.
- d. Unlike annual leave, temporary employees on appointments of less than 90 days earn sick leave as described in this paragraph.

4–3. Sick leave usage and limitations

- a. DA Civilian employees may take sick leave for the following types of absences from work—
 - (1) Personal medical needs -- the employee's own incapacitation for duty resulting from physical or mental illness, injury, pregnancy, or childbirth; receipt of medical, dental, or optical examination or treatment (including periodic physical examination for retention of status in a Reserve Component of the Armed Forces or National Guard); or situations where the employee's attendance at work would -- as determined by the health authorities or a health care provider -- jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease. An employee may use an unlimited amount of earned sick leave for his or her own personal medical needs during any single leave year.
 - (2) Family care and bereavement -- the employee needs to care for a Family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth; attend to a Family member receiving medical, dental, or optical examination or treatment; provide care for a Family member who would, as determined by health authorities or a health care provider, jeopardize the health of others by that Family member's presence in the community because of exposure to a communicable disease; make arrangements necessitated by the death of a Family member or attend the funeral of a Family member. A full-time employee may use up to 104 hours of sick leave each leave year for family care and bereavement purposes. A part-time employee or an employee with an uncommon tour of duty may use an amount of sick leave not to exceed the number of sick leave hours he or she would normally accrue in a leave year.
 - (3) Care of a Family member with a serious health condition -- the employee needs to care for a Family member with a "serious health condition" as that term is defined under OPM's regulations for administering the FMLA. This includes conditions such as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy, and childbirth. An employee may use up to 480 hours of sick leave each leave year to care for a Family member with a serious health condition; this includes (and is not in addition to) the 104 hours of sick leave that the employee may be approved to take for family care or bereavement. Part-time employees or employees with an uncommon tour of duty may use an amount of sick leave equal to 12 times the average number of hours in his or her scheduled tour of duty each week, subject to restrictions identified in 5 CFR 630.401(d).
 - (4) Adoption-related purposes -- the employee is in the process of adopting, or has adopted a child, and requires time away from work for reasons related to the adoption, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; any periods of time the employee is ordered or required by the adoption agency or by the court to take time off from work to care for the adopted child; and any other activities necessary to allow the adoption to proceed. Sick leave for adoption purposes does not extend to situations in which the employee is fostering a child unless the employee is adopting the foster child. Sick leave would not be appropriate to cover an absence from work for the purpose of bonding with a newly adopted child (unless ordered by a court or

adoption agency), but the employee could request and be approved to take accrued or advanced annual leave, compensatory time, LWOP, credit hours, or request to substitute Paid Parental Leave (PPL) for FMLA unpaid leave (see chapter 7). There is no limitation on the amount of sick leave that an employee can be approved to take for adoption-related purposes; in addition, any sick leave taken for adoption purposes does not count towards the 104 hour per leave year limit on sick leave for family care and bereavement purposes or the overall limit of 480 hours of sick leave each leave year that may be available for care of a Family member with a serious health condition.

b. Any period of incapacity due to pregnancy or childbirth, or for prenatal care, is considered a serious health condition for which sick leave is granted, even if the employee or Family member does not receive active treatment from a health care provider during the period of incapacity. Sick leave may be used for medical examinations and during the period of incapacitation resulting from delivery and recuperation after the birth of the child. However, once the period of incapacitation is over, an employee will need to pursue other forms of approved leave to cover any periods of continued absence from work (for example, sick leave would not be appropriate to cover an absence from work for the purpose of bonding with a healthy newborn child, but the employee could request and be approved to take accrued or advanced annual leave, compensatory time, LWOP, credit hours, or request to substitute PPL for FMLA unpaid leave for the birth of a child).

4–4. Sick leave request and approval

a. Sick leave for scheduled medical appointments should be requested as far in advance as practicable. Sick leave for illness, injury, exposure to contagious disease, illness of a Family member with a contagious disease or other circumstances of incapacity which are not known in advance must be requested as soon as possible after the beginning of the absence (typically within the first 2 hours of the employee’s duty day or in accordance with the terms of any applicable collective bargaining agreement).

b. For unscheduled sick leave absences of 3 days or less, the employee must request sick leave on the first day and on every additional day of absence, unless the employee is physically unable to make a timely request or the leave approving official relieves the employee of this requirement. A leave approving official may require that an employee provide administratively acceptable evidence (see para 4–4c(1)) in support of the absence if he or she believes that circumstances warrant additional information.

c. For unscheduled sick leave absences of more than 3 consecutive scheduled workdays, or 2 consecutive scheduled 24-hour duty periods (for employees on uncommon tours of duty scheduled on a “24 hours on, 24 hours off” basis), the employee seeking the leave will be required to provide administratively acceptable evidence. This can be the employee’s self-certification as to the reason for the absence; or the leave approving official may also require that the employee provide a medical certificate or other administratively acceptable evidence identifying the reason for the absence. Such medical documentation must be provided within 15 calendar days after the date the medical documentation is requested from the employee. This may be extended up to 30 calendar days if it is not practicable for the employee to provide the information within 15 calendar days.

(1) To be administratively acceptable, the medical documentation provided will include contact information for the health care provider; identify the specific date(s) of absence; specify that the employee was incapacitated for duty for the period covered by the statement; provide an estimated date of full or partial recovery (if the employee has a continuous need to be absent from work); and be signed by a licensed health care provider.

(2) Leave approving officials who seek to request supporting medical documentation will first consult with their servicing CPAC and/or legal office for guidance concerning the recordkeeping and privacy considerations that may be associated with such requests.

d. An employee requesting sick leave to care for a Family member with a serious health condition may be required to provide a written statement from the health care provider concerning the Family member’s need for psychological comfort and/or physical care.

e. In accordance with Executive Order 5396 (EO 5396), a disabled veteran who presents an administratively acceptable statement from a physician or other medical authority showing that medical examination, treatment, or absence in connection with the service-connected disability is required, must be granted all sick leave (including advanced sick leave), and all annual leave permitted by law, plus any LWOP that may be necessary to undergo treatment. Except for emergency treatment, the granting of such leave is contingent upon the veteran giving prior notice of the definite periods of required absence so that arrangements can be made for carrying on the work during the absence. There is no specific amount of advance notice that must be provided under the Executive Order. For additional information on leave entitlements for service-connected disabilities, see chapter 7 on disabled veteran leave.

f. Employees with identified and documented leave abuse concerns may be subject to limitations on their use of sick leave through supervisory issuance of a leave restriction memorandum. Where circumstances warrant use of a

leave restriction memorandum, supervisors must make contact with their servicing CPAC for advice and assistance in developing and issuing the memorandum to the impacted employee.

4-5. Advancing sick leave

a. An employee may be advanced sick leave for the same reasons that he or she could be approved for sick leave, subject to the limitations prescribed in this paragraph. Requests to advance sick leave for purposes of the birth or adoption of an employee's child should be granted to the fullest extent possible, regardless of the employee's existing accrued leave balances. Otherwise, sick leave should not be advanced when it is known (or reasonably expected) that the employee will not return to duty (for example, when the employee has applied for disability retirement).

b. Leave approving officials may advance up to 240 hours of sick leave to a full-time employee in the following situations—

- (1) When the employee is incapacitated for the performance of his or her duties by physical or mental illness, injury, pregnancy, or childbirth;
- (2) When the employee or a Family member suffers from a serious health condition;
- (3) When the employee would, as determined by health authorities or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease;
- (4) For purposes relating to the adoption of a child; or
- (5) For the care of a covered Servicemember with a serious injury or illness, provided the employee is exercising his or her entitlement to leave under the FMLA to care for a covered Servicemember.

c. Leave approving officials may advance up to 104 hours of sick leave to a full-time employee in the following situations—

- (1) When the employee receives medical, dental, or optical examination or treatment;
- (2) When the employee needs the leave to provide care for a Family member who is incapacitated by a medical or mental condition, or to attend to a Family member receiving medical, dental, or optical examination or treatment;
- (3) When the employee needs the leave to provide care for a Family member who would, as determined by health authorities or by a health care provider, jeopardize the health of others by that Family member's presence in the community because of exposure to a communicable disease; or
- (4) When the employee needs the leave to make arrangements necessitated by the death of a Family member or to attend the funeral of a Family member.

d. For a part-time employee or an employee on an uncommon tour of duty, the amounts above must be prorated according to the number of hours in the employee's regularly scheduled administrative workweek.

e. An employee may have no more than 240 hours advanced sick leave to his or her credit at any point in time.

f. An employee may liquidate an advanced sick leave balance with subsequently earned sick leave or annual leave if the liquidation is completed prior to the time the annual leave would be forfeited at the end of the leave year or by a refund upon separation.

4-6. Substitution of sick leave

When an employee meets the requirements for sick leave while on annual leave, they may request sick leave from the leave approving official. The leave approving official may grant the sick leave, but is not required to do so.

4-7. Sick leave recredit

a. An employee who has had a break in service is entitled to a recredit of his or her unused sick leave, without regard to the date of his or her prior separation from Federal service.

b. Normally, the gaining activity is responsible for obtaining the Standard Form (SF) 1150, (Record of Leave Data), and submitting it to DFAS.

c. For a reemployed annuitant, any sick leave that is used in the computation of the employee's annuity is charged against the employee's sick leave account and cannot be used, transferred, or reccredited in the future.

4-8. Intentional exhaustion of sick leave prior to retirement

Sick leave should not be requested or approved for the sole purpose of exhausting an employee's sick leave balance prior to retirement from the Federal service. Unused sick leave may be used in the calculation of an employee's or survivor's annuity based on retirement with an immediate annuity or on a death in service.

Chapter 5

Leave Without Pay

5–1. Leave without pay

a. LWOP is a temporary, nonpay status and approved absence from duty that, in most cases, is requested by an employee. Except for in the specific situations described in paragraph 5–2, LWOP is not an entitlement and is subject to a leave approving official’s discretion.

b. There is no requirement that an employee exhaust other forms of available leave prior to requesting LWOP. In addition, LWOP cannot be imposed as a penalty or be required of an employee in lieu of disciplinary action. LWOP should not be confused with AWOL.

5–2. Leave without pay usage and limitations

a. LWOP may be approved for the same variety of reasons as annual leave, and except as described in this paragraph, there is no limitation on the overall amount that may be granted over the course of a leave year. In cases of requests for extended periods of discretionary LWOP, leave approving officials should balance the employee’s need for the leave with the costs and inconveniences to the Army that could result from granting the request, including–

- (1) Encumbrance of the position.
- (2) Loss of services that may be vital to the serviced component.
- (3) Complication of retention registers in the event of a reduction in force.
- (4) Obligation to provide active employment at the end of the approved period of LWOP.
- (5) Continuing agency contributions to unemployment compensation and, as applicable, to premiums for employee coverage under the FEHB Program and the Federal Employee Group Life Insurance Program.

b. LWOP must be approved in the following situations (that is, mandatory LWOP) –

(1) When requested by a disabled veteran to cover an absence for medical treatment related to a service-connected disability (see EO 5396).

(2) When requested for the purpose of performing military training and/or active duty with the Reserve or National Guard. All periods of LWOP for this purpose must be documented in personnel and pay systems as “Absent-Uniform Service (Absent-US).” Further, when DA Civilian employees in the Reserve or National Guard perform military duties that are not subject to the provisions of 38 USC 4301, all periods of Absent-US of at least 1 day duration should be documented on an SF–50.

(3) When requested by an employee with certified eligibility to the leave entitlements available under the FMLA.

(4) When requested by an employee to protect his or her status and benefits pending action by the Office of Workers’ Compensation Programs (OWCPs) on a claim resulting from a work-related illness or injury; or during the period when the employee is carried on the rolls while being compensated by the OWCP.

c. In most instances, LWOP is a matter of the leave approving official’s discretion (that is, discretionary LWOP). The following are examples of situations where the use of discretionary LWOP may be appropriate–

(1) When requested by an employee for the purpose of parental or family responsibilities when the employee has not otherwise invoked any mandatory LWOP that might be available to him or her under the FMLA. This includes use of discretionary LWOP for purposes of bonding with a newborn or newly adopted child, caregiving or providing psychological support to a Family member, or other purposes related to allowing the employee to effectively balance work and family responsibilities.

(2) When requested by an employee for the purpose of pursuing educational activities when the course of study or research is in line with work performed within the Army and completion of the course or research would serve the best interests of the Army.

(3) When requested by an employee for the purpose of temporarily serving with a non-Federal or private enterprise when it will contribute to the public welfare and/or serve the interests of the Army.

(4) When requested by an employee for the purpose of recovering from non-permanent illness or disability.

(5) When requested by an employee for the purpose of protecting the employee’s status and benefits pending final action by OPM on an application for disability retirement after all sick and annual leave have been exhausted.

(6) When requested by a career or career-conditional employee who is a dependent of a military member or a Federal civilian employee, for the purpose of avoiding a break in service resulting from a need to accompany his or her military or Federal civilian employee spouse to a new duty station. The requesting of this LWOP should be with the intention of seeking Federal employment in the new area.

(a) Initial approvals for periods of extended LWOP for this purpose should not exceed 90 days, and the requesting employee should submit a completely executed resignation (with an effective date of 90 days after commencement of the LWOP) at the same time as the LWOP request.

(b) The initial period of LWOP may be extended in increments of 90 days, upon the accompanying spouse-employee's written request, if he or she has not found Federal civilian employment in the interim and the position with the losing command or organization has not been filled. In no case will the cumulative period of extended LWOP exceed 12 months.

(7) When the employee requests LWOP for the purpose of participating in school activities related to the educational advancement of his or her child. This includes, but is not limited to, parent-teacher conferences or meetings with childcare providers, interviewing for a new childcare facility, or participating in volunteer activities to support the child's educational advancement. Requests for this purpose may be approved for up to 24 hours in a single leave year.

d. LWOP may not be granted for an employee to engage in political activities, engage in private or commercial work where such work is judged to be of no value to the DoD, hold a civilian position with any other Federal agency, or to keep an employee on the rolls when the employee is not expected to return to duty (except in those circumstances in which there is an entitlement to LWOP as described in paragraph 5-2c(6)).

5-3. Approving and documenting periods of extended leave without pay

a. Approved LWOP of more than 30 consecutive days is considered an extended period of LWOP which must be made a matter of record in the requesting employee's electronic Official Personnel Folder (eOPF). Leave approving officials should act promptly on employee requests for periods of extended LWOP. Specifically, leave approving officials should issue a decision regarding the request no more than 10 calendar days after receipt of the request, or before the start of the requested period of extended LWOP, whichever occurs first.

b. When an employee's request for extended LWOP is approved, the employee's supervisor must submit an SF 52 (Request for Personnel Action), through the servicing CPAC to initiate documentation of the extended period of LWOP in the employee's eOPF.

c. The leave approving official should follow up with the employee prior to the end of the expiration of the extended period of LWOP to ascertain the employee's intent to return to duty or to request an extension of LWOP. The leave approving official should act on all extensions of LWOP in the same manner as the initial request. The leave approving official must ensure that the employee's absence is properly recorded in the timekeeping system. Note that LWOP approved for use while an employee is receiving compensation from the OWCP, is coded differently from LWOP that is approved for other purposes.

Chapter 6 Family and Medical Leave Act

6-1. General

a. The FMLA entitles eligible Federal employees up to a total of 12 administrative workweeks of unpaid leave during any 12-month period for—

- (1) The birth of a son or daughter and care of a newborn.
- (2) The placement of a son or daughter with the employee for adoption or foster care.
- (3) The care of a spouse, son, daughter, or parent (to include a person who is *in loco parentis*) of the employee with a serious health condition (including care for a covered Servicemember with a serious injury or illness if the employee is the Servicemember's spouse, child, parent, or next of kin).

Note. FMLA leave for the purpose specified in paragraph 6-1a(3), where applied to a covered Servicemember, is called "military caregiver leave." Military caregiver leave allows an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered Servicemember with a serious injury or illness to take up to a total of 26 workweeks of unpaid leave during a single 12-month period to provide for the Servicemember. Eligibility, notice and certification requirements for military caregiver leave under the FMLA are similar, but not identical, to the requirements described in this regulation for other types of FMLA leave. For that reason, leave approving officials are strongly encouraged to consult with their servicing CPAC for additional guidance before making a determination regarding an employee's request for military caregiver leave.

(4) A serious health condition of the employee that makes the employee unable to perform the essential functions of his or her position.

(5) Any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

b. Full- and part-time employees who have completed at least 12 months of Federal service (need not be recent or consecutive months) are eligible for leave under the FMLA. Intermittent employees and employees serving under a temporary appointment with a time-limitation of 1 year or less are not eligible for leave under the FMLA.

c. A total of 12 administrative workweeks will be made available equally for a full-time or part-time employee in direct proportion to the number of hours in the employee's regularly scheduled administrative workweek. The 12 administrative workweeks of leave will be calculated on an hourly basis and will equal 12 times the average number of hours in the employee's regularly scheduled administrative workweek. If the number of hours in an employee's workweek varies from week to week, a weekly average of the hours scheduled over the 12 weeks prior to the date leave commences must be used as the basis for this calculation.

d. An employee may take only the amount of leave under the FMLA that is necessary to manage the circumstances that prompted the employee's needed absence. This may be identified in the medical documentation provided by the employee in support of his or her request.

e. An employee's 12-month period of certified eligibility to use leave under the FMLA begins on the date that the employee first takes leave for the family or medical need identified in his or her request and continues for 12 months. The employee is not entitled to 12 additional workweeks of leave until the previous 12-month period ends and an event occurs that entitles the employee to another period of FMLA leave, including potential continuation of a prior situation. FMLA leave may be used for more than one purpose within a 12-month period, consistent with the purposes outlined in paragraph 6-1a, not to exceed 12 workweeks in total.

f. Leave under the FMLA may be taken intermittently or on a reduced leave schedule only when agreed to by the employee and the supervisor. Exceptions to the requirement to obtain supervisory agreement for use on an intermittent or reduced leave schedule are contained in 5 CFR 630.1205.

6-2. Confirming employee eligibility for Family and Medical Leave Act leave

a. In order for leave to be approved for use under the FMLA, the employee must request the leave, and the employee's eligibility for the benefit must be confirmed by the supervisor or leave approving official.

b. An employee should invoke his or her entitlement to FMLA leave on the OPM Form 71 or through an approved automated timekeeping system. Management may not charge an employee's absence as FMLA leave and may not subtract leave from an employee's entitlement to leave under the FMLA, without confirmation from the employee, or his or her representative, of his or her intent to invoke entitlement to leave under the FMLA. An employee's notice of his or her intent to take leave under the FMLA may suffice as the employee's confirmation, but the benefit may generally not be retroactively invoked to cover past absences. Exceptions allowing for retroactivity are prescribed in 5 CFR 630.1203(b).

c. Except for emergency situations not known in advance, an employee should provide the supervisor or leave approving official with at least 30 calendar days advance notice of the need for FMLA leave. However, if the need for FMLA leave is not foreseeable (for example, a medical emergency or the unexpected availability of a child for adoption or foster care), and the employee cannot provide 30-days advance notice of his or her need for the leave, the employee will provide notice within a reasonable period of time appropriate to the circumstances involved. If necessary, notice may be given by the employee's personal representative, due to the employee's incapacitation. If the need for FMLA leave for qualifying exigencies is foreseeable, the employee must provide notice as soon as practicable, regardless of how far in advance the leave is being requested. FMLA leave may not be delayed or denied when the need for it is not foreseeable and the employee is unable, due to circumstances beyond his or her control, to provide advance notice of the need for FMLA leave.

d. If an employee and, where applicable, his or her personal representative are physically or mentally incapable of invoking the employee's entitlement to FMLA leave during the entire period in which the employee is absent from work for an FMLA qualifying purpose, the employee may retroactively invoke his or her entitlement to FMLA leave within 5 workdays after returning to work. In such cases, the incapacity of the employee must be documented by a written medical certification from a health care provider. In addition, the employee must provide documentation acceptable to the agency explaining the inability of his/her personal representative to contact the agency and invoke the employee's entitlement to FMLA leave during the entire period in which the employee was absent from work for an FMLA qualifying purpose.

e. Upon notice of an employee's need or request to use FMLA leave, supervisors or leave approving officials should immediately make contact with their servicing CPAC and/or legal office for guidance and assistance concerning the entire FMLA request and approval process, including guidance concerning the collection, use, and storage of FMLA-related medical documentation.

f. Unlike FMLA leave requested for the purposes of bonding with a healthy newborn child or a child placed for adoption or foster care (which do not require medical documentation; but may require administratively acceptable

evidence, if deemed appropriate or when requesting to substitute PPL for unpaid FMLA (see para 7–2c)), FMLA leave requests submitted for purposes of the employee’s own serious health condition, or the serious health condition of a covered Family member, must be supported by written medical certification issued by the health care provider of the employee or the health care provider of the spouse, son, daughter, or parent of the employee, as appropriate. Employees should provide the medical certification through use of Form WH–380–E (Certification of Health Care Provider for Employee’s Serious Health Condition under the Family and Medical Leave Act) or Form WH–380–F (Certification of Health Care Provider for Family Member’s Serious Health Condition under the Family and Medical Leave Act), as appropriate. Failure of the employee and their health care practitioner to utilize the WH–380 forms will not result in FMLA leave denial if all of the documentation requirements are otherwise provided in written form.

6–3. Notifying employee of Family and Medical Leave Act eligibility, rights, and responsibilities

a. After the leave approving official has determined an employee’s FMLA eligibility status, he or she must provide an eligibility notice to the employee, informing the employee whether he or she is eligible for FMLA leave. If it is determined that the employee is not eligible for FMLA leave, the reasons for the negative determination must be identified to the employee in writing. The notice should be provided within 5 business days of the employee’s initial request for leave, or of learning that the employee’s leave may be for an FMLA qualifying reason, unless there are extenuating circumstances. Information contained in Form WH–381 (Notice of Eligibility & Rights and Responsibilities under the Family and Medical Leave Act) may be helpful in preparing the employee eligibility notice.

b. Within the same 5-day time frame, if the employee is eligible for FMLA leave, the leave approving official should also provide the employee with a notice approving the leave and identify the employee’s rights and responsibilities under the FMLA. The notice should be in writing and will include the following–

- (1) A statement of the period of leave that may be designated and counted against the employee’s FMLA entitlement.
- (2) The 12-month period of time that will be used to track the employee’s FMLA leave usage.
- (3) Whether the employee will be required to provide certification of the need for leave (see para 6–2f).
- (4) The employee’s right to use paid leave, and requirements related to substitution, and the employee’s right to take unpaid FMLA leave if he or she does not meet the conditions for paid leave.
- (5) The employee’s right to job restoration and maintenance of benefits.
- (6) Whether the employee will be required to make premium payments to maintain health benefits and any arrangements for doing so, the consequences of failing to make payments on a timely basis, and the employee’s potential liability for premium payments made by the employer if the employee fails to return to work; and
- (7) The consequences of the employee’s failure to meet his or her obligations as described in the notice.

c. Leave approving officials should seek guidance and assistance from their servicing CPAC and/or legal office to develop and issue the notice in a manner that meets these requirements.

6–4. Family and Medical Leave Act leave for qualifying exigencies

a. Eligible employees may take qualifying exigency leave under the FMLA when their spouse, son, daughter, or parent is a member of the Armed Forces (including the National Guard and Reserves) and is on covered active duty or has been notified of an impending call or order to covered active duty status to a foreign country.

b. Covered active duty includes the following–

- (1) In the case of a member of a Regular Component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty).
- (2) In the case of a member of a Reserve Component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation pursuant to any of the following sections of 10 USC, or any other provision of law during war or during a national emergency declared by the President or Congress: 10 USC Section 688, Section 12301, Section 12302, Section 12304, Section 12305, and Section 12406, and 10 USC Chapter 15.

c. Like all other forms of FMLA leave, an employee must invoke his or her entitlement to FMLA for a qualified exigency on the OPM Form 71 or through an approved automated timekeeping system. An employee’s notice of his or her intent to take leave under the qualifying exigency provision may suffice as the employee’s invocation.

d. If the military member is on covered active duty, an employee may request and be approved to take FMLA leave for the following qualifying exigencies–

- (1) To address any issues arising from the military member’s notice of an impending call or order to covered active duty 7 or fewer calendar days prior to the date of deployment. Leave taken for this purpose can be used for a period

of up to 7 calendar days from the day the covered military member is notified of an impending call or order to covered active duty.

(2) To attend any official ceremonies, programs, events, and informational briefings, or family support or assistance programs sponsored by the military, military service organizations, or the American Red Cross that are related to the member's deployment.

(3) To arrange for alternative childcare, provide childcare on a non-routine, urgent, immediate need basis, or enroll in or transfer a child to a new school or day care facility. The employee taking FMLA qualifying exigency leave does not need to be related to the military member's child. However, the military member must be the parent, spouse, son, or daughter of the employee taking FMLA leave; and the child must be the child of the military member (including a child to whom the military member stands *in loco parentis*).

(4) To make or update financial or legal arrangements to address the covered military member's absence while on covered active duty status or call to covered active duty status, such as preparing and executing financial and health care powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, obtaining military identification cards, or preparing or updating a will or living trust.

(5) To act as the covered military member's representative before a Federal, State, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the covered military member is on covered active duty status or call to covered active duty status, and for a period of 90 days following the termination of the covered military member's covered active duty status.

(6) To attend counseling for the employee, the military member, or the child of the military member when the need for that counseling arises from the covered active duty of the military member and is provided by someone other than a health care provider.

(7) To spend time with a covered military member who is on short-term, temporary, rest, and recuperation leave during the period of deployment. Eligible employees may take up to 5 days of leave for each instance of rest and recuperation.

(8) To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the covered military member's covered active duty status.

(9) To address issues that arise from the death of a covered military member while on covered active duty status, such as meeting and recovering the body of the covered military member and making funeral arrangements.

(10) Any other event that the employee and supervisor or leave approving official agree is a qualifying exigency.

e. Qualifying exigency leave may be taken consecutively, intermittently, or on a reduced leave schedule.

f. An employee is required to provide a copy of the Servicemember's active duty orders and any documentation to verify the member is on covered active duty or call to covered active duty status to a foreign country. This documentation need only be provided the first time an employee requests leave because of a qualifying exigency.

6-5. Health benefits during Family and Medical Leave Act leave

While out on approved leave under the FMLA, an employee is entitled to maintain health benefits coverage; however, the employee is responsible for making arrangements to pay the employee share of the premium during the period of absence.

6-6. Substitution of paid leave

a. An employee may elect to substitute the following paid leave for any or all periods of LWOP taken under the FMLA—

(1) Accrued or accumulated annual or sick leave, consistent with current law and regulations governing the granting and use of annual or sick leave;

(2) Advanced annual or sick leave, consistent with current law and regulations governing the granting and use of advanced annual or sick leave; and/or

(3) Leave made available to an employee under the VLTP.

b. An employee may elect to substitute PPL for any or all periods of LWOP taken under the FMLA for the birth of a son or daughter and care of a newborn or the placement of a son or daughter with the employee for adoption or foster care.

c. A leave approving official may not deny an employee's right to substitute paid leave for any or all of the period of LWOP taken under the FMLA, consistent with current law and regulations governing the granting and use of annual or sick leave.

d. A leave approving official may not require an employee to substitute paid leave for any or all of the period of LWOP to be taken under the FMLA.

e. An employee must indicate his or her intent to substitute paid leave for LWOP on the OPM Form 71 or through an approved automated timekeeping system when invoking his or her entitlement to FMLA leave. An employee may not retroactively substitute paid leave for LWOP previously taken under the FMLA.

6–7. Returning to work after Family and Medical Leave Act leave

Upon return to duty after a period of leave under the FMLA, an employee must be returned to the same position or to an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment.

Chapter 7 Paid Parental Leave

7–1. General

a. Eligible employees may request to substitute up to 12 administrative workweeks of PPL for unpaid leave under FMLA for the birth or placement (for adoption or foster care) of a child that occurred on or after 1 October 2020.

b. The employee must have a continuing parental role with respect to the child whose birth or placement triggered the PPL entitlement, and the employee must have FMLA unpaid time available.

c. PPL must be used during the 12-month period following the birth or placement that triggered the entitlement and permanently expires at the end of that period and may not be carried over to subsequent years. PPL can be requested and/or utilized again at a future date if there is a new event (birth or placement) that allows for its use, and if the amount of FMLA and PPL used in the 12-month period prior to that date did not exhaust the total amount allowed.

d. The use of FMLA unpaid leave for the purposes outlined in paragraphs 6–1*a*(3), 6–1*a*(4), or 6–1*a*(5) during the same 12-month period may limit the amount of FMLA unpaid leave available for the birth or placement, thus limiting the amount of PPL the employee can substitute during certain periods.

7–2. Confirming employee eligibility for Paid Parental Leave

a. In order for PPL to be approved for use for FMLA unpaid leave, an employee must first meet the general eligibility requirements of FMLA and must invoke his or her entitlement to FMLA as described in paragraph 6–2. PPL may be taken intermittently or on a reduced leave schedule only when agreed to by the employee and the supervisor. Exceptions to the requirement to obtain supervisory agreement for use on an intermittent or reduced leave schedule are contained in 5 CFR 630.1205.

b. The employee must submit a written request to the supervisor or leave approving official indicating their intention to use PPL. A supervisor may provisionally grant PPL prior to receiving the employee's written PPL request and other required documentation, based on the employee's communication with the supervisor. In these instances, the employee should provide the written request as soon as possible.

c. PPL leave requests must be supported administratively acceptable evidence that shows the employee's use of PPL is directly connected to a birth or placement that has occurred. Appropriate documentation may include, but is not limited to, a birth certificate, appropriate court documents, Consular report of birth abroad, hospital admission form associated with the delivery, or documentation provided by the adoption or foster care agency confirming the placement. The supervisor or leave approving official maintains the discretion to determine which form of documentation may be required, unless otherwise determined by their organization.

d. An employee may not use PPL in connection with a birth or placement unless the employee agrees (in writing), before the commencement of such leave, to work for the applicable employing agency for not less than 12 weeks beginning on the employee's first scheduled workday after such leave concludes. If an employee and, where applicable, his or her personal representative are physically or mentally incapable of submitting a signed work obligation agreement prior to substituting PPL, the employee may submit the work obligation agreement within 5 workdays after returning to work.

e. Upon notice of an employee's request to use PPL, supervisors or leave approving officials should make contact with their servicing CPAC and/or legal office for guidance and assistance concerning the entire PPL request and approval process, including guidance concerning the collection, use, and storage of PPL-related documentation.

f. All grants of PPL must be recorded in the timekeeping system through use of appropriate timekeeping codes.

Chapter 8

Disabled Veteran Leave

8–1. Disabled veteran leave

a. A veteran, hired on or after November 5, 2016, as a regular full-time employee, with a qualifying service-connected disability rated at 30 percent or more can use up to 104 hours of disabled veteran leave during a 12-month period beginning on the first day of employment for the purposes of undergoing medical treatment for such disability. Disabled veteran leave is a separate leave category (with a separate leave code in the payroll system) in addition to regularly accrued annual and sick leave.

(1) For part-time employees, the 104 hours is prorated based on the number of hours in the part-time schedule (as established for leave charging purposes) relative to a full-time schedule (for example, 52 hours for a half-time schedule).

(2) For an employee with a seasonal work schedule, the 104 hours is prorated based on the total projected hours to be worked in an annual period of 52 weeks (based on the seasonal employee's seasonal work periods and full-time or part-time schedule during those periods) relative to a full-time work year of 2,080 hours (for example, 52 hours for a seasonal employee who works full-time for half a year).

(3) For an employee with an uncommon tour of duty, the 104 hours is proportionally increased based on the number of hours in the uncommon tour relative to the hours in a regular full-time tour (for example, 187 hours for an employee with a 72-hour weekly uncommon tour of duty.)

b. Disabled veterans leave not used during the established 12-month period may not be carried over to subsequent years and will be forfeited.

c. Servicing CPACs are responsible for confirming a newly hired employee's eligibility for the benefit.

d. "First day of employment" means the first day of service that qualifies as employment on or after November 5, 2016, and that occurs on the later of—

(1) The earliest date an employee is hired after the effective date of the employee's qualifying service-connected disability, as determined by the Veterans Benefits Administration of the U.S. Department of Veterans Affairs; or

(2) The effective date of the employee's qualifying service-connected disability, as determined by the Veterans Benefits Administration of the U.S. Department of Veterans Affairs.

8–2. Offsetting disabled veteran leave credit

Initial crediting of disabled veteran leave must be offset by any hours of sick leave to the employee's credit as of the employee's first day of employment; or any hours of equivalent disabled veteran leave used by the employee in a position not covered by 5 USC 6329.

8–3. Disabled veteran leave requests and approval

a. The requirements for requesting and approving sick leave will be similarly applied to requests and approval of disabled veteran leave. By submitting a request for disabled veteran leave, the employee is self-certifying that the leave will be (or was) used for the purpose of being furnished medical treatment for a qualified service-connected disability.

b. Requests must be submitted in advance of when the leave is taken, unless the need for leave is critical and unforeseeable, and must specify the specific days and hours of absence required for the medical treatment.

8–4. Retroactive substitution of disabled veteran leave

An employee may retroactively substitute disabled veteran leave for other forms of leave or approved absence for the purpose of receiving treatment for a qualifying disability when the leave or approved absence was taken during the employee's 12-month eligibility period for the medical treatment of a qualifying disability and the employee is credited sufficient disabled veteran leave to cover the absence.

Chapter 9

Military Leave

9–1. Military leave

a. Military leave is an absence from duty from an employee's civilian position without loss of pay (including pay for regularly scheduled overtime) to perform military duty. Upon request, eligible employees must be approved to

take credited military leave for performance of active duty, active duty for training, or inactive duty training (as defined in 37 USC 101).

b. To be entitled to military leave, an employee must be a member of a Reserve or National Guard component; a full-time, part-time, or indefinite employee who does not have an intermittent work schedule; and serving in an appointment that is not limited to 1 year or less. Although an employee may serve longer than 1 year on successive temporary appointments, there is no eligibility until the employee serves under an appointment that is not limited to 1 year or less.

c. As provided for in the Uniformed Services Employment and Reemployment Rights Act of 1994, if an employee is ordered to an initial period of active duty for training or inactive duty training with the Reserve or National Guard, the employee may be granted military leave, annual leave, previously earned compensatory time off, previously earned credit hours, previously earned time off award, or Absent-US, as requested. An employee is not required to exhaust all available military leave prior to using other available forms of leave, and military leave may be used in conjunction with other appropriate types of leave to cover the period of absence resulting from performance of military duties. However, if the employee (except a temporary employee) is to continue on active duty for an extended period (usually more than 1 year), the employee must be placed in Absent-US status unless the employee elects to use other leave or freely and knowingly provides written notice of intent not to return to a position of employment with the DoD, in which case the employee can be separated.

9–2. Categories of military leave

a. The first category of military leave (see 5 USC 6323(a)) provides for 15 days (120 hours) of military leave per fiscal year for active duty, active duty training, and inactive duty training. A maximum of 15 days can be carried over into the next fiscal year. Part-time career or career-conditional employees who are on a regularly scheduled tour of duty of 16 to 32 hours a week accrue military leave at a rate determined by dividing 40 into the number of hours in the regularly scheduled workweek during the fiscal year and multiplying by 15.

b. The second category of military leave (see 5 USC 6323(b)) provides for 22 workdays of military leave per calendar year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor. This leave is provided for employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation.

c. The third category of military leave (see 5 USC 6323(c)) provides for unlimited military leave available to members of the National Guard of the District of Columbia for certain types of duty ordered or authorized under the District of Columbia Code.

d. The fourth category of military leave (see 5 USC 6323(d)) provides that Reserve and National Guard Technicians only are entitled to not more than 44 workdays of military leave per calendar year in which the employee is on active duty without pay, as authorized pursuant to 10 USC 12315, under 10 USC 12301(b) or 10 USC 12301(d) for participation in operations outside the United States, its territories and possessions.

9–3. Military leave for law enforcement purposes

When a member of the Reserve or the National Guard is ordered to perform full-time active duty for law enforcement, military leave not to exceed 22 workdays in a calendar year is authorized. The 22 workdays are converted to 176 hours and may be charged hourly. This military leave can be granted only for absence during the employee's regularly scheduled tour of duty, including regularly scheduled overtime. It cannot be granted for military duty performed within a period of non-pay status.

9–4. Military leave for parades or encampments

Members of the National Guard of the District of Columbia who are ordered to serve during a parade or encampment are entitled to unlimited military leave for all days on which such duty is performed. Any pay the employee receives while on military leave for parades or encampments (other than travel, transportation, or per diem allowance) will be credited against the pay received in the civilian position during the employee's absence to perform the military duty.

9–5. Accumulation of military leave

On 1 October, or upon appointment into either the Federal service or upon joining as a Reserve of the Armed Forces or member of the National Guard, whichever is later, military leave is credited to an eligible employee's account (prorated for part-time employees). Unused military leave remaining from the prior fiscal year, not to exceed 15 days/120 hours, is also credited.

9–6. Charges to military leave

- a.* An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay. The minimum charge to leave is 1 hour.
- b.* Employees who request military leave for inactive duty training (generally 2, 4, or 6 hours in length) will be charged only for the amount of military leave necessary to cover the period of training and necessary travel.

9–7. Effect of military leave on civilian pay

- a.* An employee's civilian pay remains the same for periods of military leave under 5 USC 6323(a), including any premium pay (except Sunday premium pay) an employee would have received if not on military leave.
- b.* For military leave under 5 USC 6323(b), an employee's civilian pay is reduced by the amount of military pay for the days of military leave. However, an employee may choose not to take military leave and instead take other appropriate forms of approved leave in order to retain both civilian and military pay.

9–8. Military leave request and approval

- a.* An eligible employee should be granted any available military leave, annual leave, previously earned compensatory time off, previously earned credit hours, previously earned time off award, or Absent-US when they perform active or inactive duty military service. When an employee is on active duty, a copy of the orders must accompany the request for military leave. For inactive duty service, the employee may be required to submit documentation from an appropriate military official demonstrating that the military duty was performed. Reserve active and inactive duty is typically planned and announced in advance. Employees are encouraged to provide, if possible, copies of annual training schedules as well as advance notice of specific training dates.
- b.* Like other forms of leave, requests for military leave should be made through submission of an OPM Form 71 or through the approved automated timekeeping system.
- c.* On return to duty from military leave, an employee must furnish a copy of his or her orders, leave and earnings statements, school completion certificate, endorsed orders, or a letter from the proper military authority indicating completion of military duty. Employees returning from more than 30 days uniformed service must submit an application for reemployment. Time limits for resubmission are identified at 5 CFR 353.205.
- d.* An employee must be restored to the position he or she held prior to being ordered to military duty.
- e.* An employee prevented from returning to his or her civilian position at the end of military leave because of sickness or injury that occurred during the period of military leave is entitled to use sick or annual leave for the period of absence resulting from such illness or injury. The employee will request such leave from his or her leave approving official following the procedures in this regulation for requesting and obtaining approval of sick or annual leave.

Chapter 10 Home Leave

10–1. Home leave

- a.* Home leave is leave earned by DA Civilian employees living and working outside the United States who, under the provision of 5 USC 6304(b), may accumulate no more than 45 days (360 hours) of annual leave. The purpose of home leave is to provide these employees with opportunities to return home to the United States during their period of employment outside the United States. This does not cover employees on temporary duty assignments outside the United States.
- b.* Home leave must be charged in increments no smaller than 1 day.

10–2. Eligibility for home leave

- a.* Home leave is not authorized for use until a DA Civilian employee has completed 24 months of continuous service at a duty station outside the United States. This 24-month requirement is a one-time requirement which begins on the date of the employee's arrival at a duty station outside the United States, or on the date of his or her entrance on duty when recruited abroad. The period of service abroad ends on the date the employee departs from the post for separation or for assignment in the continental United States.
- b.* In calculating the period abroad, the following absences are included—
 - (1) Absence in a nonpay status up to a maximum of 2 workweeks within each 12 months of service abroad;
 - (2) Authorized leave with pay;
 - (3) Time spent in the Armed Forces of the United States which interrupts service abroad (but only for eligibility purposes); and

- (4) Time spent on a detail assignment.
- c. The service period abroad is terminated by—
 - (1) A break in service of 1 or more workdays;
 - (2) An assignment (other than a detail) to a position in which the employee is no longer subject to home leave.

10-3. Accrual of home leave

- a. Home leave is earned, for each 12 months of service abroad, at the following rates—
 - (1) *Fifteen days.* An employee who accepts an appointment to, or occupies a position for which the agency has prescribed the requirement that the incumbent accept assignments anywhere in the world as the needs of the agency dictate.
 - (2) *Fifteen days.* An employee who is serving with a United States mission to a public international organization.
 - (3) *Fifteen days.* An employee who is serving at a post for which payment of a foreign or nonforeign (but not a tropical) differential of 20 percent or more is authorized by law or regulation.
 - (4) *Ten days.* An employee not included in paragraphs 10-3a(1), 10-3a(2), or 10-3a(3) who is serving at a post for which payment of a foreign or territorial (but not a tropical) differential of at least 10 percent but less than 20 percent is authorized by law or regulation.
 - (5) *Five days.* An employee not included in paragraphs 10-3a(1), 10-3a(2), 10-3a(3), or 10-3a(4).
 - (6) *Zero days.* An employee included in paragraphs 10-3a(1) through 10-3a(5) whose civilian service abroad is interrupted by a tour of duty in the Armed Forces of the United States, for the duration of such tour.
- b. Home leave must be credited to an employee's leave account in multiples of 1 day.
- c. Home leave for each month of service abroad is computed as described in 5 CFR 630.605(a).

10-4. Limitations on home leave

Home leave may only be granted in the following instances—

- a. For use in the United States; and
- b. During an employee's period of service abroad, or within a reasonable period after his or her return from service abroad when it is anticipated that he or she will return to service abroad immediately or on completion of an assignment in the United States.

10-5. Indebtedness and home leave

- a. An employee is indebted for the home leave used when he or she fails to return to service abroad after the period of home leave, or after the completion of an assignment in the United States.
- b. A refund for indebtedness is not required when—
 - (1) The employee has completed no less than 6 months' service in an assignment in the United States following the period of home leave;
 - (2) It is determined that the employee's failure to return was due to compelling personal reasons of a humanitarian or compassionate nature, such may involve physical or mental health or circumstances over which the employee has no control; or
 - (3) It is in the public interest not to return the employee to his or her assignment outside the United States.

Chapter 11 Shore Leave

11-1. Shore leave

An employee may be authorized shore leave if he or she is regularly assigned to duties aboard an oceangoing vessel. An employee is considered to be regularly assigned when his or her continuing duties are such that all or a significant part of them require that he or she serve aboard an oceangoing vessel. Temporary assignments of a shore-based employee, such as for limited work projects or for training, do not constitute a regular assignment.

11-2. Computation of shore leave

- a. An employee earns 1 day of shore leave for each 15 calendar days of absence on one or more extended voyages.
- b. The length of voyages and computing of absence are calculated for officers, crewmembers, and other employees as prescribed in 5 CFR 630.703(b)(1), 5 CFR 630.703(b)(2) and 5 CFR 630.703(c).

11-3. Accumulating and charging shore leave

Shore leave is in addition to annual leave and may be accumulated for future use without limitation. The minimum charge for shore leave is 1 day and multiples thereof.

11-4. Granting shore leave

a. An employee has the right to use shore leave, subject to the agency fixing when shore leave may be used. Shore leave may be granted during a voyage only when requested by the employee.

b. An employee must submit a request for shore leave in writing. Any denial of a request for shore leave must also be in writing.

11-5. Limitations on shore leave

a. Shore leave may not be the basis for lump-sum payment on separation from the agency.

b. Shore leave may not be granted as terminal leave unless the employee's inability to use shore leave was due to circumstances beyond the employee's control and not due to the employee's own act or omission.

c. Shore leave is forfeited when not taken before separation from the DoD or before being officially assigned (other than by temporary detail) to a position in which the employee does not earn shore leave. When an official assignment will result in the forfeiture of shore leave, to the extent administratively possible, the employee will be provided the opportunity to use the shore leave that had been credited either before the reassignment or not later than 6 months after the date of the reassignment when management is unable to grant the shore leave before the reassignment.

Chapter 12 Court Leave

12-1. Court leave

a. Court leave is an employee's paid absence from duty, without charge to leave, for his or her service as a juror or witness in certain types of court proceedings.

b. An employee who has been approved to use court leave to cover absences related to juror or witness service is responsible for informing his or her leave approving official if he or she is excused from jury duty or witness service for 1 day or more, or for a substantial part of a day. If the employee is notified in advance that there is no jury duty or witness service, court leave for that day must not be granted.

12-2. Court leave request and approval

a. Court leave should be requested on an OPM Form 71 or through an approved automated timekeeping system and be accompanied by the supporting court summons as far in advance of the period of jury duty or witness service as possible.

b. Leave approving officials should promptly review and approve requests for court leave.

12-3. Limitations on court leave

a. Court leave may only be granted for jury duty or witness service performed during days and hours the employee would otherwise be in a pay status. If the employee's absence is properly chargeable to court leave, the employee cannot elect to have the absence charged to annual leave. If an employee is on annual leave when called for jury duty or witness service, court leave must be substituted. No charge will be made to annual leave for the court service.

b. Court leave must be approved for employees who are summoned as a witness on behalf of any party in connection with any judicial proceeding to which the United States, the District of Columbia, or a state or local government is a party.

c. An employee who is summoned by the courts or assigned by the Army to testify in an official capacity or to produce official records on behalf of any party in any judicial proceeding is performing an official duty that should be recorded as regular time in the timekeeping system; use of court leave in this situation would not be appropriate.

d. Employees are not entitled to court leave for witness service in court proceedings that are solely between private individuals or companies (that is, proceedings in which the United States, the District of Columbia, or a state or local government is not a named party).

e. When an employee has been called to give a deposition or is otherwise summoned to testify in a case in which a party to the proceeding is the United States, the District of Columbia, or a state or local government, the employee is a "witness" and is entitled to court leave for the time involved in giving a deposition or being a witness.

12-4. Return to duty after court leave

a. An employee properly summoned by a state or Federal court to serve on a jury is under the jurisdiction and control of the court for the term of the jury duty. However, an employee is expected to return to their place of duty during periods when the employee is excused from jury duty unless this would be impractical, or the employee has been approved for some other type of leave.

b. An employee excused or discharged by the court either for an indefinite period in excess of 1 day or a substantial portion thereof, is not entitled to court leave for the period of excusal, but must report to their place of duty.

c. If there are 4 or more hours remaining in the employee's workday, exclusive of reasonable travel time, the employee should report for duty. If the employee fails to report for duty as directed, their time absent may be recorded as AWOL. However, an employee may request annual leave, previously earned compensatory time off, or LWOP for the remaining hours in the employee's workday.

12-5. Witness and jury fees and expenses

a. While out on approved court leave, an employee must reimburse the Army for any fees he or she receives as payment for serving as a juror or witness. However, monies paid to the employee for jury duty or serving as a witness which are in the nature of expenses (for example, transportation or parking fees) do not have to be reimbursed. When a state or local court characterizes jury duty or witness service fee as expenses, there is no requirement for the employee to turn in such fees to the agency. The certificate of attendance should separately identify fees and expenses/allowances. If the certificate of attendance does not identify expenses separately, all monies are considered fees and should be reimbursed to the Army.

b. When a holiday occurs during the time an employee is on jury duty or witness service, the employee can keep the jury duty or witness service fee for the holiday. If an employee is called to jury duty on a non-workday, or during a non-pay status, the employee may keep the fees paid.

c. Payroll office representatives can provide information on how to submit reimbursement for court fees.

Chapter 13

Bone Marrow, Stem Cell, or Organ Donor Leave

13-1. General

a. An employee may use up to 7 days of paid leave each calendar year (in addition to sick or annual leave) to serve as a bone marrow or stem cell donor. An employee may also use up to 30 days of paid leave each calendar year to serve as an organ donor. Leave for bone marrow and organ donation is a separate category of leave from annual and/or sick leave.

b. Bone marrow or organ donor leave may be used for, but is not limited to, such situations as blood testing, tissue testing, counseling, physical examinations, travel time, surgery, and recuperation. Employees who are screened, but not accepted as donors, are entitled to bone marrow, stem cell, or organ donor leave for their absences in conjunction with their attempt to be donors. The amount of leave for medical procedures and recuperation depends on the circumstance of each case.

c. Requests for bone marrow or organ donor leave should be submitted in the same manner as other forms of requested leave, with appropriate medical documentation, as needed.

13-2. Removal of bone marrow for future use

An individual having bone marrow removed and stored for future personal use is not a "donor," and the benefit of 7 days of paid time off is not authorized. Sick leave, annual leave, and advanced annual and sick leave are available to an employee participating in this type of medical procedure. In addition, leave donated under any Federal leave sharing program and LWOP under the FMLA may be used if the condition meets the requirements of those programs.

Chapter 14

Return From Deployment

14-1. Return from deployment

Employees returning from active duty military service in support of Overseas Contingency Operations (formerly the Global War on Terrorism), whether deployed overseas or stateside, are entitled to 5 consecutive workdays of excused absence from their civilian duties each time they return from a deployment of at least 42 consecutive days.

14–2. Limitations and timing

a. Employees are entitled to 5 days of excused absence upon return from active duty military service in support of Overseas Contingency Operations once within a 12-month period. The 12-month period begins on the first day of excused absence and ends 365 days later.

b. The 5 days of excused absence must be granted as soon as an eligible employee reports back for Federal civilian duty or notifies the agency of his or her intent to return to civilian duty except—

(1) If the employee received 5 days of excused absence following a period of active duty, but was not granted the 5 days of excused absence for a second or subsequent period of active duty, he or she may take the 5 days of excused absence at a time mutually agreeable to the employee and the supervisor.

(2) If, for any other reason, the employee was not granted the 5 days of excused absence upon return, he or she should be granted the 5 days of excused absence at a time mutually agreeable to the employee and the supervisor.

c. The 5 days of excused absence must be used for a continuous period immediately upon return. The days may not be “stockpiled” for use at a later date.

Chapter 15 Funerals

15–1. Veterans

An employee who is a veteran of a war, or of a campaign or expedition for which a campaign badge has been authorized, or a member of an honor or ceremonial group of an organization of those veterans, may be granted funeral leave for the time necessary, not to exceed 4 hours in any 1 day, to enable him or her to participate as an active pallbearer or as a member of a firing squad or a guard of honor in a funeral ceremony for a member of the Armed Forces whose remains are returned from abroad for final interment in the United States.

15–2. Immediate relative of a veteran

a. Employees are entitled to not more than 3 days of funeral leave to make arrangements for, or attend the funeral or memorial service for, an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone.

b. In accordance with 5 CFR 630.803, an immediate relative means an individual with any of the following relationships to the employee—

- (1) Spouse, and parents thereof;
- (2) Sons and daughters, and spouses thereof;
- (3) Parents, and spouses thereof;
- (4) Brothers and sisters, and spouses thereof;
- (5) Grandparents and grandchildren, and spouses thereof;
- (6) Domestic partner and parents thereof, including domestic partners of any individual in paragraphs (2) through (5) of this definition; and
- (7) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

c. The 3 days are not required to be consecutive to be approved. However, if the days are not consecutive, the employee should furnish the leave approving official with reasons justifying a grant of funeral leave for nonconsecutive days.

Chapter 16 Administrative Leave

16–1. Administrative leave

a. Administrative leave is a paid administratively authorized absence from duty that is not authorized under any other provision of law or Presidential directive, and which is intended to cover periods of time within an employee’s tour of duty when the employee is not engaged in activities that qualify as official hours of work. When authorized, administrative leave is granted without loss or reduction of pay, earned leave or credit for time or service. Management may direct employees to take administrative leave, subject to the requirements of this chapter and applicable law and regulation.

b. Administrative leave must be accounted for through a time and attendance reporting system.

c. Administrative leave must be charged and recorded to timekeeping systems in the same increments of time as annual and sick leave. Employees may only be granted administrative leave for hours within the tour of duty established for purposes of charging annual and sick leave when absent.

16–2. Limitations

a. Administrative leave is not an entitlement. As such, authorizing administrative leave should be limited to those situations not specifically provided for or prohibited by law and satisfying one or more of the following criteria–

- (1) The absence is directly related to the command, activity, or overall Army mission;
- (2) The absence is officially sponsored or sanctioned by the command, activity, or Army leadership;
- (3) The absence is determined to be in the interest of the Army, DoD, or the Federal government as a whole.

b. Examples of situations for which administrative leave should generally not be granted include the following–

(1) As an ongoing or recurring entitlement (for example, by an organizational policy or practice) based on meeting a set of conditions.

(2) To mark the memory of a deceased former Federal official (see 5 USC 6105).

(3) As a reward to recognize the performance or contribution of an employee or group of employees (that is, in lieu of a cash or time off award).

16–3. Recording and documenting administrative leave

a. All grants of administrative leave must be recorded in the timekeeping system through use of appropriate timekeeping codes.

b. Periods of extended administrative leave (that is, periods longer than 5 consecutive workdays) should be further documented in a written memorandum to the employee being placed on administrative leave, which identifies the effective date of the leave, and any terms or conditions associated with the leave. If possible, the memorandum should also identify the date by which the period of administrative leave is expected to end.

Chapter 17

Weather and Safety Leave, Activity Closure, and Group Dismissals

17–1. Weather and safety leave

a. Weather and safety leave is paid leave that can be granted to employees if they are prevented from safely traveling to and from, or safely performing work at their normal worksite, a telework site or other approved location due to an act of God; a terrorist attack; or other emergency situation.

b. Weather and safety leave must be charged and recorded to timekeeping systems in the same increments as annual and sick leave. Employees may only be granted weather and safety leave for hours within the tour of duty established for purposes of charging annual and sick leave. Employees cannot receive weather and safety leave for hours during which they are on other preapproved paid or unpaid leave or paid time off. Further, weather and safety leave should not be granted to an employee who, in the leave approving official's judgment, is cancelling preapproved leave or paid time off, or changing a regular day off in a flexible or compressed work schedule, for the primary purpose of obtaining weather and safety leave.

c. Non-emergency employees under a valid telework agreement who are able to safely travel to, and work at, an approved telework site (for example, home) may generally not be granted weather and safety leave.

d. Non-emergency telework-ready employees may only be granted weather and safety leave in the following situations–

(1) When a determination is made that the conditions necessitating the use of weather and safety leave could not have been reasonably anticipated in a manner that would have allowed the telework-ready employee to take reasonable steps within his or her control to prepare to perform telework at an approved telework site; and/or

(2) When the telework-ready employee is prevented from safely working at the approved telework site due to circumstances arising from the same conditions necessitating the use of weather and safety leave (for example, a power outage). Weather and safety leave may not be granted to telework-ready employees who are unable to perform work at their telework site because of their own failure to make necessary preparations for reasonably anticipated conditions.

e. Weather and safety leave is identified as administrative leave in the timekeeping system with the weather and safety code as the reason for the administrative leave.

17-2. Closing an activity

a. Commanders and activity heads are authorized to issue administrative orders closing all or part of an activity and excusing non-emergency employees from duty. This authority includes unanticipated curtailment of operations based on extreme weather, natural disasters, and unforeseen interruptions of transportation or building services that could cause potential health or safety risks. However, it does not extend to periods of interrupted or suspended operations that can be anticipated far enough in advance to permit arranging for assignment to other work or the scheduling of annual leave, compensatory time earned, credit hours or LWOP.

b. During adverse weather conditions or other emergencies that result in a worksite closure, telework-ready employees (that is, employees under a signed telework agreement) must work from their approved alternate worksites. Employees who are not under a signed telework agreement, or who are prevented from working from their approved alternate worksite due to unforeseen circumstances (for example, a power failure) should otherwise follow the local guidance being provided to the impacted workforce for reporting and dismissal.

c. Administrative orders closing all, or part of an activity will use the terminology required by OPM-issued Government-wide guidance.

17-3. Group dismissal

a. Group dismissal occurs when a commander or head of an activity uses his or her authority to close all or part of an activity, and consistent with that closure, excuses the non-emergency civilian workforce from duty. Employees affected by these actions are generally excused without charge to earned leave and without loss of pay (that is, administrative leave); however, this type of dismissal may also include unanticipated curtailments of operations that qualify for approval as weather and safety leave.

b. Group dismissal should be rare and authorized only when conditions are severe or normal operations would be significantly disrupted. The authority to enact a group dismissal may not be used to create the effect of a holiday or as a reward for performance (for example, activity “down days” or training days). Note that this prohibition is different from, and not intended to contradict, the holiday policy requirements for employees performing work in foreign areas described in DoDI 1400.25, Volume 1261.

c. In geographical areas where conditions affect more than one DoD activity, DoDI 1400.25, Volume 610 requires the commander or head of activity employing the largest number of civilian employees (known as the “major geographical area commander”) to make the determination whether an emergency exists and assess the appropriateness of authorizing a group dismissal for non-emergency employees. Decisions by other Army commanders and heads of activities within the same geographical area that vary with the decision of the activity head must be coordinated with the activity head in order to ensure consistent treatment of similarly affected employees. The activity head should establish local procedures for official notification of group dismissals to all activities and work with local commanders and activity heads to clearly designate those functions which must continue to be manned under all conditions for reasons of health, safety, and national security. As appropriate, coordination with non-DoD Federal installations in the area that may be similarly affected should be undertaken through Federal Executive boards, Federal business associations or similar local organizations designed to coordinate action on common problems. Group dismissal announcements for Army activities located inside the Washington DC area beltway are controlled by, and should follow, OPM’s Washington, DC, Area Dismissal and Closure Procedures.

d. Group dismissal authority may only be used for short periods of time. Normally, periods of excused absence based on group dismissal should not exceed 3 consecutive workdays for any single period of absence. Before authorizing a group dismissal of longer than 3 consecutive workdays, commanders and activity heads must consider use of the DoD telework policy to the greatest extent practicable. Further, in those rare instances when group dismissal is approved beyond 3 consecutive workdays, the administrative order authorizing group dismissal must document why other alternatives could not be used, and the reason(s) for the length of the anticipated dismissal.

e. When all or part of an activity is closed for short periods due to planned management action, impacted civilian employees will be notified as far in advance as possible, but not less than 3 full workdays prior to the closure when circumstances permit, that they will—

- (1) Be required to telework (if they are under a valid telework agreement and telework is an available option); or
- (2) Be placed in a leave status (that is, annual leave, compensatory time earned, credit hours or LWOP based on the employee’s preference and available leave options).

17-4. Designated emergency employees

a. DA Civilian employees who are critical to agency operations may be designated as emergency employees. In instances when an emergency situation creates conditions that meet the requirements for use of weather and safety leave, emergency employees are expected to report to work at their regular worksite or other approved location. In

instances when a determination is made that a worksite is unsafe for emergency employees, such employees may be required to work at another location.

b. Emergency DA Civilian employees who do not report for work as required during an emergency situation should generally not be granted weather or safety leave. Rather, their absences should be charged to timekeeping systems as annual leave, sick leave, credit hours, compensatory time earned, LWOP, or AWOL as appropriate. Weather and safety leave may only be granted to emergency DA Civilian employees in rare and unique situations, for example, where in management's opinion, travel would create imminent injury to the employee.

Chapter 18

Voluntary Leave Transfer Program

18–1. Voluntary leave transfer program

a. The VLTP is a Federal leave sharing program which allows Federal civilian employees to donate annual leave directly to other Federal civilian employees who have personal or other family medical emergencies and who have exhausted their own paid leave.

b. A medical emergency for purposes of the VLTP is a medical condition of an employee or employee's Family member that is likely to require an employee's absence from duty for a prolonged period of time and will result in a substantial loss of income to the employee because of nonavailability of paid leave. Substantial loss of income is absence from duty without available paid leave for at least 24 work hours for a full-time employee.

18–2. Application to become a leave recipient

a. Any DA Civilian employee who has been impacted by a medical emergency (as defined in paragraph 18–1*b*), or a designated personal representative acting on the employee's behalf, may apply in writing to the employee's supervisor to become a leave recipient through the VLTP if he or she has insufficient paid leave to cover a period of absence resulting from the medical emergency.

b. A DA Civilian employee may apply to participate in the VLTP within 30 calendar days before a medical emergency, during a medical emergency, or within 30 calendar days after a medical emergency has occurred, but prior to the end of the medical emergency.

c. Applications should be submitted to the applicant's first line supervisor on a completed OPM Form 630 (Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program) and must include all of the information identified on the form. In addition, the applicant must provide to their first line supervisor a copy of his or her most current Leave and Earnings Statement; a brief description of the nature, severity, and anticipated duration of the medical emergency; and documentation from a health provider identifying the diagnosis, prognosis, and duration of the medical emergency.

18–3. Approval or denial of application to become a leave recipient

a. Upon receipt of a completed VLTP application, first line supervisors are responsible for signing the form after verifying and validating the information submitted meets the program requirements. Unless approval authority has been retained at a higher level by command or activity commanders/directors, the CPAC Director, or designee, will act as approving official with responsibility for approving or denying VLTP applications submitted by employees within their serviced population. CPAC personnel will provide advisory assistance to first line supervisors and VLTP approving officials who have received completed VLTP applications. Coordination with the CPAC will occur prior to approval or denial of a VLTP application if such approval authority rests outside the CPAC.

b. Only applications with supporting documentation that demonstrates that the employee's absence from work is the result of a medical emergency, and that the absence is likely to result in a substantial loss of income, may be approved. In evaluating whether an applicant has demonstrated that his or her absence will result in a substantial loss of income, the approving official will review the application and any supporting documentation to determine whether the employee's absence from duty without available paid leave is (or is expected to be) at least 24 hours; or in the case of a part-time employee or an employee with an uncommon tour of duty, at least 30 percent of the average number of hours in the employee's biweekly scheduled tour of duty.

c. Decisions to approve or deny a VLTP application will be made by the approving official after receipt of a complete application, and be documented in writing to the applicant, within 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) of receipt of the application and will be annotated on the completed VLTP application. When the application is approved, a copy of the approved VLTP application must be forwarded to the CPAC for recordkeeping and further assistance in administering the approved applicant's participation in the VLTP (for

example, assistance with publicizing enrollment in the program where authorized by the applicant and coordination with servicing payroll representatives). Decisions to deny the application must include the reasons for the disapproval. Any decision to deny an application will be coordinated with the CPAC.

d. Where publication of participation is authorized by an approved VLTP applicant, publication efforts are managed and administered by the CPAC in coordination with command and/or activity human resources directorates. The goal should always be ensuring that publicity efforts are consistent for all employees who have been approved to participate in the VLTP and receive transferred annual leave. Therefore, publication efforts should initially be limited to publication within the local installation. If an applicant fails to receive donations that are sufficient to cover the period without pay, publication may be expanded in the following order: (1) other Army installations; and (2) other Federal agencies.

18–4. Donations to approved leave recipients

a. Potential leave donors are subject to the following limitations during a single leave year–

(1) Leave donors who do not have a “use or lose” annual leave balance at the time of the donation may donate up to one-half of the amount of annual leave they would be entitled to accrue during the leave year in which the donation is made.

(2) Leave donors who have a “use or lose” annual leave balance at the time of the donation may donate up to the lesser of, one-half the amount of annual leave the donor would be entitled to accrue during the leave year in which the donation is made; or the number of hours remaining in the leave year, as of the date of the transfer, for which the donor is scheduled to work and receive pay.

(3) The limitation on donating “use or lose” annual leave may be waived, in writing, when it is anticipated that insufficient donations will be received from other sources, or the donor is a Family member. Waiver requests must be in writing and will include a description of the circumstances justifying the waiver. Delegation of this authority is addressed in the Secretary of the Army/Assistant Secretary of the Army (Manpower and Reserve Affairs) Delegations of Civilian Human Resources Authority, Matrix.

b. Donations will be submitted directly to the servicing CPAC on a completed OPM Form 630–A (Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Within Agency)), or OPM Form 630–B (Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Outside Agency)), and will include the donor’s name; DoD identification number; position title; pay plan; grade/pay level; organization name; office telephone number; amount of annual leave accrued as of the end of the last pay period; projected amount of “use or lose” as of the end of the last pay period; amount of annual leave being donated; name of the leave donation recipient; and signature.

c. Leave donations must be made to specific individuals who are approved participants in the VLTP. General donations to “any VLTP participant” are not permitted.

d. Supervisors may not receive donated annual leave from subordinate employees, and employees may not donate annual leave to their immediate supervisors.

e. There is no limitation on the amount of leave that an approved leave recipient may receive. However, the recipient may only use the donated leave for the purpose of the medical emergency identified on the VLTP application.

f. Transfers between employees will generally occur between DoD civilian employees. However, interagency transfers (that is, transfers of annual leave to or from DA Civilian employees to or from non-DoD Federal civilian employees) may occur if one of the following requirements is met–

(1) The leave donor is a “Family member” of the leave recipient as defined in 5 CFR Part 630; or

(2) The leave recipient’s employing agency determines that the amount of annual leave donated within the agency may not be sufficient to meet the needs of the leave recipient; or

(3) The leave recipient’s employing agency determines that acceptance of leave transferred from another agency would further the purpose of the VLTP.

g. Transferred annual leave may be substituted retroactively for any period of LWOP or used to liquidate indebtedness for any period of advance sick or annual leave that began on or after the start of the medical emergency. However, donated leave may not be transferred to another leave recipient; transferred to another employing command or activity upon the leave recipient’s transfer of employment to another ACOM or activity; included in a lump-sum payment to the leave recipient; or made available for recredit upon reemployment of the leave recipient by a Federal agency.

h. VLTP participants may not directly or indirectly intimidate, threaten, or coerce any individual for the purpose of interfering with that person’s right to donate, not donate, receive, or use annual leave under the VLTP. When requested by a potential leave recipient, the servicing CPAC is responsible for managing publication of the employee’s participation in the VLTP and need for donated leave, in coordination with command and/or activity human resources

directorates. Therefore, leave recipients are strongly discouraged from engaging in any personal solicitations to request donations from other employees.

18–5. Use of transferred leave and termination of medical emergency

a. While participating in the VLTP, approved applicants continue to earn leave while using the VLTP donated leave. That earned leave is “set aside” in a separate account. An employee may not accrue more than 40 hours of annual leave and 40 hours of sick leave in set aside accounts. The leave in the set aside account must be transferred to the employee’s regular leave accounts when the medical emergency ends, or when the employee has exhausted all donated leave.

b. Supervisors must continuously monitor the status of the medical emergency affecting the VLTP participant to ensure that the leave recipient continues to be impacted by the medical emergency. At a minimum, the VLTP approving official should make contact with the leave recipient on a monthly basis to confirm that the medical emergency continues.

c. The medical emergency impacting the leave recipient will terminate and the employee’s eligibility to continue in the VLTP based on that medical emergency will end, when any of the following circumstances occur–

- (1) When the leave recipient’s Federal service is terminated;
- (2) At the end of the biweekly pay period in which the leave recipient’s VLTP approving official receives written notification from the leave recipient, or his or her designated representative, that the leave recipient is no longer impacted by a medical emergency;
- (3) At the end of the biweekly pay period in which a determination is made, after giving written notice to the leave recipient with an opportunity for the leave recipient (or his or her designated representative) to answer orally or in writing, that the leave recipient is no longer impacted by a medical emergency; or
- (4) At the end of the biweekly pay period in which the recipient’s leave approving official receives notice that OPM has approved an application for disability retirement for the leave recipient under the Civil Service Retirement System (CSRS) or the Federal Employees' Retirement System (FERS).

d. Once a determination has been made that a medical emergency impacting the leave recipient has terminated (based on the leave recipient’s own admission or medical documentation), and the leave recipient has had an opportunity to respond, the following actions are required–

- (1) No further donations to the employee will be accepted;
- (2) No further transfers of annual leave to the employee will occur;
- (3) The VLTP approving official will provide written notice to the employee, the CPAC, the employee’s supervisor, and the civilian payroll office of the employee’s termination from the program; and
- (4) Unused transferred annual leave remaining to the credit of the leave recipient will be restored to the leave donors.

Chapter 19 Emergency Leave Transfer Program

19–1. Emergency leave transfer program

In the event of a major disaster or emergency as declared by the President that results in severe adverse effects for a substantial number of employees, OPM may establish an ELTP. Under an ELTP, individual employees or an agency leave bank, may donate annual leave for transfer to employees of the same or other agencies who are adversely affected, or have Family members who are adversely affected, by the disaster or emergency (for example, floods, earthquakes, hurricanes, bombings).

19–2. Establishment of an Emergency Leave Transfer Program

a. OPM has the authority to establish an ELTP. Upon notification that an ELTP has been established, each agency affected by the disaster will–

- (1) Determine whether, and how much donated annual leave is needed by affected employees;
- (2) Approve emergency leave donors and/or emergency leave recipients within the agency, as appropriate;
- (3) Facilitate the distribution of donated annual leave from approved emergency leave donors to approved emergency leave recipients within the agency; and
- (4) Determine the period of time for which donated annual leave may be accepted for distribution to approved emergency leave recipients.

b. In certain situations, an agency may be delegated authority by OPM to establish an ELTP.

19–3. Application to become an Emergency Leave Transfer Program leave recipient

a. Once an area is covered by an ELTP, an employee may submit a written application to his or her supervisor using an OPM Form 1637 (Application to Become a Leave Recipient Under the Emergency Leave Transfer Program) to become an emergency leave recipient. A personal representative may submit the application on behalf of an employee if the employee is not capable of doing so.

b. An employee or the Family member is considered to be adversely affected if the disaster or emergency has caused him or her severe hardship to such a degree that his or her absence from work is required. An emergency leave recipient may use donated annual leave to assist an affected Family member, provided that the Family member has no reasonable access to other forms of assistance.

19–4. Approval of application to become an Emergency Leave Transfer Program leave recipient

a. Upon receipt of the completed OPM Form 1637, the supervisor will review the employee's application and any supplemental information submitted and recommend approval or disapproval. The form will be forwarded to the approving official. Unless approval authority has been retained within the command or activity, the CPAC Director, or designee, will act as approving official with responsibility for approving or denying ELTP applications submitted by employees within their serviced population. CPAC personnel will provide advisory assistance to first line supervisors and ELTP approving officials who have received completed ELTP applications. Coordination with the CPAC will occur prior to approval or denial of an ELTP application if such approval authority rests outside the CPAC. The employee will be informed within 10 workdays of receipt of the application, whether the request has been approved or disapproved.

b. If the supervisor disapproves the request, reasons for the disapproval must be provided to the employee.

19–5. Donations from employees or a leave bank

a. Employees may donate annual leave to the ELTP by completing an OPM Form 1638 (Request to Donate Annual Leave Under the Emergency Leave Transfer Program) and submitting it to their servicing CPAC.

b. The employee will identify the specific number of hours of accrued annual leave he or she wants to donate to the ELTP. Donations are made to the ELTP and not to a specific individual.

(1) An employee can donate up to 104 hours to the ELTP in a single leave year. Donations are made in 1-hour increments.

(2) Employee donations to an ELTP do not count against the donation limits for donations to the VLTP or voluntary leave bank program.

c. The agency will use an OPM Form 1639 (Transfer of Donated Annual Leave To or From the Emergency Leave Transfer Program), to transfer the donated leave.

19–6. Transferring donated leave between components and agencies

If sufficient leave donations are not received to cover the needs of emergency leave recipients, the Army may request that the Defense Civilian Personnel Advisory Service facilitate the transfer of donated annual leave among the components. Additionally, OPM is available to facilitate the transfer of donated leave from other Federal agencies to the Army.

19–7. Limitations on the amount of leave received

a. An ELTP leave recipient is limited to a maximum of 240 hours of donated leave from any one ELTP disaster or emergency. Where sufficient leave is available, additional 240-hour disbursements may be made with the agency's approval, but any additional disbursement cannot exceed 240 hours.

b. An employee does not have to deplete their annual or sick leave before receiving donated annual leave under ELTP.

19–8. Use of donated leave

a. Any donated leave received under the ELTP must be used only for purposes related to the emergency or disaster for which emergency leave was received.

b. Annual leave transferred under the ELTP to a leave recipient may be—

(1) Substituted retroactively for any period of LWOP used because of the disaster or emergency; or

(2) Used to liquidate an indebtedness incurred by the emergency leave recipient for advanced annual or sick leave used because of the disaster or emergency.

c. Management may advance annual or sick leave, as appropriate (even if the employee has available annual and sick leave), so that the emergency leave recipient is not forced to use accrued leave before donated annual leave becomes available.

d. Annual leave transferred under the ELTP to a leave recipient may not be—

- (1) Included in a lump-sum payment;
- (2) Recredited to a former employee who is reemployed by a Federal agency; or
- (3) Used to establish initial eligibility for immediate retirement or acquire eligibility to continue health benefits into retirement.

19–9. Termination of the emergency or disaster

The disaster or emergency that resulted in the establishment of the ELTP terminates at the earliest occurrence of one of the following conditions—

- a. When the employing agency determines that the disaster or emergency has terminated;
- b. When the leave recipient's Federal service terminates;
- c. At the end of the biweekly pay period in which the leave recipient, or his or her personal representative, notifies the emergency leave recipient's agency that he or she is no longer affected by the disaster or emergency;
- d. At the end of the biweekly pay period in which the leave recipient's agency determines, after giving the leave recipient or his or her personal representative written notice and an opportunity to answer orally or in writing, that the leave recipient is no longer affected by the disaster or emergency; or
- e. At the end of the biweekly pay period in which the leave recipient's agency receives notice that OPM has approved an application for disability retirement for the emergency leave recipient under the CSRS or the FERS.

19–10. Restoration of unused donated annual leave

a. Upon termination of a disaster or emergency—

- (1) Any unused annual leave donated to the ELTP must be returned by the agency to the emergency leave donors, and if the leave bank donated any annual leave, it must be returned to the leave bank(s);
- (2) The agency will determine the amount of annual leave to be restored to any leave bank and/or to each of the emergency leave donors who, on the date leave restoration is made, is employed in the Federal service. The amount of unused annual leave to be returned to each emergency leave donor and/or leave bank must be proportional to the amount of annual leave donated by the employee or the leave bank to the ELTP for the disaster or emergency;
- (3) Any unused annual leave remaining after the distribution will be subject to forfeiture; and
- (4) Annual leave donated to an ELTP for a specific disaster or emergency may not be transferred to another ELTP established for a different disaster or emergency.

b. The emergency leave donor may choose to have any restored leave credited to the current leave year balance or on the first pay period of the following leave year.

Appendix A

References

Section I

Required Publications

DoDI 1400.25, Volume 631

DoD Civilian Personnel Management System: Credit for Prior Non-Federal Work Experience and Certain Military Service for Determining Leave Accrual Rate (Cited in para 3–1e.) (Available at <https://www.esd.whs.mil/dd/dod-issuances/>.)

5 USC Chapter 71

Labor-Management Relations (Cited in para 1–6.) (Available at <https://uscode.house.gov/>.)

Section II

Related Publications

A related publication is a source of additional information. The user does not have to read a related publication to understand this regulation. CFR material is available at <https://www.gpo.gov/>; USC material is available at <https://uscode.house.gov/>; and DoD publications are available at <https://www.esd.whs.mil/dd/dod-issuances/>.

AR 11–2

Managers' Internal Control Program

AR 25–30

Army Publishing Program

AR 25–400–2

Army Records Management Program

AR 600–63

Army Health Promotion

DoD 7000.14–R, Volume 8

Department of Defense Financial Management Regulation: Civilian Pay Policy

DoDI 1400.25, Volume 610

DoD Civilian Personnel Management System: Hours of Duty

DoDI 1400.25, Volume 630

DoD Civilian Personnel Management System: Leave

DoDI 1400.25, Volume 1261

DoD Civilian Personnel Management System: Observance of Holidays in Foreign Areas

EO 5396

Special Leaves of Absence to be Given Disabled Veterans in Need of Medical Treatment

Public Law 103–3

Family and Medical Leave Act (FMLA) of 1993 (Available at <https://www.congress.gov/public-laws/>.)

5 CFR 353.205

Return to Duty and Application for Reemployment

5 CFR 550.141

Authorization of Premium Pay on an Annual Basis

5 CFR 550.1302

Definitions

5 CFR Part 630

Absence and Leave

5 CFR 630.401

Granting Sick Leave

5 CFR 630.605

Computation of Home Leave

5 CFR 630.703

Computation of Shore Leave

5 CFR 630.803

Definitions

5 CFR 630.1203

Leave Entitlement

5 CFR 630.1205

Intermittent Leave or Reduced Leave Schedule

5 CFR 630.1208

Medical Certification

5 USC Chapter 61

Hours of work

5 USC Chapter 63

Leave

5 USC Chapter 65

Telework

5 USC 5545

Night, standby, irregular, and hazardous duty differential

5 USC 6105

Closing of Executive departments

5 USC 6304

Annual Leave; accumulation

5 USC 6323

Military Leave; Reserves and National Guardsmen

5 USC 6329

Disabled Veteran Leave

5 USC 6329a

Administrative Leave

10 USC Chapter 15

Military Support for Civilian Law Enforcement Agencies

10 USC 688

Retired Members: Authority to Order to Active Duty; Duties

10 USC 12301

Reserve Components Generally

10 USC 12302

Ready Reserve

10 USC 12304

Selected Reserve and Certain Individual Ready Reserve Members; Order to Active Duty Other Than During War or National Emergency

10 USC 12305

Authority of President to Suspend Certain Laws Relating to Promotion, Retirement, and Separation

10 USC 12315

Reserves: duty with or without pay

10 USC 12406

National Guard in Federal Service: Call

10 USC, Chapter 15

Military Support for Civilian Law Enforcement Agencies

37 USC 101

Definitions

38 USC 4301

Purposes; sense of Congress

Section III**Prescribed Forms**

This section contains no entries.

Section IV**Referenced Forms**

Except where otherwise indicated, the following DA forms are available on the APD website (<https://armypubs.army.mil>). DD forms are available from the Executive Services Directorate website (<https://www.esd.whs.mil/directives/forms>). Standard forms (SF) are available on the U.S. General Services Administration website at <https://www.gsa.gov>. OPM Forms are available on the OPM website at www.opm.gov. Work and Hour (WH) forms are available on the Department of Labor website at www.dol.gov.

DA Form 11–2

Internal Control Evaluation Certification

DA Form 2028

Recommended Changes to Publications and Blank Forms

DD Form 2946

Department of Defense Telework Agreement

OPM Form 71

Request for Leave or Approved Absence

OPM Form 630

Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program

OPM Form 630–A

Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Within Agency)

OPM Form 630–B

Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Outside Agency)

OPM Form 1637

Application to Become a Leave Recipient Under the Emergency Leave Transfer Program

OPM Form 1638

Request to Donate Annual Leave Under the Emergency Leave Transfer Program

OPM Form 1639

Transfer of Donated Annual Leave To or From the Emergency Leave Transfer Program

SF 50

Notification of Personnel Action

SF 52

Request for Personnel Action

SF 1150

Record of Leave Data

WH-380-E

Certification of Health Care Provider for Employee's Serious Health Condition under the Family and Medical Leave Act

WH-380-F

Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act

WH-381

Notice of Eligibility & Rights and Responsibilities under the Family and Medical Leave Act

Appendix B

Internal Control Evaluation

B–1. Function

The function covered by this evaluation is the administration of DA Civilian leave and absences.

B–2. Purpose

The purpose of this evaluation is to assist managers in evaluating the key internal controls associated with leave. It is intended as a guide and does not cover all controls.

B–3. Instructions

Answers must be based on the actual testing of key internal controls (for example, document analysis, direct observation, interviewing, sampling, and simulation). Answers that indicate deficiencies must be explained and corrective action identified in supporting documents. These internal controls must be evaluated at least once every 5 years. Certification that the evaluation has been conducted must be accomplished on DA Form 11–2 (Internal Control Evaluation Certification).

B–4. Test questions

- a.* Are records maintained when granting leave credit for prior non-Federal work and certain military service?
- b.* Are emergency employees identified and notified of their responsibilities in case of an emergency?
- c.* Are all efforts being taken to reduce the amount of individual administrative leave that extend beyond periods of short duration?
- d.* Are all instances of administrative leave approved by a higher level official?
- e.* Are all leave approving officials sufficiently/appropriately trained on their responsibilities in considering various leave requests?
- f.* Are all DA Civilian employees' current tours of duty recorded appropriately (a matter of record)?

B–5. Supersession

Not applicable.

B–6. Comments

Help make this a better tool for evaluating internal controls. Submit comments to the DCS, G–1 (DAPE–CPZ), 300 Army Pentagon, Washington, DC 20310–0300.

Glossary

Section I

Abbreviations

AASA

Administrative Assistant to the Secretary of the Army

Absent–US

Absent-Uniform Service

ACOM

Army Command

AR

Army regulation

ARIMS

Army Records Information Management System

ASA (M&RA)

Assistant Secretary of the Army (Manpower and Reserve Affairs)

ASCC

Army service component command

AWOL

Absent without leave

CFR

Code of Federal Regulations

CHRA

Civilian Human Resources Agency

CPAC

Civilian Personnel Advisory Center

CSRS

Civil Service Retirement System

DA

Department of the Army

DCS

Deputy Chief of Staff

DFAS

Defense Finance and Accounting Service

DoD

Department of Defense

DRU

direct reporting unit

ELTP

Emergency Leave Transfer Program

eOPF

electronic Official Personnel Folder

FEHB

Federal Employees' Health Benefits

FERS

Federal Employees' Retirement System

FMLA

Family and Medical Leave Act

LWOP

leave without pay

OCONUS

Outside continental United States

OPM

Office of Personnel Management

OWCP

Office of Workers' Compensation Programs

PPL

Paid Parental Leave

RRS–A

Records Retention Schedule-Army

SF

standard form

USC

United States Code

VLTP

Voluntary Leave Transfer Program

WH

work and hour

Section II**Terms****Absence without leave**

An absence from duty that was not authorized or for which leave has been denied.

Accrued leave

Leave earned by an employee during the current leave year that is unused at any given time in that year.

Accumulated leave

Unused leave remaining to the credit of an employee at the beginning of the leave year.

Administrative leave

Paid leave authorized at the discretion of an agency under 5 USC 6329a (and not authorized under any other provision of statute or Presidential directive) to cover periods within an employee's tour of duty when the employee is not engaged in activities that qualify as official hours of work, which is provided without loss or reduction in pay, leave to which an employee is otherwise entitled under law, or credit for time or service.

Available paid leave

Accrued or accumulated annual or sick leave under subchapter L of chapter 63, title 5 USC, and recredited and restored annual or sick leave under subpart E of 5 CFR 630. It does not include annual or sick leave advanced to an employee under 5 USC 6302(d) or 6307(c) or any annual or sick leave accrued under 5 CFR 630.907(a) that has not been transferred to the appropriate leave account under 5 CFR 630.907(c).

Court leave

Time off at full pay without charge to leave for service as a juror or witness in a judicial proceeding in which the Federal, State, or local government is a party to the proceeding.

Emergency employee

An employee designated by the agency who must report for, or remain at, work in emergency situations.

Emergency leave donor

A current employee whose voluntary written request for transfer of annual leave to an ELTP is approved by his or her employing agency.

Emergency leave recipient

A current employee for whom the employing agency has approved an application to receive annual leave under an emergency leave transfer program.

Excused absence

Paid leave authorized at the discretion of an agency to cover periods within an employee's tour of duty when the employee is not engaged in activities that qualify as official hours of work.

Family member (for purposes of sick leave, Voluntary Leave Transfer Program, and Emergency Leave Transfer Program)

5 CFR 630.201(b) defines Family member for purposes of sick leave. 5 CFR 630.902 defines Family member for purposes of the VLTP. 5 CFR 630.1102 also defines Family member for the ELTP as stated under 5 CFR 630.902.

Health care provider

See 5 CFR 630.1202.

Home leave

Leave of absence authorized by statute and earned by service abroad for use in the United States.

In loco parentis

An individual who has day-to-day responsibility for the care and financial support of a child, or in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relation is not necessary.

Leave approving official

The agency official, typically the first level supervisor, who receives and acts on employee leave requests.

Leave donor

An employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved by his or her own employing agency.

Leave recipient

A current employee for whom the employing agency has approved an application to receive annual leave from the annual leave accounts of one or more leave donors.

Leave without pay

An approved absence from duty in a non-pay status.

Medical certificate

A written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, or treatment, or to the period of disability while the patient was receiving professional treatment.

Medical emergency

A medical condition of an employee or employee's Family member which is likely to require an employee's absence from duty for a prolonged period of time and will result in a substantial loss of income (at least 24 hours LWOP for a full-time employee) to the employee because of nonavailability of paid leave.

Oceangoing vessel

A vessel in use on the high seas or the Great Lakes; but does not include a vessel which operates primarily on rivers, other lakes, bays, sounds, or within the 3-nautical-mile limit of the coastal area of the 48 contiguous States, except when used in mapping, charting, or surveying operations or when in or sailing to or from foreign, territorial, Hawaiian, or Alaskan waters, or waters outside its normal area of operations or outside the 3-nautical-mile limit.

Serious health condition

An illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (that is, an overnight stay) in a hospital, hospice, or residential medical care facility; or a period of incapacity requiring an absence of more than 3 calendar days from work, school, or other regular daily activities that also involves continuing treatment by a health care provider; or any period of incapacity due to pregnancy, or for prenatal care; or any period of incapacity or treatment due to a chronic serious health condition; or a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective; or

any absences to receive multiple treatments from a health care provider for a condition that would likely result in incapacity of more than three consecutive days if left untreated.

Shore leave

Leave earned and authorized by section 6305(c) of title 5, United States Code and subpart G, Part 630 of title 5, Code of Federal Regulation for employees regularly assigned to serve aboard an oceangoing vessel.

Uncommon tour of duty

An established tour of duty that exceeds 80 hours of work in a biweekly pay period provided the tour: (a) includes hours for which the employee is compensated by standby duty pay under 5 USC 5545(c)(1) and 5 CFR 550.141; (b) is a regular tour of duty (as defined in 5 CFR 550.1302) established for firefighters compensated under 5 USC 5545(b) and 5 CFR part 550, subpart M; or (c) is authorized for a category of employees by OPM.

Voluntary Leave Transfer Program

Program in which a covered employee may donate annual leave *directly* to another employee who has a personal or family medical emergency and who has exhausted his or her available paid leave.

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