

Department of the Army  
Headquarters U.S. Army  
Maneuver Support Center of Excellence  
Fort Leonard Wood, Missouri 65473-5000

FLW Regulation 690-12

30 March 2020

Civilian Personnel  
**LEAVE ADMINISTRATION**

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FOR THE COMMANDER:

OFFICIAL:

DAVID A. CALDWELL  
COL, GS  
Chief of Staff

JESSE J. FRENCH  
Director, Garrison Human Resources

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**History.** This regulation supersedes FLW CPR 690-12, dated 30 May 2003.

**Summary.** This regulation provides detailed information and procedures for the leave administration for civilian employees of Fort Leonard Wood (FLW).

**Applicability.** This regulation is applicable to all activities employing appropriated fund civilian personnel assigned or attached to this installation.

**Proponent and execution authority.** The proponent of this regulation is the Civilian Personnel Advisory Center (CPAC).

**Supplementation.** Supplementation to this regulation is prohibited unless specifically approved by Headquarters, United States Army Maneuver Support Center of Excellence (MSCoE), FLW.

**Suggested improvements.** Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publication and Blank Forms) to Director, Civilian Personnel Advisory Center, 13486 Replacement Avenue, Suite 2207, FLW, Missouri 65473-8604.

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\*This Regulation Supersedes FLW CPR. 690-12, dated 30 May 2003.

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## **Chapter 1 Introduction**

### **1.1 Purpose**

To establish policies and to prescribe procedures for administering the different types of leave and for excusing employees from duty so that absences are handled in a uniform and equitable manner.

### **1.2 References and Forms**

Related references and referenced forms are listed in Appendix A.

### **1.3 Tour of duty**

The regular tour of duty is Monday through Friday, 0730 to 1630, with one hour for lunch. Alternative (compressed) work schedules or flexitours that encompass core hours of 0830 to 1500 may improve morale, reduce absenteeism, and result in a more effective and efficient operation. Authority is delegated to Training and Doctrine Command (TRADOC) Commandants, Assistant Commandants and Deputy Assistant Commandants, Commanders and Directors, and Brigade Commanders, Installation Management Command (IMCOM) Commanders and Directors, Maneuver Support Center of Excellence (MSCoE) Commanders and Directors, United States Army Medical Activity (MEDDAC) Deputy Commander for Administration and United States Army Dental Activity (DENTAC) Executive Officer, and Commanders and Directors of Tenant Organizations on Fort Leonard Wood (FLW) to establish rotating and irregular tours of duty as necessary to operate facilities on a two or three shift basis to accomplish work that cannot be accomplished during the regular tour of duty.

### **1.4 Rest periods**

These may add to employee's productivity. Supervisors may allow employees a 15-minute rest period in the first and last half of each workday falling within the employee's regular tour of duty. Rest periods may not be used at the beginning or end of the duty day or shift, to extend the lunch period or shorten the workday.

### **1.5 Meal periods**

Each daily tour of duty of more than six hours will include a lunch period. This applies to all shifts, unless the appropriate negotiated agreement provides otherwise.

### **1-6. Minimum leave charge**

- a. The minimum charge for Absence Without Leave (AWOL) and Leave Without Pay (LWOP) is 15 minutes.
- b. The minimum charge for annual leave and sick leave is 15 minutes.
- c. The minimum charge for military leave is one hour or multiples of one hour.

### **1-7. Special provisions**

- a. Negotiated agreements with unions may have special provisions or requirements that apply to employees covered by such agreements. Any such special provisions take precedence if they differ from procedures outlined in this regulation.

b. Employee leave and excused absence entitlements are a constant source of changes proposed by federal sector unions, Congress and the President or Executive branches. Statutory changes and government-wide regulations will take precedence over this local regulation upon their effective dates.

### **1-8. Time and attendance report**

Time and attendance (TA) reports will be posted to reflect the type of leave approved without regard to whether employees have sufficient accrued leave to cover absences. Properly certified TA reports must be prepared for all employees before payments are authorized. Immediate supervisors are responsible for the timely and accurate preparation, certification, and submission of TA reports. All hours of the basic work week and all absences must be accounted for by a report of attendance or absence each day.

### **1-9. Approval authority**

a. When any employee is absent from duty during their scheduled tour of duty, the supervisor must account for the time in accordance with (IAW) the policies set forth in this regulation and cited references. The supervisor is responsible for determining when approval of leave is appropriate, the type of leave granted, and when a request for approval of leave is denied. Denial of leave will be based upon factors that are reasonable, equitable, and do not discriminate against any employee or group of employees.

b. Authority to approve a determination that an exigency of major importance exists and that this exigency is the basis for preventing the use of scheduled "use or lose" annual leave (and subsequent restoration of any annual leave forfeited because of the exigency) has been delegated through Major Army Commanders to Installation Commanders and is further delegated to the officials listed below. This authority may not be further delegated. In addition, authority to approve requests for advanced sick or annual leave, and Voluntary Leave Transfer Program (VLTP) leave recipient and leave donor requests is also delegated to the following officials.

#### (1) TRADOC.

(a) Authority to approve an exigency of the public business is delegated to the Commandants, Assistant Commandants, and Deputy Assistant Commandant of the United States Army Engineer School (USAES); United States Chemical, Biological, Radiological, and Nuclear School (USCBRNS), and the United States Army Military Police School (USAMPS).

(b) Authority to approve requests for advanced annual or sick leave is delegated to Commanders and Directors.

#### (2) MSCoE.

(a) Authority to approve an exigency of the public business is delegated to the MSCoE Chief of Staff.

(b) Authority to approve requests for advanced annual or sick leave, and VLTP leave recipient and leave donor requests is delegated to Commanders, Assistant Commandants and Directors.

#### (3) IMCOM.

(a) Authority to approve an exigency of the public business is delegated to the Garrison Commander.

(b) Authority to approve requests for advanced annual or sick leave is delegated to Commanders and Directors.

(4) U.S. Army MEDDAC, FLW.

(a) Authority to approve an exigency of the public business is delegated to the Deputy Commander for Administration.

(b) Authority to approve requests for advanced annual or sick leave, and VLTP leave recipient and leave donor requests is delegated to the Deputy Commander for Administration.

(5) U.S. Army DENTAC, FLW.

(a) Authority to approve an exigency of the public business is delegated to the Commander.

(b) Authority to approve requests for advanced annual or sick leave, and VLTP leave recipient and leave donor requests is delegated to the Executive Officer.

(6) Tenant Organizations on FLW.

(a) Authority to approve an exigency of the public business is determined by the Command.

(b) Authority to approve requests for advanced annual or sick leave, and VLTP leave recipient and leave donor requests is delegated to the Commander or Director of the tenant organization.

#### **1-10. Leave supporting documents**

Employees are responsible for providing to supervisors the documentation required to support leave approval decisions.

a. The following documents are to be kept with TA reports for audit, or for six years and 3 months, whichever occurs first. In addition, a copy will be forwarded to G8, Attention (ATTN): Customer Service Representative (CSR), or to MEDDAC, ATTN: CSR, as applicable.

(1) Military orders and evidence of service supporting military leave.

(2) The court order, subpoena, or summons when an employee is called for court service as a juror or witness.

(3) Authorization for continuation of pay, not to exceed 45 days, for absences due to traumatic on-the-job injuries.

(4) Advanced leave requests and approvals.

b. The employee will complete an Office of Personnel Management (OPM) Form 71 (Request for Leave or Approved Absence) when requesting leave. The OPM Form 71 will be retained by the employing activity. (See Appendix B, Figure B-1)

c. Any medical documentation required by a supervisor to support approval of sick leave is to be filed and maintained IAW the applicable file regulations. Medical documentation is not to be filed in the supervisory folder.

## **1-11. Point of contact**

For additional information or assistance with leave administration, supervisors or employees may contact the Labor/Management-Employee Relations (L/MER) Specialist, or Civilian Personnel Advisory Center (CPAC). Employees in collective bargaining units may also contact their designated union stewards or officers for additional information or advice.

## **Chapter 2 Annual Leave**

### **2-1. Policy**

Annual leave is accrued leave that may be requested and approved for any purpose, subject to the right of the supervisor to approve the timing of when the annual leave may be taken. Common uses of annual leave include vacations, rest and relaxation, personal business, emergencies, medical and family care (e.g., pregnancy, childbirth, recovery from childbirth, bonding with or caring for a new born child, adoption, foster care, elder caregiving or medical appointments, as well as situations in which other categories of accrued leave may be unavailable).

a. Annual leave will be granted for personal or emergency purposes when work requirements are such that the employees can be spared from their duties. Supervisors should establish an annual leave schedule for all employees, especially those employees who have “use or lose” leave which would otherwise be forfeited if not taken by the end of the leave year.

b. Supervisors will plan with employees to allow an annual period of leave for rest and recreation. Each employee will be permitted, but not required, to schedule a vacation period. Normally, the period will be at least two consecutive weeks.

c. Where conflicts in vacation schedules arise, seniority (FLW Civil Service time) should govern to the extent possible, unless the appropriate labor agreement provides otherwise.

d. Normally, scheduled annual leave will not be canceled when the leave may be forfeited because of maximum accumulation or forfeiture rules. For this purpose, scheduled leave is annual leave that has been requested and approved in writing before the beginning of the third biweekly Pay Period (PP) prior to the end of the leave year using an OPM Form 71.

(1) When an exigency of the public business requires cancellation of an employee's or group of employees' scheduled annual leave, the supervisor must submit the matter to the appropriate official for approval before cancelling the scheduled leave if the “use or lose” leave cannot be rescheduled to avoid forfeiture. (See Appendix B, Figure B-2.) Approving officials are identified in Chapter 1, paragraph 1-9b.

(2) If a bona fide emergency situation precludes obtaining a written decision in advance, verbal approval will be obtained before the leave is cancelled. The cancellation decision must be documented and approved as soon as possible after cancellation.

### **2-2. Granting annual leave**

a. Supervisors are responsible for determining when and how much annual leave is to be approved. Supervisors must ensure that each employee is informed of the specific requirements for requesting approval of annual leave in an emergency. Such requests should be made to the supervisor as soon as possible, but within the first two duty hours of the first day of the absence or as otherwise provided by negotiated agreements.

b. Full consideration of work requirements will be made prior to reaching a mutual agreement between the employee and the supervisor as to the time and amount of leave to be granted.

c. Employees are expected to -

(1) Schedule vacations and other periods of annual leave when services can best be spared.

(2) Furnish full justification to the supervisor when requesting annual leave due to emergency situations.

(3) Initial TA report, when appropriate, to document that the leave was requested and taken.

d. Upon separation, lump sum payment will be made for all annual leave credited to an employee.

e. When an employee's retirement for disability is pending, annual leave will be paid after expiration of sick leave credits until final decision is reached on the retirement or until accumulated and accrued annual leave is exhausted, whichever is sooner.

### 2-3. Accrual

a. An employee is not entitled to accrue annual leave if the appointment is for a period of less than 90 days. However, if an individual is employed for a continuous period of more than 90 days under successive appointments without a break in service, annual leave would accrue.

b. Intermittent employees who do not have a regular tour of duty established one pay period (PP) in advance of the administrative workweek do not accrue annual leave.

c. Employees are placed in a leave category based on the amount of their creditable service and appointment. The categories for annual leave accrual and the amount of leave earned per PP are -

Leave Category	Years of Service	Leave Earned
0	Not applicable	Employees serving in appointments of less than 90 days and employees with intermittent work schedules < earn no annual leave.
1	Less than 3	4 hours per PP (13 days per year)
2	3 - 15	6 hours per PP (10 hours last PP)
3	more than 15	8 hours per PP (26 days per year)

All personnel in Leave Category 2 will earn 4 additional hours the last full PP in the calendar year.

e. Firefighting personnel with less than three years of creditable service working 72 hours a week accrue 7 hours per PP plus 5 additional hours per year which is credited during the last full PP in the calendar year. Those with 3 to 15 years' service accrue 11 hours per PP with 5 additional hours per year, which is credited during the last full PP in the calendar year. With 15 or more years these employees earn 14 hours per PP plus an additional 10 hours during the last full PP.

f. Changes in the rates of accrual are effective the beginning of the PP following completion of the prescribed service.

## **2-4. Maximum leave accumulation and restoration of forfeited annual leave**

a. Annual leave accumulates from year to year up to a limit of 240 hours (432 hours for firefighting personnel who have a 72- hour per week tour of duty). Hours in excess of the maximum accumulation normally are forfeited if not used before the end of the last PP of the leave year.

(1) Under normal circumstances, any annual leave in excess of the maximum accumulation not used before the end of the last PP of the leave year is forfeited. However, annual leave forfeited because of sickness will be restored provided: (a) the leave was scheduled and approved in advance, and (b) the period of absence because of sickness occurred at such time in the leave year that the leave could not be rescheduled for use before the end of the leave year to avoid forfeiture.

(2) The employee may request restoration of scheduled annual leave canceled due to an exigency of the public business. This “use or lose” annual leave must have been requested in writing by the employee and approved by the supervisor at least three biweekly PP before the end of the leave year. (The leave may be scheduled for use during the final three PP; however, the scheduling decision must have been made before the beginning of the third biweekly PP before the end of the leave year.) An OPM Form 71 shall be used for this purpose. When an employee chooses not to schedule or use annual leave to avoid forfeiture, he or she will not be eligible to have forfeited leave restored.

(3) When administrative error causes the forfeiture, a current employee need not submit a claim for restoration.

b. When annual leave is forfeited because of sickness or an exigency of the public business, the employee must submit a written request to have the leave restored. Such a request must normally be submitted by the employee, through supervisory channels, to the approving official identified in Chapter 1, paragraph 1-9b, not later than 30 days after the end of the leave year in which the leave was forfeited. (For an example, see Appendix B, Figure B-3.) The following supporting documentation must be attached:

(1) Written documentation (which includes an OPM Form 71) showing the number of hours and calendar date(s) leave was scheduled for use, and date of approval by the supervisor.

(2) Reason(s) for subsequent cancellation of approved leave. If the reason for cancellation was because of an exigency of the public business, a copy of the certification of exigency and documentation of the beginning and ending dates of the exigency must be included.

(3) If applicable, also attach documentation of the calendar date(s) during which the leave was rescheduled for use, the number of hours or days rescheduled, and the date of approval of the revised schedule by the supervisor.

c. A request for restoration of annual leave will be reviewed and, upon determination that documentation is adequate, the approving official (Chapter 1, paragraph 1-9b) will authorize restoration of leave. The authorization will be forwarded to the CSR, G8 or MEDDAC (whichever is applicable).

d. The restored leave will be credited to a separate leave account. Restored annual leave is not included in and does not increase the maximum annual leave carry-over for an employee. The restored leave must be used within a 2-year period. When requested, annual leave is to be charged to the restored leave account. The employee must submit an OPM Form 71 clearly indicating the amount of leave to be charged to the restored leave account.

## **2-5. Advancing annual leave**

a. The annual leave an employee accrues is credited to the employee's account at the end of the period in which it is earned. Annual leave accruals which will be earned during the balance of a leave year may be advanced to an employee. However, any advance of annual leave will be limited to absences due to medical or family emergency or other hardship situations which would result in absence from duty without paid leave for at least 24 hours or three workdays, if the employee is on a compressed work schedule.

b. The amount of leave advanced may not exceed an amount that it is reasonably assured the employee will subsequently earn during the leave year in which the request is submitted. Where it is known or expected that an employee is to be separated or retired during the year advanced leave may not exceed the amount that will accrue before the anticipated separation or retirement.

c. The employee or a designated representative will submit a request for advanced annual leave in writing. Justification must be provided together with a copy of the employee's most current Leave and Earnings Statement (LES). The request will be given to the immediate supervisor who will forward it through supervisory channels with his or her recommendations to the approving official identified in Chapter 1, paragraph 1-9b. Supervisors should immediately inform the employee of the approval or reasons for disapproval of the request, and the CSR, G8 or MEDDAC (whichever is applicable), of approved requests for advanced annual leave.

## **2-6. Leave charges**

a. The minimum charge for annual leave is 15 minutes.

b. Firefighting personnel will be charged leave for all hours absent from the regularly scheduled tour of duty, including holidays on which duty was scheduled.

## **Chapter 3 Sick Leave**

**3-1. Policy.** Sick leave is to be granted only for the reasons specified in this chapter. Sick leave usage is a qualified right, not an absolute right, and it is subject to supervisory approval. Supervisors have the right and responsibility to assure that sick leave is being approved for use only when the employee:

a. Receives medical, dental, or optical examination or treatment.

b. Is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth.

c. Provides care for a Family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, childbirth, or who receives medical, dental, or optical examination or treatment.

d. Makes arrangements necessitated by the death of a Family member or attends the funeral of a Family member.

e. Would, as determined by the health authorities having jurisdiction 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.

f. Must be absent from duty for purposes relating to the adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed.

### **3-2. Sick leave for care of a Family member**

a. For the purposes of this regulation, Family member means the following relatives of the employee: (1) Spouse, and parents thereof; (2) Sons and daughters, including adopted children, 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 (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.

b. Sick leave may be used by an employee to give care or otherwise attend to a Family member having an illness, injury, or other condition which, if an employee had such condition, would justify the use of sick leave. For example, an employee's parent or child has a medical examination. If that parent or child were an employee, sick leave would be justified. Therefore, sick leave is justified for the employee to accompany the Family member to the examination.

c. There is a limit on the amount of sick leave an employee may use for care of a Family member or for bereavement each leave-year.

(1) The basic limit for full-time employees is 104 hours (13 Days).

(2) The basic limit for a part-time employee or an employee with an uncommon tour of duty is equal to the average number of hours of work in the employee's scheduled tour of duty each week.

d. If an adoption agency or court orders or requires adoptive parent(s) to take a specific period of time off to bond with the child, sick leave can be granted. However, sick leave is not justified if adoptive parent(s) wish, on their own, to remain at home to bond with the child.

### **3-3. Sick leave to care for a Family member with a serious health condition**

a. Administration of sick leave to care for a Family member with a serious health condition will be IAW OPM regulations and guidance. Those regulations provide that employees may use a total of up to 12 administrative workweeks (or 480 hours) of sick leave each year to care for a Family member with a serious health condition.

b. If an employee previously has used any portion of the 104 of sick leave provided in paragraph 3-2c, above, that amount must be subtracted from the 12-week (480 hours) entitlement. If the employee has already used 12 weeks (480 hours) of sick leave to care for a Family member with a serious health condition, he or she cannot use an additional 104 hours in the same leave year for general family care purposes.

c. An employee is entitled to a total of 12 weeks (480 hours) of sick leave each leave year for *all* family care purposes.

d. The definition of "Family member" is the same as in the foregoing paragraph 3-2a.

e. The term "serious health condition" has the same meaning as used in the Family and Medical Leave Act (FMLA) of 1993. That definition includes, but is not limited to, such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy, and childbirth. The term is not intended to cover short-term conditions for which treatment and recovery are very brief.

### **3-4. Accrual**

Sick leave accrual is credited at the end of the PP in which earned.

- a. Full-time employees accrue four hours of sick leave for each full biweekly PP.
- b. Part-time employees with an established tour of duty earn sick leave at the rate of one hour for each 20 hours of duty, but may not exceed four hours of sick leave for 80 hours of duty in any PP.

### **3-5. Accumulation**

Sick leave accumulates from year to year with no limit on the maximum number of hours. The sick leave balance will be carried forward into the succeeding leave years. Under the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS), accrued sick leave will be used in computing the retirement annuity; however, accrued sick leave will not be used to compute the employee's high three years' average pay or to meet the minimum length of service required to be eligible for retirement.

### **3-6. Notification**

An employee who is absent due to illness is personally responsible for notifying his or her immediate supervisor or his/her designated representative as provided by negotiated agreements. If the employee is not covered by a negotiated agreement, notification is to be made as soon as possible; but within the first two duty hours on the first day of absence, unless the supervisor has fixed some other reasonable time limit. Failure to properly notify the supervisor may result in the absence being charged to AWOL.

### **3-7. Approval**

Use of any sick leave is subject to the approval of the immediate supervisor.

- a. Supervisors are responsible for determining that the sick leave is approved only for reasons that are IAW paragraphs 3-1 or 3-2 of this chapter. Unless there is reason to doubt that the absence should be charged to sick leave, approval should be given at the time of notification.
- b. If, at any time after approving the sick leave, a determination is made that an absence was not properly chargeable to sick leave, the TA report will be corrected to reflect the appropriate type of leave or AWOL.
- c. Sick leave absences, if approved by the supervisor, will be certified by the employee's initials on the TA report, if applicable, and/or by an OPM Form 71.
- d. Ordinarily, medical documentation will not be required to support a request for sick leave. However, when a supervisor believes there is evidence to indicate abuse of sick leave or other valid reason, medical documentation may be required to justify approval of any sick leave regardless of duration. In such cases, verbal notification will be given to the employee that medical documentation will be required to support any future use of sick leave. The verbal notification will be confirmed in writing and is subject to review after 90 days.
- e. When it is considered necessary and appropriate, supervisors may require written evidence to support the use of sick leave for family care, bereavement, and adoption.

- f. Minimum charge for sick leave is 15 minutes.

### **3-8. Substitution of sick leave for annual leave**

Sick leave may be granted during a period of annual leave for all purposes for which sick leave may be used as set forth in this chapter. The absence may be charged to sick leave and the charge against annual leave reduced accordingly. Employees also have the option of continuing to use annual leave.

### **3-9. Advancing sick leave**

- a. Advanced sick leave is a privilege which may be extended to an employee:

- (1) Who is incapacitated for the performance of his or her duties by physical or mental illness, injury, pregnancy, or childbirth.

- (2) In cases involving a serious health condition as defined in Title 5, Code of Federal Regulations (CFR) 630.1202 of the employee or a Family member.

- (3) When the employee would, as determined by the health authorities having jurisdiction, 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 Service member with a serious injury or illness, provided the employee is exercising his or her entitlement to FMLA leave to care for a covered Service member.

- b. The criteria for approval of advanced sick leave follow:

- (1) All accumulated sick leave to the employee's credit must be used.

- (2) Any annual leave the employee would otherwise forfeit (use or lose) must be used.

- (3) The amount of sick leave advanced may not exceed 30 days (or 240 hours). It will be limited when it is expected the employee will be retired or separated. The total advance of sick leave will not exceed an amount that can be earned before retirement or separation. Employees serving under temporary appointments and those serving probationary or trial periods may be advanced an amount not to exceed that which it is reasonably assured will subsequently be earned.

- (4) There must be reasonable assurance from a competent medical authority that the employee will return to duty.

- (5) The medical documentation must support the decision that there is a serious health condition, which requires the employee to be absent.

- c. An employee who requests advanced sick leave will prepare FLW Form 465 (Request for Advance Sick Leave) (See Appendix B, Figure B-4) and forward it to his or her supervisor. The request will include: (1) the reason; (2) the number of hours requested; and (3) a medical certificate which documents the seriousness of the medical condition and date of expected return to duty.

- d. Upon receipt of a request for advanced sick leave, the immediate supervisor will review the request, recommend approval or disapproval, citing his/her reasons for the recommendation, and forward through supervisory channels to the approval authority. (See Chapter 1, paragraph 1-9b.)

e. The approval authority will promptly review the medical documentation and the employee's status (career, serving under a temporary appointment, separation/retirement anticipated, probationary/trial period, etc.) before making a determination. If approved, the request (minus medical documentation) will be forwarded to the CSR, G8 or MEDDAC (whichever is applicable) for crediting to the employee's account. Medical documentation must be protected from unauthorized disclosure; therefore it will be forwarded to the MEDDAC, ATTN: Occupational Health Nurse, for the employee's health record.

f. Employees must repay any advanced sick leave unless the separation is caused by death, disability retirement, or a disability which prevents the employee from returning to duty or continuing in the service, and which is the basis of separation as determined by the employing office on medical evidence acceptable to it. Repayment will begin during the PP in which the advance is effective.

### **3-10. Medical documentation**

When, due to medical reasons, an employee requests a change in duty status, assignment, working conditions, or other benefits or special treatment, the employee is responsible for submitting medical documentation to support his or her request.

a. Medical documentation means a statement from a licensed physician or other appropriate practitioner that provides acceptable information necessary for the supervisor to make an employment decision. To be acceptable, the diagnosis or clinical impression must be justified according to established diagnostic criteria and generally accepted professional standards.

b. After medical documentation has been received and reviewed, the supervisor may offer a medical examination if he or she determines that the medical examination is needed to verify the clinical findings and current status. A written offer of such an examination will be made IAW Title 5, CFR 339.302, giving the reasons for the offer and consequences of failure to cooperate.

c. A medical examination may be required under limited circumstances such as:

(1) The position has specific medical standards, physical requirements or is covered by a medical evaluation program established under Title 5, CFR 339.

(2) When assignments to employees receiving workers' compensation or employees on light duty assignments are being considered.

(3) When an employee who is released from his or her competitive level under reduction-in-force is being considered for assignment to a position requiring specific physical capabilities.

d. Medical documentation and records of examination obtained under the foregoing procedures will be forwarded to the MEDDAC, ATTN: Occupational Health Nurse, for the employee's health record.

## **Chapter 4 Family and Medical Leave Act (FMLA)**

### **4-1. Leave entitlement**

a. A full-time or part-time employee who has completed at least 12 months of creditable service is eligible to take up to 12 administrative workweeks (480 hours) of *unpaid* leave during any 12-month period for the following family and medical needs:

(1) The birth of a son or daughter of the employee and the care of such son or daughter.

(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 of the employee, if such spouse, son, daughter, or parent has a serious health condition.

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

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

b. The 12-administrative workweeks for a part-time employee 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.

c. An employee shall take only the amount of family and medical leave that is necessary to manage the circumstance that prompted the need for leave under this chapter.

d. The 12-month period referred to in paragraph 4-1a begins on the date an employee first takes leave for a family or medical need specified in paragraph a above and continues for 12 months. An employee is not entitled to 12 additional workweeks of leave until the previous 12-month period ends and an event or situation occurs that entitles the employee to another period of family or medical leave. However, this may include a continuation of a previous situation or circumstance.

#### **4-2. Military Family leave (MFL)**

The National Defense Authorization Act for Fiscal Year 2008 amended FMLA provisions in 5 U.S.C. 6381-6383 (applicable to Federal employees) to provide MFL entitlements for a Federal employee who is (1) The spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative) of a covered Service member with a serious injury or illness (2) Provides care for such Service member.

a. The serious illness or injury must have been incurred by the covered Service member in the line of duty while on active duty in the Armed Forces.

b. Covered Family members are entitled to up to 26 weeks of FMLA leave during a single 12-month period to care for the Service member (hereafter referred to as "MFL").

c. During the single 12-month period, the employee is entitled to a combined total of 26 weeks of regular FMLA leave and MFL. For example, if during the single 12-month period an employee wants to take 6 weeks of regular FMLA leave for the birth of a child, as well as MFL for care of a Service member, the 6 weeks of regular FMLA leave would be subtracted from the combined entitlement of 26 weeks, leaving the employee with 20 weeks of MFL for care of the Service member.

d. The use of this MFL in a single 12-month period does not limit the use of regular FMLA leave during any other 12-month period. For example, if an employee uses 26 weeks of MFL during a single 12-month period but has not used any regular FMLA leave during that period, the employee would be entitled to use up to 12 weeks of regular FMLA leave immediately following the single 12-month period.

e. Similar to regular FMLA leave, MFL is unpaid leave for which an employee may substitute any accumulated annual or sick leave. The normal leave year limitations on the use of sick leave to care for a Family member do not apply.

f. The amount of accumulated and accrued sick leave an employee may substitute for unpaid family and medical leave under 5 U.S. C. 6382(a)(3) for leave to care for a covered Service member may not exceed a total of 26 administrative workweeks in a single 12-month period (or, for a part-time employee or an employee with an uncommon tour of duty, an amount of sick leave equal to 26 times the average number of hours in his or her scheduled tour of duty each week).

#### **4-3. Expanded options**

a. Current federal policies allow for employees to request up to 24 hours of LWOP in any 12-month period for participation in school activities related to the educational advancement of a child. This includes early childhood education activities, accompanying a child to routine medical and dental examinations and, also, attending to the medical needs of older Family members.

b. An employee may be granted excused absence for organ and tissue donation IAW paragraph 8-7 of this regulation.

#### **4-4. Responsibility for notification**

An employee must give his or her supervisor at least 30-days' notice of intent to take LWOP when the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment. As much notice as practicable and appropriate to the circumstances involved must be given when absence is requested for an unforeseen reason.

#### **4-5. Approval of leave**

a. Absence for birth and care of a child or the placement of a child with the employee for adoption or foster care will normally be for a continuous period unless the supervisor and employee agree specifically to an intermittent or reduced leave schedule. The entitlement to leave for birth or placement shall expire at the end of the 12-month period beginning on the date of birth or placement.

b. When medically necessary, FMLA LWOP may be taken intermittently or on a reduced leave schedule to care for a Family member who has a serious health condition or due to the serious health condition of the employee.

c. The employee is required to provide written medical documentation of the serious health condition or treatment schedule to support the request for leave under these provisions. The written medical certification shall include:

(1) The date the serious health condition commenced.

(2) The probable duration of the serious health condition.

(3) The appropriate medical facts within the knowledge of the health care provider, including a general statement as to incapacitation, examination, or treatment that may be required.

d. An employee may elect to substitute the following paid time off for any or all of the period of leave accumulated and taken under the FMLA: accrued annual or sick leave; advanced annual or sick leave; leave available under the VLTP; compensatory time off; and credit hours accrued under a flexible work schedule.

e. Prior to the beginning date of the paid time off, the employee shall complete an OPM Form 71 to notify the supervisor of his or her intent to substitute paid leave for the period of leave to be taken under this chapter. A copy of the approved OPM Form 71 will be furnished to the CSR, G8 or MEDDAC (whichever is applicable), so status can be updated in the Defense Civilian Payroll System (DCPS).

#### **4-6. Protection of employment and benefits**

Any employee who takes LWOP under this chapter shall be entitled, upon return to duty, to be returned to the same or an equivalent position as the one held by the employee when the leave commenced. An employee enrolled in a health benefits plan may continue his or her health benefits enrollment while in the LWOP status and arrange to pay the appropriate employee contributions.

#### **4-7. Maternal wellness**

Any working conditions or strenuous requirements in the work environment, which could have an adverse effect upon a pregnant employee, must be identified. Therefore, as soon as the pregnancy is known, the employee should contact the Occupational Health Nurse, Preventive Medicine, General Leonard Wood Army Community Hospital.

a. If it is determined, after consultation with the Occupational Health Nurse, that any factors in the work environment could have a harmful effect upon the pregnant employee or the unborn child, the employee will be advised to consult her own physician on the matter. The employee will furnish her supervisor with a medical statement from her physician outlining any limitations or modifications of her working conditions, which are recommended.

b. The supervisor will provide gainful employment and continue to make use of the employee's skills for as long as the employee is not incapacitated for duty, making every effort to accommodate any limitations recommended by the physician. The employee may continue to work during pregnancy until such time that it is determined by a medical authority that the employee is incapacitated for the performance of the essential duties of her position and may return to duty following childbirth whenever her physician advises that she is physically capable of resuming her duties.

#### **4-8. Definitions**

Definitions of terms used in the administration of this chapter are found in Title 5, CFR 630.1202.

### **Chapter 5 Military Leave**

#### **5-1. Policy**

To extend full cooperation to all Reserve Components of the Armed Forces by granting eligible employees a leave of absence for military training purposes insofar as practicable. If the number of employees ordered to active military duty at one time is so great as to interfere materially with the operations of the installation, operating officials will consult with officials of the reserve components to request that enough employees be excused from military duty to meet operating requirements.

#### **5-2. Eligibility**

a. Military leave is approved absence from official duty, for a civilian employee who is a member of a Reserve Component of the Armed Forces or National Guard. Military leave is authorized for days in which the employee is ordered to active duty or inactive duty training (IADT). Any employee meeting the following requirements is entitled to military leave:

(1) Is a member of a Reserve Component of the Armed Forces or National Guard.

(2) On a full-time or part-time work schedule, or an indefinite employee who does not have an intermittent work schedule.

(3) Serving in an appointment that is not limited to one year or less.

b. Employees serving on temporary appointments of one year or less and intermittent employees are not eligible for military leave.

### **5-3. Evidence to be submitted**

a. To substantiate military leave charges, an eligible employee is required to submit a copy of the orders for active duty or appropriate documentation for inactive duty; e.g., Record of Individual Performance of Reserve Duty Training, drill schedules for scheduled unit training, or other written documentation from the unit for inactive duty training performed at times other than those of the unit drill schedule. The appropriate document should include the specific dates/hours they want military leave covered. Such documentation should be submitted to the supervisor as far in advance as possible. There is no requirement to use the OPM Form 71 to request leave but it is the recommend form. Verification of attendance, indicating completion of either active duty or IADT, must be submitted to the supervisor when the employee returns to duty from military leave.

b. The military orders to active duty and verification of the completion of military duty are to be maintained with the hard copy time card. An information copy will be forwarded to the local CSR, G8 or MEDDAC (whichever is applicable). This is a necessary duplication to satisfy the regulatory requirement for the documents to be maintained as part of the official time card which is now retained in the activity and the DCPS requirement that the leave entries be certified by the CSR.

### **5-4. Computation**

a. A full-time employee working 40-hour workweeks will accrue 120 hours (15 days x 8 hours) at the beginning of each fiscal year. Military leave (not to exceed 15 calendar days) that is unused at the beginning of the succeeding fiscal year is carried forward for use in addition to the 120 hours credited at the beginning of that fiscal year, giving a maximum balance of up to 240 hours (30 days).

b. Part-time employees and employees on uncommon tours of duty are eligible for a prorated portion of the 120-hour accrual, based upon the number of hours in the employee's regularly scheduled workweek. The accrual rate is determined by dividing 40 into the number of hours in the employee's regularly scheduled workweek. The resulting fraction is applied to the 120 hours. Any fraction of a day of military leave resulting from this computation will be accumulated from year to year until a whole day results.

c. The minimum charge for military leave is one hour and additional charges are in multiples thereof. An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay. Members of the Reserves or National Guard will not be charged military leave for nonduty days (typically weekends and holidays) that occur within the period of military service.

d. Military leave for IADT on a scheduled workday (generally 4 hours in length) will be charged only for the number of hours necessary to cover the period of training and necessary travel. Hours in the scheduled civilian workday that are not chargeable to military leave must be worked or charged to another leave category such as annual leave, LWOP, or compensatory leave if appropriate.

e. An employee is entitled to use annual leave or military leave intermittently with LWOP while on active duty or active/IADT.

f. While on military leave, an employee's TA report should show the employee's regularly scheduled tour of duty so that, if applicable, the following payments may be made: shift differential (Wage Grade (WG) employees); night differential (General Schedule (GS) employees); standby pay; Sunday

premium; or regularly scheduled overtime. The employee's tour of duty cannot be changed to avoid making these payments while he or she is on military leave.

### **5-5. Additional military leave**

a. Reserve or National Guard members who are ordered to active duty for the purpose of providing military aid to enforce the law or to assist civil authorities in the protection of life and property are eligible for an additional 22 workdays of military leave under Title 5, United States Code (USC) 6323(b).

b. This 22-day period is separate and distinct from the entitlement to military leave for active duty or IADT. However, if the absence for the purpose of providing military aid to enforce the law exceeds 22 workdays, any unused portion of military leave accumulated for active duty or active duty for training may be granted.

c. Military leave granted for the purpose of providing military aid to enforce the law or assist civil authorities is not charged for absence on holidays or other non-workdays.

d. When military leave is granted for the purpose of providing military aid to enforce the law or assist civil authorities, military pay received for any day on which this leave is granted will be submitted to the appropriate Defense Payroll Office for disposition IAW current directives.

e. A copy of the military orders or a statement by the member's commanding officer showing the nature of the service, the authority, and the dates of service must be submitted to the supervisor upon return to civilian duty. This will be submitted to the CSR, G8 or MEDDAC (whichever is applicable), to support approval of additional military leave for the purpose of providing military aid to enforce the law or assist civil authorities.

## **Chapter 6 Court Leave**

### **6-1. Policy.**

It is considered the civic responsibility of all employees to respond to calls for jury and other services.

### **6-2. Definitions**

Court leave is the authorized absence from duty of an employee for jury duty or for attending judicial proceedings in a non-official capacity as a witness in behalf of a federal, state or local government. The employee is not charged leave and there is no loss of, or reduction in pay. The term "judicial proceeding" includes any action, suit, or other proceeding of a judicial nature, but does not include an administrative proceeding.

a. It is Army policy not to request that employees be excused from jury duty on the basis of their employment except in cases of extreme necessity. Requests that an employee be excused from jury duty will be limited to those instances where the employee's services are required to meet essential work schedules, and where public interests are better served by the employee remaining on duty.

b. If an employee is excused or released by the court for any day or for a period of time which would allow an employee to complete four hours of his or her scheduled shift, the employee is expected to return to duty.

c. There are instances when approval of court leave is not appropriate. When a United States (U.S.) District of Columbia (D.C.) or State or local government entity is not a party, witness service on

behalf of a private party is not charged to court leave. Annual leave may be approved for the employee's absence required by subpoena.

### **6-3. Eligibility**

Court leave is granted to both permanent and temporary employees, both full-time and part-time. Intermittent employees are not eligible for court leave.

a. A part-time employee will be granted court leave only for days during which he or she is regularly scheduled for duty.

b. A night shift employee who performs jury service during the day is granted court leave for his or her regularly scheduled night tour of duty and is entitled to the night differential.

### **6-4. Court fees**

If the court pays fees to an employee who has been granted court leave, the employee cannot retain those fees, but must turn the fees in to the CSR, G8 or MEDDAC (whichever is applicable). Disposition of the fees will be made IAW the current Department of Defense (DoD) Financial Management Regulation.

a. A certificate of attendance that specifies the inclusive dates of attendance and amount of fees the court paid to the employee must also be submitted to the CSR. If the certificate of attendance does not identify allowances separately, all monies are considered fees and shall be collected.

b. It is expected the fees will be turned in when the employee returns to duty; however, individual situations where payment prior to receipt of the fees from the court would create a financial hardship will be handled as exceptions. The employee must turn in the fees by submitting personal check or money order to the CSR.

c. The employee may retain fees identified and paid as reimbursement for expenses such as travel or lodging costs incurred by the employee.

### **6-5. Evidence to be submitted**

When an employee is summoned for court service as either a witness or juror, he or she will present the court order, subpoena, or summons to his or her immediate supervisor as far in advance as possible.

### **6-6. Court leave guide**

Table 6-1 is a synopsis of the instructions for employee absences for court or court-related services.

**EMPLOYEE ABSENCES FOR COURT OR COURT-RELATED SERVICES**

Nature of Service	Type of Absence			Fees			Government Travel Expenses	
	Court Leave	Official Duty	Annual Leave or LWOP	NO	YES in Turn Retain to Agency		No	Yes*
I. JURY SERVICE								
A. U.S. or D.C. court	X	----	----	X	----	----	X	----
B. State or local court	X	----	----	---	----	X	X	----
II. WITNESS SERVICE								
A. On behalf of U.S. or D.C. Government	----	X	----	X	----	----	----	X
B. On behalf of State or Local government:								
1. Official Capacity	----	X	----	---	----	X	----	X
2. Non-official capacity	X	----	----	---	----	X	X	----
C. On behalf of a private party:								
1. Official capacity	----	X	----	---	----	X	----	X
2. Non-official capacity:								
a. When party is U.S., D.C. or State or local government	X	----	----	---	----	X	X	----
b. When party is not U.S., D.C. or State or local government	----	----	X	---	X	----	X	----
*Offset to the extent paid by the court, authority or party which caused the employee to be summoned								
TABLE 6-1								

**Chapter 7  
LWOP**

**7-1. Policy.**

a. LWOP for periods exceeding 30 days will be approved only when there is a reasonable expectation that the employee will return to duty and that at least one of the following benefits would result:

- (1) Increased job ability.
- (2) Protection or improvement of an employee's health.
- (3) Retention of a desirable employee.
- (4) Furtherance of a program of interest to the government; e.g., Peace Corps volunteers.

b. Employee requests for paid leave, such as annual or sick leave, will convert to LWOP when the absence has been authorized and the employee has insufficient annual or sick leave, or compensatory time available to cover an approved absence. Such requests are considered to be employee requests for LWOP and will be processed accordingly.

c. When the number of LWOP hours in an employee's leave year equals his or her biweekly tour of duty (e.g., 80 hours or 144 hours for firefighting personnel), the employee's leave accrual is reduced by an amount equal to the amount of leave earned during a PP.

## 7-2. Definitions

LWOP is a temporary non-pay status and authorized absence from duty requested by the employee and approved by the supervisor. The permissive nature of LWOP distinguishes it from AWOL discussed in Chapter 10. LWOP is an approved leave status; but AWOL is not an approved absence.

## 7-3. Granting LWOP

a. Each request for LWOP will be examined closely to assure that the value to the installation or the serious needs of the employee are sufficient to offset such cost and administrative inconvenience as:

- (1) Encumbrance of the position.
- (2) Loss of needed services.
- (3) Obligation to provide employment at the end of the absence.
- (4) Credit of six months each year toward retirement.

(5) Eligibility for continued life insurance without cost to the employee for up to one year of nonpaid status.

b. By law, the supervisor should grant LWOP to -

(1) Disabled veterans who are receiving medical treatment for a service-connected disability. (Executive Order 5396, July 17, 1960.)

(2) Reserve and National Guard members, if required to perform military training duties and military leave is insufficient to cover the period of absence.

(3) A full- or part-time employee who has completed at least 12 months of creditable service is eligible to take up to 12 administrative workweeks of LWOP during any 12-month period for certain family and medical needs.

c. The following are examples of proper cases for approval of LWOP providing all other factors are favorable:

(1) For educational purposes when the course of study is in line with the type of work being performed and completion would be beneficial to job performance.

(2) For service with non-federal, public or private enterprise when such service is temporary and will contribute to the public welfare.

(3) For the purpose of recovery from a non-permanent illness or disability.

(4) To protect employee status and benefits while receiving workers' compensation. Supervisors have the responsibility for maintaining contact with the employee and the CPAC to ensure that

employees are returned to duty as soon as practicable or are separated upon determination that return is unlikely.

(5) Pending final action by the OPM on a claim for disability retirement, after all sick and annual leave has been exhausted.

(6) To extend the effective date of resignation of career or career conditional employees or excepted-service employees with competitive status who are dependents of a Military member or a Federal Civilian employee, and who must relocate because of the transfer of the head of the household.

(7) For the purpose of serving, on a temporary basis, as an officer or representative of a union representing federal employees.

(8) For absence due to family responsibilities when requested under the FMLA provisions.

#### **7-4. Documentation**

Upon approval of LWOP for 31 or more continuous days, a Request for Personnel Action (Standard Form [SF]-52) will be initiated by the supervisor and forwarded to the CPAC for processing.

#### **7-5. Duration**

a. When the absence is due to situations covered by the FMLA, identified in Chapter 4, LWOP will not exceed 12 administrative workweeks in a 12-month period.

b. To reduce the paperwork involved in processing LWOP requests, the supervisor may approve requests in increments of 90 days, six months, or one year.

c. Requests for extension will be reviewed even more carefully than the original authorization. Approval should be given only when the interests of the government are best served thereby, or when unusual circumstances indicate it would be manifestly harsh or unfair to deny the extension. If any extension would cause an absence beyond two years, the employee should be separated.

d. The above limitations do not apply to employees who have been injured in the performance of their duties and are carried in a LWOP status. LWOP may be approved for the entire period of recovery or until there is a determination of permanent disability.

e. Minimum periods of LWOP. Periods of LWOP for less than one hour are chargeable in multiples of 15 minutes. Only absences during the regularly scheduled basic tour of duty may be considered as LWOP.

### **Chapter 8 Excused Absence**

#### **8-1. Policy**

Any absence from duty not covered in this chapter must be charged to the appropriate leave.

#### **8-2. Administrative discretion**

Generally, there must be legal or regulatory authority for an absence from duty during the basic workweek to be excused without charge to leave. Excused absence is not appropriate when

administrative dismissal or paid leave policies are designed to cover the stated purpose for a particular absence.

a. Managers and supervisors are responsible for assuring that all absences from duty which may not be properly excused or that do not clearly serve the best interests of the employer are charged to the appropriate type of leave. In cases where guidelines do not exist to authorize an excused absence, requests for approval must be submitted, with complete justification, to the commander or his designated representative for approval.

b. Excused absences are authorized on an individual basis, except where an activity or component thereof is closed or a group of employees on a specific project are excused from work for a specific period of time.

c. Excused absence may be granted for Armed Forces medical examination, emergency rescue or protective work, civil defense activities, and for the purpose of representing employee organizations. For complete information regarding excusing an employee to participate in these activities, contact an employee relations specialist at the CPAC.

### **8-3. Recording**

a. Absences approved IAW this chapter will be reported on the TA report. An entry will be made in "Remarks" to explain the type of excused absence.

b. Excused absence used by union officers and stewards performing representational functions for labor organizations will be recorded on the TA report as "Representational Hours" using the code appropriate to the type of representation activity; i.e., negotiations, labor/management meetings, or grievances and appeals.

### **8-4. Other excused absences**

a. Excused absence for investigation, preparation and filing of grievances or charges of unfair labor practices will be as provided for in local negotiated agreements.

b. Brief periods of absence, tardiness and unavoidable, necessary absence from duty of less than one hour may be excused by supervisors. However, if an employee is chronically tardy or otherwise absent from duty without adequate excuse, absence may be charged to annual leave or AWOL as appropriate.

c. Civil Service Examinations. Employees will be excused from duty for taking examinations at the request of the installation.

d. Medical examinations. When directed by appropriate authorities, time spent for medical and X-ray examinations will be considered duty time.

e. On-the-job injuries. An employee injured in the performance of his or her duties will be considered on a duty status and will receive pay without charge to leave for the time required to obtain emergency treatment to the extent that the time falls within his or her prescribed hours of work for the day of the injury.

f. Visiting the CPAC. Employees who wish to visit the CPAC to discuss problems or to secure information must seek permission from their supervisor and make an appointment for the visit.

g. Voting and registration. To the extent that such time off does not seriously interfere with agency operations, employees may be granted a limited amount of time off from work to register and to vote in

Federal, State, county, or municipal elections or in referendums on any civic matter in their community. Excused absence may be granted to permit an employee to report to work 3 hours after the polls open or 3 hours before the polls close, whichever involves less time away from work. In Missouri, the polls are open at 6:00 a.m. and close at 7:00 p.m. The employee's regularly scheduled workday should be used to determine the amount of excused absence to be granted.

h. Release due to hazardous weather. See Chapter 12.

i. Attending conventions and conferences. Excused absence may be granted for attending a conference or convention when it is determined that the attendance will serve in the best interest of the federal service. Excused absence for this purpose will be restricted to those situations in which the employee is designated as an official representative of the installation or is a contributor on the agenda. To the extent permitted by work conditions, employees should be granted annual leave to attend conferences and conventions when excused absence is not authorized.

j. Blood donations. Employees are encouraged to serve as blood donors and will be granted excused absence for the time necessary to donate blood, for recuperation following blood donations, and for necessary travel to and from the donation site. The maximum excused absence will not exceed four hours, except in unusual cases. (Refer to negotiated agreements for specific requirements applicable to bargaining unit employees, if any.)

k. Armed Forces medical evaluations. Time spent in reporting for and undergoing a physical examination to determine an employee's eligibility for enlistment or induction into the Armed Forces will be excused without charge to leave or loss of pay, provided the request for absence is supported with notice from the appropriate military authority. If the absence extends beyond one workday, the employee will be required to submit a statement from the induction station showing the need for the additional absence. If, through choice on the part of the employee, he or she is ordered to report to other than the nearest induction station and as a result he or she is away from duty more than one day, the absence in excess of one day will be charged to annual leave or LWOP. Medical examinations for reservists for the purpose of recall to active duty, military training duty, or to determine eligibility for retention in the reserve component are to be charged to sick leave, except where the reservist is ordered to active duty for medical examination. In the latter case, the medical examination is charged to military leave or annual leave, as appropriate. Medical and dental examinations taken at the option of the employee and medical examinations directed by the Armed Services in connection with periodic physical examinations of retired military personnel serving as Civilian employees are chargeable to sick leave.

l. Representing Labor Organizations.

(1) Employees who represent a labor organization shall be excused when participating in the negotiation of a labor-management agreement within the limitations set forth in Title 5, USC 7131; i.e., during time the employee otherwise would be in a duty status. The number of employees for whom excused absence is authorized shall not exceed the number of individuals designated as negotiators for the agency.

(2) As provided in negotiated agreements, union officers and stewards employed in an exclusive bargaining unit may be excused for a reasonable amount of time to perform representation activities on behalf of that exclusive bargaining unit and to attend training sessions sponsored by the labor organization having exclusive recognition for the bargaining unit in which the individual is employed.

m. Emergency rescue or protective work. Employees who can be spared without interference with essential agency operations and obligations may be excused to participate in emergency rescue or protective work during an emergency such as fire, flood or search operations. Excused absence for such duty will be limited to five workdays a year. Employees will not be excused from duty without

charge to leave for the purpose of performing rescue or guardsman duty which otherwise would be covered by military leave.

n. After prolonged overtime or travel. When it is not possible or reasonable to reschedule an employee's duty or travel time and regular scheduling would require the employee to travel and/or serve in a duty status for more than 16 hours, the employee may be excused without charge to leave or loss of pay for a reasonable time not to exceed four hours to recuperate from fatigue or loss of sleep. In determining the time to be allowed, the adverse effect on work performance, health or well-being, and any safety hazard that might result from working while fatigued should be considered.

o. Absence for relocation purposes. An employee may be excused for a reasonable time to make personal arrangements and to transact personal business directly related to a permanent change of station which is in the interest of the government, provided that such business or arrangements cannot be transacted outside the employee's regular work hours. This includes such things as making arrangements for the packing and unpacking of household goods and obtaining driver's license, auto tags, and passports. When a DoD component has authorized a house hunting trip for an employee, the employee's spouse (if an Army employee) may also be excused from duty for the trip.

p. Illness caused by required vaccinations or immunizations. When an employee is absent because of illness from administratively required vaccinations or immunizations, the absence will be considered an excused absence without charge to leave or loss of pay, provided the medical officer administering the vaccinations or immunizations certifies to the necessity for the absence.

#### **8-5. Time off for religious observances**

An employee may elect to work compensatory overtime for the purpose of taking time off without charge to leave when personal religious beliefs require that the employee abstain from work during certain periods of the workday or workweek. An employee who elects to work compensatory overtime for this purpose shall be granted (in lieu of overtime pay) an equal amount of compensatory time off from his or her scheduled tour of duty. However, an employee's absence for religious obligations may be disapproved by an agency if such modification in work schedules interferes with the efficient accomplishment of an agency's mission. Compensatory overtime for this purpose may be worked on an hour for hour basis as early as two PP prior to the absence and no later than four PP after the absence. Wage Grade employees are permitted compensatory time off for this reason only.

#### **8-6. Attendance at ceremonies or activities during duty hours**

a. Cultural awareness events, installation award ceremonies, change of command ceremonies, volunteer work at Special Olympics activities, and Soldier graduation events are examples of activities held during duty hours which are considered official business. With supervisory approval, employees may attend and participate in these events without charge to leave. No entry is required on the TA report.

b. Organization day activities that involve award ceremonies, exhibits related to work performed, or speeches that review significant accomplishments, future goals, objectives and performance may be conducted on duty time.

c. Supervisors may excuse employees up to a maximum of four hours to participate in other organization day activities when employees can be released from their normal duties. Employees who choose not to participate in such activities should be allowed to work, or leave may be approved at the employee's request. Command approval is required for excused absences of more than four hours.

## **8-7. Organ and bone marrow donation**

IAW the Organ Donor Leave Act (Public Law 106-56), an employee may be granted absence for bone marrow or tissue donations. In any calendar year, an employee may use (1) not to exceed 7 days of administrative leave under this section to serve as a bone marrow donor; and (2) not to exceed 30 days to employees who donate organs for transplant. The length of absence for organ donation procedures will vary depending upon the medical circumstances in each case. For medical procedures and recuperation requiring absences longer than 30 days, consideration will be given to accommodation of an employee by granting additional time off in the form of sick or annual leave, advanced sick or annual leave, donated annual leave, or LWOP. The employee must submit the request for accommodation with medical documentation to support the need for additional absence.

## **8-8. Excused absence for returning employees**

In addition to the military leave already available, the President, on November 14, 2003, issued a memorandum authorizing 5 days of uncharged leave to returning Federal employees who were called to serve on active duty Continental United States or Outside the Continental United States (CONUS or OCONUS) under Executive Order 13223. The intent of the directive is to grant the paid time off to mobilize employees returning to Federal Civilian service as an aid in their readjustment to Civilian life. The excused absence is to be granted immediately, and all at once, prior to the employee's actual resumption of Civilian duties. For leave purposes the time is considered an excused absence and within DoD it is coded on the timecard as "LV".

## **Chapter 9 Funeral Leave**

### **9-1. Policy.**

An employee is entitled to up to 3 workdays of funeral leave to make arrangements for or to attend the funeral of 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. If the employee provides satisfactory reasons, the 3 workdays do not need to be consecutive.

### **9-2. Definitions**

- a. Armed Forces means the Army, Navy, Air Force, Marine Corps, and Coast Guard, and includes the Reserve components, National Guard, and Air National Guard.
- b. Combat zones are areas the President designates by Executive order, IAW section 112 of the Internal Revenue Code, as areas in which the Armed Forces are engaging or have engaged in combat.
- c. Immediate relative covers a wide range of relationships, including spouse; parents; parents-in-law; children; brothers; sisters; grandparents; grandchildren; step parents; step children; foster parents; foster children; guardianship relationships; same sex and opposite sex domestic partners; and spouses or domestic partners of the aforementioned, as applicable.

### **9-3. Restriction**

The granting of funeral leave is strictly limited by the term "in a combat zone." Those deaths incurred in the line of duty elsewhere in the world are excluded from coverage under Title 5, USC 6326, upon which these provisions are based.

## **9-4. Recording**

Funeral leave granted should be recorded on the TA report as “Administrative Leave” with appropriate explanation under “Remarks”.

## **Chapter 10 AWOL**

### **10-1. Definition.**

An absence from duty which is not authorized or approved or for which a leave request has been denied is known as AWOL. This includes leave that is not approved until required documentation is submitted.

### **10-2. General**

- a. Pay is withheld for the entire period of AWOL.
- b. Absences charged as AWOL become the basis for initiating disciplinary or adverse action.

### **10-3. Recording.**

Periods of AWOL are charged in multiples of 15 minutes and recorded on the TA report as prescribed by the DCPS for "Leave Hours - Nonpaid."

## **Chapter 11 Voluntary Leave Transfer Program**

### **11-1. Purpose**

The purpose of this chapter is to set forth the procedures and requirements for the VLTP. The VLTP allows an employee who is affected by a medical emergency to receive transferred annual leave directly from other employees.

### **11-2. Definitions**

- a. “Medical emergency” means a medical condition of an employee or Family member of an employee that is likely to require an employee’s absence from duty for a prolonged period of time and result in a substantial loss of income to the employee because of the unavailability of paid leave. For a full-time employee, the unavailability of paid leave is (or is expected to be) 24 or more hours. In the case of a part-time employee or an employee with an uncommon tour of duty, the absence without paid leave is expected to be at least 30 percent of the average number of hours in the employee’s biweekly scheduled tour of duty.
- b. “Leave donor” means an employee whose voluntary written request to transfer annual leave to the annual leave account of a leave recipient is approved by his or her own employing organization.
- c. “Leave recipient” means a current employee for whom an application to receive annual leave transferred from the annual leave accounts of one or more leave donors has been approved by an appropriate management official.
- d. “Family member” means the following relatives of the employee: (1) Spouse, and parents thereof; (2) Sons and daughters, including adopted children, 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 (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.

e. "Shared leave status" means the administrative status of an employee while the employee is using transferred leave under this chapter.

### **11-3. Approval authority**

See Chapter 1, paragraph 1-9b.

### **11-4. Application to become a leave recipient**

a. An employee who has been affected by a medical emergency may make a written application to become a leave recipient. FLW Form 464 (Application to Become a Leave Recipient) is used for that purpose (see Appendix B, Figure B-5). If the employee is not capable of applying on his or her own behalf, another employee, Family member, union representative or personal representative may make written application on the employee's behalf.

b. The application requires the following information:

(1) The name, position title, series, grade, and pay plan of the potential leave recipient.

(2) The reasons why transferred leave is needed, including a brief description of the nature, severity, beginning date and anticipated duration of the medical emergency. If the medical emergency is a recurring one, the request must state the approximate frequency of the medical emergency affecting the applicant or Family member.

(3) Certification from a physician or other appropriate expert, with respect to the medical emergency.

(4) Indication of whether or not the applicant gives the organization permission to inform the workforce of the medical emergency and his or her approval as a leave recipient so that other employees may donate leave.

### **11-5. Approval of application to become a leave recipient**

a. Before recommending approval of an application, the applicant's supervisor shall verify that the employee is or has been affected by a medical emergency as defined in paragraph 11-2. In making a determination as to whether a medical emergency is likely to result in a substantial loss of income, the supervisor shall not consider factors other than whether the 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). Application will then be forwarded through supervisory channels to the appropriate approval authority.

b. Within 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of the application was received the employing organization shall notify the leave recipient (or another person who made application on behalf of the leave recipient) that the application has been approved or disapproved.

(1) The leave recipient's employing organization may notify the workforce of the need of leave donations if the approved leave recipient has given permission to do so. Any notice to the workforce is the responsibility of the employing organization.

(2) The approved leave recipient (or another person on behalf of the leave recipient) may, upon supervisory approval, notify potential leave donors that his or her application to become a leave recipient has been approved.

c. If the application is not approved, the employing organization shall notify the applicant of the reasons for its disapproval. The potential leave recipient's organization is not obligated to approve an application solely on the grounds that a medical emergency exists.

d. Approved applications to become a leave recipient or leave donor will be forwarded by the supervisor to the CPAC Management Employee Relations representative. CPAC will provide the approved application, minus medical documentation, to the CSR, G8 or MEDDAC (whichever is applicable) for processing IAW applicable regulations.

#### **11-6. Donation of annual leave**

a. When an application has been approved, employees serviced by the FLW CPAC may request the transfer of annual leave from their accounts to the account of the approved leave recipient by completing FLW Form 466 (Leave Transfer Authorization) (See Appendix B, Figure B-6).

b. Requests to transfer annual leave must be submitted through supervisory channels to the individual delegated authority to approve such requests.

c. The leave transfer will become effective at the beginning of the first PP after the approved request for transfer of annual leave is received in the leave donor's servicing payroll office or the PP in which the leave recipient enters a shared leave status, whichever is later.

d. A leave recipient's employing organization shall not transfer annual leave to the leave donor's immediate supervisor.

e. Under provisions of Title 5, CFR 630.906(f), the transfer of annual leave from donors employed in other federal agencies may also be accepted. Likewise, employees serviced by the FLW CPAC may donate leave to an individual employed in another federal agency under these provisions. The OPM 630-B (see Appendix B, Figure B-7) is completed by the employee wishing to donate leave. The completed form is forwarded to the CPAC, Management Employee Relations representative to complete the Agency portion and provide to the receiving agency CSR, as well as the FLW CSR, G8 or MEDDAC (whichever is applicable).

#### **11-7. Use of transferred annual leave**

a. As with any absence, use of donated annual leave is subject to the prior approval of the appropriate supervisor regardless of the amount of shared leave available. The recipient may use the donated leave only for the documented medical emergency. It may not be used for any other purpose. Therefore, the total number of transferred leave hours used by the employee during the PP will be specified in the Remarks portion of the TA report.

b. When periods of work occur intermittently during a medical emergency, any annual or sick leave that accrues to the account of the leave recipient shall be used before any transferred annual leave.

c. While the leave recipient is in a shared leave status, the maximum amount of annual or sick leave that may be accrued by an employee may not exceed 40 hours. Leave accrued while in a shared leave status will be credited to a separate annual or sick leave account and shall not become available for use by the employee until after termination of the medical emergency.

d. Annual leave transferred under the voluntary leave transfer program is not subject to the maximum carryover rule at the beginning of a new leave year.

e. Annual leave transferred under this chapter may be substituted retroactively for a period of LWOP, or used to liquidate indebtedness for advanced annual or sick leave granted on or after the date fixed as the beginning of the period of medical emergency for which LWOP or advanced annual or sick leave was granted.

#### **11-8. Limitations on donation of annual leave**

a. In any one leave year, a leave donor may donate no more than a total of one-half of the amount of annual leave, they would be entitled to accrue during the leave year in which the donation is made. However, leave donations cannot exceed the donor's current annual leave balance.

b. In the case of a leave donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year, the maximum amount of annual leave that may be donated during the leave year shall be the lesser of—

(1) One-half of the amount of annual leave they would be entitled to accrue during the leave year in which the donation is made; or

(2) The number of hours remaining in the leave year (as of the date of the transfer) for which the leave donor is scheduled to work and receive pay.

c. A written request for a waiver of these limitations may be approved when the absence of the leave recipient without available paid leave exceeds (or is expected to exceed) transferred leave and the annual leave above the leave donor's maximum accumulation is subject to forfeiture if not used before the end of the leave year in which the donation is made. (A sample memorandum is found at Appendix B, Figure B-8)

#### **11-9. Termination of medical emergency**

a. The leave recipient's supervisor shall continuously monitor the status of the medical emergency affecting the leave recipient to ensure whether the recipient continues to be affected by a medical emergency. Upon termination of the medical emergency, the leave recipient's employing organization must immediately notify, in writing, the CPAC, ATTN: L/MER Specialist, of the date of termination and reasons therefore.

b. The medical emergency shall be considered terminated -

(1) When the leave recipient's federal service is terminated.

(2) At the end of the biweekly PP in which the leave recipient's employing organization receives notice from the leave recipient, or a personal representative of the leave recipient, that the leave recipient is no longer affected by a medical emergency.

(3) At the end of the biweekly PP in which the leave recipient's employing agency determines that the leave recipient is no longer affected by a medical emergency. The employing agency must give written notice and an opportunity for the leave recipient or their personal representative to answer orally or in writing before making such a determination.

(4) At the end of the biweekly PP in which the leave recipient's employing organization receives notice that the OPM has approved an application for disability retirement for the leave recipient under the CSRS or the FERS.

## **11-10. Restoration of transferred annual leave**

a. Any transferred annual leave remaining to the credit of a leave recipient when the medical emergency terminates shall be restored, to the extent administratively feasible (as determined by the leave recipient's servicing payroll office), by transfer of the annual leave to the accounts of leave donors who, on the date leave restoration is made, are employed by a federal agency and subject to chapter 63 of Title 5, USC. The amount of unused transferred annual leave to be restored to each leave donor shall be determined IAW Title 5, CFR 630.911.

b. Restored leave may, at the election of the leave donor, be donated to another approved leave recipient; credited to the leave donor's account during the current leave year; or credited to the leave donor's account effective on the first day of the first leave year beginning after the date of the election.

## **11-11. Prohibition of coercion**

a. An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, and using annual leave under this regulation.

b. The term "intimidate, threaten, or coerce" includes promising to confer or conferring any benefit (such as an appointment, promotion or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

## **Chapter 12 Dismissal and Leave During Emergency Situations**

### **12-1. Policy**

a. The Chief of Staff is designated as the official responsible for determining when an emergency situation warrants general dismissal, suspension of routine operations (delayed opening) or early release. Both the beginning and the end of periods during which excused absence is to be granted will be determined by the Chief of Staff.

b. There are certain critical operations that cannot be suspended or interrupted. Supervisors must designate which employees are "critical/essential", and inform those employees in writing of the requirement to report for work or remain at work during emergency situations.

c. When an emergency situation develops during non-work hours and suspension of normal operations (delayed opening) is announced, employees who report to work within the time announced for opening will be granted excused absence during the period covered by delayed opening.

d. When a delayed opening is announced, employees not designated as "critical/essential employees" may take annual leave or LWOP without the prior approval of their supervisors. Employees must inform their supervisors if they plan to take annual leave or LWOP.

e. Those employees not designated as "critical/essential" who arrive at work will be granted a reasonable amount of excused absence without loss of pay or charge to leave until the time set for normal operations to begin. Those who arrive after that time will be charged appropriate leave in 15-minute increments after that time.

f. "Critical/essential employees" are expected to report for work on time IAW established work schedule.

g. Intermittent employees are not eligible for excused absence.

## **12-2. General**

a. All employees are to presume, unless otherwise notified, that their office or activity will be open each regular workday regardless of any weather or other emergency condition that may develop. They are expected to be prepared to cope with difficult driving conditions.

b. The possibility exists that emergency situations may occur and prevent the opening of offices and activities at FLW, prevent significant numbers of employees from coming to work, or create the necessity to dismiss employees before the end of their scheduled shifts. These situations will be general rather than personal in scope and impact. Emergency situations may be caused by such developments as severely adverse weather conditions, massive power failure, major fires, or similar serious events.

c. When an emergency situation is not general in nature but affects employees individually in scope and impact, employees may be granted annual leave without the necessity for advance scheduling. When the emergency situation precludes notification to the supervisor before the absence, the employee is responsible for notifying the supervisor as soon as possible.

d. Employees on irregular and rotating tours of duty normally are in key or essential positions; therefore, the provisions of this regulation relating to excused absence are not applicable.

e. The health and safety of employees in emergency situations is a matter of prime concern.

## **12-3. Procedures**

a. When an emergency situation occurs and there is an authorization for general dismissal, early release, or suspension of normal operations (delayed opening) Civilian employees in noncritical positions will be charged leave or granted excused absence IAW the following:

(1) If the employee is on duty, there is no charge to leave for the remaining hours of the work shift following the time authorized for release to begin.

(2) If the employee is on duty and receives supervisory approval to depart on annual leave after official word of early release is received, but before the time set for the release to begin, leave is charged only from the time the employee departed until the time set for early release.

(3) If an employee was scheduled to be absent on approved leave for the entire work shift, the entire absence is charged to appropriate leave; i.e., annual, sick, or LWOP as appropriate.

(4) Employees participating in an approved flexitour will be granted excused absence or charged leave IAW their prescheduled arrival and departure times so as to account for the basic requirement of eight hours each day.

b. Information will be broadcast over radio and television stations serving the commuting area when conditions warranting suspension of routine operations (delayed opening) or general dismissal occur after normal duty hours. Unless such an announcement has been specifically approved by the Chief of Staff and disseminated, the installation will be operational and work available to employees who report for duty. If, upon arrival, an employee finds their work site closed, he or she may report to Building 470 (Soldier Service Center), main entrance, and attempt to contact a member of their supervisory chain of command for instructions.

#### **12-4. Procedures for early release from duty**

a. When early release of employees is authorized during normal 0730 to 1630 duty hours, employees will be excused according to the following schedule:

- (1) At 1500, personnel residing 25 or more miles from the installation.
- (2) At 1515, personnel residing at least 20, but less than 25 miles from the installation.
- (3) At 1530, personnel residing at least 15, but less than 20 miles from the installation.
- (4) At 1600, personnel residing on the installation or less than 15 miles from the installation.

b. When personnel ride in carpools with individuals leaving at different times, deviation from the foregoing schedule is authorized.

c. The Chief of Staff may authorize release of personnel prior to 1500 if conditions warrant. Release of personnel residing 25 or more miles from the installation will begin at the time designated. Other personnel will be released at 15-minute intervals, depending upon the distance of their residences from the installation, as indicated above.

#### **12-5. Excessive heat**

Group dismissal of employees because of excessive heat will be authorized by the Chief of Staff only when conditions are extreme enough to make working conditions intolerable and endanger the health of employees. Weather conditions are not likely to endanger persons of normal health during the course of ordinary working activities.

a. Supervisors are responsible for assuring that actions are taken to make work space as reasonably comfortable as possible through early morning opening of windows and use of fans or other ventilating devices. Movement of employees to more favorable work areas may also be considered.

b. An employee must inform his or her supervisor if they have chronic or temporary health condition that might be adversely affected by excessive heat so that proper preventive measures may be taken. If necessary, employees may be referred to the Occupational Health Nurse for evaluation.

c. Supervisors may approve annual leave for employees who suffer from heat-related problems and think their health might be endangered by remaining at the work site. Sick leave may be approved if the employee, because of heat related illness, is incapacitated for duty.

d. During periods of extreme heat, supervisors should ensure that every reasonable means is employed to minimize discomfort to employees. When discomfort reaches extreme levels, supervisors may permit employees to take a short break each hour during that period.

e. Employees are encouraged to take preventive measures such as drinking plenty of water, eating less at the noon meal as compared with the evening meal, and dressing appropriately in loose-fitting clothing.

## **Chapter 13**

### **Disabled Veteran Leave (DVL)**

#### **13-1. Purpose**

On November 5, 2015, the President signed the Wounded Warriors Federal Leave Act of 2015. (Pub. L. 114-75) (Act). The Act adds section 6329 to title 5, United States Code. The Act provides for a separate and new leave category, to be known as “DVL”. This leave benefit is for any new Federal employee hired on or after November 5, 2016 who is a veteran with a service connected disability rated at 30 percent. The DVL is for medical treatment associated with the service connected disabilities. The purpose of this new leave benefit is to help disabled veterans attend medical appointments for their service connected disability as they transition to their civilian job without having to take unpaid leave.

#### **13-2. General**

- a. DVL is available during a 12 month benefit period and may not exceed 104 hours. This new leave category is a one-time benefit and limited to 12 months. Once an employee has exhausted the leave benefit and/or the 12 months have passed, he/she will not have any further entitlements to the benefit.
- b. DVL not used during the first 12 months of employment may not be carried over to subsequent years and will be forfeited.
- c. DVL is only available to veterans with a service connected disability rated at 30 percent or more hired on or after November 5, 2016. Veterans with a service connected disability rated at 30 percent or more hired before November 5, 2016 are not entitled to this benefit.
- d. Veterans hired on or after November 5, 2016 that later are determined to have a service connected disability rated at 30 percent or more will be eligible for DVL. In such cases, the start date of the 12 month eligibility period will be the date the Veteran’s Administration claim is filed.
- e. A reservist or member of the National Guard called up to perform military duty on or after November 5, 2016, becomes eligible for DVL upon return to civilian employment. However, the amount of creditable DVL will be offset by any sick leave balance in effect as of the beginning of the 12 month eligibility period.
- f. Employees rehired after November 5, 2016 with at least a 90 day break in service also become eligible for DVL. However, the amount of creditable DVL will be offset by any sick leave balance in effect as of the beginning of the 12 month eligibility period.
- g. The amount of DVL initially credited to an employee must be offset by the number of hours of sick leave an employee has credited to his or her account as of the first day of the benefit period (see CFR 1305 [d]). Off set applies whenever the employee has a sick leave balance before becoming eligible for DVL.

#### **13-3. Automated Time Attendance and Production System (ATAAPS) Procedure**

- a. The ATAAPS procedure will be to use the administrative leave (PW) code.
- b. An employee must request DVL in advance unless the request for leave is critical and not foreseeable – e.g., due to a medical emergency or the unexpected availability of an appointment for surgery or other critical treatment. The employee must provide notice within a reasonable period of time appropriate to the circumstances involved. If it is determined that the need for the leave is critical

and not foreseeable and the employee is unable to provide advance notice, the leave may not be delayed or denied.

c. If an employee did not provide documentation of eligibility for DVL until after a period of absence for a purpose later determined to be qualifying, the employee may retroactively substitute DVL during that absence (except for periods of AWOL or suspension).

#### **13-4. Eligibility verification**

Supervisors can check the employee's Notification of Personnel Action (NPA) or SF-50. Block 23 of the SF-50 identifies the employee's veteran's preference eligibility. Employees with a service connected disability of 30% or more are coded with a 6 in block 23.

#### **13-5. Proof of appointment**

a. DVL will follow existing leave request and approval procedures. Current procedures allow employees to self-certify for sick leave that is three (3) days or less, meaning no doctor's note is required. However, the self-certification must state that the requested leave will be used for medical treatment for a qualifying service connected disability. The leave request must also include the specific date and hours of absence required for the treatment.

b. DVL may also be used for a period of rest, meaning not to attend a medical appointment, but only if such rest is specifically ordered by the health care provider as part of a prescribed course of treatment for the qualifying service connected disability. If used for this purpose, the employee's leave request should state that rest is specifically ordered by the health care provider as part of a prescribed course of treatment for the qualifying service connected disability.

## **Appendix A**

### **References and forms**

#### Section I. Related References.

- a. Title 5, USC (Government Organizations and Employees).
- b. Title 5, CFR (Administrative Personnel).
- c. Title 32, USC (National Guard).
- d. DoD 7000.14-R (Financial Management Regulation, Volume 8, Civilian Pay and Procedures).
- e. AR 690-990-2, Book 630 (Hours of Duty, Pay and Leave Annotated).
- f. Collective bargaining agreements with American Federation of Government Employees (AFGE) Local 908, International Association of Firefighters (IAFF) Local F-108, and National Association of Government Employees (NAGE) Local R14-32.

#### Section II. Prescribed Forms.

- a. FLW Form 464, Application to Become a Leave Recipient. Prescribed in paragraph 11-4a.
- b. FLW Form 465, Request for Advanced Sick Leave. Prescribed in paragraph 3-9c.
- c. FLW Form 466, Leave Transfer Authorization. Prescribed in paragraph 11-6a.

#### Section III. Referenced Forms.

- a. OPM Form 71, Request for Leave or Approved Absence.
- b. OPM Form 630-B, Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program.

## **Appendix B**

### **Figures**

Figure B-1, OPM Form 71, Request for Leave or Approved Absence

Figure B-2, Sample Memorandum for Determination of a Public Exigency

Figure B-3, Sample Memorandum for Request for Restoration of Forfeited Annual Leave

Figure B-4, FLW Form 465, Request for Advanced Sick Leave

Figure B-5, FLW Form 464, Application to Become a Leave Recipient

Figure B-6, FLW Form 466, Leave Transfer Authorization

Figure B-7, OPM Form 630-B, Request to Donate Annual Leave to Leave Recipient

Figure B-8, Sample Memorandum for Waiver for Leave Donation

### Request for Leave or Approved Absence

1. Name (Last, first, middle)		2. Employee or Social Security Number (Enter only the last 4 digits of the Social Security Number (SSN))			
3. Organization					
4. Type of Leave/Absence (Check appropriate box(es) below)	Date		Time		Total Hours
	From	To	From	To	
<input type="checkbox"/> Accrued Annual Leave					
<input type="checkbox"/> Restored Annual Leave					
<input type="checkbox"/> Advanced Annual Leave					
<input type="checkbox"/> Accrued Sick Leave					
<input type="checkbox"/> Advanced Sick Leave					
Purpose: <input type="checkbox"/> Illness/injury/incapacitation of requesting employee <input type="checkbox"/> Medical/dental/optical examination of requesting employee <input type="checkbox"/> Care of family member, including medical/dental/optical examination of family member, or bereavement <input type="checkbox"/> Care of family member with a serious health condition <input type="checkbox"/> Other					
<input type="checkbox"/> Compensatory Time Off					
<input type="checkbox"/> Other Paid Absence (Specify in Remarks)					
<input type="checkbox"/> Leave Without Pay					
5. Family and Medical Leave If annual leave, sick leave, or leave without pay will be used under the Family and Medical Leave Act of 1993, please provide the following information: <input type="checkbox"/> I hereby invoke my entitlement to Family and Medical Leave for: <input type="checkbox"/> Birth/Adoption/Foster Care <input type="checkbox"/> Serious health condition of spouse, son, daughter, or parent <input type="checkbox"/> Serious health condition of self  Contact your supervisor and/or your personnel office to obtain additional information about your entitlements and responsibilities under the Family and Medical Leave Act. Medical certification of a serious health condition may be required by your agency.					
6. Remarks:					
7. Certification: I hereby request leave/approved absence from duty as indicated above and certify that such leave/absence is requested for the purpose(s) indicated. I understand that I must comply with my employing agency's procedures for requesting leave/approved absence (and provide additional documentation, including medical certification, if required) and that falsification on this form may be grounds for disciplinary action, including removal.					
7a. Employee Signature					7b. Date
8a. Official Action on Request: <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved    (If disapproved, give reason. If annual leave, initiate action to reschedule.)					
8b. Reason for Disapproval:					
8c. Supervisor Signature					8d. Date
<b>PRIVACY ACT STATEMENT</b> Section 6311 of Title 5, United States Code, authorizes collection of this information. The primary use of this information is by management and your payroll office to approve and record your use of leave. Additional disclosures of the information may be: to the Department of Labor when processing a claim for compensation regarding a job connected injury or illness; to a State unemployment compensation office regarding a claim; to Federal Life Insurance or Health Benefits carriers regarding a claim; to a Federal, State, or local law enforcement agency when your agency becomes aware of a violation or possible violation of civil or criminal law; to a Federal agency when conducting an investigation for employment or security reasons; to the Office of Personnel Management or the General Accounting Office when the information is required for evaluation of leave administration; or the General Services Administration in connection with its responsibilities for records management.  Public Law 104-134 (April 26, 1996) requires that any person doing business with the Federal Government furnish a social security number or tax identification number. This is an amendment to Title 31, Section 7701. Furnishing the social security number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application. If your agency uses the information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes.					

Office of Personnel Management  
5 CFR 630

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OPM Form 71  
Rev. September 2009  
Formerly Standard Form (SF) 71  
Previous editions usable

**Figure B-1. OPM Form 71, Request for Leave or Approved Absence**

Appropriate Letterhead

OFFICE SYMBOL

DATE

MEMORANDUM FOR (Individual delegated approval authority by paragraph 1-9b)

SUBJECT: Determination of a Public Exigency

1. PURPOSE. To obtain approval of a public exigency

2. DISCUSSION.

a. Describe the project or important work requirement in sufficient detail so one can readily see the importance of the project. Include the beginning and ending dates of the project or work requirement (e.g., 15 Dec 95 through 15 Jan 96). Indicate other offices or directorates involved (if any).

b. Define the importance of the project from the aspect that the person (or persons) selected to participate will not be able to use annual leave because of the necessity to give total concentration and time to the project or work requirement, or that no others are available (or other reasons).

c. Describe the impact if the person(s) selected to participate in the project or work requirement are permitted to take scheduled annual leave during the project/work requirement inclusive dates. What you are essentially doing is supporting the fact that no reasonable alternative exists to canceling scheduled leave of those who are selected to participate.

3. RECOMMENDATION. That the (individual's title) approve the conditions outlined above.

DIRECTOR/OFFICE CHIEF SIGNATURE BLOCK

\_\_\_\_\_ Approved    \_\_\_\_\_ Disapproved    \_\_\_\_\_ See Me

APPROVING OFFICIAL'S SIGNATURE BLOCK

**Figure B-2. Sample Memorandum for Determination of a Public Exigency**

Appropriate Letterhead

OFFICE SYMBOL

DATE ON OR AFTER BEGINNING  
OF NEW LEAVE YEAR

MEMORANDUM THRU Supervisor  
Approval Authority (Chapter 1, paragraph 1-9b)

FOR G8, ATTN: CSR OR MEDDAC, ATTN: CSR (whichever is applicable)

SUBJECT: Request for Restoration of Forfeited Annual Leave

1. Reference the following enclosures:
  - a. OPM Form 71, Application for Leave, (date), enclosure 1, indicating approval of leave.
  - b. OPM Form 71, Application for Leave, (date), enclosure 2. (Include this reference if leave was rescheduled.)
  - c. Memorandum from appropriate authority, (date), subject: Determination of a Public Exigency, enclosure 3.
  - d. Memorandum, (date), subject: Cancellation of Scheduled Annual Leave, enclosure 4.
2. Request restoration of hours of annual leave forfeited at the close of the leave year. All leave subject to forfeiture was scheduled for use on (date or dates shown in reference 1a), and rescheduled for use on (date or dates shown in reference 1b if reference 1b is included.) As a result of the public exigency declared by reference 1c, scheduled annual leave was canceled by reference 1d.

Note: If the number of hours requested for restoration is less than the number of hours indicated on reference 1a and 1b, state that hours of annual leave were used on (dates).

4 Encls

(Employee's signature)

**Figure B-3. Sample Memorandum for Request for Restoration of Forfeited Annual Leave**

**REQUEST FOR ADVANCED SICK LEAVE**  
Proponent – CPAC; Directive – FLW CPR 690-12

Request that I, \_\_\_\_\_, \_\_\_\_\_ be granted an advance of \_\_\_\_\_  
(Printed Name of Employee) (Organization)  
hours of sick leave covering the period of \_\_\_\_\_ through \_\_\_\_\_.  
(Date) (Date)

As of pay period ending \_\_\_\_\_ (reference Leave and Earnings Statement), I have \_\_\_\_\_ hours of accumulated sick leave, \_\_\_\_\_ hours of accumulated annual leave, and \_\_\_\_\_ hours of annual leave to use or lose by the end of this leave year.

The Purpose for requesting advanced sick leave:

The serious nature of  myself or  a family member's (check one) health condition is supported by the attached medical documentation. The medical documentation from  myself or  a family member's (check one) physician includes history of my specific medical condition, including diagnosis or nature of illness, clinical findings from the most recent medical evaluation (including lab or other diagnostic procedures, assessment of current clinical status and plans for future treatment, and expected date of full recovery).

**Initial each statement below indicating employee's understanding:**

\_\_\_\_\_ I understand that if this request is disapproved, my absence from duty may be carried as either annual leave or leave without pay.

\_\_\_\_\_ I understand that when I return to duty at the expiration of the requested leave, I will repay the advance through future sick leave accruals.

\_\_\_\_\_ I understand that in the event that I am separated from Federal service (for reasons other than disability retirement) before I have totally repaid this advance, collection will be made from my lump-sum annual leave. Should the amount of final pay be insufficient to offset the debt, I will receive a letter of indebtedness from Defense and Accounting Services requiring me to repay the debt.

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SUPERVISORY COORDINATION**

Recommend  Approval  Disapproval for the following reason(s):

Supervisor's Printed Name and Title: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**APPROVING OFFICIAL**

After consideration of this request and the medical documentation provided, I have determined that this request meets the criteria for approval set forth in Fort Leonard Wood Civilian Personnel Regulation 690-12, Chapter 3, Section 3-9. Therefore, advanced sick leave is approved for \_\_\_\_\_ hours and will expire when the advanced sick leave is used, or when the employee returns to duty, whichever is earlier.

The advanced sick leave will become effective not earlier than the beginning of the biweekly pay period in which the employee made the request or upon expiration of all accumulated sick leave and any annual leave subject to forfeiture, whichever is later.

Approved     Disapproved for the following reason(s):

Approving Official's Printed Name and Title: \_\_\_\_\_

Approving Official's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(The approved request, minus the supporting medical documentation, must be forwarded to the Customer Service Representative (CSR) for Payroll for processing).

**Figure B-4. FLW Form 465, Request for Advanced Sick Leave**

APPLICATION TO BECOME A LEAVE RECIPIENT				
Proponent - DRM: Directive - FLW CPR 690-12				
In accordance with the voluntary Leave Transfer Program, I request to be a leave recipient under the program. The following information is provided:				
Name:	<input style="width: 250px; height: 20px;" type="text"/>	Date of Request:	<input style="width: 100px; height: 20px;" type="text"/>	
Position, Title, Grade, and Step:	<input style="width: 250px; height: 20px;" type="text"/>	Employing Activity:	<input style="width: 100px; height: 20px;" type="text"/>	
Detailed and specific description of the nature of the medical emergency. Supporting medical documentation must be attached.				
Date Medical Emergency began (If surgery, state date of surgery)	<input style="width: 300px; height: 20px;" type="text"/>			
Anticipated Duration:	<input style="width: 250px; height: 20px;" type="text"/>			
If recurring, the approximate frequency of the medical emergency:	<input style="width: 300px; height: 20px;" type="text"/>			
Annual Leave Balance:	<input style="width: 80px; height: 20px;" type="text"/>	Hours as of	<input style="width: 80px; height: 20px;" type="text"/>	
Sick leave Balance:	<input style="width: 80px; height: 20px;" type="text"/>	Hours as of	<input style="width: 80px; height: 20px;" type="text"/>	
Copy of latest Civilian Leave and Earnings Statement must be attached.				
I have	<input type="checkbox"/>	I have not	<input type="checkbox"/>	requested advanced sick leave
I do	<input type="checkbox"/>	I do not	<input type="checkbox"/>	grant permission to notify the workforce of my need for leave donations
I do	<input type="checkbox"/>	I do not	<input type="checkbox"/>	grant permission to notify the workforce of the reason for my need of donations
Signature of Employee or Representative:	<input style="width: 300px; height: 20px;" type="text"/>			
SUPERVISORY COORDINATION AND RECOMMENDED ACTION				
Print Name and Title:	Signature:	Approve	Disapprove	Date
<input style="width: 200px; height: 20px;" type="text"/>	<input style="width: 200px; height: 20px;" type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input style="width: 50px; height: 20px;" type="text"/>
Print Name and Title:	Signature:	Approve	Disapprove	Date
<input style="width: 200px; height: 20px;" type="text"/>	<input style="width: 200px; height: 20px;" type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input style="width: 50px; height: 20px;" type="text"/>
Print Name and Title:	Signature:	Approve	Disapprove	Date
<input style="width: 200px; height: 20px;" type="text"/>	<input style="width: 200px; height: 20px;" type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input style="width: 50px; height: 20px;" type="text"/>
APPROVING OFFICIAL				
Print Name and Title:	Signature:	Approve	Disapprove	Date
<input style="width: 200px; height: 20px;" type="text"/>	<input style="width: 200px; height: 20px;" type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input style="width: 50px; height: 20px;" type="text"/>

If form is not completely filled out, it will be returned without action

FLW FORM 464, SEP 2014

PREVIOUS EDITION IS OBSOLETE

**Figure B-5. FLW Form 464, Application to Become a Leave Recipient**

<b>LEAVE TRANSFER AUTHORIZATION</b>	
<small>Proponent-DRM; Prescribing Directive - FLW CPAC REG 690-12</small>	
<p>In accordance with the Voluntary Leave Transfer Program, I wish to transfer <input style="width: 50px;" type="text"/> hours of annual leave from my annual leave account to the leave account of <input style="width: 200px;" type="text"/> I understand this transfer will be effective the beginning of the first pay period after this authorization is received in my payroll office or the pay period in which the leave recipient name above begins a transferred leave status, whichever is later. I affirm that this leave is given freely without any promise of benefit or threat of reprisal.</p>	
LEAVE DONOR INFORMATION	
Name: <input style="width: 250px;" type="text"/>	Position title, grade and step: <input style="width: 150px;" type="text"/>
Annual salary: <input style="width: 200px;" type="text"/>	Supervisor's Name: <input style="width: 180px;" type="text"/>
Employing activity: <input style="width: 200px;" type="text"/>	Duty Phone: <input style="width: 150px;" type="text"/>
1. A position (or all) of the annual leave authorized for transfer is "use or lose" <input type="checkbox"/> Yes <input type="checkbox"/> No	2. If yes, how many of the hours authorized for transfer are "use or lose" <input style="width: 50px;" type="text"/> Hours
3. A copy of my latest, Leave and Earnings Statement, (or MyPay printout) is attached.	Signature of Leave Donor: <input style="width: 250px;" type="text"/>
SUPERVISORY COORDINATION AND RECOMMENDED ACTION	
Name and Title of Supervisor: <input style="width: 250px;" type="text"/>	<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Signature: <input style="width: 280px;" type="text"/>	
APPROVING OFFICIAL	
Name and Title of Approving Official: <input style="width: 250px;" type="text"/>	<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Signature: <input style="width: 280px;" type="text"/>	
If disapprove, give reason:	
<small>If form is not completely filled out, it will be returned without action.</small>	

FLW FORM 466, SEP 2014

PREVIOUS FORM IS OBSOLETE

**Figure B-6. FLW Form 466, Leave Transfer Authorization**

**Request to Donate Annual Leave to Leave Recipient  
Under the Voluntary Leave Transfer Program**

**Outside  
Agency**

I request that annual leave be transferred to the leave account of an approved leave recipient. This recipient is not my immediate supervisor. As of the date indicated below, I have enough annual leave in my account to cover this amount. I understand that if I am projected to forfeit annual leave during this leave year, the amount of leave I am transferring may not exceed the number of hours remaining in the leave year for which I am scheduled to work. The amount of annual leave I am transferring also is not more than half the hours I will earn this year.

I understand that my decision to transfer leave is not revocable. If a sufficient balance of unused donated leave remains after the recipient's medical emergency has terminated, I can elect to have a pro-rated share returned to me during either the current leave year or the following leave year, or I can elect to donate my pro-rated share to another leave recipient. However, to do so, I must remain employed by a Federal agency and be subject to chapter 63 of title 5, United States Code. I have not been directly or indirectly intimidated, threatened or coerced, or promised any benefit by any employee for the purpose of donating or using leave.

**Part A - To Be Completed By Leave Donor**

1. Name (Last, first, middle)		2. SSN (Last 4 digits)		3. Employee Number	
4a. Position title	4b. Pay plan	4c. Grade/pay level	5. Relationship of leave donor to leave recipient (if any)		
6. Leave donor's agency (Agency, Department, Office, Division, Branch, etc.)					
7. Amount of annual leave accrued as of end of last pay period		8. Amount of leave projected to forfeit this leave year as of end of last pay period		9. Amount of annual leave to be transferred	
10. Leave recipient's name, agency, agency's address, organization (Agency, Department, Office, Division, Branch, etc.)					
11a. Leave donor's signature				11b. Date signed	

**Privacy Act Statement**

Participation in this program is voluntary; however, solicitation of this information is authorized under 5 U.S.C 6332. The information furnished will be used to identify records properly associated with the transfer of annual leave. It may also be disclosed to a national, State, or local law enforcement agency where there is an indication of a violation or potential violation of civil or criminal law, rule, or regulation; or to another agency or court when the Government is party to a suit. Public Law 104-134 (April 26, 1996) requires that any person doing business with the Federal Government furnish a social security number or tax identification number. This is an amendment to title 31, Section 7701. Furnishing the social security number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application. If your agency uses the information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes.

**Part B - To Be Completed By Employing Agency of Leave Donor**

Upon completion and approval of this form, forward a copy to the leave recipient's employing agency as soon as possible so that the transfer of leave can take place.

12. Enter the amount of annual leave to be credited to the leave recipient's annual leave account		13. If the agency is waiving the maximum limitations for leave donation under the voluntary leave transfer program, describe the special circumstance that warrants the waiver	
14a. Name of agency contact who can provide further information		14b. Telephone number	
15. Certification: I certify that the leave donor currently has sufficient annual leave in his/her annual leave account to make a donation of the requested amount of annual leave and that the amount of the donation does not exceed the maximum limitations for leave donation under the voluntary leave transfer program.			
15a. Signature of authorizing official		15b. Date Signed	

**Figure B-7. OPM Form 630-B, Request to Donate Annual Leave to Leave Recipient**

Appropriate Letterhead

Office Symbol

DATE

MEMORANDUM FOR RECORD

SUBJECT: Waiver for Leave Donation

Ms. XXX wishes to donate XX hours of annual leave to XXX, an approved Voluntary Leave Transfer Program leave recipient, who will otherwise be in non-pay status. Approval is granted.

SIGNATURE BLOCK OF APPROVING OFFICIAL

**Figure B-8. Sample Memorandum for Waiver for Leave Donation**

## Glossary

**AFGE**

American Federation of Government Employees

**AR**

Army Regulation

**ATAAPS**

Automated Time, Attendance and Production System

**ATTN**

Attention

**AWOL**

Absence Without Leave

**CFR**

Code of Federal Regulations

**CONUS**

Continental United States

**CPAC**

Civilian Personnel Advisory Center

**CSR**

Customer Service Representative

**CSRS**

Civil Service Retirement System

**D.C.**

District of Columbia

**DCPS**

Defense Civilian Payroll System

**DENTAC**

Dental Activity

**DoD**

Department of Defense

**DVL**

Disabled Veteran Leave

**FERS**

Federal Employees Retirement System

**FLW**

Fort Leonard Wood

**FMLA**

Family and Medical Leave Act

**IADT**

Inactive Duty Training

**IAFF**

International Association of Firefighters

**IAW**

In Accordance With

**IMCOM**

Installation Management Command

**LES**

Leave and Earnings Statement

**L/MER**

Labor/Management Employee Relations

**LWOP**

Leave Without Pay

**MEDDAC**

Medical Activity

**MFL**

Medical Family Leave

**MSCoE**

Maneuver Support Center of Excellence

**NAGE**

National Association of Government Employees

**NPA**

Notification of Personnel Action

**OCONUS**

Outside the Continental United States

**OPM**

Office of Personnel Management

**PUB. L.**  
Public Law

**SF-50**  
Standard Form 50

**SF-52**  
Standard Form 52

**TA**  
Time and Attendance

**TRADOC**  
Training and Doctrine Command

**U.S.**  
United States

**USAES**  
United States Army Engineer School

**USAMPS**  
United States Army Military Policy School

**USC**  
United States Code

**USCBRN**  
United States Chemical, Biological, Radiological, and Nuclear School

**VLTP**  
Voluntary Leave Transfer Program

**WG**  
Wage Grade