



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

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INSPECTOR GENERAL INSTRUCTION 1424.630

LEAVE ADMINISTRATION POLICY AND PROCEDURES

FOREWORD

This Instruction provides general policy guidance, instructions, and states responsibilities for establishing and administering the leave policies of the Department of Defense Office of Inspector General. It will serve as the guide to efficient and effective administration of leave.

The office of primary responsibility for this Instruction is the Human Capital Advisory Services Directorate. This Instruction is effective immediately.

FOR THE INSPECTOR GENERAL:

A handwritten signature in black ink, appearing to read "SD Wilson".

Stephen D. Wilson
Assistant Inspector General
for Administration and Management

5 Appendices

11-18-10: An administrative change was added to this Instruction. See page 50, Chapter 13, paragraph B.

LEAVE ADMINISTRATION POLICY AND PROCEDURES

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CHAPTER 1 GENERAL

A. Purpose. This instruction prescribes policies, responsibilities, and procedures governing the administration of leave for civilian employees of the Department of Defense Office of Inspector General (DoD OIG). It also establishes policies, procedures, and responsibilities for the Voluntary Leave Transfer Program.

B. References. See Appendix A.

C. Cancellation. This Instruction supersedes IGDINST 1424.630, *Leave Administration Policy and Procedures*, March 19, 2007, and cancels IG Policy Memo 2004-30, *Clarification of Leave Administration Policy and Procedures Pertaining to the 59 Minute Rule*, October 15, 2004 and IGDPM 2010-3, *Excused Absence for Office of Inspector General Employees Returning from Deployments to Southwest Asia*, March 30, 2010.

D. Applicability. This Instruction:

1. This Instruction applies to the Office of Inspector General and the Department of Defense Inspector General Components, hereafter referred to collectively as the OIG Components.

2. Governs all full-time and part-time civilian employees, except those excluded by statute.

3. Covers employees regardless of the tenure of their appointment, except that an employee whose current employment is limited to less than 90 days is entitled to annual leave only after being currently employed for a continuous period of 90 days under successive appointments without a break in service.

4. Unless specifically included under the provisions of this Instruction the provisions herein do not apply to military members.

E. Definitions. See Appendix B.

F. Acronyms. See Appendix C.

G. Policy

1. Leave shall be administered uniformly and equitably within the scope of applicable laws, regulations, and this Instruction. The provisions of this Instruction are based upon information contained in references (a) through (d).

2. Employees shall be given the opportunity to take full advantage of all entitled leave.
3. Leave (annual leave, sick leave, and leave without pay (LWOP)), excused absence, compensatory time off, credit hours, and absence without leave shall be charged in increments of 15 minutes. The leave approving official has discretion to accumulate absences within a day for charging leave. Absences of partial hours on separate days shall not be combined.
4. Military leave shall be charged in increments of one hour.
5. Home leave shall be charged in increments of whole days.
6. An employee shall not be required to perform work during a period for which he/she is charged leave, compensatory time off, credit hours, or absence without leave.
7. The authority to approve absences and leave shall be vested in the lowest practicable supervisory level.
8. Management shall be responsive to and supportive of employee requests for leave to meet parental and family responsibilities.
9. Jury duty is considered a civic responsibility and release from jury duty shall be requested for an employee only in exceptional situations in which the public interest would be better served by him or her remaining in a duty status.
10. Periods of excused absence (or administrative leave) are considered part of an employee's basic workday even though the employee does not perform his/her regular duties during the period of excused absence. Therefore, the authority to grant excused absence (or administrative leave) shall be used sparingly.
11. Comptroller General decisions limit discretion to grant excused absence to situations involving brief absences. Normally, a period of excused absence (or administrative leave) shall not exceed 3 days. Where absences are for other than brief periods of time (i.e., for more than 3 days), a grant of excused absence (or administrative leave) is not appropriate unless the absence is in connection with furthering a function of the DoD. Such instances are extremely rare.
12. Unless specified otherwise elsewhere in this Instruction an employee shall request leave in advance of his/her absence on an Office of Personnel Management (OPM) Form 71, *Request for Leave or Approved Absence*, hereafter referred to as OPM Form 71, and submit it to his/her leave approving official.
13. Scheduling or requesting leave is not tantamount to approval of the absence. Failure to obtain proper approval of an absence may result in a charge of absence without leave and further administrative action.

14. Unless specified otherwise elsewhere in this Instruction, a leave approving official shall act promptly on employee requests for leave, but in no case later than 10 calendar days after receipt of the request or before commencement of the requested period of absence, whichever occurs first. If the leave approving official disapproves a request for leave, he/she shall inform the employee in writing of the disapproval within the timeframe above and the reason(s) therefore. The leave approving official shall also make every reasonable effort, considering work requirements, to reschedule the leave at a time acceptable to the employee.

H. Responsibilities

1. Component Heads shall:

- a. Ensure leave is administered in accordance with this Instruction.
- b. Establish internal leave policies within the framework of this Instruction.
- c. Establish appropriate internal administrative procedures for requesting and approving leave and specifying supervisory prerogatives regarding the approval of leave.
- d. Ensure that employees schedule and use current accrued annual leave that would otherwise be forfeited at the end of the leave year throughout the leave year, to avoid large balances (normally more than 80 hours) of unused use or lose annual leave at the end of the leave year.
- e. Determine exigencies of the public business and establish termination dates for the exigencies consistent with applicable laws, regulations, and this Instruction.

2. Leave Approving Officials shall:

- a. Normally be an employee's first level supervisor.
- b. Maintain a sound working knowledge of policies, regulations and procedures governing absence and leave.
- c. Apply the provisions of this Instruction in a fair and equitable manner.
- d. Inform employees of internal procedures for requesting, documenting, and receiving approval of leave.
- e. Approve or disapprove employee requests for leave within a reasonable period following receipt, but in no case more than 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) after the date the leave approving official receives the request, or before the effective time of the requested leave, whichever occurs first.

f. If the request is not approved, the leave approving official shall notify the employee in writing that the request has not been approved and the reason(s) for its disapproval. The leave approving official shall make every reasonable effort to reschedule the requested leave at a time acceptable to the employee, considering work requirements.

g. Notify an employee who has applied to become a leave recipient under a Federal leave transfer program (or the designated personal representative who made the application on behalf of the employee) within 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) after the date the application was received, that the application has been approved or that the application has not been approved and the reasons for its disapproval.

h. Ensure that absences from duty are charged appropriately in accordance with this Instruction and maintain supporting documentation as required and necessary.

i. Establish leave schedules in January of each year, and review such schedules periodically (normally once a quarter) throughout the leave year, to ensure that all employees are given an opportunity to use all earned leave during the leave year.

j. Depending on work requirements, leave approving officials shall plan to allow each employee an extended period of leave for rest and relaxation annually to assist in maintaining maximum efficiency and productivity.

k. Review leave usage periodically and ensure that use of leave is consistent with the letter and spirit of applicable policies, regulations, and this Instruction.

3. **Employees** shall:

a. Be aware and knowledgeable of the provisions of this Instruction so that they fulfill their responsibilities hereunder.

b. Request annual leave; sick leave for scheduled medical, dental or optical examinations or treatment; and LWOP in advance and to avoid interference with peak work load periods, to preclude large accumulations of unused use or lose annual leave at the end of the leave year, and to allow for equitable sharing of preferred leave periods.

c. Submit a completed OPM Form 71 for absences and provide any required/requested documentation in a timely manner.

d. Request and use leave for the purposes and in the manner described in this Instruction.

e. Schedule and request use or lose annual leave early in the leave year and use annual leave that would otherwise be subject to forfeiture throughout the leave year so as to avoid a large unused balance of use or lose annual leave at the end of the leave year.

f. Personally report illness or emergency absences to the leave approving official and request to be placed on the appropriate type of leave as soon as possible, normally within the first 2 hours after the beginning of the employee's duty day.

4. The **Director, Human Capital Advisory Services (HCAS)**, shall:

a. Inform employees of their right and responsibilities and of administrative requirements for using leave.

b. Assist leave approving officials in ensuring proper approval of and accounting for leave and other periods of absence.

c. Publicize annually a reminder of the statutory procedures and suspense date for scheduling annual leave and the procedures and requirements for requesting restoration of forfeited annual leave as a result of an exigency of the public business or sickness or illness of an employee.

d. Publicize annually emergency dismissal and closure procedures for components located inside the Washington, DC Capital Beltway.

e. Publicize approved leave recipients under the Voluntary Leave Transfer Program to employees of the OIG.

CHAPTER 2 ANNUAL LEAVE

A. Coverage and Exclusions

1. Full and part-time employees on prescheduled tours of duty earn annual leave if appointed for 90 days consecutively or longer, or if employed for 90 days or longer under successive appointments of shorter periods without a break in service.
2. Intermittent employees do not earn annual leave.

B. Accrual

1. The rate at which an employee accrues leave is based on the type of appointment on which the employee is serving and his/her years of creditable Federal service.
2. Changes in leave category (accrual rate) are effective at the beginning of the first pay period following the employee's completion of the prescribed period of creditable service.
3. Full- and part-time employees whose appointment are for 90 days or longer earn and are credited with annual leave beginning with the first day of duty after appointment. An employee initially appointed for less than 90 days who serves on successive appointments that total 90 days or more without a break in service shall be entitled to full leave accrual for the 90 days on the 91st day of service. An employee initially appointed for less than 90 days and whose current appointment is for 90 days or more begins to accrue annual leave with the current appointment. If there is no break in service between the appointments, the employee shall be credited with the leave that would have accrued from the initial appointment.

C. Creditable Service. The amount of annual leave that an employee earns is based in part on previous creditable civilian and military service.

1. **Civilian Service**

- a. Credit is given for Federal civil service in the executive, judicial, and legislative branches of the Federal government.
- b. Credit is given for all regular duty time, leave with pay, and time on the rolls in a nonpay status (e.g., LWOP, furlough, suspension, absence without leave) that does not exceed 6 months in the aggregate in any calendar year. An exception is that full credit is given for periods of LWOP during which an employee

- (1) Receives workers' compensation from the Department of Labor (DOL).

(2) Serves with the Armed Forces during a period of war or national emergency. These employees are considered to be on military furlough if they serve no more than 5 years at the request of the Government and if they request restoration to civilian service within a specified period after released from military duty.

2. **Military Service**

a. Except as indicated below, all active duty military service terminated by honorable discharge or by transfer to inactive Reserve under honorable conditions is creditable.

b. Periods of lost time (e.g., absence without leave) are not credited.

c. A Reservist ordered to active duty for training normally receives credit for the duty period. No credit is given for scheduled weekly or monthly assemblies or drills.

d. Retired members of the Uniformed Services receive credit for active service in the Armed Forces during wartime, or in any campaign or expedition for which a campaign badge has been authorized, with the exception that the following receive credit for all their military service:

(1) Employees whose retirement was based on a disability resulting from injury or disease received in the line of duty as a direct result of an armed conflict or caused by an instrumentality of war and incurred in the line of duty during a period of war.

(2) Employees who were employed in November 1964 in a civilian office to which the annual and sick leave law applied and who have continued to be employed without a break in service of more than 30 days.

D. **Annual Leave Credits**

1. Employees earn and are credited with leave during each full biweekly pay period they are in a pay status or in a combination of a pay status and a nonpay status.

2. Employees do not earn leave during a pay period in which the number of hours in a nonpay status equals the number of hours of the employee's biweekly tour of duty.

E. **Annual Leave Earning Categories**

1. Full-time employees earn leave as follows:

a. Category 4 employees have less than 3 years of creditable service and earn 4 hours of annual leave for each biweekly pay period.

b. Category 6 employees have 3 but less than 15 years of creditable service and earn 6 hours of annual leave for each biweekly pay period (except that the accrual for the last full biweekly pay period in the calendar year is 10 hours).

c. Category 8 employees have 15 or more years of creditable service and earn 8 hours of annual leave for each biweekly pay period.

2. Part-time employees for whom there has been established in advance a regular tour of duty on one or more days of each administrative workweek, and part-time employees on a flexible work schedule for whom there has been established only a biweekly work requirement, earn annual leave as follows:

a. Category 4 employees earn 1 hour of annual leave for each 20 hours in a pay status.

b. Category 6 employees earn 1 hour of annual leave for each 13 hours in a pay status

c. Category 8 employees earn 1 hour of annual leave for each 10 hours in a pay status.

3. Beginning October 17, 2004, an employee holding a position in the Senior Executive Service (SES) accrues annual leave at the rate of one day (8 hours) for each full biweekly pay period he/she is employed for the full pay period.

F. Maximum Annual Leave Accumulation

1. The maximum accumulation of annual leave for a full-time employee is normally 30 days (240 hours).

2. A full-time employee assigned to an area outside the United States may accumulate a maximum of 45 days (360 hours). That leave ceiling may be retained after assignment to a position subject to the 30 day maximum accumulation limit until the employee uses more annual leave in a leave year than he/she accrues. The balance of unused accumulated annual leave at the beginning of the first full biweekly pay period in a calendar year becomes the employee's new personal leave ceiling.

3. Unused annual leave accrued while an employee is serving under an appointment in the SES may accumulate until it totals not more than 90 days (720 hours) at the beginning of the first full biweekly pay period in a calendar year.

a. Any accumulated annual leave of an employee who moves from a position outside the SES to a position in the SES remains to the employee's credit.

b. Annual leave accumulated prior to an employee's movement to the SES that is in excess of the amount allowed for the former position and that is not used by the beginning of the first full biweekly pay period in the next leave year is subject to forfeiture.

c. If the employee serves less than a full biweekly pay period under an appointment in the SES, only that portion of accrued annual leave that is attributable to service in the SES is subject to the 90 day (720-hour) limitation on accumulation of annual leave. Annual leave accrued during the remainder of the pay period is subject to the limitation allowed for the position to which the employee has moved.

4. When an employee in the SES moves to a position outside the SES, any annual leave accumulated while serving in the SES that is in excess of the amount allowed for the position remains to the employee's credit and is subject to reduction under procedures identical to those described in paragraphs F.3.a and F.3.b above.

a. If the employee has more than 720 hours of annual leave at the time of the move and has a personal leave ceiling in excess of 90 days (720 hours), the employee may not carry over to the next leave year an amount greater than the employee's personal leave ceiling.

b. If the employee has more than 720 hours of annual leave at the time of the move and does not have a personal leave ceiling, the employee may not carry over to the next leave year more than 720 hours.

5. An employee in the SES who, as of the first day of the first pay period beginning after October 13, 1994, has accumulated annual leave in excess of 90 days (720 hours) is entitled to retain that leave as a personal leave ceiling. The leave is credited to the employee and is subject to reduction as follows:

a. Annual leave credited to an employee shall be based on the amount of annual leave accumulated by the employee as of the end of the pay period preceding the first pay period beginning after October 13, 1994. The credited leave excludes any restored annual leave and any advance annual leave that had not been earned.

b. Annual leave credited to an employee that is in excess of 90 days (720 hours) is subject to reduction until the employee's accumulated annual leave is equal to or less than 90 days (720 hours).

6. A part-time employee may accumulate not more than 240 or 360 hours of annual leave on the same basis that a full-time employee may accumulate not more than 30 or 45 days of annual leave.

G. Annual Leave Requests and Approval

1. The use of annual leave is a right of an employee. However, the leave approving official determines when the leave is used based on work assignments.

2. Normally, annual leave shall be requested by the employee and approved in advance of an absence, on an OPM Form 71. The leave approving official shall act promptly on employee requests for leave. When employees can be spared from their duties, annual leave

shall be granted freely for personal, vacation, or emergency purposes. When it is necessary to deny or cancel a request for annual leave due to work requirements, the leave approving official shall inform the employee in writing and ensure prompt rescheduling of the employee's leave.

3. Leave approving officials should establish written schedules for planned leave early in the leave year, normally in January of each year. The leave schedules should be reviewed periodically and modified according to work requirements. Large accumulations of annual leave should be avoided. To the maximum extent possible, leave schedules should reflect the personal desires of employees on the timing and amount of annual leave to be used. Depending on work requirements, leave approving officials shall plan to allow each employee an extended period of leave for rest and relaxation annually to assist in maintaining maximum efficiency and productivity.

4. Normally, employees shall not be denied the use of annual leave when they may otherwise be required to forfeit such leave by reason of maximum accumulation or forfeiture rules. Denial of annual leave requests shall be based on factors that are reasonable and equitable and that do not discriminate against any employee or group of employees.

5. The only exception to the requirement for an employee to request annual leave in advance may be in emergency situations and then the use of annual leave is still subject to the leave approving official's approval.

a. There is no entitlement to leave on the sole basis that unforeseen circumstances in the employee's opinion require his/her absence from duty.

b. The leave approving official may decide not to approve an otherwise acceptable request for emergency annual leave when the request is received more than 2 hours after the start of the employee's tour of duty, unless circumstances clearly show that a delay in requesting leave was unavoidable.

6. The reporting of an absence or the transmitting of a request for leave through another person (including the timekeeper, a spouse, etc.) to the leave approving official does not satisfy the requirement for the employee to obtain prior approval of an absence on annual leave. Failure of an employee to secure proper approval of annual leave may result in a charge of absence without leave and initiation of administrative action against the employee.

H. Restoration of Forfeited Annual Leave

1. Annual leave that is forfeited because it is in excess of maximum leave ceiling (i.e., 30, 45, or 90 days) may be restored because of an administrative error, exigency of the public business, or sickness of the employee. The annual leave shall be restored in a separate leave account.

2. Annual leave shall be scheduled in writing on OPM Form 71 before the start of the third pay period prior to the end of the leave year. Only when this statutory requirement is met can leave that is forfeited due to an exigency of the public business or sickness of the employee be considered for restoration.

3. Component Heads have authority to determine that an exigency of public business is of major importance that excess annual leave cannot be used during the period of the exigency and establish the beginning and termination dates of the exigency(ies). This authority may not be redelegated. Annual leave subject to forfeiture must have been scheduled as stated in paragraph H.2 above.

a. A statement by the Component Head should be prepared that establishes the beginning and termination dates of the exigency period and identifies the affected employees. The statement should be prepared before the beginning of the exigency period unless the suddenness or uncertainty of the circumstances prevents advance decision.

b. The statement should specify that the exigency determination is of such importance that the employee(s) cannot be excused from duty to use the leave and thus preclude the forfeiture of all, or portions of, the unused annual leave in excess of the maximum accumulation for the leave year.

c. The statement should assert there is no alternative to the cancellation of the scheduled leave, such as postponing the work or assigning the work to another employee.

4. Annual leave that is forfeited because of an employee's sickness or injury may be restored if the leave was scheduled in advance as stated above and the period of absence due to the sickness or injury occurred late in the leave year or was of such duration that the annual leave could not be rescheduled for use before the end of the leave year to avoid forfeiture.

5. Requests for restoration of forfeited annual leave shall be submitted in writing by the employee through his/her chain of command to the HCAS, Assistant Director, Workforce Relations Division (WRD). The request shall include the following:

a. The number of hours the employee is requesting to be restored.

b. The original approved OPM Form 71 that shows the date(s) the leave was requested, the period(s) during which the leave was requested to be used, the amount of leave that was scheduled for use, the date(s) the leave was approved for use, and the signatures of the employee and of the leave approving official.

c. Documentation that the leave was denied or cancelled and the reasons therefore (including the exigency statement identified in subsection H.3 above), the dates the leave was rescheduled for use, if appropriate, and the amount of leave (number of hours) that was rescheduled for use.

d. Copies of the employee's DoD Civilian Leave and Earnings Statements (DFAS Form 1) for the last pay period of the leave year when the leave was forfeited and for the first pay period of the subsequent leave year.

6. The WRD, after review of the request for compliance with application provisions of law and this Instruction, notifies the employee in writing of the number of hours that have been approved for restoration; that the restored leave shall be credited to a separate leave account; that requests for use of restored leave shall be coded differently in the time and attendance system in order that the leave shall be deducted from the separate account; the period during which the restored leave is available for use; the disposition of restored leave upon departure or expiration of the period for use; and that a copy of the memorandum is being provided to the customer service representative for entry into the Defense Civilian Pay System (DCPS) operated by the Defense Finance and Accounting Service (DFAS).

7. Restored annual leave is maintained in a separate leave account. It shall be scheduled and used not later than the end of the leave year ending 2 years after:

a. The date of restoration of the annual leave forfeited because of administrative error;

b. The date fixed by the Component Head as the date of termination of the exigency of the public business; or

c. The date the employee is determined to be recovered and able to return to duty from sickness or injury that gave rise to the forfeiture.

8. Restored leave that is not used within the established time limits is forfeited with no further right to restoration. Administrative error may not serve as the basis to extend the time limit in which to use restored annual leave. This is so even if the agency fails to establish a separate leave account, fix the date for the expiration of the time limit, or properly advise the employee regarding the rules for using restored annual leave.

9. If an employee is granted a back pay award, the agency shall deduct any lump-sum payment for annual leave and recredit the annual leave for the employee's use.

10. Employees assigned to DoD activities designated by the Base Realignment and Closure (BRAC) Commission for closure are entitled to have forfeited annual leave restored under section 6304(d)(3) of title 5, United States Code (U.S.C.). Employees assigned to DoD activities designated by the BRAC Commission for realignment are also entitled to have forfeited annual leave restored under 5 U.S.C. 6304(d)(3), provided that the realignment meets the definition of realignment in 10 U.S.C. 2687(e)(3) and meets the requirements of 10 U.S.C. 2687(a)(2). Such employees are not required to request restoration of the forfeited annual leave. A system change was developed for the Defense Civilian Personnel Data System (DCPDS) and the DCPS to automate the recording of employee eligibility for BRAC restored leave and the associated annual leave restoration and payout process.

I. Substitution of Annual Leave

1. Annual leave may be substituted for sick leave that has been applied for and approved, but not yet used.
2. Annual leave may be substituted retroactively for advance sick leave but not to prevent forfeiture of annual leave. The substitution shall be made before the annual leave would have been forfeited.

J. Advance Annual Leave

1. Annual leave may be advanced to an employee based upon the employee's written request and prior to the employee's absence from duty for which the advance is requested. There is no employee entitlement to advance annual leave.
2. The amount of annual leave that may be advanced shall not exceed the number of hours the employee would accrue in the remainder of the leave year.
3. In considering the request for advance annual leave, the leave approving official shall consider the likelihood whether the employee will return to duty and accrue sufficient annual leave to repay the advance.
4. Advance annual leave creates indebtedness. In most cases when an employee who is indebted for unearned (advance) leave separates from Federal service, he/she is required to refund the amount of unearned leave to which he/she is indebted or the agency may deduct that amount from any pay due the employee upon separation (e.g., lump-sum payment for unused annual leave, refund of retirement contributions).

K. Donation of Annual Leave

1. An employee may request approval to be a leave donor under the Voluntary Leave Transfer Program and under the Federal Emergency Leave Transfer Program.
2. Under the Voluntary Leave Transfer Program, the maximum amount of annual leave that an employee may donate to an approved leave recipient is not more than one-half of the annual leave the potential donor would accrue during the leave year. For employees with "use or lose" annual leave, the employee may donate the lesser of one-half of the annual leave he/she would accrue in the leave year or the number of hours remaining in the leave year to which the employee is scheduled to work and receive pay. See Chapter 3 for details on the Voluntary Leave Transfer Program.
3. Under the Federal Emergency Leave Transfer Program, a full-time employee may donate not less than one hour nor more than 104 hours of annual leave to assist other Federal employees who are adversely affected by a major disaster or emergency and who need additional time off from work without having to use their own paid leave. A part-time employee or an

employee with an uncommon tour of duty may not donate more annual leave than twice the average number of hours in the employee donor's scheduled tour of duty each week. See Chapter 15 for details on the Federal Emergency Leave Transfer Program.

L. Lump Sum Payment for Annual Leave

1. An employee is entitled to a lump sum payment for accumulated and accrued annual leave when he/she separates from Federal service or enters on active duty in the Armed Forces and elects to receive a lump-sum payment for annual leave. An employee is not entitled to a lump-sum payment for annual leave if upon transfer; his/her annual leave can be transferred to a formal leave system. The lump-sum payment shall equal the pay (excluding any foreign area post differential and any foreign area danger pay allowance) the employee would have received had he/she remained employed until expiration of the period of annual leave.

2. A lump-sum payment is considered pay for taxation purposes only. The period of leave used for calculating the lump-sum payment may not be extended due to any holiday occurring after separation. An employee may not earn leave for the period covered by the lump sum payment.

3. When an employee who received a lump-sum payment for annual leave is reemployed in the Federal service prior to the expiration of the lump sum period, he/she shall refund an amount equal to the pay covering the period between the date of reemployment and the expiration of the lump-sum period. An amount of annual leave equal to the leave represented by the refund is recredited to the employee.

4. The following are included in a lump-sum payment for annual leave: rate of basic pay, locality pay or other special geographic adjustment, within-grade increase, General Schedule adjustments, Federal Wage System (FWS) pay adjustments, administratively uncontrollable overtime, availability pay, night differential (FWS), standby duty pay, Fair Labor Standards Act (regularly scheduled for employees on uncommon tours of duty), cost-of-living allowance (nonforeign areas), supervisory differential, post differential (nonforeign areas), and post allowances (foreign areas), as applicable.

M. Recredit of Annual Leave

1. When an employee transfers between positions covered by the same leave system, the losing agency certifies his/her annual leave account to the gaining agency for credit or charge. Only his/her leave in whole hour units is transferred when the employee moves into or out of DoD. When the employee moves within DoD (e.g., between activities covered by this Instruction and military departments, Defense agencies, etc.), fractions of an hour of leave shall transfer; however, the ability to use the transferred fractional unit of leave shall depend on the minimum leave charge applicable to the employee in his/her new position.

2. When an employee leaves his/her civilian position to enter the military service, the employing agency certifies his/her leave account for credit or change. If the employee returns to a civilian position following military service, the gaining agency reestablishes the certified leave

account as credit or charge (without regard to the date he/she left the civilian position) when the employee is restored in accordance with a right of restoration or when the employee is reemployed on or after December 2, 1994, in a position covered by the same leave system.

3. When an employee is restored to an agency as a result of an appeal, the agency reestablishes his/her leave account as a credit or charge as it was at the time of separation.

4. When annual leave is recredited to an employee as a result of a grievance or other proceeding (e.g., settlement of an Equal Employment Opportunity proceeding), the agency adds the annual leave to the employee's regular annual leave account.

5. Annual leave that is recredited to an employee is subject to the same rules for scheduling and use as described in paragraph G, above, in order that any accumulated annual leave that is forfeited at the end of the leave year can be considered for restoration.

N. Annual Leave to Establish Certain Eligibilities

1. An employee may use annual leave to establish initial eligibility for retirement in reduction-in-force (RIF) and other restructuring situations (i.e., separation by adverse action proceedings because of the employee's decision to decline relocation including transfer of function). An employee who has received a specific notice of termination in the above situations may use annual leave past the date that the employee would otherwise have been separated in order to establish initial eligibility for immediate retirement, including discontinued service or voluntary early retirement.

2. An employee may use annual leave to establish initial eligibility to continue health benefits coverage into retirement.

3. Annual leave that may be used for the purposes described in subsections M.1 and M.2, above, includes all accumulated, accrued, and restored annual leave to the employee's credit prior to the effective date of the reduction-in-force or relocation, annual leave earned by an employee while in a paid leave status after the effective date of the reduction-in-force or relocation, and annual leave donated to the employee if he/she is an approved leave recipient and the medial emergency has not terminated as of the effective date of the reduction-in-force or relocation.

4. Annual leave that is advanced to an employee may not be used for the purposes described in subsections M.1 and M.2 above.

O. Prohibition on Using Annual Leave. Annual leave shall not be approved when it is known the employee will not return to duty and the employee requests leave to avoid a lump sum payment; during active military duty, except for Reservists and National Guardsmen; as a disciplinary measure; without the employee's consent pending issuance of a proposed adverse or performance based action or during the advance notice period before an adverse or performance based action.

CHAPTER 3 VOLUNTARY LEAVE TRANSFER PROGRAM

A. Coverage and Exclusions

1. The Voluntary Leave Transfer Program allows Federal employees to donate annual leave directly to other Federal employees in their agency or other Federal agencies, who have personal or family medical emergencies and who have exhausted their own leave.

2. Individuals employed in agencies whose principal function is the conducting of foreign intelligence or counterintelligence activities (e.g., the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, and the Federal Bureau of Investigations) are excluded from the leave sharing program covered by this Instruction. Many excluded agencies operate similar leave sharing programs. However, employees covered by this Instruction may not transfer donated annual leave to excluded agencies and vice versa.

B. Medical Emergency

1. A medical emergency is a medical condition of an employee or a family member of such employee that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave.

2. The sole criterion to determine whether there is likely to be a substantial loss of income is whether the employee's absence from duty without available paid leave is (or is expected to be) at least 24 hours (or in the case of a part-time employee or an employee with an uncommon tour of duty, at least 30 percent of the average number of hours in the employee's biweekly scheduled tour of duty).

C. Family Member. Family member includes the following relatives of the employee: spouse and parents thereof; children including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

D. Application To Become A Leave Recipient

1. An employee may apply to be a leave recipient within 30 calendar days before a medical emergency, during a medical emergency, or within 30 calendar days after a medical emergency. He/she shall complete IG Form 1424.630-1, *Leave Recipient Application*, to include attaching appropriate medical certification, and submit it to his/her leave approving official. Appropriate medical certification is certification from a physician or other appropriate experts which clearly states that the employee is unable to work due to a medical condition of the

employee or a family member. The medical certification must also provide a brief description of the reason(s) for the absence and include the beginning and ending period (or an estimation) of the medical emergency. If the medical emergency is a recurring one, the medical certification must include the approximate frequency of the employee's medical emergency.

2. The leave approving official shall determine that the employee's absence from duty because of a medical emergency is (or is likely to be) at least 24 hours without available paid leave for full-time employees. The period of absence without paid leave for part-time employees and employees on uncommon tours of duty is prorated.

3. The leave approving official shall inform the employee (or his/her designated representative who filed the application on the employee's behalf) within 10 workdays after receipt of the application that:

a. The application is approved and then forward the approved application to the WRD and request the WRD to inform all OIG employees of the employee's approval as a leave recipient and of the opportunity to donate annual leave to the employee; or

b. The application is not approved and the reason(s) for its disapproval and return the disapproved application to the employee. The leave approving official also forwards a copy of the disapproved application and reason(s) for disapproval to the WRD.

4. While using donated leave, a leave recipient can accrue no more than 40 hours of annual leave and 40 hours of sick leave in "set-aside accounts." The leave in the set-aside accounts shall be transferred to the employee's regular leave accounts when the medical emergency ends or if the employee exhausts all donated leave.

5. The leave approving official shall continuously monitor the status of the medical emergency affecting the leave recipient to ensure that the leave recipient continues to be affected by the medical emergency. The leave approving official shall ensure that a copy of the leave recipient's time and attendance form (e.g., Employee Time Log, DAMIS Timesheet, etc.) and OPM Forms 71 are forwarded to the WRD at the end of each pay period that the employee is a leave recipient.

E. Application to Become A Leave Donor

1. An employee may donate annual leave to an approved leave recipient in the OIG who is covered by this Instruction or in another agency covered by the provisions of the Federal Voluntary Leave Transfer Program subject to the following limitations:

a. An employee may not donate more than one-half of the annual leave he/she would accrue during the leave year.

b. For employees with “use or lose” annual leave, the employee may donate the lesser of one-half of the annual leave he/she would accrue in a leave year or the number of hours remaining in the leave year for which the employee is scheduled to work and receive pay (i.e., be in a paid duty status).

2. The HCAS, Assistant Director, WRD has the authority to grant waivers of the above limitations for annual leave donations when it is anticipated that insufficient donations will be received from other sources or the donor is a family member. Waivers shall not be granted solely to avoid annual leave forfeiture at the end of the leave year. Waiver requests shall be in writing and include a description of the circumstances.

3. An employee may apply to be a leave donor by completing IG Form 1424.630-2, “*Leave Donor Application*,” and submitting it, along with his/her current leave and earnings statement, to the WRD. Only whole hours of accrued annual leave may be donated.

F. Termination of Medical Emergency

1. The medical emergency affecting a leave recipient shall terminate:

a. When the leave recipient’s Federal service is terminated;

b. At the end of the biweekly pay period in which the recipient’s leave approving official receives written notice from the leave recipient, or from a properly designated personal representative of the leave recipient, that the leave recipient is no longer affected by a medical emergency;

c. At the end of the biweekly pay period in which a determination is made, after giving written notice to the leave recipient with an opportunity for the leave recipient (or, if appropriate, a properly designated personal representative of the leave recipient) to answer orally or in writing, that the leave recipient is no longer affected by a medical emergency; or

d. At the end of the biweekly pay period in which the recipient’s leave approving official receives notice that the OPM has approved an application for disability retirement for the leave recipient under the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS).

2. When a medical emergency terminates, the leave approving official shall provide written notice to the WRD. No further requests for transfer of annual leave to the leave recipient may be granted, and any unused transferred annual leave remaining to the credit of the leave recipient shall be restored to the leave donors.

3. The HCAS, Assistant Director, WRD may deem a medical emergency to continue for the purpose of providing a leave recipient an adequate time within which to receive donations of annual leave to cover LWOP and/or to repay indebtedness of advance leave resulting from the medical emergency.

G. Interagency Leave Donations

1. Employees covered by this Instruction may receive annual leave donations from leave donors in other Federal agencies and donate annual leave to approved leave recipients in other Federal agencies.

2. An employee covered by this Instruction who wants to donate annual leave to a leave recipient employed by another Federal agency shall complete an OPM Form 630-B, *Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program Outside Agency*, attach a copy of his/her current leave and earnings statement, and forward it, along with the name and telephone number of the point of contact at the leave recipient's employing agency, to the WRD. The WRD shall verify the availability of annual leave to be donated does not exceed the limitations in subsection E.1 above, and ascertain that the leave recipient's employing agency has made the requisite determinations about the transfer of annual leave from outside the recipient's agency. When these requirements are met, WRD shall forward the employee's leave donation to the point of contact at the leave recipient's employing agency and enter it into the DCPS operated by the DFAS.

H. Leave Receipts and Leave Donations

1. A supervisor may not receive donated annual leave from subordinate employees.
2. An employee may not donate annual leave to his/her immediate supervisor.
3. A leave recipient may use annual leave donated to him or her only for the purpose of the medical emergency for which the leave recipient was approved.
4. Transferred annual leave may be substituted retroactively for any period of LWOP or used to liquidate an indebtedness for any period of advance sick or annual leave that began on or after the date determined by the leave approving official as the beginning of the medical emergency.
5. Transferred annual leave may not be transferred to another leave recipient, including a lump-sum payment to the leave recipient, or made available for recredit upon reemployment of the leave recipient by a Federal agency.

I. Prohibition of Coercion

1. 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, or using annual leave under the Voluntary Leave Transfer Program.

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

CHAPTER 4 SICK LEAVE

A. Coverage and Exclusions

1. Full- and part-time employees earn sick leave.
2. Intermittent employees do not earn sick leave.

B. Accrual

1. Full-time employees accrue 4 hours of sick leave each full biweekly pay period.
2. Part-time employees earn 1 hour of sick leave for each 20 hours in a pay status. Credit may not exceed 4 hours of sick leave for 80 hours in a pay status during any full biweekly pay period.

C. Maximum Sick Leave Accumulation

1. There is no limitation on the amount of sick leave that an employee may accumulate.
2. Unused sick leave accumulated by employees covered by the CSRS is used in the calculation of their annuities.

D. Sick Leave Use. An employee may use sick leave for personal medical needs, care of a family member or bereavement purposes, care of a family member with a serious health condition, and adoption-related purposes.

E. Family Member. Family member includes the following relatives of the employee: spouse and parents thereof; children including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

F. Sick Leave for Personal Needs. Sick leave is a paid absence from duty that is granted to an employee when he/she:

1. Is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth;
2. Receives medical, dental, or optical examination or treatment; or
3. Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his/her presence on the job because of exposure to a communicable disease.

G. Sick Leave for Family Care or Bereavement Purposes

1. Most Federal employees may use a total of up to 104 hours of sick leave each leave year to:

a. Provide care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth;

b. Provide care for a family member as a result of medical, dental, or optical examination or treatment; or

c. Make arrangements necessitated by the death of a family member or attend the funeral of a family member.

2. A covered full-time employee may use up to 104 hours of sick leave each leave year for the purposes stated in paragraph G.1 above. Part-time employees and employees with uncommon tours of duty are also covered, and the amount of sick leave permitted for family care and bereavement purposes is pro-rated in proportion to the average number of hours of work in the employee's scheduled tour of duty each week. Leave approving officials may advance up to 104 hours of sick leave (or a proportional amount for an employee on a part-time schedule or uncommon tour of duty) for family care or bereavement purposes.

3. If an employee has already used any (or all) of the 480 hours of sick leave to care for a family member with a serious health condition (as described in paragraph H below), he/she cannot use additional sick leave in the same leave year for general family care or bereavement purposes under this paragraph that would cause the total sick leave usage for family care (including bereavement) in the leave year to exceed 480 hours of sick leave.

H. Sick Leave to Care for a Family Member with a Serious Health Condition

1. Most Federal employees may use a total of up to 12 administrative workweeks (480 hours) of sick leave each leave year to care for a family member with a serious health condition.

2. If an employee previously has used any portion of the 104 hours of sick leave for general family care or bereavement purposes in a leave year under paragraph G, above, that amount shall be subtracted from the 12-week entitlement under this section.

3. If an employee has already used 480 hours of sick leave to care for a family member with a serious health condition, he/she cannot use an additional 104 hours in the same leave year for general family care (including bereavement) purposes.

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

5. Leave approving officials may advance an employee a maximum of 240 hours of advance sick leave (or a proportional amount for an employee on a part-time schedule or uncommon tour of duty) to provide care for a family member with a serious health condition.

I. Sick Leave for Adoption

1. An employee may use sick leave for purposes related to the adoption of a child. The leave approving official may advance up to 30 days of sick leave for adoption-related purposes.

2. Absences related to adoption include:

- a. Appointments with adoption agencies, social workers, and attorneys;
- b. Court proceedings;
- c. Any periods of time the adoptive parents are ordered or required by the adoption agency or by the court to take off from work to care for the adopted child; and
- d. Any other activities necessary to allow the adoption to proceed.

3. Adoptive parents may not use sick leave when they voluntarily choose to be absent from work to bond with or care for an adopted child. They may use annual leave or LWOP for these purposes.

J. Sick Leave Requests and Approval

1. Use of sick leave is a right of an employee when it is requested for personal needs, for family care and bereavement, or for adoption, as described elsewhere in this chapter.

2. A leave approving official may require administratively acceptable documentation from an employee to support a period of absence charged to sick leave.

3. Normally, sick leave for purposes of receiving medical, dental, or optical examination or treatment shall be requested by an employee and approved in advance of an absence, on an OPM Form 71. The leave approving official shall act promptly on employee requests for leave, consistent with the policy and his/her responsibilities under this Instruction. Whenever possible, employees should attempt to schedule such appointments outside of normal duty hours.

4. Sick leave resulting from sickness or injury shall be requested by an employee from his/her leave approving official as soon as possible, and normally within 2 hours, after the start of the employee's tour of duty, unless circumstances clearly show that a delay in requesting leave was unavoidable.

a. The employee shall inform the leave approving official of the reason(s) for and expected duration of the absence and the type of leave he/she wishes to use.

b. Unless there is reason to doubt that the absence may not be properly charged to sick leave, the leave approving official should approve the absence at the time of the request and inform the employee of any specific requirements for requesting leave for absences due to sickness or injury that will extend beyond one workday.

c. Upon return to duty, the employee should complete an OPM Form 71 for the period of absence and submit it to the leave approving official.

5. Normally, the employee's certification on the OPM Form 71 (that the requested leave/absence was for the purpose(s) indicated, that he/she shall provide additional documentation, including medical certification, if required, and that falsification of information on the form may be grounds for disciplinary action, including removal from the Federal service) shall be sufficient to support the employee's use of sick leave.

6. A leave approving official may require an employee to furnish medical certification that is administratively acceptable to support absence(s) requested to be charged to sick leave.

a. In such instances, the leave approving official shall inform the employee before, or at the time, the employee makes the request for sick leave, of the requirements for medical certification to include the content of the information to be provided and the timeframe for providing it. Normally, medical certification shall be due when the employee returns to duty from a period of absence due to health-related reasons or at other times as specified by the leave approving official.

b. Failure of the employee to comply with such requirements may result in the employee being charged absence without leave (AWOL) and with failure to follow prescribed procedures for requesting leave and documenting absences. Such charges may support the initiation of disciplinary action against the employee.

c. When an employee who has been charged AWOL subsequently provides acceptable medical certification, the AWOL charge shall be changed to sick leave in the DCPS operated by the DFAS for the period covered by the medical certification. The employee may still be subject to disciplinary action (e.g., for delay in following prescribed procedures for documenting absences).

7. When an employee does not have sufficient accumulated sick leave to cover a period of absence for health-related reasons as described in paragraph F, above, he/she should not request sick leave, but annual leave or LWOP, for the period of absence for those reasons.

a. If an employee requests sick leave and the leave approving official is aware the employee does not have a sufficient balance of unused sick leave to cover the period of absence for those purposes, the leave approving official should so advise the employee and ask the employee if he/she would like to be carried on annual leave or LWOP.

b. When the employee does not have sufficient unused sick leave to his/her credit and the absence is coded in the DCPS as sick leave, the absence shall be charged against the employee's accumulated annual leave or LWOP.

8. The reporting of an absence or the transmitting of a request for leave through another person (including the timekeeper, a spouse, etc.) to a leave approving official does not satisfy the requirement for an employee to obtain prior approval of an absence on sick leave, unless the intermediary has been designated in writing by the employee as his/her personal representative. Failure of an employee to secure proper approval of sick leave may result in a charge of AWOL and initiation of administrative action against the employee.

K. Substitution of Sick Leave. When sickness or injury occurs during a period of annual leave, the employee may request, and the leave approving official may authorize, the substitution of sick leave for the period of sickness or injury.

L. Advance Sick Leave

1. The leave approving official may advance sick leave to an employee based on the employee's written request, (i.e., OPM Form 71) with administratively acceptable supporting documentation, and prior to the employee's absence from duty for which the advance leave is requested.

2. A maximum of 30 days (240 hours) of sick leave may be advanced to an employee on a permanent appointment for a serious disability, ailment, or for adoption-related purposes. The maximum amount of sick leave that may be advanced to an employee on a time-limited appointment shall not exceed the amount of sick leave the employee would accrue during the remainder of the appointment.

3. In the case of sick leave for family care and bereavement, up to 104 hours of sick leave (or a proportional amount for an employee on a part-time schedule or uncommon tour of duty) used for those purposes each leave year may be advanced.

4. In general, sick leave may be advanced for family care and bereavement, for a serious disability, ailment, or for adoption-related purposes, provided the employee has exhausted all accumulated sick leave, all annual leave that would be subject to forfeiture (i.e., annual leave that is in a restored leave account or annual leave that is in the employee's regular leave account and would exceed the maximum annual accumulation limitation if not used before the end of the leave year), all accumulated compensatory time, and all accumulated credit hours. There is no employee entitlement to advance sick leave. In considering a request for advance sick leave, the leave approving official shall review the employee's leave balances and consider the employee's past time and attendance record and the likelihood of whether the employee will return to duty and accrue sufficient sick leave to repay the advance.

5. The leave approving official shall respond to the employee's request in writing within 10 calendar days of receipt of the request, or before the start of the requested period of advance leave, whichever occurs first, and advise the employee how many hours of advance sick leave are approved. A copy of the written approval shall be provided to the customer service representative for entry into the DCPS operated by the DFAS.

6. Advance sick leave creates indebtedness. In most cases when an employee who is indebted for unearned (advance) leave separates from Federal service, he/she is required to refund the amount of unearned leave to which he/she is indebted or the agency may deduct that amount from any pay due the employee upon separation (e.g., lump sum payment for unused annual leave, refund of retirement contributions, etc.).

M. Sick Leave Recredit

1. An employee who has had a break in service is entitled to the recredit of his/her unused sick leave (without regard to the date of his/her separation), if the employee returned to the Federal service on or after December 2, 1994.

2. If an employee returned to the Federal government before December 2, 1994, the employee's unused sick leave was forfeited under the former regulation of the OPM and cannot be recredited.

CHAPTER 5 LEAVE WITHOUT PAY

A. **Description.** LWOP is a temporary nonpay status and absence from duty that, in most cases is requested by an employee and granted at the leave approving official's discretion.

B. **Leave Without Pay Requests and Approval**

1. Normally, an employee shall request LWOP on an OPM Form 71. Included in the request shall be the reason(s) for the request, the beginning and ending dates of the LWOP, the address where the employee will be available to receive correspondence, and the employee's signature and date of signature.

2. Leave approving officials shall act promptly on employee requests for LWOP (but in no case more than 10 calendar days after receipt, or before the start of the requested period of LWOP, whichever occurs first), giving consideration to the benefit to the DoD that would arise from the approval of the LWOP and the inconvenience and costs associated with the approval of LWOP. For example:

- a. Encumbrance of the position.
- b. Loss of services that may be vital to the serviced component.
- c. Complication of retention registers in the event of a reduction in force.
- d. Obligation to provide active employment at the end of the approved period of LWOP.
- e. Continuing agency contributions to unemployment compensation and, as applicable to premiums for employee coverage under the Federal Employees Health Benefits Program and the Federal Employee Group Life Insurance Program.

3. A leave approving official shall promptly inform an employee in writing whether he/she has approved or disapproved the request for LWOP. When a request for LWOP is approved, the leave approving official shall advise the component administrative officer and provide the administrative officer a copy of the request and approval. The administrative officer shall initiate a Request for Personnel Action (RPA) in the automated personnel system and route it to the HCAS, for processing. The leave approving official shall follow up with the employee prior to the end of the expiration of the LWOP period to ascertain the employee's intent to return to duty or to request an extension of LWOP. The leave approving official shall act on all extensions of LWOP in the same manner as on initial requests. The leave approving official shall ensure that the employee's absence is properly recorded in the DCPS. Note that LWOP while an employee is receiving compensation from the Office of Workers' Compensation Programs (OWCP), DOL, is coded differently from LWOP for other purposes.

C. Entitlement

1. In some cases an employee has an entitlement to LWOP. (See Appendix D.)

a. The Family and Medical Leave Act (FMLA) of 1993 (Public Law 103-3, February 5, 1993), provides covered employees an entitlement to a total of 12 weeks of unpaid leave (LWOP) during any 12-month period for certain family and medical needs. See Chapter 6 for details concerning family and medical leave.

b. The Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353), provides employees an entitlement to LWOP when employment with an employer is interrupted by a period of service in the uniformed service.

c. Executive Order 5396 (July 17, 1930), provides that disabled veterans as entitled to LWOP for necessary medical treatment.

d. Employees may not be in a pay status while receiving workers' compensation payments from the OWCP, DOL.

2. In the above circumstances, a leave approving official shall immediately approve and forward the employee's request for LWOP, after obtaining all supporting documentation.

D. Discretionary Approval

1. In most instances, granting LWOP is a matter of the leave approving official's discretion.

2. Examples of extended LWOP that may be appropriate:

a. To attend to parental or family responsibilities when the employee has not otherwise invoked the FMLA (an entitlement).

b. To pursue educational activities when the course of study or research is in line with the type of work being performed by the component and when completion of such a course or research would contribute to the component's best interest.

c. To serve with non-Federal public or private enterprise when the job is temporary character and when one or both of the following will result:

(1) The service to be performed shall contribute to the public welfare; and/or

(2) The experience gained by the employee shall also serve the interests of the Component.

3. To recover from illness or disability not of a permanent or disqualifying nature when continued employment or immediate return to employment would threaten impairment of the employee's health or the health of other employees.

4. To protect the employee's status and benefits pending final action by the OPM on an application for disability retirement after all sick and annual leave have been exhausted.

5. To protect the employee's status and benefits pending final action by the OWCP, DOL, on a claim for employment-connected injuries or occupational disease. LWOP is also proper while the employee is receiving compensation and can be expected to return to work within 6 months or on a definite date not later than 1 year after the employee's last duty day.

6. For family members who are career or career-conditional employees, or excepted service employees with competitive status, accompanying their military or Federal civilian employee spouse to a new duty station and who intend to seek Federal employment in the new area.

a. In this circumstance LWOP shall not exceed 90 days and a resignation SF 52, *Request for Personnel Action*, completely executed by the accompanying spouse-employee (with an effective date of 90 days after commencement of the LWOP), shall accompany the request for LWOP. Action to fill the vacancy created by the departure of the spouse-employee may proceed.

b. The initial period of LWOP may be extended in increments of 90 days, upon the accompanying spouse-employee's written request, if he/she has not found Federal civilian employment in the interim and the position in the component has not been filled. In no case shall the cumulative LWOP exceed 1 year.

E. Prohibition on the Granting of Leave Without Pay. LWOP may not be granted for an employee to engage in political activities, engage in private or commercial work where experience in cases where such work is judged to be of no value to the DoD, hold a civilian position with any other Federal agency, to keep an employee on the rolls when he/she is not expected to return to duty (except in those circumstances in which there is an entitlement to LWOP as described in paragraph C., above).

F. Distinguishing Leave Without Pay from Absence Without Leave. That an employee shall request LWOP and the generally permissive nature of LWOP distinguish it from AWOL, which is an absence from duty that is not authorized or approved (including leave not approved until required documentation is submitted), or for which a leave request was denied.

CHAPTER 6 FAMILY AND MEDICAL LEAVE

A. Coverage and Exclusions

1. Full- and part-time employees who have completed at least 12 months of service (not required to be 12 recent or consecutive months) are eligible for Family and Medical Leave (FML).

2. Intermittent employees and employees serving under a temporary appointment with a time limitation of 1 year or less are not eligible for FML.

B. Entitlements

1. An employee is entitled to a total of up to 12 administrative workweeks of unpaid leave during any 12 month period for one or more of the following reasons:

- a. The birth of a son or daughter of the employee and the care of such son or daughter;
- b. The placement of a son or daughter with the employee for adoption or foster care;
- c. The care of a spouse, son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition; or
- d. A serious health condition of the employee that makes the employee unable to perform any one or more of the essential function of his/her position.

2. An employee is entitled to maintain health benefits coverage and shall make arrangements to pay the employee's share of the premium while on family and medical leave or when he/she returns to work.

3. Upon return from FML, an employee shall be returned to the same position or to an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment.

4. An employee may take only the amount of FML that is necessary to manage the circumstances that prompted the need for family and medical leave.

5. An employee is not entitled to 12 additional workweeks of FML until the previous 12 month period ends and an event or situation occurs that entitles the employee to another period of FML.

C. Periods of Entitlement

1. The 12 month period referred to in subsection B.1 above, begins on the date an employee first takes FML and continues for 12 months.
2. Entitlement to FML for the reasons outlined in paragraphs B.1.a and B.1.b above shall expire at the end of the 12 month period beginning on the date of birth or placement.
3. Entitlement to FML for the reasons outlined in paragraphs B.1.a and B.1.b above may begin prior to or on the actual date of birth or placement for adoption or foster care, and the 12 month period, referred to in subsection B.1 above, begins on that date.

D. Invoking Family and Medical Leave. An employee shall invoke his/her entitlement to FML on the OPM Form 71.

1. An employee may not retroactively invoke his/her entitlement to FML.
2. If an employee and his/her personal representative are physically or mentally incapable of invoking the employee's entitlement to FML *during the entire period* in which the employee is absent from work for an FML-qualifying purpose, the employee may retroactively invoke his/her entitlement to FML within 2 workdays after returning to work. In such cases, the incapacity of the employee shall be documented by a written medical certification from a health care provider. In addition, the employee shall provide documentation acceptable to the agency explaining the inability of his/her personal representative to contact the agency and invoke the employee's entitlement to FML during the entire period in which the employee was absent from work for an FML qualifying purpose.

E. Notice of Leave

1. If the need for FML is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment, the employee shall provide notice to the leave approving official of his/her intention to take leave not less than 30 days before the date the FML is to begin. If the circumstances that necessitate the need for FML require leave to begin within 30 days, the employee shall provide such notice as is practicable.
2. If a need for FML is foreseeable based on planned medical treatment, the employee shall consult with his/her leave approving official and make a reasonable effort to schedule medical treatment so as not to disrupt unduly the operations of the organization, subject to the approval of the health care provider. A leave approving official may, for justifiable cause, request that an employee reschedule medical treatment, subject to the approval of the health care provider.
3. If the need for FML is foreseeable and the employee fails to give 30 days advance notice with no reasonable excuse for delay of notification, the leave approving official may delay the taking of FML until at least 30 days after the date the employee provides notice of his/her need for FML.

4. If the need for FML is not foreseeable, e.g., a medical emergency or the unexpected availability of a child for adoption or foster care, and the employee cannot provide 30 days advance notice of his/her need for leave, the employee shall provide notice within a reasonable period of time appropriate to the circumstances involved. If necessary, notice may be given by the employee's personal representative. FML may not be delayed or denied when the need for it is not foreseeable and the employee is unable, due to circumstances beyond his/her control, to provide advance notice of his/her need for FML.

F. Medical Certification

1. A request for FML for the reasons outlined in paragraphs B.1.c and B.1.d above, shall be supported by written medical certification issued by the health care provider of the employee or the health care provider of the spouse, son, daughter, or parent of the employee, as appropriate. The medical certification shall be provided on FML Medical Certification Form WH-380, *Certification of Health Care Provider*.

2. If the employee is unable to provide the requested medical certification before FML begins, or if the leave approving official questions the validity of the original certification provided by the employee and the medical treatment requires the leave to begin, the leave approving official shall grant provisional leave pending final written medical certification.

3. If, after the leave has commenced, the employee fails to provide the requested medical certification, the leave approving official may:

a. Charge the employee as AWOL; or

b. Allow the employee to request that the provisional leave be charged as LWOP or charged to the employee's annual and/or sick leave account, as appropriate.

G. Substitution of Paid Leave

1. An employee may elect to substitute the following paid leave for any or all of the period of LWOP to be taken under FML:

a. Accrued or accumulated annual or sick leave, consistent with current law and regulations governing the granting and use of annual or sick leave;

b. Advanced annual or sick leave approved under the same terms and conditions outlined in Chapters 2 and 4 of this Instruction; and/or

c. Leave made available to an employee under the Voluntary Leave Transfer Program consistent with Chapter 3 of this Instruction.

2. A leave approving official may not deny an employee's right to substitute paid leave for any or all of the period of LWOP to be taken under FML.

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

4. An employee shall notify his/her leave approving official of his/her intent to substitute paid leave for the period of LWOP taken under FML prior to the date such paid leave commences.

5. An employee may not retroactively substitute paid leave for LWOP previously taken under the FML.

H. Intermittent Leave or Reduced Leave Schedule

1. FML taken for reasons outlined in paragraphs B.1.a. or B.1.b. above shall not be taken intermittently or on a reduced leave schedule unless the employee and the leave approving official agree to do so.

2. FML taken in accordance with paragraphs B.1.c. or B.1.d. above may be taken intermittently or on a reduced leave schedule when medically necessary subject to paragraphs E and F above.

a. If an employee takes leave intermittently or on a reduced leave schedule that is foreseeable based on planned medical treatment or recovery from a serious health condition, the leave approving official may place the employee temporarily in an available alternative position for which the employee is qualified and that can better accommodate recurring periods of leave.

b. Upon returning from FML, the employee shall be entitled to be returned to his/her permanent position or an equivalent position.

CHAPTER 7
CONTINUATION OF PAY AND WORKERS' COMPENSATION

A. Authorized. An employee who suffers a job-related injury that results in a loss of time from duty may request to be placed on continuation of pay (COP) when he/she files a written claim in accordance with provisions of the Federal Employees' Compensation Act. The employee may be entitled to up to 45 calendar days of COP, upon request and without charge to his/her sick or annual leave, as a result of a traumatic injury, with proper medical documentation and acceptance of the claim by the OWCP, DOL. The COP normally is not charged on the date of injury.

B. Not Authorized. The COP is not authorized when disability results from an occupational disease. An employee may request to be placed on sick or annual leave or LWOP as a result of an occupational disease.

CHAPTER 8 COURT LEAVE

A. Coverage and Description

1. Employees covered by this Instruction are eligible for court leave.

2. An employee is entitled to time off at full pay without charge to leave for service as a juror or witness. An employee is responsible for informing his/her leave approving official if the employee is excused from jury or witness service for one day or more or for a substantial part of a day. If there is no jury/witness service, there is no court leave. The employee would be charged annual leave, sick leave, LWOP, as appropriate, for his/her absence. Appendix E summarizes employee absences for court or court-related services.

B. Jury Duty. An employee who is summoned to serve as a juror in a judicial proceeding is entitled to court leave.

C. Witness Duty. An employee who is summoned as a witness in a judicial proceeding in which the Federal, State, or local government is a party is entitled to court leave, except that when an employee is the defendant in such a proceeding, he/she shall request annual leave or LWOP to attend the proceeding.

D. Official Duty. An employee who is summoned as a witness in an official capacity on behalf of the Federal government is on official duty, not court leave.

E. Fees/Expenses. Fees paid for service as a juror or witness must be reimbursed to an employee's agency. Such fees, along with a certificate of attendance from the clerk of the court showing the inclusive dates of jury duty or witness service and the amount of fees the court paid to the employee, will be forwarded by the employee to the customer service representative in the HCAS. However, monies paid to jurors or witnesses that are in the nature of "expenses" (e.g., transportation, parking) do not have to be submitted to an employee's agency.

F. Court Leave Requests

1. Court leave shall be requested on an OPM Form 71 and be accompanied by the summons from the court as far in advance of the period of jury or witness duty as possible.

2. A leave approving official shall approve a request for court leave promptly. Only in very rare circumstances and when necessitated by exigent work requirements will a request for court leave be disapproved.

CHAPTER 9 MILITARY LEAVE

A. Coverage

1. Any full-time Federal civilian employee whose appointment is not limited to 1 year is entitled to military leave. Military leave under paragraph B.1 below, is prorated for part-time career employees and employees on an uncommon tour of duty.

2. An employee is entitled to time off at full pay for certain types of active or inactive duty in the National Guard or as a Reserve of the Armed Forces.

B. Types of Military Leave

1. Statute (5 U.S.C. 6323(a)) provides for 15 calendar days per fiscal year for active duty, active duty training, and inactive duty training. A maximum of 15 days can be carried over into the next fiscal year.

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

3. Statute (5 U.S.C. 6323(c)) provides unlimited military leave to members of the National Guard of the District of Columbia for certain types of duty ordered or authorized under Title 39 of the District of Columbia Code.

4. Statute (5 U.S.C. 6323(d)) provides that Reserve and National Guard Technicians only are entitled to 44 workdays of military leave for duties overseas under certain conditions.

C. Days of Leave

1. An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay. The minimum charge to leave is one hour.

2. Military leave for inactive duty training (generally 2, 4, or 6 hours in length) shall be charged only for the amount of military leave necessary to cover the period of training and necessary travel.

D. Pay

1. An employee's civilian pay remains the same for periods of military leave under paragraph B.1 above, including any premium pay (except Sunday premium pay) an employee would have received if not on military leave.

2. For military leave under paragraphs B.2 and B.3 an employee's civilian pay is reduced by the amount of military pay for the days of military leave. However, an employee may choose not to take military leave and instead take annual leave in order to retain both civilian and military pay.

E. Military Leave Requests and Approval

1. An employee shall request military leave on an OPM Form 71 and attach a certified copy of his/her military orders. He/she shall submit the OPM Form 71 and orders to his/her leave approving official as far in advance as circumstances permit.

2. Normally military leave shall be granted to eligible employees.

3. On return to duty from military leave, an employee shall furnish a certified copy of his/her orders indicating completion of military duty.

4. An employee shall be restored to the position he/she held prior to being ordered to military duty.

5. An employee prevented from returning to his/her civilian position at the end of military leave because of sickness or injury that occurred during the period of military leave is entitled to sick or annual leave for the period of absence resulting from such illness or injury. The employee shall request such leave from his/her leave approving official following the procedures in this Instruction for requesting and obtaining approval of sick or annual leave.

CHAPTER 10
LEAVE FOR BONE MARROW/ORGAN DONATION

A. Coverage and Exclusions

1. An employee who has an established regular tour of duty during the administrative workweek is entitled to use up to 7 days of paid leave in a calendar year to serve as a bone marrow donor.

2. An employee who has an established regular tour of duty during the administrative workweek is also entitled to use up to 30 days of paid leave each calendar year to serve as an organ donor.

3. Leave for bone marrow and organ donation is a separate category of leave that is in addition to annual and sick leave.

B. Bone Marrow/Organ Donor Leave Requests and Approval

1. An employee shall submit a request for leave to be a bone marrow or organ donor on an OPM Form 71 as early as possible to his/her leave approving official. An employee is entitled to use this leave without loss of or reduction in pay, leave to which otherwise entitled, credit for time in service, or performance or efficiency rating.

2. A leave approving official shall approve employee requests for leave for bone marrow/organ donation as soon as possible, but in no case later than 10 calendar days

CHAPTER 11 HOME LEAVE

A. Coverage and Exclusions. An employee who meets the requirements for the accumulation of no more than 45 days (360 hours) of annual leave earns and may be granted home leave.

B. Computation of Service Abroad

1. Service abroad begins on the date of an employee's arrival at a post of duty outside the United States, or on the date of his/her entrance on duty when recruited abroad.

2. Service abroad ends on the date of an employee's departure from the post for separation or for assignment in the United States, or on the date of his/her separation from duty when separated abroad.

3. Service abroad includes absence in a nonpay status up to a maximum of two workweeks within each 12 months of service abroad, authorized leave with pay, time spent in the Armed Forces of the United States which interrupts service abroad (but only for eligibility, not leave-earning, purposes), and a period of detail.

4. Full credit is given for an employee's day of arrival and the day of departure.

C. Earning Home Leave

1. An employee earns home leave for each 12 months of service abroad, and his/her leave account is credited with home leave, as earned, in multiples of 1 day.

2. An employee earns 15 days of home leave for 12 months of service abroad when he/she:

a. Accepts an appointment to, or occupies a position for which there is a prescribed requirement that the employee serve anywhere in the world as the needs of DoD dictate.

b. Is serving with a United States mission to a public international organization.

c. Is serving at a post for which payment of a foreign or nonforeign (but not a tropical) differential of 20 percent or more is authorized by law or regulation.

3. An employee earns 10 days of home leave for 12 months of service abroad when he/she is serving at a post for which payment of a foreign or territorial (but not tropical) differential of a least 10 percent but less than 20 percent is authorized by law or regulation.

4. An employee earns 5 days of home leave for 12 months of service abroad when he/she is serving abroad and is not covered under paragraph C.2. through C.3. above.

5. An employee included in C.2. through C.4. above, whose civilian service is interrupted by a tour of duty in the Armed Forces of the United States, for the duration of such tour, earns zero days of home leave.

D. Computation and Accumulation of Home Leave

1. Home leave for each month of service abroad is computed in the amounts indicated below:

Months of service abroad	Earning rate (days for each 12 months)		
	15	10	5
1	1	0	0
2	2	1	0
3	3	2	1
4	5	3	1
5	6	4	2
6	7	5	2
7	8	5	2
8	10	6	3
9	11	7	3
10	12	8	4
11	13	9	4
12	15	10	5

2. When an employee’s home leave-earning rate changes during a month of service abroad (i.e., the employee moves between different home leave earning rates, or the differential changes that results in a different home leave earning rate), the employee is credited with the amount of home leave for the month that he/she was earning prior to his/her move or the change in differential.

3. There is no maximum limitation on the accumulation of home leave.

4. Home leave transfers when an employee moves between agencies and is recredited to the employee’s leave account when he/she is reemployed without a break in service of more than 90 days.

E. Home Leave Requests and Approval

1. An employee has an entitlement to home leave only after completing 24 months of continuous service abroad. The basic service requirement is terminated by a break in service of one or more workdays, or an assignment (other than detail) to a position not subject to the 45-day maximum limitation of accumulation of annual leave.
2. An employee shall request home leave on an OPM Form 71 and submit it to his/her leave approving official. An employee may submit a request for other leave (e.g., sick leave or annual leave) in combination with a request for home leave.
3. Leave approving officials shall act on employee requests for home leave promptly and inform the employee of the approval or disapproval of the request(s) no later than 10 calendar days after receipt, or before the start of the period of requested absence, whichever occurs first. If the leave approving official disapproves the request, he/she shall inform the employee in writing of the disapproval and the reason(s) for the disapproval, within the timeframe above. The leave approving official shall make every reasonable effort to reschedule the leave consistent with the employee's desires and work requirements.
4. Home leave is charged in multiples of whole days.

F. Restrictions on Home Leave

1. Home leave may be used only in the United States, the Commonwealth of Puerto Rico, or a territory or possession of the United States.
2. Home leave is authorized only during a period of service abroad, or within a reasonable period after an employee returns from service abroad when it is anticipated he/she will return to service abroad immediately or on completion of an assignment in the United States.
3. When home leave is not granted in either of these circumstances, it can then be granted only after the employee completes a subsequent period of service abroad that equals the normal tour for the employee's post of assignment, except when the Component Head determines that an earlier grant of home leave is warranted. Such determinations are made on a case basis.
4. Home leave may not be the basis for a lump-sum payment or used as terminal leave.

G. Indebtedness

1. When an employee uses home leave and does not return to service abroad after the period of home leave, or after completing an assignment in the United States, he/she shall refund the amount of home leave.

2. A refund for indebtedness created as a result of the circumstances described in paragraph G.1. above, is not required when:

- a. The employee has completed not less than 6 months' service in an assignment in the United States following the period of home leave;
- b. The Component Head determines that the employee's failure to return was due to compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health or circumstances over which the employee has no control; or
- c. The Component Head who granted the home leave determines that it is in the public interest not to return the employee to his/her overseas assignment.

CHAPTER 12
FUNERAL LEAVE*

A. Coverage and Exclusion

1. An employee serving on a prescribed tour of duty is entitled to leave in connection with the funeral of, or memorial service for his/her immediate relative who dies as a result of wounds, disease, or injury incurred while serving as a military member in a combat zone.

2. Funeral leave is granted to allow an employee to make arrangements for, or to attend the funeral or memorial service.

3. An intermittent employee is not entitled to funeral leave.

B. Funeral Leave Requests and Approval

1. An employee shall request funeral leave on an OPM Form 71 in advance and submit it to his/her leave approving official. The request shall not be for more than 3 workdays. If the 3 workdays are not consecutive days the employee shall furnish satisfactory reasons justifying approval of the funeral leave for nonconsecutive workdays.

2. The leave approving official shall promptly act on the request and notify the employee of his/her decision, consistent with policy and his/her responsibilities under this Instruction. If the leave approving official disapproves the request, he/she shall so inform the employee in writing and of the reason(s) therefore.

3. There shall be no loss of or reduction in pay, leave to which the employee is otherwise entitled, or credit for time or service, or adverse effect on the performance or efficiency rating of an employee on approved funeral leave.

***NOTE:** See Chapter 4 for information concerning the use of sick leave for making arrangements necessitated by the death of a family member or attending the funeral of a family member.

CHAPTER 13 EXCUSED ABSENCE

A. Description

1. Excused absence (sometimes referred to as administrative leave) is an authorized absence from duty without loss of pay or charge to an employee's personal leave (annual or sick leave) or LWOP.

2. Granting excused absence is a matter of supervisory discretion and should be used sparingly. Generally a leave approving official has discretion to grant an employee up to 1 hour of excused absence in a duty day (e.g., for brief periods of tardiness, extension of the authorized lunch period).

3. An employee may be excused from duty when the employee's absence is not specifically prohibited by law and is:

- a. Directly related to the DoD mission;
- b. Officially sponsored by the Component Head;
- c. Determined to enhance the professional skills of the employee in his/her current position; or
- d. Brief and determined to be in the interest of the OIG; and
- e. Requested by the employee and approved by the leave approving official.

B. Southwest Asia Tour of Duty. Employees who complete a 6 or 12 month tour of duty in Southwest Asia are authorized 5 working days of excused absence (code – LV) upon their return to their permanent duty station (PDS) to allow them to re-acclimate to civilian life at their PDS. The 5 working days of excused absence shall be taken within 2 pay periods of an employee's return to the PDS. An employee shall request and receive approval of excused absence from his/her leave approving official.

C. Types of Excused Absence. The more common examples of permissible excused absence include:

1. **Voting.** Excused absence may be granted to permit an employee to report to work 3 hours after the polls open or leave work 3 hours before the polls close, whichever involves less time away from work. For example, if polls are open 6:30 a.m. to 6:30 p.m., an employee with duty hours of 9:00 a.m. to 5:30 p.m. may report to work at 9:30 a.m. The 30 minutes of excused

absence would permit the employee to report to work 3 hours after the pools open. If pools are open 6:00 a.m. to 7:00 p.m., an employee with duty hours of 7:30 a.m. to 4:00 p.m. would be required to report to work for his/her full duty day, unless he/she requested and received approval for leave.

2. **Blood donation.** An employee who donates blood may be granted excused absence to cover travel to and from the donation site, the actual donation of blood, and recovery. This provision does not cover an employee who gives blood for his/her own use or receives compensation for giving blood.

3. **Permanent change of duty station (PCS).** An employee authorized PCS within the DoD may be granted excused absence before departing the old duty station and following arrival at the new duty station to accomplish personal tasks resulting from the move (e.g., to close or open personal bank accounts, obtain State driver's license or car tags). In similar situations, an employee coming to the DoD from other Federal agencies may also be granted excused absence after the employee is placed on the DoD employment roll. This provision does not cover time involved in complying with the PCS requirements such as obtaining passport and vaccinations, adhering to government housing authority requirements, or being present for packing and receiving of household goods. Accomplishing tasks that are conditional to the PCS is considered to be an official duty.

4. **Employment interview.** An employee under notice of separation or change to lower grade for any reason except personal cause may be granted excused absence for job searches and interviews. An employee competing for positions within the DoD may also be granted excused absence for merit placement interviews. This provision does not cover travel time to job searches and interviews outside the commuting area.

5. **Counseling.** Excused absence may be granted to permit an employee to attend the initial counseling session (e.g., drug, alcohol, financial, etc.) resulting from a referral under the employee assistance program. This provision does not cover the official duty status an employee is in during the initial referral to the employee assistance program.

6. **Certification.** An employee may be granted excused absence to take an examination (e.g., certified public accountant examination) in his/her functional area if securing the certification or license would enhance the employee's professional stature, thereby benefiting the DoD. This provision does not cover time spent preparing for such examination.

7. **Volunteer Activities.** Excused absence may be granted to employees participating in management sponsored volunteer projects (e.g., adopt a school). This provision does not cover volunteerism in general. Such activities should be promoted through established leave programs and flexibility offered through alternative work schedules. The following are examples of the OIG approved volunteer activities:

a. Leave approving officials may grant up to 2 hours of excused absence each pay period for employees to participate in the tutoring of students at the Mt. Vernon Elementary School, Alexandria, Virginia. The OIG has been participating in the Federal Adopt-A-School Program with the Mount Vernon Elementary School, Alexandria, Virginia, since 1993.

b. Leave approving officials may grant up to 2 hours of excused absence each month in conjunction with the lunch period for employees to participate in the OIG Toastmasters Club.

NOTE: In the above circumstances, an employee shall request and receive approval of excused absence from his/her leave approving official.

CHAPTER 14
GROUP DISMISSAL AND CLOSURE OF ACTIVITIES

A. Coverage and Exclusions

1. Employees covered by this Instruction who are not designated as emergency personnel and who are not directed to remain in a duty status during a group dismissal or closure event are covered by provisions of this chapter.

2. Employees who are designated as emergency personnel or who are directed to remain in a duty status must report for, or remain at, work in emergency situations. Dismissal or closure announcements do not apply to emergency employees unless they are instructed otherwise by the Component Head.

B. Description. Group dismissal is an authorized dismissal of employees from duty without loss of pay or charge to leave under planned or emergency situations where operations must be curtailed. In most cases, employees shall be granted excused absence. Refer to the annual Washington, DC Area Dismissal or Closure Procedures published on the OPM web site. Employees at permanent duty stations outside the National Capital Region should follow their local procedures and/or the direction of the local Federal Executive Board.

CHAPTER 15 EMERGENCY LEAVE TRANSFER PROGRAM

A. **Coverage.** Employees covered by this Instruction are covered by this program.

B. **Description**

1. The Emergency Leave Transfer Program allows Federal employees to donate annual leave to assist other Federal employees, in their agency or other Federal agencies, who are adversely affected by a major disaster or emergency and who need additional time off from work without having to use their own paid leave.

2. An employee is considered to be adversely affected by a major disaster or emergency if the disaster or emergency has caused severe hardship to the employee or a family member of the employee to such a degree that the employee's absence from work is required.

3. An approved emergency leave recipient is not required to exhaust his/her accrued annual and sick leave before receiving donated leave under the emergency leave transfer program.

4. A leave approving official may approve advance sick or annual leave, as appropriate for an approved emergency leave recipient (even if the leave recipient has available annual and sick leave), so that the emergency leave recipient is not forced to use his/her accrued leave before donated annual leave becomes available.

C. **Family Member.** Family member includes the following relatives of the employee: spouse and parents thereof; children including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

D. **Disaster or Emergency**

1. The OPM establishes an Emergency Leave Transfer Program when directed by the President and notifies agencies of its establishment for a specific disaster or emergency as declared by the President.

2. The DoD, after notification of the establishment of an emergency program, determines whether, and how much, donated annual leave is needed by affected employees; facilitates the distribution of donated annual leave from approved emergency leave donors to approved emergency leave recipients within the Department; and determines the period of time for which donated annual leave may be accepted for distribution to approved emergency leave recipients.

E. Application to Become an Emergency Leave Recipient

1. An employee who has been adversely affected by a disaster or emergency may apply to be an emergency leave recipient (or a properly designated representative may apply on behalf of the employee). He/she shall complete OPM Form 1637, *Application to Become a Leave Recipient Under the Emergency Leave Transfer Program*, and submit it to his/her leave approving official. The applicant shall describe the need for leave from the emergency leave transfer program and provide any additional information that may be required.

2. The leave approving official shall determine that the potential emergency leave recipient is or has been affected by the major disaster or emergency.

3. The leave approving official shall inform the employee (or his/her designated representative who filed the application on the employee's behalf) within 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) after receipt of the application (or the date the administrative procedures are established, if that is later) whether the application is approved.

a. If the application is approved, the leave approving official shall provide a copy of the approval to the WRD.

b. If the application is not approved, the leave approving official shall notify the applicant (or his/her personal representative) of the disapproval and the reason(s) for the disapproval.

4. An emergency leave recipient may receive a maximum of 240 hours of donated emergency annual leave at any one time for each disaster or emergency.

5. An emergency leave recipient shall use the donated annual leave for purposes related to the disaster or emergency for which he/she was approved. The donated leave may be used to liquidate a period of LWOP or advance annual or sick leave used because of the adverse effects of the disaster or emergency.

6. While using donated emergency annual leave, an emergency leave recipient accrues annual and sick leave at the same rate as if he/she were in a regular paid leave status.

7. The leave approving official shall continuously monitor the status of the major disaster or emergency affecting the emergency leave recipient to ensure that he/she continues to be affected by the disaster or emergency.

F. Application to Become an Emergency Leave Donor

1. An employee may donate annual leave to an emergency leave transfer program, but not to a specific emergency leave recipient, in the DoD or another Federal agency for which an emergency leave transfer program has been established.

a. An employee may donate not less than 1 hour or more than 104 hours of annual leave to an emergency leave transfer program.

b. Annual leave donated to an emergency leave transfer program may not be applied against the limitations on the donation of annual leave under the Voluntary Leave Transfer Program.

2. An employee may apply to be an emergency leave donor by completing OPM Form 1638, *Request to Donate Annual Leave Under the Emergency Leave Transfer Program*, and submitting it to his/her leave approving official.

3. The leave approving official shall notify the emergency leave donor applicant as soon as possible, but in no case later than 10 calendar days, after receipt of the application that:

a. The application is approved and then send it to the WRD for processing; or

b. The application is not approved and the reason(s) for its disapproval.

G. Limitations on Transferred Emergency Annual Leave

1. Annual leave transferred to an emergency leave transfer program may not be included in a lump-sum payment for annual leave, made available for recredit to an emergency leave recipient's account upon reemployment by a Federal agency; or used to establish initial eligibility for immediate retirement or acquire eligibility to continue health benefits into retirement.

2. Annual leave donated to an emergency leave transfer program for a specific disaster or emergency may not be transferred to another emergency leave transfer program established for a different disaster or emergency.

H. Government-wide Transfer of Emergency Leave. In the event an agency has insufficient emergency leave donations to meet the needs of its approved emergency leave recipients, the agency shall notify the OPM of the total amount of donated annual leave needed for transfer to its approved emergency leave recipients. The OPM will solicit and coordinate interagency donations, and determine the period of time for which donations of accrued annual leave may be accepted for transfer to affected agencies.

I. Termination of Disaster or Emergency

1. The disaster or emergency affecting an emergency leave recipient shall terminate:

a. When the employing agency or the OPM determines that the disaster or emergency has terminated;

b. When the emergency leave recipient's Federal service is terminated;

c. At the end of the biweekly pay period in which the emergency leave recipient's leave approving official receives written notice from the emergency leave recipient, or from his/her properly designated personal representative, that the emergency leave recipient is not longer affected by such disaster or emergency;

d. At the end of the biweekly pay period in which the emergency leave recipient's leave approving official determines, after giving written notice to the emergency leave recipient with an opportunity for the emergency leave recipient (or, if appropriate, his/her properly designated personal representative) to answer orally or in writing, that the emergency leave recipient is not longer affected by such disaster or emergency; or

e. At the end of the biweekly pay period in which the emergency leave recipient's leave approving official receives notice that the OPM has approved an application for disability retirement for the emergency leave recipient under the CSRS or the FERS, as appropriate.

2. When a disaster or emergency terminates (or an emergency leave recipient is no longer affected by the disaster or emergency qualifying him or her to be an emergency leave recipient), the leave approving official shall provide written notice to the WRD and provide a copy of that written notice to the employee. No further requests for transfer of annual leave to the emergency leave recipient may be granted for such disaster or emergency, and any unused transferred annual leave remaining to the credit of the emergency leave recipient, or in the emergency leave transfer program, shall be restored to the emergency leave donors.

a. Unused donated emergency annual leave shall be restored to emergency leave donors proportional to their donation to the emergency leave transfer program.

b. At the election of an emergency leave donor, the annual leave may be restored by crediting the restored annual leave to the emergency leave donor's annual leave account in the current leave year or to his/her annual leave account effective as the first day of the following leave year.

J. Prohibition on Coercion

1. 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, or using annual leave under an emergency leave transfer program.

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

CHAPTER 16
**SCHEDULING COMPENSATORY TIME OFF,
CREDIT HOURS, AND TIME OFF AS AN AWARD**

- A. Scheduling.** The use of earned compensatory time off, compensatory time off for travel, and time off as an award shall be requested by the employee and approved in advance on an OPM Form 71. The leave approving official shall act promptly on employee requests.
- B. Compensatory Time Off.** Compensatory time off shall be granted to an employee within a reasonable time after it is earned. Compensatory time off may be granted before annual leave is approved except when annual leave would otherwise be forfeited.
- C. Earned Credit Hours.** Earned credit hours shall be requested for use by the employee and approved in advance on an applicable employee time log or on an OPM Form 71.

CHAPTER 17
SCHEDULING TIME OFF FROM WORK FOR VOLUNTEER ACTIVITIES

- A. **Coverage.** Employees with scheduled tours of duty.
- B. **Description.** Employees seeking to participate in volunteer activities during basic working hours may be granted annual leave, LWOP, compensatory time off, compensatory time off for travel, credit hours (under flexible work schedules), or in those circumstances stated in Chapter 14 of this Instruction, excused absence.

CHAPTER 18
ABSENCE WITHOUT LEAVE

A. Coverage. Any Federal employee with a scheduled tour of duty may be subject to a charge of AWOL.

B. Description

1 An absence from duty which was not authorized or approved (including leave that is not approved pending submission of required documentation) or for which a leave request has been denied is recorded in the DCPS as “AWOL.”

2 If it is later determined that an absence without prior approval was excusable, or that the employee was ill or injured, the leave approving official may change the AWOL charge to annual or sick leave.

3 Recording of an absence as AWOL is not a disciplinary action; however, absences without approved leave can serve as a basis for initiating adverse actions, up to and including an employee’s removal from his/her position and from the Federal service.

C. Absence Without Leave versus Leave Without Pay

1. AWOL is an absence from duty that was not authorized. It may result in disciplinary or other corrective action.

2. LWOP is an absence from duty that is granted by the leave approving official at the employee’s request and which may be used for a variety of purposes.

**APPENDIX A
REFERENCES**

- a. Chapter 63 of title 5, United States Code
- b. Part 630 of title 5, Code of Federal Regulations
- c. DoD 1400.25-M, *Department of Defense Civilian Personnel Manual*, December 1996, authorized by DoD Directive 1400.25, November 25, 1996
- d. DoD Financial Management Regulation 7000.14-R, Volume 8, September 2010

**APPENDIX B
DEFINITIONS**

1. **Absence Without Leave.** An absence from duty which was not authorized or approved (including leave that is not approved pending submission of required documentation) or for which a leave request has been denied.
2. **Accrued Leave.** The leave earned by an employee during the current leave year that is unused at any given time in that leave year.
3. **Accumulated Leave.** The unused leave remaining to the credit of an employee at the beginning of a leave year.
4. **Administrative Workweek.** Any period of seven consecutive 24 hour periods designated in advance by the head of the agency under section 6101 or title 5, United States Code.
5. **Adoption.** A legal process in which an individual becomes the legal parent of another's child.
6. **Advance Leave.** Annual or sick leave that is credited to an employee's account before it has been accrued and that is requested by the employee and that creates an indebtedness to the government.
 - a. The amount of annual leave that may be advanced may not exceed the amount the employee would accrue within a leave year.
 - b. The amount of sick leave that may be advanced may not exceed 30 days (i.e., 240 hours) at any time, for a serious disability, ailment, or for adoption-related purposes. In the case of sick leave for family care and bereavement, any or all of the first 5 days used for those purposes each leave year may be advanced.
7. **Annual Leave.** Paid absence from duty that provides Federal employees a vacation for rest and relaxation and periods of time off for personal business or emergencies.
8. **Armed Forces.** The Army, Navy, Air Force, Marine Corps, and Coast Guard.
9. **Bone Marrow and Organ Donation Leave.** Leave without loss of or reduction in an employee's pay, leave to which he/she is otherwise entitled, credit for time in service, or performance or efficiency rating, to serve as a bone-marrow and an organ donor. The entitlement is 7 days of paid leave each calendar year (in addition to annual and sick leave) to serve as a bone-marrow donor and 30 days each calendar year to serve as an organ donor.

APPENDIX B (cont'd)
DEFINITIONS

- 10. Compensatory Time Off.** Time off from work without charge to leave in lieu of paid compensation for an equal amount of irregular or occasional overtime work.
- 11. Contagious Disease.** A disease that is ruled as subject to quarantine, requires isolation of the patient, or requires restriction of movement by the patient for a specified period, as prescribed by the health authorities having jurisdiction.
- 12. Contingency Operation.** A military operation that:
- a. is designated by the Secretary of Defense as an operation in which military members are or may become involved in military action, operations, or hostilities against an enemy of the United States or against an opposing military force; or
 - b. results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of title 10, United States Code, chapter 15 of title 10, United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress.
- 13. Continuation of Pay.** The continuation of an employee's regular pay with no charge to annual or sick leave when he/she has suffered a traumatic injury and filed a claim in writing within 30 days of the date of injury.
- 14. Court Leave.** Time off at full pay without charge to leave for service as a juror or witness in a judicial proceeding in which the Federal, State, or local government is a party to the proceeding. Note that time off at full pay without charge to leave for service as a witness in an official capacity on behalf of the Federal government is official duty, not court leave.
- 15. Credit Hours.** Any hours within an approved flexible work schedule that an employee elects to work in excess of his/her basic work requirement so as to vary the length of a workweek or workday.
- 16. Disaster or Emergency.** A major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees (e.g., loss of life or property, serious injury, or mental illness as a result of a direct threat to life or health).
- 17. Emergency Employee.** An employee designated by the agency who must report for, or remain at, work in emergency situations.

APPENDIX B (cont'd)
DEFINITIONS

- 18. Emergency Leave Donor.** A current employee whose voluntary written request for transfer of annual leave to an emergency leave transfer program is approved by his/her employing agency.
- 19. Emergency Leave Recipient.** A current employee for whom the employing agency has approved an application to receive annual leave from an emergency leave transfer program.
- 20. Emergency Leave Transfer Program.** A program established by the OPM that allows Federal employees to transfer their unused annual leave to other Federal employees, in their agency or other Federal agencies, who are adversely affected by a disaster or emergency, as declared by the President, and who need additional time off from work without having to use their own paid leave.
- 21. Employee.** An individual to whom this Instruction applies.
- 22. Essential Functions.** The fundamental job duties of the employee's position, as defined in 29 CFR 1630.2(n).
- 23. Excused Absence.** An authorized absence from duty without loss of pay or charge to leave, when the employee's absence is directly related to the agency's mission, officially sponsored by the agency head, determined to enhance the professional skills of the employee in his/her current position, or brief and determined to be in the interest of the Department of Defense.
- 24. Family and Medical Leave.** An employee's entitlement to 12 administrative workweeks of unpaid leave for certain family and medical needs.
- 25. Family Member.** Includes the following relatives of the employee: spouse, and parents thereof; children including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- 26. Federal Leave Sharing Program.** A program that allows Federal employees to donate annual leave to assist other Federal employees, in their agency or other Federal agencies, who have personal or family medical emergencies and who have exhausted their own leave or who are adversely affected by a major disaster or emergency and who need additional time off from work without having to use their own paid leave. Includes the Voluntary Leave Transfer Program and the Emergency Leave Transfer Program

APPENDIX B (cont'd)
DEFINITIONS

27. Foster Care. Twenty-four hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement by the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family to take the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody.

28. Funeral Leave. An employee's entitlement to up to 3 workdays of leave, without loss of or reduction in pay, in connection with the funeral of, or memorial service for, an immediate relative as a result of wounds, disease, or injury incurred while serving as a military member in a combat zone.

29. Group Dismissal. An authorized dismissal of employees from duty without loss of pay or charge to leave under planned or emergency situations where operations must be curtailed (e.g., due to extreme weather conditions, interruption of transportation or building services, or better use of funds or resources.).

30. Health Care Provider

a. A licensed Doctor of Medicine or Doctor of Osteopathy or a physician who is serving on active duty in the uniformed services and is designated by the uniformed service to conduct examinations;

b. Any health care provider recognized by the Federal Employees Health Benefits Program or who is licensed or certified under Federal or State law to provide the service in question;

c. A health care provider as defined in paragraph 30.b. above, who practices in a country other than the United States, who is authorized to practice in accordance with the laws of that country, and who is performing within the scope of his/her practice as defines under such law;

d. A Christian Science practitioner listed in the First Church of Christ Scientist, in Boston, Massachusetts; or

e. A Native American, including an Eskimo, Aleut, and Native Hawaiian who is recognized as a traditional healing practitioner by native traditional religious leaders who practices traditional healing methods as believed, expressed, and exercised in Indian religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, consistent with Public Law 95-314, August 11, 1978 (92 Stat. 469), as amended by Public Law 103-344, October 6, 1994 (108 Stat. 3125).

APPENDIX B (cont'd)
DEFINITIONS

- 31. Home Leave.** Leave of absence authorized by statute and earned by service abroad for use in the United States, in the Commonwealth of Puerto Rico, or in the territories or possessions of the United States.
- 32. Immediate Relative.** The following relatives of a deceased military member: spouse, and parents thereof; children, including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual relative by blood or affinity whose close association with the deceased was such as to have been the equivalent of a family relationship.
- 33. Inactive Duty Training.** Authorized training performed by members of a Reserve component not on active duty and performed in connection with the prescribed activities of the Reserve component. It consists of regularly scheduled unit training periods, additional training periods, and equivalent training. See DoD Instruction 1215.6, dated March 14, 1997 for further information.
- 34. In Loco Parents.** The situation in which an individual has day-to-day responsibility for the care and financial support of a child or, in the case of an employee, had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- 35. Incapacity.** The inability to work, attend school, or perform other regular daily activities because of a serious health condition or treatment for or recovery from a serious health condition.
- 36. Intermittent Leave.** Leave taken in separate blocks of time, rather than for one continuous period of time and may include leave periods of 15 minutes to several weeks.
- 37. Leave Approving Official.** The agency official, and normally the first level supervisor, who receives and acts on employee leave requests.
- 38. Leave Donor.** An employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved by the OIG DoD.
- 39. Leave Recipient.** A current employee who has been approved to receive donations of annual leave to cover absence from duty without available paid leave because of a medical emergency that is (or is expected to be) at least 24 hours for full-time employees. The period of absence without paid leave for part-time employees or employees on uncommon tours of duty is prorated.

APPENDIX B (cont'd)
DEFINITIONS

40. **Leave Without Pay.** A temporary nonpay status and absence from duty that, in most cases, was requested by the employee and approved by the leave approving official.
41. **Leave Year.** The period beginning with the first day of the first full biweekly pay period in a calendar year and ending with the day immediately before the first day of the first full biweekly pay period in the following calendar year.
42. **Medical Certificate.** A written statement personally signed by a health care provider certifying to an individual's incapacitation, examination, treatment, or period of disability while receiving professional treatment.
43. **Medical Emergency.** A medical condition of the employee or a family member of such employee that is involuntary and beyond the control of the leave recipient and is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave that is appropriate to the medical emergency.
44. **Month.** A period which runs from a given day in one month through the date preceding the numerically corresponding day in the next month.
45. **Paid Leave Status.** The administrative status of an employee while the employee is using annual or sick leave accrued or accumulated under the applicable provisions of law.
46. **Parent.** A biological parent or an individual who stands or stood *in loco parentis* to an employee when the employee was a son or daughter. This term does not include parents "in law."
47. **Reduced Leave Schedule.** A work schedule under which the usual number of hours of regularly scheduled work per workday or workweek of an employee is reduced. The number of hours by which the daily or weekly tour of duty is reduced is counted as leave.
48. **Regularly Scheduled.** Work that is scheduled in advance of an administrative workweek under an agency's procedures for establishing workweeks.
49. **Regularly Scheduled Administrative Workweek.** For a full-time employee, the period within an administrative workweek, established in accordance with 5 CFR 610.111, within which the employee is regularly scheduled to work. For a part-time employee, the officially prescribed days and hours within an administrative workweek during which the employee is regularly scheduled to work.

APPENDIX B (cont'd)
DEFINITIONS

50. Serious Health Condition

a. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or

b. Continuing treatment by a health care provider that includes (but is not limited to) examination to determine if there is a serious health condition and evaluations of such conditions if the examinations or evaluations determine that a serious health condition exists. Continuing treatment by a health care provider may include one or more of the following:

(1) A period of incapacity of more than 3 consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves treatment two or more times by a health care provider, by a health care provider under the direct supervision of the affected individual's health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider (e.g., a course or prescription medication or therapy requiring special equipment to resolve or alleviate the health condition.

(2) Any period of incapacity due to pregnancy, or for prenatal care, even if the affected individual does not receive active treatment from a health care provider during the period of incapacity or period of incapacity does not last more than three consecutive calendar days.

(3) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that requires periodic visits for treatment by a health care provider or by a health care provider under the direct supervision of the affected individual's health care provider, continues over an extended period of time (including recurring episodes of a single underlying condition), and may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). The condition is covered even if the affected individual does not receive active treatment from a health care provider during the period of incapacity or the period of incapacity does not last more than three consecutive calendar days.

(4) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The affected individual must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider (e.g., Alzheimer's, severe stroke, or terminal states of a disease).

APPENDIX B (cont'd)
DEFINITIONS

(5) Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider or be a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery

c. Serious health condition does not include routine physical, eye, or dental examinations; a regimen of continuing treatment that includes the taking of over-the-counter medications, bed-rest, exercise, and other similar activities that can be initiated without a visit to the health care provider; a condition for which cosmetic treatments are administered, unless inpatient hospital care is required or unless complications develop; or an absence because of an employee's use of an illegal substance, unless the employee is receiving treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), routine dental or orthodontia problems, and periodontal disease are not serious health conditions. Allergies, restorative dental or plastic surgery after an injury, removal of cancerous growth, or mental illness resulting from stress may be serious health conditions only if such conditions require inpatient care or continuing treatment by a health care provider.

51. Service Abroad. Service on and after September 6, 1960, by an employee at a post of duty outside the United States and outside the employee's place of residence if his/her place of residence is in the Commonwealth of Puerto Rico or a territory or possession of the United States.

52. Shared Leave Status. The administrative status of an employee while the employee is using transferred leave under the Federal Leave Transfer Program.

53. Sick Leave. Paid absence from duty that is granted to an employee based on his/her request when he/she:

a. Is incapacitated for performance of his/her duties by physical or mental illness, injury, pregnancy, or childbirth;

b. Receives medical, dental, or optical examination or treatment;

c. Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his/her presence on the job because of exposure to a communicable disease;

APPENDIX B (cont'd)
DEFINITIONS

d. Provides care for a family member who is incapacitated as a result of physical or mental illness; injury; pregnancy; childbirth; or medical dental, or optical examination or treatment; or makes arrangements necessitated by the death of a family member or attends the funeral of a family member (including making arrangements for and attending a funeral or memorial service; necessary travel pre-funeral and after-funeral/burial gatherings or ceremonies, memorial services, and reading of the will);

e. Is adopting a child (e.g., appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; any periods of time the adoptive parents are ordered or required by the adoption agency or by the court to take time off from work to care for the adopted child; and any other activities necessary to allow the adoption to proceed). Sick leave may not be used by adoptive parents who voluntarily choose to be absent from work to bond with an adopted child.

54. Son or Daughter. A biological, adopted, or foster child; a step child; a legal ward; or a child of a person standing *in loco parentis* who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability. A son or daughter incapable of self-care requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (which include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating) or instrumental activities or daily living (including cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using the telephones and directories, using a post office, etc.). A physical or mental disability refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual as defined in 29 CFR 1630.2(h), (i), and (j).

55. Spouse. An individual who is a husband or wife pursuant to a marriage that is a legal union between one man and one woman, including common law marriage between one man and one woman in States where it is recognized.

56. Tour of Duty. The hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek.

57. Voluntary Leave Transfer Program. A program that allows Federal employees (approved leave donors) to voluntarily donate annual leave directly to an approved leave recipient.

**APPENDIX C
ACRONYMS**

AWOL	Absence Without Leave
CSRS	Civil Service Retirement System
DAMIS	Defense Automated Management Information System
DCPDS	Defense Civilian Personnel Data System
DCPS	Defense Civilian Payroll System
DFAS	Defense Finance and Accounting Service
DOL	Department of Labor
FERS	Federal Employee's Retirement System
FML	Family and Medical Leave
HCAS	Human Capital Advisory Services
LWOP	Leave Without Pay
OPM	Office of Personnel Management
OWCP	Office of Workers' Compensation Program
PDS	Permanent Duty Station
RPA	Request for Personnel Action
WRD	Workforce Relations Division

APPENDIX D
EFFECT OF LWOP ON EMPLOYEE ENTITLEMENTS TO OR
ELIGIBILITY FOR CERTAIN FEDERAL BENEFITS

Type of Benefit/Program:	The amount of LWOP (or other nonpay status) that is considered creditable service for purposes of determining an employee's entitlement to or eligibility for the following Federal benefits and programs:
Career tenure	The first 30 calendar days of each nonpay period is creditable service
Completion of probation	A total of 22 workdays in a nonpay status is creditable service
Time-in-grade requirements (requirements for promotions)	Any nonpay status is creditable service
Retirement benefits	A total of 6 months in a nonpay status in any calendar year is creditable service. Coverage continues at no cost to the employee while in a nonpay status. When employees are in a nonpay status for only a portion of a pay period, their contributions are adjusted in proportion to their basic pay.
Health benefits	Enrollment continues for no more than 365 days in a nonpay status. The nonpay status may be continuous or broken by periods of less than four consecutive months in a pay status. The Government contribution continues while employees are in a nonpay status. The Government also is responsible for advancing from salary the employee share as well. The employee may choose between paying the agency directly on a current basis or having the premiums accumulate and withheld from his/her pay upon returning to duty.
Life insurance	Coverage continues for 12 consecutive months in a nonpay status without cost to the employee or to the agency. The nonpay status may be continuous, or it may be broken by a return to duty for periods of less than four consecutive months.
Within-grade increases	A total to two workweeks in a nonpay status in a waiting period is creditable service for advancement to steps 2, 3, and 4 of the General Schedule; four workweeks for advancement to the steps 5, 6, and 7; and six workweeks for advancement to steps 8, 9, and 10. For prevailing rate employees (WG, WL, and WS schedules), a total of one workweek in a nonpay status is creditable service for advancement to step 2, three workweeks for advancement to step 3, and four workweeks for advancement to steps 4 and 5.

APPENDIX D (cont'd)
EFFECT OF LWOP ON EMPLOYEE ENTITLEMENTS TO OR
ELIGIBILITY FOR CERTAIN FEDERAL BENEFITS

Type of Benefit/Program:	The amount of LWOP (or other nonpay status) that is considered creditable service for purposes of determining an employee's entitlement to or eligibility for the following Federal benefits and programs:
Accrual of annual and sick leave	When a full-time employee accumulates 80 hours of LWOP during a pay period the employee does not earn annual leave or sick leave during that pay period. The employee earns leave in the next succeeding pay periods until he/she again accumulates 80 hours of LWOP during a pay period. When a part-time employee is in a nonpay status, he/she will accrue less annual leave and sick leave, since part-time employees earn leave on a pro-rata basis—i.e., based on hours in a pay status. For purposes of computing accrual rates for annual leave (i.e., 4, 6, 8 hours each pay period), six months of nonpay status in a calendar year is creditable service.
Reduction in force (determining years of service)	A total of 6 months of nonpay status in a calendar year is creditable service.
Severance pay	Nonpay status time is fully creditable for the 12-months continuous employment period to qualify for severance pay. However, for purposes of computing an employee's actual severance payment, no more than six months of nonpay status in a calendar year is creditable service.
Thrift Savings Plan (TSP)	See TSP Fact Sheet—Effect of Nonpay Status on TSP Participation, available from the TSP internet web site at www.tsp.gov .
Military duty or workers' compensation	Nonpay status for employees who are performing military duty or being paid workers' compensation counts as a continuation of Federal employment for all purposes upon the employee's return to duty.

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

The following chart summarizes instructions on absences of employees in connection with court or court-related services, by indicating the various conditions for absences and the proper time and attendance recording for each together with any right to (and retention of) fees for services rendered and right to payment for expenses to travel.

Nature of Service	Type of Absence			Fees			Government travel expenses	
	Court Leave	Official Duty	Annual Leave or LWOP	No	Yes		No	Yes*
					Retain	Turn in to Agency		
I JURY SERVICE								
(A) U.S. or DC Court	X			X			X	
(B) State or local court	X					X	X	
II WITNESS SERVICE								
(A) On behalf of U.S. or DC government		X		X				X
(B) On behalf of State or local government								
(1) in official capacity		X				X		X
(2) not in official capacity	X					X	X	
(C) On behalf of private party								
(1) in official capacity		X				X		X
(2) not in official capacity								
(A) when a party is U.S., DC, State or local government	X					X	X	
(B) when a party is not U.S., DC, 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.