



DEPARTMENT OF DEFENSE  
Defense Commissary Agency  
Fort Lee, VA 23801-1800

# MANUAL

## Absence and Leave Manual

DeCAM 50-28.1

March 6, 2009

*Change 1, April 8, 2010*

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FPO: Human Resources  
OPR: DeCA/HRR

**1. POLICY.** This Manual is issued under the authority of DeCA Directive 50-28, "Absence and Leave Program," December 19, 2008. It is DeCA policy that leave will be administered in a fair and consistent manner in accordance with the law, rules, and regulations of the U.S. Office of Personnel Management (OPM) and the provisions of this Manual.

**2. PURPOSE.** This Manual provides detailed step-by-step procedures for carrying out the policy; assigns responsibilities; and provides guidance and procedures for leave administration.

**3. APPLICABILITY.** This Manual applies to DeCA activities, continental United States (CONUS) and outside the continental United States (OCONUS), covered by the General Schedule (GS) *and* Federal Wage System (FWS). ~~and DoD National Security Personnel System (NSPS).~~ This Manual does not supersede any negotiated contract language or past practice that is currently in place.

**4. RELEASABILITY – UNLIMITED.** This Manual is approved for public release and is located on DeCA's Internet Web site at [www.commissaries.com](http://www.commissaries.com).

**5. MANAGEMENT CONTROL SYSTEM.** *This Manual does not contain internal management control provisions that are subject to evaluation, testing, and other requirements of DeCAD 70-2 and as specified by the Federal Manager's Financial Integrity Act.*

**6. EFFECTIVE DATE.** This Manual is effective immediately.

*P. Kaye Kennedy*

P. Kaye Kennedy  
Director of Human Resources

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**SUMMARY OF CHANGES.** *Changes were made to incorporate HR Policy 50-07, “Compensatory Time Off for Temporary Duty Travel,” dated March 8, 2005 and its amendment dated September 26, 2005, which are hereby canceled. Changes also incorporate DPP Memorandum 50-49, “Excused Absences Related to Job Searches by DeCA Employees,” June 13, 1997, which is hereby canceled.*

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## REFERENCES

- (a) DeCA Directive 50-28, "Absence and Leave Program," December 19, 2008
- (b) Chapter 63 of title 5, United States Code
- (c) Part 630 of title 5, Code of Federal Regulations
- (d) DeCA Collective Bargaining Agreements
- (e) DoD Directive 5105.55, "Defense Commissary Agency (DeCA)," March 12, 2008
- (f) *DeCA Directive 70-2, "Internal Control Program," December 17, 2007*

## **CHAPTER 1**

### **INTRODUCTION**

**1-1. PURPOSE.** This Manual establishes the policies and procedures governing leave administration in DeCA. It applies to all DeCA employees, CONUS and OCONUS, covered by GS *and* FWS, ~~and NSPS~~. This Manual does not supersede any negotiated contract language or past practice that is currently in place.

**1-2. POLICY.** It is DeCA policy that leave will be administered in a fair and consistent manner in accordance with the law, rules, and regulations of the U.S. Office of Personnel Management (OPM) and the provisions of this Manual.

## CHAPTER 2

### RESPONSIBILITIES

**2-1. SUPERVISORS AND MANAGERS.** Supervisors and managers authorized to approve leave shall:

- a. Schedule employees' absences in order to maintain the workforce necessary for mission accomplishment.
- b. Permit employees to make adjustments in their plans in order to meet work requirements.
- c. Ensure all absences from scheduled tours of duty are charged to the appropriate leave category.
- d. Ensure employees know the procedures for requesting and using leave.
- e. Understand approval of leave is a discretionary matter assigned to the supervisor. The taking of leave is not an absolute right afforded an employee, but is conditioned on the needs of the Federal service. It is essential that managers and supervisors who approve leave and time and attendance input records have a thorough understanding of leave provisions.

**2-2. FIRST-LINE SUPERVISORS.** First-line supervisors have the authority to approve or deny all types of leave based on the workload and work requirements to accomplish the Agency's mission.

**2-3. EMPLOYEES.** Employees shall:

- a. Observe designated duty hours and be punctual in reporting for work and returning from lunch, breaks, etc.
- b. Obtain advance authorization for absence from duty from their supervisor and correctly report all leave taken, except as noted in Chapter 3.

**CHAPTER 3**  
**TYPES OF LEAVE**

**3-1. ANNUAL LEAVE.**

a. Employees accrue and have a right to use accrued annual leave in accordance with applicable laws, Agency directives, and collective bargaining agreements (CBA). The supervisor determines the time and amount of leave that may be granted at any specific time taking into consideration workload, staffing, training, and the employee's desires. Each year, a new leave year begins with the first full pay period in January.

b. Employees accrue annual leave based on creditable service allowed by current regulations, as follows:

(1) Full-time with appointments of 90 days or more:

<b>Years of Creditable Service</b>	<b>Hours Per Biweekly Pay Period</b>	<b>Per Annum Total</b>
Up to 3 years	4 hrs	13 days
3 to 15 years	6 hours Note: 10 hours for last complete pay period in the calendar year	20 days
15 years and over	8 hours	26 days

(2) Part-time with appointments of 90 days or more:

<b>Years of Creditable Service</b>	<b>Accrual Rate</b>
Up to 3 years	1 hr for each 20 hrs in a pay status
3 to 15 years	1 hr for each 13 hrs in a pay status
15 years and over	1 hr for each 10 hrs in a pay status

(3) Employees on intermittent work schedules do not accrue leave.

c. Procedures for Requesting Annual Leave.

(1) Unless covered by a CBA that stipulates another date, employees will submit a leave plan (DeCA Form (DeCAF) 30-14, Leave Planner) to their supervisor by February 1st of each year to identify their desires and allow time to resolve conflicting leave schedules among employees, if applicable. This plan does not constitute final approval of leave, but allows supervisors to make reasonable efforts to accommodate employees' vacation plans, keeping in mind staffing requirements and workload. Once plans have been approved, employees are then required to complete DeCAF 50-63, Request for Leave or Approved Absence, and forward it to their supervisor for signature and final approval. When an employee wants to request unplanned annual leave during the year, they must also submit DeCAF 50-63 in advance of taking such leave. Annual leave is charged in increments of 15 minutes.

(2) If an employee is unable to report for duty due to emergency or unforeseen circumstance that requires the use of unscheduled annual leave, they must notify their supervisor prior to the beginning of their tour of duty unless compelling circumstances prevent this. If additional information is required, the supervisor may withhold the decision on approval or disapproval of the annual leave for emergency

reasons until the return of the employee to duty.

(3) Unplanned annual leave requests will be submitted as soon as the need for leave is known. Supervisors will respond to requests for unplanned annual leave in a timely manner and in accordance with their respective CBA. If additional information is required, the supervisor may withhold the decision on approval or disapproval of annual leave for emergency reasons until the return of the employee to duty.

d. Advance Annual Leave. 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. When the decision is made, the supervisor will normally notify the employee within 2 workdays. There is no employee entitlement to advance annual leave. Appendix A is a sample format for requesting advance annual leave. Employees may only request advance annual leave in the amount not to exceed that which would be accumulated by the end of the current leave year. Employees must use DeCAF 50-63 to request advance leave and provide supporting documentation if requested by their supervisor. The employee is also required to complete Appendix A and submit it with the DeCAF 50-63. The supervisor shall respond to the employee's request before the start of the requested period of advance leave, and advise the employee whether the advance leave is approved or disapproved. In approving advance annual leave, supervisors must have reasonable assurance that the employee will be in a duty status long enough to earn the amount of leave advanced before the end of the leave year or that would accrue during the tenure of his or her appointment. If advance annual leave creates an indebtedness because the employee separates from Federal service prior to earning back leave advanced, he or she is required to refund the amount of unearned annual leave to which he or she is indebted or the Agency may deduct that amount from any pay due to the employee upon separation.

e. Maximum Accumulation of Leave. The maximum amount of annual leave, for both full-time and part-time employees, that may be carried forward from ~~+~~ *one* leave year to another is 30 days (240 hours) for CONUS employees and 45 days (360 hours) for OCONUS employees. The 45-day balance may be retained upon return to the U.S.; however, whenever this balance falls below the 360-hour (45-day) maximum, at the end of the leave year that new balance will become the maximum balance that the employee may maintain.

f. Restoration of Forfeited Leave.

(1) Annual leave that is forfeited because it is in excess of the maximum leave ceiling may be restored because of an administrative error, exigency of the public business, or sickness of the employee. The annual leave must be restored in a separate leave account. As a general rule, restored annual leave must 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; or

(b) The date fixed by an Agency official as the termination date of the exigency that resulted in the forfeiture of the annual leave; or

(c) The date the employee is determined to be recovered and able to return to duty if the leave was forfeited because of sickness. Annual leave must be scheduled by using DeCAF 50-63 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 exigency of public business or sickness of the employee be considered for restoration.

(2) The closure or realignment of an installation of DoD pursuant to the Defense Base Closure

and Realignment Act of 1990 is deemed to create an exigency of the public business effective as of the date the base realignment and closure (BRAC) list is approved by Congress. Any leave lost by an employee of such installation (regardless of whether such leave was scheduled) shall be restored to the employee. Annual leave restored under BRAC provisions must be used in accordance with subpart 630.306(b) of title 5, Code of Federal Regulations (CFR).

(3) Annual leave 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.

(4) Requests for restoration of forfeited leave must be submitted in writing (DeCAF 50-84, Request for Restoration of Annual Leave (Appendix B)) by the employee to the appropriate supervisor for stores and to directorate/staff office chiefs for above store level components. The request must include the following:

(a) The number of hours to be restored.

(b) A copy of the original DeCAF 50-63, showing the advance approved request for leave.

(c) Documentation that the leave was disapproved or canceled and the reasons, to include any dates that it was rescheduled, if appropriate.

g. Substitution of Annual Leave. Annual leave may be substituted for sick leave that has been applied for and approved, but not yet used. It may also be substituted retroactively for advance sick leave but not to prevent forfeiture of the annual leave. The substitution must be made before the annual leave would have been forfeited.

h. Lump-Sum Payment for Annual Leave.

(1) An employee is entitled to a lump-sum payment for accumulated and accrued annual leave when he or 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, their annual leave can be transferred to a formal leave system. The lump-sum payment must equal the pay (excluding any foreign area post differential and any foreign area danger pay allowance) the employee would have received had he or she remained an employee 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 does 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 or she must 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.

i. BRAC Leave.

(1) Under the provisions of section 6304(d)(3) of title 5, United States Code (U.S.C.), employees located at BRAC designated sites may carryover excess annual leave from one year to the next as long as they continue to work at that BRAC activity. Annual leave carried over under this special BRAC provision is placed in a separate leave account, and employees are not required to use this leave before other available annual leave.

(2) The annual leave carryover provision does not apply to employees assigned to organizations or functions designated to continue on-site operations after the activity's closure, or when such organizations or functions relocate within the commuting area of the closing activity.

(3) For those employees who have BRAC leave, it will be included in the lump-sum payment of their annual leave when they are separated, or it can be used with other annual leave to keep them on the rolls past their scheduled separation date in order to qualify for retirement or Federal Employees Health Benefits coverage. If the employee moves to a non-DoD Federal agency, or to a DoD Component that is not being closed or realigned, the BRAC annual leave is paid in a lump-sum.

j. Recredit of Annual Leave.

(1) When an employee leaves his or her civilian position to enter the military service, the employing agency certifies his or her leave account for credit or charge. If the employee returns to a civilian position following military service, the gaining agency reestablishes the certified leave account as a credit or charge.

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

(3) 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.

(4) Annual leave that is recredited to an employee is subject to the same rules for scheduling and use as described above. Any excess annual leave that is forfeited at the end of the leave year may be considered for restoration.

### **3-2. SICK LEAVE.**

a. Supervisors and employees should recognize the importance of sick leave and the ability of the employee to utilize it only when incapacitated for duty by sickness, injury, or other valid reasons. Employees are encouraged to conserve sick leave so that it will be available to them in the event of an extended illness.

b. Accrual. All full-time employees with a 40-hour workweek, regardless of length of service, earn sick leave at the rate of 4 hours each biweekly pay period. Part-time employees with an established tour of duty earn sick leave at the rate of one hour for each 20 hours in a pay status. However, credit may not exceed 4 hours of sick leave for 80 hours of duty in any biweekly pay period.

c. Granting Sick Leave. Supervisors may grant sick leave to an employee when the employee:

- (1) Receives medical, dental, optical examinations, or treatments.
- (2) Is incapacitated for performance of duty by physical or mental illnesses, injury, pregnancy, or childbirth.
- (3) Provides care for a family member who is incapacitated as a result of physical or mental illness, to include taking to medical, dental, optical examinations, or treatments; makes funeral arrangements necessitated by the death of a family member; or attends the funeral of a family member.
- (4) As determined by health authorities having jurisdiction or by a health care provider, jeopardizes the health of others by their presence at the worksite due to exposure of a communicable disease.
- (5) Must be absent from duty for purposes relating to the adoption of a child.
- (6) Provide care for a family member with a serious health condition.

d. Procedures for Requesting Sick Leave. Employees will submit DeCAF 50-63 for any of the above stated reasons. Supervisors will provide a prompt response back to the employee. If the need arises to request for unplanned or emergency sick leave, the employee will notify the supervisor personally, unless the degree of injury or illness prevents them from doing so. Notification will be provided prior to the start of the tour of duty. Such notification does not constitute approval of sick leave. When reporting an absence or late arrival, the employee shall notify their supervisor of their need for sick leave and the estimated duration. Sick leave is charged in increments of 15 minutes.

e. Medical Documentation.

(1) An employee may be required to furnish administratively acceptable medical evidence to substantiate a request for approval of sick leave, if required by the supervisor. Supervisors will notify employees when medical documentation is required and time limits for submitting the documentation. Administratively acceptable medical documentation includes:

- (a) The type of health condition and the date it commenced.
- (b) A general statement of the employee's condition.
- (c) Whether the employee is presently incapacitated for duty.
- (d) The expected duration of the condition and the date the employee can be expected to return to duty.

(2) An employee must provide administratively acceptable evidence or medical certification for a request for sick leave no later than 15 calendar days after the date the agency requests such certification. If it is not practicable under the particular circumstances to provide the requested evidence or medical certification within 15 calendar days after the date requested by the Agency, despite the employee's diligent, good faith efforts, the employee must provide the evidence of medical certification within a reasonable time under the circumstances involved, but no later than 30 days after the date the Agency requests such documentation. An employee who does not provide the required evidence or medical certification within the specified time period is not entitled to sick leave and may be carried in an absent without leave (AWOL) status.

f. Advance Sick Leave.

(1) Advance sick leave may be approved based on an employee's written request, 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 a full-time employee at the beginning of a leave year, or at any time thereafter, when required by the exigencies of the situation for a serious disability or ailment of the employee or family member, or for purposes relating to the adoption of a child. Thirty days is the maximum amount of advance sick leave an employee may have to his or her credit at any one time. For a part-time employee (or an employee on an uncommon tour of duty), the maximum amount of sick leave an agency may advance must be prorated according to the number of hours in the employee's regularly scheduled administrative workweek. 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) Employees must submit a completed DeCAF 50-63, a ~~letter for~~ *memorandum* requesting advance sick leave (sample at Appendix C), and include all supporting documentation to request advance leave. The supervisor shall respond to the employee's request within 10 workdays 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/disapproved.

(4) In approving advance sick leave, supervisors must have reasonable assurance that the employee will return to a duty status long enough to earn the amount of leave advanced.

(5) If advance sick leave creates an indebtedness because the employee separates from Federal service prior to earning back leave advanced, he or she is required to refund the amount of unearned sick leave to which he or she is indebted or the Agency may deduct that amount from any pay due to the employee upon separation (e.g., lump-sum payment for unused annual leave, refund of retirement contributions).

(6) Repayment for advance sick leave is not required when separation is because of death, resignation for disability supported by acceptable medical documentation, or disability retirement.

g. Sick Leave Recredit. An employee who has had a break in service is entitled to the recredit of his or her unused sick leave (without regard to the date of the separation), if the employee returns to the Federal service on or after December 2, 1994. An employee who was part-time and converted to an intermittent work schedule who had a sick leave balance is entitled to recredit of his or her sick leave if returned to a full-time or part-time work schedule.

**3-3. SICK LEAVE FOR FAMILY CARE/BEREAVEMENT.**

a. A limited amount of sick leave is allowed by subpart 630.401 of title 5, CFR to:

(1) Care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth.

(2) Care for a family member as a result of medical, dental, optical examination, or treatments.

(3) Make arrangements necessitated by the death of a family member or attend the funeral of a family member.

b. Family member is defined as the employee's spouse and spouse's parents; employee's children, including adopted children, and children's spouses; employee's parents; employee's brothers, sisters, and their spouses; or any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

c. The amount of leave which may be approved for family care or bereavement purposes is:

(1) A full-time, leave-earning employee may use up to 104 hours (13 workdays) of earned or advance sick leave per year.

(2) The amount of sick leave that a part-time employee may use shall be equal to the average number of hours they normally accrue during the year.

(3) A part-time employee may use additional sick leave hours equal to the average number of hours of sick leave he or she normally accrues during a leave year.

d. Documentation may be required and includes:

(1) Bereavement. A newspaper notice (obituary), funeral home documentation, or a death certificate.

(2) Family Care. A DeCAF 50-63. For an absence in excess of 3 consecutive workdays, additional documentation which consists of:

(a) A statement from the health care provider that the family member requires psychological comfort and/or physical care.

(b) The family member would benefit from the employee's care or presence.

(c) The employee is needed to care for the family member for a specified period of time.

### **3-4. SICK LEAVE FOR FAMILY MEMBER WITH A SERIOUS HEALTH CONDITION.**

a. Sick Leave Usage. Employees may use up to a total of 12 administrative workweeks of sick leave each leave year to care for a family member with a serious health condition. Any portion of the 13 days of sick leave for general family care or bereavement purposes in a leave year must be subtracted from the 12-week entitlement. If an employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, he or she cannot use an additional 13 days of sick leave in the same leave year for general family care.

b. Part-time employees may use an amount of sick leave equal to 12 times the average number of hours in his or her scheduled tour of duty each week. Any portion of the amount of sick leave used for family care and/or bereavement purposes mentioned in paragraph 3-3.c.(2), must be subtracted from hours authorized by this paragraph.

c. Family member is defined in paragraph 3-3.b.

d. Types of Serious Health Conditions. A serious health condition has the same meaning as defined in the Family and Medical Leave Act (FMLA) and includes such conditions as cancer, heart attack, stroke, severe injury, Alzheimer's disease, pregnancy, childbirth, etc.

e. Medical Documentation. For the purpose of sick leave taken to care for a family member, medical documentation may be required and includes a written statement from the health care provider concerning the family member's need for psychological comfort and/or physical care. The statement must certify that:

- (1) The family member requires psychological comfort and/or physical care.
- (2) The family member would benefit from the employee's care or presence.
- (3) The employee is needed to care for the family member for a specified period of time.

f. Leave for Childbirth.

(1) A birth mother is entitled to use accrued sick leave for medical appointments, hospitalization, and her period of incapacitation following childbirth. A birth father may use a total of up to 12 weeks of accrued sick leave, if full-time, each year to accompany the mother to prenatal appointments, to be with her during her period of hospitalization, and/or to care for her during her recovery period. An agency may request administratively acceptable evidence of the mother's period of incapacitation for the use of sick leave.

(2) A mother may use accrued annual leave for pregnancy and childbirth, a father may use accrued annual leave to care for the mother during pregnancy and childbirth, and both parents may use accrued annual leave to be absent from work to bond with or care for a healthy newborn. The use of annual leave is subject to the supervisor's approval.

g. Sick Leave for Adoption. All leave-earning employees may use earned sick leave for purposes related to the adoption of a child. The initial written request to use sick leave for adoption-related purposes shall include any known details of the adoption that will require time-off from work. Employees may request the use of earned sick leave for the following:

- (1) Appointments with adoption agency, social worker, attorney, or court proceedings.
- (2) Required travel.
- (3) Absence during which adoptive parents are ordered or required by an adoption agency or court to care for the child.
- (4) Any activity that is necessary to allow the adoption to proceed.

### **3-5. FAMILY AND MEDICAL LEAVE ACT (FMLA).**

a. Full-time and part-time employees who have completed at least 12 months of service (not required to be recent or consecutive months) are eligible for family and medical leave. Employees serving a temporary appointment with a time limitation of 1 year or less and intermittent employees are not eligible for family and medical leave.

b. FMLA entitles a full-time employee to a total of 12 administrative workweeks of leave without pay (LWOP) during any 12-month period. FMLA may be used for one or more of the following reasons:

- (1) The birth of a son or daughter of the employee and the care of such son or daughter.
- (2) The placement of a son or daughter with the employee for adoption or foster care.
- (3) The care of a spouse, son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition.
- (4) The serious health condition of the employee that makes them unable to perform any one or more of the essential functions of his or her position.

c. The term serious health condition includes such conditions as cancer, heart attack, stroke, severe injury, Alzheimer's disease, pregnancy, and childbirth. The term serious health condition is not intended to cover short-term conditions for which treatment and recovery are very brief. The common cold, flu, earaches, upset stomach, headaches (other than migraines), routine dental or orthodontia problems, etc., are not serious health conditions unless complications arise.

d. A family member means the following relatives of the employee:

- (1) A spouse (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).

- (2) A son or daughter (biological, adopted, or foster child).

- (3) A stepchild.

- (4) A legal ward.

- (5) A child of a person standing in loco parentis (in place of parent) 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.

e. An employee taking LWOP under the provisions of FMLA is entitled to maintain health benefits coverage and must make arrangements to pay the employee's share of the premium while on FMLA or when he or she returns to work.

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

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

h. To request FMLA, an employee must complete DeCAF 50-63. If the leave taken under this Act is foreseeable, the employee shall provide notice to their supervisor of his or her intention to take leave not less than 30 days before the date the leave is to begin. If the date of the circumstances requires leave to begin within 30 days, the employee shall provide such notice as soon as foreseeable. An employee may not retroactively invoke his or her entitlement to FMLA. Supporting medical documentation from the employee's physician must accompany the request.

i. For the purpose of leave taken for a serious health condition of the employee, medical documentation must be required and includes:

(1) The date the serious health condition commenced.

(2) The probable duration of the serious health condition or a statement that the serious health condition is a chronic or continuing condition with an unknown duration, whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity.

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

j. If, after the leave commences, an employee fails to provide the supporting medical and administrative documentation for FMLA, the supervisor may charge the employee as AWOL.

### **3-6. VOLUNTARY LEAVE TRANSFER PROGRAM.**

a. 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.

b. DeCA managers and supervisors are expected to fully support the appropriate use of the program by employees under their direction. No employee of DeCA shall be pressured into donating leave to any other employee. Donated leave will be coded as LD on time and attendance reports.

c. 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 results in a substantial loss of income to the employee because of the unavailability of paid leave.

d. 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 a 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).

e. 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" will be transferred to the employee's regular leave accounts when the medical emergency ends or if the employee exhausts all donated leave.

#### **f. Application to Become a Leave Recipient.**

(1) An employee may apply to be a leave recipient before, during, or after a medical emergency. Employees shall complete OPM Form 630, "Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program," and submit it to his or her supervisor for approval as soon as possible, but no later than 30 days after the medical emergency has terminated. The applicant shall describe the medical emergency, the duration (or expected duration), the approximate frequency (if recurring) and attach all supporting medical and administrative documentation.

(2) The leave approving official must determine that the absence from duty of a leave recipient applicant because of a medical emergency is or was 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 will be prorated.

(3) The leave approving authority shall inform the employee of approval or nonapproval. If the application is approved, it is forwarded to the Voluntary Leave Transfer point of contact (POC) located at DeCA Headquarters, Directorate of Human Resources. The POC will review for compliance and forward OPM Form 630 to the payroll liaison for processing. The POC will also issue a notification to DeCA employees informing them of the individual's participation in the program.

(4) For DeCA Europe, the Voluntary Leave Transfer POC receives the request, reviews it for accuracy, and forwards it to the DeCA/EU/HR Chief for approval. If the request is approved, it is forwarded to the payroll liaison for processing.

g. Application to Become a Leave Donor.

(1) Upon notification of an individual's participation in the Voluntary Leave Transfer Program, employees wishing to donate leave must complete OPM Form 630-A, "Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Within Agency)," for someone within the same agency; or OPM Form 630-B, "Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Outside Agency)," for someone in another Federal agency.

(2) An employee may not donate more than one-half of the annual leave he or she would be entitled to accrue during the leave year in which the donation is made. An employee may donate to more than one approved recipient; however, the total donation to all recipients must meet this restriction.

(3) A leave donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year (use or lose) may donate no more than the lesser of the following:

(a) One-half of the number of hours remaining in the leave year in which the donation is made.

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

(4) Leave donation limitations may be waived on a case-by-case basis. It is anticipated that such exceptions will be rare. If an employee requests to exceed the usual threshold of annual leave donation, the potential donor should submit a request to the Director of Human Resources with a written explanation. The Director of Human Resources is the approving authority for such requests. Waivers will not be approved solely to avoid annual leave forfeiture at the end of the leave year.

(5) Leave cannot be donated to a leave donor's immediate supervisor.

h. Termination of Medical Emergency. The medical emergency terminates when:

(1) The leave recipient's Federal service is terminated.

(2) At the end of the biweekly pay period in which the recipient's leave approval official receives written notice from the leave recipient or from the voluntary leave transfer POC that the leave recipient is no longer affected by a medical emergency.

(3) At the end of the biweekly pay period in which the recipient's leave approving official receives notification from OPM that it has approved the application for disability retirement for the leave recipient under the Civil Service Retirement System or the Federal Employees' Retirement System.

### **3-7. HOLIDAY LEAVE.**

#### a. Holiday Leave.

(1) Full-time employees who are not required to work on a holiday receive their rate of basic pay for the applicable number of holiday hours.

(2) Part-time employees are entitled to holiday pay IF they are required to work on the actual holiday. Since part-time employees are not entitled to holidays, their work on the "in lieu of" holiday is considered normal work for which straight-time pay is appropriate.

#### b. "In Lieu Of" Holiday Information.

(1) All full-time employees, including those on flexible or compressed work schedules, are entitled to an "in lieu of" holiday when a holiday falls on a nonworkday. In such cases, the employee's holiday is the basic workday immediately preceding the non-workday. A basic workday for this purpose includes a day when part of the basic work requirement for an employee under a flexible work schedule is planned or scheduled to be performed.

(2) There are exceptions:

(a) If the nonworkday is Sunday (and the holiday falls on Sunday), the next basic workday is the "in lieu of" holiday.

(b) If Inauguration Day falls on a nonworkday, there is no provision for an "in lieu of" holiday.

(c) An employee is not entitled to another day off as an "in lieu of" holiday if a Federal office or facility is closed on a holiday because of a weather emergency or when employees are furloughed on a holiday.

c. Holidays That Fall on Monday. Holidays that fall on Monday and are actual holidays are: Martin Luther King's Birthday, Washington's Birthday, Memorial Day, Labor Day, and Columbus Day. Part-time employees who work these days would receive holiday premium pay (double-time) if they work on the holiday scheduled. If they are scheduled to work on the holiday, but do not actually work in observance of the holiday, then they would be entitled to holiday pay (straight-time).

### **3-8. COMPENSATORY TIME ~~TAKEN~~.**

#### a. Compensatory Time ~~Taken Off for Overtime Hours Worked~~.

(1) At the request of an ~~nonexempt~~ employee, a supervisor may grant compensatory time off from the subordinate's tour of duty instead of payment for an equal amount of irregular or occasional

overtime work.

(2) Managers, supervisors, or employees may not directly or indirectly intimidate, threaten or coerce any employee for the purpose of interfering with such employee's rights to request or not to request compensatory time off "lieu of" payment for overtime hours.

(3) If compensatory time off is not requested or taken within the established time limits (*26 pay periods*), the employee must be paid for overtime work at the overtime rate in effect for the work period in which it was earned.

(4) *An employee must request permission from their supervisor to use accrued compensatory time. Compensatory time off is subject to approval by the supervisor as is all other leave.*

b. Compensatory Time Off for Temporary Travel.

(1) An employee may earn compensatory time off for time spent in a travel status away from the employer's official duty station when such time is not otherwise compensable by submitting DeCAF 50-74, Claim for Creditable Time in a Travel Status, *within 10 workdays of returning from official travel.*

(2) To qualify for compensatory time for travel, travel must be officially authorized in that it must be for work purposes and must be approved by an authorized agency official. *To the extent possible, employees will not be required to travel during nonduty hours or on Federal holidays.*

(3) Travel status includes only the time actually spent traveling between the official duty station and a temporary duty station; or between two duty stations; and the usual waiting time that precedes or interrupts such travel.

(4) ~~An employee must request permission from their supervisor to use accrued compensatory time off for travel.~~ *Travel time outside regular working hours to or from the terminal is considered to be equivalent to commuting time and is not creditable time in a travel status. If the transportation terminal is outside the limits of the employee's official duty station, the travel time to or from the terminal outside regular working hours is creditable as time in a travel status, but is offset by the time normally spent in a home-to-work or work-to-home commute. Travel to a transportation terminal is considered to be within the limits of the official duty station if the transportation terminal is within a 50-mile radius of the official duty station. A shorter distance may be approved by the supervisor when the local commuting conditions warrant an exception to the 50-mile radius limit.*

(5) *"Usual waiting time" is defined as time spent waiting at the transportation terminal to include early arrival for check-in purposes. If the connecting transportation is delayed or canceled (i.e., the flight is canceled) and the employee leaves the transportation terminal to stay overnight at a local hotel, the time between the employee's departure from the transportation terminal until his or her return to the transportation terminal to resume travel is not considered usual waiting time and is not creditable for compensatory time off.*

(6) *An employee must request permission from their supervisor to use accrued compensatory time off for travel.*

(75) Generally, an employee must use his or her accrued compensatory time off for travel by the end of the 26<sup>th</sup> pay period after the pay period in which it was earned or the employee must forfeit such compensatory time off. When an employee voluntarily transfers to another agency, the employee must forfeit all of his or her unused compensatory time for travel. *There may be occasion, particularly at the*

*end of the leave year, when both earned travel compensatory time off under this policy and/or excess annual leave need to be used or be subject to forfeiture. The inability to use annual leave at the end of the leave year because of the use of compensatory time subject to forfeiture will not serve as a reason to restore forfeited annual leave.*

(86) Upon separation from an agency, the law prohibits payment for unused compensatory time for travel.

### **3-9. COURT LEAVE.**

a. Employees are authorized court leave with pay when summoned to serve as a witness in a nonofficial capacity on behalf of any party in connection with any judicial proceeding to which the U.S., the District of Columbia (D.C.), or a state or local government is a party or to perform jury duty in any court of law. When an employee is called for court service (as a witness or juror), the court order, subpoena, or summons must be presented to the supervisor as far in advance as possible. Intermittent employees are not eligible for court leave.

b. An employee who is under proper summons from a court to serve on a jury should be granted court leave for the entire period, if otherwise in a duty status. Jury service for which an employee is entitled to court leave does not include periods when the employee is excused or discharged by the court either for an indefinite period and subject to call by the court, or for a definite period in excess of 1 day. Therefore, an employee may be required to return to duty or be charged annual leave if excused from jury service for 1 day or part of a day. The employee will not be required to return to duty if it would cause a hardship.

#### **c. Jury and Witness Fees.**

(1) Employees are not entitled to witness fees in the following situations:

- (a) Juror in U.S. or D.C. court.
- (b) A witness on behalf of the U.S. or D.C. government.

(2) Fees are to be accepted and turned-in to the appropriate payroll office in the following situations:

- (a) Juror in a state or local court.
- (b) A witness in either an official or unofficial capacity on behalf of a state or local government.
- (c) A witness in an official capacity on behalf of a private party.
- (d) A witness in an unofficial capacity on behalf of a private party when another party is the U.S., D.C., a state or local government.

(3) Fees may be accepted and retained when serving as a witness on behalf of a private party and the U.S., D.C., a state or local government is not a party to the proceeding. Under these latter circumstances, the employee will be on annual leave or LWOP.

(4) Fees received for jury duty and witness service during duty hours must be turned-in to the servicing customer service representative. The employee may keep mileage allowances. If a state has defined the amounts received as expenses/allowances rather than fees, the employee may keep reimbursements for these expenses/allowances. The court must clearly identify fees versus expenses/allowances; otherwise, all monies are collected as fees. An employee may choose to waive or refuse to accept jury duty fees; however, he or she is still liable for fees they would have received. Employees performing such duties during a nonworkday, which is outside their regular tour of duty and for which Federal salary is not paid, and on holidays for which they would have been excused, may retain fees. See Appendix D, Court Leave Chart, for information on types of leave associated with court proceedings, fees, and travel expenses.

### **3-10. ADMINISTRATIVE LEAVE.**

a. Administrative Leave. Administrative leave is an *excused* absence from duty, administratively authorized, without loss of pay and without charge to leave. Agency heads or their designees have the authority to grant administrative leave when employees are prevented from working due to extreme weather conditions or other severe disruptions; e.g., no electricity in the building, no running water, etc.

b. Excused Absence. ~~An excused absence is an absence from duty, administratively authorized, without loss of pay and without charge to leave. Agency heads or their designees have the authority to grant excused absences in limited circumstances for the benefit of the agency's mission. For OCONUS employees, additional circumstances may warrant excused absences based on the regulations of the overseas command.~~ Excused absences may *also* be used for the following circumstances:

(1) In Conjunction with Relocation. Employees authorized a permanent change of station (PCS) 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 or to obtain a State driver's license or car tags. In similar situations, employees coming to DoD from other 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 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 are considered to be official duty.

(2) Blood Donation. Employees who donate blood shall be excused from work for up to 4 hours without charge to leave for the time necessary to donate the blood, recuperation following the donation, and for necessary travel to/from the donation site. Managers and supervisors of unionized stores are reminded to carefully review these procedures in their CBA.

(3) Registering and/or Voting.

(a) Employees may be excused from work without charge to leave in order to register to vote.

(b) Employees are permitted to report for work 3 hours after the polls open or to leave work 3 hours before the polls close, whichever results in the lesser amount of time off.

(c) Employees on flexible work schedules will be excused only for those hours that cannot be accommodated by their flexible schedules.

(4) Taking Examinations. This applies only to examinations given by or taken at the request of the employing activity. Employees shall be excused without charge to leave or loss of pay for all examinations required for converting to career-conditional appointments or for required noncompetitive examinations within the agency.

(5) Attending Conferences or Conventions. Employees may be excused to attend conferences or conventions when it is determined that the attendance will serve the best interest of the Federal service or the agency. Such absences may be restricted to those situations in which the employee is an official representative of the agency or a contributor on the agenda. Employees shall not be excused to attend conferences or conventions of political parties or partisan political groups or committees.

(6) For OCONUS employees, additional circumstances may warrant excused absences based on the regulations of the overseas command.

(7) Representing Employee Organizations. Representation hours shall be reported in four separate categories. Absences charged as representation duty are subject to the provisions of CBAs. *Time used for these purposes is coded as "official time."* The categories are:

- (a) Term negotiations.
- (b) Mid-term negotiations.
- (c) Labor management.
- (d) Grievances and appeals.

*(8) Employment Interview. Employees under notice of separation or change to lower grade for any reason except personal cause may be granted up to 40 hours excused absence for activities related to obtaining other employment. The granting of excused absence for job searches is authorized after the employee has received an official notice of separation.*

*(a) Approval is appropriate for such activities as preparing resumes/applications at the duty station, personally delivering applications for specific vacancy announcements, attending job interviews, attending job fairs, visiting state employment offices, etc. The use of excused absence for the personal delivery of applications will be limited to jobs located in the commuting area. This same limitation will also apply to interview for jobs in the private sector. For the purposes of this policy, commuting area is defined as a radius of 75 miles from the employee's current job location. The commuting area limitation will not apply to interviews for federal service positions. Excused absence for interviews for federal service vacancies may be requested and approved in accordance with the procedures outlined in this Manual.*

*(b) Employees will be permitted to utilize DeCA's office equipment (i.e., computers, copy machines) at the job site to prepare resumes or applications. The use of such equipment will be scheduled so as not to interfere with normal business operations.*

*(c) Excused absence must be properly requested from the supervisor using the same local procedures established for requesting other absences/leave. Time and attendance reporting procedures will be the same as those established for any other excused absence.*

~~c. Time Off Award. A time off award is an absence with pay. It must be taken within 26 pay periods after receiving it or it will be forfeited. A time off award must be used before transferring to another~~

~~agency or it will be forfeited.~~

### **3-11. MILITARY LEAVE.**

a. Any full-time Federal civilian employee whose appointment is for more than 1 year is entitled to military leave. Military leave under section 6323(a) of title 5, U.S.C. is prorated for part-time career employees. Employees who perform active military duty may request the use of paid military leave. Eligible full-time employees accrue 15 calendar days of military leave and may have up to 30 calendar days of military leave for use each calendar year (i.e., may carryover no more than 15 unused days of military leave to a fiscal leave year for a balance total of no more than 30 calendar days of use each fiscal year). Military leave should be credited to a full-time employee on the basis of an 8-hour workday. The minimum charge to leave is 1 hour. An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay. For example: A full-time employ working a 40-hour workweek will accrue 120 hours (15 days x 8 hours) of military leave in a fiscal year, or the equivalent of three 40-hour workweeks. Military leave under section 6323(a) of title 5, U.S.C. will be prorated for part-time employees and for employees on uncommon tours of duty based proportionally on the number of hours in the employee's regularly scheduled biweekly pay period.

b. Employees who request military leave for inactive duty training (which generally is 2, 4, or 6 hours in length) will now be charged only the amount of military leave necessary to cover the period of training and necessary travel. Members of the Reserves and/or National Guard will no longer be charged military leave for weekends and holidays that occur within the period of military service.

c. An additional 22 workdays per calendar year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor is available. 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.

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

e. Employees entering military duty are entitled to be carried on LWOP unless they elect to use other leave or freely and knowingly provide written notice of intent not to return to a position of employment within DeCA, in which case the employee can be separated. The employee's reemployment rights are the same whether the employee elects LWOP or separation. Supervisors who have employees entering military duty for other than training purposes should contact their servicing personnel office for further information and guidance.

### **3-12. LEAVE ASSOCIATED WITH OFFICE OF WORKERS' COMPENSATION PROGRAM (OWCP).**

a. An employee who suffers a job related injury that results in incapacitation for duty may request to be placed on continuation of pay (COP) when he or she files a written claim in accordance with provisions of the Federal Employees' Compensation Act.

b. The employee may be entitled to up to 45 days of COP upon request and without charge to his or her sick or annual leave as a result of a traumatic injury, with proper documentation and acceptance of the claim by the Department of Labor, OWCP.

c. 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.

d. COP may be terminated by the Agency if medical evidence of a disabling traumatic injury is not presented within 10 days of claiming COP.

e. The employee will be carried in a LWOP status up to 1 year after going on the compensation rolls. After 1 year, the employee's case will be evaluated and a decision made to continue the employee in a LWOP status or separate the employee from the rolls.

### **3-13. LEAVE WITHOUT PAY (LWOP).**

a. LWOP is a temporary, nonpay status and absence from duty that, in most cases, is requested and granted at the leave approval official's discretion. It cannot be imposed as a penalty nor can an employee be required to take LWOP. It should also not be confused with AWOL that is an absence from duty that is not authorized or approved.

b. Employees are entitled to LWOP in the following situations:

(1) Disabled veterans who are entitled to LWOP for medical treatment related to a service-connected disability.

(2) Members of the Reserve or National Guard to perform military training.

(3) Limited periods during which employees are awaiting adjudication of a claim for compensation by the Office of Workers' Compensation.

(4) Illness as defined in the FMLA.

c. LWOP must be requested on DeCAF 50-63 and approved in advance.

d. LWOP may be approved in other cases only when it is apparent that it will result in increased job ability; protection or improvement in the employee's health; or the retention or protection of benefits. The following are examples of these types of cases:

(1) For protecting an employee's status and benefits pending final action by OPM on a claim for disability retirement, after all sick and annual leave has been exhausted.

(2) For recovery from illness or disability not of a permanent nature.

(3) To avoid a break in service for career or career-conditional employees who are seeking other Federal employment outside their commuting area.

e. See Appendix E for the effects of extended LWOP on Federal benefits and programs.

### **3-14. ABSENT WITHOUT LEAVE (AWOL).**

a. AWOL is an absence from duty that was not authorized (including leave that is not approved pending submission of required documentation) or for which leave has been denied. The employee receives no pay for the period of absence. Designating an absence as AWOL is not a disciplinary matter; however, it may form the basis for disciplinary actions. If it is later determined that the absence without prior authorization was excusable, or that the employee was ill, the charge to AWOL may be changed to annual, sick, or LWOP, whichever is appropriate.

b. AWOL is chargeable by the exact amount of time the employee is absent without approved leave.

c. Unauthorized tardy or absence during the workday may also be charged as AWOL if the circumstances do not justify excusing the absence or the approval of the appropriate leave.

d. AWOL versus LWOP. AWOL is an absence from duty that was not authorized; it may result in disciplinary or other corrective action. 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.

### **3-15. EARLY DISMISSAL AND CLOSURE GUIDANCE.**

a. Hazardous weather conditions and emergencies which disrupt travel are conditions which are usually severe and disruptive to normal travel or transportation of employees between their homes and their duty stations such as hurricanes, cyclones, floods, blizzards, severe snow, or icing roads.

b. For the most part, DeCA activities are tenant activities located on host installations/bases. As a tenant activity, DeCA is obliged to follow the lead of the host installation/base during hazardous weather conditions, natural disasters, or other incidents affecting normal operations. Employees affected by installation/base late arrival, early dismissal, or closure decisions will be granted excused absence or charged leave in the same manner as the host installation.

c. For DeCA employees covered by a CBA, procedures for early dismissal and closure are provided in the CBA. Managers and supervisors of unionized stores are reminded to carefully review these procedures in their CBA.

d. Upon request of the local command, the commissary may remain open up to 1 hour after the official post closure time is announced. If the local command requests the commissary to stay open longer than 1 hour, commissary management will advise the zone manager and appropriate regional personnel. The safety of commissary personnel is a prime objective, and only personnel necessary to provide customer service should be detained for this period.

e. Employees should be familiar with the installation dismissal/closure procedures, listen to designated radio/TV station broadcasts containing dismissal/closure information, and be aware of any specialized telephone notification procedures in place. Unless otherwise notified, all personnel are to assume that their DeCA worksite will be functioning as normal each workday.

f. Supervisors in the Washington, D.C. Metropolitan Area. When there are disruptions of Government operations, OPM will make announcements to the media as to whether Federal agencies in the Washington, D.C. area are open or closed; or operating under an unscheduled leave policy, a delayed

arrival policy, or an early dismissal policy. Supervisors are reminded to review the OPM Washington, D.C. Area Dismissal Closure Procedures available at: [www.opm.gov/oca/COMPMEMO/dismissal.pdf](http://www.opm.gov/oca/COMPMEMO/dismissal.pdf) and apply, as appropriate.

**APPENDIX A**  
**~~LETTER~~ MEMORANDUM FOR *REQUESTING* ADVANCE ANNUAL LEAVE**

OFFICE SYMBOL \_\_\_\_\_

Date \_\_\_\_\_

MEMORANDUM FOR (Supervisor's Name and Title)

SUBJECT: Information on Advance Annual Leave

I understand there is no entitlement to advance annual leave. I also understand that requesting and using advance annual leave creates indebtedness to the Federal government for which I am liable. I acknowledge and agree that if I separate from Federal service before the indebtedness for unearned leave is liquidated, I shall refund the amount paid me for the period covering the leave for which I am indebted. The number of hours requested may not exceed the amount of annual leave that I will accrue between the beginning date of the period of advance annual leave and the end of the current leave year.

Employee's Name: \_\_\_\_\_  
(printed)

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

Date: \_\_\_\_\_



**APPENDIX C**

***LETTER MEMORANDUM* FOR REQUESTING ADVANCE SICK LEAVE**

OFFICE SYMBOL \_\_\_\_\_

Date \_\_\_\_\_

MEMORANDUM FOR (Supervisor's Name and Title)

SUBJECT: Request for Advance Sick Leave

I understand that all my accumulated and accrued sick leave, compensatory time, credit hours, and annual leave subject to forfeiture at the end of the leave year must be liquidated before the advance sick leave begins. I understand there is no entitlement to advance sick leave. I also understand that requesting and using advance sick leave creates indebtedness to the Federal government for which I am liable. I acknowledge and agree that if I separate from Federal service before the indebtedness for unearned leave is liquidated, I shall refund the amount paid me for the period covering the leave for which I am indebted.

Employee's Name: \_\_\_\_\_  
(printed)

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

Date: \_\_\_\_\_

**APPENDIX D**  
**COURT LEAVE CHART**

Nature of Service	Type of Absence			Fees			Government Travel Expense	
	Court Leave	Official Duty	Annual Leave or LWOP	No	Retain	Turn-in to Agency	No	Yes*
<b>JURY SERVICE</b>								
1. U.S. or D.C. Court	X			X			X	
2. State or local court	X					X	X	
<b>WITNESS SERVICE</b>								
1. On behalf of U.S. or D.C. government		X		X				X
2. On behalf of state or local government:								
a. In official capacity		X				X		X
b. Not in official capacity						X	X	
3. On behalf of private party:								
a. In official capacity		X				X		X
b. Not in official capacity								
(1) When a party is U.S., D.C., state or local government						X	X	
(2) When a party is not U.S., D.C., state or local government			X		X		X	

\*Offset to the extent paid by the court, authority or party that caused the employee to be summoned.

**APPENDIX E**

**LWOP – Effects on Federal Benefits and Programs**

<b>Type of Benefit</b>	<b>The amount of LWOP (nonpay status) that is considered creditable service</b>
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
Time-in-Grade Requirements for Promotion	Any nonpay status is creditable service
Within Grade Increases (WIGI)	Creditable service for GS in a nonpay status in a waiting period: *2 workweeks for advancement to Steps 2, 3, and 4 *4 workweeks for advancement to Steps 5, 6, and 7 *6 workweeks for advancement to Steps 8, 9, and 10  Creditable service for WG in a nonpay status in a waiting period: *1 workweek for advancement to Step 2 *3 workweeks for advancement to Step 3 *4 workweeks for advancement to Steps 4 and 5
Reduction-in-Force (RIF) (determining years of service)	A total of 6 months of nonpay status in a calendar year is creditable service
Life Insurance (FEGLI)	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 broken by a return to duty for periods of less than 4 consecutive months. See <a href="http://www.opm.insure.gov">www.opm.insure.gov</a>
Severance Pay	Nonpay status time is fully creditable for the 12 months continuous employment period to qualify for severance pay. For purposes of computing an employee's actual severance payment, no more than 6 months of nonpay status in a calendar year is creditable service.
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.

<b>Type of Benefit</b>	<b>The amount of LWOP (nonpay status) that is considered creditable service</b>
Accrual of Annual and Sick Leave	<p>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 or she again accumulates 80 hours of LWOP during a pay period.</p> <p>When a part-time employee is in a nonpay status, he or she will accrue less annual and sick leave since part-time employees earn leave on a pro-rata basis; i.e., based on hours in a pay status.</p> <p>For purposes of computing accrual rates for annual leave; i.e., 4, 6, 8 hours each pay period, 6 months of nonpay status in a calendar year is creditable service.</p>

## GLOSSARY

### ACRONYMS

<b>AWOL</b>	absent without leave
<b>BRAC</b>	base realignment and closure
<b>CBA</b>	collective bargaining agreement
<b>CFR</b>	Code of Federal Regulations
<b>CONUS</b>	continental United States
<b>COP</b>	continuation of pay
<b>D.C.</b>	District of Columbia
<b>DECAF</b>	Defense Commissary Agency form
<b>DeCA EU</b>	Defense Commissary Agency Europe
<b>FMLA</b>	Family and Medical Leave Act
<b>FWS</b>	Federal Wage System
<b>GS</b>	General Schedule
<b>LWOP</b>	leave without pay
<del><b>NSPS</b></del>	<del>National Security Personnel System</del>
<b>OCONUS</b>	outside the continental United States
<b>OPM</b>	Office of Personnel Management
<b>OWCP</b>	Office of Workers' Compensation Program
<b>PCS</b>	permanent change of station
<b>POC</b>	point of contact
<b>U.S.C.</b>	United States Code