

**BY ORDER OF THE SECRETARY  
OF THE AIR FORCE**

**DODI1400.25V630\_AFI36-815**

**14 NOVEMBER 2019**



**LEAVE**

**Personnel**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This publication implements Air Force Policy Directive 36-1, *Appropriated Funds Civilian Management and Administration*. The DoD Instruction is printed word-for-word in regular font without editorial review. AF supplementary material is printed in bold font and indicated by “(Added)(AF).” This supplement clarifies DoD policy, assigns responsibilities, and prescribes procedures for requesting leave for civilian employees. It contains information needed by supervisors of civilian employees paid from appropriated funds. It explains how much leave employees earn, when and under what conditions employees are granted annual leave, sick leave, leave without pay, and other specialized forms of leave and absence. The instruction outlines how to determine if a specific type of absence is charged to leave, excused without charge to leave, or considered official duty. In collaboration with the Chief of Air Force Reserve (AF/RE) and the Director of the Air National Guard (NGB/CF), the Deputy Chief of Staff for Manpower, Personnel, and Services (AF/A1) develops personnel policy for absence and leave. This publication may be supplemented at any level; all Major Command level supplements must be approved by the Human Resource Management Strategic Board prior to certification and approval.

This publication applies to military members and civilian employees of the Regular Air Force, Air Force Reserve and Air National Guard who are responsible for processing and approving leave requests submitted by Title 5 United States Code (USC) civilian employees; it does not apply to leave requests submitted by non-US citizen employees employed outside the United States and the District of Columbia, or to Title 32 Air National Guard Technicians. This instruction requires the collection and/or maintenance of information protected by the Privacy Act of 1974 authorized by Title 5, Code of Federal Regulations Section 293; and Executive Order 9397. The applicable System of Records Notice OPM/GOVT-1, General Personnel Records is available at:

<http://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-Component-Notices/Air-Force-Article-List/>. Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule located in the Air Force Records Information Management System. Send all recommended changes or comments about this publication to the Office of Primary Responsibility listed above using the Air Force Form 847, *Recommendation for Change of Publication*; route Air Force Forms 847 from the field through the appropriate chain of command. The authorities to waive wing/unit level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See Air Force Instruction 33-360, *Publications and Forms Management* for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the requestor’s commander for non-tiered compliance items.

#### ***SUMMARY OF CHANGES***

This document has been substantially revised and needs to be completely reviewed. Major changes include reissuing the prior version of AFI 36-815 as a supplement of DODI 1400.25, Volume 630, *DoD Civilian Personnel Management System: Leave*.



Department of Defense  
**INSTRUCTION**

**NUMBER** 1400.25, Volume 630

March 19, 2015

*Change 2, Effective May 8, 2015*

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USD(P&R)

SUBJECT: DoD Civilian Personnel Management System: Leave

References: See Enclosure 1

1. PURPOSE

a. Instruction. This instruction is composed of several volumes, each containing its own purpose. The purpose of the overall instruction, in accordance with the authority in DoD Directive 5124.02 (Reference (a)), is to establish and implement policy, establish procedures, provide guidelines and model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the DoD.

b. Volume. In accordance with the authority in Reference (), DoD Directive 1400.25 (Reference (b)), part 630 of Title 5, Code of Federal Regulations (Reference (c)), and chapter 63 of Title 5, United States Code (Reference (d)), this volume reissues Volume 630 of this instruction (Reference (e)) to establish policy and implement leave policies for DoD employees.

2. APPLICABILITY. This volume applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this volume as the "DoD Components").

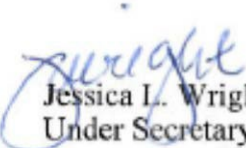
3. POLICY. In accordance with References (c) and (d), it is DoD policy that DoD Components administer leave for employees in a consistent and fair manner in compliance with this volume.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. RELEASABILITY. **Cleared for public release**. This volume is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This volume is effective April 13, 2015.



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Enclosures

- a. References
- b. Responsibilities
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ENCLOSURE 1 REFERENCES

- (a) DoDDirective 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- (b) DoD Directive 1400.25, “DoD Civilian Personnel Management System,” November 25, 1996
- (c) Title 5, Code of Federal Regulations
- (d) Title 5, United States Code
- (e) DoD Instruction 1400.25, Volume 630, “DoD Civilian Personnel Management System: Leave,” December 1, 1996, as amended (hereby cancelled)
- (f) **(Added)(AF) AFD 36-1, *Appropriated Funds Civilian Management and Administration*, 18 March 2019**
- (g) **(Added)(AF) DoDI 5200.02, *Personnel Security Program (PSP)*, 21 March 14, Incorporating Change 2, Effective 11 May 2018**
- (h) **(Added)(AF) DoDM 5200.02\_AFM 16-1405, *Air Force Personnel Security Program*, 1 August 2018**
- (i) **(Added)(AF) Executive Order 12362, *Overseas Employment***
- (j) **(Added)(AF) Executive Order 5396, *Special Leaves of Absence to be Given Disabled Veterans in Need of Medical Treatment***
- (k) **(Added)(AF) Title 5, Code of Federal Regulations, Part 630, Subpart L, *Family and Medical Leave***
- (l) **(Added)(AF) Title VII of the Civil Rights Act of 1964**
- (m) **(Added)(AF) 10 USC §101(a)(13)**
- (n) **(Added)(AF) DoD 7000.14-R, Volume 8, *Department of Defense Financial Management Regulation, Chapter 5 Leave and Other Absences*, June 2017**
- (o) **(Added)(AF) AFI 33-360, *Publication and Forms Management*, 1 Dec 2015**
- (p) **(Added)(AF) AFMAN 33-363, *Management of Records*, 1 May 2008**
- (q) **(Added)(AF) 26 USC §112(c)(2)**
- (r) **(Added)(AF) Public Law 103-353, *Uniformed Services Employment and Reemployment Act of 1995*, 13 October 1994**

- (s) **(Added)(AF) OPM Federal Employees' Group Life Insurance (FEGLI) Program Handbook, April 2014**
- (t) **(Added)(AF) OPM Federal Employees' Program Handbook, current edition**
- (u) **(Added)(AF) 5 USC § 6323(b)**
- (v) **(Added)(AF) 5 USC § 6391**
- (w) **(Added)(AF) DODI1400.25V610\_AFI36-807, *Hours of Work and Holiday Observances***

**(Added)(AF) *Adopted Forms***

**AF Form 40A, *Record of Individual Inactive Duty Training***

**AF Form 847, *Recommendation for Change of Publication***

**AF Form 938, *Request and Authorization for Active Duty Training/Active Tour***

**AF Form 3956, *Report of Inactive Duty Training Performance – AGTP/AFTP (USAFR)***

**DoD Form 1610, *Request and Authorization for TDY Travel of DoD Personnel***

**OPM Form 71, *Request for Leave or Approved Absence***

**OPM 630, *Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program***

**OPM Form 630-A, *Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Within Agency)***

**OPM Form 630-B, *Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Outside Agency)***

**OPM Form 630-C, *Transfer of Leave Records for Leave Recipient Covered by the Voluntary Leave Transfer Program***

**OPM Form 1637, *Application to Become a Leave Recipient Under the Emergency Leave Transfer Program***

**OPM Form 1638, *Request to Donate Annual Leave under the Emergency Leave Transfer Program***



***OPM Form 1639, Transfer of Donated Annual Leave To/From the Emergency Leave Transfer Program***

***SF 50, Notification of Personnel Action***

***SF 52, Request for Personnel Action***

***SF 1150, Record of Leave Data***

***WH-380-E, Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)***

ENCLOSURE 2 RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR **READINESS MANPOWER AND RESERVE AFFAIRS** (ASD(M&RA)). Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the ASD(M&RA) oversees the leave program.
2. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY (DASD(CPP)). Under the authority, direction, and control of the ASD(M&RA), the DASD(CPP) supports the development of civilian personnel policy covered by this volume and monitors its execution by DoD Components.
3. DIRECTOR, DoD HUMAN RESOURCES ACTIVITY (DoDHRA). Under the authority, direction, and control of the USD(P&R), the Director, DoDHRA will provide support to the DASD(CPP), as appropriate, in execution of the duties and responsibilities of this instruction
4. DoD COMPONENT HEADS. The DoD Component heads:
  - a. Ensure that leave is authorized consistent with this volume and procedures issued by the USD(P&R).
  - b. Conduct ongoing quality assurance reviews to verify that leave is consistent with References (c) and (d).
  - c. Are the authority for establishing minimum charges for leave within their Components as outlined in part 630.206 of Reference (c).
  - d. Pursuant to part 630.305 of Reference (c), delegate, to the lowest practical level, responsibility for determining that a need is of such importance that it prevents the use of annual leave subject to forfeiture. Those who approve exigencies are responsible for establishing termination dates for the exigencies as required by part 630.306(a)(2) of Reference (c).
  - e. Delegate, to the lowest practical level, authority to grant excused absences. Such delegations may be at levels where the budgetary and mission impact of excused absence decisions can be fully realized.
5. **(Added)(AF) AIR FORCE**.
  - a. **(Added)(AF) Assistant Secretary of the Air Force for Manpower and Reserve Affairs (SAF/MR)**. Serves as an agent of the Secretary of the Air Force and provides guidance, direction, and oversight for all matters pertaining to the formulation, review, and execution of plans, policies, programs, and budgets addressing absence and leave.
  - b. **(Added)(AF) Deputy Chief of Staff of the Air Force, Manpower, Personnel and Services (AF/A1)**. Develops, coordinates, and executes personnel policy and essential procedural guidance for the management of absence and leave.

**c. (Added)(AF) Director, Civilian Force Management Directorate (AF/A1C). Directs the development of policy for absence and leave to ensure compliance with this Instruction and consistency across the Air Force.**

**d. (Added)(AF) Air Force Personnel Center Civilian Sustainment and Transition Programs Division (AFPC/DP3F). Provides operational oversight, instructions, and guidance to Major Commands, Combatant Commanders or equivalent, and Civilian Personnel Officers regarding provisions of this Instruction.**

**e. (Added)(AF) Installation Commanders, Tenant Commanders, Directors and Civilian Equivalent, and Heads of Activities to Whom Appointing Authority is delegated:**

**(1) (Added)(AF) Administer leave in accordance with law and regulation.**

**(2) (Added)(AF) Establish local policy as authorized in this Instruction.**

**(3) (Added)(AF) Ensure personnel are informed of their rights, responsibilities, and administrative requirements.**

**(4) (Added)(AF) Assist operating officials in carrying out assigned responsibilities.**

**(5) (Added)(AF) Installation commanders may designate the civilian personnel officer/section to act on their behalf in carrying out these functions.**

**(6) (Added)(AF) Authorize administrative leave in accordance with guidance in this Instruction.**

**f. (Added)(AF) Supervisors or Persons Authorized to Approve Leave:**

**(1) (Added)(AF) Establish appropriate administrative procedures for requesting and approving leave. Inform employees under their supervision of mandatory procedures in requesting and using leave.**

**(2) (Added)(AF) Ensure all absences from duty are appropriately charged according to applicable laws and regulations.**

**(3) (Added)(AF) Properly manage the use of sick leave per this Instruction.**

**(4)(Added)(AF) Ensure compliance with applicable directives in reporting and certifying time and attendance.**

**(5) (Added)(AF) Request advice and assistance from the civilian personnel section when there is a question concerning employee entitlements and type of leave appropriate to the situation.**

**(6) (Added)(AF) Approve annual leave requests (projected or otherwise) when work schedules permit. When a request for annual leave cannot be initially approved, or is approved then subsequently disapproved, make every effort to reschedule the annual leave commensurate with the needs of the organization and the desires of the employee. Approve other types of leave requests as appropriate to the circumstances, taking into consideration mission needs, and in accordance with this Instruction.**

**g. (Added)(AF) Employees:**

**(1) (Added)(AF) Report for work except when in an approved leave status.**

**(2) (Added)(AF) In accordance with applicable procedures, request leave in advance, and cooperate in rescheduling leave when necessary.**

**(3) (Added)(AF) Promptly report unexpected absence to supervisor and request approval for absence according to established policies.**

**(4) (Added)(AF) Comply with Department of Defense Instruction 5200.02, *Personnel Security Program*, and DoDM 5200.02\_AFM 16-1405, *Air Force Personnel Security Program*, when planning travel to a foreign country during a period of approved leave.**

**(5)(Added)(AF) Comply with the requirement to provide contact information (i.e., telephone number, email address, etc.) regarding their location while on leave. Air Force leadership requires contact and location information on civilian employees if a recall is necessary or in the event of an emergency.**

## ENCLOSURE 3 PROCEDURES

1. MINIMUM LEAVE CHARGE. The DoD Component heads will not establish minimum leave charges of less than 6 minutes.

a. (Added)(AF) **The minimum charge to leave is 15 minutes (except for military leave, which is charged in accordance with paragraph 10. j, How Military Leave Is Charged.) Additional leave is charged in increments of 15 minutes. Leave is charged only on days the employee would otherwise work and receive pay. Leave is not charged for an absence on holidays or other nonworking days, except when certain employees are paid additional compensation for standby duty (e.g., firefighters).**

b. (Added)(AF) **If an employee is tardy for less than 1 hour, for a reason that is acceptable to the supervisor, the supervisor may excuse the employee without charge to leave. The supervisor may decide not to excuse the absence and may charge the employee absence without leave, or may decide to approve an employee's request for leave to cover the absence.**

c. (Added)(AF) **When an employee has insufficient annual or sick leave available to cover a previously approved leave request, the excess absence is initially charged in accordance with the precedence established in the Defense Finance and Accounting Service Leave Conversion Matrix established in DoD 7000.14-R, Volume 8, *DoD Financial Management Regulation*, Chapter 5. The Comptroller General has consistently held that when leave has been requested, approved, and used, retroactive substitution of one category of leave for another category may be made only under the conditions of a specific law and/or regulation. If retroactive leave is approved later, it may be substituted for the leave category initially charged. Although the excess absence may *initially* be charged as leave without pay, if the supervisor determines the absence would not have originally been approved as leave without pay, the excess absence may be charged as absence without leave. The supervisor would normally annotate absence without leave if he/she does not approve the period of absence.**

2. UNCOMMON TOURS OF DUTY

a. Pursuant to part 630.210 of Reference (c), employees on uncommon tours of duty accrue and use leave on the basis of that uncommon tour.

b. To determine accrual rates according to the directly proportional rule outlined in part 630.210(a) of Reference (c), the number of hours in the uncommon tour is multiplied by the accrual rate divided by 80 (uncommon tour X (accrual rate/80) = uncommon accrual rate). Applications of this formula for employees on typical biweekly tours of duty are shown in the table.

Table. Applications of the Directly Proportional Rule

Tours of Duty	Leave Accrual Rate	Biweekly Accrual	Accrual in Last Full Pay Period of Calendar Year
112-hour tour	4	5 hours 36 minutes	5 hours 36 minutes
	6	8 hours 24 minutes	14 hours
	8	11 hours 12 minutes	11 hours 12 minutes
120-hour tour	4	6 hours	6 hours
	6	9 hours	15 hours
	8	12 hours	12 hours
144-hour tour	4	7 hours 12 minutes	7 hours 12 minutes
	6	10 hours 48 minutes	18 hours
	8	14 hours 24 minutes	14 hours 24 minutes

c. Employees on uncommon tours of duty repeating on a cycle of more than 1 biweekly pay period (e.g., a 3 biweekly pay period cycle) accrue leave based on the average hours in the biweekly tour. For example, an emergency medical technician on a tour of duty of 96 hours for 1 biweekly pay period and 120 hours for each of the following 2 biweekly pay periods works an average tour of 112 hours per pay period and accrues leave based on a 112-hour tour of duty.

3. TRANSFER OF FRACTIONAL UNITS OF LEAVE. Pursuant to part 630.506(b) of Reference (c), fractions of an hour of leave will transfer when an employee moves within the DoD. The ability to use the transferred fractional unit of leave will depend on the minimum leave charge applicable to the employee's new position.

4. ABSENCE IN CONNECTION WITH SERVING AS A BONE-MARROW OR ORGAN DONOR. An employee, in any calendar year, may not exceed 7 days of paid leave for bone marrow and 30 days for organ donations. Days will be converted to hours (e.g., 56 hours for an employee working 80 hours in a biweekly pay period). The minimum charge for this type of paid leave is the same minimum charge applied to sick leave. The directly proportional rule is applied to determine the hours for an employee whose leave is administered on other than an 80-hour biweekly pay period (e.g., this 56 hours converts to 84 hours for an employee on a 120-hour tour of duty).

#### 5. EXCUSED ABSENCE

a. Periods of excused absence are considered part of an employee's basic workday even though the employee does not perform regular duties (e.g., an employee who performed duty for

36 hours and was granted 4 hours of excused absence would be paid for 40 hours even though the employee only performed 36 hours of regular duty).

b. The decisions of the Comptroller General of the United States provide for limited discretion to grant excused absence to situations involving brief absences. Where absences are for other than brief periods of time, a grant of excused absence is not appropriate unless the absence is in connection with furthering a function of the DoD.

c. The more common situations in which excused absence can be granted are:

(1) Voting. Generally, when the polls are not open at least 3 hours either before or after an employee's regular work hours, an excused absence may be granted. 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 the 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 polls open.

(2) Blood Donation. Employees who donate blood may be granted an excused absence to cover travel to and from the donation site, to donate the blood, and to recover from the donation. This provision does not include time spent by an employee who gives blood for their own use or receives compensation for giving blood.

(3) Permanent Change of Duty Station (PCS)

(a) Employees 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 or to obtain driver's licenses or car tags).

(b) In similar situations, employees coming to the DoD from other Federal agencies may also be granted excused absences after the employee is placed on the DoD employment roll.

(c) This provision does not cover time involved in complying with PCS requirements such as obtaining passports 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

(a) Employees 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.

(b) Employees competing for positions within the DoD may also be granted excused absence for merit placement interviews.

(c) This provision does not cover travel time to job searches and interviews outside the commuting area.

(5) Counseling

(a) Excused absence may be granted to permit an employee to attend the initial counseling session (e.g., drug, alcohol, financial) resulting from a referral under the Employee Assistance Program.

(b) This provision does not include the official duty status an employee is in during the initial referral to the Employee Assistance Program.

(6) Certification

(a) An employee may be granted excused absence to take an examination (e.g., certified public accountant examination) in his or her functional area if securing the certification or license would enhance the employee's professional stature, thereby benefiting the DoD.

(b) This provision does not cover time spent preparing for such examinations.

(7) Volunteer Activities

(a) Excused absence may be granted to employees participating in management sponsored volunteer projects (e.g., education mentorship or tutoring programs).

(b) This provision does not apply to time spent on volunteer activities not sponsored by management. Volunteer activities not sponsored by management may be promoted through established leave programs and the flexibility offered through alternative work schedules.

(8) Emergency Situations

(a) Excused absence may be granted to employees to assist in emergency situations that are declared by, or requested from, authorized officials.

(b) This provision does not cover employees who respond to emergencies in National Guard or Reserve status.

(9) Physical Examination for Enlistment or Induction

(a) Excused absence may be granted to an employee to undergo medical examinations required by appropriate military authorities for enlistment or induction into the Military Services.

(b) This provision does not cover travel time outside the commuting area or situations in which the employee receives military compensation, can use military leave, or undergoes additional tests, examinations, or treatments for conditions discovered or suspected as a result of the examinations.



(10) Medal of Honor Recipients. Invited Medal of Honor recipients may be granted excused absence to attend or participate in events such as the inauguration of the President of the United States, Congressional Medal of Honor Society conventions, and services on Memorial Day or Veterans Day.

(11) Funerals

(a) Excused absence may be granted to employees to attend funerals in the situations established in section 6321 of Reference (d).

(b) This provision does not cover situations in which funeral leave is granted pursuant to part 630.801 of Reference (c) and section 6326 of Reference (d), or the official duty status of an employee in connection with funerals of fellow Federal law enforcement officers or Federal firefighters pursuant to section 6328 of Reference (d).

(12) (Added)(AF) Shutdowns in Private Plants

(a) (Added)(AF) **Labor Disputes in Private Plants**. When employees are prevented from working because of temporary shutdowns due to labor disputes at a private plant to which they are assigned, every effort must be made to assign them to other work (T-3). If that is not possible, these employees may be dismissed for a maximum of five days without charge to leave.

(b) (Added)(AF) **Planned Shutdowns in Private Plants**. When private plants are to close based on a planned shutdown such as Christmas or other scheduled holiday period, employees should not be dismissed without charge to leave, but should be carried in an appropriate leave status, i.e., annual leave, previously-earned compensatory time off, credit hours earned or leave without pay.

(13) (Added)(AF) Furloughs Due To Lapse in Appropriations. During periods when Federal employees are furloughed due to a lapse in appropriations, retroactive pay will be paid to those employees furloughed, in accordance with the Government Employee Fair Treatment Act of 2019. Employees who had been previously scheduled (before the lapse) to be in nonpay status during the furlough period are not entitled to retroactive pay. Employees who were directed to perform “excepted” work (as defined by OPM) during the furlough period, but failed to report to duty, may be placed in absent without leave status and would not be entitled to retroactive pay. Employees who were previously scheduled to be in a leave or other paid time off status would not be charged leave, and would be entitled to retroactive pay.

6. (Added)(AF) ADMINISTRATIVE LEAVE.

a. (Added)(AF) Administrative leave is an administratively authorized absence from duty without loss of pay or charge to leave. There are numerous instances when employees are absent from their assignments to perform acts or services officially sanctioned by management (e.g. permitting an employee paid time to make recruiting or outreach

presentations on Air Force civilian service to educational or civic audiences). In performing acts or services, employees remain under management control or jurisdiction and are considered to be in a duty status. Supervisors are authorized to make individual determinations that the act or service is job-related and not chargeable to leave and to place reasonable limits on the length of such absences from normal assignments. Examples of appropriate administrative leave uses include:

(1) (Added)(AF) **Health and Wellness Activities.** As part of a comprehensive employee health and wellness program, installation commanders, heads of serviced organizations, or designee in writing (e.g. unit commander), may excuse civilian employees for health, wellness or physical fitness activities up to 3 hours per week based on mission and workload requirements. These events include, but are not limited to: health fairs; alcohol and tobacco cessation programs; diet and nutrition classes; relaxation and stress management classes or seminars; lactation classes and seminars; and work-life programs. Employees must notify supervisors in advance of the events to ensure attendance does not conflict with work center requirements (T-3). For events exceeding 3 hours in a single week, the employee is to submit a leave request for all time in excess of 3 hours spent at the event(s). Activities under this category, as well as those under the Educational Development category in paragraph (2) below, are limited to a cumulative total of 3 hours per week; not 3 hours per each type of activity, and not 3 hours for each category.

(a) (Added)(AF) In advance of the employee's request, the employee is expected to coordinate with the supervisor regarding time off for physical activity and a signed agreement is to be executed by both the employee and supervisor to memorialize the agreement. At a minimum, the agreement will include self-certification by the employee of fitness to engage in physical activity and describe the number of days per week and duration of absences (T-3).

(b) (Added)(AF) In order to minimize travel time away from work, employees are encouraged to utilize installation fitness facilities, or facilities immediately adjacent to the installation or work center with which the employee or agency may have an agreement to provide fitness facilities for that agency. Fitness time may be approved in conjunction with the lunch break. Credit hours/overtime/compensatory time may not be earned while an employee is actually performing fitness activities. (T-3)

(2) (Added)(AF) **Educational development.** As part of the Air Force commitment to employee education, installation commanders, heads of serviced organizations, or designee in writing (e.g. unit commander), may excuse civilian employees for educational activities up to three hours per week, based on mission and workload requirements. Employee participation is strictly voluntary. Educational activities must be sponsored by recognized organizations (T-0). These organizations include, but are not limited to: Office of Personnel Management; Department of Defense; Air Force Air University; and accredited post-secondary institutions. Employees must notify supervisors in advance of the class to ensure attendance does not conflict with work center requirements (T-3).

(a) (Added)(AF) For classes exceeding three hours in a single week, the employee is to submit a leave request for all time in excess of three hours spent at the event(s). In

advance of the employee's request, the employee is expected to coordinate with the supervisor regarding time off for an educational activity and a signed agreement is to be executed by both the employee and supervisor to memorialize the agreement.

(b) (Added)(AF) At a minimum, the agreement will include self-certification by the employee that the class applies either to their current or future job and describe the number of days per week and duration of absences. (T-3)

(3) (Added)(AF) Rest and recuperation upon return from Active Duty. An Air Force civilian employee (reservist), who is called to active duty in support of an overseas contingency operation for at least 42 consecutive days, is entitled to 5 days of administrative leave upon return from active duty. For subsequent periods of active duty in support of an overseas contingency operation per Title 10 USC § 101(a)(13), supervisors may not grant more than 5 days of administrative leave within a 12-month period. The 5-day entitlement must be taken immediately upon the employee's return to federal duty status, may not be delayed or saved for future use, and may not be split up into smaller periods of leave. (T-0)

(4) (Added)(AF) Absences resulting from emergencies while assigned overseas (e.g. an employee is evacuated due to civil unrest). In emergencies, Federal employees may be evacuated to a "safe haven" location, or may have other alternative working arrangements determined by the Agency. The Agency may place employees on administrative leave if unable to determine an appropriate working arrangement. Federal employees may also receive emergency travel orders to the United States. Employees may request annual leave, sick leave, or leave without pay in these situations and, if approved, may be placed in the approved leave status.

(5) (Added)(AF) Employee Assistance Program. An employee may be granted brief periods of administrative leave for participation in Employee Assistance Program orientation, educational activities, as well as problem identification and referral to an outside resource.

(6) (Added)(AF) Civilian Air Patrol activities. Commanders and supervisors are authorized to grant up to 5 days (40 hours) per year of administrative leave to employees that are members in good standing of the Civil Air Patrol and for the specific purpose of participating in and providing support to official Civil Air Patrol activities. The commander and supervisor have discretionary authority to grant this leave as long as it does not interfere with normal duties and is approved in advance.

b. (Added)(AF) An employee who attends an organizational activity that was designated an alternate duty location uses duty time and is not to be charged administrative leave.

c. (Added)(AF) Supervisors may not use administrative leave to dismiss employees in a manner that effectively creates a paid non-duty period without charge to leave. Commanders or supervisors should approve requests for annual leave, credit hours, time-off award, or compensatory time on Air Force family days. Family days are those days connected to Federal holidays when military personnel are usually given the day off.

d. (Added)(AF) Administrative leave is not authorized for non-duty periods or to accomplish military requirements or training (e.g. haircuts or chemical defense training).

e. Guidance regarding administrative dismissal of civilian employees due to weather or other safety-related conditions can be found in DODI1400.25v610\_AFI36-807, Enclosure 3.

7. (Added)(AF) LEAVE ADMINISTRATION.

a. (Added)(AF) Leave is to be requested, scheduled and approved in advance except in emergency situations. Supervisors should normally maintain projected leave schedules to assist in planning and assigning work. Employees provide projected leave at the beginning of the leave year.

b. (Added)(AF) Requests for leave are to be submitted to approving officials, in the Automated Time and Attendance Production System, or by using another approved automated time recording system. If the automated system is unavailable, the employee is to submit a leave request in writing using an Office of Personnel Management Form 71, *Request for Leave or Approved Absence*. Leave is not considered approved until the supervisor has verbally or electronically responded to the employee's request. Note: Procedures for requesting and approving leave for bargaining unit employees may be contained in applicable collective bargaining agreements. Contact your Civilian Personnel Section for guidance on local rules and procedures.

c. (Added)(AF) An employee serving under a temporary or term appointment cannot be advanced more leave than the amount that can be earned and credited before their appointment expires.

d. (Added)(AF) The leave balances reflected on an employee's most current leave and earnings statement may be used by the payroll office to transfer annual and sick leave balances into the Defense Civilian Pay System. The payroll activity at the employee's losing activity may use Standard Form 1150, *Record of Leave Data*, to transfer leave balances into the Defense Civilian Pay System. If a request to transfer leave balances other than annual or sick is made, the payroll office must submit a request to Defense Finance and Accounting Service via Remedy Action Request System to update the other Standard Form 1150 leave balances into Defense Civilian Pay System. If an employee requests leave and the current leave balance does not cover the time requested, the employee may request a leave advance, provided the employee submits documentation from the losing activity to substantiate a sufficient balance to be transferred. Otherwise, the absence will be charged to leave without pay pending receipt of leave records, then a corrected timecard must be submitted once the leave balance has been received to change the leave without pay to the originally requested and approved leave category. (T-3)

e. (Added)(AF) When an employee separates before repaying all previously advanced leave, the value of unearned leave is deducted from any compensation due. A deduction is not required if the employee is separated for reasons of death, disability retirement, or

resignation for physical disability that is supported by acceptable medical documentation. See 5 CFR 630.209 (reference (k)).

f. (Added)(AF) The amount of annual leave employees earn depends on their length of service and basic workweek. Employees are assigned to leave earning categories as follows: Category 1 are employees with less than 3 years of service; Category 2 are employees with more than 3 years of service but less than 15 years of service; and Category 3 are employees with 15 or more years of service. Full-time employees accrue leave based on the number of hours worked in a basic work week. See Table.

(Added)(AF) Table. Full-time Employees Hours Credit

Leave Category	40-Hour Basic Workweek		56-Hour Basic Workweek		60-Hour Basic Workweek		72-Hour Basic Workweek	
	First 25 Pay Periods in Calendar Year	Last Pay Period in Calendar Year	First 25 Pay Periods in Calendar Year	Last Pay Period in Calendar Year	First 25 Pay Periods in Calendar Year	Last Pay Period in Calendar Year	First 25 Pay Periods in Calendar Year	Last Pay Period in Calendar Year
Category 1	4	4	5-1/2	8	6	6	7	12
Category 2	6	10	8-1/2	11-1/2	9	15	11	13
Category 3	8	8	11	16	12	12	14	24

g. (Added)(AF) Part-time employees require a regularly scheduled tour of duty to earn leave. However, credit is given for the time they are in a pay status (including the hours worked outside of their scheduled tour of duty) not in excess of 80 hours in the pay period as follows: Category 1 employees with less than 3 years of service earn 1 hour for each 20 hours in pay status; Category 2 employees with more than 3 years of service but less than 15 years of service earn 1 hour for each 13 hours in pay status; and Category 3 employees with 15 or more years of service earn 1 hour for each 10 hours in pay status.

h. (Added)(AF) No annual leave is earned within a pay period after leave without pay or absence without leave reaches 80 hours cumulative.

i. (Added)(AF) In accordance with DoD 7000.14-R, Volume 8, an intermittent employee does not earn annual leave since the employee does not have a regularly scheduled tour of duty.

j. (Added)(AF) In accordance with DoD 7000.14-R, Volume 8, the maximum amount of annual leave an employee may carry forward from one leave year to another is 30 days

(240 hours), or the amount accumulated under earlier statute, whichever is greater. Any leave to an employee's credit at the end of a leave year that exceeds the maximum accumulation is either forfeited or restored.

(1)(Added)(AF) In accordance with DoD 7000.14-R, Volume 8, an Employee stationed outside the United States, who meet the conditions for eligibility established by 5 USC § 6304(b) (reference (d) and 5 CFR 630.302 (reference (k)), may carry forward a maximum of 360 hours. An employee returning from an assignment outside the continental United States (OCONUS) may carry forward the balance of leave he or she carries at the end of the pay period which includes the date the employee departed for reassignment.

(2)(Added)(AF) Civilian Senior Executive. For Senior Executive Service employees, there is a maximum limit on annual leave accumulation of 90 days (720 hours), or the leave accumulated under 5 CFR 630.302, whichever is greater.

k. (Added)(AF) The projected annual leave an employee will earn during a leave year will be available for planning purposes at the beginning of the leave year. However, unless advanced or received through donation, annual leave may not be used until accrued.

(1)(Added) (AF) Appointments for 90 Calendar Days or More. Employees may use annual leave during the first 90 days of employment.

(2)(Added)(AF) Appointments for Less than 90 Calendar Days. Employees are not entitled to annual leave until after being employed for a continuous period of 90 days under successive appointments without a break in service.

(3)(Added)(AF) An employee that has successive appointments without a break in service of 1 day or more that exceeds 90 days is credited with annual leave. The leave accrued will be credited from the date of initial appointment.

l. (Added)(AF) Scheduling Annual Leave to Avoid Forfeiture. It is important that all employees examine their leave records throughout the leave year. Employees and supervisors should plan for use of accrued annual leave or forfeiture of accrued leave in excess of the maximum allowable accumulation. Employees should take positive action before the beginning of the third full pay period prior to the end of leave year to schedule annual leave, or reschedule canceled leave, so as to avoid situations where employees approach end of leave year with a significant amount of annual leave that must be used or forfeited.

(1) (Added)(AF) If an employee requests restoration of forfeited annual leave, the request is submitted in accordance with paragraph 7.t. below, through the supervisor, who reviews the submission to ensure the requirements for restoration are properly and accurately documented, to the servicing civilian personnel section.

(2) (Added)(AF) When employees choose not to request or use annual leave to avoid forfeiture, they are not entitled to have forfeited leave restored for later use.

**(3) (Added)(AF) Employees are to use previously earned compensatory time before accrued annual leave unless it will result in forfeiture of leave.**

**m. (Added)(AF) Employees are granted annual leave to allow time off for vacations and for personal and emergency purposes. The use of annual leave is an entitlement of the employee (subject to the Agency's right to determine when the leave is used, based on mission needs), in that the employee is either given an opportunity to use the annual leave, or to the extent permitted by law, is paid for it at the time of separation.**

**(1) (Added)(AF) Except in cases of emergency, annual leave is required to be requested by employee and approved by appropriate leave-approving official in advance of the absence. Leave requested due to an emergency should be requested as soon as possible. (and in accordance with any applicable collective bargaining agreement).**

**(2) (Added)(AF) Supervisors are to ensure all employees are informed of the procedures to follow, to include local policies and procedures, when requesting and obtaining approval of leave. This includes requests for annual leave in advance of the absence as well as leave for emergencies.**

**(3) (Added)(AF) Supervisors should consider employees' desires and personal convenience as well as work situation when granting leave.**

**n. (Added)(AF) Advancing Annual Leave. An employee may be advanced annual leave in an amount not to exceed the number of hours that would be earned from the date of the advance request to the end of the leave year. Advanced annual leave may be requested for any number of reasons, including, but not limited to foster care placement in the employee's home or bonding with a healthy newborn or newly adopted child. When advancing an employee annual leave the supervisor authorized to approve leave should have reasonable assurance that the employee will be in a duty status long enough to earn and repay the leave granted before the end of the leave year.**

**(1) (Added)(AF) Employee's leave balance may be obtained by the supervisor by accessing "MyTeam" in the Defense Civilian Personnel Data System "MyBiz+" application or by contacting the local civilian payroll office.**

**(2) (Added)(AF) The leave approving official's certification of the time card is acceptable evidence that leave reported has been approved.**

**o. (Added)(AF) Use of Annual Leave before Separation. A supervisor may not grant an employee annual leave when the supervisor knows the employee will not return from leave, except when:**

**(1) (Added)(AF) Employee is separated because of reduction-in-force or declination of transfer of function and the leave is used to extend separation date to attain first eligibility for retirement annuity and/or Federal Employees Health Benefit annuitant coverage.**

(2) (Added)(AF) Employee is carried in a leave status pending acceptance for active military duty.

(3) (Added)(AF) Employee has made an application for disability retirement.

(4) (Added)(AF) Employee has taken annual leave prior to separation, but is present for, and performs duty on the employee's last administrative workday. For example, an employee who is present on last duty day prior to his/her leave without pay to accompany a transferring military spouse.

(5) (Added)(AF) Employee has taken accrued annual leave during final hours of the last day of employment before separation, providing employee substantially (i.e. more than half of the scheduled hours) worked entire final pay period, including part of last day.

p. (Added)(AF) Use of Annual Leave during Active Military Duty. Members of the Reserve or National Guard may use annual leave during periods when they are in military duty status, as well as for travel to/from their military duty..

q. (Added)(AF) Requiring Employees To Take Leave. Employees may not be involuntarily placed on annual leave:

(1) (Added)(AF) As a disciplinary measure.

(2) (Added)(AF) Pending issuance of a proposal or decision notice to take an adverse action, unless requested by employee.

(3) (Added)(AF) During notice period before adverse action, unless requested by employee.

(4) (Added)(AF) In rare situations, employees may be involuntarily placed on annual leave due to unusual and important needs of the service. Involuntary use of annual leave is based on factors that are reasonable and equitable, which do not discriminate among employees, and which are not arbitrary. Consult with servicing civilian personnel section and Judge Advocate before exercising the authority in this paragraph. Such involuntary placement on annual leave should be communicated to affected employees as soon as practicable after the need to do so is known. (T-2) (Annual leave may be charged in accordance with other paragraphs of this instruction.)

r. (Added)(AF) Substituting Annual Leave for Leave Without Pay. Substitutions may be made in the following circumstances:

(1) (Added)(AF) Leave without pay may be charged for annual leave requests, pending receipt of an employee's leave record from the former employing agency. Upon receipt of the leave record, retroactively substituting annual leave for the leave without pay is authorized



**(2) (Added)(AF) Leave without pay may be granted to an employee pending a re-credit of annual leave upon completion of a refund of a lump sum leave payment, the annual leave re-credited upon completion of the refund may be substituted for the leave without pay, provided the employee requests the substitution at the time leave without pay is requested.**

**s. (Added)(AF) Substituting Annual Leave for Sick Leave. An employee on extended sick leave (including sick leave for maternity reasons) may be granted annual leave to cover any part of the absence, provided request for leave is made in advance. Annual leave cannot be substituted retroactively for sick leave previously taken, for example, as a means of avoiding a forfeiture of annual leave at end of the leave year. Advanced sick leave may be liquidated at employee's request by a substitution of annual leave, provided substitution is requested before the time the annual leave would be forfeited.**

**t. (Added)(AF) Restoration of Forfeited Annual Leave. Excess annual leave which has been forfeited may be restored when it was lost due to: exigencies of service; sickness of employee; or administrative error. Except for loss due to administrative error, restoration is only authorized if use of the leave was scheduled in advance, in writing, and was approved for use, before start of third biweekly pay period before end of leave year. (T-0).**

**(1) (Added)(AF) Exigencies of Service. Before forfeited annual leave may be restored, there must be a determination the exigency is of major importance and that the employee may not use the previously scheduled annual leave. (T-0) The following officials, or their designees, have authority to approve exigencies causing disapproval of previously approved leave:**

**(a) (Added)(AF) Administrative Assistant to Secretary of the Air Force for all employees in Office of the Secretary of the Air Force and other employees not within the purview of paragraphs 4.14.1.2 through 4.14.1.4 below.**

**(b) (Added)(AF) Assistant Vice Chief of Staff for all Air Staff employees not within the purview of paragraph 4.14.1.3 below.**

**(c) (Added)(AF) Deputy Chiefs of Staff for their employees.**

**(d) (Added)(AF) Installation Commander, tenant commanders or heads of activities.**

**(e) (Added)(AF) An employee may submit a claim to the Office of Personnel Management if a request for restoration of annual leave based on an exigency is disapproved. Claims subject to negotiated grievance procedures will be processed in accordance with the negotiated procedures.**

**(2) (Added)(AF) Exigency of Service Approval Process. Approval of an exigency is required prior to disapproving previously approved leave requests. In the event of an emergency, this determination is to be made by the authorized management official as soon**

as possible after the occurrence of the emergency. As soon as it is determined that previously approved leave will be disapproved and forfeiture will be unavoidable, the supervisor initiates explaining the exigency and requesting approval to disapprove the scheduled leave. The supervisor coordinates with civilian personnel section to ensure conditions for restoration in governing directives are met. Supporting documentation required includes: the specific beginning and ending dates of exigency period, unless suddenness or uncertainty of circumstances prevents advance determination; dates of leave with the number of hours scheduled which must be disapproved; when leave was scheduled and approved; a description of exigency which shows that it is of such importance that the employee cannot be excused from duty; a statement as to why there is no alternative to disapproving the scheduled leave; and why use of leave cannot be rescheduled during remainder of year.

**(3) (Added)(AF) Establishing Restored Leave Account due to Exigency of the Service.**

**(a) (Added)(AF) After leave year ends, the employee submits a request for restoration of leave with documentation of exigency of service, stating actual number of hours lost on specific dates that could not be rescheduled, and forwards it through supervisor for endorsement to civilian personnel section.**

**(b) (Added)(AF) Civilian personnel section reviews. Upon approval, the civilian personnel section forwards the approval letter to the civilian payroll office for processing. If the request is disapproved, the civilian personnel section is to provide an explanation in writing to the employee.**

**(c) (Added)(AF) Sickness of the Employee. Employee initiates a request for restoration of annual leave forfeited as a result of sickness as soon as leave year ends, and has supervisor endorse it to servicing civilian personnel section. Requests are to contain the following: Specific beginning and, where known, ending dates of the period of illness or incapacity which interfered with the use of annual leave (the supervisor may require supporting medical documentation); dates and number of hours of annual leave scheduled which had to be disapproved; dates the leave was scheduled and approved; and information as to why the disapproved annual leave could not be rescheduled before the end of the leave year. The civilian personnel section reviews the requests and, if approved, forwards approval letter to civilian payroll office for processing. If the request is disapproved, the civilian personnel section is to provide an explanation in writing to the employee.**

**(4) (Added)(AF) Base Closure and Realignment. Any leave forfeited by an employee due to a Department of Defense installation undergoing closure or realignment is to be restored to the employee and credited to the employee's leave account. Closing of a base is an exigency of the service permitting employees to carry over excess annual leave without meeting the criteria for restoration. When an employee no longer occupies such a position, a lump-sum payment is made for annual leave over statutory annual leave accrual limitations (e.g., 240 or 360 hours).**

**(5) (Added)(AF) Personnel in a Combat Zone.** Any leave lost by an employee serving in a Combat Zone, regardless of whether such leave was scheduled, is to be restored to the employee and credited to the employee's leave account. The term "combat zone" has the meaning given such term in 26 USC §112(c)(2). This includes employees assigned for any length of time during the leave year in the combat zone. The employee is not required to be in the combat zone on the last day of the leave year to be eligible.

**(6) (Added)(AF) Using Restored Leave.** Restored annual leave is to be used by the end of the leave year ending two years after termination date of exigency of service, that resulted in forfeiture of annual leave; or the date the employee is determined to be recovered and able to return to duty if the leave was forfeited because of sickness; or the date of restoration of annual leave forfeited because of administrative error. Restored leave should be used before using regularly accrued leave, especially when short periods of restored leave (five days or less) are involved. In the case of longer periods of restored leave, it may be appropriate to pro-rate the use over the entire two-year limit, or such lesser times as deemed warranted. In all cases, when requested annual leave is to be charged to the restored leave account, appropriate entry will be made on or within the appropriate automated system or the Office of Personnel Management Form 71 (T-3). The civilian personnel section may develop local guidelines for use of restored leave.

**(7) (Added)(AF) Request for Reconsideration of Disapproved Restoration Requests.** An employee seeking reconsideration of a disapproved restoration request should submit a written request with all relevant documents, including the written disapproval explanation, to the civilian personnel section for processing and submission to AF/A1C for reconsideration. Whether the reconsideration is approved or disapproved, AF/A1C will send the decision in writing to the employee, with a copy to the civilian personnel section for processing. If the reconsideration is disapproved, the employee may file a final request to restore the leave with Office of Personnel Management.

**u. (Added)(AF) Administrative Error.** When an administrative error causes forfeiture of excess leave, all leave forfeited due to the administrative error will be restored. Sufficient evidence is required to substantiate the hours of annual leave to be restored. If employee is separated before error is discovered, restored leave is subject to credit and liquidation by lump-sum payment if a claim is filed within three years immediately following date of discovery of error.

**v. (Added)(AF) Lump Sum Payment.**

**(1) (Added)(AF) Lump-Sum Payment Upon Separation.** Upon separation, an employee is entitled to all accumulated and accrued annual leave credited to employee which consists of regular carry-over balances from previous year, if any; plus accrued and unused annual leave during current leave year, if any; plus any unused restored annual leave maintained in a separate leave account.

**(2) (Added)(AF) When Lump-Sum Payments Are Made.** Separated employees (including those overseas who are allowed a 45-day annual leave accumulation) are paid a lump sum for all accumulated annual leave.

(a) (Added)(AF) There are exceptions to this general requirement, such as employees entering military service, employees transferring to an international organization, employees converted to a Nonappropriated Fund position, and employees removed from a position to which they were illegally appointed.

(b) (Added)(AF) An employee entering military service (i.e. Leave Without Pay-US) may elect to allow annual leave to remain in the leave account or to receive a lump-sum payment.

(c) (Added)(AF) When an employee dies, lump-sum payment made to survivors includes payment for all accrued and accumulated annual leave to employee's credit at time of death.

(d) (Added)(AF) Under the provision of 5 CFR 550.1207, when a Refund of Lump-Sum Annual Leave Payment Is Required: If an employee who has received a lump-sum annual leave payment is re-employed before end of period covered by payment. Employee must refund an amount equal to gross compensation received for unexpired portion of lump-sum leave period (T-0). This includes pay before deductions of any kind and, if applicable, differentials and allowances received.

#### **8. (Added)(AF) SICK LEAVE**

a. (Added)(AF) Amount of Sick Leave Hours Accrual. All full-time employees on a 40-hour basic workweek or an 80-hour biweekly work schedule, regardless of their length of service, earn 4 hours of sick leave for each full biweekly pay period. Employees on uncommon tours of duty, such as firefighters, earn sick leave at a proportionate rate. Part-time employees are credited with sick leave in an amount equal to the amount of annual leave credited to employees in Table Full-time Employees Hours Credit, Category 1. No sick leave is accrued in a pay period where the accumulated total of leave without pay and/or absence without leave equals the number of hours in a pay period. Intermittent employees do not earn sick leave since, by regulation, they do not have a regularly scheduled tour of duty. Reference DoD 7000.14-R, Volume 8.

b. (Added)(AF) Use of Sick Leave. Sick leave is a qualified entitlement of the employee and may be used for absences:

(1) (Added)(AF) When an employee has become unable to perform his/her duties by physical or mental illness, injury, or illness from immunizations or vaccinations (whether or not required as a condition of employment).

(2) (Added)(AF) For medical, dental, or optical examination or treatment, including periodic physical examination for retention of status in a Reserve Component of the Armed Forces (Reserve or National Guard).

(3) (Added)(AF) When a member of an employee's immediate family is afflicted with a contagious disease and requires the care and attendance of the employee, or when,

through exposure to contagious disease, the presence at work of the employee would endanger the health of others.

(4) (Added)(AF) To participate in drug or alcohol counseling programs.

(5) (Added)(AF) When a birth mother is incapacitated, for care of birth mother during period of incapacitation, or doctor appointments for birth mother or newborn child.

(6) (Added)(AF) To make arrangements for adoption or foster care-related activities, including appointments with adoption agencies, social workers and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed. This includes periods during which the adoptive or foster care parent is home to care for the newly adopted child, as required by the adoption agency or by the court. Leave can be sick leave, annual leave or leave without pay. Because prospective adoptive and foster parents commonly must make a commitment that one parent will remain at home for several months in order to qualify, special consideration should be given to requests for leave for this purpose. Supervisors are encouraged to be responsive in granting leave to meet the needs of adoptive parents.

c. (Added)(AF) Limited Hours of Sick Leave Use for Family Care or Bereavement. An employee is entitled to use sick leave to:

(1) (Added)(AF) Provide care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth;

(2) (Added)(AF) Attend to a family member receiving medical, dental, or optical examination or treatment;

(3) (Added)(AF) Provide care for a family member who would, as determined by the health authorities having jurisdiction or a health care provider, jeopardize the health of others by that family member's presence in the community because of exposure to a communicable disease; or

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

(5) (Added)(AF) The definition of *family member* covers a wide range of relationships, including: spouse and parents thereof; sons/daughters and spouses thereof; parents and spouses thereof; brothers/sisters and spouses thereof; grandparents and spouses thereof; grandchildren and spouses thereof; domestic partners and parents thereof, including domestic partners of any individual above; relationships equivalent to the above such as foster, step, legal ward/guardianship, etc; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family situation.

d. (Added)(AF) Limit on Sick Leave Usage For Family Care/Bereavement per Leave Year. For the purposes of family care and bereavement, a full-time employee is entitled to

use up to 104 hours (13 days) of sick leave each leave year. Part-time employees and employees with uncommon tours of duty are also covered. They may use an amount of leave not to exceed the number of sick leave hours normally accrued by that employee in a leave year. For example, an employee scheduled to work 56/60/72 hours per week, could use 112, 120, or 144 hours.

e. (Added)(AF) **Advanced Sick Leave.** Up to 104 hours (13 days) of sick leave may be advanced to a full-time employee, when required by the exigencies of the situation, for family care or bereavement purposes.

f. (Added)(AF) **When an employee requests sick leave for the purpose of family care/bereavement, the supervisor may require the employee to attest to his or her relationship with that family member.**

g. (Added)(AF) **When the supervisor suspects abuse of the sick leave entitlement, for example based on a pattern of suspicious usage, the supervisor may require supporting medical documentation for absences of 3 days or less. In this case, the supervisor should notify the employee of this requirement in sufficient time to allow the employee to obtain such documentation. Supervisors are highly encouraged to consult with their servicing Civilian Personnel Section prior to imposing this requirement.**

h. (Added)(AF) **Sick Leave to Care for a Family Member with a Serious Health Condition.** An employee is entitled to a total of 12 weeks (480 hours) of accrued sick leave each leave year to care for a family member with a serious health condition, which includes 13 days (104 hours) of sick leave for general family care or bereavement purposes. If the employee previously used any portion of the 13 days of sick leave for general family care or bereavement purposes in a leave year, that number of hours 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 in the same leave year for general family care purposes. An employee is entitled to no more than a combined total of 12 weeks of sick leave each leave year for all family care purposes.

(1) (Added)(AF) **Advanced Sick leave.** Up to 240 hours (30 days) of sick leave may be advanced to an employee, when required by the exigencies of the situation, to provide care for a family member with a serious health condition. The maximum amount of advanced sick leave that may be advanced to an employee must not exceed 240 hours. (T-0)

(2) (Added)(AF) **When an employee requests sick leave to care for a family member with a serious health condition, the agency may require the employee to attest to his or her relationship with that family member.**

(3) (Added)(AF) **The term *serious health condition* has the meaning set out in the Office of Personnel Management regulations at 5 CFR 630.1202. It means an illness, injury, impairment, or physical or mental condition that involves:**

**(i) 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**

**(ii) Continuing treatment by a health care provider that includes (but is not limited to) examinations 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 -**

**(A) 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 -**

**(1) 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**

**(2) 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 of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition).**

**(B) Any period of incapacity due to pregnancy or childbirth, 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 the period of incapacity does not last more than 3 consecutive calendar days.**

**(C) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that -**

**(1) 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,**

**(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and**

**(3) 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 3 consecutive calendar days.**

**(D) 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 stages of a disease) (T-0).**

**(E) Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity or more than 3 consecutive calendar days in the absence of medical intervention or treatment (e.g., chemotherapy/radiation for cancer, physical therapy for severe arthritis, dialysis for kidney disease).**

**(F) Serious health condition does not include routine physical, eye, or dental examinations; a regimen of continuing treatment that includes such things as 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.) (T-0)**

**(4) (Added)(AF) An employee must provide administratively acceptable evidence or medical certification within 15 days of the agency's request. If the employee is unable to provide evidence within 15 days, despite the employee's diligent, good faith efforts, he or she must provide it within a reasonable period of time, but no later than 30 calendar days after the agency makes the request. If the employee fails to provide the required evidence within the specified time period, he or she is not entitled to sick leave.**

**(5) (Added)(AF) Additional Medical Certification for Care of a Family Member with a Serious Health Condition. Care of a family member includes psychological comfort and/or physical care, including being with the family member during a hospital stay or while being examined in a doctor's office. The employee is expected to provide a written statement from a health care provider certifying that:**

**(a) (Added)(AF) The family member requires psychological comfort and/or physical care;**

**(b) (Added)(AF) The family member would benefit from the employee's care or presence; and**

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



**(6) (Added)(AF) Pregnancy/Childbirth.** According to the definition of *serious health condition*, any period of incapacity due to pregnancy or childbirth, or for prenatal care, is considered a serious health condition, even if the family member 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. Therefore, an employee is entitled to use sick leave to care for a family member who is incapacitated because of a pregnancy, or to accompany the family member to prenatal care appointments. An employee caring for a family member following childbirth is entitled to use sick leave for the period of the birth mother's incapacitation. There is no provision in law or regulation that permits the use of sick leave to care for a healthy newborn, bond with a healthy child, or for other child care responsibilities.

**i. (Added)(AF) Relationship to Voluntary Leave Transfer Program.** Employees approved for the voluntary leave transfer program are required to use their sick leave, time-off award, and previously earned compensatory time before using donated annual leave. Under this program, an employee may receive donated annual leave from other employees if he or she is affected by a personal or family medical emergency and has exhausted his or her available paid annual and sick leave.

**j. (Added)(AF) Sick Leave Request and Approval Process.** Sick leave for routine, scheduled medical appointments (including dental or optical examinations or treatment and drug and alcohol counseling sessions) is to be requested in advance of the absence.

**(1) (Added)(AF) Sick leave for absence because of illness, injury, exposure to contagious disease, illness of a family member with a contagious disease or other circumstances which are not known in advance are to be requested as soon as possible, (normally within the first two hours of the start of the employee's duty day). In instances of incapacitation where the employee is physically unable to make contact, the employee is to make contact with their supervisor as soon as they are able to do so.**

**(2) (Added)(AF) For absences of three days or less, sick leave is to be requested on the first day and on every additional day of absence, unless the supervisor relieves the employee of this requirement.**

**(3) (Added)(AF) Requests for sick leave for nonemergency medical appointments, even though submitted with proper evidence, may be disapproved if it is determined that the employee's services are needed.**

**(4) (Added)(AF) If the employee fails to follow prescribed procedures for requesting or documenting either emergent or nonemergent sick leave, the request may be disapproved if the supervisor considers extenuating circumstances insufficient to warrant approval.**

**k. (Added)(AF) Absences of More Than 3 Days.** Sick leave of more than 3 consecutive scheduled workdays for employees on a "normal" administrative workweek (e.g., 8 hours a day, 40 hours a week or compressed 5/4-9) requires medical documentation (or other

administratively acceptable documentation for absence) unless the supervisor waives this requirement.

**(1)(Added)(AF)** The medical documentation must be administratively acceptable to the supervisor, cover all absences beyond the third workday, and specify that the employee was incapacitated for duty for the entire period covered by the statement (T-3). At a minimum, the health care provider should be requested to validate that the employee was incapacitated for duty, the dates of incapacitation, estimated date of full or partial recovery and return to duty, and any work limitations/restrictions and expected duration.

**(a) (Added)(AF)** In cases of extended illness, medical documentation may be required periodically, if necessary, to establish the employee's continued incapacity to return to duty. For employees on uncommon tours of duty (such as firefighters) scheduled on a "24 hours on, 24 hours off" basis, sick leave for more than 2 consecutive 24-hour duty periods must be supported by medical documentation unless the supervisor waives this requirement.

**(b) (Added)(AF)** If there is any doubt as to the validity or adequacy of the medical documentation presented to support a request for sick leave, the medical officer at the installation may be requested to review the documentation submitted. Where evidence does not justify the approval of sick leave, the employee may request to use some other paid or non-paid leave. The supervisor is to consider the employee's alternative absence request, and may either approve the employee's request or charge the employee with absence without leave, as appropriate.

**(c) (Added)(AF)** Leave under the Title 5, Code of Federal Regulations, Part 630, Subpart L, *Family and Medical Leave Act*, and leave as a reasonable accommodation under the Rehabilitation Act have different medical documentation rules.

**(d) (Added)(AF)** All personnel who handle medical documentation in connection with leave applications must understand the distinctions between the different entitlements and process requests accordingly. (T-0). All medical documentation obtained under either process must be kept confidential, may not be used for cross purposes (i.e. in another process) without the employee's permission, and must be maintained in a folder separate from the employee's personnel records. (T-0).

**(2) (Added)(AF)** The employee is expected to provide administratively acceptable evidence or medical documentation for a request for sick leave no later than 15 calendar days after the date it is requested. If it is not practicable under the particular circumstances to provide the requested evidence or medical documentation within 15 calendar days after the date requested, despite the employee's diligent, good faith efforts, the employee is expected to provide the evidence or medical documentation within a reasonable period of time under the circumstances involved, but no later than 30 calendar days after the date requested. An employee who does not provide the required evidence or medical documentation within the specified time period is not entitled to sick leave. If an employee fails to provide the required medical evidence/documentation within the specified time, the supervisor should contact the civilian personnel section for guidance.

**(3) (Added)(AF) An employee who requests sick leave to care for a family member with a serious health condition is required to provide supporting medical documentation. In addition, an employee may be required to provide an additional written statement from the health care provider concerning the family member's need for psychological comfort and/or physical care.**

**(4) (Added)(AF) When there is reason to believe that an employee is abusing sick leave, the supervisor is to contact the local servicing civilian personnel section.**

**l. (Added)(AF) Sick leave due to exposure to contagious disease or the illness of a member of the immediate family with a contagious disease is to be supported by medical documentation regardless of the length of the absence. When an employee requests sick leave because a family member has a contagious disease, the employee must present a statement from the attending physician or health care provider to show that the family member requires the employee's care and attendance as well as the fact that the disease is subject to quarantine or isolation of the patient by public health authorities having jurisdiction. Leave under the Family and Medical Leave Act has different medical documentation rules. All medical documentation obtained must be kept confidential and kept in a folder separate from the employee's personnel records. (T-0).**

**m. (Added)(AF) Return to Duty After Illness. Any requirement for clearance with the employee's treating medical provider before returning to work is limited to those specific cases where there is reason to believe that the employee's presence at work would endanger his/her health or would constitute a health hazard to others. A supervisor should only require medical documentation under these circumstances after consulting with, and obtaining concurrence with the civilian personnel section. The medical officer at the installation may be asked to assist in assessing when this medical documentation requirement is appropriate.**

**n. (Added)(AF) Substituting Sick Leave for Annual Leave. If illness occurs during a period of annual leave, sick leave may be substituted contingent upon submission of supporting evidence acceptable to the supervisor, which may include the requirement for medical documentation.**

**o. (Added)(AF) Disabled Veteran. If a disabled veteran requests leave and presents an administratively acceptable statement from a physician or other duly constituted medical authority showing that absence for medical examination or treatment in connection with the service-connected disability is required, the supervisor (or leave approving official) must grant leave without pay. Except for emergency treatment, the granting of such leave is contingent upon the veteran giving prior notice of the definite periods of required absence so that arrangements can be made for carrying on the work during the absence. Requests for sick leave (rather than leave without pay), or annual leave in lieu of sick leave, should be granted whenever possible under these circumstances. (T-0)**

**p. (Added)(AF) Outside Employment During Sick Leave. As a general rule, sick leave is not approved for a period of absence during which an employee engages in outside**

employment. Exceptions may be made when the nature of the employee's illness or disability and the nature of the outside employment make it clearly evident that the employee is still incapacitated for the regular job while engaging in the outside employment. However, before engaging in outside employment during a period of sick leave, the employee must notify the leave-approving official of the nature of the employment and furnish acceptable medical documentation supporting their incapacitation for duty. *NOTE:* Before approving sick leave for a period of time that an employee intends to engage in outside employment, the supervisor must make every reasonable effort to furnish a light duty assignment, or appropriate detail duties, that the employee can perform (T-3). In addition, any outside employment must comport with all Federal ethics regulations.

q. (Added)(AF) Treatment of Injury, Illness or Disease in Performance of Duty. On the date of injury, an employee injured in the performance of duty is considered to be in a duty status during the time required for initial examination or emergency treatment by a federally-employed physician or at a facility officially authorized to treat employees injured on duty. An employee who suffers a traumatic on-the-job injury may elect to use sick leave and/or annual leave or 45 days continuation of pay. If the worker's compensation claim is denied, the employee may request sick or annual leave to cover the period of absence. An employee also has the option to "buy back" sick leave used in relation to a job-related injury or illness. Employees are entitled to use any accrued and accumulated sick leave to their credit when they suffer a work-related illness or disease. While awaiting adjudication of a claim for compensation by the Office of Workers' Compensation Program, the employee is entitled to use available sick or annual leave, or leave without pay, as requested. However, workers' compensation benefits may only be paid to employees for periods in a non-pay status. Leave without pay during Office of Workers' Compensation Program determination and adjudication would be paid under 5 U.S.C. Chapter 81.

r. (Added)(AF) Use of Advance Sick Leave. In case of serious disability, illness, incapacitation, childbirth, or adoption, up to 30 work days (240 hours) of sick leave may be advanced to a full-time employee, or equivalent for uncommon tours of duty based on each individual instance.

(1) (Added)(AF) To determine the maximum length of sick leave that can be advanced for an employee on an uncommon tour of duty, multiply 240 hours by weekly hours in the uncommon tour and divide by 40 ( $240 \times \text{weekly uncommon tour} / 40 = \text{maximum hours}$ ).

(2) (Added)(AF) Requests for advance sick leave may be made by a supervisor before or during the period of absence of the employee, but no later than the day that the employee returns to duty.

(3) (Added)(AF) In granting advance sick leave, consider requiring the employee to use any annual leave which may be subject to forfeiture.

**(4) (Added)(AF) When it is known that the employee is to be retired or otherwise separated, the total advance may not exceed an amount which can be liquidated by accrual before separation.**

**(5) (Added)(AF) An application for advance sick leave is to be supported by medical documentation signed by a physician or health care provider. In all cases, a statement indicating the date the employee is expected to return to normal duties is required. NOTE: Supervisors are cautioned that only the information necessary to make a decision should be required. However, until the supervisor has sufficient information upon which to base a decision, no advance can be granted.**

**(6) (Added)(AF) Advance sick leave is generally not granted if it is considered likely that the employee will not return to duty for a sufficient period of time to repay the advanced leave (taking into account both sick and annual leave that will be accrued), or there are insufficient funds in the employee's retirement account to liquidate the indebtedness, unless the provision of paragraph (8) below relating to disability are anticipated to apply.**

**(7) (Added)(AF) Advance sick leave should not be advanced to the employee until all accumulated sick leave has been exhausted.**

**(8) (Added)(AF) Advance sick leave is liquidated automatically through accrual of sick leave after the employee returns to work. Repayment is not required when separation is because of death, resignation for disability supported by acceptable medical documentation, or disability retirement. See 5 CFR 630.209 (reference (k)).**

**(9) (Added)(AF) An unliquidated advance is carried forward from pay period to pay period and from one leave year to the next until liquidated by subsequent accrual. If the employee submits a request, advance sick leave may be liquidated by a charge against an equivalent amount of annual leave. When an employee separates from Federal service before liquidating the advance, the balance is liquidated in the following order by:**

- (a) (Added)(AF) Charge against available annual leave.**
- (b) (Added)(AF) Setoff against earned salary or unapplied savings bond balances.**
- (c) (Added)(AF) Request for retirement setoff.**

**s. (Added)(AF) Availability and Re-credit of Sick Leave. Sick leave is available for use at the beginning of the pay period during which it is earned. There is no limitation on the number of hours of sick leave that may be carried forward from one year to another. Any sick leave to an employee's credit upon separation from Federal service may be re-credited if the individual is reemployed unless the sick leave was used in the computation of an annuity.**

## **9. (Added)(AF) LEAVE WITHOUT PAY - REQUEST AND APPROVAL**

a. (Added)(AF) **When Leave Without Pay Is Granted.** Leave without pay is a temporary non-pay status and an authorized absence from duty granted only upon the employee's request, in situations such as when the employee has insufficient annual or sick leave, or compensatory time available to cover an approved absence. An employee does not have to exhaust annual leave before requesting leave without pay. Leave without pay cannot be imposed as a penalty, nor can an employee be required to request leave without pay in lieu of suspension. The granting of leave without pay is not an entitlement and is a matter of administrative discretion subject to supervisory approval, except as specified below.

(1) (Added)(AF) Even though leave without pay is a non-pay status, it is considered an approved form of leave, which requires a request by the employee and approval by the supervisor. An employee receives leave benefits when the employee is working an established regular tour of duty during the administrative workweek. Regularly scheduled work is defined as work that is scheduled in advance of an administrative workweek under the agency's procedures for establishing workweeks. Leave without pay is not the same as absence without leave, which is charged for unauthorized absence, or absence for which the employee did not request and/or obtain approval of leave. An employee may have a legal entitlement to limited hours of leave without pay under some circumstances, such as illness or injury. However, it may also be appropriate to deny a request for leave without pay when the employee's services are required. Supervisors should contact their civilian personnel section for guidance.

(2) (Added)(AF) Employee request for leave without pay is to be granted in the following four circumstances to:

(a) (Added)(AF) A disabled veteran to cover an absence for medical examination or treatment related to a service-connected disability in accordance with Executive Order 5396, July 17 1930. (T-0)

(b) (Added)(AF) A member of the Reserve or National Guard to perform military duty. All periods of leave without pay (even periods of 1 day) for this purpose are to be documented in personnel (SF-50) and pay systems as Absent-US. An employee does not yet have to be a Reservist or National Guardsman in order to be granted mandatory leave without pay. (See USERRA of 1994). (T-0)

(c) (Added)(AF) An employee who is eligible under the Family and Medical Leave Act, who requests leave without pay, and has complied with the requirements for approving Family and Medical Leave Act, including medical certification when required. (T-0)

(d) (Added)(AF) Where appropriate, as a reasonable accommodation under the Rehabilitation Act. (T-0)

**(3) (Added)(AF) Leave Without Pay Mandated by Regulation.** If the employee has followed required leave procedures, the granting of leave without pay is mandatory under the following circumstances:

**(a) (Added)(AF) Supervisors must approve leave without pay to protect an employee's status and benefits pending action by the Office of Workers' Compensation Programs on a claim resulting from a work-related illness or injury or during a period the employee is carried on the rolls while being compensated by the Office of Workers' Compensation Program. Note: If an employee who is receiving compensation payments is separated, it is more administratively difficult to return them to duty than if they had been retained in a leave without pay status. This is due largely to requirements imposed by Office of Workers' Compensation Program. If the employee meets the requisite requirements for continued Federal Employees Health Benefits and Federal Employees' Group Life Insurance enrollment, transfer Federal Employees Health Benefit to Office of Workers' Compensation Program after 10 months of leave without pay and transfer Federal Employees' Group Life Insurance to Office of Workers' Compensation Program after 12 months of leave without pay. (See Federal Employees Health Benefit and Federal Employees' Group Life Insurance Handbooks for additional guidance). Employees receiving compensation should be retained in a leave without pay status for 12 months rather than separated unless there is medical evidence of the employee being unable to return to work within that time. (T-0).**

**(b) (Added)(AF) To avoid a break in service for: career and career-conditional employees who are dependents of a Federal civilian employee, or who are dependents of an individual who is employed by a public or private sector organization, and who must relocate because of the involuntary transfer of the head of the household; or a Federal civilian employee selected for an assignment under the terms of a mobility agreement, situations involving a transfer of function or reduction in force relocation, or similar circumstance for dependents of a public or private sector organization.**

**(c) (Added)(AF) For career and career-conditional employees who are dependents of a Federal civilian employee, or who are dependents of an individual who is employed by a public or private sector organization, and for whom the transfer of the head of household is a voluntary promotion or voluntary new job, approval of the request is not mandatory, but is normally approved, unless granting would likely lead to mission failure or severely degrade mission operations. For military spouses whose travel and transportation are covered by their sponsor's eligibility, leave without pay is to be granted. upon their request, for a period of 12 months, and may be extended for an additional 12 months, to allow an opportunity to secure Federal employment. The total amount of leave without pay should not exceed 24 months. Also eligible under this provision are former spouses of sponsors following death, divorce, or legal separation if they accompanied the sponsor on a permanent change of station to the current duty station. Because the purpose and conditions of appointment under the Schedule A dependent hire authority and under the overseas limited authority are meant only for employment in foreign areas, leave without pay may not be granted to any employee serving under these authorities who is leaving that employment for return to the United States, unless the employee has eligibility**

for appointment under Executive Order 12362, *Overseas Employment* (as amended by Executive Order 12721), i.e., 12 months service in the overseas area (T-3).

(d) (Added)(AF) An employee who is granted leave without pay is required to perform duty on the last duty day prior to the start of the leave without pay. It is not appropriate to exhaust annual leave before leave without pay in cases where the basis for leave without pay is that the employee must relocate because of the transfer of the head of household. This means they are not expected to return to work. Annual leave is only appropriate in instances where the employee is expected to return to work.

(4) (Added)(AF) Seasonal employment. Seasonal employees are placed in a non-pay status, not in a leave without pay status, when released from duty due to workload requirements or seasonal nature of work. Seasonal employees may be granted leave without pay from their regularly scheduled tour of duty at their request in accordance with the provisions of this chapter.

(5) Leave without pay in Other Circumstances. Leave without pay in other cases may be granted only when it is apparent that it will result in increased job capability, protection or improvement of the employee's health, or the retention of a desirable employee. Circumstances in which the approval of leave without pay is discretionary include (but are not limited to) the following:

(a) (Added)(AF) For educational purposes when the course of study is in line with work performed within the Air Force and completion of the course would serve the best interests of the Air Force.

(b) (Added)(AF) For protecting the rights and benefits of employees who must relocate because of an emergency family situation.

(c) (Added)(AF) For temporary service with a non-Federal or private enterprise when it will contribute to the public welfare or when the experience to be gained will benefit the Air Force.

(d) (Added)(AF) For service with a recognized employee organization.

(e) (Added)(AF) For protecting an employee's status and benefits pending final action by the Office of Personnel Management on a claim for disability retirement, after all sick and annual leave have been exhausted.

(f) (Added)(AF) For recovery from illness or disability not of a permanent nature.

(g) (Added)(AF) For protecting the rights and benefits of employees who request to remain at home to care for a newborn, newly adopted, or sick minor child.

b. (Added)(AF) Time Period of Leave Without Pay. There is no maximum prescribed by law or regulation on the amount of leave without pay which can be granted. Costs and



inconveniences to the Air Force as a result of granting extended leave without pay include encumbrance of a position, loss of services, complication of retention registers in the event of reduction in force, obligation to provide active employment at the end of the approved leave period, credit of six months of each year towards retirement without employee contributions, eligibility for continued coverage under Federal Employees' Group Life Insurance (without cost to the employee for up to 1 year of non-pay status), and payment of the employer's share of health insurance premiums for leave without pay up to 365 days.

**c. (Added)(AF) When Leave Without Pay is Not Granted.**

**(1) (Added)(AF) To an employee being returned from overseas at government expense for separation.**

**(2) (Added)(AF) For an employee to engage in political activities, engage in private or commercial work where experience in such work is judged to be of little or no value to the Department of Defense, or to hold a civilian position with any other Federal agency.**

**(3) (Added)(AF) To keep an employee on the rolls, when he/she is not expected to return to duty, except in circumstances in which there is an entitlement to leave without pay under another existing statute or regulation (Family and Medical Leave Act of 1993, Uniformed Services Employment and Reemployment Rights Act, E.O. 5396, Worker's Compensation). This includes situations where the position cannot be refilled immediately (hiring freeze), and/or to attempt to protect the position from possible elimination by keeping the employee on the rolls in a leave without pay status (showing it as encumbered).**

**d. (Added)(AF) Approval Official For Leave Without Pay. Supervisors authorized to approve annual and sick leave determine (subject to any higher administrative approval required locally) when requests for leave without pay for one year or less may be granted. Leave without pay of more than 30 consecutive days are made a matter of record in the Official Personnel Folder. Supervisors are required to submit a Request for Personnel Action (RPA) SF 52 through the civilian personnel section to the Air Force Personnel Center (AFPC) to the local civilian personnel section prior to granting leave without pay of more than 30 days. Initial grants of leave without pay may not exceed 12 months. If an additional grant is deemed justified, the employee's request for extension is submitted to the installation commander or designee for approval. An extension beyond one year may be approved only when it is in the interest of the Federal service, or when it is determined that, because of unusual circumstances, the employee would be subjected to undue hardship if the extension were disapproved. (T-1)**

**e. (Added)(AF) Absent-US (formerly LWOP-US). Absent-US is leave without pay to perform duty with the uniformed services, whether such duty is a pay or non-pay status. When civilian employees perform military duty, document all periods of Absent-US leave without pay of any duration on the SF 50, *Notification of Personnel Action*. Effective day of Absent-US leave without pay is the first day in non-pay status. This enables personnel/payroll offices to have a record of military service deposits for retirement purposes, entitles employees to make up contributions to the Thrift Savings Plan, and prevents prohibited negative employment/benefits impacts.**

f. (Added)(AF) **Leave Without Pay for Attendance at School Functions.** Parents are authorized up to 24 hours of leave without pay in a leave year for participation in school activities directly related to the educational advancement of their children. This includes, but is not limited to, parent-teacher conferences or meetings with child-care providers, interviewing for a new school or child-care facility, or participating in volunteer activities to support the child's educational advancement. Supervisors may require supporting documentation for such leave without pay requests and approval is based on mission needs.

#### **10. (Added)(AF) MILITARY LEAVE**

a. (Added)(AF) **Military Leave Overview.** Military leave is absence from duty in the employee's civilian position without loss of pay (including pay for regularly scheduled overtime) to perform and travel to military duty. Eligible employees must, upon request, be granted military leave to which entitled for performance of active duty, active duty for training, inactive-duty (as defined in section 101 of title 37), and for travel to military duty. As a result of the Uniformed Services Employment and Reemployment Rights Act of 1994, if an employee with the Reserves or National Guard, voluntarily or involuntarily performs military duty, the employee may be granted military leave, annual leave, previously-earned compensatory time off, previously-earned credit hours, previously-earned time-off award, or Absent-US leave without pay, as requested by, and at the discretion of, the employee. Military leave does not have to be exhausted first and may be intermingled with other appropriate types of leave to perform military duty, at the employee's discretion. If the employee freely and knowingly provides written notice of intent not to return to a position of employment with the agency, the employee can be separated. (T-0)

b. (Added)(AF) **Eligibility Criteria.** An employee entitled to military leave is a member of a Reserve component or National Guard with either:

(1) (Added)(AF) A full-time, part-time, or indefinite work schedule but does not have an intermittent work schedule; or

(2) (Added)(AF) Serving in an appointment that is not limited to 1 year or less.  
Note: Although an employee may serve longer than one year on successive temporary appointments, there is no eligibility until the employee serves under an appointment that is not limited to 1 year or less.

c. (Added)(AF) **Military Leave Entitlement.** An eligible full-time employee with a regularly scheduled 40-hour workweek or 80-hour pay period, who is a member in the Reserve of the armed forces or a member of the National Guard, accrues 15 days/120 hours (15 days x 8 hours) of military leave each fiscal year. Eligible part-time or uncommon tours of duty employees earn an equivalent of three workweeks of military leave each fiscal year based upon their schedule. For example, employees with a 53-hour workweek accrue 159 hours of military leave each fiscal year; employees with a 60-hour workweek accrue 180 hours, and employees with a 72-hour workweek accrue 216 hours of military leave. Any military leave (not to exceed 15 days/120 hours) which is unused at the end of a fiscal year, is carried forward to the next fiscal year and is available for use in addition to the

days/hours credited for the new fiscal year. This means that an employee may have a maximum of the equivalent of 30 days military leave available for use during a fiscal year. An employee who is a member of the Reserve or National Guard, who is not eligible for, or who has exhausted his or her military leave, must be granted annual leave, previously-earned time off award, compensatory time, credit hours, or Absent-US leave without pay, as requested and at the employee's discretion, in order to perform military duty. (T-0) An employee on military duty may only use sick leave when the military duty period is for the purpose of receiving medical treatment/examinations/attend a medical evaluation board, or when they are incapacitated for either military or civilian duty due to a military line-of-duty incident.

d. (Added)(AF) Part-Time Military Leave Entitlement. Part-time Civilian career or career-conditional employees, who are on a regularly scheduled tour of duty of 16 to 32 hours a week, accrue military leave at a rate determined by dividing 40 into the number of hours in the regularly scheduled workweek during the fiscal year and multiplying by 15. (Example: A regularly scheduled part-time employee works 20 hours per week. That employee's entitlement to military leave is 20 divided by 40 x 15.) Note: Part-time employees who work less than 16 hours per week are not entitled to military leave.

e. (Added)(AF) Military Leave Accrual. On 1 October of each fiscal year, or upon appointment into either the Federal service or upon joining the Reserve Component (Air National Guard, Air Force Reserve), whichever is later, military leave is credited to an eligible employee's account (pro-rated for part-time employees). Unused military leave remaining from the prior fiscal year, not to exceed 15 days/120 hours, is also credited.

f. (Added)(AF) Military Leave for Law Enforcement Purposes. Military leave granted for law enforcement purposes is charged on all days the employee would otherwise have worked and received pay, including days on which the employee was scheduled to work overtime on a regular basis. No charge is made to military leave for holidays or for any other day established by Executive or Administrative Order as a non-workday not chargeable to leave. Military leave for employees using the 22 days of military leave granted for law enforcement purposes is charged in units of hours. The 22 days of law enforcement leave are converted to 176 hours and charged on the same basis as annual and sick leave. For example, an employee with 22 additional days of military leave for law enforcement purposes works a 4-day workweek (10 hours per day), Tuesday through Friday. He or she is absent Tuesday and Wednesday to perform law enforcement duty. The employee would be charged 10 hours of military leave for law enforcement purposes on Tuesday and another 10 hours for Wednesday and have a balance of 156 hours remaining. Under the provisions of 5 U.S.C. 5519, an employee's civilian pay is reduced by the amount of base pay (other than travel, transportation, or per diem allowance) received by the employee for military service as a member of the Reserve or National Guard for a period for which he is granted military leave under this provision. In short, an employee is entitled to the greater of his or her civilian or military pay, but not both. However, an employee may choose to take annual leave, traditional 15-day military leave, accrued credit hours, previously-earned time off award, or accrued compensatory time off instead of this type of military leave in order to retain both their full civilian and full military pay.

**g. (Added)(AF) Military Leave for Mobilized Federal Civilian Employees.** The National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), Section 1113, and 5 USC § 6323 (b), added a new authority for use of the additional 22 days of military leave provided under this statute. Employees who are called or ordered to active duty in support of a contingency operation, as defined in 10 USC § 101(a)(13), and are members of the Reserves or the National Guard, are entitled to the additional 22 workdays of military leave per calendar year. This applies to military service performed on or after 24 November 2003. For payroll reporting purposes, this new type of leave is coded as “LM”, just as the military leave for law enforcement purposes is coded. Under the provisions of 5 U.S.C. 5519, an employee’s civilian pay is reduced by the amount of base pay (other than travel, transportation, or per diem allowance) received by the employee for military service as a member of the Reserve or National Guard for a period for which the employee is granted military leave under this provision. In short, an employee is entitled to the greater of his or her civilian or military pay, but not both. However, an employee may choose to take annual leave, traditional 15-day military leave, accrued credit hours, previously-earned time off award, or accrued compensatory time off instead of this type of military leave in order to retain both their full civilian and full military pay.

**h. (Added)(AF) Military Leave for Parades or Encampments.** Members of the National Guard of the District of Columbia who are ordered to serve during a parade or encampment are entitled to unlimited military leave for all days on which such duty is performed under the provision of 5 U.S.C. 6323(c), Military Leave. Any pay the employee receives while on military leave for parades or encampments (other than travel, transportation, or per diem allowance) is credited against the pay received in the civilian position during the employee’s absence to perform the military duty.

**i. (Added)(AF) Conditions for Granting Military Leave.** An eligible employee is granted any requested and available military leave, annual leave, previously-earned compensatory time off, previously-earned credit hours, previously-earned time off award, or Absent-US leave without pay when they perform military duty. Leave for military duty may be approved based on the employee’s verbal or written request. Leave approval is not contingent upon the employee providing supporting documentation prior to the leave being taken. It is strongly recommended that employees provide acceptable documentation after the fact to verify uniformed service of 30 days or less. It is required that employees provide acceptable documentation for periods of 31 days or more. Examples of acceptable documentation include, but are not limited to: orders, military Leave and Earnings Statements, letters from unit commanders, self-certification memorandum (only for 30 days or less), etc. Employees are encouraged to provide copies of drill and annual training schedules and, whenever possible, advance notice of specific training dates.

**j. (Added)(AF) How Military Leave Is Charged.** Military leave granted is charged on an hourly basis. Employees are not charged military leave for non-duty days (typically regular days off and holidays) that occur within the period of military service. Employees requesting military leave for periods of military duty (which are sometimes less than full day periods) are charged only the number of hours of military leave necessary to cover the period of military duty and necessary travel. Hours in the civilian workday that are not chargeable to military leave must be worked or charged to another leave category, as

appropriate. No charge is made for non-workdays at the beginning and end of a period of absence for military duty. In addition, no leave is charged for the first day of the military duty period if the employee is not required to report for military duty until after the civilian duty day ends, and the employee is not on active duty orders for that day. Additionally, no leave is charged for the last day of the military duty period if the employee is completely released from the military duty period (ie not on paid military status or on active duty orders) prior to the start of the next civilian duty day. There is no charge to military leave for duty performed on a tour, or consecutive tours of duty when the civilian employee uses one or more of the following leave categories: annual, Absent-US leave without pay, previously-earned compensatory time off, previously-earned credit hours, or previously-earned time off award (T-0)

(1) (Added)(AF) Civilian Employees on Alternative Work Schedules. Military leave for employees on alternative work schedules accrues at the same rate as for employees on fixed work schedules, based on the number of hours worked per pay period. Employees working flexible or compressed work schedules of 80 hours per pay period accrue 120 hours of military leave each fiscal year. Military leave is charged on an hourly basis. If an employee has a regularly scheduled ten-hour workday, when that employee performs military duty on a 10-hour workday, there is a charge to military leave of ten hours. Likewise, if an employee has a regularly scheduled nine-hour workday and performs military duty, there is a charge to military leave of nine hours.

(2) (Added)(AF) Civilian Employees Performing Extended Active Duty Tours. Federal civilian employees, who are also members of a reserve component (Reserves or National Guard) including Air Reserve Technicians, who are on Absent-US leave without pay while serving on an extended active duty tour that spans 2 or more fiscal years, accrue 120 hours (or equivalent) of military leave at the beginning of the fiscal year. These employees may use military leave at any time during the extended active duty tour, or carry over up to 15 days.

**k. (Added)(AF) Other Types of Absences Related to Military Duty.**

(1) (Added)(AF) Physical Examinations for Duty in the Armed Forces. An employee is excused without charge to leave or loss of pay for the time required for physical examination before induction or recall to active duty in the armed forces. (The term induction includes volunteering for military service.) An absence in excess of one day requires a written justification statement from the examining station. An employee that is required to report for periodic physical examinations for retention of status in any Reserve component (including the National Guard) may be granted sick leave for the absence under regulations applicable to approval of sick leave for medical examination.

(2) (Added)(AF) Armed Forces Entry. An employee who reports for induction, or is recalled to extended active duty, in the armed forces may be, at the employee's request and discretion, placed in a leave status (military leave, annual leave, compensatory time off, credit hours, previously-earned time off award, or Absent-US leave without pay) until the civilian personnel section is notified that the employee has been inducted or accepted for extended active duty, or if the employee is rejected, until the employee's return to duty or

separation action is effective. A member of the Reserve Component may request to use all military leave to which entitled before separation for military service. Air Force Reserve members called to active duty for training to satisfy an initial military obligation of at least six months in conjunction with Air Force Reserve assignment, are granted extended leave. An employee not eligible for military leave, or who has exhausted his or her military leave, may request to use available annual leave, previously-earned compensatory time off, previously-earned time off award, or Absent-US leave without pay pending acceptance or rejection for military duty.

**(3) (Added)(AF) Funeral Honors Duty.** An employee who is a member of any Reserve Component may use military leave to perform military “funeral honors duty.” Military leave for this purpose should be charged for all hours of the civilian duty day necessary to cover the funeral honors duty and necessary travel.

**l. (Added)(AF) Additional Leave for Military Technicians.** In addition to the military leave available as described above, military technicians are entitled to 44 additional workdays of military leave in a calendar year when on active duty without pay for participation in operations outside the United States, its territories, and possessions. This includes participation in operations outside the United States, its territories and possessions but controlled by a technician physically located inside the United States, its territories or possessions, e.g., operating unmanned aerial vehicles overseas from a stateside location. The active duty orders must cite a specific authority based on one of the Sections 12315, 12301(b) and 12301(d) of Title 10, USC to be eligible for this entitlement. The 44 workdays are converted into hours and are charged on the same basis as annual leave. Example: Military reserve technicians who work 80-hour pay periods (including those on flexible and compressed work schedules) are entitled to a maximum of 352 hours (8 x 44 = 352). Those with uncommon tours of duty accrue the amount of authorized leave according to their work schedule. The 44 workdays or a portion thereof, cannot be carried over into the next calendar year. It is appropriate to use this leave on the day of deployment from home station, any intervening stops within the United States, its territories and possessions, and the day of return to home station as long as the ultimate destination on the military orders is an overseas location and any intermediate destinations/stops are part of the continuing mission. In order to receive any pay for a civilian non-workday, a change to "active duty with pay" status is required. This requires use of a separate AF Form 938, *Request and Authorization for Active Duty Training/Active Tour* for each period of conversion. Changes to civilian duty status on workdays during the same military tour are also authorized, and require either the use of a DD Form 1610, *Request and Authorization for TDY Travel of DoD Personnel*, AF Form 3956, *Report of Inactive Duty Training Performance – AGTP/AFTP (USAFR)* or AF Form 40A, *Record of Individual Inactive Duty Training*. Use of this military leave is at the employee's discretion. (T-0)

**m. (Added)(AF) Procedure for Recording Military Leave.** For periods of military duty of 30 days or less, employees are strongly encouraged to provide administratively acceptable documentation to validate the period of duty. For periods of military duty of more than 30 days, employees are required to provide such documentation. For periods of duty of 30 days or less, it is acceptable for the employee to self-certify by submitting to their supervisor and payroll office a memorandum stating their attestation that they performed

military duty during the period of military leave requested. If an employee has separate periods of duty, with return to civilian status between the separate periods, then the military leave must not be charged for the time the employee is returned to civilian status. If administratively acceptable documentation for periods of military duty of 31 days or more is not provided to the local payroll office, supervisors may pursue corrective action for failure to comply with Air Force policy.

#### **11. (Added)(AF) COURT LEAVE**

a. (Added)(AF) Court Leave Overview. Court leave is leave from duty without loss of pay or charge to annual leave to perform jury duty in a Federal, state, or municipal court, or to serve as a witness in a case involving as a party the United States, the District of Columbia, or state or local government. This includes absence during periods of regularly scheduled overtime as well as absence during the employee's regularly scheduled basic workweek. For the purpose of granting court leave, a military court is considered the same as a Federal court.

b. (Added)(AF) Eligibility. A permanent or temporary employee with a regularly scheduled tour of duty (part-time or full-time) is eligible for court leave. Employees serving on an intermittent basis are not eligible for court leave.

c. (Added)(AF) Granting Court Leave. Court leave is approved for absence during an employee's regularly scheduled tour of duty including regularly scheduled overtime. It can be approved only for those days and hours the employee would otherwise be in a pay status. An employee cannot be approved court leave for jury or witness duty performed within a period of non-pay status. If the employee's absence is properly chargeable to court leave, the employee cannot elect to have the absence charged to annual leave. If an employee is on annual leave when called for jury duty or witness service, court leave will be substituted. (T-0).

(1) (Added)(AF) Jury Duty. Because of the importance of trial by jury as an American system of justice, it is Air Force policy not to request that an employee be excused from jury service on the basis of Air Force employment, except in cases of extreme necessity. Effective administration of court leave also requires the exercise of good judgment in order to avoid imposing hardship on employees. To avoid undue hardship, supervisors should adjust schedules for employees who work nights or weekends and are called to jury duty. For court leave to be approved, the employee must submit appropriate documentation. If the employee works a full, regular night shift, no court leave is charged.

(2) (Added)(AF) Witness Service. Court leave is granted for employees who are summoned as a witness on behalf of any party in connection to any judicial proceeding to which the United States, the District of Columbia, or a state or local government is a party. Note: An employee who is summoned by the courts, or assigned by the Air Force to testify in an official capacity, or to produce official records on behalf of any party in any judicial proceeding is performing official duty and is not entitled to court leave, but is in an official duty status for the time involved.

**(3) (Added)(AF) Leave for Participation in Suits Between Private Individuals and Companies.** Court suits between private individuals or companies in which the United States, the District of Columbia, or a state or local government is not an involved party do not entitle employees to court leave. Any time the employee-plaintiff spends testifying in his or her own behalf does not meet the requirement of having been summoned; therefore, granting court leave is not appropriate. However, court leave is appropriately approved when an employee must appear in court pursuant to a properly issued subpoena.

**(4) (Added)(AF) Cases that do not involve an allegation of unlawful discrimination under Title VII of the Civil Rights Act of 1964 or other Federal anti-discrimination statutes.** When an employee-plaintiff has been deposed (called to give a deposition) or otherwise summoned to testify in a case in which a party in the proceeding is the United States, the District of Columbia, or a state or local government, the employee-plaintiff is a “witness” and is entitled to court leave for the time involved in giving a deposition or being a witness. When an employee is a party in a suit against the government, the time the employee-plaintiff spends in preparation for the trial and answering the government’s interrogatories, as well as the time spent observing the conduct of the trial do not qualify as court leave. Annual leave or leave without pay is appropriate for such periods. However, if and when the employee-plaintiff prevails in a civil action against the government which is related to or caused by a violation of the Title VII of the Civil Rights Act of 1964, then the employee is entitled to restoration of leave charged.

**(5) (Added)(AF) Title VII of the Civil Rights Act of 1964 proceedings and other proceedings alleging violation of a Federal anti-discrimination statute.** In a proceeding involving the Air Force or other Federal agency under Title VII of the Civil Rights Act of 1964, Federal employees are in an official duty status when they appear as witnesses or are required to provide sworn statements. Witnesses who are Air Force employees and who are summoned to testify on behalf of the plaintiff in a civil action under Title VII against the Air Force are entitled to the same benefits with respect to pay status while attending court as persons who testify on behalf of the Air Force. Similarly, Air Force employees who are plaintiffs in such cases are entitled to official duty status for attendance in court at their trial. These entitlements flow from Title VII of the Civil Rights Act of 1964, which takes precedence over any contrary provision of any collective bargaining agreement or other regulation.

**d. (Added)(AF) Return to Duty Upon Release by Court.** An employee properly summoned by a state or Federal court to serve on a jury is under the jurisdiction and control of the court for the term of the jury service. However, an employee is expected to return to duty during periods when the employee is excused from jury duty, unless this would be impractical. An employee excused or discharged by the court either for an indefinite period in excess of one day or a substantial portion thereof, is not entitled to court leave, but must report to duty. As a general rule, if there are four or more hours remaining in the employee’s workday, exclusive of reasonable travel time, the employee should report for duty. If the employee fails to report for duty as directed, annual leave, previously-earned compensatory time off, accrued credit hours, leave without pay, or absence without leave is charged for the excess time involved. (T-0)



e. (Added)(AF) Procedure for Recording Court Leave. When the employee returns to duty, the employee submits written evidence of attendance in court showing the dates and times to the timecard approving official. These supporting documents are forwarded to the local payroll office by either the employee or their supervisor. If the required documentation (e.g. Evidence of court attendance) is not provided to the local payroll office within three pay periods of return to civilian status, a charge to annual leave will be processed by the customer service representative in Defense Civilian Pay System (T-3). If the annual leave balance is not sufficient to support the employee's regularly scheduled tour of duty, any remainder must be charged to another leave category in order to fulfill the employee's scheduled tour of duty (T-3).

f. (Added)(AF) Witness and Jury Fees and Expenses. An employee is entitled to receive and retain expense payments associated with services rendered and reimbursement for travel expenses.

(1) (Added)(AF) When a state or local court characterizes money paid to an employee for jury and witness service as expenses, there is no requirement for the employee to turn in such payments to the agency.

(2) (Added)(AF) However, when money paid is characterized a fee, it generally cannot be retained by the employee under most circumstances. The certificate of attendance should separately identify fees and expenses/allowances. Fees received by the employee are collected while the expenses are not. If the certificate of attendance does not identify expenses separately, all monies are considered fees and are to be collected. The employee must submit fees received for jury or witness services by money order or personal check to the servicing Defense Finance and Accounting Service office (T-3).

(3) (Added)(AF) The employee may keep reimbursements for expenses received from the court, authority, or party that caused the employee to be summoned and may keep fees that exceed the employee's compensation for the days of service.

(4) (Added)(AF) An employee serving on a jury in a state or local court who waives or refuses to accept fees is still liable to the United States Government for the fees he or she would have received.

(5) (Added)(AF) Fees not submitted in a timely manner are subject to payroll deduction. Payroll deductions to collect the fees will be made in the next regular pay period (T-3). If fees are erroneously paid to an employee by the court, the fees paid cannot be retained by the employee and must be turned in to the employing activity (T-3).

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

## **12. (Added)(AF) VOLUNTARY LEAVE TRANSFER PROGRAM**

a. (Added)(AF) **Purpose and Applicability.** The purpose of this chapter is to set forth procedures and requirements for the Voluntary Leave Transfer Program. This program allows an employee who has a personal or family medical emergency and is without the availability of all paid leave (to include Time Off Award and compensatory time), to receive transferred annual leave directly from other employees with the concurrence of the respective management officials. There is no time limit that an employee can be approved for Voluntary Leave Transfer Program should the medical emergency be long-term. An employee is not eligible to receive transferred leave via the Voluntary Leave Transfer Program until all available paid leave has been exhausted. However, an employee may submit documentation to participate in the Voluntary Leave Transfer Program prior to exhausting all available leave. This chapter applies to all employees covered by 5 USC § 6301(2) and 5 CFR 630.906.

b. (Added)(AF) **Administrative Procedures.** The appointing official or designee should establish appropriate supplemental procedures to approve or disapprove the receipt of transferred annual leave for the Voluntary Leave Transfer Program at the installation (or equivalent) level.

c. (Added)(AF) **Application To Be A Leave Recipient.** An employee who has been affected by a medical emergency may make written application to his/her first level supervisor or leave approving official to become a leave recipient. If such an employee is not capable of making application, due to physical or mental impairment, the leave applicant or immediate family member may designate a personal representative in writing to make the application. Requests to be a leave recipient may be made before or during the period of needed absence but no later than the end of the pay period of the employee's return to duty or termination of the medical emergency.

(1) (Added)(AF) **Application Requirements.** Each applicant is required to complete the Office of Personnel Management 630 form, *Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program*.

(2) (Added)(AF) The completed application is to be provided to the first level supervisor for verification of the employment data prior to going to the Voluntary Leave Transfer Program approving official.

d. (Added)(AF) **Review and Recommendation of the Application to Become a Leave Recipient.** Upon receipt of an application to receive transferred annual leave, the first level supervisor verifies and validates the employment information contained in the application. The application is to be returned to the applicant if a correction or additional information is required. The supervisor determines if the employee's absence from duty without available paid leave because of the medical emergency is, or is expected to be, at least 24 hours and is likely to result in a substantial loss of income to the employee because of the unavailability of paid leave. *Note:* In the case of a part-time employee or an employee with an uncommon tour of duty, at least 30% of the average number of hours in the employee's bi-weekly scheduled tour of duty will be the determining factor. Once the application receives supervisory endorsement, it is forwarded to the Voluntary Leave Transfer

**Program approving official within 5 calendar days from the date of receipt of the application. The supervisory endorsement includes the following:**

**(1) (Added)(AF) A statement acknowledging and verifying as correct, the employment information contained in the application.**

**(2) (Added)(AF) An acknowledgement that if approved, the supervisor will validate the continuing nature of the hardship each pay period and, upon termination of the hardship, stop the allocation of transferred leave (T-3).**

**(3) (Added)(AF) An acknowledgement that if approved, the supervisor is responsible to properly annotate time and attendance records to insure that all available paid leave is exhausted before any transferred annual leave is used by the applicant. The supervisor works closely with the civilian payroll office to monitor the use of transferred leave.**

**(4) (Added)(AF) A recommendation to the approving official indicating approval or disapproval of the employee's absence from the workplace.**

**(5) (Added)(AF) A recommendation for the approval or disapproval of the application based on the hardship as described by the applicant.**

**e. (Added)(AF) Voluntary Leave Transfer Program Approving Official's Responsibilities. The approving official or designee completes the following applicable actions within 10 calendar days after receipt of the application from the supervisor.**

**(1) (Added)(AF) If the application is approved, a copy of the approved application is to be provided to the applicant with copies to the first level supervisor, the civilian payroll office, and the servicing civilian personnel section. For approved leave recipients who have agreed to the release of their names, instruct the first level supervisor to arrange appropriate publicity to employees of the recipient's organization of assignment to canvass the desire to transfer annual leave to the recipient.**

**(2) (Added)(AF) If the application is disapproved, provide direct written notice to the applicant that the application has been disapproved and the reasons for disapproval. A copy of the disapproved application is returned to the civilian personnel section who will provide a copy to the applicant (T-3).**

**(3) (Added)(AF) Publicity efforts are to be consistent for all employees who have approval to receive transferred annual leave. If insufficient donations are received to cover the period without pay, the supervisor, with assistance from the civilian personnel section, may expand the publicity effort to other offices within the leave recipient's organization of assignment. If the donations remain insufficient, the supervisor, in cooperation with the civilian personnel section, may expand publicity in the following order:**

**(a) (Added)(AF) Other organizations on the installation.**

(b) (Added)(AF) Parent Major Command of applicant.

(c) (Added)(AF) Other Air Force installations.

(d) (Added)(AF) Other federal agencies.

f. (Added)(AF) Transfer of Annual Leave. A leave recipient's civilian personnel section may accept the transfer of annual leave from leave donors employed by the same organization and, if necessary, the transfer of approved donations by employees of other organizations. Every effort should be made to exhaust all available donated leave within the leave recipient's organization of assignment before using approved transferred annual leave from other organizations. The Office of Personnel Management 630, Office of Personnel Management 630-A, *Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Within Agency)*, Office of Personnel Management 630-B, *Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Outside Agency)*, and 630-C, *Transfer of Leave Records for Leave Recipient Covered by the Voluntary Leave Transfer Program*, are available on the Office of Personnel Management website for transfer and receipt of annual leave in the Voluntary Leave Transfer Program. Submit an OPM Form 630-A or B to the civilian personnel section to transfer a specific number of whole hours of accrued leave to the leave recipient.

(1) (Added)(AF) A first level supervisor is prohibited from receiving donated leave from a subordinate employee.

(2) (Added)(AF) An employee may submit an irrevocable request on the Office of Personnel Management 630-A to the point of contact in the advertisement, usually the first level supervisor of the leave recipient. The Office of Personnel Management 630-B to transfer a specific number of whole hours of accrued annual leave to the leave recipient of another agency should be submitted to the civilian personnel section.

(3) (Added)(AF) Approval of the Donation. The leave-approving official of the donor should immediately forward the documented, approved donation to the servicing civilian personnel section of the leave recipient. The documented donation will be quality reviewed, validated by the civilian personnel section, and forwarded to the servicing civilian payroll office.

(4) (Added)(AF) Substitution of Transferred Annual Leave. Annual leave transferred under this authority may be substituted retroactively for absence without pay or used to liquidate indebtedness for advanced annual or sick leave as a result of an approved medical emergency.

g. (Added)(AF) Limitations on Donations of Annual Leave. Potential leave donors are required to have a sufficient number of hours of accrued annual leave in order to donate leave. Donating leave earned in future pay periods is prohibited.

(1) (Added)(AF) The maximum donation of leave is no more than a total of one-half of the amount of annual leave an employee would be entitled to accrue during the leave

year in which the donation is made (Example: An employee who earns 104 hours of annual leave may donate a maximum of 52 hours.) The limitation on donating annual leave may be waived, in writing, by the installation commander (or equivalent) or their designee, provided the employee has extenuating circumstances and it has been documented as such.

(2) (Added)(AF) A leave donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year under 5 USC § 6304(a) may donate no more than the number of hours remaining in the leave year (as of the date of transfer) for which the leave donor is scheduled to work and receive pay. (Example: If two weeks before the end of the leave year, a leave donor has 100 hours of use or lose leave and is scheduled to work for only 60 hours, up to 60 hours may be donated.) The limitation on donating annual leave subject to forfeiture may be waived, in writing, by the installation commander (or equivalent) or their designee, provided the employee has extenuating circumstances and it has been documented as such.

h. (Added)(AF) Use of Transferred Annual Leave. While using donated leave, a leave recipient may accrue no more than 40 hours of their own (not donated) 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 (T-3). Leave in set-aside accounts is not available for use by the employee until transferred to the employee's regular leave accounts. An employee who returns to work part-time and who uses donated leave part-time accrues leave in his or her regular annual and sick leave accounts for the time spent in work status and in his or her set aside annual and sick leave accounts for the time spent in shared leave status (when using donated leave).

(1) (Added)(AF) The approval and use of transferred annual leave by an approved leave recipient are to be subject to all the conditions and requirements imposed by 5 USC Chapter 63. Upon approval, transferred annual leave received by an approved leave recipient may be accumulated without regard to the limitation (normally, 30 days or 240 hours) imposed by 5 USC § 6304(a). The leave recipient's servicing civilian payroll office monitors the transfer of donated leave. The balance of the transferred leave is to be posted to the leave recipient's account the following leave year, if necessary.

(2) (Added)(AF) Transferred annual leave may not be:

(a) (Added)(AF) Transferred to another leave recipient under this regulatory authority.

(b) (Added)(AF) Transferred to another employing activity within the Air Force upon the leave recipient's transfer of employment.

(c) (Added)(AF) Included in a lump-sum payment under 5 USC § 5551 or 5552.

(d) (Added)(AF) Made available for re-credit under 5 USC § 6306 upon reemployment by a federal agency.

**i. (Added)(AF) Termination of Medical Emergency.**

**(1) (Added)(AF) Based on medical documentation or other appropriate action, the entitlement to receive transferred leave will terminate as follows:**

**(a) (Added)(AF) When the leave recipient's employment is terminated by the same agency which approved the application to become a leave recipient.**

**(b) (Added)(AF) At the end of the bi-weekly pay period in which the recipient's leave approving official or designee determines that the leave recipient is no longer affected by a medical emergency.**

**(c) (Added)(AF) At the end of the bi-weekly pay period in which the leave recipient's employing activity receives notice from the Office of Personnel Management of an approved application for disability retirement.**

**(2) (Added)(AF) The leave recipient's first level supervisor or leave approving official continually monitors (each pay period) the nature and extent of the medical emergency affecting the leave recipient. Senior management officials are to develop and maintain internal procedures to ensure supervisory biweekly review of the medical emergency.**

**(3) (Added)(AF) When it is determined that the medical emergency or hardship affecting the leave recipient has terminated (based on medical evidence), and/or the leave recipient has had the opportunity to respond, the supervisor or leave approving official will provide written notice to the Voluntary Leave Transfer Program representative in the civilian personnel section with a copy to the leave recipient which includes the following:**

**(a) (Added)(AF) No further donations will be accepted (T-3).**

**(b) (Added)(AF) No further transfers of annual leave will occur.**

**(c) (Added)(AF) The supervisor or leave approving official will provide written notice to the Voluntary Leave Transfer Program approving official and the civilian payroll office with a copy to the leave recipient as follows: include the name, last four numbers of the employee's social security number, and organization of assignment of the leave recipient; approval date of the leave recipient's application; initial date of receipt of transferred annual leave and the date the emergency ended as determined by the appropriate official; total number of transferred annual leave hours used, total number of transferred hours donated, and unused transferred leave remaining; date the leave recipient returned to work or separated from employment; and a statement that unused transferred leave will not be used to compute lump sum leave payment upon separation.**

**j. (Added)(AF) Restoration of Transferred Annual Leave.**

**(1) (Added)(AF) Restoration of unused transferred annual leave is computed by Defense Civilian Pay System. Upon receipt of the supervisory notice indicating the**

termination of the leave recipient's emergency or hardship, the servicing civilian payroll office will compute appropriate restoration of transferred annual leave as follows (T-3):

(a) (Added)(AF) Divide the number of hours of unused transferred leave by the total number of hours of annual leave transferred to the leave recipient.

(b) (Added)(AF) Multiply the ratio obtained in paragraph (a) above by the number of hours of annual leave transferred by each leave donor eligible to receive restoration of unused transferred annual leave. The leave will be restored to the annual leave accounts of the leave donors who, on the date leave restoration is made, are employed by a federal agency and subject to 5 CFR 630.911(a) (T-0). The civilian payroll office receives assistance from the civilian personnel section which validates the donor's eligibility to receive unused transferred annual leave.

(c) (Added)(AF) Round down the result obtained in paragraph (b) above; to the nearest increment of whole hours of annual leave.

(2) (Added)(AF) If the total number of eligible leave donors exceeds the total number of hours of annual leave to be restored, no unused transferred annual leave will be restored. In no case will the amount of annual leave restored to the leave donor exceed the amount transferred to the leave recipient by the leave donor.

(3) (Added)(AF) Transferred annual leave restored to the account of a leave donor before the beginning of the third bi-weekly pay period before the end of the leave year is subject to the limitation imposed by 5 USC § 6304(a).

(4) (Added)(AF) Transferred annual leave restored to the account of a leave donor after the beginning of the third bi-weekly pay period before the end of the leave year is not subject to the limitations imposed by 5 USC § 6304(a) until the end of the leave year following the leave year in which the transferred annual leave was restored.

k. (Added)(AF) Prohibition of Coercion. An individual may not directly or indirectly intimidate, threaten, or coerce any other individual for the purpose of interfering with any right an employee may have to donate, not to donate, receive, or use annual leave under this chapter.

(1) (Added)(AF) Adequate publicity will be provided by management officials when an application to receive transferred annual leave is approved (T-3). Therefore, the leave recipient is discouraged from expressing any personal solicitations to procure transferred annual leave from other employees.

(2) (Added)(AF) For the purposes of this chapter the term "intimidate, threaten, or coerce" includes a prohibition of promise to confer any benefit associated with employment (such as appointment, promotion, compensation, hours of work, or assignment of duties). Effecting or threatening reprisal for not donating leave or donating leave to a specific employee is strictly forbidden.

### **13. (Added)(AF) VOLUNTARY LEAVE BANK PROGRAM**

a. (Added)(AF) Purpose and Applicability. The purpose of this chapter is to set forth procedures and requirements for local appointing authorities to establish a local Voluntary Leave Bank Program (VLBP) as authorized by 5 U.S. Code 6361, et seq. This program allows the unused accrued annual leave of an employee to be contributed to a leave bank for use by a leave bank member who needs such leave because of a medical emergency. The VLBP can be used to cover situations that would normally be covered by sick leave for a medical emergency. Additionally, the VLBP can be used to repay Advanced Sick Leave. Members may apply for use of the VLBP for themselves or to care for a qualifying family member. Employees may participate in both a VLBP and the Voluntary Leave Transfer Program. This chapter applies to all employees covered by 5 U.S. Code 6301(2) and 5 Code of Federal Regulations 630.1001.

b. (Added)(AF) Administrative Procedures. The local appointing authority may establish a local Voluntary Leave Bank Program and establish appropriate supplemental procedures to govern the local Leave Bank in accordance with the regulations of the Office of Personnel Management set out at 5 Code of Federal Regulations Part 630, Subpart J.

(1) (Added)(AF) The requirements for establishing leave banks and leave bank boards are set out at 5 CFR §630.1003.

(2) (Added)(AF) The requirements for the application to become a leave contributor and leave bank member are set out at 5 CFR §630.1004-1005.

(3) (Added)(AF) The requirements for a leave application are set out at 5 CFR §630.1006.

(4) (Added)(AF) The requirements for approval of a leave application are set out at 5 CFR §630.1007.

### **14. (Added)(AF) EMERGENCY LEAVE TRANSFER PROGRAM**

a. (Added)(AF) Purpose and Applicability. Authorized by 5 USC § 6391 (as added by section 9004 of Public Law 105-18, *Leave Transfer in Disasters and Emergencies*, dated June 12, 1997), Air Force employees are allowed to make donations of annual leave to employees in their own agencies or other agencies who are affected by major disasters and other emergencies. Employees affected by major disasters may also be able to use leave donated under the Voluntary Leave Transfer Program. This also allows employees receiving such donated leave to use it before exhausting their own accumulated annual and sick leave.

b. (Added)(AF) Establishing the Emergency Leave Transfer Program. In order for the Emergency Leave Transfer Program to be established, the following actions are required:

(1) (Added)(AF) Office of Personnel Management issues a memorandum identifying an event (a major disaster or emergency as declared by the President) as eligible for an Emergency Leave Transfer Program; and

(2)(Added)(AF) The Department of the Air Force determines that the Air Force will participate.



c. (Added)(AF) **Application Requirements.** Each applicant is required to submit the Office of Personnel Management Form 1637, *Application to Become a Leave Recipient Under the Emergency Leave Transfer Program*, for receiving donated annual leave or the Office of Personnel Management Form 1638, *Request to Donate Annual Leave under the Emergency Leave Transfer Program*, for donating annual leave under this program. Office of Personnel Management Form 1639, *Transfer of Donated Annual Leave To or From the Emergency Leave Transfer Program*, is the prescribed form to be used for the purpose of donating or receiving annual leave from other agencies.

#### **15. (Added)(AF) FAMILY MEDICAL LEAVE ACT**

a. (Added)(AF) **Purpose.** This chapter implements 5 CFR Part 630, Subpart L. It entitles Federal employees to a total of 12 administrative workweeks of unpaid leave during any 12-month period for certain family and medical needs as specified in 5 CFR 630.1203(a).

b. (Added)(AF) **Coverage.** This chapter applies to employees covered by USC § 6381(1).

c. (Added)(AF) **Leave Entitlement.** A covered employee is entitled to a total of 12 administrative workweeks of unpaid leave (i.e., leave without pay) during any 12-month period for:

(1)(Added)(AF) The birth of a son or daughter and care of the newborn.

(2)(Added)(AF) The placement of a son or daughter with the employee for adoption or foster care.

(3)(Added)(AF) The care of a spouse, son, daughter, or parent of the employee with a serious health condition.

(4)(Added)(AF) **Serious Health Condition.** A serious health condition, defined in 5 CFR 630.1202, is generally a condition of the employee that makes him/her unable to perform any one or more of the essential functions of his/her position. An employee is to provide administratively acceptable written medical documentation of a serious health condition, signed by the health care provider no later than 15 calendar days after the date requested by the Air Force. WH-380-E, *Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)*, from the United States Department of Labor, may be used by employees to satisfy this mandatory requirement to furnish medical documentation from a health care provider, including second or third opinions and documentation. This form is available for use on the Office of Personnel Management website. (T-0)

(a) (Added)(AF) The term *serious health condition* has the meaning set out in the Office of Personnel Management regulations at 5 CFR 630.1202. It means an illness, injury, impairment, or physical or mental condition that involves – (1) Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or (2)

Continuing treatment by a health care provider that includes (but is not limited to) examinations 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. The definition includes as examples: cancer, asthma, diabetes, epilepsy, kidney disease, Alzheimer's, severe stroke, terminal stages of a disease, and pregnancy and childbirth. The term *serious health condition* is not intended to cover short-term conditions for which treatment by a health care provider is not required. 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. Medical documentation is required for a serious health condition.

(b) (Added)(AF) **Medical Documentation (or Medical Certificate).** An employee must provide written medical documentation to document the use of leave under the Family and Medical Leave Act for a serious health condition. Requests must be submitted to the approving official on an OPM Form 71 or within an approved automated timekeeping system. (T-0) The employee is to provide written medical documentation of a serious health condition, signed by the health care provider, no later than 15 workdays after the date requested by the Air Force. The written medical certification must include: (1) the date the serious health condition commenced; (2) the probable duration of the serious health condition, or specify that the serious health condition is a chronic or continuing condition with an unknown duration and 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, including a general statement as to the incapacitation, examination, or treatment that may be required by a health care provider; and (4) a statement that the employee is unable to perform one or more of the essential functions of his or her position or requires medical treatment for a serious health condition, based on written information provided by the Air Force on the essential functions of the employee's position or, if not provided, discussion with the employee about the essential functions of his or her position. This Instruction incorporates the definition of Medical Documentation found in the OPM regulations at 5 CFR 630.1208. An additional written statement must be provided from the health care provider concerning the family member's need for psychological comfort and/or physical care. The statement certifies that the family member requires psychological comfort and/or physical care, the family member would benefit from the employee's care or presence, and the specific length of time the employee is needed to care for the family member. (T-0)

(c) (Added)(AF) **An employee facing a medical emergency who has no accrued leave may receive and use donated annual leave. In addition, an employee who is using donated annual leave on the effective date of new sick leave accrual is required to use all of his or her available sick leave for family care purposes before he or she can continue to use donated annual leave.**

(d) (Added)(AF) **Childbirth and Newborns.** Pregnant employees are entitled to use sick leave, or annual leave/leave without pay under the Family and Medical Leave Act, for prenatal and postnatal medical appointments and any periods of incapacitation as a

result of pregnancy and/or childbirth. Under the Family and Medical Leave Act, a parent may use 12 weeks of sick leave to care for a newborn with a serious health condition. Under the Family and Medical Leave Act, a parent may use annual leave or leave without pay to care for/bond with a healthy newborn, and may use also sick leave for well-baby medical appointments. A newborn is defined as a child under 12 months old.

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

d. (Added)(AF) Requirements for Invoking Family and Medical Leave Act. An employee must invoke his or her entitlement to leave under the Family and Medical Leave Act, subject to proper notification and medical documentation requirements in 5 CFR 630.1206 and 5 CFR 630.1207 (T-0). Supervisors may not force an employee to invoke entitlement to leave under Family and Medical Leave Act involuntarily.

(1) (Added)(AF) Request for leave under the Family and Medical Leave Act must be supported by evidence that meets the administrative requirements of the law, is acceptable to the Air Force, and is consistent with the regulations. If an employee does not comply with the request for sufficient medical documentation, the employee is not entitled to leave under Family and Medical Leave Act. (T-0) Submitted evidence may be routed through the servicing civilian personnel section for review and assistance in determining whether it meets the administrative requirements of the law.

(2) (Added)(AF) If the employee is unable to provide the requested medical documentation before leave begins, or if there is a question about the validity of the original documentation provided by the employee and the medical treatment requires the leave to begin, provisional leave will be granted pending final written medical documentation. (T-0)

(3) (Added)(AF) Except for emergency situations not known in advance, an employee must provide the employing agency 30-days advance notice of intent to use leave under Family and Medical Leave Act, and may not retroactively invoke his or her entitlement. However, if an employee and his/her personal representative are physically or mentally incapable of invoking the employee's entitlement to leave under Family and Medical Leave Act, the employee may retroactively invoke his/her entitlement as soon as practicable, but in no case later than two workdays after returning to work. (T-0)

(4) (Added)(AF) An employee may take up to 12 administrative work weeks of leave under Family and Medical Leave Act as necessary for the circumstances that prompted the need for leave. This leave may be taken intermittently in accordance with the Family and Medical Leave Act. (T-0)

(5) (Added)(AF) If an employee who is in a leave without pay status (even to accompany a military spouse or civilian sponsor) invokes Family and Medical Leave Act, the employee still has the entitlement to Family and Medical Leave Act. Since the agency

allowed the employee to go on leave without pay instead of separating the employee, the employee is still on the rolls of the agency and has the entitlement to Family and Medical Leave Act. (T-0)

e. (Added)(AF) **Effective Date of Family and Medical Leave Act.** The 12-month period begins on the date an employee first takes leave for a family or medical need and continues for 12 months. An employee is not entitled to 12 additional workweeks of leave until the previous 12-month period ends and an event occurs that entitles the employee to another period of leave under the Family and Medical Leave Act. (This may include a continuation of a previous situation.)

f. (Added)(AF) **Covered Employees.** Entitlement to leave under the Family and Medical Leave Act is available to full-time and part-time employees. An employee must have completed 12 months of Federal service (not required to be recent or consecutive if applying for Family and Medical Leave Act under 5 CFR 630.1201(b)(ii)). A total of 12 administrative workweeks is available equally for full-time or part-time employees in direct proportion to the number of hours in the employee's regularly scheduled administrative workweek. The 12 administrative workweeks of leave will be calculated on an hourly basis and will equal 12 times the average number of hours in the employee's regularly scheduled administrative workweek. If the number of hours in an employee's workweek varies from week to week, a weekly average of the hours scheduled over the 12 weeks prior to the date leave begins should be used as the basis for the calculation. (T-0)

g. (Added)(AF) **Protection of Employment and Benefits.** Upon return from leave under Family and Medical Leave Act, the employee must be returned to the same position held when the leave began, or to an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment. An equivalent position is to be in the same commuting area and must have the same or substantially similar duties and responsibilities of the position held when the leave began. If the leave taken is under intermittent circumstances, the employee must be returned to the same position. (T-0)

h. (Added)(AF) **Health Benefits.** While on leave under Family and Medical Leave Act, the employee is entitled to maintain health benefits coverage under the Federal Employees Health Benefit Program. If the employee is on leave without pay under the Family and Medical Leave Act, the employee is responsible for paying the employee share of the health benefits premium.

i. (Added)(AF) **Substitution of Paid Leave.** An employee may choose to substitute annual leave for unpaid leave under the Family and Medical Leave Act. Substitution of paid leave for leave without pay under the Family and Medical Leave Act normally cannot be done retroactively. An employee may also substitute sick leave in those situations in which the use of sick leave is permitted. Advanced annual or sick leave and/or leave made available to an employee under the Voluntary Leave Transfer Program/Voluntary Leave Bank Program may also be available. Only leave received under these two programs may be substituted retroactively.

**j. (Added)(AF) Qualifying Leave for an Exigency.** This provision provides eligible Federal employees up to 12 administrative workweeks of unpaid leave (or paid leave is substituted by the employee) under the Family Medical Leave Act for qualifying exigency purposes during any 12-month period, consistent with 5 CFR 630.1204. This provision helps employees manage family affairs when their family members are on covered active duty. State-side active duty does not qualify for exigency leave, unless in support of a contingency operation.

**(1)(Added)(AF) Qualifying exigencies arise when the spouse, son, daughter, or parent of an employee is on covered active duty in the Armed Forces, or has been notified of an impending call or order to covered active duty status consistent with 5 CFR 630.1204.**

**(2)(Added)(AF) Covered military member means the employee's spouse, son, daughter, or parent on covered active duty or call to covered active duty status. Son or daughter on covered active duty or call to covered active duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age.**

**(3)(Added)(AF) Covered active duty, or call to covered active duty, status means in the case of a member of a regular component of the Armed Forces, duty during the deployment, or preparations for the deployment, of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty).**

**(4)(Added)(AF) Covered active duty, or call to covered active duty, status means in the case of a member of a reserve component of the Armed Forces, duty during the deployment, or preparations for the deployment, of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation pursuant to any of the following sections of 10 USC, or any other provision of law during a war or during a national emergency declared by the President or Congress: Section 688, Section 1230(a), Section 12302, Section 12304, Section 12305, Section 12406, or Chapter 15.**

**(5)(Added)(AF) Requirement to invoke Family and Medical Leave Act for qualifying exigency leave.** Entitlement to leave under the Family and Medical Leave Act requires the employee to invoke the entitlement. An employee's notice of his or her intent to take leave under the qualifying exigency provision may suffice as the employee's confirmation of invocation.

### **I. (Added)(AF) Categories of Qualifying Exigencies.**

**(1)(Added)(AF) Short-notice Deployments.** To address any issue that arises from the fact that a covered military member is notified of an impending call or order to covered active duty seven or fewer calendar days prior to the date of deployment, leave taken for this purpose can be used for a period of up to 7 calendar days beginning on the date a covered military member is notified of an impending call or order to covered active duty.

**(2)(Added)(AF) Military Events and Related Activities.** 1) To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status of a covered military member; and 2) to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of a covered military member.

**(3)(Added)(AF) Childcare and School Activities.** 1) To arrange for alternative childcare when the covered active duty or call to covered active duty status of a covered military member necessitates a change in the existing childcare arrangement for a child; 2) to provide childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the need to provide such care arises from the covered active duty or call to covered active duty status of a covered military member for a child; 3) to enroll in or transfer to a new school or day care facility or a child, when enrollment or transfer is necessitated by the covered active duty or call to covered active duty status of a covered military member; and 4) to attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a child when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of a covered military member.

**(4)(Added)(AF) Financial and Legal Arrangements.** To make or update financial or legal arrangements to address the covered military member's absence while on covered active duty or call to covered active duty status, such as preparing and executing financial and health care powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust; and to act as the covered military member's representative before a Federal, State, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the covered military member is on covered active duty or call to covered active duty status, and for a period of 90 days following the termination of the covered military member's covered active duty status.

**(5)(Added)(AF) Counseling.** To attend counseling for oneself, for the covered military member, or for a child, provided that the need for counseling arises from the covered active duty or call to covered active duty status of a covered military member. In addition to health care providers, counseling may be provided by a military chaplain, pastor, or minister, or counseling offered by the military or a military service organization.

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

**(7)(Added)(AF) Post-deployment Activities.** To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the covered military member's covered active duty status; and to address issues that arise from the death of a covered military member while on covered active duty status, such as meeting and recovering the body of the covered military member and making funeral arrangements.

**(8)(Added)(AF) Additional Activities.** To address other events that arise out of the covered military member's covered active duty or call to covered active duty status, provided that the supervisor agrees that such leave qualifies as an exigency, and to both the timing and duration of such leave.

**(9)(Added)(AF) Leave for a qualifying exigency** may be taken intermittently or on a reduced leave schedule.

**(10)(Added)(AF) Verification of Exigency.** Employee is required to provide a copy of the service member's active duty orders and/or other acceptable documentation to verify the member is on covered active duty or call to covered active status consistent with 5 CFR 630.1204. This documentation need only be provided the first time an employee requests leave because of a qualifying exigency. Documentation may also be requested to validate the events or activities for which leave is requested (E.g. flyers for departure ceremonies, schedule of family briefings, etc.)

## **16. (Added)(AF) DISABLED VETERAN LEAVE**

**a. (Added)(AF) Established by 5 U.S.C. 630.1301,** this leave category is for an eligible employee who is a veteran with a service-connected disability rated at 30 percent or more who is hired on or after November 5, 2016. Applicable employees are entitled to this leave for purposes of undergoing medical treatment for such disability.

**(1)(Added)(AF) Disabled veteran leave** must be used during the 12-month period beginning on the first day of employment (T-0). The first day of employment is defined to mean the later of either the date the employee is first hired or the employee's US Department of Veterans Affairs disability determination date.

**(a) (Added)(AF) The hiring date** is when an employee is hired or the effective date of the employee's qualifying service-connected disability, whichever is later (e.g., the qualifying service-connected disability is effective June 2016 but the individual's hire date is December 1, 2016, the 12-month period begins December 1, 2016 and expires November 30, 2017).

**(b) (Added)(AF) The effective date of the disability determination is the later date if the employee has already been hired (e.g., employee is hired on December 1, 2016 but the employee filed a claim for a disability rating on February 1, 2017 and is approved in June 2017, the 12-month period will be effective February 1, 2017 and will expire on January 31, 2018).**

**(2)(Added)(AF) If an employee's service-connected disability rating is decreased or discontinued during the 12-month eligibility period such that the employee no longer has a qualifying service-connected disability:**

**(a) (Added)(AF) The employee must notify the Civilian Personnel Office of the effective date of the change in the disability rating (T-0), and**

**(b) (Added)(AF) The employee is no longer eligible for disabled veteran leave as of the effective date of the rating change.**

**(3)(Added)(AF) An employee may only use credited disabled veteran leave during the 12-month period beginning on the "first day of employment." An employee will only have one 12-month eligibility period established based upon his or her "first day of employment."**

**(4)(Added)(AF) Disabled veteran leave not used during the 12-month eligibility period is forfeited.**

**(5)(Added)(AF) A lump-sum payment of any unused disabled veteran leave is prohibited. (T-0)**

**(6)(Added)(AF) Former employees of the Federal government who have a break in service of at least 90 calendar days may, upon reappointment, receive the disabled veteran leave if the employee never received the disabled veteran leave entitlement during a previous appointment.**

**b. (Added)(AF) Crediting Disabled Veteran Leave. To be eligible for disabled veteran leave, the employee provides the agency documentation from Veteran's Affairs certifying that the employee has a qualifying service-connected disability. Documentation should be provided to the staffing specialist during the onboarding process or to AFPC as prescribed on the myPers website.**

**(1)(Added)(AF) Disabled veteran leave available to an eligible employee may not exceed 104 hours for a regular full-time employee.**

**(2)(Added)(AF) For employees with a part-time work schedule, the 104 hours is prorated based on the number of hours in the part-time schedule relative to a full-time schedule (e.g., 52 hours for a 20-hour workweek).**



**(3)(Added)(AF) For an employee with an uncommon tour of duty, 104 hours is proportionally increased based on the number of hours in a regular full-time tour (e.g., 187 hours for an employee with a 144 bi-weekly uncommon tour of duty).**

**(4)(Added)(AF) When an employee is converted to a different tour of duty for leave purposes, the employee's leave balance of unused disabled veteran leave must be converted to the proper hours based on the proportion of hours in the new tour of duty compared to the former tour of duty. (T-0)**

**(5)(Added)(AF) The amount of disabled veteran leave initially credited to an employee must be offset by the number of hours of sick leave the employee has credited to their account as of the date of eligibility. For example, a veteran is first hired in a qualifying position as a Federal employee on or after November 5, 2016, and does not have eligibility for disabled veteran leave as of the hire date. Later, the veteran files a claim for Veterans Affairs disability compensation, which is approved, and the effective date of the disability rating is January 2, 2017. The 12-month eligibility period for using disabled veteran leave begins on January 2, 2017. The hours of sick leave to the employee's credit (if any) as of January 2, 2017 would offset the initial crediting of disabled veteran leave hours. If the employee had accrued 20 hours of sick leave before getting an approved VA disability rating, the amount that will be credited to the employee will only be 84 hours.**

**(6)(Added)(AF) An employee returning to civilian duty status after a period of leave for military service will have the disabled veteran leave offset by the previous balance of sick leave. (e.g., a full-time employee returns from military service and has 60 hours of sick leave, the employee is only entitled to 44 hours of disabled veteran leave).**

**c. (Added)(AF) Requesting and Using Disabled Veteran Leave. An employee may use disabled veteran leave for the medical treatment of a qualifying service-connected disability. Medical treatment may include a period of rest, but only if the period of rest is specifically ordered by the employee's health care provider as part of a prescribed course of treatment for the qualifying service-connected disability.**

**(1)(Added)(AF) Requests to use disabled veteran leave are to be submitted in advance unless the need for leave is critical and not foreseeable.**

**(2)(Added)(AF) Requests are to be submitted in the appropriate time and attendance system.**

**(3)(Added)(AF) If requested by the supervisor, the employee is responsible for providing a signed, written medical certification by a health care provider no later than 15 calendar days after the request. The supervisor may allow the employee up to 30 calendar days to provide the requested medical certification if it is not practical within the first 15 calendar days after the request, or the employee is unable to provide the requested documentation through no fault of the employee within the first 15 calendar days after the request. The written medical certification should include the following:**

(a) (Added)(AF) A statement by the health care provider that the medical treatment is for one or more service-connected disabilities that resulted in 30 percent or more disability rating;

(b) (Added)(AF) The date or dates of treatment or, if the treatment extends over several days, the beginning and ending dates of the treatment;

(c) (Added)(AF) If the leave was not requested in advance, a statement that the treatment required was of an urgent nature or there were circumstances that made advanced scheduling not possible; and

(d) (Added)(AF) Any additional information that is essential to verify the employee's eligibility.

(4)(Added)(AF) An employee who does not provide the written medical certification within the specified time period is not entitled to use disabled veteran leave.

## GLOSSARY

### PART I. ABBREVIATIONS AND ACRONYMS

ASD( <i>M&amp;RA</i> )	Assistant Secretary of Defense for <i>Readiness Manpower and Reserve Affairs</i>
DASD(CPP)	Deputy Assistant Secretary of Defense for Civilian Personnel Policy
DoDHRA	Department of Defense Human Resources Activity
PCS	permanent change of station
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

### PART II: DEFINITIONS

These terms and their definitions are for the purposes of this instruction.

brief absence. Authorized time away from duty that is of short duration (e.g. few hours).

Component head. Head of component or installation or activity who has been delegated personnel appointing authority.

excused absence. An administratively authorized absence from duty without loss of pay and without charge to other paid leave.

PCS. The assignment, detail, or transfer of an employee to a different permanent duty station pursuant to a competent travel order that does not specify the duty as temporary, provide for further assignment to a new permanent duty station, or direct return to the old permanent duty station.

Remedy Action Request System. Automated DFAS system Prompt the DFAS to make a changes or corrections to a records.

uncommon tour of duty. An established tour of duty that exceeds 80 hours of work in a biweekly pay period.