

VOLUME 8, CHAPTER 5: “LEAVE AND OTHER ABSENCES”

SUMMARY OF MAJOR CHANGES

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [October 2015](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Reworded, renumbered, and reformatted chapter for clarity; updated references; and added hyperlinks.	Revision
050304.B.4	Added statement that employees who have a negative annual leave balance and transfer agencies will have their negative leave balance transfer with them to their new agency.	Addition
050306.D	Clarified the human resources office identifies annual leave to be restored and notifies the customer service representative.	Revision
050306.F	Clarified types of administrative error for restoring forfeited annual leave.	Revision
050801.A.2.	Clarified maximum leave donation amounts for a leave year for those with no use or lose leave.	Revision
050801.A.2.	Clarified maximum leave donation amounts for a leave year for those with use or lose leave.	Revision
051510.A.3	Clarified that employee’s do not have the right to refuse jury duty fees.	Revision
051802	Added statement that an agency is authorized to pay the expenses of an official or an employee of the United States carrying out an official function as part of a funeral or memorial service.	Addition
052002	Clarified temporary employees who have their appointment extended are not entitled to military leave.	Revision
052003.A.1	Added statement that employees supporting a contingency operation are entitled to 22 workdays of military leave.	Addition
0525	Added section on disabled veteran leave.	Addition

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CHAPTER 5

LEAVE AND OTHER ABSENCES

0501 GENERAL

050101. Purpose

The Office of Personnel Management (OPM) provides government-wide information on Federal leave policies and programs. Each Federal agency is responsible for administering leave policies and programs for its employees. The purpose of this chapter is to provide information on leave policies specific to Department of Defense (DoD) employees as they apply to the various types of leave, including annual leave, sick leave, various forms of family friendly leave, leave sharing, leave under the Family and Medical Leave Act (FMLA), and time off for special circumstances, such as weather emergencies. The type, amount, and nature of leave benefits are dependent on the type and length of employment, military status, and other eligibility requirements.

050102. Authoritative Guidance

Specific statutes, regulations, and other guidance are referenced under each section of this chapter.

0502 GENERAL REQUIREMENTS AND RESPONSIBILITIES

050201. Objectives

Civilian Payroll Offices (PRO) and payroll systems areas are responsible for meeting the following objectives:

- A. Maintaining leave records and balances for each employee as provided in [paragraph 050203](#);
- B. Recording accrued and accumulated leave. Accrued leave is leave earned by an employee during the current leave year that is unused at any given time in that year. Accumulated leave means unused leave remaining to the credit of an employee at the beginning of the leave year;
- C. Reporting all leave taken; and
- D. Reporting accurate data on leave use and accruals in order to simplify the collection of leave related debts and preparation of financial reports.

050202. Maintaining Leave Records

[The](#) PROs must maintain leave records for each employee in order to show:

- A. Rate of accrual for each type of leave,

- B. Hours or days accrued and type of leave used,
- C. Hours or days of leave advanced by leave type, and
- D. Leave balances.

050203. Rate of Leave Accrual

A. Leave Year. The leave year begins on the first day of the first full biweekly pay period in a calendar year. A leave year ends on the day immediately before the first day of the first full biweekly pay period in the following calendar year (or first complete pay period in the following calendar year). See the leave years for 2002 through 2020 at the OPM Fact Sheet, [Leave Year Beginning and Ending Dates](#).

B. System Requirements for Accurate Leave Records. To ensure proper accrual rates, the civilian payroll system must contain accurate information on the type of appointment for each employee and the types of leave hours or days to which the employee is entitled. The PRO must accurately record leave earned for each type of leave using the correct rates effective for the proper times.

C. Reductions in Leave Credits. Reductions in the leave balances are made at the beginning of each leave year for any accumulated leave that exceeds statutory limits. Reductions in leave credits **must** be made in accordance with [Title 5, Code of Federal Regulations \(C.F.R.\), part 630.208](#).

D. Reductions Resulting in a Debit. When a reduction in leave credits results in a debit to an employee's annual leave account at the end of a leave year, the agency **must**:

1. Carry the debit forward as a charge against the annual leave to be earned by the employee in the next leave year; or
2. Require the employee to refund the amount paid him for the period covering the excess leave that resulted in the debit.

E. Recording Leave Credits and Usage. The PRO must post annual and sick leave earned for each pay period to the employee's leave record. The leave record must also reflect all leave used during the same pay period.

F. Prorating the Accrual of Leave. When an employee's service is interrupted by a non-leave-earning period, leave is earned on a pro rata basis for the portion of the pay period that the employee is in a pay status. See [5 C.F.R. 630.204](#). See Table 5-1 for proration of leave.

050204. Approval

To support the time and attendance record, employees must request approval of leave. Supervisors designated to approve leave must document leave used in writing. Documentation for leave used must show the dates, times, and types of leave taken.

050205. Minimum Charge

Heads of DoD Components and their designees have the authority to establish minimum charges for leave as outlined in the Department of Defense Instruction ([DoDI 1400.25-V630](#)). The minimum charge for leave will be 1 hour unless an agency determines a need to establish a minimum charge for leave of less than 1 hour or establishes a different minimal charge through negotiations. In any case, the agency may not charge for leave in increments of less than 6 minutes. See [5 C.F.R. 630.206](#).

0503 ANNUAL LEAVE

050301. General

Annual leave is an approved leave of absence from duty with pay for personal, emergency, or other reasons. An employee may use annual leave for vacations, rest and relaxation, and personal business or emergencies. Annual leave may be used for pregnancy, childbirth and recovery, bonding with or caring for a baby, or for other childcare responsibilities. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken. An employee will receive a lump-sum payment for accumulated and accrued annual leave when he or she separates from Federal service. An employee may also elect to have a lump-sum payment at the time they enter on active duty in the Armed Forces. See [5 C.F.R. 630, subpart C](#) and the OPM Handbook on Leave and Workplace Flexibilities for [Childbirth, Adoption, and Foster Care](#).

A. Creditable Service for Annual Leave Accrual. When a new employee is hired, the hiring agency establishes a Service Computation Date (SCD) at the time of the appointment. The SCD is used to determine the rate that the employee accrues annual leave (4, 6, or 8 hours per pay period for most employees). See subparagraph 050302.B and OPM's [Creditable Service for Leave Accrual](#).

B. Charging Annual Leave Accrued During the Same Pay Period. To ensure the proper documentation of leave, the PRO posts any annual leave earned in a pay period to the employee's record before charging the leave taken during the same pay period.

C. Substituting Annual Leave for Sick Leave. If requested by an employee (and approved by a supervisor), any absence that is otherwise chargeable to sick leave may be charged to annual leave. Retroactively substituting annual leave for sick leave is not authorized except to liquidate advanced sick leave indebtedness. The substitution of annual leave for sick leave may not be made retroactively for the purpose of avoiding a forfeiture of annual leave at the end of the leave year.

D. Scheduling of Annual Leave. Employees and their supervisors are mutually responsible for planning and scheduling the use of employees' annual leave throughout the leave year. Employees should request annual leave in a timely manner, and supervisors should provide timely responses to employees' requests.

050302. Annual Leave Accrual

A. General. Most employees earn leave based on their work schedule, status, and time in service. Paragraph 050302 does not apply to employees who are Senior Executive Service (SES), Senior Level (SL)/Scientific or Professional (ST) employees. See paragraph 050303 for leave accrual for SES, SL/ST employees.

B. Eligibility for Annual Leave. Generally, most employees are eligible to take authorized absences from work using accrued annual leave, subject to the following requirements:

1. Uncommon Tour of Duty. Full-time, part-time, temporary, and employees on uncommon tours of duty are eligible to accrue annual leave. Employees with an uncommon tour of duty accrue leave directly proportional (based on the number of hours in the biweekly tour of duty and the accrual rate of the corresponding leave category) to the standard leave accrual rates for employees who accrue and use leave on the basis of an 80-hour biweekly tour of duty. When an employee is converted to a different tour of duty for leave purposes, his or her leave balances shall be converted to the proper number of hours based on the proportion of hours in the new tour of duty compared to the former tour of duty. See [5 C.F.R. 630.210\(b\)](#).

2. Temporary Employees. Temporary employees with an appointment of less than 90 days are entitled to accrue annual leave only after being employed for a 90-day continuous period under successive appointments with no break in service. After completing the 90-day period of continuous employment, the employee is entitled to be credited with the leave that would have accrued during that period.

3. Intermittent and Seasonal Employees. Employees without an established scheduled tour of duty during the administrative workweek are not eligible to accrue annual leave. See [5 C.F.R. 340, subpart D](#).

C. Accrual Rates. Employees must be employed for the full pay period to accrue leave for that pay period. An employee is considered to be employed for a full pay period if they are employed during the days falling within that period, exclusive of holidays and non-workdays established by Federal statute, Executive Order, or administrative order. See [Title 5, United States Code \(U.S.C.\), section 6302\(b\)](#). The amount of annual leave earned is based on the length of Federal service, including creditable military service or service credit for prior non-Federal service under [5 U.S.C. § 6303\(e\)](#). Leave for full-time employees is earned as follows (see Table 5-1):

1. Full-time employees with less than 3 years of service earn 4 hours of annual leave per pay period or a total of 13 days per year.

2. Full-time employees with over 3 years, but less than 15 years of service, earn 6 hours per pay period or a total of 20 days per year. These employees earn an additional 4 hours in the last full pay period of the calendar year.

3. Full-time employees with 15 or more years of service earn 8 hours per pay period or a total of 26 days per year.

D. Nonpay Status and Annual Leave Accrual. The accumulation of nonpay status hours during the leave year may affect the accrual of annual leave. Each time the number of hours in a nonpay status in a full-time employee's leave year equals the number of base pay hours in a pay period, the civilian payroll system reduces leave credits by the amount of leave the employee earned during the pay period. When an employee's accumulated nonpay hours do not require a reduction of leave credits, the civilian payroll system drops the nonpay hours at the end of the employee's leave year. Annual leave does not accrue for employees who are in a nonpay status and who are receiving compensation from the Office of Workers' Compensation Program (OWCP). Therefore, for such employees, no reduction in leave credits is required. See 5 C.F.R. 630.208.

E. Part-Time Employee Annual Leave Accrual

1. Under 5 C.F.R. 630.303, part-time employees with regularly scheduled tours of duty earn annual leave on a pro rata basis for the time they are in a pay status. Leave is earned as follows:

a. Part-time employees with less than 3 years of service earn 1 hour of annual leave for each 20 hours in a pay status.

b. Part-time employees with 3 years but less than 15 years of service earn 1 hour of annual leave for each 13 hours in a pay status.

c. Part-time employees with 15 or more years of service earn 1 hour of annual leave for each 10 hours in a pay status.

2. Hours in a pay status that exceed the activity's basic work hours in a pay period (normally 80 hours) are disregarded when computing the leave earnings for part-time employees. See [5 C.F.R. 630.202\(b\)](#).

3. Part-time employees may carry forward from one pay period to the next those excess hours that are not evenly divisible by 10, 13, or 20 hours; as applicable, the PRO must add these hours to the next pay period work hours for leave accrual.

4. Part-time employees who work concurrently in two part-time Federal positions may earn annual leave on the same pro rata basis for the hours worked in each part-time position. Only the leave earned in the given part-time position may be used for absences from that position.

F. Uncommon Tours of Duty and Annual Leave Accrual. An uncommon tour

of duty means an established tour of duty that exceeds 80 hours of work in a pay period. See [5 C.F.R. 630.201](#). Employees working uncommon tours of duty accrue leave in direct proportion to the standard leave rates for employees who accrue and use leave based on an 80-hour biweekly tour of duty. See [5 C.F.R. 630.210\(a\)](#). See the Application of the Directionally Proportional Table in DoDI 1400.25-V630 to determine the appropriate amount of leave to credit an employee working an uncommon tour of duty. For employees on uncommon tours of duty, 1 hour of leave is charged for each hour of absence from the uncommon tour of duty.

050303. Annual Leave Accrual Rates for SES, SL/ST, or Defense Intelligence Senior Level (DISL) Employees

A. General. [Section 202\(b\) of the Federal Workforce Flexibility Act of 2004](#), effective October 30, 2004, provides a higher annual leave accrual rate of 1 full day (8 hours) per pay period, without regard to the length of service with the Federal Government. This act affects members of the SES ([5 U.S.C. § 5383](#)), SL and ST positions ([5 U.S.C. § 5376](#)), and DISL employees ([10 U.S.C. § 1607\(a\)](#)), hereinafter SES members. See [5 U.S.C. § 6303\(f\)](#) and [5 C.F.R. 630.301](#).

B. OPM Approval of Additional Categories of Employees. The head of an agency may request that OPM authorize an annual leave accrual rate of 1 full day (8 hours) for each pay period for additional categories of employees covered by [5 U.S.C. § 6301](#). The positions must be determined by OPM to be equivalent to positions subject to the pay systems under 5 U.S.C. § 5383 or 5376. Such requests must include an explanation of the rationale for considering the affected pay system to be equivalent to the SES member pay system. See [5 C.F.R. 630.301\(b\)](#). Once OPM approves an agency's request to cover additional categories of employees, the higher annual leave accrual rate will become effective for the pay period that OPM approves the agency's request. Agencies must credit annual leave at the 8-hour accrual rate for affected employees employed for the full pay period.

C. SES Members Who Change Positions

1. Revising Accrual Rates. SES members who move to a position not covered by the higher annual leave accrual rate will no longer be entitled to the higher rate. Upon movement to a non-covered position, an SES member's annual leave accrual rate must be determined based on his or her years of creditable service, as provided in [5 U.S.C. § 6303\(a\)](#) and [5 C.F.R. 630.301\(d\)](#).

2. Crediting Accumulated Annual Leave. An SES member moving from a position not covered by the higher annual leave accrual rate to a new position that is covered by the higher accrual rate retains any annual leave accumulated prior to the move and the leave remains to the employee's credit. See 5 C.F.R. 630.301(f).

a. Forfeited Leave. Annual leave accumulated before an employee moves to a position covered by the higher annual leave accrual rate that exceeds the amount allowed under [5 U.S.C. § 6304\(a\) or \(b\)](#), and that is not used by the beginning of the first full pay period in the next leave year, is subject to forfeiture under [5 U.S.C. § 6304\(c\)](#).

b. Special Circumstances. If an employee serves less than a full pay period in a position covered by the higher annual leave accrual rate, then the annual leave accrued for that portion of the pay period will be subject to the 720 hour (90 day) limitation on accumulation of annual leave. Annual leave accrued during the remainder of the pay period that the employee was not covered by the higher annual leave accrual rate is subject to the limitations under 5 U.S.C. § 6304 (a), (b), and (c), as appropriate.

D. Presidential Appointees. Executive Schedule employees appointed by the President do not accrue leave, and therefore, an absence from work is not charged as leave. See 5 U.S.C. § 6301(2)(x) and [5 C.F.R. 630.211](#).

1. Lump-Sum Payments of Accrued Annual Leave for Presidential Appointees. A current Federal employee who receives a Presidential appointment is not entitled to a lump-sum payment for his or her unused annual leave. See [5 C.F.R. 550.1203\(e\)](#) and Chapter 3, section 0307. Maintain the unused annual leave credit on the employee's record in the event the employee is reemployed in a position covered by the Federal leave system. However, if the employee separates from Federal service while under a Presidential appointment, the employee will receive a lump-sum payment for unused annual leave based on the rate of pay in effect for the position the employee held immediately before the employee accepted the appointment. See [5 U.S.C. § 5551\(b\)](#).

2. Exceptions for Certain SES Career Appointees. An SES career appointee appointed at a rate of basic pay equal to or greater than the rate payable for Level V of the Executive Schedule may elect to retain certain SES benefits, including annual and sick leave accrual, upon accepting the Presidential appointment. If the appointee elects to continue their leave benefits, then the liquidation of leave by lump-sum payment would not apply. See [5 U.S.C. § 3392\(c\)](#), 5 C.F.R. 550.1203(e), and [5 C.F.R. 317.801](#).

*050304. Advanced Annual Leave

A. General. Under [5 U.S.C. § 6302\(d\)](#), annual leave may be advanced to an employee in the amount not to exceed the total amount the employee would accrue within the leave year. A supervisor must have reasonable assurance the employee will be in a duty status long enough to earn the advanced leave. Leave **must** not be advanced to an employee when it is known or expected that the employee will not return to duty, such as when the employee has applied for disability retirement. Annual leave should be advanced to the maximum extent practicable for purposes related to pregnancy and childbirth.

B. Refunding Advanced Annual Leave

1. General. Advanced leave is liquidated with any subsequently earned annual leave. An employee who separates from Federal service must refund the amount of the advanced leave, or the agency may deduct the amount from any pay due the employee. See [5 C.F.R. 630.209\(a\)](#).

2. Exceptions. An employee who dies or retires for a disability is not

required to refund the amount of advanced leave due. An employee who has been determined by the employing office as having separated or resigned because of a disability is not required to refund the amount of advanced leave. However, medical evidence may be required by the employing office in order to determine if the disability prevents his or her return to duty or continued service. See [5 C.F.R. 630.209\(b\)](#).

3. Military Service. An employee who enters active military service with a right to restoration is not considered separated and is not required to refund the advanced annual leave when entering military service. The employee must liquidate the advanced annual leave after the employee returns to duty or refund the advanced leave if the employee is separated from Federal service. See 5 C.F.R. 630.209(a).

* 4. Transfers to Another Federal Agency. If an employee has been indebted for advanced annual leave and transfers to another Federal agency without a break in service, the losing agency must certify the annual leave account to the new agency for charge. An employee is not required to refund the advanced annual leave in order to achieve a zero balance before the time of transfer. In such cases, a negative annual leave balance will transfer with the employee to the employee's new agency. See [5 C.F.R. 630.501](#) and the OPM Fact Sheet, [Advanced Annual Leave](#).

050305. Annual Leave Ceilings

A. General. Under [5 U.S.C. § 6304](#), Federal employees are subject to a limit, or annual leave ceiling, on the maximum amount of annual leave that may be carried forward into the next leave year. Most employees may carry 240 hours (30 days) of annual leave from one year to the next. See 5 C.F.R. 630.302.

B. “Use or Lose” Annual Leave. “Use or lose” annual leave is the amount of leave in excess of the employee's annual leave ceiling. The employee forfeits excess leave not used by the final day of the leave year. Forfeited annual leave may be restored under certain circumstances. See paragraph 050306. “Use or lose” annual leave must be scheduled in writing before the start of the third pay period prior to the end of the leave year. The employee forfeits any annual leave not scheduled by that date and not used by the final day of the leave year.

C. Thirty-Day Annual Leave Ceiling for Federal Employees Stationed Within the United States. The maximum carried forward from one leave year to another is usually 240 hours (30 days). See paragraph 050306 regarding annual leave carryover for DoD employees who are employed at installations that are facing planned base closures. See 5 U.S.C. § 6304.

D. Forty-Five Day Annual Leave Ceiling for Federal Employees Assigned Outside of the Continental United States (OCONUS)

1. Forty-Five Day Limit and Effective Date. Employees stationed **OCONUS**, who meet the conditions for eligibility established by 5 U.S.C. § 6304(b) and 5 C.F.R. 630.302, may carry forward a maximum of 360 hours (45 days). The effective date that an employee becomes subject to 5 U.S.C. § 6304(b) is the:

- a. Date of entry on duty when employed locally,
- b. Date of arrival at a post of regular assignment for duty, or
- c. Date on which the employee begins to perform duty in an area **OCONUS** when the employee is required to perform duty en route to his post of regular assignment for duty.

2. Returning From OCONUS Assignment. Employees returning from an OCONUS assignment may carry forward the balance of leave to their credit at the end of the pay period, including the date the employee departs for reassignment. If detailed to another OCONUS assignment, the date they cease to perform duty at the detailed post is considered the date of departure for reassignment. Annual leave in excess of 240 hours that was accumulated under 5 U.S.C. § 6304(b), by an employee who becomes subject to the 240-hour maximum carry forward, remains to the credit of the employee until used. Excess annual leave at the beginning of the first full pay period occurring in a leave year is reduced by the amount of annual leave the employee used during the preceding year that is in excess of the amount that accrued during that year. This process continues until the employee's accumulated leave does not exceed 240 hours.

E. Annual Leave Ceiling for Part-Time Employees. Part-time employees may not carry forward more than 240 hours of annual leave if serving in the **United States** or 360 hours of annual leave if serving **OCONUS**. See 5 C.F.R. 630.304.

F. Ninety-Day Annual Leave Ceiling for SES Members

1. General. Under 5 U.S.C. § 6304(f), the annual leave ceiling for SES members is 720 hours (90 days). Unused annual leave accrued by SES members must accumulate for use in subsequent years until the leave totals not more than 720 hours at the beginning of the first full pay period, or corresponding period for an employee whose pay is not based on a pay period, occurring in a calendar year. See 5 C.F.R. 630.301(e).

2. Personal Leave Ceiling for SES Members. There is a 90-day (720-hour) maximum limitation on the amount of annual leave that an SES member may carry forward from one leave year to the next. The 720-hour limit became effective October 13, 1994, under Public Law 103-56. Prior to **this date**, there was no limit. Effective October 13, 1994, any SES member who had accumulated annual leave that exceeded 720 hours was permitted to carry the balance forward as a personal leave ceiling. See 5 C.F.R. 630.301(h).

a. The amount of annual leave credited to an SES member's personal leave ceiling will be based on the amount of annual leave accumulated by the employee as of the end of the pay period preceding the first applicable pay period beginning after October 13, 1994.

b. The PRO prorates annual leave accrued for any pay period during which only a portion the employee served under an appointment to the SES.

c. The personal leave ceiling is reduced by the number of hours used in excess of the number of hours earned during the previous year.

d. When the personal leave ceiling falls below 720 hours, the PRO eliminates the personal ceiling, and the SES member becomes subject to the regular 720-hour limit. See 5 C.F.R. 630.301(h).

3. Changing Positions

a. Partial Pay Periods. If an employee serves less than a full pay period in an SES appointment, only that portion of accrued annual leave that is earned while serving in that position must be subject to the 720-hour limitation. Annual leave accrued during the remainder of the pay period is subject to the limitations in 5 U.S.C. § 6304(a), (b), and (c), as appropriate. See 5 C.F.R. 630.301(f)(2).

b. Moving to an SES Appointment. If an employee moves from a non-SES appointment to an SES appointment, any annual leave accumulated in the non-SES position that exceeds the amount allowed for that position under 5 U.S.C. § 6304(a), (b), and (c) that is not used by the beginning of the first full pay period in the next leave year is subject to forfeiture. See 5 U.S.C. § 6304(c) and 5 C.F.R. 630.301(f)(1). Although an employee serving in an SES position may not accumulate credit hours, credit hours earned in a prior non-SES appointment may remain in the employee's account for use.

c. Moving From an SES Appointment. When the SES member moves to a non-SES position, any annual leave accumulated while serving in the SES position that is in excess of the amount allowed for the non-SES position under 5 U.S.C. § 6304(a), (b), and (c) remains to the employee's credit. Any excess annual leave must be subject to reduction as described under 5 U.S.C. § 6304(c) and 5 C.F.R. 630.301(g).

*050306. Restoring Forfeited Annual Leave

A. General. Agencies may restore annual leave that was forfeited [due to being](#) in excess of the maximum leave ceilings (e.g., 30, 45, or 90 days) if the leave was forfeited because of administrative error, exigency of the public business, or sickness of the employee.

1. The agency makes the determination as to what constitutes an administrative error.

2. Exigency of the public business means there is an urgent need for the employee to be at work such that excess annual leave cannot be used. An employee's use of earned compensatory time off or credit hours does not constitute an exigency of the public business. If the use of earned compensatory time off or credit hours that are about to expire results in the forfeiture of excess annual leave, the forfeited leave may not be restored.

3. An employee's sickness or injury must occur late in the leave year or be of such duration that it prevented the scheduling of the excess annual leave before the end of the leave year. See the OPM Fact Sheet, [Restoration of Annual Leave](#).

B. Requirements for Restoring Annual Leave. One of the following requirements must be met before consideration for restoration of forfeited leave:

1. An agency may consider for restoration annual leave that was forfeited due to an exigency of the public business or sickness of the employee only if the annual leave was scheduled in writing before the start of the third pay period prior to the end of the leave year; and

2. If restoration is based on exigency of the public business, the determination that an exigency is of major importance and that annual leave may not be used must be made by the head of an activity no lower than a major field headquarters or major field installation. See 5 C.F.R. 630.305.

C. Time Limit for Using Restored Annual Leave

1. General. Under 5 C.F.R. 630.306, and except as otherwise authorized by regulation, annual leave restored under 5 U.S.C. § 6304(d) must be scheduled and used not later than the end of the leave year ending 2 years after:

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

b. The date fixed by the agency head, or his or her designated official, as the termination date of the exigency of the public business that resulted in forfeiture of the annual leave; or

c. The date the employee is determined to be recovered and able to return to duty if the leave is forfeited because of sickness or injury.

2. Time Limits for SES Members. To avoid forfeiture of restored leave, the time limit established under 5 C.F.R. 630.306 must be met. The time limit is not changed when the employee receives an SES appointment.

3. Extended Exigency of the Public Business. For an extended exigency of the public business, the time period for use of restored leave is 2 years for each calendar year, or part thereof, during which the exigency existed. This time period starts at the beginning of the leave

year following the leave year in which the exigency is declared to be ended. [Under 5 C.F.R. 630.309](#), an extended exigency is one that threatens the national security, safety, or welfare; lasts more than 3 calendar years; affects a segment of an agency or occupational class; and precludes subsequent use of both restored and accrued annual leave within the time limit specified in 5 C.F.R. 630.306.

4. National Emergency by Reason of Certain Terrorist Attacks. On March 4, 2002, OPM issued final regulations that permit "use or lose" annual leave to be restored to employees whose services are determined to be necessary for the current national emergency. Such employees are entitled to have their excess annual leave restored without the administrative burden of scheduling and canceling such leave. In addition, the time limitations for using restored annual leave are suspended for the entire period during which employees' services are determined to be essential for activities associated with the national emergency. A new time limit for using all restored leave available to the employee will be established at the end of the national emergency, or when the services of the employee no longer are determined to be necessary. See 5 C.F.R. 630.311.

* D. Separate Leave Account for Restored Annual Leave. The payroll system must maintain separate restored leave accounts for each calendar year. [The HRO identifies the reason for restoration as well as the category of leave being restored. The HRO then provides the information to the CSR in writing.](#) Credit restored annual leave to a separate leave account identifying the date of restoration, the date of forfeiture, the amount credited for use, the amount of usage, and the unused balance. Restored annual leave is not included in, and does not increase, the maximum annual leave carryover for an employee. See 5 U.S.C. § 6304(d)(2).

E. Time and Attendance Reports. Timekeeping instructions in Chapter 2 specify the method used to identify the leave account to be charged.

* F. Forfeiture of Restored Annual Leave. [If restored leave is unused by the employee at the expiration of the time limitation, the leave is forfeited with no further right to restoration. This is the case even if the employee's failure to use the leave was due to an agency error. Administrative error may not serve as the basis to extend the time limit in which to use the restored leave. Administrative error includes failing to establish a separate leave account, failing to fix the date for the expiration of the time limit, or failing to properly advise the employee regarding the rules for using the restored annual leave.](#)

G. Lump-Sum Payment. Upon separation, the PRO will pay employees entitled to lump-sum payment for their unused restored annual leave, excluding forfeited leave. If the leave is forfeited because of an administrative error, the employee must file a claim within 3 years of the discovery of the administrative error leading to the forfeiture. See 5 U.S.C. § 6304(e). Employees entering active duty in the Armed Forces may elect to have leave remain to their credit until their return from active duty. See [5 U.S.C. § 5552](#) and Chapter 3, [section 0307](#).

H. Restored Annual Leave Resulting from Correction of Unjustified or Unwarranted Personnel Action Under the Back Pay Act. Annual leave that is restored to an employee resulting from the correction of an unjustified or unwarranted personnel action in excess of the maximum leave accumulation authorized by law must be credited to a separate leave account

for use by the employee. See [5 C.F.R. 550.805\(g\)](#). The restored leave, also referred to as reinstated leave, must be scheduled and used as provided in [subparagraphs 050306.H.1 and 050306.H.2](#). Any unused restored leave, also referred to as reinstated leave, will be forfeited if not used within the prescribed timeframe. See [5 U.S.C. § 5596\(b\)\(1\)\(B\)](#). The restored leave must be scheduled and used as follows:

1. **Full-Time Employees.** Excess annual leave of 416 hours or less must be scheduled and used by the end of the leave year ending 2 years after the date on which the leave is credited to the separate account. This period is extended by 1 leave year for each additional 208 hours of excess annual leave or any portion thereof. See [Table 5-2](#).

2. **Part-Time Employees.** These employees must schedule and use excess annual leave in an amount equal to or less than 20 percent of the employee's scheduled tour of duty over a period of 52 calendar weeks by the end of the leave year ending 2 years after the date that the annual leave credits to the separate account. This period is extended by one leave year for each additional number of hours of excess annual leave, or any portion thereof, equal to 10 percent of the scheduled tour of duty over a period of 52 calendar weeks. See [Table 5-2](#).

- I. **Base Realignment and Closure (BRAC) Restored Leave.** In accordance with [5 U.S.C. § 6304\(d\)\(3\)](#), employees assigned to DoD activities designated by the BRAC Commission for closure or realignment, deemed to create an exigency of the public business, are entitled to have forfeited annual leave restored. The PRO will restore leave in excess of the statutory maximum (normally 240 hours) and place in a separate leave account. There is no requirement for an employee to use restored leave prior to using other available annual leave. Lump-sum payment of annual leave in a BRAC restored leave account is required under certain situations. Under [5 U.S.C. § 5551\(c\)](#), lump-sum payments are made to eligible DoD employees upon their being assigned to a position in any other Federal agency or department outside the DoD, or to any DoD position at an installation that is not being closed or realigned. If it is determined that the required lump-sum payment was not processed at the time of transfer, then see [DoDI 1400.25-V1705](#) for additional information on liquidating leave and computing any interest due.

050307. Lump-Sum Payments of Annual Leave Upon Retirement or Separation.

Lump-sum payments for unused annual leave are generally payable when an employee separates from Federal service, dies, or transfers to a position under a different leave system. Employees who enter active duty in the Armed Forces are entitled to elect to have their leave remain to their credit until they return from active duty. See [5 U.S.C. §§ 5551](#), 5552, and [6306](#); and [5 C.F.R. 550, subpart L](#). For details on requirements regarding lump-sum payments for accumulated and accrued annual leave, see [Chapter 3, section 0307](#).

0504 SICK LEAVE

050401. General

Under [5 U.S.C. § 6307](#) and [5 C.F.R. 630, subparts B and D](#), sick leave is authorized for personal medical needs, care of a family member, care of a family member with a serious health condition, adoption-related purposes, and bereavement. See [paragraph 050404](#) for authorized uses for sick leave.

A. Expanded Family and Medical Leave Policies. The Federal Employees Family Friendly Leave Act, October 22, 1994, expanded the use of accrued sick leave for family care or bereavement purposes. See [subparagraph 050404.B](#). In addition, employees may be entitled to unpaid leave under FMLA to care for a family member or covered Service member. See [section 0505](#). There is no certain order for using various family friendly leave policies. See [Table 5-3](#) for information on leave flexibilities available to care for a family member or a covered Service member. See [section 0506](#) for information on leave flexibilities for childbirth, adoption, and foster care.

B. Substituting Sick Leave for Annual Leave. Employees may substitute sick leave for annual leave if they become ill during a period of annual leave. See [5 C.F.R. 630.406](#).

C. Charging Sick Leave. The PRO posts earned sick leave to an employee's record each pay period before any sick leave taken in that period is charged against the employee's sick leave balance.

050402. Sick Leave Accrual

A. General. Full-time employees earn 4 hours of sick leave for each full pay period. Other employees accrue sick leave at [different](#) rates [as follows](#):

1. Uncommon Tours of Duty. Employees working uncommon tours of duty accrue leave in direct proportion to the standard leave rates for employees who accrue leave based on an 80-hour biweekly tour of duty. See [5 C.F.R. 630.210\(a\)](#). To determine the appropriate amount of sick leave to credit an employee working an uncommon tour of duty, see the Application of the Directionally Proportional Table in DoDI 1400.25-V630. For example, employees on uncommon tours of duty accrue 7 hours and 12 minutes of sick leave per pay period for a 72-hour workweek and 5 hours and 36 minutes of sick leave per pay period for a 56-hour workweek.

2. Part-Time Employees. Part-time employees earn 1 hour of sick leave for each 20 hours in a pay status. Part-time employees may not earn more than 4 hours of sick leave for 80 hours in a pay status during any pay period.

3. Other Employees. SES members and SL/ST employees earn sick leave at the same rate as non-SES employees. Employees without a regularly scheduled tour of duty do not earn sick leave.

B. Nonpay Status and Sick Leave Accrual. The accumulation of nonpay status hours during the leave year may affect the accrual of sick leave. Each time the number of hours in a nonpay status in a full-time employee's leave year equals the number of base pay hours in a pay period, the civilian payroll system reduces the employee's credits for sick leave by an amount equal to the amount of sick leave the employee earns during the pay period. When the employee's accumulated nonpay hours do not require a reduction of leave credits, the civilian payroll system drops the nonpay hours at the end of the employee's leave year. An employee in a nonpay status due to receiving compensation from the OWCP, or in a nonpay status due to absence while in [Uniformed Service](#), does not accrue sick leave and a reduction in leave credits is not required. See 5 C.F.R. 630.208.

C. Limitation on Sick Leave Accrual. [An employee may accumulate an unlimited](#) amount of sick leave. See 5 U.S.C. § 6307.

D. Presidential Appointees. Executive Schedule employees appointed by the President do not accrue leave. See 5 U.S.C. § 6301(2)(x) and 5 C.F.R. 630.211. When an employee moves to an appointment under the Executive Schedule, the PRO certifies the employee's sick leave balance on a [Standard Form \(SF\) 1150](#), Record of Leave Data. The SF 1150 is sent to the [Human Resources Office](#) for retention in the Official Personnel Folder in the event the employee is reemployed in a leave accruing position or separated from the Executive Schedule position. SES Members appointed at a rate of basic pay equal to or greater than the rate payable for Level V of the Executive Schedule may elect to retain certain SES benefits, including annual and sick leave accrual. See 5 C.F.R. 317.801.

050403. Recrediting Sick Leave After Transfer or Break in Service

A. Transferring Employees. When an employee transfers to a different Federal agency using the same leave system under 5 U.S.C., Chapter 63, the losing agency must certify the employee's sick leave account to the gaining agency for credit or charge. If the employee is transferred to an agency operating under a different leave system, see [5 U.S.C. § 6308](#) and [5 C.F.R. 630.502](#).

B. Recredit After a Break in Service. Prior to 1994, regulations provided that an employee was entitled to a recredit of sick leave only if he or she was reemployed in another Federal position within 3 years after separation. On December 2, 1994, the 3-year break in service limitation on the recredit of sick leave for former employees was removed for those who were reemployed on or after December 2, 1994. Sick leave may not be recredited to employees who were reemployed in the Federal service before December 2, 1994, and who previously forfeited sick leave under the former rule. Therefore, under 5 C.F.R. 630.502, an employee who has a break in service and returns to work for the Federal Government on or after December 2, 1994 is entitled to the recredit of sick leave, regardless of the length of the break in service, unless:

1. The employee was reemployed in the Federal Government before December 2, 1994 and the employee forfeited the sick leave under the previous regulation; or

2. For reemployed annuitants, the sick leave was used in the

computation of an annuity for the employee. See 5 C.F.R. 630.407.

050404. Authorized Uses for Sick Leave

A. Granting Sick Leave. Pursuant to 5 C.F.R. 630.401, an agency must grant sick leave to an employee when the employee:

1. Is unable to perform duties because of physical or mental illness, injury, pregnancy, or childbirth;
2. Is receiving medical, dental, or optical examination or treatment;
3. Must provide care for a family member:
 - a. Who is incapacitated by a medical or mental condition, or attends to a family member receiving medical, dental, or optical examination or treatment;
 - b. With a serious health condition; or
 - c. Who would jeopardize the health of others by that family member's presence in the community because of exposure to a communicable disease (as determined by the health authorities having jurisdiction or by a health care provider);
4. Must make arrangements due to a death in the family or attend the funeral of a family member;
5. Would jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease; or
6. Must be absent from duty for purposes relating to the adoption of a child.

B. Using Accrued Sick Leave to Care for Family Members

1. General. An employee is entitled to use accrued sick leave to care for a family member. A family member includes spouse, parents, parents-in-law, children, siblings, grandparents, and other family members as defined under 5 C.F.R. 630.201. An employee may be requested to document their relationship with the family member. An employee must request advanced approval for sick leave, to the extent possible, for caring for a family member, making arrangements necessitated by the death of a family member, attending the funeral of a family member, or for absence related to the adoption of a child. See 5 C.F.R. 630.404. In addition to using paid sick leave to care for a family member, an employee may be entitled to unpaid leave under the FMLA. See Table 5-3.

2. Limits Per Year

a. General Care of Family Member and/or Bereavement. A covered full-time employee may use a total of up to 104 hours (13 days) of accrued sick leave each year for general family care or for bereavement. For part-time employees and employees with an uncommon tour of duty, the amount of sick leave permitted for family care and bereavement purposes is the number of hours of sick leave the employee normally accrues during the leave year. See 5 C.F.R. 630.401(b).

b. Care of a Family Member With a Serious Health Condition. Most Federal employees may use a total of up to 480 hours (12 administrative workweeks) of accrued sick leave each leave year to care for a family member with a serious health condition. A serious health condition includes cancer, stroke, severe injuries, Alzheimer's disease, pregnancy, and other conditions as defined under 5 C.F.R. 630.1202. An employee is entitled to a total of 12 weeks of sick leave each year for all family care purposes. See 5 C.F.R. 630.401(c) and (d).

(1) For a part-time employee or an employee with an uncommon tour of duty, the amount of sick leave is equal to 12 times the average number of hours in the employee's scheduled tour of duty each week.

(2) For an employee who has previously used any portion of the 13 days of sick leave for family care or bereavement purposes in a leave year, the PRO must subtract that amount from the 12-week entitlement.

(3) For an employee who has already used 12 weeks of sick leave to care for a family member with a serious health condition, the employee cannot use an additional 13 days in the same leave year for general family care purposes.

C. Sick Leave for Adoption. An employee may use accrued sick leave for purposes related to the adoption of a child including appointments with adoption agencies, social workers, attorneys, court proceedings, required travel, and any other activities necessary to allow the adoption to proceed. This includes the time the employee is ordered by a court, or required by the adoption agency, to take time off from work to care for the child. There is no limit on the amount of sick leave that may be used for adoption-related purposes. The sick leave for adoption-related purposes does not count toward the 104-hour limit of sick leave for family care and bereavement purposes, or the overall limit of 12 weeks of sick leave for all family care purposes. The agency may advance up to 240 hours (30 days) of sick leave for adoption-related purposes. See 5 C.F.R. 630.401 and section 0505 regarding FMLA leave for adoption-related purposes.

D. Sick Leave for Exposure to a Communicable Disease. An employee is authorized to use accrued sick leave if health authorities or a health care provider determines that the employee's presence on the job would jeopardize the health of others because of exposure to a communicable disease. An employee may also use sick leave to care for a family member who has been similarly exposed. The agency determination as to what constitutes a communicable disease is based on guidance issued by the Center for Disease Control (CDC). The Secretary of Health and Human Services publishes a list of communicable diseases for which Federal isolation

and quarantine are authorized. The communicable diseases currently listed include, but are not limited to cholera, diphtheria, infectious tuberculosis, plague, smallpox, Severe Acute Respiratory Syndrome and influenza [viruses](#) that cause or have the potential to cause a pandemic. The current list of communicable diseases is available on the CDC website for use in the authorization of this type of sick leave. See 5 C.F.R. 630.401.

050405. Advanced Sick Leave

A. General. In cases of serious disability or illness, employees may be advanced sick leave. Before granting advanced sick leave, the approving authority must consider whether the employee expects to return to duty, the need for the employee's services, and the benefits to the agency of retaining the employee. Advanced sick leave is not available to an employee when it is known, or reasonably expected, that the employee will not return to duty. For example, advanced sick leave is not appropriate if the employee has applied for disability retirement. Advanced sick leave may be granted regardless of an employee's annual leave balance. Employees should submit requests in writing for advanced sick leave to the approving official. Employees must liquidate the advanced sick leave indebtedness as discussed in [subparagraph 050405.C](#). See 5 C.F.R. 630.402.

B. Limitations. The maximum amount of advanced sick leave a full-time employee may have to their credit at any one time is 240 hours (30 days). Prorate the amount of advanced sick leave for part-time employees and employees on uncommon tours of duty based on the number of hours in the employee's biweekly work schedule. An agency may grant advanced sick leave in the amount of:

1. Up to 240 hours (30 days) to a full-time employee for the following reasons pursuant to 5 C.F.R. 630.402(a)(1):

- a. The employee is unable to perform work duties due to incapacitation by physical or mental illness, injury, pregnancy, or childbirth;
- b. The employee or a family member has a serious health condition;
- c. The employee's presence on the job would jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease;
- d. [The employee](#) adopts a child; or
- e. [The employee](#) cares for a covered [Service member](#) with a serious injury or illness, provided the employee is exercising his or her entitlement to FMLA leave to care for the covered [Service member](#); or

2. Up to 104 hours (13 days) to a full-time employee for the following reasons (5 C.F.R. 630.402(a)(2)):

- a. To receive medical, dental, or optical examinations or

treatment;

b. To provide care for a family member incapacitated by a medical or mental condition, or to attend to a family member receiving medical, dental, or optical examination or treatment;

c. To provide care for a family member who would jeopardize the health of others by their presence in the community because of exposure to a communicable disease; or

d. To make arrangements necessitated by the death of a family member or attend the funeral of a family member.

C. Liquidating Advanced Sick Leave Indebtedness

1. General. Advanced sick leave indebtedness is liquidated by subsequently earned sick leave, by charges against annual leave, or by a refund upon separation. An employee who is a participant in the agency's Voluntary Leave Transfer Program (VLTP) or Voluntary Leave Bank Program (VLBP) may liquidate the advanced sick leave by substituting donated annual leave for sick leave that was advanced on or after the date of the medical emergency. See 5 C.F.R. 630.906. The agency may also allow an employee to refund advanced sick leave in cash, at the pay rate in effect at the time the employee used the advanced sick leave.

2. Transferring Employees. If an employee with a debt for advanced sick leave transfers to another Federal agency without a break in service, the losing agency must certify the employee's sick leave account to the receiving agency for charge. An employee is not required to refund the advanced sick leave in order to achieve a zero balance before transfer. A negative sick leave balance transfers to the gaining agency. See Chapter 9, [section 0903](#) for instructions on preparing the SF 1150 to transfer sick leave balances.

3. Separated Employees. If an employee indebted for advanced sick leave separates from Federal service, the employee must refund the amount of advanced sick leave, or the agency may deduct the amount from any pay due the employee upon separation. If the employee dies, retires for disability, or separates or resigns because of disability as determined by the agency, the repayment requirement does not apply. An employee who enters active military service with a right of restoration is not considered separated for refund purposes, and advanced sick leave should be liquidated either after the employee returns to duty or is separated from Federal service. See 5 C.F.R. 630.209.

050406. Unused Sick Leave Upon Separation

Employees are not paid for unused sick leave upon separation. Unused sick leave is used in the calculation of an employee or survivor's annuity based on retirement with an immediate annuity or a death in service. The PRO must show the unused sick leave balance upon retirement or death in the remarks column of the [SF 2806](#), Service History on the Civil Service Retirement System (CSRS) Individual Retirement Record, or the [SF 3100](#), Federal Employees Retirement System Individual Retirement Record. See 5 C.F.R. 630.209. Sick leave used in the computation of an annuity is charged against an employee's sick leave account and may not thereafter be used, transferred, or recredited. See [5 U.S.C. § 8415\(d\)\(2\)](#), [5 U.S.C. § 8339\(m\)](#), and 5 C.F.R. 630.407.

0505 FMLA

050501. General

FMLA provides eligible Federal employees with up to 12 administrative workweeks of leave without pay (LWOP) during any 12-month period for family and medical needs. See [5 U.S.C. §§ 6381 to 6387](#) and [5 C.F.R. 630, subpart L](#) (Note: OPM is responsible for the regulations for Title II of the FMLA that govern Federal employees. The Department of Labor (DOL) is responsible for regulations under Title I of the FMLA for the non-Federal sector). For definitions pertaining to FMLA, see 5 § U.S.C. 6381 and 5 C.F.R. 630.1202.

A. **Entitlement.** To qualify for FMLA leave, an employee must have completed at least 12 months of Federal service. See 5 C.F.R. 630.1201(b). FMLA leave is available to full and part-time employees; however, temporary employees serving under an appointment of 1 year or less and employees without a regularly scheduled tour of duty are not entitled to FMLA leave. A total of up to 12 administrative workweeks of unpaid leave, or 26 administrative workweeks if the leave is to care for a covered Service member, are available during any 12-month period. The 12-month period begins when FMLA leave is first used and ends 12 months later. An employee may elect to substitute annual leave, sick leave, educator leave, or leave made available to the employee under VLTP or VLBP for LWOP. See 5 C.F.R. 630.1205. The normal leave year limitations on the use of sick leave to care for a family member still apply, except when substituting sick leave to care for a covered Service member.

B. **Calculating the FMLA Entitlement.** FMLA leave is available in direct proportion to the number of hours in the employee's regularly scheduled administrative workweek. The PRO must calculate the 12 administrative workweeks of FMLA on an hourly basis, which equals 12 times the average number of hours in the regularly scheduled administrative workweek. For example, an 80-hour full-time employee will have 480 hours available for FMLA leave (40 hours per week x 12 weeks = 480 hours). If the employee's administrative workweek varies from week to week, the PRO must use a weekly average of the hours scheduled over the 12 administrative workweeks prior to the date FMLA leave begins for the calculation. Holidays and non-workdays that occur during the period that the employee is on FMLA do not count toward the 12 administrative workweek entitlement. See 5 U.S.C. § 6382 and 5 C.F.R. 630.1203.

C. Regular FMLA Leave. Under 5 C.F.R. 630.1203(a), an eligible employee may take 12 workweeks of FMLA leave in a 12-month period for one or more of the following reasons:

1. The birth of a child, or to care for the newborn child within 1 year of birth (may not be taken intermittently);

2. Placement of a child adopted, or foster care, and to care for the newly placed child within 1 year (may not be taken intermittently);

3. Care of a spouse, son, daughter, or parent with a serious health condition (may be taken intermittently);

4. Serious health condition that makes the employee unable to perform their duties (may be taken intermittently); or

5. A 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 notified of an impending call or order) in the Armed Forces under [10 U.S.C. § 101](#). Leave may be taken intermittently. Employees must provide notice as soon as practicable if the need for leave is foreseeable. An employee may be requested to provide certification for the leave as provided under 5 C.F.R. 630.1209. See [the OPM Fact Sheet, FMLA Qualifying Exigency Leave](#). Under 5 C.F.R. 630.1204, qualifying exigencies include:

- a. Addressing issues associated with short-notice deployment,
- b. Attending military events and related activities,
- c. Arranging and attending childcare and school activities,
- d. Making financial and legal arrangements,
- e. Attending counseling,
- f. Spending time with a Service member on rest and recuperation,
- g. Attending post-deployment activities, or
- h. Addressing other events that arise out of the military member's covered active duty that qualify as exigencies.

D. FMLA Leave to Care for a Covered Service Member. An employee is eligible for 26 workweeks of unpaid leave during a single 12-month period to care for a covered Service member, who is a current member or veteran of the Armed Forces as defined under 5 U.S.C. § 6381, with a serious injury or illness. The covered Service member must be the

employee's spouse, son, daughter, parent, or next of kin. See the OPM guidance in [Compensation Policy Memoranda 2010-06](#), issued March 5, 2010, for additional information regarding the following:

1. The injury or illness incurred by the Service member was in the line of duty while on active duty in the Armed Forces.
2. During a single 12-month period, an employee is entitled to a combined total of 26 weeks of regular FMLA leave and FMLA leave to care for a covered Service member. For example, if during the 12-month period the employee takes 6 weeks of regular FMLA leave for the birth of a child, the employee would have 20 weeks of FMLA leave to care for a covered Service member.
3. Use of FMLA leave to care for a covered Service member in one 12-month period does not limit the use of regular FMLA leave during any other subsequent 12-month period.
4. The normal leave year limitations on the use of sick leave to care for a family member do not apply. Specifically, the 480-hour (12 weeks) limitation per leave year on the use of sick leave to care for a family member with a serious health condition does not apply. The employee may substitute accrued sick leave or annual leave for any or all of the 26 workweeks of FMLA leave to care for a covered Service member. See [5 C.F.R. 630.403](#). An eligible employee may potentially take leave for up to 38 weeks of leave. For example, an employee may take 12 weeks of sick leave to care for a family member with a serious illness in addition to 26 weeks of FMLA leave to care for a covered Service member.

E. Intermittent FMLA Leave or Reduced Leave Schedule. Under certain conditions, FMLA leave may be taken intermittently, or the employee may work under a work schedule that is reduced by the number of hours of leave taken as FMLA leave. FMLA leave is in addition to other paid time off available to an employee. See [5 C.F.R. 630.1205](#).

050502. Advance Notice of FMLA Leave and Medical Certification

If FMLA leave is foreseeable, based on an expected birth, placement for adoption or foster care, or planned medical treatment, the employee must provide notice to the agency of his or her intention to take leave not less than 30 calendar days before the date the leave is to begin. See [5 C.F.R. 630.1207](#). An agency may require that a request for leave under certain circumstances be supported by evidence that is administratively acceptable to the agency. See [5 C.F.R. 630.1208](#).

0506 LEAVE FLEXIBILITIES FOR CHILDBIRTH, ADOPTION, AND FOSTER CARE

050601. General

A. On January 15, 2015, the President issued memorandum, Modernizing Federal [Leave Policies for Childbirth, Adoption and Foster Care](#) to Recruit and Retain Talent and Improve Productivity, a memorandum directing all Federal agencies to:

1. Offer 240 hours of advanced sick leave, at the request of an employee and in appropriate circumstances, in connection with the birth or adoption of a child, or for other sick leave eligible uses (see [paragraph 050405](#)); and

2. Offer the maximum amount of advanced annual leave, at the request of an employee, for foster care placement in their home or bonding with a healthy newborn or newly adopted child (see [paragraph 050304](#)).

B. Agencies have been directed to provide this advanced leave for purposes specified in law and regulation irrespective of existing leave balances.

050602. OPM Handbook

A. General. OPM has published a Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption, and Foster Care. The handbook contains guidance on the use of advanced sick and annual leave policies as required by the President's memorandum, and provides information on the various leave entitlements and flexibilities available to assist employees.

B. Utilization of Leave Flexibilities. The Handbook is divided into three sections; each [section](#) addresses the specific circumstance of the employee [related to](#):

1. Pregnancy and childbirth,
2. Adoption and foster care, and
3. Information on the interaction of the various leave programs and workplace flexibilities and how they can be used together.

0507 BONE MARROW OR ORGAN DONOR LEAVE

The use of up to 7 days (56 hours) of paid leave in a calendar year, in addition to sick or annual leave, to serve as a bone marrow donor, or up to 30 days (240 hours) of paid leave in a calendar year to serve as an organ donor is authorized under [5 U.S.C. § 6327](#). The directly proportional rule applies to an employee whose leave is administered on other than an 80-hour pay period. See DoDI 1400.25-V630. An individual having bone marrow removed and stored for their future personal use is not considered a donor and the benefit of 7 days of paid time off does not apply. In such a case, the employee must use sick leave, annual leave, or advanced annual and sick leave.

0508 FEDERAL LEAVE SHARING PROGRAMS

The VLTP allows Federal employees to donate annual leave to other employees who have personal or other family medical emergencies and who have exhausted their own leave. Alternatively, the VLBP allows members with medical emergencies to withdraw leave from the bank if they exhaust their own leave. Each agency has established its own method of administering

these programs and employees may participate in both programs. Additionally, an Emergency Leave Transfer Program (ELTP) has been established to transfer annual leave from donors to employees in other agencies who are adversely affected by disasters or emergencies.

* 050801. VLTP

In accordance with [5 U.S.C. § 6332](#) and [5 C.F.R. 630, subpart I](#), Federal employees may donate unused accrued annual leave directly to a specified employee (leave recipient) who needs leave because of a medical emergency and who has exhausted his or her available paid leave. Medical emergency is defined as a medical condition of an employee or a family member of an employee that is likely to require the employee to be absent from duty for a prolonged period, of at least 24 work hours, and result in a substantial loss of income to the employee because of the unavailability of paid leave. See 5 C.F.R. 630.902.

A. Leave Donors

1. General. A leave donor is an employee who makes a request to transfer annual leave to the annual leave account of a leave recipient. Leave donors may not contribute to an immediate supervisor. The annual leave donated must be accrued and available at the date of donation.

2. Maximum Donation Amount. Maximum limitations exist for the amount of leave an employee may donate in any one leave year. See 5 C.F.R. 630.908. Each agency shall establish written criteria for waiving the limitations on donating annual leave.

* a. In the case of the donor having annual leave projected which will not be forfeited at the end of the leave year (i.e. donors with no “use or lose” annual leave), the maximum amount of annual leave that may be donated is one-half of the amount of annual leave the leave donor would be entitled to accrue during the leave year in that the donation is made; or

* b. In the case of the donor having annual leave projected to be forfeited at the end of the leave year (i.e. donors who have “use or lose” annual leave), the maximum amount of annual leave that may be donated is the lesser of one-half of the amount of annual leave the donor would be entitled to accrue during the leave year in which the donation is made, or the number of hours remaining in the leave year, as of the date of the transfer, for which the donor is scheduled to work and receive pay.

B. Leave Recipients

1. General. A leave recipient is a current employee approved by the employing agency to receive annual leave from the annual leave accounts of one or more leave donors. There is no limit on the amount of donated annual leave a leave recipient may receive.

2. Limits on Use of Donated Leave. A leave recipient may use the donated leave transferred to his or her annual leave account under 5 C.F.R. 630.906 only for the purpose of a medical emergency for which the leave recipient was approved. See 5 C.F.R. 630.909.

Substitution of donated leave is permitted for a prior period of LWOP or to liquidate a debt for advanced annual or sick leave. Donated leave may not be included in a lump-sum payment for annual leave. The PRO may not recredit donated leave to a former employee who returns to Federal service. See 5 C.F.R. 630.906 and 630.909.

3. Requirement to Exhaust Accrued Annual and Sick Leave. Except for leave placed in a separate leave account (set aside leave account), any annual or sick leave accrued or accumulated by the leave recipient and available for the medical emergency must be exhausted before any donated leave may be used. See 5 C.F.R. 630.909. However, this does not apply to a recipient who:

a. Sustains a combat-related disability while a member of the Armed Forces, including a reserve component of the Armed Forces; and

b. Is undergoing medical treatment for that combat-related disability (see 5 U.S.C. § 6333(b)(2)); or

c. Exhausts a total of 12 weeks of sick leave for family care purposes. If an employee applies to receive donated leave for a medical emergency affecting a family member and the employee has already exhausted the 12 weeks of sick leave for family care purposes in that leave year, he or she would not be required to exhaust his or her sick leave balance before being eligible for donated leave.

4. Leave Recipient's Accrual of Annual and Sick Leave. A leave recipient may earn annual and sick leave while using donated leave, but only up to 40 hours of each type. In the case of a part-time employee or employee with an uncommon tour of duty, the employee may earn up to the average number of hours in the employee's weekly scheduled tour of duty.

a. Set Aside Leave Account. The PRO must place any accrued annual or sick leave earned by the leave recipient in a separate leave account, referred to as a set aside leave account. The accrued annual or sick leave in the set aside leave account is available for transfer to the leave recipient's regular leave account after the leave recipient either exhausts all donated leave or the medical emergency ends. Leave in a set aside leave account is not available for use until transferred to the leave recipient's regular leave account. See 5 C.F.R. 630.907.

b. Intermittent Use of Donated Leave and Accrued Leave. Leave accruals for an employee who uses donated leave intermittently must be prorated between the regular leave account and the set-aside leave account until it reaches the maximum accrual or the medical emergency ends. Accruals are prorated based on the number of hours of donated leave used within the pay period.

C. Interagency Transfers of Donated Leave. Under 5 C.F.R. 630.909(f), an agency must accept the transfer of annual leave from the leave donors employed by other agencies when any of the following conditions are met:

1. A family member of a leave recipient is employed by another agency

and requests the transfer of annual leave to the leave recipient;

2. If, in the judgment of the leave recipient's employing agency, the amount of annual leave transferred from leave donors employed by the leave recipient's employing agency may not be sufficient to meet the needs of the leave recipient; or

3. If, in the judgment of the leave recipient's employing agency, acceptance of leave transferred from another agency would further the purpose of the VLTP.

D. Restoring Transferred Leave to the Donor. Upon termination of the medical emergency, any unused donated leave must be transferred pro rata back to each donor. See 5 C.F.R. 630.911. The leave is not restored if the leave donor retires, dies, or separates from Federal service before the date the unused transferred annual leave can be restored. If returned to the leave donor's account, the leave is treated the same as other annual leave and becomes subject to the "use or lose" carryover limitations. Each donor may elect how the leave is to be recredited from the following options:

1. Crediting the donated annual leave to the donor's annual leave account in the current leave year;

2. Crediting the donated annual leave to the donor's annual leave account effective as of the first day of the first leave year beginning after the date of election; or

3. Donating it, in whole or part, to another leave recipient.

050802. VLBP

Under the VLBP at [5 U.S.C. § 6361](#) and [5 C.F.R. 630, subpart J](#), employees may contribute unused accrued annual leave to their agency's leave bank for use by other leave bank members who are experiencing a personal or family medical emergency and who have exhausted all available paid leave. Each agency establishes a leave bank board to administer the VLBP. See 5 C.F.R. 630.1003. An employee may participate in both the VLTP and the VLBP in the same agency for the same medical emergency if his or her agency has established both programs. See [5 U.S.C. § 6373](#) and 5 C.F.R. 630.1013.

A. Leave Bank Members and Minimum Donations. An employee must make an application to become a leave bank member and must contribute a minimum amount of annual leave to the leave bank each year. The minimum donation may not be less than the amount of annual leave the employee normally accrues in a pay period (e.g., 4, 6, or 8 hours). See 5 C.F.R. 630.1004(g) through (i). An employee must make the donation to establish leave bank membership during the annual open enrollment period, or within 30 days of the employee's appointment to the agency or return from extended absence.

B. Leave Bank Recipients

1. Application and Approval by Leave Bank Board. A leave bank member, or a personal representative on behalf of the employee, who is affected by a personal or family medical emergency must make a written application to the leave bank board in order to become a leave bank recipient. See 5 C.F.R. 630.1006. The board must find that the leave recipient's absence from duty without paid leave is expected to be at least 24 work hours for a full-time employee, this leave may be intermittent. A part-time employee or employee with an uncommon tour of duty expects to be absent without available paid leave at least 30 percent of the average number of hours in the employee's biweekly scheduled tour of duty. See 5 C.F.R. 630.1007.

2. Limits on Use of Leave From the Leave Bank. Donated annual leave withdrawn from the leave bank may be used only for the approved medical emergency. A leave recipient may use donated leave retroactively to substitute for a period of LWOP or to liquidate the advanced annual or sick leave that began on or after the date fixed by the leave bank board at the start of the medical emergency. Donated leave may not be included in a lump-sum payment for annual leave. The PRO may not recredit donated leave to a former employee who returns to Federal service. See 5 C.F.R. 630.1009.

3. Requirement to Exhaust Accrued Annual and Sick Leave. The leave bank recipient must use any available paid leave, but not leave from a set aside leave account, before using any donated leave. See 5 C.F.R. 630.1009.

4. Leave Bank Recipient's Accrual of Annual and Sick Leave. A leave bank recipient may earn annual and sick leave while using donated leave, but only up to 40 hours of each type. In the case of a part-time employee or employee with an uncommon tour of duty, the employee may earn up to the average number of hours in the employee's weekly scheduled tour of duty. See 5 C.F.R. 630.1008.

a. Set Aside Leave Account. The PRO must place any accrued annual or sick leave earned by the leave bank recipient in a separate leave account, referred to as a set aside leave account. The accrued annual or sick leave in the set aside leave account is available for transfer to the leave recipient's regular leave account after the leave recipient either exhausts all donated leave or the medical emergency ends. Leave in a set aside leave account is not available for use until transferred to the leave recipient's regular leave account. See 5 C.F.R. 630.1008.

b. Intermittent Use of Donated Leave and Accrued Leave. Leave accruals for an employee who uses donated leave intermittently must be prorated between the regular leave account and the set-aside leave account until the maximum accrual is reached or the medical emergency ends. Accruals are prorated based on the number of hours of donated leave used within the pay period.

C. Termination of the Medical Emergency. The PRO must return any unused leave withdrawn from the leave bank and not used before the termination of the leave recipient's medical emergency to the leave bank. The medical emergency of the leave recipient terminates when the following occurs:

1. The leave recipient's Federal service is terminated;
2. The leave recipient leaves the agency or participating organization, unless determined otherwise by the leave bank board;
3. At the end of the pay period in which the leave recipient provides written notice that the medical emergency is over;
4. At the end of the pay period in which the leave bank board determines, after written notice to the leave recipient and opportunity for response, that the medical emergency is over; or
5. At the end of the pay period in which the agency receives notice that the leave recipient has been approved for disability retirement.

D. Transferring Between Agencies

1. If an employee moves between an agency operating a leave bank to another agency operating a different leave bank, the following procedures apply:
 - a. On the date the employee moves to the new agency, the employee will become subject to the policies and procedures of the new agency's leave bank.
 - b. The employee's right to submit an application to become a leave contributor or leave recipient in accordance with the new agency's policies and procedures of the leave bank must not be restricted by 5 C.F.R. 630.1010(a)(2) or (b).
2. See 5 C.F.R. 630.1015 for similar procedures for transfers between an agency covered by a VLBP and an agency covered by a VLTP.

050803. ELTP

A. Authority. [Title 5, U.S.C. § 6391](#) and [5 C.F.R. 630, subpart K](#) provide that in the event of a major disaster or emergency, as declared by the President, resulting in severe adverse effects for a substantial number of Federal employees, the President may direct OPM to establish an ELTP. Such disasters or emergencies involve loss of life or property, serious injury, or mental illness because of a direct threat to life or health. Under the ELTP, an employee in an executive agency may donate annual leave for transfer to employees of the employing agency or to employees in other agencies adversely affected by such disaster or emergency.

B. Establishing ELTP Program. OPM will notify agencies of the establishment of an ELTP for a specific disaster or emergency, as declared by the President. Immediately after a disaster or an emergency, agencies can typically grant excused absence or advanced annual leave or sick leave as appropriate to affected employees. Once notified, each agency affected by the disaster or emergency is authorized to:

1. Determine the amount of donated annual leave needed by affected employees;
2. Approve emergency leave donors and/or emergency leave recipients within the agency, as appropriate;
3. Facilitate the distribution of donated annual leave from approved emergency leave donors to approved emergency leave recipients within the agency; and
4. Determine the period of time that donated annual leave may be accepted for distribution to approved emergency leave recipients.

C. ELTP Leave Donor. An employee may voluntarily submit a written request to transfer a specified number of hours of their accrued annual leave to the employing agency's ELTP using OPM Form 1638, Request to Donate Annual Leave Under the ELTP. The donor may not contribute less than 1 hour nor more than 104 hours of annual leave in a leave year. Each agency may establish written criteria for waiving the 104-hour limitation per employee for donating annual leave in a leave year. After the initial 1 hour donation, leave may be donated in 15-minute increments. A donor may not donate annual leave for transfer to a specific emergency leave recipient; rather it goes to the ELTP bank. Annual leave donated to an ELTP is not applied against limits on donations of annual leave to a VLBP or VLTP. See 5 C.F.R. 630.1109 and 630.1110.

D. ELTP Leave Recipient

1. Eligibility. An employee, as defined in 5 U.S.C. § 6331(1), who has been adversely affected by a major disaster or emergency may receive donated leave under the ELTP. An employee who has a family member adversely affected by a disaster or emergency and does not have reasonable access to other forms of assistance may receive donated leave under the ELTP. An employee is considered adversely affected if the disaster or emergency has caused severe hardship to the employee or family member to such a degree that the employee's absence from work is required. See 5 C.F.R. 630.1105.

2. Limitation on Amount of ELTP Leave Received. The ELTP recipient may receive a maximum of 240 hours of donated annual leave at any one time for each disaster or emergency. See 5 C.F.R. 630.1111 for exceptions.

3. Application and Notification of Approval/Disapproval. An employee, personal representative, or the agency on the employee's behalf must make a written application to become an ELTP recipient using OPM Form 1637, Application to Become a Leave Recipient Under the ELTP. Agency written notification of approval or disapproval must be issued to the employee within 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) after the receipt of the application (or a date established by the agency if that date is later). If disapproved, the agency must state the reason(s) for the disapproval. If approved, the agency must specify the major disaster or emergency for which the recipient was approved.

4. Leave Recipient's Accrual of Annual and Sick Leave. An ELTP

recipient is not required to exhaust his or her accrued annual or sick leave before receiving donated leave under the ELTP. Annual and sick leave will continue to accrue to the credit of the recipient at the same rate as if the recipient were in a paid leave status.

5. Limitations on Use of ELTP Leave. Donated leave must be used only for the purposes related to the approved disaster or emergency for which the leave recipient was approved. Donated ELTP leave may be substituted retroactively by the recipient for any period of LWOP used because of the adverse effects of the disaster or emergency. ELTP leave may be used to liquidate indebtedness incurred by the ELTP recipient for any advanced annual or sick leave used due to the adverse effects of the disaster or emergency. The PRO must transfer the leave if the recipient transfers to another agency without a break in service. The ELTP leave transferred to a recipient may not be included in a lump-sum payment upon separation or entry into active duty, recredited to a former employee reemployed by a Federal agency, or used to establish eligibility for immediate retirement or to continue health benefits into retirement. See 5 C.F.R. 630.1113 and 630.1114.

E. Insufficient Agency ELTP Donated Leave. If a Federal agency does not have sufficient donated leave to meet the needs of its approved emergency leave recipients, then the agency must notify OPM. OPM will coordinate a government-wide transfer of annual leave from donating agencies to affected agencies for crediting to their emergency leave recipients. The OPM Form 1639, Transfer of Donated Annual Leave To or From the ELTP, is used for the purpose of donating or receiving annual leave from other agencies. OPM will facilitate the transfer of donated leave to/from agencies. See 5 C.F.R. 630.1112. In addition, an agency's VLBP under 5 U.S.C., Chapter 63, with the concurrence of the leave bank board, may also donate annual leave to the employing agency's ELTP or another agency's ELTP. See 5 C.F.R. 630.1104.

F. Procedures Upon Termination of Disaster or Emergency

1. Determining Termination of Disaster or Emergency. The disaster or emergency ends when OPM or the agency determines the termination or the recipient's Federal service terminates. See 5 C.F.R. 630.1116. The emergency terminates at the end of the pay period when:

a. The recipient or his or her personal representative notifies the agency that the recipient is no longer affected by the disaster or emergency;

b. The agency determines that the emergency leave recipient is no longer affected by such disaster or emergency (see 5 C.F.R. 630.1116(d) for notice requirements); or

c. The recipient's agency receives notice that OPM has approved an application for disability retirement.

2. Recrediting Donated Leave to Donors and Leave Banks. When a disaster or emergency affecting an emergency leave recipient terminates, the PRO must return any unused ELTP leave to the emergency leave donors, or if donated by a leave bank, to the leave bank.

The ELTP administrator will determine the amount of remaining annual leave to be restored to each emergency leave donor who, on the date of the leave restoration, is employed by a Federal agency. The unused ELTP leave returned must be proportional to the amount of annual leave donated by the employee (or leave bank) to the ELTP for such disaster or emergency. Annual leave donated to an ELTP for a specific disaster or emergency may not be transferred to another ELTP established for a different disaster or emergency. An emergency leave donor may request the agency restore unused donated annual leave by crediting the leave to the leave donor's annual leave account in either the current leave year, or on the first pay period of the following leave year. See 5 C.F.R. 630.1117.

0509 NON-APPROPRIATED FUND (NAF) TRANSFER OF LEAVE UNDER EMPLOYEE BENEFITS PORTABILITY PROGRAM

050901. General

In accordance with 5 U.S.C. §§ 5551(a), 6308(b), and [6312](#), an employee who transfers from a NAF position to an appropriated fund (APF) position, or the reverse, without a break in service of more than 3 days must transfer their entire annual and sick leave balances to the gaining employment office. The employee **must** not be paid for any accrued hours of annual leave. Leave will be administered in accordance with the rules of the gaining employment system (APF or NAF). The PRO credits the employee with the full amount of leave even in those cases where the employee may receive a higher rate of pay from the gaining employment system (APF or NAF). See [DoDI 1400.25-V1401](#), Personnel Policy for NAF Instrumentalities, and the OPM [Benefits Officers Center](#).

050902. Annual Leave Accrual Rates

Employees who move between DoD NAF and civil service positions without a break in service of more than 3 days receive service credit for annual leave purposes. Service in the losing employment system (civil service or NAF) is credited when determining the appropriate leave accrual rate. The employee's leave accrual rate is applied in exactly the same manner, regardless of whether the move is voluntary or involuntary, and regardless of the direction of the move, civil service to NAF or NAF to civil service.

0510 COMPENSATORY TIME

051001. General

Compensatory time off means time off in lieu of overtime pay for irregular or occasional overtime work. One hour of compensatory time off is granted for each hour of overtime. At the request of an employee, the head of an agency may grant an eligible employee compensatory time off from the employee's scheduled tour of duty instead of payment for an equal amount of time spent in irregular or occasional overtime work. Compensatory time off must be granted to an employee within a reasonable time after the overtime is worked. See [5 U.S.C. §§ 5542, 5543, 5544, 6122, 6123, 6127](#), and [6128](#); [5 C.F.R. 550.114](#); and [5 C.F.R. 551.531](#).

051002. Eligible Employees

A. Fair Labor Standards Act (FLSA) Exempt and Nonexempt Employees. Compensatory time off may be approved in lieu of overtime for irregular or occasional overtime work for both FLSA exempt and FLSA nonexempt (i.e. FLSA covered) employees who meet the definition of employee under [5 U.S.C. § 5541\(2\)](#). An agency may require that an FLSA exempt employee with a rate of basic pay the rate of **General Schedule-10**, step 10 receive compensatory time off for irregular or occasional overtime.

B. Prevailing Rate Employees. Compensatory time off may be approved for prevailing rate employees (wage employees), as defined at [5 U.S.C. § 5342\(2\)](#). There is no requirement to compensate a prevailing rate employee irregular or occasional overtime by granting compensatory time off.

C. Flexible Work Schedules. Compensatory time off may be approved (but not required) in lieu of regularly schedule overtime only for employees (including prevailing rate employees) who are ordered to work overtime hours under flexible work schedules. See 5 U.S.C. § 6123(a)(1).

051003. Forfeiture of Unused Compensatory Time Off

A. FLSA Exempt Employees. The time limit for using compensatory time is the end of the 26th pay period after the pay period during which it was earned. An agency may provide that an FLSA exempt employee who fails to take the compensatory time within 26 pay periods, or who transfers to another agency or separates from service before the compensatory time expires, must:

1. Receive payment for unused compensatory time at the overtime rate in effect when earned; or
2. Forfeit the unused compensatory time unless failure to use the compensatory time is due to an exigency of the service beyond the employee's control. An FLSA employee whose compensatory time off was forfeited due to an exigency of service beyond the employee's control must receive payment for the unused compensatory time at the overtime rate in effect when earned. See 5 C.F.R. 550.114.

B. FLSA Nonexempt (FLSA Covered) Employees. The time limit for using compensatory time is the end of the 26th pay period after the pay period when it was earned. If the FLSA nonexempt employee fails to take the compensatory time within 26 pay periods, or the employee transfers to another agency or separates from Federal service before the compensatory time expires, pay the earned compensatory time off at the overtime rate in effect when earned. See 5 C.F.R. 551.531.

C. National Guard Technicians. National Guard **technicians** are not paid for unused compensatory time worked. Compensatory time must be used by the end of the 26th pay period after it is earned or it will be forfeited. See [32 U.S.C. § 709 \(h\)](#).

051004. Separation or Transfer

When a DoD employee separates or transfers to another DoD Component or Federal agency before the expiration of the 26th pay period time limit, unused compensatory time balances must be paid at the overtime rate in effect when the compensatory time was earned. Title 32 National Guard technicians forfeit any unused compensatory time when they separate or transfer to another DoD Component or Federal agency.

051005. Compensatory Time Off for Religious Observances

An employee whose personal religious beliefs require not working during certain periods may elect to work compensatory time for the time lost to meet those religious requirements. See [5 U.S.C. § 5550a](#) and 5 C.F.R. 550, subpart J. An employee who works compensatory time for religious reasons must be granted equal compensatory time off from the scheduled tour of duty. The employee may work the compensatory overtime before or after the grant of compensatory time off. The PRO must credit compensatory overtime to the employee on an hour for hour basis, or authorized fraction thereof. See 5 C.F.R. 550.1002. See Chapter 3, [section 0303](#) for additional information regarding compensatory time off for religious reasons.

051006. Compensatory Time Off for Travel

An employee may earn compensatory time off for travel for time spent in travel status away from the employee's official duty station. An employee may earn compensatory time off for travel only for hours that are not otherwise compensable. Because an employee is entitled to their rate of basic pay for travel during basic (non-overtime) holiday hours, an employee may not earn compensatory time off for travel during holiday hours. See [5 C.F.R. 550, subpart N](#); the OPM Fact Sheet, [Compensatory Time Off for Travel](#); and [5 U.S.C. § 5550b](#).

A. Eligible Employees. Compensatory time off for travel may be earned by an employee, as defined in [5 U.S.C. § 5541\(2\)](#), who is employed in an Executive agency, as defined in [5 U.S.C. § 105](#), without regard to whether the employee is exempt from or covered by the overtime pay provisions of the FLSA of 1938, as amended. The definition includes employees in SL and ST positions, but not members of the SES. Prevailing rate (wage) employees are eligible for compensatory time off for travel.

B. Employees Who Receive Availability Pay. Availability pay is premium pay paid to Federal law enforcement officers who are criminal investigators required to work substantial amounts of unscheduled duty. See [5 C.F.R. 550.181](#).

1. When Travel Hours Are Not Eligible. For availability pay recipients, travel hours are not eligible for compensatory time off if the hours are compensated by basic pay, regularly scheduled overtime hours creditable under 5 U.S.C. §§ 5542 or 5543, or unscheduled duty hours. Unscheduled duty hours means either irregular overtime hours, or the first 2 overtime hours on a day containing part of the employee's basic 40 hour workweek without regard to whether the hours are unscheduled or regularly scheduled, or any approved non-work availability hours. See [5 C.F.R. 550.182\(a\), \(c\), and \(d\)](#). An availability pay recipient may not earn compensatory time off

for travel during unscheduled duty hours because the employee is entitled to availability pay for those hours. Compensatory time off for travel is earned only for hours not otherwise compensable.

2. When Travel Hours Are Eligible. For availability pay recipients, travel hours are eligible for compensatory time off for travel when the employee is required to travel on a non-workday or on a regular workday (in excess of the basic workday) and the travel does not meet one of the four criteria listed under 5 U.S.C. § 5542(b)(2)(B) and 5 C.F.R. 550.112(g)(2). In such cases, since the travel time is not compensable as overtime hours of work for regular overtime or availability pay, the employee may earn compensatory time off subject to the exclusions specified in 5 C.F.R. 550.1404(b)(2) and the requirements in 5 C.F.R. 550.1404(c), (d), and (e). See 5 U.S.C. § 5542(b)(2)(B) and 5 C.F.R. 550.112(g)(2) for information regarding when travel time is compensable as overtime hours of work.

C. Creditable Travel Time. To be creditable, travel time must be for work purposes and must be approved by an authorized agency official or otherwise authorized under agency policy. Once the employee arrives at a temporary duty station, the employee is not considered to be in a travel status just because he or she is away from the official duty station. In other words, do not credit the time spent at a temporary duty station between arrival and departure as time in a travel status. Time in travel status includes:

1. Time an employee actually spends traveling between the official duty station and a temporary duty station;
2. Time an employee spend traveling between two temporary duty stations; and
3. The usual waiting time that precedes or interrupts such travel, such as waiting at an airport or train station for departure. This does not include any extended or unusual waiting time between actual period of travel when the employee is free to rest, sleep, or otherwise use the time for his or her own purposes.

D. Deducting Commuting Time

1. Travel Between Home and Temporary Duty Station (or Transportation Terminal) Outside of Official Duty Station Limits. Time spent traveling directly between home and a temporary duty station (or transportation terminal) outside the limits of the employee's official duty station is creditable as travel time. However, the agency must deduct from such travel hours the time the employee would have spent in normal home-to-work or work-to-home commuting (the commuting time offset). See 5 C.F.R. 550.1404.

2. Between Home and Transportation Terminal Within Official Duty Station Limits. Time spent traveling outside of regular work hours between home and to or from a transportation terminal that is within the official duty station as part of travel away from that duty station is considered equivalent to commuting time and is not creditable travel time. See 5 C.F.R. 550.1404(d).

3. Between Worksite and Transportation Terminal Within Official Duty Station Limits. Time spent traveling outside of regular work hours between the employee's worksite and a transportation terminal is creditable travel time, and no commuting time offset applies.

E. Crediting Compensatory Time Off for Travel. An employee must comply with the procedures for requesting credit of compensatory time off for travel. Within five workdays after returning to the official duty station, the employee must submit his or her travel itinerary, or any other documentation acceptable to the employee's supervisor, in support of a request for credit for the compensatory time off. Upon receipt of a proper and complete request from the employee, the agency must credit the employee with compensatory time off for creditable time in a travel status. The agency may authorize credit in increments of one-tenth of an hour (6 minutes) or one-quarter of an hour (15 minutes). There is no limit on the amount of compensatory time off for travel an employee may earn. Agencies must track and manage compensatory time granted for time in a travel status separately from other forms of compensatory time off.

F. Use of Accrued Compensatory Time Off for Travel. An employee must request permission from his or her supervisor to schedule the use of his or her accrued compensatory time off in accordance with agency-established policies and procedures. Compensatory time off for travel may be used when the employee is granted time off from scheduled tour of duty established for leave purposes. An employee must use earned compensatory time off in increments of one-tenth of an hour (6 minutes) or one-quarter of an hour (15 minutes). If the employee elects to use earned compensatory time off for travel instead of using excess annual leave, there is no legal authority to restore an employee's forfeited annual leave.

G. Forfeiture of Unused Compensatory Time Off for Travel

1. Forfeiture. Compensatory time off for travel is forfeited in following circumstances. See 5 C.F.R. 550.1407.

a. Not Used Within 26 Pay Periods. Compensatory time off for travel is forfeited unless it is used by the end of the 26th pay period after the pay period it was credited.

b. Upon Transfer or Separation. When an employee voluntarily transfers to another agency or separates from Federal service, any unused compensatory time off for travel is forfeited. Agency means an Executive agency as defined in 5 U.S.C. § 105 (e.g., DoD). An employee does not receive a lump-sum payment for accrued compensatory time off for travel upon separation from an agency.

c. Upon Movement to Non-Covered Position. Compensatory time off for travel is forfeited when the employee transfers to a non-covered position (such as to the U.S. Postal Service).

2. Exceptions to the 26 Pay Period Limit

a. LWOP. Special circumstances apply when an employee has unused compensatory time off for travel and the employee separates from Federal service or is placed on LWOP status under the following circumstances. If the employee later returns to service with the same agency, the employee must use all of the compensatory time off by the end of the 26th pay period following the pay period that the employee returns to duty, otherwise the compensatory time off is forfeited. See 5 C.F.R. 550.1407(a)(2). LWOP status under this provision is as follows:

(1) LWOP to Perform Uniformed Service. The employee separates or is placed on LWOP status to perform service in the Uniformed Services, as defined in 38 U.S.C. § 4303 and 5 C.F.R. 353.102, and later returns to service through the exercise of a reemployment right provided by law, Executive order, or regulation.

(2) LWOP for Work Injury. The employee separates or is placed on LWOP status because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C., Chapter 81 and later recovers sufficiently to return to work.

b. Exigency. If an employee fails to use compensatory time off for travel within 26 pay periods after earned due to an exigency of the service beyond the employee's control, an authorized agency official may extend the time limit for using such compensatory time off for up to an additional 26 pay periods. See 5 C.F.R. 550.1407(e).

H. Prohibition Against Payment for Unused Compensatory Time Off for Travel. As provided by 5 U.S.C. § 5550b(b), an individual must not receive payment under any circumstances for any unused compensatory time off for travel earned under 5 C.F.R. 550, subpart N. This prohibition against payment also applies to surviving beneficiaries of deceased employees.

I. Inapplicability of Premium Pay and Aggregate Pay Caps. Accrued compensatory time off for travel is not considered when applying the premium pay limitations established under 5 U.S.C. § 5547 and 5 C.F.R. 550.105 through 550.107 or the aggregate limitation of pay established under 5 U.S.C. § 5307 and 5 C.F.R. 530, subpart B. There is no pay cap limitation on the amount of compensatory time off for travel an employee may earn.

0511 HOLIDAY LEAVE

051101. General

Employees must be in a pay status or a paid time off status (e.g., leave, compensatory time off, compensatory time off for travel, or using credit hours) on their scheduled workdays either before or after a holiday in order to be entitled to regular pay for a holiday. Employees in a nonpay status for the workdays immediately before and after the holiday may not receive compensation for that holiday.

051102. Work Schedules

A. Full-Time Employees. Regular full-time employees who are not required to work on a holiday receive their regular straight-time pay, including night and shift differential.

1. Flexible Work Schedule. A full-time employee on a flexible work schedule, who is prevented from working on a holiday, or an in lieu of holiday, is entitled to 8 hours of holiday leave for each holiday. See [5 U.S.C. § 6124](#). Employees under flexible work schedules are credited with 8 holiday hours even if they would otherwise work more hours on that day.

2. Compressed Work Schedule. A full-time employee on a compressed work schedule who is prevented from working on a holiday, or an in lieu of holiday, is entitled to holiday leave for the number of hours of the compressed work schedule for the employee on that day. See [5 U.S.C. § 6121\(5\)](#). For example, if a holiday falls on a 9 or 10 hour basic workday, the employee's holiday is 9 or 10 hours, respectively. See [5 C.F.R. 610.406](#).

B. Part-Time Employees. Part-time employees receive their regular pay for holidays that fall on their regularly scheduled workdays; this does not include overtime work. When a holiday falls on a part-time employee's non-workday, there is no entitlement to pay for an in lieu of holiday. When prevented from working because the activity is closed due to an in lieu of holiday, the part-time employee may either be placed in an appropriate leave category or be excused, placed on administrative leave, without loss of pay for the number of hours they are regularly scheduled to work on that day. See [DoDI 1400.25-V610](#). For more information on part-time employees, see the OPM Fact Sheet, [Federal Holidays - Work Schedules and Pay](#).

1. Flexible Work Schedule. A part-time employee on a flexible work schedule who is prevented from working on a holiday is entitled to leave for the number of hours they would have worked but for the holiday, not to exceed 8 hours. See [5 C.F.R. 610.405](#).

2. Compressed Work Schedule. A part-time employee prevented from working on a holiday is entitled to leave for the number of hours of the compressed work schedule on that day. See 5 C.F.R. 610.406.

C. Intermittent Employment. Intermittent employees, including experts and consultants, means employees without a regularly scheduled tour of duty. Intermittent employees receive compensation only when work is actually performed.

0512 CREDIT HOURS

051201. General

Credit hours are any hours within a flexible schedule established under 5 U.S.C. § 6122 that are in excess of an employee's basic work requirement and that the employee elects (consistent with agency policy) to work to vary the length of a workweek or a workday. Credit hours are distinguished from overtime hours in that they are not officially ordered and approved in advance by management. See [5 U.S.C. § 6121-6126](#).

051202. Requirements for Earning and Using Credit Hours

A. Earning Credit Hours. Only full-time and part-time employees under flexible work schedules may earn credit hours. SES members may not earn credit hours. See [5 C.F.R. 610.408](#). Credit hours may be earned only within the flexible time bands established by the agency or union agreement. Work hours that count toward the employee's basic work requirement should not be considered credit hours. Credit hours are those hours that are in excess of the employee's basic work requirement (8 hours in a day, 40 hours in a week, or 80 hours in the pay period). There is no legal authority to advance credit hours to an employee. See 5 U.S.C. § 6121(4).

B. Using Credit Hours. Credit hours must be used within the tour of duty. Credit hours must be earned and used in the same increments as other absences with pay.

051203. Accumulation

A full-time employee may accumulate up to 24 credit hours to be carried forward for credit against a later pay period. The 24 credit hours carried forward must be accounted for the same as other types of absences with pay. See 5 U.S.C. § 6126.

051204. Part-Time Employees

A part-time employee under a flexible work schedule may earn credit hours. A part-time employee may carry forward credit hours from one pay period to a subsequent pay period, in an amount equal to 25 percent of the biweekly scheduled hours of work. See 5 U.S.C. § 6126(a).

051205. Payment for Credit Hours

Generally, an employee receives no additional pay for credit hours. When used by the employee, credit hours are considered a part of the basic work requirement (non-overtime work) in the pay period that they are applied. An employee is entitled to his or her basic rate of pay for any credit hours used. However, upon separation from Federal service, or when an employee is no longer subject to a flexible work schedule program or transfers to another employing activity (provided the agency and Major Claimant/Command changes), any accumulated credit hours must be liquidated/paid at the employee's current hourly rate. For full-time employees, not more than 24 accumulated credit hours may be paid. For part-time employees, accumulated credit hours may be paid in an amount that is not more than 25 percent of the employee's scheduled hours. See 5 U.S.C.

§ 6126(b). Premium pay limitations under 5 U.S.C. § 5547 do not apply to payment for credit hours even though the limits apply to payments for unused compensatory time off.

051206. Entitlement

A. Overtime. An employee must not use credit hours to increase the entitlement of overtime pay. No overtime pay or compensatory time off will be paid when employees earn credit hours or when credit hours are liquidated when Federal service ends. See 5 U.S.C. §§ 6123(b) and 6126.

B. Sundays. An employee will not be paid Sunday pay when earning credit hours on a Sunday. Sunday premium pay is limited to 8 hours for each regularly scheduled basic tour of duty that begins or ends on Sunday. Since credit hours may only be earned when employees work in excess of their regularly scheduled basic work requirement, Sunday premium pay may not be paid when employees earn credit hours on Sunday. Neither may employees receive Sunday premium pay if they use credit hours in order to be absent from regularly scheduled Sunday work. Employees may not receive Sunday premium pay for any period of time they do not actually perform work on a Sunday.

C. Nights. An employee must not be paid night pay when credit hours are earned at night. Night pay is authorized for work performed at night during an employee's regularly scheduled tour of duty. See [5 U.S.C. § 5545\(a\)](#). Since employees who earn credit hours are not performing regularly scheduled work, they may not be paid night pay for credit hours earned at night. Neither may employees be paid for credit hours used at night to be absent from the employee's basic tour of duty. There is no provision of law or regulation permitting night pay to be paid when credit hours are used to be absent from regularly scheduled night work. Credit hours [are considered](#) as daytime hours. For example, when an employee's schedule includes daytime and nighttime hours, credit hours [are applied](#) only to the daytime portion of the schedule. See 5 U.S.C. § 6123(c). For requirements on entitlement to night differential when credit hours are earned by prevailing rate (wage) employees and employees under 38 U.S.C (Title 38 employees), [see](#) 5 U.S.C. § 6123(c)(2).

D. Holidays. An employee may not earn additional compensation or credit hours for voluntarily working during holiday hours. If permitted by agency policy or negotiated agreements for union members, supervisors may approve requests from employees working under flexible work schedules to earn credit hours for work in excess of their basic work requirement on a holiday. Full-time employees under flexible work schedules are excused from 8 hours of their basic work requirement because of a holiday. See 5 U.S.C. § 6124. If an employee is scheduled to complete 9 or 10 hours of basic work requirement on a holiday, the agency may permit the employee to use previously accrued credit hours or annual leave in order to be absent with pay during the ninth and tenth hours.

E. Excused Absences. An employee may not earn credit hours during excused absences, such as a weather emergency. If employees work during the hours of their basic work requirement, despite being excused from work, they are not entitled to additional compensation or credit hours. However, if permitted by policy or negotiated agreements, a supervisor may approve a request from an employee to earn credit hours for work in excess of their basic work requirement

on a day when an excused absence is granted.

F. Training. An employee cannot earn credit hours for training required by an agency.

051207. Biweekly Pay Period

There is no limit on the accumulated number of credit hours during the biweekly pay period, subject to a supervisor's approval. Any credit hours worked in a pay period that exceeds the 24-hour maximum carryover will be forfeited if not used during that pay period. Credit hours must be earned before they are used. Employees may carry forward only 24 credit hours into the succeeding pay period. Credit hours under a maxi-flex schedule may be used during the pay period that they are earned.

0513 TIME OFF AS AN INCENTIVE AWARD

As authorized by [5 U.S.C. § 4502\(e\)](#), a time-off award may be granted in lieu of cash. See [5 C.F.R. 451.101 through 451.107](#). A time-off award is an absence with pay without charge to leave. See Chapter 3, section 0311.

0514 EXCUSED ABSENCE (ADMINISTRATIVE LEAVE)

051401. General

Excused absence is an absence from duty, administratively authorized, without loss of pay and without charge to leave. Excused absence is also referred to as administrative leave. Agencies have discretionary authority to grant excused absence to the extent that it does not interfere with agency operations. Periods of excused absence are considered part of an employee's basic workday even though the employee does not perform regular duties. The following are some of the more common situations in which agencies generally excuse absence without charge to leave. See DoDI 1400.25-V630 for additional situations.

051402. Blood Donation

Employees serving as blood donors may be excused from work without charge to leave for the time necessary to donate the blood, for recuperation following blood donation, and for necessary travel to and from the donation site. This provision does not cover an employee who gives blood for his or her personal use or receives compensation for giving blood.

051403. Closure of Installations or Activities

Administrative leave may be granted when employees are prevented from working due to extreme weather conditions or other severe disruptions.

051404. Tardiness and Brief Absence

If an employee is unavoidably or necessarily absent for less than one hour, or tardy, the agency, for adequate reason, may excuse the employee without charge to leave. See 5 C.F.R. 630.206.

051405. Registering and/or Voting

Excusal from duty for a reasonable period of time is authorized for registering and/or voting in any election. Generally, excuse employees from duty to permit them to report for work 3 hours after the polls open or to leave work 3 hours before the polls close, whichever results in the lesser amount of time off. Employees on flexible work schedules may only be excused for those hours that are not accommodated by their flexible schedules.

051406. Taking Examinations

This applies only to examinations given by or taken at the request of the employing activity. Excuse employees, without charge to leave or loss of pay, for all examinations required for converting to career-conditional appointments or for required noncompetitive examinations within the same employing activity.

051407. Attending Conferences or Conventions

Employees may be excused to attend conferences or conventions when it is determined that the attendance will serve the best interest of the Federal service. Such absences may be restricted to those situations that the employee is an official representative of the organization involved or is a contributor on the agenda. Employees may not be excused to attend conferences or conventions of political parties or partisan political groups or committees.

051408. Representing Employee Organizations

Representative leave hours must be reported using three separate categories. The categories are negotiations, grievance and appeals, and on-going labor and management committees. Absence charged as representative leave may be subject to the provisions of local negotiated agreements and/or supervisory approval. See [5 C.F.R. 551.424](#).

051409. Official Duty Status Funerals of Fellow Federal Law Enforcement Officers or Federal Firefighters

A Federal firefighter or Federal law enforcement officer may be excused from duty without charge to pay or leave in order to attend the funeral of a fellow Federal firefighter or Federal law enforcement officer who was killed in the line of duty. See [5 U.S.C. § 6328](#). When excused from duty, attendance at the funeral service is considered as official duty for the firefighter or officer. Under [31 U.S.C. § 1345](#), an agency may pay the expenses of an official or employee of the [United States](#) carrying out an official function.

051410. Absence of Veterans to Attend Funeral Services

An eligible employee may be excused from duty to participate as an active pallbearer, a member of a firing squad, or a guard of honor in a funeral ceremony for a member of the Armed Forces whose remains are returned from abroad for final interment in the [United States](#) (not to exceed 4 hours in any 1 day). See [5 U.S.C. § 6321](#).

051411. Excused Absence for Employees Returning From Active Military Duty

A. Entitlement. Pursuant to a Presidential Memorandum of November 14, 2003, a Federal employee is entitled to 5 days of excused absence after he or she returns from active military service in connection with the continuing Overseas Contingency Operations (OCO). Upon receiving notification from a returning employee of his or her intent to return to civilian duty on a specific date, an agency must grant an eligible employee 5 days of excused absence immediately prior to the employee's actual resumption of his or her duties. See the OPM Fact Sheet, [5 Days of Excused Absence for Employees Returning from Military Duty](#).

B. Usage. The commencement of the 5 days of excused absence represents a return to Federal employment, and the employee is obligated to report for work at the end of the 5-day period. The excused absence is intended to provide returning employees with continuous paid time off to spend with their families before returning to Federal service; therefore, the 5 days must be used consecutively. If the employee does not use all 5 days at once, the remaining days may not be carried over for later use.

C. Eligibility

1. Minimum Service Requirement. An employee must be on active duty in support of the OCO for at least 42 consecutive days to qualify for 5 days of excused absence. An employee does not qualify if the period of active duty is less than 42 days. The 42 days must be consecutively served, and an accumulation of 42 or more nonconsecutive days of active duty does not meet the requirement.

2. Multiple Deployments. An employee deployed on multiple occasions is entitled to receive 5 days of excused absence for each deployment as long as the deployment meets the 42-day requirement and the employee has not received 5 days of excused absence during the previous 365 days.

3. New Employees. A new employee who was not a Federal employee at the time of his or her activation does not qualify for the 5 days of excused absence.

4. Employees With an Uncommon Tour of Duty. The period of excused absence for an employee on an uncommon tour of duty or an employee on a part-time work schedule will be prorated according to the number of hours in the employee's regularly scheduled workweek.

0515 COURT LEAVE AND JURY DUTY

051501. General

Employees are authorized paid time off (court leave) when summoned to serve as a juror or as a witness in a nonofficial capacity on behalf of any party in connection with any judicial proceeding that the [United States](#), the District of Columbia, or a state or local government is a party. See [5 U.S.C. §§ 6322, 5537](#), and [5515](#), and the OPM Fact Sheet, [Court Leave](#).

051502. Summoned While on Annual Leave

If an employee is on annual leave when called for jury duty or witness service, then the PRO may substitute court leave. No charge should be made to annual leave for the court service.

051503. Requirements

An employee who is under summons from a court to serve on a jury should be granted court leave for the entire period, regardless of the number of hours per day or days per week, the employee actually serves on the jury during the period. However, jury service for which an employee is entitled to court leave does not include periods when the employee is excused or discharged by the court, subject to call by the court, for an indefinite period or for a definite period in excess of 1 day. Therefore, an employee may be required to return to duty or be charged annual leave if excused from jury service for 1 day or even a substantial part of a day. However, the employee should not be required to return to work if it will cause a hardship.

051504. Intermittent Employment

Employees hired with no scheduled tour of duty are not eligible for court leave. See [5 U.S.C. § 2105](#).

051505. FLSA Nonexempt Employees

FLSA nonexempt (e.g., FLSA covered) employees must not have their pay reduced under FLSA due to court leave for jury duty or witness service during their regularly scheduled tour of duty. See 5 U.S.C. § 6322.

051506. Documentation Required

When an employee is called for court service (as a witness or juror), the court order, subpoena, or summons, if one was issued, must be presented to the supervisor as far in advance as possible.

051507. Jury Duty Service Payment

Employees may not retain fees paid for jury duty service. If an employee performs jury duty service for a state or local court and the employee is paid jury duty fees, the fees must be collected from the employee as provided under subparagraph 051510. Employees who perform jury duty service for the [United States](#) or the District of Columbia governments are not paid jury duty fees. See 5 § U.S.C. 5537.

051508. Official Capacity Witness

Employees who perform witness service in an official capacity on behalf of the [United States](#) or the District of Columbia government, a state or local government, or a private party must not be paid witness fees, nor must the time served as a witness be charged to court leave or annual leave. The time must be recorded as official duty. If any fees are paid, they must be turned in to the employing activity.

051509. Nonofficial Capacity Witness

An employee is not entitled to court leave if the employee testifies as a witness in a nonofficial capacity on behalf of a private party in a matter that the [United States](#), the District of Columbia, a state, or local government is not a party. The employee must take annual leave or LWOP to serve in such a capacity. Employees are entitled to the fees and expenses related to such witness service.

*051510. Certificate of Attendance and Collection of Fees Paid

A. Amounts Subject to Collection

1. [Fees for Jury Duty or Witness Services](#). Unless otherwise allowable under this section, an employee in a pay status may not retain fees received for jury duty or witness services. The employee must submit any fees received to their employing activity in the form of a money order or personal check.

2. [Certificate of Attendance](#). A certificate of attendance from the clerk of the court must also be submitted to [the employing activity](#). The certificate of attendance should show the dates of jury duty or witness service and any amount of fees the court paid to the employee. The certificate of attendance should separately identify fees and other allowances or expenses. If the certificate of attendance does not identify allowances separately, then all monies received are considered fees for jury duty or witness services and must be collected.

* 3. [Employee Waiver or Refusal of Fees](#). An employee serving on a jury in a state or local court who waives or refuses to accept jury fees is still liable to the U.S. Government for the fees they would have received. Under 5 U.S.C. § 5515, the Federal government is entitled to be reimbursed for any fees available and the employee has no discretion to waive payment of the fees on the government's behalf. The amount of any waived or refused fees must be collected from the employee as a salary overpayment.

B. Amounts Not Subject to Collection.

1. Allowances or Reimbursement. The employee may keep reimbursements for expenses received from the court, authority, or party that summoned the employee. Allowances or reimbursement for expenses includes transportation or parking expenses.

2. Fees that Exceed Compensation. An employee may keep fees that exceed the employee's compensation for the days of service .

051511. Collection of Fees Paid Incorrectly

If fees are paid incorrectly to an employee who is serving in a nonofficial capacity, then the employee may not retain the fees. The fees must be turned in to the Customer Service Representative (CSR) at the employing activity.

051512. Holiday

When a holiday occurs during the time an employee is on jury duty or witness service, the employee may keep the jury duty or witness service fee paid for the holiday.

051513. Non-Workday

If called to jury duty on a non-workday, then the employee may keep the fees paid.

051514. Submission and Crediting of Fees Collected

Monies submitted to the CSR for fees collected by employees for jury duty or witness service must be accounted for on a DoD (DD) Form 1131, Cash Collection Voucher. The PRO must credit the appropriation and accounting classification that paid the employee's salary while the employee was on jury duty or serving as a witness with these monies. See 5 U.S.C. § 5515.

051515. Employee Absence

See Table 5-4 for employee absences for court or court-related services.

051516. Payroll Deduction

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. See 5 U.S.C. § 5515.

0516 SHORE LEAVE

051601. General

Shore leave means paid leave authorized under [5 U.S.C. § 6305\(c\)](#) and 5 C.F.R. 630, [subpart G](#) that is earned by an employee who is regularly assigned to duties onboard an oceangoing vessel. The employee appointed in the civil service can be an officer, crewmember, or other employee serving aboard an oceangoing vessel on an extended voyage. An employee is considered to be regularly assigned when his or her continuing duties are such that all or a significant part of them require that they serve aboard an oceangoing vessel. Temporary assignments of a shore-based employee, such as for limited work projects or for training, do not constitute a regular assignment. An eligible officer, crew member, or other employee serving onboard an oceangoing vessel on an extended voyage earns shore leave ([5 U.S.C. § 6305\(c\)](#) and 5 C.F.R. 630.701-704) at a rate not to exceed 1 day for each 15 calendar days of absence on one or more extended voyages.

051602. Extended Voyage

Shore leave is earned by eligible employees who are on an extended voyage. An extended voyage must be at least 7 consecutive calendar days in duration, including voyage-preparation time on board the vessel. See 5 C.F.R. 630.701.

051603. Computing Shore Leave

An employee earns shore leave at the rate of 1 day of shore leave for each 15-calendar days of absence on one or more extended voyages. The master of the vessel will keep a record of the accrual of shore leave for each employee. See 5 C.F.R. 630.703.

A. Officer and Crewmembers. For an employee who is an officer or crewmember, a voyage begins either on the date the employee assumes duties aboard an oceangoing vessel to begin preparation for a voyage or on the date the employee comes aboard when a voyage is in progress. The voyage terminates on the earliest of the following dates:

1. The employee ceases to be an officer or crewmember of the oceangoing vessel, or
2. The employee is released from assigned duties relating to the voyage aboard the oceangoing vessel at the port of origin or port of final discharge.

B. Other Employees. For an employee, other than an officer or crewmember, a voyage begins on the date of sailing and terminates on the earliest of the following dates:

1. The oceangoing vessel returns to a port where the employee will disembark in completion of his or her assignment aboard the vessel, or
2. The employee is released from the assignment aboard the vessel.

051604. Computing Days of Absence

The master of the vessel keeps a record on the use of shore leave for each employee. When computing the days of absence, an agency must use the guidance set out at 5 C.F.R. 630.703(c).

051605. Granting Shore Leave

An employee has an absolute right to use shore leave, subject to the right of the head of the agency to fix the time when shore leave may be used. Shore leave may be granted during a voyage at the written request of the employee. If so requested and denied, the denial must also be in writing. See 5 C.F.R. 630.704.

051606. Minimum Charge

The minimum charge for shore leave is 1 day; additional charges are in whole days.

051607. Time and Attendance Report

The PRO must accept shore leave taken on the time and attendance report.

051608. Limitation

Shore leave is in addition to annual leave, and it may be accumulated for future use without limitation.

051609. Lump-Sum Leave Payment

Shore leave is not included in a lump-sum leave payment.

051610. Terminal Leave

An agency must not grant shore leave to an employee as terminal leave. Terminal leave is an approved absence immediately before an employee's separation when an agency knows the employee will not return to duty before the date of their separation. The exception to this rule is that an agency must grant shore leave as terminal leave when the employee's inability to use shore leave was due to circumstances beyond their control and not due to his or her own act or omission.

051611. Forfeiture

Shore leave is forfeited if not granted before:

- A. Separation from the service; or
- B. An official assignment, other than by temporary detail, to a position in which the employee does not earn shore leave. To the extent administratively practicable, the employing activity must give an employee an opportunity to use the shore leave to their credit either before the

reassignment or not later than 6 months after the date of their reassignment when the employing activity is unable to grant the shore leave before the reassignment.

051612. Transfer

At the time of an employee's transfer to a position at another employing activity or agency, accumulated shore leave must be transferred if:

- A. The employee is entitled to shore leave in the new position, and
- B. There is no break in service.

0517 HOME LEAVE

051701. General

Home leave means leave authorized by [5 U.S.C. § 6305\(a\)](#) and [5 C.F.R. 630.601](#) and earned by service abroad. Home leave can be earned and granted to eligible employees who have been recruited for overseas duty and who meet the requirements of 5 U.S.C. § 6304(b) for the accumulation of a maximum of 45 days of annual leave. There is no maximum accumulation of home leave. Balances are posted on the SF 1150 for future use.

051702. Earning Home Leave

To determine the rate of accrual for home leave, the computation of service abroad must be completed. When computing service abroad full credit is given for the day of arrival and the day of departure.

A. Computation of Service Abroad. Service abroad means service on or after September 6, 1960, at a post of duty [OCONUS](#) and outside the employee's residence if it is in the Commonwealth of Puerto Rico or a territory or possession of the [United States](#). Computation of service abroad:

1. Begins on the date of the employee's arrival at a post of duty [OCONUS](#), or on the date of his entrance on duty when recruited abroad;
2. Ends on the date of the employee's departure from the post for separation or for assignment in the [United States](#), or on the date of his separation from duty when separated abroad; and
3. Includes:
 - a. Absence in a nonpay status up to a maximum of 2 workweeks within each 12 months of service abroad,
 - b. Authorized leave with pay,

c. Time spent in the Armed Forces of the United States which interrupts service abroad (but only for eligibility, not leave-earning, purposes), and

d. A period of detail.

B. Earning Rates. For each 12 months of service abroad, an employee earns home leave at the following rate:

1. An employee who accepts an appointment to, or occupies, a position for which the agency has prescribed the requirement that the incumbent accept assignments anywhere in the world as the needs of the agency dictate earns 15 days.

2. An employee serving with a U.S. mission to a public international organization earns 15 days.

3. An employee serving at a post that payment of a foreign or non-foreign (but not a tropical) differential of 20 percent or more is authorized by law or regulation earns 15 days.

4. An employee not included in 051702.B.1, 2, or 3, who is serving at a post that payment of a foreign or territorial (but not a tropical) differential of at least 10 percent (but less than 20 percent) is authorized by law or regulation, earns 10 days.

5. An employee not included in 051702.B.1, 2, 3, or 4 of this section earns 5 days.

6. An employee not included in [subparagraphs](#) 051702.B.1 through [051702.B.5](#), whose service abroad is interrupted by a tour of duty in the Armed Forces of the United States, for the duration of such tour earns 0 days.

C. Home Leave Earning Table. The employee earns home leave under the rates fixed by [5 C.F.R. 630.604](#) for each month of service abroad. An agency must credit home leave to an employee's leave account, as earned, in multiples of 1 day as set forth in the table under [5 C.F.R. 630.605](#).

D. Varying Rates. When a change in the employee's earning rate occurs, the agency must credit the employee with the amount of home leave for the month at the rate that they were entitled to prior to the change.

051703. Home Leave Usage

A grant of home leave is at the discretion of the employee's agency. An agency may grant home leave in combination with other leaves of absence in accordance with established agency policy.

A. Entitlement. Except as otherwise authorized by statute, an employee is entitled to home leave only when they have completed a basic service period of 24 months of continuous service abroad. The 24 months of continuous service abroad is a one-time requirement. This basic service period is terminated by a break in service of 1 or more workdays or an assignment (other than a detail) to a position that an employee is no longer subject to 5 U.S.C. § 6305(a). An employee is entitled to home leave upon completion of 12-month overseas assignments in certain areas affected by OCO. See [22 U.S.C. § 4083\(a\)](#).

B. Limitations. An agency may grant home leave only under the following circumstances:

1. For use in the [United States](#), the Commonwealth of Puerto Rico, or a territory or possession of the [United States](#); and

2. During an employee's period of service abroad, or within a reasonable period after his or her return from service abroad when it is contemplated that the employee will return to service abroad immediately or on completion of an assignment in the [United States](#). See 5 U.S.C. § 6305(a)(1) and [5 C.F.R. 630.606](#).

051704. Charging of Home Leave

The minimum charge for home leave is 1 day and additional charges are in multiples thereof.

051705. Indebtedness

An employee is indebted for the home leave used when the employee fails to return to service abroad after the period of home leave or after the completion of an assignment in the [United States](#). However, a refund for this indebtedness is not required when:

A. The employee has completed at least 6 months service in an assignment in the [United States](#) following the period of home leave;

B. The agency determines the employee's failure to return was due to compelling personal reasons of a humanitarian or compassionate nature, such as physical or mental health issues, or circumstances of which the employee has no control; or

C. The agency that granted the home leave determines that it is in the public interest not to return the employee to their overseas assignment.

051706. Transfer and Recredit of Home Leave

An employee is entitled to have their home leave account transferred or recredited to his or her account when the employee moves between agencies or is reemployed without a break in service of more than 90 days. Home leave is not included in lump-sum leave calculations.

0518 FUNERAL LEAVE

051801. General

Funeral leave is granted to allow an employee to arrange for or to attend the funeral or memorial service for an immediate relative who died of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone. Title [5, U.S.C. § 6326](#) and 5 C.F.R. 630, [subpart H](#) require an activity to grant an employee funeral leave as is needed and requested, not to exceed 3 workdays. [The granting of funeral leave should not cause the employee to lose](#) leave the employee is otherwise entitled to, or [lose](#) credit for time or service. The 3 days need not be consecutive, but if not, the employee must furnish the approving authority with satisfactory reasons justifying a grant of funeral leave for nonconsecutive days. Combat zone means those areas determined by the President under the authority of [26 U.S.C. § 112](#). An activity may grant funeral leave only from a prescribed tour of duty, including regularly scheduled overtime. An immediate relative is an individual with any of the following relationships to the employee:

- A. Spouse and their parents;
- B. Sons and daughters (including adopted, step, or foster) and their spouses;
- C. Parents and their spouses;
- D. Brothers and sisters, and their spouses;
- E. Grandparents and grandchildren, and their spouses;
- F. Domestic partner and their parents, including domestic partners of any individual in paragraph 051801 B. through E; or
- G. Any person related by blood or affinity whose close association with the employee was the equivalent of a family relationship. See 5 C.F.R. 630.801-804 and 5 U.S.C. § 6326.

*051802. Official Duty Status

Under [31 U.S.C. § 1345](#), an agency is authorized to pay the expenses of an official or employee of the United States carrying out an official function as part of the funeral or memorial service. See paragraph 051409 for information concerning the official duty status of an employee in connection with funerals of fellow Federal law enforcement officers or Federal firefighters under 5 U.S.C. § 6328.

0519 CONTINUATION OF PAY (COP) AND OWCP

051901. General

The Federal Employees' Compensation Act, 5 U.S.C., Chapter 81, provides for the payment of workers' compensation benefits and authorized medical care for all civilian employees of the [United States](#) for disability due to personal injury sustained while in the performance of duty. For information on placing employees who are eligible for COP in a leave status for time lost from work due to injury in excess of the 45 days of COP, see Chapter 6. See also [20 C.F.R. 10](#) and the [DoDI 1400.25-V810](#).

051902. Use of Leave

An employee may use annual, sick, or advanced leave to cover all or part of an absence due to an injury.

0520 MILITARY LEAVE

052001. Four Types of Military Leave

Eligible employees are entitled to time off with full pay for certain types of active or inactive duty in the National Guard or as a Reserve of the Armed Forces. See [5 U.S.C. § 6323](#). The four types of military leave are as follows:

A. Leave under 5 U.S.C. § 6323(a) provides employees with 120 hours (15 days) of leave per fiscal year for active duty, active duty training, and inactive duty training. See [paragraph 052002](#).

B. Leave under 5 U.S.C. § 6323(b) provides 22 workdays per calendar year for employees who perform military duties in support of civil authorities in the protection of life and property, or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation. See [paragraph 052003](#).

C. Leave under 5 U.S.C. § 6323(c) provides unlimited military leave to members of the National Guard of the District of Columbia for certain types of duty. See [paragraph 052004](#).

D. Leave under 5 U.S.C. § 6323(d) provides that military reserve technicians are entitled to 44 workdays of military leave for duties overseas under certain conditions. See [paragraph 052005](#).

*052002. Military Leave for Active Duty, Active Duty Training, and Inactive Duty Training Under 5 U.S.C. § 6323(a).

Military leave is available for active duty, active duty training, inactive duty training, funeral honors duty, or engaging in field or coast defense training. See 5 U.S.C. § 6323(a). Eligible

employees are entitled to 120 hours (15 days) of military leave on a fiscal year rather than a calendar year basis. Unused military leave must carry forward to the next fiscal year, not to exceed a maximum balance of up to 30 days. Eligible part-time employees are entitled to military leave on a prorated basis. See [5 U.S.C. § 3401\(2\)](#). Employees with temporary appointments of 1 year or less or intermittent work schedules are not entitled to military leave, [even if the appointments are extended in 1 year increments without a break in service](#). Employees with appointments exceeding 1 year are entitled to military leave.

A. Receipt of Both Military Pay and Civilian Pay. Employees using military leave under 5 U.S.C. § 6323(a) keep both their military and civilian pay.

B. Crediting Military Leave. At the beginning of each fiscal year (October 1), eligible full-time employees must be credited with 120 hours (15 days) of military leave. Eligible part-time employees must be credited with leave on a prorated basis. The prorated percentage is determined by dividing 40 into the number of hours in the employee's regularly scheduled workweek during that fiscal year. Any portion of military leave unused at the end of the fiscal year, not to exceed 120 hours (15 days), must be carried forward to the next fiscal year (not to exceed a maximum balance of 240 hours (30 days)). Newly eligible employees and new members of Reserve Components must be credited with the full 120 hours (15 days) (prorated if employed part-time) when entering upon duty or upon joining the Reserve unit. The 120 hours must not be prorated for a partial year for newly eligible employees or new members of the Reserve unit.

C. Crediting Military Leave After Change in a Tour of Duty. If a civilian employee changes their tour of duty from part-time to full-time in the middle of the fiscal year, the PRO must first determine the number of days of military leave used by the employee during that fiscal year. The days of used leave are subtracted from the days authorized under the current tour of duty in the case of an employee who increases the hours in their workweek.

1. Example. An employee worked a 32 hour workweek and was entitled to 96 hours of military leave (120 hours x $(32/40 = .8) = 96$ hours). The employee used 40 military leave hours before the tour of duty was changed to full-time in the middle of the fiscal year. The employee had a balance of 56 hours. After changing to full-time, the employee's available military leave hours would equal the number of hours on the current full-time tour of duty (120) minus the number of used hours, on the previous tour of duty (40 hours) or $120 - 40 = 80$ remaining hours of military leave.

2. Formula. The formula is as follows:

(military leave hours authorized in current tour) - (military leave hours used from previous tour) = military leave hours available for the remainder of the fiscal year.

D. Charging Leave. Military leave under 5 U.S.C. § 6323(a) is charged on a daily basis, and the minimum charge is 1 hour. Military leave may be taken intermittently, a day at a time, or all at one time, regardless of the number of training sessions. Hours in the regularly scheduled workday that are not chargeable to military leave must be worked or charged to another leave category such as annual leave, LWOP, or compensatory time. No charge is made for non-

workdays at the beginning and end of a period of absence on active military duty. Military leave is not charged for weekends and holidays that occur within the period of service. Under 5 C.F.R. 353.208, an employee performing military service must be permitted to also use any accrued annual leave, earned compensatory time off for travel, or accrued sick leave (consistent with requirements for using sick leave) during military service. An employee may use annual leave, military leave, and earned compensatory time off for travel or sick leave intermittently with LWOP while on active duty or active/inactive duty training.

E. Weekend Drills. Civilian employees whose regular workweek includes Saturday and Sunday may take military leave under 5 U.S.C. § 6323(a) to attend weekend drills.

F. Inactive Duty Training (Drills). Inactive duty training means authorized training performed by members of a Reserve component, not on active duty and performed in connection with the prescribed activities of the Reserve component. It consists of regular scheduled unit training periods, additional training periods, and equivalent training.

G. Using Carryover Leave. A maximum of 240 hours (30 days) of military leave may be used in any fiscal year. The military leave may be used during one or more periods of military duty during the fiscal year. Employees may take the full 120 hours (15 days) of military leave immediately at the beginning of a fiscal year, even if up to a maximum of 240 hours (30 days) had been taken during the prior fiscal year, and even if the military duty is continuous.

* 052003. Military Leave for Mobilized Federal Civilian Employees in Support of Contingency Operations or Employees Who Assist With Law Enforcement Under 5 U.S.C. § 6323(b)

A. Entitlement. There are two conditions under which employees are entitled to an additional 22 workdays of military leave under the provisions of 5 U.S.C. § 6323(b).

* 1. Military Service In Support of a Contingency Operation. Employees who perform full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in [10 U.S.C. § 101\(a\)\(13\)](#) are eligible for an additional 22 workdays of military leave.

2. Military Duty In Support of Civil Authorities. Reservists or National Guard members who perform military duty in support of civil authorities in the protection of life and property are eligible for an additional 22 workdays of military leave.

B. Reduction of Civilian Pay for Leave Under 5 U.S.C. § 6323(b). An employee's civilian pay is reduced (offset) by the amount received by the employee for military service as a member of the Reserves or National Guard for the period the employee is granted military leave under 5 U.S.C. § 6323(b). The military pay to be offset against the civilian pay does not include travel, transportation or per diem paid by the military. If the military pay exceeds the employee's civilian pay, the employee retains that portion of military pay that exceeds the civilian pay. If the employee uses annual leave or compensatory time, the offset rules do not apply, and the employee receives full military pay and full civilian pay. See [5 U.S.C. § 5519](#).

C. Crediting Leave. The PRO must credit leave to the employee upon each eligible occurrence. Leave remaining at the end of the calendar year may not be carried over into the next calendar year.

D. Charging Leave. The 22 workdays (176 hours) are charged on the same basis as annual and sick leave. An employee working an uncommon tour of duty must have this additional leave entitlement adjusted on a pro rata basis. Leave may also be charged to the employee's accrued annual leave or to accrued compensatory time instead of being charged as leave to which the employee is entitled under this subsection. The period of absence may not be charged to sick leave.

052004. Leave for National Guard of the District of Columbia Under 5 U.S.C § 6323(c)

Employees who are members of the National Guard of the District of Columbia are entitled to unlimited military leave without loss of pay or leave for each day of a parade or encampment ordered or authorized under Title 49, District of Columbia Code. This leave covers each day of service or a portion thereof the National Guard is ordered to perform by the commanding general. See 5 U.S.C. § 6323(c).

A. Reduction of Civilian Pay for Leave Under 5 U.S.C. §6323(c). Under the provisions of 5 U.S.C. § 5519, an employee's civilian pay is reduced (offset) by the amount received by the employee for military service as a member of the Reserve or National Guard for the period for which the employee is granted military leave under 5 U.S.C. § 6323(c). The military pay to be offset against the civilian pay does not include travel, transportation, or per diem paid by the military. If the military pay exceeds the employee's civilian pay, the employee may retain that portion of military pay that exceeds the civilian pay. If the employee uses annual leave or compensatory time, the offset rules do not apply and the employee receives full military pay and full civilian pay.

B. Crediting Leave. The PROs credit this leave to the employee upon each eligible occurrence. The balances at the end of each calendar do not carry into the next calendar year.

C. Charging Leave. The 22 workdays (176 hours) are charged on the same basis as annual and sick leave. An employee working an uncommon tour of duty must have this additional leave entitlement adjusted on a pro rata basis.

052005. Leave for Military Reserve Technicians (Military Technicians (Dual Status)) Under 5 U.S.C. § 6323(d)

Under 5 U.S.C. § 6323(d), employees who are defined by 5 U.S.C. § 8401(30) as military reserve technicians are entitled an additional 44 workdays (352 hours) of military leave in a calendar year. This military leave is in addition to the military leave already available under 5 U.S.C. §§ 6323(a), (b), and (c). To be eligible, the military reserve technician must be on active duty without pay under 10 U.S.C. §§ 12315, 12301(b), or 12301(d) for participation in noncombat operations OCONUS, its territories, and its possessions. This military leave does not apply to active duty during

a war or national emergency declared by the President or the Congress. A copy of the military orders or a statement by the employee's commanding officer that shows either 10 U.S.C. §§ 12301(b) or 12301(d) authority is required as acceptable evidence that the military duty was performed and was without military pay.

A. No Offset of Civilian Pay. The compensation of an employee granted leave under 5 U.S.C. § 6323(d) will not be reduced by reason of such absence since the employee will be on active duty without pay. An employee will receive the same civilian pay they would have received for regularly scheduled work.

B. Charging Leave. There is no charge for holidays and non-workdays. At the employee's request, the period the employee is absent to perform service may be charged to the employee's accrued annual leave or available compensatory time. The period may not be charged to sick leave. See 5 U.S.C. § 6323(d)(2) for additional information. The unused portion of the 44 workdays may not be carried forward to the next calendar year.

052006. Substantiating All Military Leave Charges

To substantiate all types of military leave charges, the employee is required to submit a copy of their military orders or substantiating documentation directing them to report to active military duty. Upon return to civilian status from military leave, the employee is required to submit a certified verification of attendance. If an employee has separate sets of orders or orders that cover separate periods with return to civilian status between the periods covered in the orders, then the military leave must not be charged for the time the employee is returned to civilian status.

052007. Separation From Federal Service and Military Leave

Before a Reservist or National Guard member separates from civilian employment, they are given the chance to use any accrued military leave. If a member takes military leave and then separates, the date the separation is effective must be the date the military leave expires.

052008. FLSA Nonexempt Employees

FLSA nonexempt (e.g., FLSA covered) employees may not have their customary and regular pay, including overtime pay under the FLSA, reduced during periods of military leave. Thus, if overtime pay is a part of the employee's regularly scheduled administrative workweek (not irregular or occasional) the employee is entitled to receive the overtime pay even for pay periods in which military leave is used by the employee. In such a case, the employee's civilian pay will still be offset by the amount received by the employee for military service as provided under 5 U.S.C. § 5519. For example, an employee with a regularly scheduled tour of duty of 144 hours per biweekly pay period (106 hours plus 38 hours of overtime) is entitled to receive pay for all 144 hours while on military leave, provided the civilian pay is offset by military pay pursuant to 5 U.S.C. § 5519.

052009. Additional Information Regarding Absence During Uniformed Service

A. Deemed to be on Leave of Absence. The Uniformed Services Employment and Reemployment Rights Act (USERRA) at [38 U.S.C. § 4316\(b\)\(1\)](#) provides that when an employee is absent from employment due to service in the Uniformed Services, the employee is deemed to be on furlough or leave of absence. Service includes:

1. Active duty, active duty for training, initial active duty for training, or inactive duty training;
2. Full-time National Guard duty;
3. A period in which an employee is absent from duty for the purpose of an examination to determine the employee's fitness to perform any such duty; and
4. A period in which an employee is absent from duty for the purpose of performing funeral honors duty as authorized by [10 U.S.C. § 12503](#) or [32 U.S.C. § 115](#).

B. Provisions Under 5 U.S.C., Chapter 83 (CSRS). An absence from work to perform military duty for purposes of [5 U.S.C., Chapter 83](#) ordinarily should be processed as a military separation except during a period of war or national emergency when the provisions of 5 U.S.C. § 8332(g) have been explicitly invoked. Under 5 U.S.C. § 8332(g), an employee who enters on military duty will be granted a leave of absence unless the employee has applied for and received a lump-sum credit under 5 U.S.C., Chapter 83. See [38 U.S.C., Chapter 43](#) and 5 C.F.R., part 353.

C. Use of Other Leave. Regulations under 5 C.F.R. 353.208 implementing the USERRA provide that an employee performing service with the Uniformed Services must be permitted, upon request, to use any accrued annual leave, military leave, earned compensatory time off for travel, or accrued sick leave (consistent with the statutory and regulatory criteria for using sick leave) during such service. An employee is entitled to use these types of leave intermittently with LWOP while on active duty or active/inactive duty training.

0521 FURLOUGH

052101. General

There are two types of furloughs, shutdown and administrative. In a furlough situation, the PRO must rely on the detailed guidance issued by OPM and the Defense Civilian Personnel Advisory Service (DCPAS). See the OPM [Pay and Leave Furlough Guidance](#) and the DCPAS furlough guidance in [Contingency Planning Guidance](#). Furloughs of 30 calendar days or less are covered under adverse action procedures found under [5 C.F.R. 752, subpart D](#). Furloughs of more than 30 calendar days are covered under reduction in force procedures found under [5 C.F.R. 351, subpart B](#). Furloughs for SES members are covered in [5 C.F.R. 359, subpart H](#).

052102. Shutdown Furlough

A. General. A shutdown furlough (also referred to as an emergency furlough) occurs when funds are not available through an appropriations law or continuing resolution, and an agency no longer has the necessary funds to operate. Unlike an administrative furlough, agencies will not prepare an SF 50 for submission to the PRO at the outset of a shutdown furlough. At the conclusion of a shutdown furlough, OPM will release specific guidance on how to prepare an SF 50 for each individual subject to furlough. See the OPM [Guidance For Shutdown Furloughs](#). During a shutdown furlough, the agency must shut down any activities that are not excepted pursuant to the Antideficiency Act. See [31 U.S.C. § 1341](#). A furloughed employee cannot volunteer to do their job on a nonpay basis. See [31 U.S.C. § 1342](#). An employee scheduled for training during a furlough must be placed in furlough status and ordered not to attend the scheduled training. [Excepted and exempt](#) employees may continue to work during a shutdown furlough [as follows](#):

1. Excepted Employees. Excepted employees are employees who are funded through annual appropriations but who are excepted from the furlough because they are performing work that, by law, may continue to be performed during a lapse in appropriations. Each agency must determine which employees are excepted employees.

2. Exempt Employees. Employees are exempt from furlough if not affected by the lapse in appropriations. This includes employees not funded by annually appropriated funds. Employees performing such functions will generally continue to be governed by the normal pay, leave, and other civil service rules.

B. Pay During a Shutdown Furlough

1. Furloughed Employees. Congress determines whether furloughed employees receive pay for the furlough period. Furloughed employees receive pay for any hours worked prior to the lapse in appropriations. If a furlough occurs in the middle of a pay period and an employee receives a partial paycheck, [the PRO must use the order of precedence listed under Chapter 4, section 0402](#) in applying deductions.

2. Excepted Employees. Excepted employees who perform services during a furlough period will be paid when Congress passes and the President signs a new appropriation or continuing resolution. Excepted employees are permitted to earn premium pay in accordance with applicable rules and subject to relevant pay limitations.

3. Holidays. Furloughed employees and excepted employees who do not work on a holiday do not receive pay for a holiday that occurs during a shutdown furlough.

C. Previously Approved Leave During a Shutdown Furlough. The Antideficiency Act at 31 U.S.C. § 1341 does not allow for the authorization of any expenditure or obligation before an appropriation is made, unless authorized by law. Paid time off creates a debt that is not authorized by the Act. Therefore, all paid time off during a shutdown furlough must be cancelled. Any unpaid leave under the FMLA that was scheduled to be taken during a shutdown furlough does not count toward the employee's 12-week FMLA leave entitlement. Military leave

under 5 U.S.C. § 6323 must be cancelled for days covered by the furlough. Excepted employees:

1. Must either be performing excepted activities or be furloughed during any absence from work;
2. May not take previously approved paid time off or be granted new requests for paid time off during a shutdown furlough;
3. May be permitted to earn compensatory time off and credit hours during the shutdown furlough; **and**
4. Are not permitted to use the compensatory time off or credit hours during the shutdown period.

052103. Administrative Furlough

A. General. An administrative furlough is a planned event by an agency, which is designed to absorb reductions necessitated by downsizing, reduced funding, lack of work, or any budget situation other than a lapse in appropriations. Furloughs **resulting** from sequestration would generally be considered administrative furloughs. See [the OPM Guidance for Administrative Furloughs](#).

B. Covered Employees. Agencies are responsible for identifying the employees affected by administrative furloughs based on budget conditions, funding sources, mission priorities (including the need to perform emergency work involving the safety of human life or protection of property), and other mission-related factors.

1. All political appointees who are covered by the leave system in 5 U.S.C., Chapter 63, or an equivalent formal leave system, are subject to administrative furlough.

2. Individuals appointed by the President, with or without Senate confirmation, who are not covered by the leave system in 5 U.S.C., Chapter 63, or an equivalent formal leave system, are not subject to furlough. A leave-exempt Presidential appointee cannot be placed on non-duty status.

C. Pay During an Administrative Furlough

1. Ordered to Work. If an employee is ordered to work during the furlough hours, the assignment of work cancels the employee's furlough status for the duration of the order and such work is subject to normal compensation requirements.

2. Work Outside of Basic Workweek. Employees who are required to work hours outside of a basic workweek during which they have been furloughed are compensated with their rate of basic pay if overtime thresholds have not been met, and/or with overtime pay or compensatory time off in lieu of overtime pay, as appropriate, once the thresholds have been met.

3. Post Allowance. Post Allowance continues without interruption while the employee is in nonpay status not in excess of 14 consecutive calendar days, including periods outside the employee's regular tour of duty (e.g., weekends).

4. Living Quarters Allowance (LQA). LQA continues without interruption while the employee is in nonpay status not in excess of 30 consecutive calendar days at any one time. For periods in nonpay status longer than 30 consecutive calendar days, LQA payment **must** be suspended as of the day the employee enters such status, and payment is not to be made for any part of such period.

D. Voluntary Services. An employee on administrative furlough may not volunteer to do his or her job on a nonpay basis. See 31 U.S.C. § 1342.

0522 LWOP

052201. General

LWOP is a temporary nonpay status and absence from duty that, in most cases, is granted at the employee's request. In most instances, granting LWOP is a matter of supervisory discretion and limited by agency internal policy.

052202. Employee Request

An employee's request for paid leave of absence, such as for annual or sick leave, will convert to a request for LWOP if annual or sick leave is insufficient.

052203. Authorization

Authorizing LWOP is a matter of administrative discretion. An employee generally cannot demand LWOP as a matter of right. However, in some instances, employees may have an entitlement to LWOP.

A. FMLA. Employees may be entitled to unpaid leave under the FMLA to care for a family member or covered Service member. See section 0505.

B. Disabled Veterans. Disabled veterans are entitled to LWOP if required for medical treatment under Executive Order 5396, July 17, 1930.

C. Reserve and National Guard Members. Reserve and National Guard members are entitled to LWOP if required to perform military duties under 38 U.S.C. § 4316(b)(1). See paragraph 052002.

D. Workers' Compensation. For limited periods, employees are entitled to LWOP if receiving injury compensation under 5 U.S.C., Chapter 81. Generally, when receiving workers' compensation from the [DOL](#), employees may not be in a pay status.

052204. Leave Conversion

LWOP that has been granted to an employee will not be converted to annual or sick leave except in the case of:

- A. Administrative error;
- B. Participation in the [VLTP](#) or [VLBP](#);
- C. Disability retirement and employee compensation cases in which claims are disallowed; or
- D. When there has been a settlement or an order of an arbitrator, Administrative law judge, or Federal judge in an employee dispute.

052205. Reduction of Leave Accrual

When the number of LWOP status hours in a full-time employee's leave year equals the employee's biweekly tour of duty (e.g., 80, 112, or 144 hours), the employee's leave accrual is reduced by an amount equal to the amount of leave (sick and annual) earned during the pay period. For example, when reduction of accrual is required during the last pay period in the calendar year for an employee in the 6-hour accrual category (entitled to accrue 10 hours of leave in such period), leave accrual for that period reduces by 10 hours. When an employee has one or more breaks in service during the leave year, the PRO will include all hours in a LWOP status (other than nonpay status during a fractional pay period when no leave accrues). When an employee's number of LWOP hours at the end of the leave year is less than his or her biweekly tour of duty, the LWOP hours are dropped. See 5 C.F.R. 630.208.

0523 ABSENCE WITHOUT LEAVE (AWOL)

052301. General

If an employee who is required to work fails to report for duty without adequate reason for their absence, the agency may choose to place the employee on AWOL, and the employee may potentially be disciplined for the AWOL at the agency's discretion. The agency makes the determination as to whether the employee has adequate reason for his or her absence. An absence from duty which is not authorized or approved, or for which a leave request has been denied, is properly charged as AWOL.

052302. Reduction of Leave Accrual

The reduction of leave accrual is the same as for LWOP.

0524 SUSPENSION

Suspension is the placement of an employee in a temporary nonpay and non-duty status for disciplinary reasons. An SF 50 must be issued for all suspensions. See [5 U.S.C., Chapter 75](#) and [5 C.F.R., part 752](#).

*0525 DISABLED VETERAN LEAVE (DVL)

052501. Purpose

The [Wounded Warriors Federal Leave Act of 2015](#), passed on November 5, 2015, establishes a new leave category for newly hired veterans of military service with a service-connected disability rating of 30 percent or more from the Veterans Benefits Administration (VBA). The intent of the law was to grant newly-hired veterans immediate access to up to 13 days (104 hours) of paid leave so that the employee does not need to take unpaid leave for the treatment of their service connected injuries. An employee can use up to 104 hours of DVL to attend medical appointments related to their service connected disability during a 12-month period of eligibility beginning on their first day of employment, as defined under subsection 052502.B. DVL is a one-time benefit provided to an eligible employee. See [5 U.S.C. § 6329](#); [5 C.F.R. 630, subpart M](#); and the OPM Fact Sheet, [Disabled Veteran Leave](#).

052502. Eligibility and Submission of Certifying Documentation

A. [Eligible Employees](#). An employee, hired on or after November 5, 2016, who is a veteran with a qualifying service-connected disability is eligible for disabled veteran leave. See [5 C.F.R. 630.1304](#). For the purposes of DVL, hired after November 5, 2016, means the following:

1. Receiving an initial appointment to a civilian position qualifying for DVL,
2. Receiving a qualifying reappointment to a civilian position qualifying for DVL, or
3. Returning to duty status in a civilian position qualifying for DVL when the return immediately follows a break in civilian duty to perform military service. Employee must be in a continuous civilian leave status during the break.

B. [Eligibility Period](#). An employee may use disabled veteran leave during the 12-month eligibility period beginning on their first day of employment. For purposes of determining the 12-month period, the first day of employment means the later of:

1. The earliest date an employee is hired (after the effective date of the employee's qualifying service-connected disability as determined by the VBA), or

2. The effective date of the employee's qualifying service-connected disability as determined by the VBA.

C. Certifying Documentation. The employee must provide their employing agency with documentation from the VBA certifying the employee has a service-connected disability rating of at least 30 percent or more. The certifying documentation must be provided to the employing agency as follows:

1. Upon the first day of employment, if the employee has already received certifying documentation from the VBA; or

2. If the employee has not yet received certifying documentation from the VBA, as soon as practicable after the employee receives the documentation.

D. Eligibility Period if Certifying Documentation is Submitted Late. If the employee submits the certifying documentation on a date later than required under subsection 052502.C, the 12-month eligibility period is not affected and is still based on the first day of employment.

E. Changes in Eligibility. The employee must notify the agency if the disability rating is decreased below a 30 percent rating or discontinued in the 12-month eligibility period.

052503. Crediting and Offsetting DVL

After confirming the employee's eligibility for DVL, the PRO must credit the employee with the appropriate amount of DVL. The number of hours credited is based on the employee's work schedule. The total number of DVL hours initially credited must be offset by certain sick leave or "equivalent" disabled veteran leave as described below. See 5 C.F.R. 630.1305 and the OPM Fact Sheet for examples

A. Full-Time Employees. Full-time nonseasonal employees may receive a credit of 104 hours of DVL.

B. Part-Time Employees. The 104 hours is prorated based on the number of hours in the part-time schedule (as established for leave charging purposes) relative to a full-time schedule. For example, 52 hours of DVL is given to a half-time employee.

C. Seasonal Employees. The 104 hours is prorated based on the total projected hours to be worked in an annual period of 52 weeks relative to a full-time work year of 2,080 hours (for example, 52 hours for a seasonal employee who works full-time for half a year).

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

E. Tour of Duty Change. If an employee's tour of duty is converted to a different

tour of duty, the employee's balance of DVL must be converted to the proper number of hours based on the proportion of hours in the new tour of duty. See 5 C.F.R. 630.1305.

F. Offsetting DVL Credits. When determining the initial number of hours of DVL credit, the PRO must offset the credit the following:

1. Sick Leave. Any hours of sick leave the employee has credited to their account as of the first day of employment (for example, if the employee is being reappointed and will have recredited sick leave, the DVL must be reduced by the recredited sick leave).

2. Equivalent Disabled Veteran Leave. Any hours of equivalent disabled veteran leave used by an employee in a position not covered under 5 U.S.C. 6329 (for example, if the employee has equivalent disabled veteran leave granted under other statutory authority such as for personnel with the Federal Aviation Administration, the DVL must be reduced by the equivalent leave hours). See 5 C.F.R. 630.1305(e).

052504. Requesting and Using DVL

An employee may only use DVL only for medical treatment of a qualifying service-connected disability. The medical treatment may include a period of rest if so directed by a medical provider for treatment of the service-connected disability. See 5 C.F.R. 630.1306.

A. Application for Leave. The application for leave may be a written, electronic, or oral request. The application must state the DVL will be used for medical treatment of the qualifying disability. The leave application must include the days and hours required of absence for treatment. The application must be submitted according to the employing agency's leave submission requirements.

B. Retroactive Substitution of DVL Leave. If an employee does not provide the agency with certification for the service-connected disability prior to having to take leave connected to treatment of the service-connected disability, the employee is entitled to substitute approved DVL retroactively for such absences in the 12-month eligibility period (excluding periods of suspension or AWOL). The DVL may be retroactively substituted for LWOP, sick leave, annual leave, compensatory time off, or other paid time off in the 12-month eligibility period. Upon substituting the DVL, the PRO must make appropriate adjustments to leave balances. If the employee retroactively substitutes DVL for advanced annual or advanced sick leave, the substitution will liquidate any leave indebtedness.

052505. Medical Certification

A. Required Documentation. In addition to the employee's request to utilize DVL as described in subparagraph 052504.A, an agency may require a signed written medical certification issued by a health care provider. The agency may request any of the following:

1. A statement by a health care provider affirming the medical treatment is for the service-connected disability that resulted in 30 percent or more disability rating;

2. The dates and times of treatment (if the treatment extends over several days, then the beginning and ending dates of treatment);

3. If the leave was not requested in advance, a statement that the treatment required was urgent or there were other circumstances that made advance scheduling impossible; and

4. Any additional information the agency deems necessary to verify the employee's eligibility.

B. Time Limit for Submission of the Medical Certification. An employee must provide any required written medical certification to the agency within 15 calendar days after the date requested by the agency. If the agency determines it is not practicable for the employee to provide the requested medical certification within 15 calendar days (despite the employee's diligent and good faith efforts), the employee may be allowed to provide the medical certification within a reasonable time period under the circumstances involved, but no later than 30 calendar days after the date the agency requests such documentation. If the employee does not provide the appropriate documentation within the allotted time, the employee is not entitled to use DVL. In such cases, the agency may charge the employee as AWOL or allow the employee to request that the absence be charged to LWOP, sick leave, annual leave, or other forms of paid time off. See 5 C.F.R. 630.1307.

052506. DVL Forfeiture, Transfer, and Reinstatement and Lump-Sum Payments

A. Forfeiture.

DVL not used during the 12-month eligibility period, may not be carried over to the next year and must be forfeited. If an employee's disability rating is decreased under 30 percent during the 12-month eligibility period, any unused DVL on the employee's leave account is forfeited effective the date of the change in rating.

B. Transfer or Reinstatement.

When an employee transfers between agencies or is reinstated to civilian service after a break in service, the following actions must be taken:

1. Transfer Between Agencies with No Break in Service. When an employee with DVL transfers or moves from a position in one agency to a different agency during the 12-month eligibility period without a break in service, the losing agency must certify the number of DVL hours available for credit by the gaining agency. The losing agency must also certify the expiration date of the employee's 12-month eligibility period. Any remaining unused DVL at the end of the 12-month eligibility period is forfeited.

2. Reinstatement After a Break in Service. When an employee with DVL has a break in service of at least 1 workday and is reemployed in a position covered by 5 U.S.C. 6329 within the same 12-month eligibility period, the employee is entitled to a recredit of the unused balance. The losing agency must certify the number of unused DVL hours available for recredit by

the gaining agency. The losing agency must certify the expiration date of the 12-month eligibility period. In absence of such certification by the losing agency, the recredit may be supported as set out under 5 C.F.R. 630.1308(d)(3). Any remaining unused DVL at the end of the 12-month eligibility period must be forfeited.

C. Lump-Sum Leave Payments.

An employee will not receive a lump-sum payment for unused DVL under any circumstance.

Table 5-1. Leave Proration for Fractional Pay Periods

Pay Period Workdays	Hourly Accrual Rate		
	Category 1	Category 2	Category 3
	4-hour accrual	6-hour accrual	8-hour accrual
1	1	1	1
2	1	1	2
3	1	2	2
4	2	2	3
5	2	3	4
6	2	4	5
7	3	4	6
8	3	5	6
9	3	5	7
10	4	6	8

Note: Use Category 1 for sick leave purposes.

Table 5-2. Time Limitations for Use of Reinstated Leave

Full-Time Employees	
Hours in excess of maximum accumulation	Time limitation for use of reinstated leave (end of the leave year in progress after)
416 or less	2 years
417 – 624	3 years
625 – 832	4 years
833 – 1040	5 years
1041 – 1248	6 years

Part-Time Employees	
Hours in excess of maximum accumulation	Time limitation for use of reinstated leave (end of leave year in progress after)
If 208 or less multiply tour of duty by 20% ($1040 \times 20\% = 208$)	2 years
If 209 – 312 multiply tour of duty by 10% ($1040 \times 10\% = 104$)	3 years
313 – 416	4 years
417 – 520	5 years
521 – 624	6 years

Table 5-3. Leave Flexibilities Available to Care for a Family Member and/or a Covered Service Member

<u>Entitlement</u>	<u>Amount of Hours</u>	<u>Purpose</u>	<u>Family Members for Whom Leave May be Taken</u>
Accrued Sick Leave for General Care of a Family Member and Bereavement	13 days (104 hours) of paid leave	<p>1-Provide care for a family member who is incapacitated by medical or mental condition.</p> <p>2-Provide care for a family member with a serious health condition.</p> <p>3-Provide care for a family member receiving medical, dental, or optical examination or treatment.</p> <p>4-Make arrangements necessary due to a death of a family member or attend the funeral of a family member.</p> <p>5-Who would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by that family member's presence in the community because of exposure to a communicable disease.</p>	<p>See definition of a family member at 5 C.F.R. 630.201(b). Family members include:</p> <p>1-Spouse and their parents</p> <p>2-Sons/daughters and their spouses</p> <p>3-Parents and their spouses</p> <p>4-Brothers/sisters and their spouses</p> <p>5-Grandparents/grandchildren and their spouses</p> <p>6- Domestic partners and their parents (including domestic partners of any individual in 2-5)</p> <p>7-Any individual related by blood or whose relationship with the employee is equivalent of a family.</p>
Accrued Sick Leave for Care of a Family Member With a Serious Health Condition	12 weeks (480 hours) of paid leave	To care for a family member with a serious health condition as defined by 5 C.F.R. 630.1202.	See the definition of a family member at 5 C.F.R. 630.201(b).
Advanced Sick Leave	up to 30 days (240 hours) of paid leave	To care for a family member with a serious disability or ailment. (Agency discretion)	See the definition of a family member at 5 C.F.R. 630.201(b).
FMLA (Basic/Regular)	12 weeks (480 hours) of unpaid leave during a 12-month period	<p>To care for a family member with a serious health condition.</p> <p>For the birth or adoption/foster care of a child</p> <p>For a qualifying exigency arising out the fact that the spouse, son, daughter or parent of the employee is on covered active duty.</p>	<p>Spouse, son, daughter or parent with a serious health condition. The son or daughter must be under 18, or over 18 but incapable of self-care due to a mental or physical disability (5 C.F.R. 630.1203(a)(3) and 630.1202).</p> <p>Newborn child within 1 year of birth or child placed with employee for adoption or foster care within 1 year of placement.</p> <p>Employee's spouse, son, daughter or parent.</p>
FMLA to Care for a Covered Service Member	26 weeks (1,040 hours) of unpaid leave in a 12-month period	To care for a covered Service member with a serious injury or illness.	Spouse, son, daughter, parent, or next of kin of a covered Service member. Next of kin means the nearest blood relative of that individual.

Table 5-4. Employee Absences for Court or Court-Related Services

Nature of Service	Type of Absence			Fees			Government Travel Expenses	
	Court Leave	Official Duty	Annual Leave or LWOP	No	Yes		No	Yes*
					Retain	Turn Into Agency		
I. JURY SERVICE								
A. United States or District of Columbia .	X			X			X	
B. State or local court	X					X	X	
II. WITNESS SERVICE								
A. On behalf of the United States or District of Columbia court.		X		X				X
B. On behalf of state or local:								
1. Official capacity, or		X				X		X
2. Nonofficial capacity	X					X	X	
C. On behalf of a private party:								
1. Official capacity, or		X				X X		
2. Nonofficial capacity:								X
a. When party is United States, District of Columbia, or local government	X						X	
b. When party is not United States, District of Columbia, or local government			X		X		X	

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