



**DEPARTMENT OF THE ARMY  
HEADQUARTERS  
U.S. ARMY MANEUVER SUPPORT CENTER AND FORT LEONARD WOOD  
FORT LEONARD WOOD, MISSOURI 65473-5000**

FLW Civilian Personnel Regulation  
No 690-12

30 May 2004

LEAVE ADMINISTRATION

**Summary.** This regulation revises the delegation of authority to approve a determination that an exigency of major importance exists and that this exigency is the basis for preventing the use of scheduled "use or lose" annual leave (and subsequent restoration of any annual leave forfeited because of the exigency) (paragraph 1-10.b.). Authority to approve requests for advanced sick leave or annual leave also has changed as specified.

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

**Supplementation.** Supplementation of this regulation is prohibited unless specifically approved by Headquarters (HQ) United States Army Maneuver Support Center and Fort Leonard Wood (MANSCEN & FLW).

**Forms.** The prescribed forms within this publication have been created in Form Flow. A referenced OPM Form is available in PDF at the end of this publication.

**Suggested Improvements.** The proponent of this regulation is the Civilian Personnel Advisory Center (CPAC). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to Commander (Cdr), MANSCEN, ATTN: ATZT-CPAC, 140 Replacement Avenue, Suite 2210, Fort Leonard Wood, MO 65473-8935.

FOR THE COMMANDER:



Jeffrey J. Dorko  
Colonel, GS  
Chief of Staff

KATHLEEN KERNS  
Director, Information  
Management

DISTRIBUTION:  
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\*This regulation supersedes FLW CPR 690-12, dated 30 May 2003 and incorporates FLW CPR 690-12, dated 11 January 1971.

Chapter 1  
TOUR OF DUTY, ABSENCE, AND LEAVE ADMINISTRATION  
GENERAL

1-1. Purpose. To establish policies and to prescribe procedures for administering the different types of leave and for excusing employees from duty so that absences are handled in a uniform and equitable manner.

1-2. References and Forms. Related references and referenced forms are listed in appendix A.

1-3. Explanations of Acronyms. Acronyms used in this regulation are explained in the glossary.

1-4. Tour of Duty. The regular tour of duty is Monday through Friday, 0730 to 1630, with one hour for lunch. Authority is delegated to United States Army Medical Activity (MEDDAC) and United States Army Dental Activity (DENTAC) Commanders, Commandants, Assistant Commandants and Deputy Assistant Commandants, the Garrison Commander, Directors, and Commanders of the First Engineer Brigade and Third Training Brigade to establish rotating, and irregular tours of duty as necessary to operate facilities on a two or three shift basis to accomplish work that cannot be accomplished during the regular tour of duty. Alternative (compressed) work schedules or flexitours that encompass core hours of 0830 to 1500 and will improve morale, reduce absenteeism and result in a more effective and efficient operation may be established.

1-5. Rest Periods. These may add to employee's productivity. Supervisors may allow employees a 15-minute rest period in the first and last half of each workday falling within the employee's regular tour of duty. Rest periods may not be used to extend the lunch period or shorten the workday.

1-6. Meal Periods. Each daily tour of duty of more than six hours will include a lunch period. This applies to all shifts, unless the appropriate negotiated agreement provides otherwise.

1-7. Minimum Leave Charge.

a. The minimum charge for Absence Without Leave (AWOL) and Leave Without Pay (LWOP) is 15 minutes for all employees.

b. The minimum charge for annual leave and sick leave is 15 minutes with the following exception. The minimum charge for sick leave and annual leave for employees in the two bargaining units represented by American Federation of Government Employees (AFGE), Local 908 remains one hour or multiples of one hour.

c. The minimum charge for military leave is one hour or multiples of one hour.

1-8. Special Provisions.

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

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

1-9. Time and Attendance Report. Time and attendance (TA) reports will be posted to reflect the type of leave approved without regard to whether employees have sufficient accrued leave to

cover absences. Properly certified TA reports must be prepared for all employees before payments are authorized. Immediate supervisors are responsible for the timely and accurate preparation, certification and submission of TA reports. All hours of the basic workweek and all absences must be accounted for by a report of attendance or absence each day.

1-10. Approval Authority.

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

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

(1) MANSCEN:

a. Commandants, Assistant Commandants, and Deputy Assistant Commandant of the United States Army Engineer School; United States Army Chemical School (USACMLS), United States Army Engineer School (USAES), and the United States Army Military Police School (USAMPS).

MANSCEN Chief of Staff

- b. Commander, First Engineer Brigade
- c. Commander, Third Training Brigade; and
- d. Directors of MANSCEN Staff Organizations.

(2) Installation Management Agency (IMA): Garrison Commander.

- a. Authority to approve an exigency of the public business is delegated to the Garrison Commander.
- b. Authority to approve requests for advance annual or sick leave is delegated to subordinate commanders and directors of the Garrison Command.

(3) MEDDAC, Fort Leonard Wood: Deputy Commander for Administration.

(4) DENTAC, Fort Leonard: Executive Officer.

(5) Army Contracting Agency (ACA), Directorate of Contracting (DOC), Fort Leonard Wood:

- a. Authority to approve an exigency of the public business is delegated to the Director, U.S. Army Contracting Agency, Northern Region Headquarters (ACA NRHQ).
- b. Authority to approve requests for advanced annual or sick leave is delegated to the DOC Director or Director ACA NRHQ.

Officials below the Commanders, MANSCEN, MEDDAC, DENTAC and Garrison Command with delegated approval authority may not approve advance leave of an exigency that affects an employee they directly supervise. Such instances will be advanced to the next level of management for action.

1-11. Leave Supporting Documents. Employees are responsible for providing to supervisors the documentation required to support leave approval decisions.

a. The following documents are to be kept with TA reports for audit or for six years, whichever occurs first. In addition, a copy will be forwarded to the Directorate of Resource Management (DRM), ATTN: Customer Service Representative (CSR).

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

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

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

(4) Advanced leave requests and approvals.

b. The employee's initials on the TA report verify that leave was requested and taken. If the TA report is not available for the employee to initial, the employee will complete an Office of Personnel Management (OPM) Form 71 (Request for Leave or Approved Absence). The OPM Form 71 will be retained by the employing activity.

c. Any medical documentation required by a supervisor to support approval of sick leave would be filed and maintained IAW the applicable file regulations.

1-12. Point of Contact. For additional information or assistance with leave administration, supervisors or employees may contact the Labor/Management-Employee Relations Division, CPAC. Employees in collective bargaining units may also contact their designated union stewards or officers for additional information or advice.

## Chapter 2 ANNUAL LEAVE

### 2-1. Policy.

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

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

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

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

(1) When an exigency of the public business requires cancellation of an employee's or group of employees' scheduled annual leave the supervisor must submit the matter to the appropriate official for approval before canceling the scheduled leave if the "use" or "lose" leave cannot be rescheduled to avoid forfeiture. (See appendix B, figure B-1.) Approving officials are identified in Chapter 1, paragraph 1-10b.

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

### 2-2. Granting Annual Leave.

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

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

c. Employees are expected to -

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

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

(3) Initial TA report to document that the leave was requested and taken. An OPM Form 71, may be used when the TA report is not available.

d. When it can be anticipated that employees' services will not be needed because an activity is closed for short periods of time for managerial reasons such as breakdown of machines, delays in the flow of work or in the receipt of materials, power failure, or other administrative problems, employees who cannot be assigned other work may be placed on annual leave if advance notice is given before the end of the work period immediately preceding the one in which they are to be placed on leave. Occasions on which an employee is required to take leave with less than 24 hours notice will be kept to a minimum. Such leave will not exceed five days in any one leave year.

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

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

### 2-3. Accrual.

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

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

c. Employees are placed in a leave category based on the amount of their creditable service and appointment. The

categories for annual leave accrual and the amount of leave earned per pay period (PP) are -

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

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

e. Changes in the rates of accrual are effective the beginning of the pay period following completion of the prescribed service.

2-4. Maximum Leave Accumulation and Restoration of Forfeited Annual Leave.

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

(1) Under normal circumstances, any annual leave in excess of the maximum accumulation not used before the end of the last pay period of the leave year is forfeited. However, annual leave forfeited because of sickness will be restored provided: (1) the leave was scheduled and approved in advance, and (2) the period of absence because of sickness occurred at such time in the leave year that the leave could not be rescheduled for use before the end of the leave year to avoid forfeiture.

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

(3) When administrative error causes the forfeiture, a current employee need submit no claim for restoration.

b. When annual leave is forfeited because of sickness or an exigency of the public business, the employee must submit a written request to have the leave restored. Such a request must normally be submitted by the employee, through supervisory channels, to the approving official identified in Chapter 1, paragraph 1-10b, not later than 30 days after the end of the leave year in which the leave was forfeited. (For an example, see

appendix B, figure B-2.) The following supporting documentation must be attached:

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

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

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

c. A request for restoration of annual leave will be reviewed and, upon determination that documentation is adequate, the approving official (Chapter 1, paragraph 1-10b) will authorize restoration of leave. The authorization will be forwarded to the DRM, ATTN: CSR.

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

2-5. Advancing Annual Leave.

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

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

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

2-6. Leave Charges.

a. The minimum charge for annual leave is specified in paragraph 1-7.

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

Chapter 3  
SICK LEAVE

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

- a. Receives medical, dental, or optical examination or treatment.
- b. Is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth.
- c. Provides care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, childbirth, or who receives medical, dental, or optical examination or treatment.
- d. Makes arrangements necessitated by the death of a family member or attends the funeral of a family member.
- e. Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease.
- f. Must be absent from duty for purposes relating to the adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed.

3-2. Sick Leave For Care Of A Family Member.

- a. For the purposes of this regulation, family member means the following relatives of the employee: (1) Spouse, and parents thereof; (2) Children, including adopted children and spouses thereof; (3) Parents; (4) Brothers and sisters, and spouses thereof; and (5) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- b. Sick leave may be used by an employee to give care or otherwise attend to a family member having an illness, injury, or other condition, which, if an employee had such condition, would justify the use of sick leave. For example, an employee's parent or child has a medical examination. If that parent or child were an employee, sick leave would be justified. Therefore, sick leave is justified for the employee to accompany the family member to the examination.
- c. There is a limit on the amount of sick leave an employee may use for care of a family member or for bereavement each leave-year.
  - (1) The basic limit for full-time employees is 40 hours. An additional amount up to 64 hours may be granted if the use of such leave does not cause the amount of sick leave to the employee's credit to fall below 80 hours.
  - (2) The basic limit for a part-time employee or an employee with an uncommon tour of duty is equal to the average number of hours of work in the employee's scheduled tour of duty each week.
  - (3) The minimum balance of 80 hours must exist after deducting the amount that will be used for family care or bereavement.
- d. If an adoption agency or court orders or requires adoptive parent(s) to take a specific period of time off to bond with the child, sick leave can be granted. However, sick leave is not

justified if adoptive parent(s) wish, on their own, to remain at home to bond with the child.

3-3. Sick Leave To Care For A Family Member With A Serious Health Condition.

- a. Administration of sick leave to care for a family member with a serious health condition will be carried out IAW OPM regulations and guidance. Those regulations provide that employees may use a total of up to 12 administrative workweeks of sick leave each year to care for a family member with a serious health condition.
- b. If an employee previously has used any portion of the 104 hours (40 hours plus 64 hours equals 104 hours or 13 days) of sick leave provided in paragraph 3-2c, above, that amount must be subtracted from the 12-week entitlement. If the employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, he or she cannot use an additional 13 days in the same leave year for general family care purposes.
- c. An employee is entitled to a total of 12 weeks of sick leave each year for *all* family care purposes.
- d. The definition of "family member" is the same as in the foregoing paragraph 3-2a.
- e. The term "serious health condition" has the same meaning as used in the Family and Medical Leave Act of 1993, reference 1-12b. That definition includes such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy, and childbirth. The term is not intended to cover short-term conditions for which treatment and recovery are very brief.

3-4. Accrual. Sick leave accrual is credited at the end of the pay period in which earned.

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

3-5. Accumulation. Sick leave accumulates from year to year with no limit on the maximum number of hours. The sick leave balance will be carried forward into the succeeding leave years. Under the Civil Service Retirement System (CSRS), accrued sick leave will be used in computing the retirement annuity; however, accrued sick leave will not be used to compute the employee's high three years' average pay nor to meet the minimum length of service required to be eligible for retirement.

3-6. Notification. An employee who is absent because of illness is personally responsible for notifying his or her immediate supervisor or his/her designated representative as provided by negotiated agreements. If the employee is not covered by a negotiated agreement, notification is to be made as soon as possible; but within the first two duty hours on the first day of absence unless the supervisor has fixed some other reasonable time limit. Failure to properly notify the supervisor may result in the absence being charged to AWOL.

3-7. Approval. Use of any sick leave is subject to the approval of the immediate supervisor.

- a. Supervisors are responsible for determining that the sick leave is approved only for reasons that are IAW paragraphs 3-1 or 3-2 of this chapter. Unless there is reason to doubt that the absence should be charged to sick leave, approval should be given at the time of notification.

b. If, at any time after approving the sick leave, a determination is made that an absence was not properly chargeable to sick leave, the TA report will be corrected to reflect the appropriate type of leave or AWOL.

c. Sick leave absences, if approved by the supervisor, will be certified by the employee's initials on the TA report or by an OPM Form 71.

d. Ordinarily, medical documentation will not be required to support a request for sick leave. However, when a supervisor believes there is evidence to indicate abuse of sick leave or other valid reason, medical documentation may be required to justify approval of any sick leave regardless of duration. In such cases, verbal notification will be given to the employee that medical documentation will be required to support any future use of sick leave. The verbal notification will be confirmed in writing and is subject to review after 90 days.

e. When it is considered necessary and appropriate, supervisors may require written evidence to support the use of sick leave for family care, bereavement, and adoption.

f. Minimum charge for sick leave is specified in paragraph 1-7.

3-8. Substitution Of Sick Leave For Annual Leave. Sick leave may be granted during a period of annual leave for all purposes for which sick leave may be used as set forth in this chapter. The absence may be charged to sick leave and the charge against annual leave reduced accordingly. Employees also have the option of continuing to use annual leave.

3-9. Advancing Sick Leave.

a. Advanced sick leave is a privilege which may be extended to an employee in cases involving a serious health condition as defined in Title 5, Code of Federal Regulations (CFR) 630.1202 (reference 1-12b, Chapter 1, of this regulation).

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

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

(2) Any annual leave the employee would otherwise forfeit must be used.

(3) Advanced sick leave will not be retroactively approved to cover any period of absence before the pay period in which the employee requested the advance.

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

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

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

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

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

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

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

3-10. Medical Documentation. When, because of medical reasons, an employee requests a change in duty status, assignment, working conditions, or other benefits or special treatment, the employee is responsible for submitting medical documentation to support his or her request.

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

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

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

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

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

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

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

#### Chapter 4 FAMILY AND MEDICAL LEAVE

##### 4-1. Leave Entitlement.

a. A full-time or part-time employee who has completed at least 12 months of creditable service is eligible to take up to 12

administrative workweeks of *unpaid* leave during any 12-month period for the following family and medical needs:

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

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

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

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

b. The 12-administrative workweeks for a part-time employee will be calculated on an hourly basis and will equal 12 times the average number of hours in the employee's regularly scheduled administrative workweek.

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

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

#### 4-2. Expanded Options.

a. Current federal policies allow for employees to request up to 24 hours of leave without pay in any 12-month period for participation in school activities related to the educational advancement of a child. This includes early childhood education activities, accompanying a child to routine medical and dental examinations and, also, attending to the medical needs of older family members.

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

4-3. Responsibility For Notification. An employee must give his or her supervisor at least 30-days notice of intent to take leave without pay when the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment. As much notice as practicable and appropriate to the circumstances involved must be given when absence is requested for an unforeseen reason.

#### 4-4. Approval of Leave.

a. Absence for birth and care of a child or the placement of a child with the employee for adoption or foster care will normally be for a continuous period unless the supervisor and employee agree specifically to an intermittent or reduced leave schedule. The entitlement to leave for birth or placement expires IAW Title 5, CFR 630.1203.

b. When medically necessary, leave without pay may be taken intermittently or on a reduced leave schedule to care for a family member who has a serious health condition or because of the serious health condition of the employee.

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

(1) The date the serious health condition commenced.

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

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

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

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

4-5. Protection Of Employment And Benefits. Any employee who takes leave without pay under this chapter shall be entitled, upon return to duty, to be returned to the same or an equivalent position as the one held by the employee when the leave commenced. An employee enrolled in a health benefits plan may continue his or her health benefits enrollment while in the leave without pay status and arrange to pay the appropriate employee contributions.

4-6. Maternal Wellness. Any working conditions or strenuous requirements in the work environment, which could have an adverse effect upon a pregnant employee, must be identified. Therefore, as soon as the pregnancy is known, the employee should contact the Occupational Health Nurse, Preventive Medicine Activity, US General Leonard Wood Army Community Hospital.

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

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

4-7. Definitions. Definitions of terms used in the administration of this chapter are found in Title 5, CFR 630.1202.

## Chapter 5 MILITARY LEAVE

5-1. Policy. To extend full cooperation to all reserve components of the Armed Forces by granting eligible employees a leave of absence for military training purposes insofar as practicable. If the number of employees ordered to active military duty at one time is so great as to interfere materially with the operations of the installation, operating officials will consult with officials of the reserve components to request that enough employees be excused from military duty to meet operating requirements.

## 5-2. Eligibility.

a. An eligible employee is entitled to military leave for active duty, inactive duty training, or when engaging in field or coast defense training under Title 32, United States Code (USC) 502-505.

b. An eligible employee is a full-time employee or a part-time employee with a regularly scheduled tour of duty (16 to 32 hours per week) who -

(1) is a member of a reserve component of the Armed Forces of the United States.

(2) is serving in one of the following appointments: permanent, temporary indefinite, temporary pending establishment of a register, or term.

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

d. The reserve components of the Armed Forces are -

(1) The National Guard of the United States.

(2) The Army Reserve.

(3) The Navy Reserve.

(4) The Marine Corps Reserve.

(5) The Air National Guard of the United States.

(6) The Air Force Reserve.

## 5-3. Evidence To Be Submitted.

a. To substantiate military leave charges, an eligible employee is required to submit a copy of the orders for active duty or appropriate documentation for inactive duty; e.g., Record of Individual Performance of Reserve Duty Training, drill schedules for scheduled unit training, or other written documentation from the unit for inactive duty training performed at times other than those of the unit drill schedule). Such documentation should be submitted to the supervisor as far in advance as possible. Verification of attendance, indicating completion of either active duty or inactive duty training, must be submitted to the supervisor when the employee returns to duty from military leave.

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

## 5-4. Computation.

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

b. Part-time employees and employees on uncommon tours of duty are eligible for a prorated portion of the 120-hour accrual, based upon the number of hours in the employee's regularly scheduled workweek. The accrual rate is determined by dividing 40 into the number of hours in the employee's regularly scheduled workweek. The resulting fraction is applied to the 120 hours. Any

fraction of a day of military leave resulting from this computation will be accumulated from year to year until a whole day results.

c. The minimum charge for military leave is one hour and additional charges are in multiples thereof. An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay. Members of the Reserves or National Guard will no longer be charged military leave for nonduty days (typically weekends and holidays) that occur within the period of military service.

d. Military leave for inactive duty training on a scheduled workday (generally 4 hours in length) will be charged only for the number of hours necessary to cover the period of training and necessary travel. Hours in the scheduled civilian workday that are not chargeable to military leave must be worked or charged to another leave category such as annual leave, leave without pay, or compensatory leave if appropriate.

e. An employee is entitled to use annual leave or military leave intermittently with leave without pay while on active duty or active/inactive duty training.

f. While on military leave, an employee's TA report should show the employee's regularly scheduled tour of duty so that, if applicable, the following payments may be made: shift differential (Wage Grade (WG) employees); night differential (General Schedule (GS) employees); standby pay; Sunday premium; or regularly scheduled overtime. The employee's tour of duty cannot be changed to avoid making these payments while he or she is on military leave.

## 5-5. Additional Military Leave.

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

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

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

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

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

## Chapter 6 COURT LEAVE

6-1. Policy. It is considered the civic responsibility of all employees to respond to calls for jury and other services.

6-2. Definitions. Court leave is the authorized absence from duty of an employee for jury duty or for attending judicial proceedings

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

- a. Requests that an employee be excused from jury duty will be limited to those instances where the employee's services are required to meet essential work schedules and where public interests are better served by the employee remaining on duty.
- b. If an employee is excused or released by the court for any day or for a period of time which would allow an employee to complete four hours of his or her scheduled shift, the employee is expected to return to duty.
- c. There are instances when approval of court leave is not appropriate. When a U.S., District of Columbia (D.C.) or State or local government entity is not a party, witness service on behalf of a private party is not charged to court leave. Annual leave may be approved for the employee's absence required by subpoena.

6-3. Eligibility. Court leave is granted to both permanent and temporary employees, both full-time and part-time. Intermittent employees are not eligible for court leave.

- a. A part-time employee will be granted court leave only for days during which he or she is regularly scheduled for duty.
- b. A night shift employee who performs jury service during the day is granted court leave for his or her regularly scheduled night tour of duty and is entitled to the night differential.

6-4. Court Fees. If the court pays fees to an employee who has been granted court leave, the employee cannot retain those fees but must turn the fees in to the CSR at the DRM, MANSCEN. Disposition of the fees will be made IAW the current DoD Financial Management Regulation.

- a. A certificate of attendance that specifies the inclusive dates of attendance and amount of fees the court paid to the employee must also be submitted to the CSR. If the certificate of attendance does not identify allowances separately, all monies are considered fees and shall be collected.
- b. It is expected the fees will be turned in when the employee returns to duty; however, individual situations where payment prior to receipt of the fees from the court would create a financial hardship will be handled as exceptions. The employee may turn in the fees by requesting collection of the fees directly from their pay or by submitting personal check or money order to the CSR. An employee may sign the bottom of the certificate of attendance to authorize collection of the fees from their pay.
- c. The employee may retain fees identified and paid as reimbursement for expenses such as travel or lodging costs incurred by the employee.

6-5. Evidence To Be Submitted. When an employee is summoned for court service as either a witness or juror, he or she will present the court order, subpoena, or summons to his or her immediate supervisor as far in advance as possible.

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

EMPLOYEE ABSENCES FOR COURT OR COURT-RELATED SERVICES

	Type of Absence	Fees	Government Travel Expenses

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