



Administration
& Management

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

December 27, 1988

Incorporating Through Change 2, October 29, 1990

ADMINISTRATIVE INSTRUCTION NO. 67

SUBJECT: Leave Administration

- References:
- (a) Administrative Instruction No. 67, subject as above, June 1, 1984 (hereby canceled)
 - (b) Federal Personnel Manual Supplement 990-2, Book 630, "Absence and Leave"
 - (c) Civilian Personnel Manual Supplement 990-2, "Hours of Duty, Pay, and Leave, Annotated," May 23, 1979
 - (d) [Administrative Instruction No. 8](#), "Disciplinary and Adverse Actions," August 17, 1981
 - (e) through (k), see enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction reissues reference (a), consistent with references (b) through (k), and updates the policy and procedures to be used in the administration of leave.

2. APPLICABILITY AND SCOPE

This Instruction:

2.1. Applies to the Office of the Secretary of Defense (OSD), the Joint Staff and all other activities deriving administrative support from the Washington Headquarters Services (WHS) (hereafter referred to collectively as "OSD Components").

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

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

3. DEFINITIONS

Terms used in this Instruction are defined in enclosure 2.

4. POLICY

4.1. Leave shall be administered uniformly and equitably within the scope of applicable laws and regulations.

4.2. Employees shall be given the opportunity to take full advantage of all entitled leave.

4.3. Jury duty is considered a civic responsibility, and release from jury duty shall be requested for an employee only in exceptional situations in which the public interest would be better served by his or her staying on the job.

4.4. Management shall be responsive to employee requests for leave to meet parental and family responsibilities.

5. RESPONSIBILITIES

5.1. The Heads of the OSD Components shall:

5.1.1. Ensure that leave is administered in accordance with this Instruction.

5.1.2. Establish appropriate internal administrative procedures for requesting and approving leave and specifying the supervisory prerogatives regarding the approval of leave.

5.1.3. Establish internal leave policies within the framework of this Instruction.

5.1.4. Ensure that employees are permitted to use all current accrued annual leave that would be forfeited at the end of the leave year.

5.2. The Immediate Supervisors shall:

5.2.1. Approve or disapprove employee requests for leave.

5.2.2. Inform employees of the procedure for requesting and using leave.

5.2.3. Ensure that absences from duty are charged to leave in accordance with this Instruction.

5.2.4. Establish leave schedules in January of each year to ensure that all employees are given an opportunity to take full advantage of all earned leave.

5.3. The Employees shall obtain approval from their immediate supervisors in advance for any annual leave, leave without pay (LWOP), or sick leave for medical, dental, or optical examinations or treatment, except in cases of an emergency or illness when the absence could not be planned, or approved, in advance. In those circumstances, supervisors shall be informed of the reason for the absence, expediently, normally within 2 hours of the beginning of the workday.

5.4. The Director for Personnel and Security, Washington Headquarters Services (WHS), and the Civilian Personnel Officer, Joint Staff, shall:

5.4.1. Inform all employees of their rights and responsibilities and of the administrative requirements on the use of leave.

5.4.2. Assist supervisory personnel in ensuring proper approval of, and accounting for, leave.

6. ANNUAL LEAVE

6.1. Accruals. The amount of leave earned depends on the length of service. Employees are assigned to leave-earning categories as follows:

6.1.1. Category 4. Employees with less than 3 years of service.

6.1.2. Category 6. Employees with at least 3, but less than 15, years of service.

6.1.3. Category 8. Employees with 15, or more, years of service.

6.2. Credits. Employees earn and are credited with leave during each full pay period that they are on the rolls in a pay status or a combination of pay and nonpay status. Leave shall not be earned for any period in which an employee is in a nonpay status for the same number of hours as the employee's pay period. For example, if an employee's pay period is 80 hours and he or she is charged 80 hours of LWOP for that pay period, no leave is earned for that pay period.

6.2.1. Category 4 employees shall be credited with 4 hours of annual leave for each biweekly pay period.

6.2.2. Category 6 employees shall be credited with 6 hours of annual leave for each biweekly pay period (except that the accrual for the last full biweekly pay period in the calendar year shall be 10 hours).

6.2.3. Category 8 employees shall be credited with 8 hours of annual leave for each biweekly pay period.

6.2.4. Part-time employees for whom there has been established in advance a regular tour of duty shall be credited with annual leave, as follows:

6.2.4.1. An employee with less than 3 years of service shall earn 1 hour of annual leave for each 20 hours in a pay status.

6.2.4.2. An employee with at least 3 years, but less than 15 years, of service shall earn 1 hour for each 13 hours in a pay status.

6.2.4.3. An employee with 15 years, or more, of service earns 1 hour for each 10 hours in a pay status.

6.3. Maximum Amount of Creditable Leave

6.3.1. Employees are entitled to payment, on separation, of all accumulated annual leave to their credit. For this purpose, "accumulated annual leave" consists of the following:

6.3.1.1. The regular carryover balance from the previous leave year, if any, plus;

6.3.1.2. Accrued and unused annual leave during the current leave year, if any, plus;

6.3.1.3. Any unused restored annual leave maintained in a separate account in accordance with 5 U.S.C. 5551 (reference (e)).

6.3.2. Normally, the maximum amount of annual leave that may be accumulated and carried forward from one year to the next is 30 days or the amount to the employee's credit at the beginning of the leave year, whichever is greater. Any leave to the employee's credit at the end of the leave year that exceeds the maximum accumulation is forfeited, except as outlined under the following four conditions:

6.3.2.1. While serving Under an Appointment in the Senior Executive Service (SES). Employees shall not be subject to a limitation on accumulation of annual leave.

6.3.2.2. Administrative Error When the Error Causes the Loss of Annual Leave Otherwise Accruable After June 30, 1960. This is a retroactive provision in which, due to administrative error, a current employee forfeited annual leave. In addition to permitting retroactive adjustment, this provision also grants continuing authority to permit the future restoration of all annual leave to which an employee is entitled in correcting an administrative error. The leave must have been earned after June 30, 1960, even though the error may have occurred before that date.

6.3.2.3. Exigencies of the Public Business. Those cases shall be kept to an extreme minimum. Supervisors shall schedule leave well in advance to prevent situations in which an employee must forfeit annual leave through no fault of his or her own. Before annual leave may be restored, supporting documentation shall be submitted by the supervisor through the Principal Deputy Assistant Secretary of Defense level of the organization that an exigency is of major importance and that annual leave could not be used by the employee to avoid forfeiture. Requests shall be submitted through the servicing civilian personnel office to the Director, Administration and Management (DA&M). The decision to schedule annual leave shall be made at least 3 pay periods before the end of the leave year before forfeited annual leave can be considered for restoration. If a valid exigency should occur, Standard Form (SF) 71, "Application for Leave," shall be used supplemented with the following information:

6.3.2.3.1. The calendar date the leave was scheduled, i.e., approved by the official having authority to approve leave.

6.3.2.3.2. The dates during which the leave was scheduled for actual use and the amount of leave (days or hours) that was scheduled for use.

6.3.2.3.3. Reason for subsequent canceling of approved leave and reasons it could not be rescheduled. Documentation shall include the beginning and ending dates of the exigency.

6.3.2.4. Sickness of the Employee When Such Annual Leave was Scheduled in Advance. Annual leave may be restored only if the annual leave was scheduled in advance and the illness occurred at such a time, which was late in the leave year or was of such duration, as to prevent the rescheduling of annual leave before the end of the year to avoid forfeiture. Requests for approval shall be submitted to the DA&M with supporting documentation in the same manner as in subparagraph 6.3.2.3., above.

6.3.3. Forfeited annual leave that is recredited to an employee shall be restored to a separate leave account. The amount of the restored leave does not in any way increase or change an employee's normal maximum permissible carryover of annual leave into a new leave year. The normal annual leave ceiling remains in effect for all employees. The restored annual leave shall be used no later than the end of the leave year ending 2 years after the following:

6.3.3.1. Date of restoration of annual leave forfeited because of administrative error.

6.3.3.2. Date fixed by the OSD Component Head, as the termination date of exigency of the public business, which resulted in the forfeiture of annual leave.

6.3.3.3. Date the employee is determined to be recovered and able to return to duty if the leave was forfeited because of sickness.

6.4. Transfers. Annual leave credited to an employee in one Federal Agency shall be transferred with the employee to the new Agency. On entrance on duty, an interim leave balance shall be obtained by the Staffing Division, Directorate for Personnel and Security, WHS, or the Civilian Personnel Branch, Joint Staff, and certified to the Chief, Civilian Pay, Department of the Air Force, on an SF 1150, "Record of Leave Data." That leave shall be reflected in the employee's earnings and leave statement and shall be available for immediate use. Correction of errors in the interim leave balance shall be done by the Air Force Civilian Payroll Office when the official SF 1150 is received.

6.5. Approval. Normally, annual leave shall be requested by an employee and approved in advance of an absence. The SF 71 shall be submitted in advance, approved, and furnished to the time and attendance clerk, or the employee shall initial the Time and Attendance Form. When it is not possible to obtain prior approval, the leave-approving official may do so after the fact when the circumstances so warrant. In all cases, the time and amount of annual leave granted are subject to the approval of the authorized leave-approving official. There is no automatic entitlement to leave on the sole basis that unforeseen circumstances in the employee's opinion require his or her absence from duty. *Annual leave may be requested, approved and annotated on the Time and Attendance Form in 15 minute increments.*

6.6. Annual Leave May Not Be Granted For the Following:

6.6.1. When it is known the employee shall not return to duty and the employee requests leave to avoid lump-sum payment.

6.6.2. During active military duty, except for Reservists and National Guardsmen.

6.6.3. As a disciplinary measure, without the employee's consent.

6.6.4. Without the employee's consent, during the notice period before an adverse action or pending issuance of a proposed adverse action.

6.7. Advanced Annual Leave

6.7.1. When circumstances warrant the use of annual leave in excess of the amount accrued, the employee may request, in writing, the advance of the amount of leave he or she would accumulate by the end of the current leave year. That request shall be submitted to the supervisor for approval. In approving advanced leave, the supervisor shall have reasonable assurance that the employee shall be in a duty status long enough to earn the advanced leave before the end of the leave year. Copies of the approval of advanced leave shall be furnished to the time and attendance clerk for forwarding to the Air Force Civilian Payroll Office and made a part of the employee's official personnel file.

6.7.2. In no case shall annual leave be advanced in an amount that exceeds the amount the employee would accrue by the end of the leave year, or would accrue during the tenure of the appointment, if temporary.

7. SICK LEAVE

7.1. Accruals. All full-time employees with a 40-hour basic workweek, regardless of their length of service, earn sick leave at the rate of 4 hours for each full biweekly pay period.

7.2. Credits

7.2.1. An employee with a regular tour of duty who works less than a 40-hour workweek is credited with 1 hour of sick leave for each 20 hours in a pay status. Credit may not exceed 4 hours for 80 hours in a pay status during any full biweekly pay period.

7.2.2. There is no limitation on the amount of sick leave that may be carried forward from one year to another. Any sick leave that is not used remains to the employee's credit and is available for use any time before his or her separation.

7.2.3. Any sick leave to an employee's credit on separation shall be credited and made available for use if the employee is reemployed in the Federal service within a 3-year period following his or her separation.

7.2.4. Sick leave that an employee has to his or her credit in one Federal Agency shall be transferred with the employee to the new Agency. An interim leave balance shall be obtained by the Staffing Division, Directorate for Personnel and Security, WHS, or the Civilian Personnel Branch, Joint Staff, and certified to the Chief, Civilian Pay, Department of the Air Force, on an SF 1150. Transferred sick leave shall be reflected in the employee's earnings and leave statement and shall be available for immediate use. Correction of errors in the interim leave balance shall be accomplished by the Air Force Civilian Payroll Office when the official SF 1150 is received.

7.3. Use

7.3.1. Sick leave becomes available for use at the end of the pay period in which it is earned.

7.3.2. Sick leave is a qualified right of the employee if it is used for absences for the following reasons:

7.3.2.1. When incapacitated for performance of duties by sickness, injury, or pregnancy, and confinement following pregnancy.

7.3.2.2. For medical, dental, or optical examination or treatment, including periodic physical examinations for retention of status in a Reserve component of the Armed Forces or in a National or State Guard.

7.3.2.3. When a member of an employee's immediate family is afflicted with a contagious disease and requires the care and attendance of the employee, or when, through exposure to contagious disease, the presence at work of the employee would endanger the health of others. Contagious disease means a disease that is ruled as subject to quarantine, requires isolation of the patient, or requires restriction of movement by the patient for a specified period of time, as prescribed by the public health authorities having jurisdiction.

7.4. Approval

7.4.1. Sick leave for absences because of illness, injury, or other circumstances of incapacity that could not be anticipated in advance shall be requested from the supervisor as soon as possible after the beginning of the illness, normally within the first hour or two after the start of the workday. What may be considered as acceptable evidence of incapacity is determined by the leave-approving official. If such evidence does not justify the approval of sick leave, the absence may be charged to annual leave or LWOP with the employee's consent or it may be charged as absence without leave (AWOL).

7.4.2. A disabled veteran who presents a medical certificate stating that medical treatment is required shall be granted all available annual leave and sick leave (including advanced sick leave) permitted by law, plus any LWOP that may be necessary to undergo treatment.

7.4.3. Reporting and approval of sick leave shall be accomplished by using the SF 71 or by initialing the Time and Attendance Form. *Sick leave may be requested, approved and annotated on the Time and Attendance Form in 15 minute increments.*

7.5. Medical Certificates

7.5.1. Sick leave of more than 3 consecutive workdays shall be supported by a medical certificate, unless the employee was not attended by a physician. If the employee was not attended by a physician, the employee's certification showing satisfactory evidence of incapacity on the SF 71, approved by the appropriate official of his or her OSD Component, may be accepted in place of a medical certificate. The certificate shall cover all absences and show that the employee was incapacitated for duty for the entire period. In cases of extended illness, medical certificates may be

required periodically if necessary to establish the employee's continued incapacity to return to duty.

7.5.2. Ordinarily, a medical certificate is not required for absences of 3 days, or less. An employee who is absent frequently for short periods of illness may be advised to visit a physician for a physical checkup or may be referred to the Civilian Employees' Health Service.

7.6. Abuses of Sick Leave. When there is reason to believe that an employee is abusing sick leave, a medical certificate may be required for absences of less than 3 days. That requirement is limited to individual cases of suspected abuse. When appropriate, disciplinary action may be taken. If the absence is charged to annual leave or LWOP, it shall not be made the basis for later disciplinary action. Practices shall not be established that require submission of medical certificates by all employees for absences of 3 days or less, checkup visits to the homes of all absentees, or complex procedures for the approval of sick leave.

7.7. Restrictions on Outside Employment During Periods of Sick Leave

7.7.1. If an employee is unable to perform the duties of his or her position because of illness or injury, he or she generally is incapacitated to work elsewhere. Occasionally, there are situations when there may be acceptable justification for outside employment; e.g., an employee confined at home because of maternity reasons, or who is recuperating from an illness or injury, engages in telephone solicitation work or writing. To ensure the propriety of outside employment, refer to DoD Directive 5500.7 (reference (i)).

7.7.2. An employee who engages in any outside employment during a period of sick leave shall inform his or her supervisor in advance of such employment.

7.8. Employee on Extended Sick Leave (Including Sick Leave for Maternity Reasons). At the time the employee receives advance notice of separation, reduction in force, or displacement, he or she may be continued on sick leave for the duration of the illness, but not beyond the end of the notice period. Sick leave may not be substituted for annual leave after the employee's last day in actual duty status.

7.9. Illness During Annual Leave. If illness occurs during a period of annual leave, sick leave that is supported by a medical certificate or the employee's certification showing satisfactory evidence of incapacity on the SF 71 may be substituted for annual leave. Sick leave immediately following a period of approved annual leave is not a substitution of sick leave for annual leave and may be granted under the general standards of granting sick leave.

7.10. Advanced Sick Leave. In cases of serious disability or illness, employees may be advanced up to 30 days of sick leave. This includes absence for complications of pregnancy. Generally, an advance is not granted when it is considered probable that the employee will not return to duty for a sufficient period of time to earn the amount of leave advanced. A temporary employee may not be advanced more sick leave than will be earned before the appointment expires. Sick leave shall not be advanced when an employee has "use or lose" leave. Requests for advanced sick leave shall be submitted in writing to the supervisor with supporting medical evidence. The supervisor may approve an advance of sick leave up to 104 hours. All requests for advanced sick leave above that amount shall be forwarded by the supervisor to the Director for Personnel and Security, WHS, or the Civilian Personnel Officer, Joint Staff, for approval. If the request is not approved, the servicing civilian personnel office shall notify the employee of the reasons. Copies of approved advanced sick leave shall be forwarded to the time and attendance clerk for transmittal to the Air Force Civilian Payroll Office and shall be placed in the employee's official personnel file.

8. LWOP

LWOP is a temporary nonpay status and absence from duty granted on the employee's request.

8.1. Approval

8.1.1. LWOP is subject to the approval of the official having authority to approve personnel actions in each OSD Component, except that it is mandatory that LWOP be approved for the following:

8.1.1.1. Disabled veterans who are entitled to such leave under subparagraph 7.4.2., above.

8.1.1.2. Summer training as members of Reserve Officers Training Corps (ROTC) under Public Law 92-129 (reference (f)).

8.1.1.3. Family members who are career or career-conditional employees, or excepted employees with competitive status, accompanying their military or Federal civilian employee sponsor to a new duty station who intend to seek Federal employment in the new area. The LWOP shall not exceed 90 calendar days. In those cases, a SF 52, "Request for Personnel Action" indicating "Resignation" with an effective date of 90 calendar days, from the commencement of the LWOP, shall be submitted with the SF 52 authorizing LWOP; Part IV of the resignation SF 52 shall be completed. On completion of the above, action to permanently fill behind these individuals may be initiated. Additional LWOP may be granted on the employee's request, at the discretion of the leave authorizing official, for those individuals unable to find employment.

8.1.2. There is no maximum prescribed by law or regulation on the amount of LWOP that can be granted. Cost and inconvenience to the Government, as a result of granting extended LWOP, includes encumbrance of a position (except as stated in subparagraph 8.1.1.3., above), loss of services, complication of retention registers in event of reduction in force, obligation to provide active employment at the end of the approved leave period, credit of 6 months of each year toward retirement without employee contributions, and eligibility for continued life insurance coverage without cost to the employee for up to 1 year of nonpay status. Those costs and inconveniences shall be weighed against the benefits to the OSD Component to be gained by granting LWOP. Additionally, the space continues to be encumbered; therefore, action to fill behind the individual can be done only on a temporary basis.

8.1.3. Requests for LWOP in excess of 30 calendar days require the completion of a SF 52, which shall be forwarded along with a copy of the approved request to the servicing civilian personnel office. The Office of Personnel Management (OPM) requires that a SF 50, "Notification of Personnel Action," be processed for all LWOP actions in excess of 30 calendar days.

8.2. Use. LWOP shall be granted only when it is apparent that it will result in increased job ability, protection or improvement in the employee's health, or retention of a desirable employee. For example, LWOP would be appropriate for the following:

8.2.1. Educational purposes when the course of study is appropriate to type of work performed by the OSD Component.

8.2.2. Temporary service with non-Federal public or private enterprise, when it will contribute to the public welfare or when the experience gained will benefit the OSD Component.

8.2.3. For recovery from illness or disability not of a permanent or disqualifying nature.

8.2.4. For protecting the employee's status pending final action by the OPM on a claim for disability retirement after all sick leave and annual leave have been exhausted or pending final action by the Department of Labor's Office of Workers' Compensation Programs on a claim resulting from a job-connected injury or disease.

8.3. LWOP may not be granted to the following:

8.3.1. An employee who is not expected to return to duty in his or her current position, except as specified in subparagraph 8.1.1.3., above.

8.3.2. An employee who is being returned from overseas at Government expense for separation.

8.4. Employees who are covered by a Federal Employees' Health Benefit Plan shall be required to pay the employee's share of the premium while in a nonpay status. The employee shall make appropriate arrangement for payment of the premiums with the Air Force Civilian Payroll Office.

9. LEAVE FOR PARENTAL AND FAMILY RESPONSIBILITIES

9.1. Absence for Maternity Reasons

9.1.1. Pregnancy is viewed as a physical condition that may incapacitate an employee for the performance of duty and is chargeable to sick leave or a combination of sick leave, annual leave, and LWOP. Periods of absence for pregnancy and confinement following pregnancy, which are not medically certified as due to incapacitation for duty, shall be charged to annual leave or to LWOP if requested by the employee and approved by the leave-approving official.

9.1.2. Leave for maternity reasons is a long-term incapacitation that should be treated as any other long-term illness. Requests for leave shall be submitted to the supervisor in accordance with the policy and procedures established for annual leave, sick leave, and LWOP. With such submission, the employee shall include the certification of the attending physician of the expected date of delivery and the expected period of convalescence after the birth of the child.

9.1.3. In determining the leave period, each case shall be examined individually, giving full appreciation to the employee's needs as well as those of the OSD Component, but the determining factor on dates for ceasing work or returning to work after the birth shall be based upon the attending physician's statement concerning the employee's physical capability to perform the duties of the job.

9.2. Absence for Paternity Reason. Any absence for paternity reasons shall be charged to annual leave or LWOP.

9.3. Leave for Adoptive or Foster Parents. An employee, male or female, adopting a child or becoming a foster parent may desire a period of time off work in order to make necessary family adjustments and to make arrangements for child care. The use of available annual leave, or LWOP, is appropriate for such purposes.

9.4. Leave for Child Care

9.4.1. Well-baby Care. Annual leave and LWOP are appropriate when a parent takes a child for periodic checkups.

9.4.2. Routine Illness. Annual leave and LWOP are appropriate when a parent must stay home with a sick child.

9.4.3. Other Illness. Employees who must stay home to care for a child with a contagious disease for which public health officials require the child be quarantined, isolated, or restricted, or who are exposed to such a disease, shall be granted sick leave.

9.5. Leave for Other Parental and Family Responsibilities

9.5.1. School Schedules and Activities. Supervisors should be flexible in granting leave for parents who are obligated to attend events such as teacher conferences, school plays, sporting events, or other activities. Annual leave or LWOP are appropriate for these activities.

9.5.2. Sitters. Parents who have no alternative but to stay at home when a sitter is unavailable may be granted annual leave or LWOP.

9.6. Leave to Care for Elderly Parents and Other Dependents. One of the typical family responsibilities is the care for the elderly or infirm. Annual leave or LWOP are appropriate when an employee needs time off to attend to the medical and personal needs of these dependents.

10. ABSENCE WITHOUT LEAVE

AWOL is charged for an unauthorized absence or an absence for which the employee's request for leave was denied as unjustified. Disciplinary action may be taken as a result of AWOL in accordance with Administrative Instruction No. 8 (reference (d)). *AWOL charges may be annotated on the Time and Attendance Form in 15 minute increments.*

11. SUBSTITUTION OF LEAVE

Annual leave may be substituted as follows:

11.1. For sick leave to liquidate an advance of sick leave if that action is not taken to avoid a forfeiture of annual leave at the end of the leave year.

11.2. In advance for sick leave for a period of extended illness (including maternity). However, the retroactive substitution of annual leave for regular sick leave is not authorized.

11.3. For LWOP, when LWOP has been charged pending receipt of an employee's leave record from his or her previous Agency.

11.4. For military activities for which military leave is not allowable (i.e., those of State military organizations).

12. COURT LEAVE

Court leave is an authorized absence, without charge to annual leave or loss of compensation from official duty for jury duty or for attending court in a nonofficial capacity as a witness on behalf of any party in connection with any judicial proceeding to which the United States, the District of Columbia, or a State or local government is a party. The court may be a State, Federal, District of Columbia, local territorial, Commonwealth, or Trust Territory of the Pacific Islands court.

12.1. Jury Duty. Court leave for jury duty may be granted to permanent and temporary employees, both full-time and part-time. Intermittent and when actually employed employees are not entitled to court leave for jury duty. Part-time employees called to jury duty service during their regular tours of duty shall receive the compensation of their positions without charge to annual leave. Employees are entitled to reimbursement from the court for transportation and subsistence.

12.2. Witness Service. Persons employed on a permanent or temporary basis, either full-time or part-time, may be carried on court leave and paid their regular salaries during periods of necessary absence while serving as a witness on behalf of any party in connection with any judicial proceeding to which the United States, the District of Columbia, or a State or local government is a party.

12.3. Approval

12.3.1. To be granted court leave, an employee shall submit to the leave-approving official before the beginning date of his or her jury or witness service one of the following.

12.3.1.1. A true copy of the subpoena.

12.3.1.2. A copy of the official request evidenced by an official writing from the court or authority responsible for the conduct of the proceeding.

12.3.2. An employee under direction to serve on a jury shall be granted court leave for the entire period, from the date stated on the official request or on the subpoena requiring him or her to report to the time he or she is discharged by the court, regardless of the number of hours or days he or she actually serves on the jury. The term of jury service does not include hours during which the employee is excused or discharged by the court, either for an indefinite period subject to call by the court or for a definite period in excess of 1 hour. When no hardship would result, the supervisor may require an employee to return to duty or be charged annual leave if he or she is excused from jury service for an excess of 1 hour.

12.3.3. When an employee is called as a witness to testify in his or her official capacity as a Federal employee, he or she shall be considered in an official duty status, as distinguished from a leave status, "court" or otherwise.

12.3.4. When an employee appears in court as a witness in his or her official capacity on behalf of a private party, he or she shall be considered in an official duty status.

12.3.5. When an employee appears in court as a witness not in his or her official capacity and a party is the U.S., DC, or State or local government, his or her absence shall be charged to court leave.

12.3.6. When an employee-plaintiff is called to give a deposition or is otherwise summoned to testify in a case in which a party in the proceeding is the U.S., DC, or State or local government, the employee-plaintiff is considered a witness and is entitled to court leave for the time involved in giving deposition or witnessing. The time the employee spends testifying in his or her own behalf does not meet the requirement of having been summoned, and his or her absence for that time shall be charged to annual leave or LWOP.

12.3.7. When an employee appears in court as a witness not in his or her official capacity and a party is not the U.S., DC, or State or local government, his or her absence shall be charged to annual leave or LWOP. In this case, the employee is entitled to the usual fees and expenses related to such witness service.

13. MILITARY LEAVE

13.1. Military leave is absence with pay for active duty or training with a Reserve component of the Armed Forces; i.e., the Army National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard, the Air Force Reserve, and the Coast Guard Reserve.

13.2. Accrual. Leave accrues at the rate of 15 days per fiscal year (FY). The military leave that is unused at the beginning of a FY is carried forward for use in addition to the days that are credited at the beginning of that FY. This gives a full-time employee the potential of 30 days of military leave during a FY. The rate at which military leave accrues for a part-time employee is based on the number of hours in the regularly scheduled workweek of that employee and not on the number of hours he or she works.

13.3. Approval

13.3.1. Permanent part-time and indefinite employees with temporary appointments of 1 year, or more, shall be granted military leave when orders are presented to an appropriate OSD Component Head. Employees holding temporary appointments pending establishment of a register (TAPER appointments) are considered "indefinite" for this purpose.

13.3.2. Employees may NOT be granted military leave when:

13.3.2.1. They hold temporary appointments of less than 1 year, temporary appointments not to exceed 1 year, or they are employed intermittently.

13.3.2.2. The military duty is for:

13.3.2.2.1. Summer training, as members of Reserve Officers' Training Corps units of colleges or universities. Employees shall be carried in a LWOP status.

13.3.2.2.2. Temporary Coast Guard Reserve.

13.3.2.2.3. Participation in parades by members of a State National Guard.

13.3.2.2.4. Training with a State National Guard or other State military organization that is not a part of the National Guard or that was created to take the place of the National Guard during an emergency.

13.3.2.2.5. Weekly drills, as a member of the District of Columbia National Guard.

13.3.2.2.6. Civil Air Patrol.

13.3.2.2.7. Time taken on a workday to travel to the place of military (unless military orders encompass required travel time).

13.3.2.2.8. Active duty as a commissioned officer in the Reserve Corps of the United States Public Health Service.

13.4. Advance Requests. Although military leave shall be granted to eligible employees, employees shall apply for military leave as far in advance as circumstances permit.

13.5. Substantiation. On return to duty from military leave, employees shall submit a certified copy of orders indicating completion of military duty.

13.6. Computation of Military Leave. Military leave may be taken intermittently, a day at a time, or as otherwise directed by military orders. Non-workdays wholly within a period of military leave are charged against the 15 days allowed during the year;

nonworkdays at the beginning or end of the training period are not. For example, an employee whose workweek is Monday through Friday receives orders for 2 weeks of training duty beginning and ending on a Saturday; Saturday and Sunday at the beginning of the tour, and Saturday at the end, are NOT charged to military leave; Saturday and Sunday within the tour are charged; and the employee's total charge to military leave is 12 days.

13.7. Sick Leave in Connection with Military Leave. An employee prevented from returning to his or her civilian position because of illness or injury that occurred while on active duty for training is entitled to sick or annual leave during the period of absence resulting from such illness or injury.

13.8. Restoration Following Military Leave. On conclusion of military leave, the employee shall be restored to the position that was held when ordered to military duty.

14. FUNERAL LEAVE

14.1. Funeral leave shall be granted to an employee for up to 3 workdays to make arrangements for, or to attend the funeral of, or memorial service for, an immediate relative who died as a result of wounds, disease, or injury incurred as a member of the Armed Forces while serving in a combat zone. Immediate relative is defined as the following:

14.1.1. Spouse, and parents thereof.

14.1.2. Children, including adopted children and spouses thereof.

14.1.3. Parents.

14.1.4. Brothers and sisters, and spouses thereof.

14.1.5. Any person related by blood or affinity whose close association with the deceased was such as to have been equivalent to a family relationship.

14.2. The 3 days need not be consecutive, but if not, the employee shall furnish satisfactory reasons justifying a grant of funeral leave for nonconsecutive days. Combat zones are determined by the President in accordance with section 112 of the Internal Revenue Code.

15. ADMINISTRATIVE EXCUSALS

15.1. Employees may be excused from duty without charge to leave or loss of compensation in accordance with FPM Supplement 990-2 and CPM Supplement 990-2 (references (b) and (c)). The Director, WHS, under DoD Directive 5110.4 (reference (g)), has been designated as the responsible official for determining when employees covered by this Instruction may be excused administratively from duty.

15.2. Additionally, management officials may excuse employees from duty:

15.2.1. For reasonable amounts of time, normally not to exceed 8 hours, for obtaining information and assistance in the preparation of appeals and grievances when such assistance is available only during working hours.

15.2.2. For attendance at hearings in connection with appeals and grievances when the employee is the appellant or a witness.

15.2.3. For attendance at Merit Systems Protection Board hearings in connection with appeals and grievances when the employee is the appellant or a witness.

15.2.4. For the time necessary to serve as a blood donor, either directly or to blood banks. (Normally, the maximum excusal may not exceed 4 hours. Additional time, not in excess of 4 hours, is permissible if the employee must travel an unusual distance or if unusual need for recuperation occurs.)

15.2.5. For participation in State and local pre-emergency training programs, or test exercises for civil defense, not to exceed a total of 40 working hours during a calendar year.

15.2.6. For registration under the "Military Selective Service Act" (Public Law 92-129 reference (f)) for the time necessary to register, but not to exceed 1 day. Time in excess of 1 day is chargeable to annual leave.

15.2.7. For examination for duty in the Armed Forces. If absence for that purpose exceeds 1 day, the employee shall be required to submit a statement from the examining office explaining the necessity for the additional absence.

15.2.8. For all emergency duty in the National Guard or State National Guard, or to participate in civil air patrol searches, or for other types of rescue or protective work, at the discretion of the Director, WHS. The period of official time may not exceed a total of 40 working hours during a calendar year.

15.2.9. For participation in funeral services for members of the Armed Forces returned from overseas for final interment in the United States when the employee is a veteran of a war or of a campaign or expedition for which a campaign badge has been authorized, or a member of an honor or ceremonial group of an organization of those veterans and will serve as an active pallbearer or as a member of a firing squad or honor guard, for such time as may be necessary, but not to exceed 4 hours in any one day.

15.2.10. For tests and interviews in connection with employment within the Department of Defense in the local commuting area.

15.2.11. For registering and voting in any election or referendum. It is executive policy to excuse employees for a reasonable time, when practicable to do so without seriously interfering with operations, to vote or register in any election. Generally, an employee is excused from duty so as to permit him or her 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. Under unusual circumstances, an employee can be excused up to a full day.

15.2.12. For tardiness and brief absences of periods of less than 1 hour.

15.2.13. For medical examinations to determine fitness for duty.

15.2.14. To use Civilian Personnel Office services.

15.2.15. For union employee representatives receiving information, briefing, and orientation relative to matters within the scope of E.O. 11491 (reference (k)), and of mutual concern to the OSD and/or Joint Staff, not to exceed 8 hours.

15.2.16. Alcohol or drug abuse counseling in accordance with Administrative Instruction No. 17 (reference (j)).

16. CONTINUATION OF PAY (COP) - OCCUPATIONAL INJURY

16.1. An injured employee is entitled to COP for up to 45 calendar days of disability following a traumatic injury in accordance with Administrative Instruction 83 (reference (h)). A traumatic injury is defined as a wound or other condition of the body caused by external force, including stress or strain, and must have been caused by a specific event or incident or series of events or incidents within a single day or work shift. Supervisors cannot require an employee to use sick or annual leave during the 45-day period pending the Department of Labor's Office of Workers' Compensation

Programs' adjudication of a claim, unless the supervisor opposes the claim for one of the following reasons:

16.1.1. The disability is a result of an occupational disease or illness.

16.1.2. The employee renders personal service to the United States and works without pay or for nominal pay, such as consultants, volunteers, or contract employees.

16.1.3. The employee is not a U.S. citizen.

16.1.4. The injury occurred off Government premises and the employee was not involved in "off-premises" duties.

16.1.5. The injury was caused by the employee's willful misconduct, or intent to bring about his or her injury or death or that of another person, or the employee's intoxication was the proximate cause of the injury.

16.1.6. The injury was not reported on Form CA-1, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation," within 30 days following the injury.

16.1.7. Work stoppage occurred 6 months, or more, following the injury.

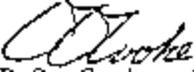
16.1.8. The employee reports the injury after his or her employment has terminated.

16.1.9. The employee is enrolled in the Civil Air Patrol, Peace Corps, Job Corps, Youth Conservation Corps, Work Study Programs, or other similar groups.

16.2. Employees covered by this Instruction shall inform their supervisors of the injury and complete Form CA-1 expediently after the injury, but no later than 30 days after the occurrence. Timekeepers shall annotate time and attendance forms in accordance with Air Force civilian payroll instructions to reflect that the employee is on COP.

17. EFFECTIVE DATE

This Instruction is effective immediately.


D.G. Cooke, Director
Administration and Management

Enclosures - 4

- E1. References, continued
- E2. Definitions
- E3. Sample Request for Advanced Sick Leave
- E4. Sample Request for Advanced Annual Leave

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Section 5551 of title 5, United States Code
- (f) Appendix, Sections 451-473 of title 50, United States Code, "Military Selective Service Act," Public Law 92-129, September 28, 1971, as amended
- (g) [DoD Directive 5110.4](#), "Washington Headquarters Services," September 19, 1984
- (h) [Administrative Instruction No. 83](#), "Federal Employees' Compensation Program," March 17, 1988
- (i) [DoD Directive 5500.7](#), "Standards of Conduct," May 6, 1987
- (j) [Administrative Instruction No. 17](#), "Civilian Employee Alcohol and Drug Abuse Prevention, Testing, and Control Program," November 29, 1988
- (k) Executive Order 11491, "Labor-Management Relations in the Federal Service," October 29, 1969

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Accrued Leave. The leave earned by an employee during the current leave year that is unused at any given time in that leave year.

E2.1.2. Accumulated Leave. The unused leave remaining to the credit of an employee at the beginning of a leave year.

E2.1.3. Contagious Disease. A disease that is ruled as subject to quarantine, requires isolation of the patient, or requires restriction of movement by the patient for a specified period, as prescribed by the health authorities having jurisdiction.

E2.1.4. Family Member. Under this Instruction, a family member is the spouse or unmarried child of a member of the U.S. Armed Forces or a civilian employee of a U.S. Government Agency. Unmarried children must be under age 23 and residing with the sponsor at the time of the sponsor's relocation.

E2.1.5. Leave Year. The period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

E2.1.6. Medical Certificate. A written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, or treatment, or to the period of disability while the patient was receiving professional treatment.

E3. ENCLOSURE 3

SAMPLE
REQUEST FOR ADVANCED SICK LEAVE

MEMORANDUM FOR

SUBJECT: Request for Advanced Sick Leave

Request I be granted _____ hours advanced sick leave for the period
_____ through _____ for (state reason).

My physician advises me that the surgery or illness and recuperation period will last for _____ weeks, as stated in the attached doctor's certificate. I shall return to duty as soon as my physician allows me to return and will furnish a certification signed by my doctor at that time.

I understand that all my sick leave must be liquidated before the advanced sick leave begins.

In accordance with 5 CFR 630.209, I understand and agree that if I separate from Federal employment before the indebtedness for unearned leave is liquidated, I shall refund the amount paid me for the period covering the leave for which I am indebted.

Signature
Title
Social Security Number (SSN)
Telephone Number
Timekeeper Code

APPROVED: _____ hours advanced sick leave.

DISAPPROVED: (state reason).

(Signature)

E4. ENCLOSURE 4

SAMPLE
REQUEST FOR ADVANCED ANNUAL LEAVE

MEMORANDUM FOR

SUBJECT: Request for Advanced Annual Leave

Request I be granted _____ hours advanced annual leave for the period _____ through _____. Annual leave is required at this time because (state reason).

This will not exceed the amount of annual leave I will accrue between the date of the advanced leave and the end of the leave year.

In accordance with 5 CFR 630.209, I understand and agree that if I separate from Federal employment before the indebtedness for unearned leave is liquidated, I shall refund the amount paid me for the period covering the leave for which I am indebted.

Signature
Title
Organization
Social Security Number
Telephone Number
Timekeeper Code

APPROVED: _____ hours advanced annual leave.

DISAPPROVED: (state reason).

(Signature)