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SECRETARY OF THE AIR FORCE**

**AIR FORCE INSTRUCTION**

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**SCOTT AIR FORCE BASE  
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**Personnel**

**ABSENCE AND LEAVE**



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This instruction implements the requirements of Title 5, United States Code (U.S.C.), **Chapter 63** (Leave), and Title 5 of the Code of Federal Regulations (CFR), Part 630 (Absence and Leave). It implements and complies with DoD 1400.25-M, Sub**chapters 610**, Hours of Duty and 630, Leave. It also implements AFPD 36-8, *Employee Benefits and Entitlements*. It contains information needed by supervisors of civilian employees paid from appropriated funds. It explains how much leave employees earn, when and under what conditions employees are granted annual leave, sick leave, leave without pay, and other specialized forms of leave and absence. The instruction outlines how to determine if a specific type of absence is charged to leave, excused without charge to leave, or considered official duty. It applies to full-time employees and employees with a regularly scheduled tour of duty who work less than full-time

except (a) non-US citizens employed outside the 50 states and the District of Columbia, (b) employees serving in teaching positions in dependent schools overseas, (c) Section 6 Dependents School personnel, (d) Presidential appointees whose rate of basic pay is higher than the maximum rate of GS-15, and (e) employees hired on a temporary basis solely for the purpose of work on a specific construction project and paid at an hourly rate. It does not apply to Air National Guard technicians, but does apply to Air Force Reserve civilian employees, i.e., Air Reserve Technicians (ART). Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located in the Air Force Records Information Management System (AFRIMS). Tier waiver authorities as approved by the Inspector General Advisory Board have been included per AFI 33-360, Publications and Forms Management. Refer to AFI 33-360 for tier waiver authority definitions and procedures.

In collaboration with the Chief of Air Force Reserve (AF/RE) and the Director of the Air National Guard (NGB/CF), the Deputy Chief of Staff for Manpower, Personnel, and Services (AF/A1) develops personnel policy for absence and leave. This publication may be supplemented at any level; all supplements must be approved by the Human Resource Management Strategic Board (HSB) prior to certification and approval.

**(SCOTT)** AFI 36-815, *Absence and Leave*, is supplemented as follows: This supplement delegates approval authority to the lowest possible level for purposes of absence and leave; clarifies the approval process for exigencies of the service; designates approval authority for extensions of leave without pay beyond 1 year; delegates appointing official at the lowest possible level for purposes of establishing administrative procedures for the voluntary leave transfer program; designates approval authority to the lowest possible level for limitations on donations of annual leave. The supplement applies to all 375th Air Mobility Wing (AMW) personnel and tenant units serviced by the Civilian Personnel Office (CPO) to include the 932d Airlift Wing (AW) (AFRES). The supplement does not apply to the 126th Air Refueling Wing (ARW) (ANG). Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of in accordance with Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS). Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional chain of command.

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

This publication has been significantly rewritten and should be reviewed in its entirety. This revision clarifies roles and responsibilities of installation commanders, tenant commanders, and supervisors; clarifies guidance for documenting leave requests and approval on OPM Form 71 or approved automated timekeeping system; adds guidance for restoration of annual leave for employees serving in a combat zone; includes guidance on leave accrual for emergency personnel in a combat zone; includes administrative leave for physical fitness and wellness activities; includes guidance for administrative leave for participation in events on the

installation; clarifies guidance for administrative leave for rest and recuperation; clarifies effect of non-pay status on leave accrual; includes administrative leave guidance for Science, Technology, Engineering and Mathematics (STEM) activities; includes guidance on credit for prior non-federal work experience and certain military service; adds guidance on use of compensatory time prior to using annual leave; clarifies policy on sick leave; clarifies guidance for administrative leave vs. excused absence; includes guidance on qualifying exigencies for purpose of family medical leave; includes guidance for emergency situations occurring during the workday; includes guidance on leave for working parents; clarifies validation of the leave donation by the civilian personnel section; and revises Family Member and Domestic Partner definitions under *Terms*.

**(SCOTT)** This document has been substantially revised and must be completely reviewed. Major changes include: Renumber previous changes to coincide with new chapter numbering; add requirement for leave without pay; and change portions of the physical fitness program.

<b>Chapter 1— OVERVIEW</b>	<b>9</b>
1.1. Air Force Policy.....	9
<b>Chapter 2— RESPONSIBILITIES</b>	<b>10</b>
2.1. Installation Commanders and Directors, Tenant Commanders and Directors, and Heads of Activities to Whom Appointing Authority is Delegated, and Commanders of Combatant Commands shall: .....	10
2.2. Supervisors or Team Leaders Authorized to Approve Leave.....	10
2.3. Employees must:.....	10
<b>Chapter 3— LEAVE ADMINISTRATION</b>	<b>12</b>
3.1. Scheduling Leave.....	12
3.2. Documenting Requests for Leave or Approved Absence.....	12
3.3. Charges to Leave.....	12
3.4. Employees Serving Time Limited Appointments.....	12
3.5. Employees Transferring Within AF or From another Federal Agency. ....	12
3.6. Refund for Unearned Leave.....	13
<b>Chapter 4— ANNUAL LEAVE</b>	<b>14</b>
4.1. Amount of Annual Leave Earned. ....	14
Table 4.1. Full-time Employees Hours Credit.....	14
4.2. Maximum Annual Leave Accumulation.....	14
4.3. When Annual Leave Becomes Available for Use. ....	15
4.4. Scheduling Annual Leave to Avoid Forfeiture .....	15
4.5. When Annual Leave is Granted.....	15
4.6. Advancing Annual Leave. ....	16
4.7. Use of Annual Leave before Separation .....	16
4.8. Lump-Sum Payment Upon Separation .....	17
4.9. Use of Annual Leave during Active Military Duty .....	17
4.10. Requiring Employees To Take Leave.....	17
4.11. Substituting Annual Leave for LWOP.....	17
4.12. Substituting Annual Leave for Sick Leave.....	17
4.13. When Lump-Sum Payments Are Made.....	17
4.14. Restoration of Forfeited Annual Leave.....	18

4.15.	Administrative Error. ....	20
<b>Chapter 5— SICK LEAVE</b>		<b>21</b>
5.1.	Amount of Sick Leave Earned. ....	21
5.2.	Use of Sick Leave. ....	21
5.3.	Limited Amount of Sick Leave Use for Family Care. ....	21
5.4.	Relationship to Voluntary Leave Transfer Program. ....	22
5.5.	How Sick Leave Is Requested and Approved. ....	22
5.6.	Absences of More Than 3 Days. ....	22
5.7.	Absences Due to Contagious Disease. ....	23
5.8.	Return to Duty After Illness. ....	23
5.9.	Substituting Sick Leave for Annual Leave. ....	24
5.10.	Disabled Veterans. ....	24
5.11.	Outside Employment During Sick Leave. ....	24
5.12.	Treatment of Injury in Performance of Duty. ....	24
5.13.	Use of Advance Sick Leave. ....	24
5.14.	Availability and Recredit of Sick Leave. ....	25
<b>Chapter 6— LEAVE WITHOUT PAY (LWOP)</b>		<b>26</b>
6.1.	When LWOP Is Granted. ....	26
6.2.	Amount of LWOP. ....	28
6.3.	When LWOP is Not Granted. ....	28
6.4.	Who Approves LWOP. ....	28
6.4.	(SCOTT) Who Approves LWOP. ....	28
6.5.	Absent-US (formerly LWOP-US). ....	28
6.6.	LWOP for Attendance at School Functions. ....	29
<b>Chapter 7— MILITARY LEAVE</b>		<b>30</b>
7.1.	Military Leave Explained. ....	30
7.2.	Eligibility Criteria. ....	30
7.3.	Military Leave Entitlement. ....	30
7.4.	How Military Leave Accumulates. ....	31
7.5.	Military Leave for Law Enforcement Purposes. ....	31

7.6.	Military Leave for Parades or Encampments.....	31
7.7.	Conditions for Granting Military Leave. ....	31
7.8.	How Military Leave Is Charged. ....	31
7.9.	Other Types of Absences Related to Military Duty.....	33
7.10.	Additional Leave for Military Technicians.....	33
7.11.	Military Leave for Mobilized Federal Civilian Employees. ....	34
<b>Chapter 8— COURT LEAVE</b>		<b>35</b>
8.1.	Court Leave Explained. ....	35
8.2.	Who Is Eligible. ....	35
8.3.	Granting Court Leave. ....	35
8.4.	Return to Duty Upon Release by Court. ....	36
8.5.	Procedure for Recording Court Leave. ....	36
8.6.	Witness and Jury Fees and Expenses.....	36
<b>Chapter 9— ADMINISTRATIVE GROUP DISMISSAL</b>		<b>38</b>
9.1.	Administrative Group Dismissal.....	38
9.2.	Closing an Activity. ....	38
9.3.	Authority to Grant Absence Due to Emergency Conditions or for Managerial Reasons. ....	38
9.4.	Group Dismissal.....	39
9.5.	Absence Due to Environmental Conditions.....	39
9.6.	Absence Due to Hazardous Weather Conditions or Disasters.....	40
9.7.	Shutdowns in.....	41
9.8.	Emergency Situations Occurring During the Workday. ....	41
<b>Chapter 10— ADMINISTRATIVE LEAVE</b>		<b>43</b>
10.1.	Administrative leave. ....	43
10.1.	(SCOTT) Administrative Leave. ....	43
10.2.	Emergency Rescue or Protective Work. ....	43
10.3.	Absence for Brief Periods or Tardiness. ....	44
10.4.	Absence for Voting or Registration. ....	44
10.5.	Blood Donations. ....	45

10.6.	Examinations and Documentations Required as a Condition of Employment.....	45
10.7.	Consultation With Operating Officials, EEO Counselor, Civilian Personnel Section staff, and Employment Interviews. ....	45
10.8.	Medical Examination for Federal Service. ....	45
10.9.	Attending Meetings and Conferences:.....	46
10.10.	Holiday Observance:.....	46
10.11.	Off-the-Job Training During Regularly Scheduled Duty Hours: .....	47
10.12.	Funerals.....	48
10.13.	Health and Wellness. ....	48
10.14.	Rest and Recuperation upon Return from Civilian Deployment. ....	49
10.15.	Rest and Recuperation for Return from Active Duty. ....	49
10.16.	Absences Resulting From Hostile Action Abroad.....	49
10.17.	Absences Resulting from Emergencies Assigned Overseas.....	50
10.18.	Absences in Connection with Travel. ....	50
10.19.	Absences related to Air Force Science, Technology, Engineering and Mathematics (STEM) Activities. ....	51
10.20.	Absences for Other Volunteer Activities.....	52
<b>Chapter 11—</b>	<b>VOLUNTARY LEAVE TRANSFER PROGRAM (VLTP)</b>	<b>53</b>
11.1.	Purpose and Applicability.....	53
11.2.	Administrative Procedures.....	53
11.2.	(SCOTT) Administrative Procedures. ....	53
11.3.	Application To Be A Leave Recipient.....	53
11.4.	Approval of the Application to Become a Leave Recipient. ....	54
11.5.	Leave.....	54
11.5.	(SCOTT) Leave Approving Official’s Responsibilities. ....	55
11.6.	Transfer of Annual Leave. ....	55
11.7.	Limitations on Donations of Annual Leave.....	56
11.8.	Use of Transferred Annual Leave.....	56
11.9.	Termination of Medical Emergency. ....	57
11.10.	Restoration of Transferred Annual Leave.....	58

11.11. Prohibition of Coercion.....	58
11.12. Emergency Leave Transfer Program. ....	59
<b>Chapter 12— FAMILY MEDICAL LEAVE ACT (FMLA)</b>	<b>60</b>
12.1. Purpose.....	60
12.2. Coverage. ....	60
12.3. Leave Entitlement. ....	60
12.4. Serious Health Condition.....	60
12.5. Requirements for Invoking FMLA. ....	61
12.6. Effective Date of FMLA.....	61
12.7. Covered Employees. ....	62
12.8. Protection of Employment and Benefits.....	62
12.9. Health Benefits.....	62
12.10. Substitution of Paid Leave.....	62
12.11. Expanded Family and Medical Leave Policies.....	62
12.12. Qualifying Leave for an Exigency.....	62
12.13. Categories of Qualifying Exigencies. ....	63
<b>Chapter 13— ADMINISTRATIVE LEAVE FOR BONE MARROW OR ORGAN DONATION</b>	<b>65</b>
13.1. Absences to Serve as a Bone-Marrow, Stem Cell or Organ Donor.....	65
13.2. Absence of Employee Having Bone-Marrow Removed. ....	65
<b>Chapter 14— HOME LEAVE</b>	<b>66</b>
14.1. Home Leave Entitlement. ....	66
14.2. Subsequent Service Abroad.....	66
14.3. Refund for Home Leave.....	67
<b>Attachment 1— GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION</b>	<b>68</b>
<b>Attachment 2— SAMPLE PHYSICAL FITNESS AGREEMENT</b>	<b>73</b>
<b>Attachment 3—(Added-SCOTT) CIVILIAN PHYSICAL FITNESS PROGRAM</b>	<b>74</b>



## Chapter 1

### OVERVIEW

**1.1. Air Force Policy.** The Air Force Policy Directive 36-8, *Employee Benefits and Entitlements and Work/Life Programs*, establishes policies to ensure the AF enhances the morale of its civilian employees by identifying employment requirements and pursuing appropriate work/life flexibilities. Leave is an important and significant benefit for all employees. There is a mutual employee-management responsibility to plan and schedule the use of annual leave throughout the year. The scheduling of leave is so important that by law it is a prerequisite to the restoration of annual leave that may be forfeited because of exigencies of the service or because of sickness. Managers must administer leave and administrative leaves on a uniform and equitable basis within the scope of applicable laws and regulations. They must base their decisions to deny leave requests and cancel approved leave on the necessity for the employee's services. Denial or cancellation of leave is administrative in nature and cannot be used as a punitive measure. In granting leave, managers must consider the needs of the Air Force and the welfare of the employees. Authority to approve leave requests is normally delegated to the lowest supervisory level having personal knowledge of the work requirements and the employee's leave record. This Instruction must be administered without unlawful discrimination because of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, genetic information, or prior EEO activity.

## Chapter 2

### RESPONSIBILITIES

#### **2.1. Installation Commanders and Directors, Tenant Commanders and Directors, and Heads of Activities to Whom Appointing Authority is Delegated, and Commanders of Combatant Commands shall:**

- 2.1.1. Administer leave in accordance to law and regulation. (T-1)
- 2.1.2. Establish local policy as authorized in this Instruction. (T-1)
- 2.1.3. Ensure personnel are informed of their rights, responsibilities, and administrative requirements. (T-1)
- 2.1.4. Assist operating officials in carrying out assigned responsibilities. (T-1)
- 2.1.5. Identify and promptly correct sick leave abuses. (T-1)
- 2.1.6. Ensure compliance with applicable directives in reporting and certifying time and attendance. (T-1)
- 2.1.7. Installation commanders may designate the civilian personnel officer/section to act for them in carrying out these functions. (T-1)
  - 2.1.7.1. **(Added-SCOTT)** The CPO is designated to fulfill these responsibilities.
- 2.1.8. Authorize administrative leave in accordance with guidance in this Instruction. (T-1)

#### **2.2. Supervisors or Team Leaders Authorized to Approve Leave.**

- 2.2.1. Establish appropriate administrative procedures for requesting and approval of leave. Ensure employees under their supervision are informed of procedures which must be followed in requesting and using leave. (T-1)
- 2.2.2. Ensure all absences from duty are appropriately charged according to applicable laws and regulations. (T-1)
- 2.2.3. Identify and promptly correct sick leave abuse. (T-1)
- 2.2.4. Request advice and assistance from the Civilian Personnel Section (CPS) when there is a question concerning employee entitlements and type of leave appropriate to the situation. (T-1)
- 2.2.5. Approve annual leave requests or projected annual leave when work schedules permit. When a request for annual leave cannot be initially approved or is subsequently denied, then make every effort to reschedule the annual leave commensurate with the needs of the organization and the desires of the employee. (T-1)

#### **2.3. Employees must:**

- 2.3.1. Be dependable and report for work except when in an approved leave status.
- 2.3.2. In accordance with applicable procedures, request leave in advance, and cooperate in rescheduling leave when necessary.

2.3.3. Report unexpected absence to supervisor and request approval for absence according to established policies.

2.3.4. Comply with DODD 5200.2, *DoD Personnel Security Program*, and AFI 31-501, *Personnel Security Program Management*, when planning travel to a foreign country during a period of approved leave.

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

## Chapter 3

### LEAVE ADMINISTRATION

**3.1. Scheduling Leave.** Leave must be scheduled and approved in advance except in emergency situations. (T-0) Supervisors should normally maintain projected leave schedules to assist in planning and assigning work. Employees provide projected leave at the beginning of the leave year, if need for leave is known.

**3.2. Documenting Requests for Leave or Approved Absence.** Requests for leave must be submitted to approving officials, in writing, on OPM 71, (*Request for Leave or Approved Absence*) or by using an approved automated timekeeping system. (T-0) **NOTE:** Procedures for requesting and approving leave for bargaining unit employees may be contained in applicable collective bargaining agreements. Contact your Civilian Personnel Section for guidance on local rules and procedures.

**3.3. Charges to Leave.** The minimum charge for either annual or sick leave is 15 minutes. Additional leave is charged in increments of 15 minutes. The minimum charge for absence in a non-pay status LWOP or AWOL is charged in increments of 15 minutes for the actual time absent. Leave is charged only on days the employee would otherwise work and receive pay. Leave is not charged for an absence on holidays or other nonwork days, except for when certain employees are paid additional compensation for standby duty (e.g., firefighters). Military leave is charged only for hours during which a civilian employee would otherwise have been scheduled to work and receive pay.

3.3.1. If an employee is unavoidably absent or tardy for less than 1 hour, for a reason that is acceptable to the supervisor, the supervisor may excuse the employee without charge to leave. The supervisor may decide not to excuse the absence, and may charge the employee AWOL or approve an employee's request for leave to cover the absence.

3.3.2. When an employee has insufficient annual or sick leave available to cover an approved leave request, the excess absence is charged in accordance with the precedence established in the Defense Finance and Accounting Service (DFAS) Leave Conversion Matrix. If retroactive sick leave is approved later, it may be substituted for the leave category initially charged. However, the Comptroller General has consistently held that, when leave has been requested, approved, and used, retroactive substitution of one category of leave for another category may be made only under the conditions of a specific law and/or regulation. The supervisors only annotate AWOL if he/she does not approve any, or all, of the period of absence.

**3.4. Employees Serving Time Limited Appointments.** An employee serving under a temporary or term appointment cannot be granted more leave than the amount that can be earned and credited before appointment expires.

**3.5. Employees Transferring Within AF or From another Federal Agency.** The leave balance on the last leave and earnings statement are acceptable evidence to transfer leave. If necessary, the civilian payroll office will request an employee's leave balance by telephone or e-mail from the losing civilian payroll office. If an employee requests leave and the leave record has not been received, the absence will be charged to LWOP pending receipt of leave records.

**3.6. Refund for Unearned Leave.** When an employee separates before accruing all previously advanced leave, the value of unearned leave is deducted from any compensation due. A deduction is not required if the employee is separated for reasons of death, disability retirement, or resignation for physical disability that is evidenced by acceptable medical documentation.

## Chapter 4

### ANNUAL LEAVE

**4.1. Amount of Annual Leave Earned.** The amount of annual leave employees earn depends on their length of service and basic workweek. Full-time employees earn leave as shown in **Table 4.1**.

4.1.1. Employees are assigned to leave earning categories as follows:

4.1.1.1. Category 1. Employees with less than 3 years of service.

4.1.1.2. Category 2. Employees with 3 but less than 15 years of service.

4.1.1.3. Category 3. Employees with 15 or more years of service.

4.1.2. Part-time employees must have a regularly scheduled tour of duty to earn leave. (T-0) However, credit is given for the time they are in a pay status (including the hours worked outside their scheduled tour of duty) not in excess of 80 hours in the pay period as follows (see paragraph **4.1.1** for definition of categories):

4.1.2.1. Category 1. 1 hour for each 20 hours in pay status.

4.1.2.2. Category 2. 1 hour for each 13 hours in pay status.

4.1.2.3. Category 3. 1 hour for each 10 hours in pay status.

**Table 4.1. Full-time Employees Hours Credit.**

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

4.1.3. No annual leave is earned within a pay period where LWOP or AWOL reaches 80 hours.

4.1.4. Intermittent employees do not earn annual leave since by regulation, they do not have a regularly scheduled tour of duty.

**4.2. Maximum Annual Leave Accumulation.** In general, the maximum amount of annual leave an employee may carry forward from one leave year to another is 30 days (240 hours), or the amount accumulated under earlier statute, whichever is greater. Any leave to employee's

credit at end of leave year that exceeds maximum accumulation is either forfeited or restored according to paragraph 4.14.

4.2.1. Uncommon Tours of Duty. To calculate maximum amount of annual leave for employees on uncommon tours of duty, the formula is: Multiply 240 times number of hours in workweek; divide result by 40. Example: Maximum accumulation for an employee with a 72-hour standby workweek is 432 hours. Maximum accumulation for an employee with a 56-hour workweek is 336 hours.

4.2.2. OCONUS US Citizens. US citizens employed outside the United States (except for certain local hires), maximum annual leave accumulation is 45 days (360 hours) or amount to employee's credit at beginning of leave year, whichever is greater. Employees eligible for 45 days of cumulative annual leave are normally those who are under a transportation agreement in the overseas area. Upon return from overseas, maximum annual leave accumulation is 30 days (240 hours) or amount carried over from previous leave year, whichever is greater, not to exceed 45 days (360 hours).

4.2.3. Civilian Senior Executives. For SES employees, there is a maximum limitation on annual leave accumulation of 90 days (720 hours) or amount accumulated under earlier statute, whichever is greater.

**4.3. When Annual Leave Becomes Available for Use.** The projected annual leave an employee will earn during a leave year will be available for planning purposes at the beginning of the leave year.

4.3.1. Appointments for 90 Calendar Days or More. Employees may use annual leave during the first 90 days of employment.

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

4.3.3. If an employee has a series of successive appointments, without a break in service of 1 day or more, which then exceeds 90 days, employee is credited with annual leave which would have accrued from the date of initial appointment.

**4.4. Scheduling Annual Leave to Avoid Forfeiture .** Employees should take positive action before the beginning of the third full pay period prior to the end of leave year to schedule or reschedule canceled leave so as to avoid situations where employees approach end of leave year with a significant amount of annual leave that must be used or forfeited.

4.4.1. Written leave schedules should be used to certify required scheduling was accomplished when requesting restoration of forfeited annual leave.

4.4.2. When employees choose not to request or use annual leave to avoid forfeiture, they are not entitled to have forfeited leave restored for later use.

4.4.3. Employees should use previously earned compensatory time before accrued annual leave unless it will result in forfeiture of leave.

**4.5. When Annual Leave is Granted.** Employees are granted annual leave to allow time off for vacations and for personal and emergency purposes. The use of annual leave is a right of the

employee in that the employee is either given an opportunity to use the annual leave, or to the extent permitted by law, is paid for it at the time of separation.

4.5.1. Except in cases of emergency, annual leave must be requested by employee and approved by appropriate leave-approving official in advance of the absence. (T-0)

4.5.2. Supervisors must ensure all employees are informed of the procedures to follow when requesting and obtaining approval of leave. (T-0) This includes requests for annual leave in advance of the absence as well as leave for emergencies.

4.5.3. Supervisors should consider employees' desires and personal convenience as well as work situation when granting leave. Supervisors must not make arbitrary decisions to deny leave. (T-0)

4.5.4. Requests for annual leave must be submitted to approving official in writing on OPM 71, *Request for Leave or Approved Absence*, or by using an approved automated timekeeping system, unless otherwise prescribed by a collective bargaining agreement. (T-1)

#### **4.6. Advancing Annual Leave.**

4.6.1. An employee may be granted all annual leave to be earned during current leave year. Advanced annual leave may be requested for any number of reasons to include for foster care placement in their home or bonding with a healthy newborn or newly adopted child. When advancing an employee annual leave in excess of amount actually earned, the supervisor authorized to approve leave must have reasonable assurance that the employee will be in a duty status long enough to earn the leave granted before the end of the leave year. (T-1)

4.6.2. Obtaining Employee's Current Leave Balance. Employee's current leave balance may be obtained by the supervisor by accessing civilian personnel data systems (Civilian Support Unit (CSU) Application) at the work site or by contacting the local civilian payroll liaison office.

4.6.2.1. The leave approving official's certification of the time card is acceptable evidence that leave reported has been approved.

4.6.3. If an employee's employment with the government discontinues prior to earning advanced leave, the balance of advanced leave upon separation is considered a debt, unless employee dies, retires for disability, resigns, or is separated as a result of a disability that prevents employee from returning to work.

**4.7. Use of Annual Leave before Separation .** A supervisor may not grant an employee annual leave when the supervisor knows the employee will not return from leave of absence to federal service, except when:

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

4.7.2. Employee is carried in a leave status pending acceptance for active military duty.

4.7.3. Employee has made application for disability retirement.

4.7.4. Employee has taken annual leave prior to separation, but is present for, and performs duty on the employee's last administrative workday. For example, an employee who is a



military spouse must be present on last duty day prior to his/her LWOP to accompany spouse. (T-0)

4.7.5. Employee has taken accrued annual leave during final hours of last day of employment before separation, providing employee substantially worked entire final pay period, including part of last day.

**4.8. Lump-Sum Payment Upon Separation** . Upon separation, an employee is entitled to all accumulated and accrued annual leave credited to employee who consists of the following: (1) regular carry-over balances from previous year, if any; plus (2) accrued and unused annual leave during current leave year, if any; plus (3) any unused restored annual leave maintained in a separate leave account.

**4.9. Use of Annual Leave during Active Military Duty** . Members of the Reserve or National Guard may use annual leave during active military duty.

**4.10. Requiring Employees To Take Leave.** Employees may not be placed on annual leave:

4.10.1. As a disciplinary measure.

4.10.2. Pending issuance of a proposal or decision notice to take an adverse action, unless requested by employee.

4.10.3. During notice period before adverse action, unless requested by employee.

4.10.4. Otherwise, employees may be placed on annual leave as the needs of the service require; for example, during a period of reduced or suspended operations or where an employee is instructed to take vacation leave at a time other than at the specific time initially requested. Required use of annual leave must be based on factors that are reasonable and equitable, which do not discriminate among employees, and which are not arbitrary. (T-1)

**4.11. Substituting Annual Leave for LWOP.** Substitutions may be made in the following circumstances:

4.11.1. LWOP may be charged for annual leave, pending receipt of an employee's leave record from the former employing agency. Upon receipt of the leave record, annual leave will be substituted for the LWOP.

4.11.2. LWOP is granted to an employee pending a re-credit of annual leave following a refund of a lump sum leave payment; annual leave may be substituted for LWOP, provided employee requests substitution at the time LWOP is requested.

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

**4.13. When Lump-Sum Payments Are Made.** Normally, separated employees (including those overseas who are allowed a 45-day annual leave accumulation) are paid a lump sum for all accumulated annual leave.

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

4.13.2. An employee entering military service may elect to allow annual leave to remain in the leave account or to receive a lump-sum payment.

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

4.13.4. When a Refund of Lump-Sum Annual Leave Payment Is Required: If an employee who has received a lump-sum annual leave payment is reemployed before end of period covered by payment, employee must refund an amount equal to gross compensation received for unexpired portion of lump-sum leave period. This includes pay before deductions of any kind and, if applicable, differentials and allowances received.

**4.14. Restoration of Forfeited Annual Leave.** Annual leave which would otherwise be forfeited may be restored when it is lost because of exigencies of service or sickness of employee, if use of leave was scheduled in advance. Leave may also be restored when an administrative error causes loss of annual leave otherwise accruable. Before forfeited annual leave may be considered for restoration, use of annual leave must have been requested, approved, and scheduled in writing before start of third biweekly pay period before end of leave year. (T-0)

4.14.1. Exigencies of Service. Before forfeited annual leave is restored, there must be a determination the exigency is of major importance and an employee may not use scheduled annual leave. (T-0) The following officials, or their designee, have authority to approve exigencies causing cancellation of leave:

4.14.1.1. Administrative Assistant to Secretary of the Air Force for all employees in Office of the Secretary of the Air Force and other employees not within the purview of paragraphs 4.14.1.2 through 4.14.1.4 below.

4.14.1.2. Assistant Vice Chief of Staff for all Air Staff employees not within the purview of paragraph 4.14.1.3 below.

4.14.1.3. Deputy Chiefs of Staff for their employees.

4.14.1.4. Installation Commander, or his/her designee, tenant commanders or heads of activities.

4.14.1.4.1. **(Added-SCOTT)** United States Transportation Command employees – Directors.

4.14.1.4.2. **(Added-SCOTT)** Headquarters Air Mobility Command employees – Directors.

4.14.1.4.3. **(Added-SCOTT)** Air Force Network Integration Center employees – Directors.

4.14.1.4.4. **(Added-SCOTT)** 932 AW employees – Commander.

4.14.1.4.5. **(Added-SCOTT)** 375 AMW employees – CPO.

4.14.1.4.6. **(Added-SCOTT)** 18 AF employees – Chief of Staff.

4.14.1.4.7. **(Added-SCOTT)** All other tenant units – Unit Commanders.

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

4.14.2. Exigency of Service Approval Process. Normally, approval of an exigency is required in advance of cancellation of leave. In the event of an emergency, this determination must be made as soon after the occurrence of the emergency as possible. (T-1)

4.14.2.1. As soon as it is known leave will be canceled and forfeiture will be unavoidable, the supervisor initiates a letter to designated official explaining exigency and requesting approval to cancel scheduled leave. The supervisor coordinates letter with CPS to ensure conditions for restoration in governing directives are met, and documentation to support request includes the following:

4.14.2.1. **(SCOTT)** A request for approval of an exigency will not be submitted after the end of the leave year.

4.14.2.1.1. Specific beginning and ending dates of exigency period, unless suddenness or uncertainty of circumstances prevents advance determination. Dates are needed to establish specific period within which employee was prevented from using annual leave.

4.14.2.1.2. Dates and number of hours scheduled which must be canceled, and when leave was scheduled and approved.

4.14.2.1.3. Description of exigency which shows that it is of such importance that the employee cannot be excused from duty.

4.14.2.1.4. Statement as to why there is no alternative to cancellation of scheduled leave and why use of leave cannot be rescheduled during remainder of year.

4.14.2.1.5. Designated official renders a decision on request and returns it through CPS to originating supervisor for transmittal to employee.

4.14.3. Establishing Restored Leave Account due to Exigency of the Service.

4.14.3.1. Promptly after leave year ends, employee should submit a request for restoration of leave with approval of exigency with supporting documentation, stating actual number of hours lost on specific dates that could not be rescheduled, and forwards it through supervisor for endorsement to CPS.

4.14.3.2. CPS will review request and upon determination that documentation is in compliance, will endorse to civilian payroll office which, in turn, sends to local finance office for establishment of a Restored Annual Leave Account, with a copy to employee.

4.14.3.2. **(SCOTT)** Requests for restoration of leave must be submitted within two pay periods of the loss of annual leave.

4.14.3.3. **Sickness of the Employee.** Employee initiates request for restoration of annual leave forfeited as a result of sickness as soon as leave year ends and has supervisor endorse it to servicing CPS. Request must contain the following:

4.14.3.3.1. Specific beginning and, where known, ending dates of the period of illness or incapacity which interfered with the use of annual leave. The supervisor has the option of requiring medical documentation. (T-1)

4.14.3.3.2. Dates and number of hours of annual leave scheduled which had to be canceled; and when this leave was scheduled and approved. (T-1)

4.14.3.3.3. Information as to why canceled annual leave could not be rescheduled before the end of the leave year. (T-1)

4.14.3.3.4. The CPS reviews request and, upon determination that documentation is in compliance, endorses to civilian payroll office and sends to local finance office for establishment of a Restored Annual Leave Account, with a copy to employee. (T-1)

4.14.4. **Base Closure and Realignment.** Any leave lost by an employee at a Department of Defense installation undergoing closure or realignment shall be restored to the employee and shall be credited to the employee's leave account. Closing of a base is an exigency of the service permitting employees to carry over use-or-lose leave without meeting the criteria for restoration. When an employee no longer occupies such a position, a lump-sum payment is made for annual leave over statutory annual leave accrual limitations (e.g. 240 or 360 hours). (T-0)

4.14.5. **Personnel in a Combat Zone.** Any leave lost by an employee serving in Combat Zone, regardless of whether such leave was scheduled, shall be restored to the employee and shall be credited to the employee's leave account. The term "combat zone" has the meaning given such term in section 112(c)(2) of the Internal Revenue Code of 1986. This includes employees assigned for any amount of time. (T-0)

4.14.6. **Using Restored Leave.** Restored annual leave must be used by the end of the leave year, ending two years after termination date of exigency of public business, that resulted in forfeiture of annual leave; or the date the employee is determined to be recovered and able to return to duty if the leave was forfeited because of sickness; or the date of restoration of annual leave forfeited because of administrative error. (T-0) The two-year deadline of this provision does not apply to employees covered by [Paragraph 4.14.4.](#), above.

**4.15. Administrative Error.** When an administrative error causes loss of leave, all leave must be restored. (T-0) Official leave records should be used to substantiate amount of annual leave to be restored. If these records are not available, an estimate of employee's leave account is acceptable if accompanied by required documentation to explain basis for estimate. If employee is separated before error is discovered, restored leave is subject to credit and liquidation by lump-sum payment if a claim is filed within 3 years immediately following date of discovery of error.

## Chapter 5

### SICK LEAVE

**5.1. Amount of Sick Leave Earned.** All full-time employees on a 40-hour basic workweek or an 80-hour biweekly work schedule, regardless of their length of service, earn 4 hours of sick leave for each full biweekly pay period. Employees on uncommon tours of duty, such as firefighters, earn sick leave at a proportionate rate. (See [Table 4.1.](#), Category 1, for examples.) Part-time employees are credited with sick leave in an amount equal to the amount of annual leave credited to employees in Category 1 as outlined in paragraph [4.1.2](#). No sick leave is accrued in a pay period where LWOP or AWOL equals the number of base pay hours in a pay period. Intermittent employees do not earn sick leave since by regulation, they do not have a regularly scheduled tour of duty.

**5.2. Use of Sick Leave.** Sick leave is a qualified right of the employee and may be used only for absences:

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

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

5.2.3. 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.

5.2.4. To participate in drug or alcohol counseling programs.

5.2.5. When a birth mother is incapacitated, care of birth mother during period of incapacitation, or doctor appointments for birth parents or newborn child.

5.2.6. To make arrangements for adoption or foster care-related activities, including appointments with adoption agencies, social workers and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed. This includes periods during which the adoptive or foster care parent is home to care for the newly adopted child, as required by the adoption agency or by the court. Leave can be sick leave, annual leave or LWOP. Because prospective adoptive and foster parents commonly must make a commitment that one parent will remain at home for several months in order to qualify, special consideration should be given to requests for leave for this purpose. Supervisors are encouraged to be responsive in granting leave to meet the needs of adoptive parents. (T-0)

5.2.7. See paragraph [5.3](#) below for an explanation of sick leave for general family care and bereavement purposes under the 13-day entitlement.

**5.3. Limited Amount of Sick Leave Use for Family Care.** Sick leave may be used to provide care for a family member as a result of physical or mental illness, injury, pregnancy, childbirth,

or medical, dental, or optical examination or treatment; or to make arrangements necessitated by the death of a family member or attend the funeral of a family member. A full-time employee may use up to 104 hours (13 days) of his/her sick leave each leave year for family care and bereavement purposes. Part-time employees and employees with uncommon tours of duty are also covered. They may use an amount of leave-not to exceed the number of sick leave hours normally accrued by that employee in a leave year. For example, an employee scheduled to work 56/60/72 hours per week, could use 112, 120, or 144 hours. The definition of a family member may be found at [Attachment 1](#) of this instruction. See [Chapter 12](#) for guidance on approval and use of sick leave under the FMLA, which permits up to 12 weeks of unpaid leave to care for the serious health condition of the employee or a more narrowly defined group of his/her family members.

**5.4. Relationship to Voluntary Leave Transfer Program.** Employees approved for the voluntary leave transfer program are required to use their sick leave before using donated annual leave. Under this program, an employee may receive donated annual leave from other employees if he or she is affected by a personal or family medical emergency and has exhausted his or her available paid annual and sick leave. (See [Chapter 11](#))

**5.5. How Sick Leave Is Requested and Approved.** Sick leave for scheduled medical appointments (including dental or optical examinations or treatment and drug and alcohol counseling sessions) must be requested in advance of the absence. (T-0)

5.5.1. Sick leave for absence because of illness, injury, exposure to contagious disease, illness of a family member with a contagious disease or other circumstances of incapacity which are not known in advance must be requested as soon as possible after the beginning of the absence (normally within the first two hours of the duty day). (T-0)

5.5.2. For absences of 3 days or less, sick leave must be requested on the first day and on every additional day of absence, unless the supervisor relieves the employee of this requirement. (T-0)

5.5.3. Requests for sick leave for nonemergency medical appointments, even though submitted with proper evidence, may be denied if it is determined that the employee's services are needed.

5.5.4. If the employee fails to follow prescribed procedures for requesting or documenting either emergency or nonemergency sick leave, the request may be denied if the supervisor considers extenuating circumstances insufficient to warrant approval.

**5.6. Absences of More Than 3 Days.** Sick leave of more than 3 consecutive scheduled workdays for employees on a "normal" administrative workweek (e.g., 8 hours a day, 40 hours a week or compressed 5/4-9) must be supported by medical documentation (or other administratively acceptable documentation for absence) unless the supervisor waives this requirement. (T-0)

5.6.1. The medical documentation must be administratively acceptable to the supervisor, must cover all absences beyond the third workday and specify that the employee was incapacitated for duty for the entire period covered by the statement. As a minimum, the health care provider should be requested to provide an estimate of the expected date of full or partial recovery, as explained in [Attachment 1](#) (Terms, "Medical Documentation/Certification"). In cases of extended illness, medical documentation may be

required periodically, if necessary to establish the employee's continued incapacity to return to duty. For employees on uncommon tours of duty (such as firefighters) scheduled on a "24 hour on, 24 hours off" basis, sick leave for more than 2 consecutive 24-hour duty periods must be supported by medical documentation unless the supervisor waives this requirement. If there is any doubt as to the validity or adequacy of the medical documentation presented to support a request for sick leave, the medical officer at the installation may be requested to review the documentation submitted and with the employee's permission, to consult the employee's health care provider for additional information. Where evidence does not justify the approval of sick leave, the employee may request to use some other paid or non-paid leave. The supervisor will consider the employee's alternative absence request, and may either approve the employee's request or charge the employee with AWOL, as appropriate. Leave under the FMLA has different medical documentation rules, see [Chapter 12](#). (T-0)

5.6.2. The employee must provide administratively acceptable evidence or medical documentation for a request for sick leave no later than 15 calendar days after the date it is requested. If it is not practicable under the particular circumstances to provide the requested evidence or medical documentation within 15 calendar days after the date requested despite the employee's diligent, good faith efforts, the employee must provide the evidence or medical documentation within a reasonable period of time under the circumstances involved, but no later than 30 calendar days after the date requested. An employee who does not provide the required evidence or medical documentation within the specified time period is not entitled to sick leave. (T-0)

5.6.3. An employee requesting sick leave to care for a family member with a serious health condition may be required to provide an additional written statement from the health care provider concerning the family member's need for psychological comfort and/or physical care. The statement must certify that the family member requires psychological comfort and/or physical care; the family member would benefit from employee's care or presence; and employee is needed to care for the family member for a specified period of time. (T-0)

5.6.4. When there is reason to believe that an employee is abusing sick leave, contact your local servicing CPS. Medical documentation may be required for absences of 3 days or less.

**5.7. Absences Due to Contagious Disease.** Sick leave due to exposure to contagious disease or the illness of a member of the immediate family with a contagious disease must be supported by medical documentation regardless of the length of the absence. When an employee requests sick leave because a family member has a contagious disease, the employee must present a statement from the attending physician or health care provider to show that the family member requires the employee's care and attendance as well as the fact that the disease is subject to quarantine or isolation of the patient by public health authorities having jurisdiction. (See definition of contagious disease in [Attachment 1](#)). Leave under the FMLA has different medical documentation rules, see [Chapter 12](#). (T-0)

**5.8. Return to Duty After Illness.** Any requirement for clearance with the medical facility before returning to work must be limited to those specific cases where there is reason to believe that presence at work would endanger the employee's health or would constitute a health hazard to others. The medical officer at the installation may be asked to assist the leave-approving official in assessing when this is appropriate. (T-0)

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

**5.10. Disabled Veterans.** A disabled veteran who presents an administratively acceptable statement from a physician or other duly constituted medical authority showing that medical examination, treatment or absence in connection with the service-connected disability is required must be granted all sick leave (including advanced sick leave), and all annual leave permitted by law, plus any LWOP that may be necessary to undergo treatment. Except for emergency treatment, the granting of such leave is contingent upon the veteran's giving prior notice of the definite periods of required absence so that arrangements can be made for carrying on the work during the absence. (T-0)

**5.11. Outside Employment During Sick Leave.** As a general rule, sick leave is not approved for a period of absence during which an employee engages in outside employment. Exception is made when the nature of the employee's illness or disability and the nature of the outside employment make it clearly evident that the employee is still incapacitated for the regular job while engaging in the outside employment. However, before engaging in outside employment during a period of sick leave, the employee must notify the leave-approving official of the nature of the employment and furnish acceptable evidence of incapacitation for duty. **NOTE:** Before allowing an individual to engage in outside employment during a period of sick leave, the supervisor must make every reasonable effort to furnish light duty or appropriate detail duties the employee can perform. (T-0)

**5.12. Treatment of Injury in Performance of Duty.** On the date of injury, an employee injured in the performance of duty is considered to be in a duty status during the time required for initial examination or emergency treatment by a federal physician or by a facility officially authorized to treat employees injured on duty. An employee who suffers a traumatic on-the-job injury may elect to use sick leave and/or annual leave or 45 days continuation of pay (COP). If the claim is denied, the employee may request sick or annual leave to cover the period of absence. An employee also has the option to "buy back" sick leave used in relation to a job-related injury or illness. Employees are entitled to use any accrued and accumulated sick leave to their credit when they suffer a work-related illness or disease. While awaiting adjudication of a claim for compensation by the Office of Workers' Compensation Program (OWCP), the employee is entitled to use available sick or annual leave, or LWOP, as requested. However, workers' compensation benefits may only be paid to employees for periods of LWOP. LWOP during OWCP determination and adjudication would be paid under 5 U.S.C. **Chapter 81.**

**5.13. Use of Advance Sick Leave.** An advance of sick leave is a privilege which may be extended to employees. It is not considered a routine or standard procedure and will be granted only after all circumstances have been carefully weighed. In case of serious disability, illness, incapacitation, or for childbirth or adoption, up to 30 work days (240 hours) of sick leave may be advanced to a full-time employee, or equivalent for uncommon tours of duty based on each individual instance.

5.13.1. To determine the maximum amount of sick leave that can be advanced for an employee on an uncommon tour of duty, multiply 240 hours by weekly hours in the uncommon tour and divide by 40 (240 x weekly uncommon tour/40=maximum hours).



5.13.2. Employees requesting advanced sick leave to provide care for a family member or for bereavement purposes may be advanced sick leave in an amount not to exceed the maximum allowable (104 hours per leave year for full time employees).

5.13.3. Requests for advanced sick leave may be made before or during the period of absence but no later than the employee's return to duty.

5.13.4. In granting advance sick leave consider: the employee's prior sick leave history; annual leave versus sick leave balance history; length of continuous employment; and whether all accumulated sick leave to the employee's credit has been exhausted. Also consider requiring the employee to use any annual leave which may be subject to forfeiture.

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

5.13.6. An application for advance sick leave must be supported by medical documentation signed by a physician or health care provider. In all cases, a statement indicating the date the employee is expected to return to normal duties is required. (T-0) **NOTE:** Supervisors are cautioned that only the information necessary to make a decision should be required. However, until the supervisor has sufficient information upon which to base a decision, no advance can be granted.

5.13.7. Advance sick leave is not granted if it is considered likely that the employee will not return to duty for a sufficient period of time to repay the advanced leave, or there are insufficient funds in the employee's retirement account to liquidate the indebtedness.

5.13.8. Advance sick leave should not be advanced to the employee until all accumulated sick leave has been exhausted.

5.13.9. Advance sick leave is liquidated automatically through accrual of sick leave after the employee returns to work. Repayment is not required when separation is because of death, resignation for disability supported by acceptable medical documentation, or disability retirement.

5.13.10. An unliquidated advance is carried forward from pay period to pay period and from one leave year to the next until liquidated by subsequent accrual. If the employee requests, advanced sick leave may be liquidated by a charge against an equivalent amount of annual leave. When an employee separates from federal service before liquidating the advance, the balance is liquidated in the following order by:

5.13.10.1. Charge against available annual leave.

5.13.10.2. Setoff against earned salary or unapplied savings bond balances.

5.13.10.3. Request for retirement setoff.

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

## Chapter 6

### LEAVE WITHOUT PAY (LWOP)

**6.1. When LWOP Is Granted.** LWOP is a temporary non-pay status and an authorized absence from duty granted only upon the employee's request, in situations such as when the employee has insufficient annual or sick leave, or compensatory time available to cover an approved absence. An employee does not have to exhaust annual leave before requesting LWOP. LWOP cannot be imposed as a penalty, nor can an employee be required to request LWOP in lieu of suspension. The granting of LWOP is a matter of administrative discretion except as specified below. Even though LWOP is a non-pay status, it is still approved leave and must be requested by the employee and approved by the supervisor. An employee must work an established regular tour of duty during the administrative workweek in order to qualify for leave benefits. Regularly scheduled work is defined as work that is scheduled in advance of an administrative workweek under the agency's procedures for establishing workweeks. LWOP must not be confused with AWOL, which is charged for unauthorized absence, or absence for which the employee did not request and obtain approval of leave. Even though the reason for requesting LWOP is known to be legitimate, e.g., illness, injury, or personal emergency, the request may be denied if the employee's services are required or if the employee has not followed prescribed leave procedures. (T-0)

6.1.1. LWOP Mandated by Law. LWOP must be granted in the following three circumstances to:

6.1.1.1. A disabled veteran to cover an absence for medical treatment related to a service-connected disability. (See Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). (T-0)

6.1.1.2. A member of the Reserve or National Guard to perform military training and/or active duty. All periods of LWOP for this purpose must be documented in personnel and pay systems as Absent-US. An employee does not have to be a Reservist or National Guardsman in order to be granted mandatory LWOP. (See USERRA.) (T-0)

6.1.1.3. An employee who requests LWOP under the Family and Medical Leave Act (FMLA). (T-0)

6.1.2. LWOP Mandated by Regulation. If the employee has followed leave procedures, the granting of LWOP is mandatory under the following circumstances:

6.1.2.1. Supervisors must approve LWOP to protect an employee's status and benefits pending action by the Office of Workers' Compensation Programs (OWCP) on a claim resulting from a work-related illness or injury or during a period the employee is carried on the rolls while being compensated by the OWCP. NOTE: If an employee who is receiving compensation payments is separated, it is more administratively difficult to return them to duty than if they had been retained in a LWOP status. This is due largely to requirements imposed by OWCP. If the employee meets the requisite requirements for continued Federal Employees Health Benefits (FEHB) and Federal Employees' Group Life Insurance (FEGLI) enrollment, transfer FEHB to OWCP after 10 months of LWOP and transfer FEGLI to OWCP after 12 months of LWOP. (See FEHB and FEGLI Handbooks for additional guidance.) Employees receiving compensation should be

retained in a LWOP status for 12 months rather than separated unless there is medical evidence of the employee being unable to return to work within that time. (T-0)

6.1.2.2. To avoid a break in service for career and career-conditional employees who are dependents of a military member or a federal civilian employee or who are dependents of an individual who is employed by a public or private sector organization and who must relocate because of the involuntary transfer of the head of the household. This does not include voluntary moves for promotion or a new job. (Dependents of a public or private sector employee must provide acceptable evidence of the requirement to transfer. For DoD dependents, orders are acceptable evidence.) Such employees, whose travel and transportation are covered by their sponsor's eligibility, are granted LWOP upon their request for a period of up to 150 days to allow an opportunity to secure federal employment. A resignation SF-52 must be submitted along with the request for LWOP. The losing supervisor may fill behind immediately as long as the projected resignation SF-52 has also been submitted by the departing employee. Additional LWOP, up to 12 months, may be granted at the option of the former leave-approving supervisor. Also eligible under this provision are former spouses of sponsors following death, divorce, or legal separation if they accompanied the sponsor on a permanent change of station to the current duty station. Because the purpose and conditions of appointment under the Schedule A dependent hire authority and under the overseas limited authority are meant only for employment in foreign areas, LWOP may not be granted to any employee serving under these authorities who is leaving that employment for return to the United States unless the employee has eligibility for appointment under Executive Order (EO) 12362 (as amended by EO 12721), i.e., 12 months service in the overseas area. An employee who is granted LWOP has to perform duty on the last duty day prior to the start of the LWOP. It is not appropriate to exhaust annual leave before LWOP in cases where the basis for LWOP is that the employee must relocate because of the transfer of the head of household. This means they are not expected to return to work. Annual leave is only appropriate in instances where the employee is expected to return to work. (T-0)

6.1.2.2.1. **(Added-SCOTT)** Transfer of head of household does not include moves due to retirement.

6.1.3. Seasonal employment. Seasonal employees are placed in a non-pay status, not in a LWOP status, when released from duty due to workload requirements or seasonal nature of work. Seasonal employees may be granted LWOP from their regular scheduled tour of duty at their request IAW the provisions of this chapter.

6.1.4. LWOP in Other Circumstances. LWOP in other cases should be granted only when it is apparent that it will result in increased job capability, protection or improvement of the employee's health, or the retention of a desirable employee. Circumstances in which the approval of LWOP is discretionary include (but are not limited to) the following:

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

6.1.4.2. For protecting the rights and benefits of employees who must relocate because of an emergency family situation.

6.1.4.3. For temporary service with a non-federal or private enterprise when it will contribute to the public welfare or when the experience to be gained will benefit the Air Force.

6.1.4.4. For service with a recognized employee organization.

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

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

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

**6.2. Amount of LWOP.** There is no maximum prescribed by law or regulation on the amount of LWOP which can be granted. Costs and inconveniences to the Air Force as a result of granting extended LWOP include encumbrance of a position, loss of services, complication of retention registers in the event of reduction in force, obligation to provide active employment at the end of the approved leave period, credit of 6 months of each year towards retirement without employee contributions, eligibility for continued coverage under FEGLI (without cost to the employee for up to 1 year of non-pay status), and payment of the employer's share of health insurance premiums for LWOP up to 365 days.

**6.3. When LWOP is Not Granted.** LWOP is not granted to an employee who is being returned from overseas at government expense for separation.

**6.4. Who Approves LWOP.** Supervisors authorized to approve annual and sick leave determine (subject to any higher administrative approval required locally) when requests for LWOP for 1 year or less may be granted. LWOP of more than 30 consecutive days must be made a matter of record in the Official Personnel Folder. Supervisors are required to submit a Request for Personnel Action (RPA) through the CPS to the Air Force Personnel Center (AFPC) or a SF 52, *Request for Personnel Action*, to the local CPS prior to granting LWOP of more than 30 days. Initial grants of LWOP may not exceed 12 months. If an additional grant is deemed justified, the employee's request for extension must be submitted to the installation commander or designee for approval. An extension beyond 1 year may be approved only when it is in the interest of the federal service, or when it is determined that, because of unusual circumstances, the employee would be subjected to undue hardship if the extension were denied. (T-1)

**6.4. (SCOTT) Who Approves LWOP.** The CPO is the designated approval authority for extensions of LWOP beyond 1 year.

**6.5. Absent-US (formerly LWOP-US).** Absent-US is leave of absence to perform duty with the uniformed services, in a pay or non-pay status. An employee does not have to be a Reservist or National Guardsman in order to be granted mandatory Absent-US. When civilian employees in the Reserve or the National Guard perform military duty, document all periods of Absent-US of at least one day's duration on the SF-50 including actions of 30 days or less. Effective day of Absent-US will be the first day in non-pay status. This will enable personnel/payroll offices to have a record of military service deposits for retirement purposes and will entitle employees to make up contributions to the Thrift Savings Plan (TSP).

**6.6. LWOP for Attendance at School Functions.** Parents are authorized up to 24 hours of LWOP in a leave year for participation in school activities directly related to the educational advancement of their children. This includes, but is not limited to, parent-teacher conferences or meetings with child-care providers, interviewing for a new school or child-care facility, or participating in volunteer activities to support the child's educational advancement.

## Chapter 7

### MILITARY LEAVE

**7.1. Military Leave Explained.** Military leave is absence from duty in the employee's civilian position without loss of pay (including pay for regularly scheduled overtime) to perform military duty. Eligible employees must, upon request, be granted military leave to which entitled for performance of active duty, active duty for training, or inactive-duty training (as defined in section 101 of title 37). As a result of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), if an employee is ordered to an initial period of active duty for training or inactive-duty training with the Reserve or National Guard, the employee may be granted military leave, annual leave, previously-earned compensatory time off, previously-earned credit hours, previously-earned time-off award, or Absent-US, as requested. Military leave does not have to be exhausted first and may be intermingled with other appropriate types of leave to perform military duty. However, if the employee (except a temporary employee) is to continue on active duty for an extended period (usually more than 1 year), the employee must be placed in Absent-US status unless the employee elects to use other leave or freely and knowingly provides written notice of intent not to return to a position of employment with the agency, in which case the employee can be separated. (T-0)

**7.2. Eligibility Criteria.** Employees entitled to military leave must be:

7.2.1. A member of a Reserve or National Guard component; (T-0)

7.2.2. A full-time, part-time, or indefinite employee who does not have an intermittent work schedule; and (T-0)

7.2.3. Serving in an appointment that is not limited to 1 year or less. NOTE: Although an employee may serve longer than 1 year on successive temporary appointments, there is no eligibility until the employee serves under an appointment that is not limited to 1 year or less. (T-0)

**7.3. Military Leave Entitlement.** An eligible full-time employee with a regularly scheduled 40-hour workweek or 80-hour pay period who is a member in the Reserve of the armed forces or a member of the National Guard accrues 15 days/120 hours (15 days x 8 hours) of military leave each fiscal year. Eligible part-time or uncommon tours of duty employees earn an equivalent of three workweeks of military leave each fiscal year based upon their schedule. For example, employees with a 53-hour workweek accrue 159 hours of military leave each fiscal year; employees with a 60-hour workweek accrue 180 hours, and employees with a 72-hour workweek accrue 216 hours of military leave. Any military leave (not to exceed 15 days/120 hours), which is unused at the end of a fiscal year, is carried forward to the next fiscal year and is available for use in addition to the days/hours credited for the new fiscal year. This means that an employee may have a maximum of the equivalent of 30 days military leave available for use during a fiscal year. An employee, who is a member of the Reserve or National Guard who is not eligible for, or who has exhausted his or her military leave, must be granted annual leave, previously-earned time off award, credit hours, or LWOP, as requested, in order to perform active or inactive duty for training. (T-0) An employee on military duty cannot use sick leave. Sick leave may only be used when orders are issued specifically for a member to receive medical treatment/exams/attend

a medical evaluation board or are incapacitated for either military or civilian duty due to a line of duty incident.

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

**7.4. How Military Leave Accumulates.** On 1 October of each fiscal year, or upon appointment into either the federal service or upon joining the Reserves or Air National Guard, whichever is later, military leave is credited to an eligible employee's account (prorated for part-time employees). Unused military leave remaining from the prior fiscal year, not to exceed 15 days/120 hours, is also credited.

**7.5. Military Leave for Law Enforcement Purposes.** When a member of the Reserve or the National Guard is ordered to perform full-time active duty for law enforcement, military leave not to exceed 22 workdays in a calendar year is authorized. The 22 workdays are converted to 176 hours and may be charged hourly. This military leave can be granted only for absence during the employee's regularly scheduled tour of duty, including regularly scheduled overtime. It cannot be granted for military duty performed within a period of non-pay status. Under the provisions of 5 U.S.C. 5519, an employee's civilian pay is reduced by the amount (other than a travel, transportation, or per diem allowance) received by the employee for military service as a member of the Reserve or National Guard for a period for which he/she is granted military leave under this provision.

**7.6. Military Leave for Parades or Encampments.** Members of the National Guard of the District of Columbia who are ordered to serve during a parade or encampment are entitled to unlimited military leave for all days on which such duty is performed. Any pay the employee receives while on military leave for parades or encampments (other than travel, transportation, or per diem allowance) will be credited against the pay received in the civilian position during the employee's absence to perform the military duty.

**7.7. Conditions for Granting Military Leave.** An eligible employee is granted any available military leave, annual leave, previously-earned compensatory time off, previously-earned credit hours, previously-earned time off award, or Absent-US when they perform active duty or inactive duty. When an employee is on active duty, a copy of the orders normally accompanies the request for military leave. Other types of military duty may be approved based on the employee's request. Supervisors may request additional documentation. The employee may be required to submit documentation by the appropriate military official that the military duty was performed. Normally, Reserve active and inactive duty is planned and announced in advance. Employees are encouraged to provide, if possible, copies of annual training schedules as well as advance notice of specific training dates.

**7.8. How Military Leave Is Charged.** Military leave granted is charged on an hourly basis. Employees will not be charged military leave for non-duty days (typically weekends and holidays) that occur within the period of military service. Employees requesting military leave for active duty or inactive duty training (sometimes less than 8 hours) will be charged only the

amount of military leave necessary to cover the period of military duty or period of training and necessary travel. Hours in the civilian workday that are not chargeable to military leave must be worked or charged to another leave category, as appropriate. No charge is made for non-workdays at the beginning and end of a period of absence on active military duty. In addition, no leave is charged for the first day of the active duty tour if the employee is not required to report for military duty until after the civilian duty day ends, and no leave is charged for the last day of the active duty tour if the employee is completely released from active duty prior to the start of the next civilian duty day. If the military tour or consecutive tours is completely covered by annual leave, Absent-US, previously-earned compensatory time off, previously-earned credit hours, or any combination thereof, military leave is not charged. (T-0)

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

7.8.2. When Applied to Alternative Work Schedules. Military leave for employees on alternative work schedules accrues at the same rate as for employees on fixed work schedules, based on the number of hours worked per pay period. Employees working flexible or compressed work schedules of 80 hours per pay period accrue 120 hours of military leave each fiscal year. Military leave is still charged on an hourly basis. Ten hours of military leave will be charged for a full day of military duty on regularly scheduled 10-hour workdays, nine hours of military leave will be charged on regularly scheduled 9-hour workdays, etc.

7.8.3. When Applied to Active Duty Tours. Federal employees, who are also reservists including Air Reserve Technicians (ARTs) who are on Absent-US while serving on an extended active duty (EAD) tour that spans 2 or more fiscal years, accrue 120 hours (or equivalent) of military leave at the beginning of the fiscal year. Reservists may use military leave at any time during the EAD tour or carry over up to 15 days as explained in paragraph 4.2.



## **7.9. Other Types of Absences Related to Military Duty.**

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

7.9.2. Entry into the Armed Forces. An employee who reports for induction or is recalled to extended active duty in the armed forces is carried in a leave status (military leave, annual leave, compensatory time off, credit hours, previously-earned time off award, or Absent-US) until the CPS is notified that the employee has been inducted or accepted for extended active duty, or if the employee is rejected, until the employee returns to duty or separation action is effective. A member of the Reserve or National Guard may request to use all military leave to which entitled before separation for military service. A Reservist called to active duty for training to satisfy an initial military obligation of at least 6 months in conjunction with a Reserve assignment is granted a leave of absence. An employee not eligible for military leave or who has exhausted his or her military leave may request to use any available annual leave, previously-earned compensatory time off, previously-earned time off award, or Absent-US pending acceptance or rejection for military duty.

7.9.3. Funeral Honors Duty. An employee who is a member of the Reserve or National Guard may use military leave to perform military "funeral honors duty". Military leave for this purpose should be charged for all hours of the civilian duty day necessary to cover the funeral honors duty and necessary travel.

**7.10. Additional Leave for Military Technicians.** In addition to the military leave available as described above, military technicians are entitled to 44 additional workdays of military leave in a calendar year when on active duty without pay for participation in operations outside the United States, its territories, and possessions. This includes participation in operations outside the United States, its territories and possessions but controlled by a technician physically located inside the United States, its territories or possessions, e.g., operating unmanned aerial vehicles (UAV) overseas from a stateside location. The active duty orders must cite 10 U.S.C. 12315, 12301(b), or 12301(d) to be eligible for this entitlement. The 44 workdays are converted into hours and are charged on the same basis as annual leave. (Example: Military reserve technicians who work 80-hour pay periods (including those on flexible and compressed work schedules) are entitled to a maximum of 352 hours (8 x 44 = 352).) Those with uncommon tours of duty accrue the amount of authorized leave according to their work schedule. The 44 workdays or a portion thereof, cannot be carried over into the next calendar year. It is appropriate to use this leave on the day of deployment from home station, any intervening stops within the United States, its territories and possessions, and the day of return to home station as long as the ultimate destination on the military orders is an overseas location and any intermediate destinations/stops are part of the continuing mission. In order to receive any pay for a civilian non-workday, a change to "active duty with pay" status is required. This requires use of a separate AF Form 938 for each period of conversion. Changes to civilian duty status on workdays during the same

military tour are also authorized, and require either the use of a DD Form 1610, AF Form 3956, or AF Form 40A. Use of this military leave is at the employee's discretion. (T-0)

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

## Chapter 8

### COURT LEAVE

**8.1. Court Leave Explained.** Court leave is leave of absence from duty without loss of pay or charge to annual leave to perform jury duty in a federal, state, or municipal court or to serve as a witness for the United States, the District of Columbia, or state or local government. This includes absence during periods of regularly scheduled overtime as well as absence during the employee's regularly scheduled basic workweek. For the purpose of granting court leave, a military court is considered the same as a federal court.

**8.2. Who Is Eligible.** A permanent or temporary employee with a regularly scheduled tour of duty (part-time or full-time) is eligible for court leave. Employees serving on an intermittent or when-actually-employed basis are not eligible for court leave.

**8.3. Granting Court Leave.** Court leave is granted for absence during an employee's regularly scheduled tour of duty including regularly scheduled overtime. It can be granted only for those days and hours the employee would otherwise be in a pay status. An employee cannot be granted court leave for jury or witness duty performed within a period of non-pay status. If the employee's absence is properly chargeable to court leave, the employee cannot elect to have the absence charged to annual leave. If an employee is on annual leave when called for jury duty or witness service, court leave shall be substituted. No charge shall be made to annual leave for the court service. (T-0)

8.3.1. Jury Duty. Because of the importance of trial by jury as an American system of justice, it is Air Force policy not to request that an employee be excused from jury service on the basis of Air Force employment, except in cases of extreme necessity. Effective administration of court leave also requires the exercise of good judgment in order to avoid imposing hardship on employees. To avoid undue hardship, supervisors should adjust schedules for employees who work nights or weekends and are called to jury duty. If there is no jury/witness service, there is no court leave. If the employee works a full, regular night shift, no court leave is charged, see paragraph 8.4.

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

8.3.3. Leave for Participation in Suits Between Private Individuals and Companies. Court suits between private individuals or companies in which the United States, the District of Columbia, or a state or local government is not an involved party do not entitle employees to court leave. Therefore, the time the employee-plaintiff spends testifying in his or her own behalf does not meet the requirement of having been summoned; therefore, granting court leave is not appropriate.

8.3.4. Employee as Plaintiff in Suit against the Government. When an employee-plaintiff has been deposed (called to give a deposition) or otherwise summoned to testify in a case in

which a party in the proceeding is the United States, the District of Columbia, or a state or local government, the employee-plaintiff is a “witness” and is entitled to court leave for the time involved in giving a deposition or being a witness. When an employee is a party in a suit against the government, the time the employee-plaintiff spends in preparation for the trial and answering the government’s interrogatories, as well as the time spent observing the conduct of the trial do not qualify as court leave. Annual leave or LWOP is appropriate for such periods. However, if and when the employee-plaintiff prevails in a civil action against the government which is related to or caused by a violation of the Civil Rights Act of 1964, then the employee is entitled to restoration of leave charged.

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

**8.4. Return to Duty Upon Release by Court.** An employee properly summoned by a state or federal court to serve on a jury is under the jurisdiction and control of the court for the term of the jury service. However, an employee is expected to return to duty during periods when the employee is excused from jury duty unless this would be impractical. An employee excused or discharged by the court either for an indefinite period in excess of 1 day or a substantial portion thereof, is not entitled to court leave, but must report to duty. As a general rule, if there are 4 or more hours remaining in the employee’s workday, exclusive of reasonable travel time, the employee should report for duty. If the employee fails to report for duty as directed, annual leave, previously-earned compensatory time off, LWOP, or AWOL is charged for the excess time involved. (T-0)

**8.5. Procedure for Recording Court Leave.** When an employee is called for jury or witness duty, the court order, subpoena, summons, or official request is given to the supervisor as soon as possible. The days and hours of court leave are entered on the OPM 71 or approved automated timekeeping system. When the employee returns to duty, the employee submits written evidence of attendance in court showing the dates and hours, if possible. If required, the supporting documents are forwarded to the payroll office with the time and attendance report that includes the court leave entry.

**8.6. Witness and Jury Fees and Expenses.** An employee is entitled to receive and retain expenses paid for services rendered and reimbursement for travel expenses. When a state or local court characterizes jury and witness fees as expenses, there is no requirement for the employee to turn in such fees to the agency. The employee cannot retain fees received in most circumstances. The certificate of attendance should separately identify fees and expenses/allowances. Fees received by the employee are collected while the expenses are not. If the certificate of attendance does not identify expenses separately, all monies are considered fees and shall be collected. (T-0) The employee must submit fees received for jury or witness services by money order or personal check to the servicing DFAS office. The employee may keep

reimbursements for expenses received from the court, authority, or party that caused the employee to be summoned and may keep fees that exceed the employee's compensation for the days of service. An employee serving on a jury in a state or local court who waives or refuses to accept fees is still liable to the U.S. Government for the fees he or she would have received. Fees not submitted in a timely manner are subject to payroll deduction. Payroll deductions to collect the fees will be made in the next regular pay period. If fees are erroneously paid to an employee by the court, the fees paid cannot be retained by the employee and must be turned in to the employing activity. When a holiday occurs during the time an employee is on jury duty or witness service, the employee can keep the jury duty or witness service fee for the holiday. If an employee is called to jury duty on a non-workday, or during a non-pay status, the employee may keep the fees paid. (T-0)

## Chapter 9

### ADMINISTRATIVE GROUP DISMISSAL

**9.1. Administrative Group Dismissal.** Administrative group dismissal is an absence from duty when employees are released from duty because all or part of an activity is closed, or it is in the public interest. Employees affected by these actions are generally excused without charge to leave and without loss of pay.

**9.2. Closing an Activity.** The installation commander, commanders of combatant commands, and lead commanders designated in areas with more than one activity, are authorized to close all or part of an activity and to excuse employees administratively. This authority does not extend to periods of interrupted or suspended operations that can be anticipated enough in advance to permit arranging for assignment to other work or the scheduling of annual leave.

9.2.1. It is Air Force policy that during adverse weather conditions or other emergencies that result in the regular worksite being closed or closed to the public, telework ready employees, i.e., those on a signed telework agreement, will work from their approved alternate worksites. This means that telework-ready employees who are permitted to use unscheduled telework are required to telework on closure days. This includes employees who are regularly scheduled to telework on the day of a closure and those who were not scheduled in advance to telework but are required to do so by virtue of their telework agreement (i.e., employees who will telework only on an occasional, situational basis). Supervisors are responsible for ensuring employees are aware of this policy. (T-3)

9.2.1.1. All Air Force employees' telework agreements on the DD Form 2946 contain the requirement to "telework for the duration of an emergency pursuant to: 1) Component policy; 2) a pandemic; 3) when the regular worksite is closed or closed to the public due to natural or manmade emergency situations (e.g., snowstorm, hurricane, act of terrorism, etc.); or 4) when Government offices are open with the option for unscheduled telework when weather conditions make commuting hazardous, or similar circumstances compromise employee safety."

9.2.2. Employees who are not on a signed telework agreement, or who are prevented from working at their telework site due to unforeseen circumstances (e.g., power failure), during an emergency follow local procedures for reporting and dismissal and are not charged leave when there is an administrative dismissal.

9.2.3. Employees cannot be required to enter into a telework agreement, even if some or all of the duties of the position can be performed at an alternative location.

**9.3. Authority to Grant Absence Due to Emergency Conditions or for Managerial Reasons.** The installation commander may issue administrative orders as prescribed in DoD 1400.25-M, *DoD Civilian Personnel Manual*, Subchapter 610, *Hours of Duty* and Subchapter 630, *Leave* relieving employees:

9.3.1. For managerial reasons (e.g., worksite maintenance).

9.3.2. When emergency conditions exist.

9.3.3. When normal operations are interrupted by events beyond the control of management or employees.

9.3.4. When it is in the public interest to relieve employees from duty.

**9.4. Group Dismissal.** When normal operations of an activity are interrupted by events beyond the control of management or employees, employees (except certain temporary wage employees) may be excused or their absence charged to available annual leave. The authority to excuse employees under administrative dismissal orders is used sparingly and only for short periods of time. Per DoDI 1400.25-V610, *DoD Civilian Personnel Management System: Hours of Duty*, employees will be notified as far in advance as possible but no less than 3 full work days, when circumstances permit, that they will be placed in a leave status. In lieu of leave, the employee may use compensatory time earned, credit hours earned, or LWOP, or the employee may telework in accordance with their approved telework agreement. In arriving at a decision to close all or part of an activity, the commander should:

9.4.1. Consider the practice of private employers in the community.

9.4.2. Provide for liberal use of annual and sick leave in individual cases. For example, before considering any group dismissal because of temperature extremes, grant leave to employees with chronic medical conditions, which, according to the written advice of their attending health care provider, could be aggravated by temperature extremes.

9.4.3. Group dismissal should be rare and authorized only when conditions are severe or normal operations would be significantly disrupted. Assure that group dismissals of employees in connection with extreme weather conditions are authorized only in exceptional instances where working or commuting conditions are unusually severe and health of employees is endangered.

9.4.4. Group dismissals will normally not exceed 3 consecutive workdays in a single period. When approving group dismissals, commanders or heads of activities must consider the practices of private employers in the area, the use of unscheduled leave in individual cases, and the severity of working or commuting conditions. In those rare cases when group dismissal is approved beyond 3 consecutive workdays, the administrative order must document why other alternatives could not be used and the reason(s) for the length of the anticipated dismissal. (T-1)

9.4.5. Group dismissal authority may not be used to create a holiday or as a reward for performance. For example, it must not be used to grant a “day off” for the Friday following Thanksgiving or in conjunction with any other holiday, or a family/down day, or training day, commensurate with those granted for active duty military members. (T-1)

9.4.6. Supervisors are responsible for ensuring employees understand procedures for employee notification during emergencies and late arrival/early release practices including policies for approving absences, and identify emergency employees who are expected to report for or remain at work in emergency situations unless otherwise notified. (T-1)

**9.5. Absence Due to Environmental Conditions.** Dismissals due to environmental conditions, which cause an adverse work environment such as temperature extremes and plumbing and lighting malfunctions, should be rare. These conditions must be corrected as soon as possible. Employees are expected to work if conditions of the workplace are reasonably adequate.

Individual employees affected by environmental conditions may be granted leave. Management should consider alternate work sites. Before administrative excusal may be granted, it must be clearly established by reasonable standards of judgment that the conditions are such as to actually prevent working. When early dismissal is authorized, affected employees in a duty status at the time set for dismissal are excused without charge to leave. For employees who are scheduled to report for duty after an initial period of leave, and dismissal is given before the employee can report, leave is charged until the time set for dismissal. Employees who leave before the scheduled dismissal time, or who are already in a leave status and scheduled to be in a leave status during the time of dismissal, continue to be charged leave. (T-1)

**9.6. Absence Due to Hazardous Weather Conditions or Disasters.** Group dismissals of employees without charge to leave because of severe storm, snow or icing conditions, or disasters occurring during or outside regular duty hours may be authorized in accordance with the guidelines in DoD 1400.25-M. These guidelines must be followed by installation commanders in making group dismissal determinations. To ensure orderly evacuation of employees who can be released from duty, and continued maintenance of essential operations, establish local procedures for official notification of group dismissals to all activities and the designation of those functions which must continue to be manned under all weather conditions for reasons of health, safety, and national security. In geographical areas (defined as areas within which employees normally commute to work) where the conditions affect more than one Defense activity, the commander of the activity employing the largest number of civilian employees must make the determination if an emergency exists and assess its impact on the employees, using the guidelines in DoD 1400.25-M. Decisions by other individual commanders within the geographical area at variance with the decision of the major geographical commander must be coordinated with the latter. Group dismissal announcements for Air Force activities in the Washington DC area are controlled by procedures developed by OPM. (T-0) Under group dismissal conditions, employees are excused or charged leave as follows:

9.6.1. Early Dismissal. Only employees who are in a duty status (not on leave), or who are expected to return from leave to duty status at the time the early dismissal takes effect, are excused without charge to leave. Employees who are absent on leave that day continue to be charged leave.

9.6.1.1. Employees on approved telework agreements are expected to work their full duty day.

9.6.2. Late Reporting. Depending on hazardous weather conditions, tardiness not in excess of 2 hours may be excused. Tardiness in excess of 2 hours may also be excused because of an unavoidable delay resulting from adverse weather or from disruption of public or private transportation in individual cases which are personally reviewed by appropriate supervisors. In case of employees who do not report for duty during hazardous weather, annual leave is charged for the full duty day, unless the supervisor concerned determines, after personal review of the facts in each case, that the employee made every reasonable effort to get to work, but was unable to do so because of the weather conditions. Determining factors for consideration in the decision include: Distance between the employee's residence and place of work, and mode of transportation.

9.6.2.1. Employees on approved telework agreements are expected to begin their duty day at the regularly scheduled time.



9.6.3. Base Closure. Workdays in which federal activities are closed for hazardous weather conditions or disasters are non-workdays for employees not on a approved telework agreement or in an approved leave status. All regular employees who are not on an approved telework agreement or in an approved leave status are excused without charge to leave. Employees who are absent on leave that day continue to be charged leave. Teleworking employees are expected to follow their approved telework agreement. Employees with mission essential duties are expected to perform those duties or request leave. Employees in a non-pay/LWOP status on the days immediately before and after the day(s) the activity was closed will remain in a non-pay/LWOP status. In addition, it does not apply to employees on military duty or suspension on the day of the closure. Employees who are assigned to other activities but are TDY at the closed activity are entitled to excusal without charge to leave. Employees assigned to the affected activity but are TDY elsewhere, are not entitled to excusal without charge to leave.

9.6.3.1. For an employee who has scheduled annual or sick leave, that leave may be cancelled if the employee is ready, willing, and able to telework (telework-ready with a telework agreement in place) and agrees to perform telework in lieu of the scheduled leave.

## **9.7. Shutdowns in Private Plants.**

9.7.1. Labor Disputes in Private Plants. When employees are prevented from working because of temporary shutdowns due to labor disputes at a private plant to which they are assigned, every effort must be made to assign them to other work. If that is not possible, such employees may be dismissed without charge to leave for a maximum of 5 days. (T-1)

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

## **9.8. Emergency Situations Occurring During the Workday.**

9.8.1. When an activity remains open and employees are expected to complete the day's tour, they may be granted use of annual leave, credit hours, compensatory time earned, or LWOP.

9.8.2. When the activity closes and employee leaves after receiving official word of the pending dismissal but before the time set for dismissal (with supervisory approval) in a situation not involving a hardship, annual leave, credit hours, compensatory time earned, or LWOP may be charged as appropriate for the period remaining until the employee's official departure time (i.e., the authorized dismissal time).

9.8.3. Emergency-essential employees who do not report for work as required may be charged annual leave, sick leave, credit hours, compensatory time earned, LWOP, or AWOL if appropriate.

9.8.4. Non-emergency essential employees who are scheduled to report for work before the dismissal but who don't report should be granted use of leave, compensatory time earned, or credit hours or charged AWOL, if appropriate, for the entire workday. Use of annual leave, credit hours, compensatory time earned, or LWOP may be granted, or AWOL may be

charged, if appropriate, to employees who leave before official notice of dismissal for the period remaining until the end of the regular workday.

9.8.5. When an employee was scheduled to return from leave during the dismissal period, the supervisor should continue to charge leave for the absence until the time set for dismissal, then charge any continuing absence due to the emergency in the same manner as absences of other employees who were on duty at the time of dismissal.

9.8.6. Employees on LWOP pending disability retirement or while in receipt of Workers' Compensation, on military leave, suspension, or in a non-pay status the workday before and after a closure shall be continued in that status. (T-0)

## Chapter 10

### ADMINISTRATIVE LEAVE

**10.1. Administrative leave.** There are numerous instances when employees are absent from their normal assignments to perform acts or services officially sanctioned by management. In performing these acts or services, employees remain under management control or jurisdiction and are considered to be in a duty status. Supervisors are authorized to make individual determinations that the act or service is job-related and not chargeable to leave and to place reasonable limits on the length of such absences from normal assignments. Administrative leave is an administratively authorized absence from duty without loss of pay or charge to leave. The leave approving supervisor may excuse employees only for the periods and the reasons specified in this chapter. The installation commander or head of serviced organizations is authorized to excuse employees for brief periods for any other reasons that are deemed to be in the best interest of the public or the Air Force. Heads of serviced organizations are those individuals whose activity is not located on an Air Force installation or are a separate Air Force agency. Tenant commanders are not heads of serviced organizations. A “brief period” normally means not more than 4 hours per day. Administrative leave differs from administrative dismissal in that it normally addresses individual employees being excused for non-mission related emergency reasons, or for reasons the government encourages such as voting. (See [Chapter 9](#) for guidance on group dismissal.)

10.1.1. Employees seeking to participate in installation or command sponsored team and morale building events may be excused for brief periods to attend such events subject to mission needs and workload. Administrative leave is not authorized for local organization and club social activities (e.g., food drives or sporting events).

10.1.2. Commanders may assign employees to an alternative duty location for organizational activities requiring extended absence.

10.1.3. Management officials may not use administrative leaves or dismiss employees in a manner that effectively creates a paid non-duty day without charge to leave. Commanders or supervisors should approve requests for annual leave on Air Force family days. Family days are those days connected to Federal holidays when military personnel are usually given the day off.

10.1.4. Administrative leave is not authorized for non-duty periods or, as in the case of ARTs for the purposes of accomplishing military requirements or military training, (e.g., haircuts or chemical defense training).

**10.1. (SCOTT) Administrative Leave.** The 375 AMW Group Commanders are designated as approving officials for administrative leave for civilian participation special events. For tenant organizations, tenant unit commanders or their designees will be the approving official.

**10.2. Emergency Rescue or Protective Work.** An employee who can be spared, without interference to essential operations or obligations, may be excused to participate as a volunteer in emergency rescue or protective work during an emergency such as fire, flood, or search operations. Normally, such participation is limited to a maximum of 5 days per year. An employee cannot be excused from duty without charge to leave for the purpose of performing rescue, Reserve, or National Guard duty which would otherwise be covered by military leave.

Employees engaged in protective services, e.g., community “volunteer” firefighting (paid or not paid) would not qualify for administrative leave, but may be granted annual leave, LWOP, etc.

10.2.1. Employees called to emergency duty as members of the Civil Air Patrol, or a similar organization, are excused without charge to leave. After 5 workdays, any further absence is normally charged to available annual leave, previously-earned time-off award, previously-earned compensatory time off, or LWOP as requested by the employee.

10.2.2. Except as authorized above, employees assisting in local community emergency response, emergency search and rescue, or cleanup in the aftermath, are charged leave or carried in a non-pay status for the total period of absence.

**10.3. Absence for Brief Periods or Tardiness.** Unavoidable absences, brief periods of early dismissal, and brief periods of tardiness of less than 1 hour may be excused by the supervisor or he or she may provide the employee opportunity to request approved leave, earned credit hours, or previously-earned compensatory time off. If the absence or tardiness is charged to annual leave, the charge is in multiples of one quarter hour. If the leave charged exceeds the period of absence or tardiness, the employee is not required to work the additional time covered by the leave charge. Unauthorized absence during the workday also may be charged as AWOL if the circumstances do not justify excusing the absence or approving leave. The charge of AWOL is not, itself, a disciplinary action. However, tardiness or an unauthorized absence that is charged to AWOL may serve as the basis for disciplinary action. Such cases should be discussed with representatives of the CPS to determine whether to take disciplinary action and what type.

**10.4. Absence for Voting or Registration.** Activities should assemble and maintain up-to-date information as to voting hours in all political subdivisions in which their employees reside. This information should be made available to employees. On the basis of this information, activities must determine the amount of administrative leave to be permitted and must inform employees of these determinations. (T-1)

10.4.1. As a general rule, employees requesting time off to vote are excused without charge to leave for the amount of time necessary to permit them to report to work 3 hours after the polls open or to leave work 3 hours before the polls close, whichever requires the least amount of time off. Normally, where the polls are open either 3 hours before or 3 hours after the employee’s regular duty hours, no time off is granted. (This is the case in most jurisdictions.) Employees on flexible work schedules may be excused only for those hours which cannot be accommodated by their flexible schedule.

10.4.2. Because of special circumstances, the general rule stated above may not permit sufficient time for voting, in which case the employee is excused for the additional time necessary, but not more than 1 workday.

10.4.3. Where the employee’s voting place is beyond normal commuting distance, and voting by absentee ballot is not permitted, the employee is granted sufficient time off to make the trip. Time off in excess of 1 day is charged to annual leave, previously-earned compensatory time off, or LWOP.

10.4.4. The employee voting in jurisdictions where registration in person is required is granted time off to register on substantially the same basis as for voting. However, no time off is granted without charge to leave if the employee can register on a non-workday and round-trip travel reasonably can be accomplished in 1 day.

10.4.5. Where a collective bargaining agreement allow for more time than provided above, the agreement governs for all employees covered by it.

**10.5. Blood Donations.** The Air Force encourages its employees to volunteer as blood donors without compensation. An employee should be excused from work without charge to leave for the time necessary to donate blood or blood products, such as platelets or plasma, for recuperation following blood donation, and for necessary travel to and from the donation site. The maximum excusable time should not exceed 4 hours, except in unusual cases. When the employee must travel a long distance or when unusual need for recuperation occurs, up to an additional 4 hours may be authorized. This does not cover an employee who gives blood for the employee's own use or receives compensation for giving blood. Employees who volunteer but are rejected as donors for that visit must return to duty or elect paid leave, but may still use administrative leave for the time actually missed. (T-0)

**10.6. Examinations and Documentations Required as a Condition of Employment.** An employee required to take an examination or obtain documentation as a condition of employment, or to take a career field certification, is considered on official duty and no leave is charged for time required to take the examination or obtain documentation. Absence to take examinations other than those specified above is charged to annual leave, previously-earned compensatory time off, or LWOP. (T-0)

**10.7. Consultation With Operating Officials, EEO Counselor, Civilian Personnel Section staff, and Employment Interviews.** Do not charge an employee leave:

10.7.1. For the time required to consult with operating officials, EEO Counselor, or the staff of the CPS on matters relating to their employment provided that arrangements satisfactory to the employee's supervisor and the official to be consulted are made in advance.

10.7.2. While representing a labor organization, if use of official time is authorized by management pursuant to an applicable collective bargaining agreement. Official time for union-related representational activities will be recorded as required by appropriate directives.

10.7.3. Who is specifically requested to report for an interview in connection with an application or referral through the centralized referral system for a position at the same activity is not charged leave for the time required for the interview. If the interview is at another Air Force activity, within the local commuting area, leave is not charged for the time required to make the trip for the interview. This also applies when competition is for a position within the Department of Defense.

10.7.4. When an individual is employed by an activity scheduled for closure or major reduction or under notice of separation or change to lower grade for any reason, except personal cause, may be excused without charge to leave for any placement interview. Such a placement interview may be with another federal agency, a local organization, or a private business concern in the commuting area. Except as provided above, absence for placement interviews is charged to annual leave, previously-earned compensatory time off, or LWOP.

**10.8. Medical Examination for Federal Service.** An employee required to take a medical examination to determine the employee's fitness for the federal service, or who obtains chest x-rays or similar medical services administered as part of the health program at the activity, is considered in duty status during the time necessary to obtain the examination or treatment.

When an employee is absent because of administratively required vaccinations or immunizations, the absence is considered an administrative leave without charge to leave or loss of pay, provided the medical officer administering the vaccinations or immunizations certifies to the necessity for the absence.

**10.9. Attending Meetings and Conferences:** Absence, including required travel time, during normal duty hours to attend meetings or conferences determined to be training, or absence to attend other meetings for which travel is authorized at government expense, is considered official duty and no charge is made to leave.

10.9.1. When spouses, who are also Air Force civilian employees, attend conferences as the official escort/guest of a military or civilian official, administrative leave is not appropriate and leave must be charged. (T-1)

10.9.2. Except as provided in paragraphs **10.9.4** and **10.9.5**, employees may be excused to attend conferences or conventions at no expense to the government when it is determined that such attendance is in the best interest of the federal service. An administrative leave of this type must be limited to those situations where the employee is an official representative of the organization involved or an active, scheduled participant in the program, and must be limited to 5 work days per calendar year. (T-0)

10.9.3. Officers or delegates of an association of management officials or supervisors with which an official consultative relationship has been established may be excused to attend conventions of the association.

10.9.4. Guidance concerning the excusal of employees in connection with activities of labor organizations, including attendance at their conventions and at training conferences sponsored by them, is contained in AFI 36-701, *Labor Management Relations*.

10.9.5. Employees shall not be excused to attend conferences or conventions of political parties or partisan political groups or committees. However, leave may be granted in cases where administrative leave is not appropriate. (T-0)

10.9.6. Employees on permissive temporary duty (TDY) orders are considered to in an official duty status and will not be charged leave while on orders.

**10.10. Holiday Observance:**

10.10.1. Federal Holidays. Employees are not required to work, or take leave, on a federal holiday unless their services are required to carry out essential operations. However, unauthorized absence on a holiday on which the employee was assigned to work results in loss of holiday premium pay for that day, and could result in disciplinary action.

10.10.2. Holidays and Annual Premium Pay. The following applies to employees receiving annual premium pay under 5 U.S.C. 5545(c) (1) and firefighters covered by the Federal Firefighters Overtime Pay Reform Act of 1998 (P.L. 105-277), effective 11 Oct 98. The use of administrative leave is not appropriate for employees receiving annual premium pay under 5 U.S.C. 5545(c) (1) and firefighters covered by the Federal Firefighters Overtime Pay Reform Act. These employees who are absent on holidays, which occur within their regular tours of duty, must be charged leave for those absences. They are not entitled to holiday time off because they receive a type of premium pay that includes pay for holidays. When such an employee is scheduled to work on a holiday and the employee is granted the day off for

personal reasons, the employee is charged annual leave, previously-earned compensatory time off, LWOP, sick leave, etc., as appropriate. (T-0)

10.10.3. Religious Observance. There are no official observances of religious holidays outside of established federal holidays. Insofar as practicable, allow employees wishing to observe religious holidays time off for that purpose and charge the absence to annual leave, previously-earned compensatory time off, religious compensatory time, or LWOP. If circumstances permit, work schedules may be rearranged to provide substituted work time. An employee may also request to perform compensatory overtime work for the purpose of compensatory time off, in lieu of annual leave when the employee's personal religious beliefs require absence from work during certain periods of the workday and/or workweek. An employee may work religious compensatory time before or after the grant of compensatory time off. The advanced compensatory time off should be repaid within a reasonable time. An unliquidated advance religious compensatory balance is collected at the time of separation, except death, from compensatory balances, if available, or annual leave, or both.

10.10.4. State and Local Holidays. State and local holidays, including local holidays in foreign areas, are treated as regular workdays, unless all or part of the activity is closed by administrative order because employees are actually prevented from working due to lack of transportation services, eating facilities, etc. Employees in activities so closed cannot be charged leave for absence on that day. This applies to employees on previously scheduled annual or sick leave as well as to those who would have been present for duty had the activity remained open. However, employees working on such a day receive only their regular pay and are not entitled to holiday premium pay. When the activity remains open, as many employees as possible are allowed to take leave on the holiday, depending on the type of operation, the workload, and the significance of the holiday.

#### **10.11. Off-the-Job Training During Regularly Scheduled Duty Hours:**

10.11.1. No charge is made to leave for off-the-job training whether conducted on or off the installation which is approved under AFI 36-401, *Employee Training and Development*, as directly related to the employee's present official duties, or those which the employee could reasonably be expected to perform in the future, and which is paid for from Air Force funds.

10.11.2. No charge is made to leave for off-the-job training whether conducted on or off the installation which is approved under AFI 36-401, *Employee Training and Development* as directly related to the employee/veteran's present official duties or those which the employee/veteran could reasonably be expected to perform in the future, when the training is approved and paid under 38 U.S.C. 1781, Veterans' Administration educational assistance allowance or when the employee/veteran pays all expenses of such training.

10.11.3. Training taken by an employee on personal initiative for personal advancement must either be taken outside of scheduled duty hours, as credit hours, or during periods of approved leave or LWOP. (See AFI 36-807, *Weekly and Daily Scheduling of Work and Holiday Observances* for variations of work schedules for educational purposes.) (T-2)

10.11.4. Mission-related courses approved for Air Force funded tuition assistance will normally be taken on a voluntary off-duty basis. Such courses may be taken during duty hours subject to approval by the employee's supervisor.

10.11.5. Employees who are assigned to an educational institution on long-term training (LTT) must report any leave usage (i.e., annual, sick or other leave) to his/her supervisor or leave-approving official at their home duty station for accurate recording. Leave requests should be submitted to the seminar leader or course instructor and or other appropriate form, forwarded to the person maintaining the employee's leave record at their home station. Before departing for LTT, an employee should make arrangements to use annual leave that may otherwise be lost because of training. Due to the nature of the assignment, leave will be approved only during Thanksgiving, Christmas and spring breaks; emergency leave is approved throughout the LTT, as needed. During extended periods in which the school is in recess (e.g., Christmas holidays and spring break), the employee is required to be on leave or returned to a duty status at an organization at the training location, the nearest Air Force, Air National Guard or Air Force Reserve activity. For Air Force sponsored courses (e.g., PME) taken to enhance civilian employment performance, employees may be excused without charge to leave to provide time to study, take exams, conduct research, etc. (T-1)

#### **10.12. Funerals.**

10.12.1. An Air Force civilian employee may be excused for a brief period to attend the funeral of an Air Force civilian co-worker, reservist or military member.

10.12.2. An Air Force civilian employee who is a veteran of the armed forces and who participates as a pallbearer, a member of a gun firing salute team, or a member of an honor guard in funerals for members of the armed forces who lost their lives on active duty is excused from duty without charge to leave, but not in excess of 4 hours in 1 day. An employee is excused for not more than 3 days to make arrangements for or to attend the funeral or memorial service of an immediate relative who died as the result of wounds, disease, or injury incurred while serving in the armed forces in a combat zone.

#### **10.13. Health and Wellness.**

10.13.1. As part of a comprehensive employee health and wellness program, Installation Commanders or heads of serviced organizations may excuse civilian employees for health, wellness or physical fitness activities up to 3 hours per week based on mission and workload requirements. Participation is strictly voluntary.

10.13.2. Health and wellness activities may be events sponsored by installation health and wellness centers (HAWCs), medical treatment facilities or other recognized organizations. These events include but are not limited to: health fairs; alcohol and tobacco cessation programs; diet and nutrition classes; relaxation and stress management classes or seminars; lactation classes and seminars; and work-life programs. Employees must notify supervisors in advance of the events to ensure attendance does not conflict with work center requirements. For events exceeding three hours in a single week, the employee will submit a leave request for all time in excess of three hours spent at the event(s). (T-0)

10.13.2.1. **(Added-SCOTT)** A request form/doctor's statement is not necessary for participation solely in wellness activities.

10.13.3. Time off for physical fitness activities will be coordinated in advance with management officials with a signed agreement. At a minimum, the agreement will include self-certification by the employee of fitness to engage in physical activity and describe the



number of days per week and duration of absences. A sample agreement is located at [Attachment 2](#).

10.13.3.1. Employees must be present prior to or following fitness time. In order to minimize travel time away from work, employees will utilize installation fitness facilities or facilities immediately adjacent to the installation or work center with which the employee or agency may have an agreement to provide fitness facilities for that agency. Fitness time is normally approved in conjunction with the lunch break. (T-3)

10.13.3.1. (SCOTT) Installation commander may waive the requirement for civilian employees to be present at their duty location both before and after physical fitness activities. A waiver will be processed and filed IAW AFI 33-360, *Publications and Forms Management*. If a waiver is granted a policy letter will be available on the wing's sharepoint site.

10.13.3.2. Employees engaged in telework shall not take time off to perform fitness activities while teleworking. (T-3)

10.13.3.3. (Added-SCOTT) Supervisor responsibilities.

10.13.3.3.1. (Added-SCOTT) Ensure the physical fitness program is not compromised or abused and revoke participation privileges if any abuse is identified or workload does not permit.

10.13.3.3.2. (Added-SCOTT) Ensure employee participating in the physical fitness program provides a completed and signed "Request for Approval of Excused Absence & Memorandum of Understanding for Physical Fitness Activities" located at [Attachment 3](#). Whether approved or disapproved, the original request will be maintained in the Supervisor Employee Work Folder.

10.13.4. For bargaining unit employees, time-off for health, wellness and fitness at installations or agencies that are governed under a negotiated bargaining agreement will adhere to the language of that agreement to the exclusion of this Air Force Instruction. (T-0)

**10.14. Rest and Recuperation upon Return from Civilian Deployment.** An Air Force civilian employee who is deployed to an overseas location may be excused for brief periods upon return from deployment. This is in addition to administrative leaves in connection with permanent changes of station (PCS) and includes brief periods of 4 hours per day, for no more than 5 days upon return.

**10.15. Rest and Recuperation for Return from Active Duty.** An Air Force civilian employee (reservist), who is called to active duty in support of the Overseas Contingency Operation (OCO) for at least 42 consecutive days, is entitled to 5 days of administrative leave upon return from active duty. For subsequent periods of active duty in support of the OCO, supervisors may not grant more than 5 days of administrative leave within a 12-month period. The intent is to aid in the readjustment to civilian life. (See Presidential Memo, *Return of Activated Military Members to Federal Civilian Employment*, November 14, 2003)

**10.16. Absences Resulting From Hostile Action Abroad.** A civilian employee who is injured as the result of war, insurgency, mob violence, or similar action while serving in the CONUS or serving abroad is not charged leave for absence up to 1 year resulting from the injury. The injury

must not have been the result of vicious habit, intemperance, or willful misconduct of the employee. (T-0)

**10.17. Absences Resulting from Emergencies Assigned Overseas.** Federal employees may receive emergency travel orders to travel to the United States for emergencies. The employee is placed in a leave status and may request annual, sick, or LWOP.

**10.18. Absences in Connection with Travel.**

10.18.1. Permanent change of duty station (PCS). An employee with PCS orders may be granted administrative leave to make personal arrangements and transact personal business directly related to the permanent change in duty station, provided that such business or arrangements cannot be transacted outside regular working hours. This includes such things as closing and opening personal bank accounts, or obtaining a driver's license and auto tags. This provision does not cover time involved in complying with PCS requirements such as obtaining passport and vaccinations, adhering to government housing authority requirements, or being present for packing and receiving of household goods. Such tasks required by the PCS are considered to be official duties. For an assignment to or return from, overseas employment, official duties further include time spent to deliver or reclaim privately owned vehicle (POV) to or from the port facility, obtain required physical examination, vaccination and inoculation, or passport, or to comply with other special requirements imposed because of the overseas assignment, including absence to obtain travel orders. An employee required to report to another activity to comply with overseas processing requirements is not charged leave for any absence necessary to make the trip. Administrative leave or official duty time only applies to the employee for whom PCS orders has been authorized and not to any civilian employees who may be listed on the orders as dependents.

10.18.2. When extensive permanent change of duty travel outside of regularly scheduled hours of duty is required, employees are authorized to be absent from work without charge to leave or loss of pay for a reasonable time to recuperate from fatigue or loss of sleep. In determining "reasonable time" the supervisor considers the adverse effect on work performance, health, or well-being, and any safety hazard which might result from working while fatigued. Normally, this should not exceed 4 hours. When the total elapsed travel time exceeds 20 consecutive hours, as in the case of travel between the continental United States and either Pacific or European bases, up to 8 hours of duty time may be excused for recuperation.

10.18.3. Privately Owned Conveyance. When a privately owned conveyance is authorized or approved for permanent duty travel, except for renewal agreement travel, travel time for salary payment purposes is computed on the basis of 350 miles a calendar day. Any time in excess of the computed number of days which falls within the employee's regularly scheduled basic workweek is charged to leave. No charge is made to leave if an employee arrives at the new duty station before the reporting date, computed on the basis of 350 miles of travel a calendar day.

10.18.4. Temporary Duty (TDY) Travel. Duty time or administrative leave for TDY and related travel is authorized when the temporary duty is for official duties only. Any other TDY not part of the employee's official duties must be charged to leave. When privately owned conveyance is authorized or approved as being advantageous to the government for temporary duty travel, the employee is considered in travel status, without charge to leave,

during the actual time required for official travel. In computing the actual time required, any excess time required because of a delay enroute or circuitous routing specifically determined to be for the employee's convenience is deducted from the total elapsed time and the employee is required to take leave. (T-0)

10.18.4.1. When an employee is allowed to use the employee's privately owned conveyance for the employee's own convenience on temporary duty travel, the employee is considered in travel status for the scheduled travel time by common carrier or usual mode of transportation that otherwise would be required. Any time in excess of this period which falls within the employee's scheduled basic workweek is charged to leave.

10.18.4.2. When an employee begins or ends temporary duty travel by commercial carrier during regularly scheduled hours of duty, supervisors may excuse the employee for up to 3 hours without charge to leave.

10.18.4.3. When extensive temporary duty travel outside of regularly scheduled hours of duty is required, employees are authorized to be absent from work without charge to leave or loss of pay for a reasonable time to recuperate from fatigue or loss of sleep. This provision does not apply to employees who are performing work while traveling and being compensated by compensatory time off, paid overtime, or credit hours, e.g., ART aircrew members. In determining "reasonable time" the supervisor considers the adverse effect on work performance, health, or well-being, and any safety hazard which might result from working while fatigued. Normally, this should not exceed 4 hours. When the total elapsed travel time exceeds 20 consecutive hours, as in the case of travel between the continental United States and either Pacific or European bases, up to 8 hours of duty time may be excused for recuperation

**10.19. Absences related to Air Force Science, Technology, Engineering and Mathematics (STEM) Activities.** The Air Force encourages STEM workforce members to promote creative ways to engage young people in the STEM career fields through education outreach, including science festivals, job shadowing, and mentoring. Federal scientists and engineers are encouraged to identify and pursue STEM-related volunteer activities in their communities, with an emphasis on inclusive activities that draw from all segments of society, including women.

10.19.1. Through direct involvement in local communities, our employees can help foster positive images and role models for future recruitment to Air Force service. Sponsored activities will also enhance professional development or skills of the employee in his or her current Air Force position. The following flexibilities are provided to encourage participation.

10.19.2. Supervisors may grant brief periods of Administrative Leave for STEM-related volunteer activities without loss of pay or charge to leave. Administrative leaves shall be limited to those situations (T-2) in which:

10.19.2.1. The absence is directly related to the Air Force STEM mission and objectives;

10.19.2.2. The absence is officially sponsored or sanctioned by the Air Force;

10.19.2.3. The absence will clearly enhance the professional development or skills of the employee in his or her current Air Force position; and

10.19.2.4. The absence is brief and is determined to be in the interest of the Air Force.

10.19.3. While participating in volunteer activities under this guidance memorandum, employees are expected to maintain high standards of honesty, responsibility, and accountability as well as adhere to the Air Force Core Values of “Integrity First, Service before Self, and Excellence in All We Do.”

10.19.4. The Joint Ethics Regulations and AFI 36-703, *Civilian Conduct and Responsibility*, governing outside employment also apply to employees who engage in volunteer activities. Employees may not use Air Force facilities and equipment for other than authorized purposes. Consult local legal advisors for information about what may be authorized.

10.19.5. It is the responsibility of each activity head to balance support for employees’ volunteer activities with the need to ensure that employees’ work requirements are fulfilled and operations are conducted efficiently and effectively.

**10.20. Absences for Other Volunteer Activities.** Employees seeking to participate in other volunteer activities during normal working hours may be granted annual leave, LWOP, or compensatory time off. Flexible or compressed work schedules may be established for employees who wish to engage in regular and recurring volunteer activities during normal working hours.

## Chapter 11

### VOLUNTARY LEAVE TRANSFER PROGRAM (VLTP)

**11.1. Purpose and Applicability.** The purpose of this chapter is to set forth procedures and requirements for the VLTP. This program allows an employee who has a personal or family medical emergency and is without the availability of paid leave, to receive transferred annual leave directly from other employees with the concurrence of the respective management officials. This chapter applies to all employees covered by 5 U.S.C. 6301(2) and 5 CFR 630.906.

**11.2. Administrative Procedures.** The appointing official or designee should establish appropriate supplemental procedures to approve or disapprove the receipt of transferred annual leave for the VLTP Program at the installation level.

**11.2. (SCOTT) Administrative Procedures.** The CPO is designated to establish appropriate internal procedures to approve/disapprove the receipt of transferred annual leave for the VLTP.

**11.3. Application To Be A Leave Recipient.** An employee who has been affected by a medical emergency may make written application to his/her first level supervisor or leave approving official to become a leave recipient. If such an employee is not capable of making application, due to physical or mental impairment, the leave applicant or immediate family member may designate a personal representative in writing to make the application.

11.3.1. Application Requirements. (T-1) Each application must include the following:

11.3.1.1. The name, position title, pay plan, grade/step, hourly/annual rate of pay of the applicant, specific organization, and office symbol of employment.

11.3.1.2. Social security number.

11.3.1.3. Annual and sick leave balance as of the date of application. (Applicant should attach a copy of the latest leave and earnings statement to reflect current leave balances.)

11.3.1.4. Expected date on which available paid leave will run out.

11.3.1.5. Accrual rate for annual leave.

11.3.1.6. Expected duration of the hardship.

11.3.1.7. Description of the hardship (include health care provider documentation and/or any attachments that may be used as evidence that will assist the approving official in making a decision). Medical evidence must be provided by the employee/applicant and is necessary for the employee to become a leave recipient. The employee must consent in writing to the release of this information to officials involved in the review process.

11.3.1.8. The applicants should agree to the use of their names and approve the public release of the existence of a hardship for any publicized efforts to collect donated leave. If the employee chooses anonymity, he/she should be advised that anonymity would likely result in minimal leave donations. OPM 630, *Application to Become a Leave Recipient under the Voluntary Leave Transfer Program*, has a block for the employee to check for anonymity. Anonymity should not preclude the Air Force from receiving donations for the leave recipient as in the case of donations from relatives and close friends.

11.3.1.9. Telephone number during the period of hardship.

11.3.1.10. Name, address, and telephone number of the person to contact on behalf of the applicant, if applicable.

11.3.2. The completed application will be forwarded to the first level supervisor for verification of the employment data and endorsed to the approving official.

**11.4. Approval of the Application to Become a Leave Recipient.** Upon receipt of an application to receive transferred annual leave, the first level supervisor will verify and validate the employment information contained in the application. The application must be returned to the applicant if correction or additional information is required. The supervisor must determine that the employee's absence from duty without available paid leave because of the medical emergency is or is expected to be at least 24 hours and is likely to result in a substantial loss of income to the employee because of the unavailability of paid leave. (T-0) *Note:* In the case of a part-time employee or an employee with an uncommon tour of duty, at least 30% of the average number of hours in the employee's bi-weekly scheduled tour of duty will be the determining factor. Once the application receives supervisory endorsement, it is forwarded to the VLTP approving official within 5 workdays from the date of receipt of the application. The supervisor will provide informal notice to AFPC that the employee has filed an application to receive transferred annual leave. The supervisory endorsement will include the following:

11.4.1. A statement acknowledging and verifying as correct, the employment information contained in the application.

11.4.2. An acknowledgment that if approved, the supervisor will validate the continuing nature of the hardship each pay period and upon termination of the hardship, stop the allocation of transferred leave.

11.4.3. An acknowledgment that if approved, the supervisor is responsible to properly annotate time and attendance records to insure that all available paid leave is exhausted before any transferred annual leave is used by the applicant. The supervisor must work closely with the civilian payroll office to monitor the use of transferred leave. (T-1)

11.4.4. A recommendation to the approving official indicating approval or disapproval of the employee's absence from the workplace.

11.4.5. A recommendation for the approval or disapproval of the application based on the hardship as described by the applicant.

**11.5. Leave Approving Official's Responsibilities.** The approving official or designee will complete the following applicable actions within 10 calendar days after receipt of the application from the supervisor.

11.5.1. If the application is disapproved, provide direct written notice to the applicant that the application has been disapproved and the reasons for disapproval. A copy of the approved application is returned to the CPS who will provide copies to the applicant.

11.5.2. A copy of the approved application will be provided to the applicant with copies to the first level supervisor, the civilian payroll office, and the servicing CPS. For approved leave recipients who have agreed to the release of their names, instruct the first level supervisor to arrange appropriate publicity to employees of the recipient's organization of assignment to canvass the desire to transfer annual leave to the recipient. Publicity efforts

must be consistent for all employees who have approval to receive transferred annual leave. (T-1) If insufficient donations are received to cover the period without pay, the supervisor with assistance from the CPS may expand the publicity effort to other offices within the leave recipient's organization of assignment.

11.5.3. If the donations remain insufficient, the supervisor in cooperation with the CPS may expand publicity in the following order:

11.5.3.1. Other organizations on the installation.

11.5.3.2. Parent MAJCOM of applicant.

11.5.3.3. Other AF installations.

11.5.3.4. Other federal agencies.

**11.5. (SCOTT) Leave Approving Official's Responsibilities.** The CPO is designated to approve all applications under the VLTP.

**11.6. Transfer of Annual Leave.** A leave recipient's employing organization may accept the transfer of annual leave from leave donors employed by the same organization and, if necessary, the transfer of approved donations by employees of other organizations. Every effort should be made to exhaust all available donated leave within the leave recipient's organization of assignment before using approved transferred annual leave from other organizations. The OPM 630, 630-A, 630-B, and 630-C are available on the OPM website for transfer and receipt of annual leave in the Voluntary Leave Transfer Program.

11.6.1. A first level supervisor is prohibited from receiving donated leave from a subordinate employee.

11.6.2. An employee may submit to the servicing CPS an irrevocable request on the OPM 630-A or the OPM 630-B to transfer a specific number of whole hours of accrued annual leave to the leave account of a specified approved leave recipient as follows:

11.6.2.1. Name, position title, pay plan, grade/step, hourly/annual rate of pay and specific organization and office symbol of employment.

11.6.2.2. Social security number.

11.6.2.3. Annual leave balance as of the date of the request to donate leave.

11.6.2.4. Accrual rate for annual leave.

11.6.2.5. Number of hours to be earned during the remainder of the leave year.

11.6.2.6. Number of hours designated as "use or lose".

11.6.2.7. An acknowledgment that the request to donate leave is fully voluntary without personal reservations, coercion, or intimidation.

11.6.2.8. An acknowledgment that the donation of annual leave is irrevocable.

11.6.2.9. An acknowledgment that the donor expects nothing in return, to include receipt of transferred annual leave.

11.6.2.10. An acknowledgment that unused transferred annual leave will be returned on a pro-rata basis determined by the approving authority.

11.6.2.11. The name and employing activity of the approved leave recipient, designated to receive the donation.

11.6.3. Approval of the Donation. The leave-approving official of the donor may forward the documented, approved donation to the servicing CPS of the leave recipient. The documented donation will be quality reviewed, validated by the CPS, and forwarded to the servicing civilian payroll office.

11.6.4. Substitution of Transferred Annual Leave. Annual leave transferred under this authority may be substituted retroactively for absence without pay or used to liquidate indebtedness for advanced annual or sick leave as a result of an approved medical emergency. (Note: The current pay system will not replace LWOP coding. If an employee's time and attendance sheet is marked as LWOP, transferred leave cannot "automatically" replace that period of unpaid absence until it is deleted. For this reason, the civilian payroll office recommends that even when an employee has no sick leave or annual leave balance, the time sheet should be marked either as sick leave (for personal illness) or as annual leave (for family member's illness) to prevent the need to have corrected time sheets.)

**11.7. Limitations on Donations of Annual Leave.** A potential leave donor must have a sufficient number of hours of accrued annual leave in order to donate leave. Donating leave earned in future pay periods is prohibited. (T-0)

11.7.1. The maximum donation of leave is no more than a total of one-half of the amount of annual leave an employee would be entitled to accrue during the leave year in which the donation is made (Example: An employee who earns 104 hours of annual leave may donate a maximum of 52 hours.) The limitation on donating annual leave may be waived, in writing, by the installation commander or their designee, provided the employee has extenuating circumstances and it has been documented as such.

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

11.7.3. **(Added-SCOTT)** The CPO is designated to approve any waiver limitations under the VLTP.

**11.8. Use of Transferred Annual Leave.** An employee in a shared leave status using transferred leave under the Voluntary Leave Transfer Program may use the donated leave only for the purpose of the medical emergency for which the recipient was approved. A separate account is established for accruals earned on donated leave. Employees are allowed to accumulate up to 40 hours of annual and sick leave while using transferred annual leave.

11.8.1. The approval and use of transferred annual leave by an approved leave recipient shall be subject to all the conditions and requirements imposed by 5 U.S.C. **Chapter 63**. Upon approval, transferred annual leave received by an approved leave recipient may be accumulated without regard to the limitation imposed by (normally, 30 days or 240 hours) 5



U.S.C. 6304(a). The leave recipient's servicing civilian payroll office must monitor the transfer of donated leave. The balance of the transferred leave will be posted to the leave recipient's account the following leave year, if necessary. (T-0)

11.8.2. Transferred annual leave may not be used as follows:

11.8.2.1. Transferred to another leave recipient under this regulatory authority.

11.8.2.2. Transferred to another employing activity upon the leave recipient's transfer of employment.

11.8.2.3. Included in a lump-sum payment under 5 U.S.C. 5551 or 5552.

11.8.2.4. Made available for re-credit under 5 U.S.C. 6306 upon reemployment by a federal agency.

### **11.9. Termination of Medical Emergency.**

11.9.1. Based on medical documentation or other appropriate action, the entitlement to receive transferred leave shall terminate as follows (T-0):

11.9.1.1. When the leave recipient's employment is terminated by the same agency which approved the application to become a leave recipient.

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

11.9.1.2.1. **(Added-SCOTT)** The leave recipient's supervisor is designated to determine that the leave recipient is no longer affected by a medical emergency.

11.9.1.3. At the end of the bi-weekly pay period in which the leave recipient's employing activity receives notice from the OPM of an approved application for disability retirement.

11.9.2. The leave recipient's first level supervisor or leave approving official shall continually monitor (each pay period) the nature and extent of medical emergency affecting the leave recipient. Senior management officials must develop and maintain internal procedures to insure supervisory biweekly review of the medical emergency. (T-1)

11.9.3. When it is determined that the medical emergency or hardship affecting the leave recipient has terminated (based on medical evidence), and the leave recipient has had the opportunity to respond, the following actions are required:

11.9.3.1. No further donations will be accepted.

11.9.3.2. No further transfers of annual leave will occur.

11.9.3.3. The supervisor or leave approving official will provide written notice to the Voluntary Leave Transfer Program approving official and the civilian payroll office with a copy to the leave recipient as follows:

11.9.3.3.1. Include the name, employee's social security number, and organization of assignment of the leave recipient.

11.9.3.3.2. Approval date of the leave recipient's application.

11.9.3.3.3. Initial date of receipt of transferred annual leave and the date the emergency ended as determined by the appropriate official.

11.9.3.3.4. Total number of transferred annual leave hours used, total number of transferred hours donated, and unused transferred leave remaining.

11.9.3.3.5. Date the leave recipient returned to work or separated from employment.

11.9.3.3.6. A statement that unused transferred leave will not be used to compute lump sum leave payment upon separation.

#### **11.10. Restoration of Transferred Annual Leave.**

11.10.1. Restoration of unused transferred annual leave is computed by the civilian payroll office. Upon receipt of the supervisory notice indicating the termination of the leave recipient's emergency or hardship, the servicing civilian payroll office will compute appropriate restoration of transferred annual leave as follows:

11.10.1.1. Divide the number of hours of unused transferred leave by the total number of hours of annual leave transferred to the leave recipient. (T-0)

11.10.1.2. Multiply the ratio obtained in paragraph 9.10.1.1, by the number of hours of annual leave transferred by each leave donor eligible to receive restoration of unused transferred annual leave. The leave shall be restored to the annual leave accounts of the leave donors who, on the date leave restoration is made, are employed by a federal agency and subject to 5 CFR 630.911(a). The civilian payroll office will receive assistance from the CPS which will validate the donor's eligibility to receive unused transferred annual leave. (T-0)

11.10.1.3. Round down the result obtained in paragraph 9.10.1.2; to the nearest increment of whole hours of annual leave. (T-0)

11.10.2. If the total number of eligible leave donors exceeds the total number of hours of annual leave to be restored, no unused transferred annual leave shall be restored. In no case shall the amount of annual leave restored to the leave donor exceed the amount transferred to the leave recipient by the leave donor. (T-0)

11.10.3. Transferred annual leave restored to the account of a leave donor before the beginning of the third bi-weekly pay period before the end of the leave year is subject to the limitation imposed by 5 U.S.C 6304(a). (T-0)

11.10.4. Transferred annual leave restored to the account of a leave donor after the beginning of the third bi-weekly pay period before the end of the leave year shall not be subject to the limitations imposed by 5 U.S.C. 6304(a) until the end of the leave year following the leave year in which the transferred annual leave was restored. (T-0)

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

11.11.1. Adequate publicity will be provided by management officials when an application to receive transferred annual leave is approved. Therefore, the leave recipient is discouraged from expressing any personal solicitations to procure transferred annual leave from other employees.

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

**11.12. Emergency Leave Transfer Program.** Authorized by 5 U.S.C. 6391 (as added by section 9004 of P.L. 105-18, *Leave Transfer in Disasters and Emergencies*, dated June 12, 1997), Air Force employees are allowed to make leave donations of annual leave to employees in their own agencies or other agencies who are affected by major disasters and other emergencies. Employees affected by major disasters may also be able to use leave donated under the Voluntary Leave Transfer Program. This also allows employees receiving such donated leave to use it before exhausting their own accumulated annual and sick leave. OPM 1637, *Application to Become a Leave Recipient Under the Emergency Leave Transfer Program*, and OPM 1638, *Request to Donate Annual Leave under the Emergency Leave Transfer Program*, may be used for receiving donated annual leave or donating annual leave under this program. OPM 1639, *Transfer of Donated Annual Leave To or From the Emergency Leave Transfer Program*, must be used for the purpose of donating or receiving annual leave from other agencies. (T-0)

## Chapter 12

### FAMILY MEDICAL LEAVE ACT (FMLA)

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

**12.2. Coverage.** This chapter applies to employees covered by 5 U.S.C. 6381(1).

**12.3. Leave Entitlement.** A covered employee is entitled to a total of 12 administrative workweeks of unpaid leave (i.e., LWOP) during any 12-month period for:

12.3.1. The birth of a son or daughter and care of the newborn.

12.3.2. The placement of a son or daughter with the employee for adoption or foster care.

12.3.3. The care of a spouse, son, daughter, or parent of the employee with a serious health condition.

**12.4. Serious Health Condition.** As defined in 5 CFR 630.1202, the serious health condition of the employee that makes the employee unable to perform duties of his or her position. **NOTE:** An employee may elect to substitute paid leave IAW paragraph 12.9. An employee must provide written medical documentation of a serious health condition, signed by the health care provider no later than 15 calendar days after the date requested by the Air Force. Form WH-380, Documentation of Health Care Provider, from the U.S. Department of Labor, may be used by employees to satisfy this mandatory requirement to furnish a medical documentation from a health care provider, including second or third opinions and documentation. This form is available for use on the OPM website. (T-0)

12.4.1. A serious health condition has the same meaning as used in the Office of Personnel Management's regulations for administering the FMLA and may be found at [Attachment 1](#) of this Instruction. This definition includes, but is not limited to, such conditions as cancer, heart attacks, heart conditions requiring heart bypass or valve operations, back conditions requiring extensive therapy or surgical procedures, kidney dialysis, physical therapy, strokes, severe injuries, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, severe nervous disorders, injuries caused by serious accidents on or off the job, clinical depression, recovery from major surgery, final stages of a terminal illness, Alzheimer's disease, pregnancy, and childbirth. This may include "emotional" support for a family member receiving nursing care or medical care in a medical facility. A serious health condition is not intended to cover short-term conditions for which treatment and recovery are very brief. The common cold, flu, earaches, upset stomach, headaches (other than migraines), routine dental or orthodontia problems, etc., are not serious health conditions unless complications arise. Medical documentation is required for a serious health condition.

12.4.2. Medical Documentation. An employee must provide written medical documentation to document the use of FMLA leave for a serious health condition. Requests shall be submitted to the approving official on an OPM Form 71 or within an approved automated timekeeping system. The employee must provide written medical documentation of a serious

health condition, signed by the health care provider no later than 15 workdays after the date requested by the Air Force. See definition of Medical Documentation at [Attachment 1](#), which incorporates 5 CFR 630.1208, for guidance. An additional written statement must be provided from the health care provider concerning the family member's need for psychological comfort and/or physical care. The statement must certify that the family member requires psychological comfort and/or physical care, the family member would benefit from the employee's care or presence, and the specific length of time the employee is needed to care for the family member. (T-0)

12.4.3. An employee faced with a family medical emergency who has exhausted his or her entitlement to 12 weeks of leave (or a lesser amount if the employee has not accrued 12 weeks of leave) may receive donated annual leave. In addition, an employee who is using donated annual leave on the effective date of new sick leave accrual is required to use all of his or her available sick leave for family care purposes before he or she can continue to use donated annual leave.

12.4.4. Childbirth and Newborns. Pregnant employees are entitled to use sick leave or FMLA leave for prenatal and postnatal medical appointments and any periods of incapacitation as a result of pregnancy and childbirth. A biological mother or father cannot use 12 weeks of sick leave to care for a healthy newborn, but only for one with a serious health condition. A parent may use annual leave or FMLA leave to care for a healthy newborn.

**12.5. Requirements for Invoking FMLA.** An employee must invoke his or her entitlement to family or medical leave subject to proper notification and medical documentation requirements in 5 CFR 630.1206 and 5 CFR 630.1207. Request for FMLA must be supported by evidence that is administratively acceptable to the Air Force, consistent with the regulations. If an employee does not comply with the request for sufficient medical documentation, the employee is not entitled to leave under FMLA. However, if the employee is unable to provide the requested medical documentation before leave begins, or if there is a question about the validity of the original documentation provided by the employee and the medical treatment requires the leave to begin, provisional leave will be granted pending final written medical documentation. Barring emergency situations not known in advance, an employee must provide the employing agency 30-days advance notice of intent of the need for FMLA and may not retroactively invoke his or her entitlement to FMLA. However, if an employee and his/her personal representative are physically or mentally incapable of invoking the employee's entitlement to FMLA leave during the entire period in which the employee is absent from work, the employee may retroactively invoke his/her entitlement to FMLA leave within two workdays after returning to work. An employee may take up to 12 administrative work weeks of family and medical leave necessary for the circumstances that prompted the need for FMLA. This leave may be taken intermittently. If an employee who is in a LWOP status (even to accompany a military spouse or civilian sponsor) invokes FMLA, the employee still has the entitlement to FMLA. Since the agency allowed the employee to go on LWOP instead of separating the employee, the employee is still on the roles of the agency and has the entitlement to FMLA. (T-0)

**12.6. Effective Date of FMLA.** The 12-month period begins on the date an employee first takes leave for a family or medical need and continues for 12 months. An employee is not entitled to 12 additional workweeks of leave until the previous 12-month period ends and an

event occurs that entitles the employee to another period of family or medical leave. (This may include a continuation of a previous situation.)

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

**12.8. Protection of Employment and Benefits.** Upon return from FMLA leave, the employee must be returned to the same position held when the leave began or an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment. An equivalent position must be in the same commuting area and must have the same or substantially similar duties and responsibilities of the position held when the leave began. (T-0)

**12.9. Health Benefits.** While on FMLA leave, the employee is entitled to maintain health benefits coverage under the FEHB Program. If the employee is on LWOP under the FMLA, the employee is responsible for paying the employee share of the health benefits premium.

**12.10. Substitution of Paid Leave.** An employee may choose to substitute annual leave for unpaid leave under the FMLA. Substitution of paid leave for FMLA cannot be done retroactively. An employee may also substitute sick leave in those situations in which the use of sick leave is permitted and made in advance. Advanced annual or sick leave and/or leave made available to an employee under the Voluntary Leave Transfer Program may also be available.

**12.11. Expanded Family and Medical Leave Policies.** Employees may schedule and take up to 24 hours of LWOP each leave year for participation in school activities, routine family medical appointments, and elderly relatives' health needs.

**12.12. Qualifying Leave for an Exigency.** This provision provides eligible Federal employees up to 12 administrative workweeks of unpaid leave under the Family Medical Leave Act (FMLA) for qualifying exigency purposes during any 12-month period. This provision helps employees manage family affairs when their family members are on covered active duty to a *foreign country*. State-side active duty does not qualify for exigency leave.

12.12.1. Qualifying exigencies arise when the spouse, son, daughter, or parent of an employee is on covered active duty in the Armed Forces, or has been notified of an impending call or order to covered active duty status to a *foreign country*.

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

12.12.3. In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty).

12.12.4. In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation pursuant to any of the following sections of title 10, U.S.C., or any other provision of law during a war or during a national emergency declared by the President or Congress: Section 688, Section 1230(a), Section 12302, Section 12304, Section 12305, Section 12406, and **Chapter 15**.

12.12.5. Requirement to invoke FMLA for qualifying exigency leave. An employee must invoke his or her entitlement to family and medical leave. An employee's notice of his or her intent to take leave under the qualifying exigency provision may suffice as the employee's confirmation. (T-0)

### **12.13. Categories of Qualifying Exigencies.**

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

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

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

12.13.4. Financial and Legal Arrangements. 1) To make or update financial or legal arrangements to address the covered military member's absence while on covered active duty or call to covered active duty status, such as preparing and executing financial and health care powers of attorney, transferring bank account signature authority, enrolling in the

Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust; and 2) to act as the covered military member's representative before a Federal, State, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the covered military member is on covered active duty or call to covered active duty status, and for a period of 90 days following the termination of the covered military member's covered active duty status.

12.13.5. Counseling. To attend counseling provided by someone other than a health care provider for oneself, for the covered military member, or for a child, provided that the need for counseling arises from the covered active duty or call to covered active duty status of a covered military member. Counseling may be provided by a military chaplain, pastor, or minister, or counseling offered by the military or a military service organization.

12.13.6. Rest and Recuperation. To spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to 5 days of leave for each instance of rest and recuperation.

12.13.7. Post-deployment Activities. 1) To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the covered military member's covered active duty status; and 2) to address issues that arise from the death of a covered military member while on covered active duty status, such as meeting and recovering the body of the covered military member and making funeral arrangements.

12.13.8. Additional Activities. To address other events that arise out of the covered military member's covered active duty or call to covered active duty status, provided that the supervisor and employee agree that such leave qualifies as an exigency, and that they agree to both the timing and duration of such leave.

12.13.9. Qualifying exigency leave may be taken intermittently or on a reduced leave schedule.

12.13.10. Verification of Exigency. Employee is required to provide a copy of the service member's active duty orders and any documentation to verify the member is on covered active duty or call to covered active duty status to a *foreign country*. This documentation need only be provided the first time an employee requests leave because of a qualifying exigency.



## Chapter 13

### ADMINISTRATIVE LEAVE FOR BONE MARROW OR ORGAN DONATION

**13.1. Absences to Serve as a Bone-Marrow, Stem Cell or Organ Donor.** An employee is entitled to use 7 days of paid leave each calendar year (in addition to annual or sick leave) to serve as a bone-marrow or stem cell donor. An employee may use up to 30 days of paid leave as an organ donor. Bone-marrow or organ donor leave may be used, but is not limited to, such situations as blood testing, tissue testing, counseling, physical examinations, travel time, surgery, and recuperation. Employees who are screened, but not accepted as donors, are entitled to bone-marrow, stem cell, or organ donor leave for their absences in conjunction with their attempt to be donors. Medical procedures and recuperation depend on the circumstance of each case. Record this type of leave on the time and attendance documentation under administrative or other leave category.

**13.2. Absence of Employee Having Bone-Marrow Removed.** An individual having bone-marrow removed and stored for future use is not a “donor,” and the benefit of 7 days of paid time off was not intended for someone who is undergoing such a procedure for his or her own needs. Sick leave, annual leave, and advanced annual and sick leave are available to an employee facing this type of medical procedure. In addition, leave donated under the Voluntary Leave Transfer Program and LWOP under the FMLA may be used if the condition meets the requirements of these programs.

## Chapter 14

### HOME LEAVE

**14.1. Home Leave Entitlement.** The purpose of home leave is to ensure employees who live Outside the Continental United States (OCONUS) for an extended period undergo reorientation and re-exposure in the United States on a regular basis. Home leave is authorized after an employee has completed 24 months of continuous service. Service abroad means service at an OCONUS post of duty.

14.1.1. Home leave is earned at a rate of 5, 10, or 15 days based on the number of months of service OCONUS and criteria in 5 CFR 630.604.

14.1.2. Employees may not use home leave when while on approved travel orders to CONUS for emergency situations. They may be placed on annual leave, sick leave, or other paid or unpaid leave status.

14.1.3. Employees may not use home leave following return to a permanent position in the Continuous United States (CONUS).

**14.2. Subsequent Service Abroad.** In accordance with 5 CFR 630.606(c)(2) and DoD 1400.25-M, *DoD Civilian Personnel Manual*, Subchapter 126, *Home Leave*, home leave may be granted only when an employee has completed 24 months of continuous service abroad. Home leave not granted during an employee's period of service abroad, or within a reasonable period after returning from service abroad when it is contemplated that the employee will return to service abroad immediately or on completion of an assignment in the United States, may be granted only when the employee has completed a further substantial period of service abroad. This further substantial period of service abroad may not be less than the tour of duty prescribed for the employee's post of assignment, except when the responsible Wing/Installation Commander, or designee, determines that an earlier and shorter grant of home leave is warranted on a case-by-case basis.

**14.3. Refund for Home Leave.** An employee is indebted for the home leave used by him/her when he/she fails to return to service abroad after the period of home leave, or after the completion of an assignment in the United States. However, a refund for this indebtedness is not required when (1) the employee has completed not less than 6 months' service in an assignment in the United States following the period of home leave; (2) the agency determines that the employee's failure to return was due to compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health or circumstances over which the employee has no control; or (3) the agency which granted the home leave determines that it is in the public interest not to return the employee to his overseas assignment.

DANIEL R. SITTERLY, SES  
Principal Deputy Assistant Secretary, Manpower  
and Reserve Affairs  
(Manpower and Reserve Affairs)

JOHN O. HOWARD, Colonel, USAF  
Commander

**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

- Public Law 102-484, National Defense Authorization Act for Fiscal Year 1993, October 23, 1992
- Public Law 103-337, National Defense Authorization Act for Fiscal Year 1995, October 5, 1994
- Public Law 103-353, Uniformed Services Employment and Reemployment Rights Act of 1994, October 13, 1994
- Public Law 105-18, Leave Transfer in Disasters and Emergencies, June 12, 1997
- Public Law 105-277, Federal Firefighters Overtime Pay Reform Act of 1998, October 11, 1998
- Public Law 106-65, National Defense Authorization Act for Fiscal Year 2000, October 5, 1999
- Title 5, United States Code, Government Organization and Employees, current edition
- Title 5, Code of Federal Regulations, Administrative Personnel, current edition
- Title 7, Civil Rights Act of 1964, July 2, 1964
- Title 38, **Chapter 43**, Uniformed Services Employment and Reemployment Rights Act of 1994
- Title 38, United States Code, Veterans' Benefits, current edition
- Title 42, United States Code, Section 2000e-16, Employment by Federal Government, current edition
- DoDI 1400.25, Volume 610, Civilian Personnel Management System: Hours of Duty, November 28, 2014
- DoDI 1400.25, Volume 630, Civilian Personnel Management System: Leave, April 6 2009
- DoDD 5200.2, DoD Personnel Security Program, April 9 1999
- DoD 7000.14-R, Volume 8, **Chapter 5**, DoD Financial Management Regulation, Civilian Pay, Leave and Other Absences, April 2013
- AFI 31-501, Personnel Security Program Management, 27 Jan 2005
- AFI 36-401, Employee Training and Development, 28 Jun 2002
- AFI 36-701, Labor Management Relations, 27 Jul 1994
- AFI 36-703, Civilian Conduct and Responsibility, 18 Feb 2014
- AFI 36-807, Weekly and Daily Scheduling of Work and Holiday Observances, 22 Jun 1999
- AFPD 36-8, Employee Benefits and Entitlements and Work/Life Programs, 24 Dec 2014

***Prescribed Forms***

OPM 71, *Request for Leave or Approved Absence*

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

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

OPM 1639, *Transfer of Donated Annual Leave to or From the Emergency Leave Transfer Program*

***Adopted Forms***

AF Form 847, *Recommendation for Change of Publication*

***Abbreviations and Acronyms***

**AFI**—Air Force Instruction

**AFPD**—Air Force Policy Directive

**ART**—Air Reserve Technician

**AWOL**—AWOL

**CFR**—Code of Federal Regulations

**COP**—Continuation of Pay

**CPS**—Civilian Personnel Section

**DFAS**—Defense Finance and Accounting Service

**DoD**—Department of Defense

**FEGLI**—Federal Employees' Group Life Insurance

**FEHB**—Federal Employees Health Benefit

**FMLA**—Family and Medical Leave Act of 1993

**LWOP**—LWOP

**MAJCOM**—Major Command

**OPM**—Office of Personnel Management

**OWCP**—Office of Workers' Compensation

**P.L.**—Public Law

**SF**—Standard Form

**STEM**—Science, Technology, Engineering and Mathematics

**TSP**—Thrift Savings Plan

**U.S.C**—United States Code

**USERRA**—Uniformed Services Employment and Reemployment Rights Act

**VLTP**—Voluntary Leave Transfer Program

### *Terms*

**Absent-US**—Leave of absence to perform duty with the uniformed services, in a pay or non-pay status.

**Absent without Leave (AWOL)**—An absence from duty which was not authorized or for which leave has been denied. Neither the denial of leave nor the time and attendance reporting of AWOL is punitive, and neither means that the employee has insufficient reason for requesting leave. *Note:* Rather, it means that the employee's presence is required and that the reason for requesting it is not one for which leave must be approved. The employee's failure to honor the leave denial and the unauthorized absence may form the basis for disciplinary or adverse action.

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

**Accumulated Leave**—Unused leave remaining to the credit of an employee at the beginning of a leave year.

**Administrative Workweek**—A period of 7 consecutive 24-hour periods designated in advance by the head of an agency under 5 U.S.C. 6101.

**Approving Official**—The individual or designated representative who acts as the approving/disapproving official for civilian absence and leave programs, e.g., for receipt of transferred annual leave.

**Available Paid Leave**—Accrued or accumulated annual, sick or military leave and re-credited and restored annual or sick leave. Available paid leave does not include annual or sick leave advanced to an employee or any annual leave transferred and accrued under the Voluntary Leave Transfer Program provisions.

**(Added-SCOTT) Civilian Personnel Officer (CPO)**—The person who manages the administration of the civilian personnel program at the installation level.

**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 health authorities having jurisdiction. Examples of contagious diseases that meet this definition include employees who have been exposed to Severe Acute Respiratory Syndrome (SARS) or the strain of tuberculosis that is highly resistant to antibiotics.

**Committed relationship**—means one in which the employee, and the domestic partner of the employee, are each other's sole domestic partner (and are not married to or domestic partners with anyone else); and share responsibility for a significant measure of each other's common welfare and financial obligations. This includes, but is not limited to, any relationship between two individuals of the same or opposite sex that is granted legal recognition by a State or by the District of Columbia as a marriage or analogous relationship (including, but not limited to, a civil union).

**Domestic Partner**—For the purpose of this Instruction other than those sections related to the FMLA (which does not give rights to domestic partners), domestic partner is defined as an adult in a committed relationship with another adult, including both same-sex and opposite-sex relationships.

**Employee**—An individual who meets the definition under 5 U.S.C. 6301(2).

**Family and Medical Leave**—An employee’s entitlement to 12 administrative workweeks of unpaid leave for certain family and medical needs.

**Family Member**—An individual with any of the following relationships to the employee: (1) spouse, and parents thereof; (2) sons and daughters, and spouses thereof; (3) parents, and spouses thereof; (4) brothers and sisters, and spouses thereof; (5) grandparents and grandchildren, and spouses thereof; (6) domestic partner and parents thereof, including domestic partners of any individual in 2 through 5 of this definition; and (7) any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

**Funeral Leave**—Leave authorized in connection with the funeral of a family member or of an Air Force civilian co-worker, reservist or military member.

**Health Care Provider**—Any physician who is board-certified in a medical specialty, or a physician serving on active duty in the uniformed services who is board-eligible and who is designated by the uniformed service to perform examinations. Also includes other appropriate practitioners such as: physician assistants, chiropractors, psychologists, nurse practitioners, licensed occupational and physical therapists, dieticians, Christian Science practitioners, Native Americans who practice traditional healing methods, etc.

**Incapacity**—The inability to work, attend school, or perform other regular daily activities because of serious health condition or treatment for or recovery from a serious health condition.

**Leave Donor**—An employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved by the employee’s own CPS or organization of assignment.

**Leave Recipient**—A current employee for whom the employing agency has approved an application to receive annual leave from the annual leave accounts of one or more leave donors.

**LWOP (LWOP)**—An absence from duty in a non-pay status. LWOP may be taken only for those hours of duty comprising an employee’s basic workweek. A temporary status and absence from duty granted upon the employee’s request. Except where specifically authorized by law or this Instruction as a matter of right, granting of LWOP is a matter of administrative discretion. The fact that it is a scheduled absence requiring approval distinguishes it from AWOL, which is an absence without permission that may serve as the basis for disciplinary action.

**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.

**Medical Certificate (or Medical Documentation/Documentation)**—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. Permissible medical documentation that may be required is set out at 5 CFR 630.1208.

**Medical Emergency**—In the context of the Emergency Leave Transfer Program, a medical condition of an employee or a family member of an employee that is likely to require an employee’s absence from duty for a prolonged period of time and would result in a substantial loss of income to the employee because of the unavailability of paid leave.

**Parent**—In general in this Instruction, (1) a biological, adoptive, step, or foster parent of the employee, or a person who was a foster parent of the employee when the employee was a minor; (2) a person who is the legal guardian of the employee or was the legal guardian of the employee when the employee was a minor or required a legal guardian; (3) a person who stands *in loco parentis* to the employee or stood *in loco parentis* to the employee when the employee was a minor or required someone to stand *in loco parentis*; or (4) a parent, as described in paragraphs (1) through (3) of this definition, of an employee's spouse or domestic partner.

**Physician**—A licensed Doctor of Medicine or Doctor of Osteopathy, or a physician who is serving on active duty in the uniformed services and is designated by the uniformed service to conduct examinations.

**Serious Health Condition**—An illness, injury, impairment, or physical or mental condition that involves: (1) Inpatient care (*i.e.*, an overnight stay); or (2) Continuing treatment by a health care provider.

**Shared Leave Status**—The administrative status of an employee while the employee is using transferred leave under the Voluntary Leave Transfer Program.

**USERRA**—Uniformed Services Employment and Reemployment Rights Act of 1994. See Title 38 U.S.C. [Chapter 43](#).

**Voluntary Leave Transfer Program**—Program in which a covered employee may donate annual leave *directly* to another employee who has a personal or family medical emergency and who has exhausted his or her available paid leave.



Attachment 2

SAMPLE PHYSICAL FITNESS AGREEMENT

Figure A2.1. Request for Approval of Administrative Leave and Memorandum of Understanding for Physical Fitness Activities

EMPLOYEE:

I, \_\_\_\_\_, request approval of administrative leave, not to exceed three hours per week, for the sole purpose of participating in physical activities.

I understand (employee must initial each line):

\_\_\_ I am able to participate in physical fitness activities. I am responsible for expenses required to obtain this documentation.

\_\_\_ I will utilize on-base facilities or a federally-approved facility during the work day that is conveniently located near the work site during any period of administrative leave for physical activities.

\_\_\_ My participation is subject to supervisory approval and scheduling based on mission and workload requirements.

\_\_\_ If my request is not approved or I cannot be released from work for physical fitness activities due to mission requirements. I may not challenge the decision unless the decision is arbitrary or based on discrimination.

\_\_\_ I must record each absence on my time sheet as administrative leave (LN).

\_\_\_ I may use the three hours of excused absence in blocks of up to 1.5 hours per day, that the time may not be banked for future use if not used during the week, and that the time allotted includes time required to travel, change clothes, prepare for sports, etc.

\_\_\_ I must report to work before going to the exercise site and I must report back to work especially if the exercise is the last thing done in the afternoon.

\_\_\_ That in order to enhance mission effectiveness, I must make every effort to improve my health and well-being during any period of administrative leave for the purpose of physical fitness.

\_\_\_ This memorandum of understanding will be maintained in the employee's work folder.

\_\_\_ Should my ability to participate in physical fitness activities become limited in any manner, I will notify my supervisor immediately.

\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
FIRST LEVEL SUPERVISOR

\_\_\_ Approved/ not approved

\_\_\_\_\_  
Supervisor's signature

\_\_\_\_\_  
Date

## Attachment 3 (Added-SCOTT)

## CIVILIAN PHYSICAL FITNESS PROGRAM

## Figure A3.1. (SCOTT) Request for Approval of Excused Absence &amp; Memorandum of Understanding for Physical Fitness Activities.

*REQUEST FOR APPROVAL OF EXCUSED ABSENCE &  
MEMORANDUM OF UNDERSTANDING FOR PHYSICAL FITNESS ACTIVITIES***EMPLOYEE:**

I, \_\_\_\_\_, request approval of excused absence, not to exceed 3 hours per week, for the sole purpose of participating in physical fitness/wellness activities. I understand (employee must initial each line):

- \_\_\_\_\_ I may only utilize on-base facilities during any period of excused absence for physical fitness activities.
- \_\_\_\_\_ My participation is subject to supervisory scheduling and second-level approval.
- \_\_\_\_\_ If my request is not approved or I cannot be released from work for physical fitness activities due to mission requirements, I may not challenge the decision unless the decision is arbitrary or capricious.
- \_\_\_\_\_ Overtime and compensatory time may not be approved nor earned on days when use of duty time is approved under this program except in emergency situations.
- \_\_\_\_\_ I must record each absence on my time sheet/card with the appropriate code for administrative leave (LN) along with the Environmental/Hazard code "PF" and reason "Physical Fitness."
- \_\_\_\_\_ My 3 hours per week may be spread throughout five days in increments of 0.5 to 1.5 hours per session. The time may not be accumulated and includes travel time, time spent dressing/showering/cleaning up, etc.
- \_\_\_\_\_ I must sign in and out at the appropriate level to record participation.
- \_\_\_\_\_ That in order to enhance mission effectiveness, I must make every effort to improve my health and well-being during any period of excused absence for the purpose of physical fitness.
- \_\_\_\_\_ That this request must be accompanied by a doctor's statement, at my own expense, that physical fitness activities are permitted with or without limiting conditions, and should my ability to participate in physical fitness activities become limited in any manner, I will notify my supervisor immediately.
- \_\_\_\_\_ I will obtain a new doctor's statement every 12 months in order to continue participation.

**Employee Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**FIRST LEVEL SUPERVISOR:**

- \_\_\_\_\_ The above named employee is assigned to me.
- \_\_\_\_\_ Enhancement of mission accomplishment has been considered.

Excused absence is recommended/not recommended.

\_\_\_\_\_  
First Level Supervisor Signature

\_\_\_\_\_  
Date

**SECOND LEVEL SUPERVISOR:**

Above request is hereby \_\_\_\_\_ approved / \_\_\_\_\_ disapproved.

\_\_\_\_\_  
Second Level Supervisor Signature

\_\_\_\_\_  
Date

**\*\* FILE ORIGINAL OF THIS FORM AND DOCTOR'S STATEMENT IN SUPERVISOR EMPLOYEE WORK FOLDER (AF FORM 971)**