

DEPARTMENT OF THE ARMY  
HEADQUARTERS, JOINT READINESS TRAINING CENTER & FORT POLK  
FORT POLK, LOUISIANA 71459-5341

CIVILIAN PERSONNEL  
BULLETIN NO. 26-03

7 November 2003

**SCHEDULING, USE, FORFEITURE, AND/OR RESTORATION  
OF EXCESS ANNUAL LEAVE**

1. Supervisors are reminded of the obligation to review the annual leave balances/schedules with their subordinate employees and assure that annual leave subject to forfeiture is scheduled to be taken prior to 10 January 2004. Despite the best of planning early in the leave year, situations develop wherein employees approach the end of the leave year with significant amounts of annual leave that must be used or forfeited. This excess "use or lose" annual leave is subject to forfeiture if it is not used prior to 10 January 2004. Only excess leave scheduled prior to 30 November 2003 to be taken by the end of the leave year, and subsequently cancelled, may be considered for restoration under the provisions addressed in the following paragraphs.

2. Section three of Public Law 93-181 and Title 5, United States Code, Chapter 63, allow annual leave to be restored when it has been forfeited due to the following conditions:

a. Administrative error when the error caused the loss of scheduled annual leave.

b. Exigencies of public business when the annual leave was scheduled in advance.

c. Sickness of the employee when the annual leave was scheduled in advance.

3. To exercise the provisions provided by the law, forfeited annual leave can be considered for restoration only when the following requirements are met:

a. The leave was originally scheduled in writing and approved by the supervisor.

b. The leave was scheduled at least three pay periods (NLT 30 November 2003) prior to the end of the leave year. This requirement is law and may not be waived or modified even where extenuating circumstances may exist.

c. Any exigency, causing the cancellation of scheduled

annual leave, must be fully documented with respect to why the activity could not plan for exigency. Documentation must reflect that there was no reasonable alternative to the cancellation of the leave due to the emergency or operational demand being of such importance as to preclude the use of scheduled annual leave. Except in emergency situations, the determination that there is an exigency is a decision that is to be made in advance of the cancellation of scheduled leave. Exigencies must be approved and documented by the Garrison Commander, MEDDAC Commander, DENTAC Commander, or Operations Group Commander.

d. When the loss of annual leave is due to illness or injury, the absence must be documented by medical authorities. It should be noted that sickness for which a grant of sick leave would be approved is not in itself a basis for permitting annual leave to be forfeited and subsequently restored.

4. An exigency or sick leave occurring early in the leave year will not suffice as a reason or basis for restoration. Documentation must reflect that annual leave interrupted or cancelled due to emergencies was rescheduled for a later date and again cancelled under similar circumstances.

5. The keys to non-forfeiture are good planning; leave schedules approved, in writing, early in the leave year; and well-documented changes, thereto, as they occur.

6. For further assistance and/or information regarding the scheduling of annual leave, contact the Civilian Personnel Advisory Center, at 531-4020.

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DONALD R. MALLETT  
Director, Civilian  
Personnel Advisory Center

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