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Fort Polk, Louisiana 71459-5341

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Number 690-20

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Civilian Personnel  
LEAVE ADMINISTRATION AND ABSENCES

The pronouns he, his, and him when used in this regulation are intended to include both the masculine and feminine genders. Any exception to this will be so noted. Any conflict arising between this regulation and regulations of higher authority will be resolved in favor of the regulations of the higher authority.

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PART I

LEAVE ADMINISTRATION

CHAPTER 1

INTRODUCTION

1-1. PURPOSE. The purpose of this regulation is to establish procedures and assign responsibilities to managers and supervisors on the administration of leave and absences. It is intended to aid managers and supervisors in carrying out their responsibilities to ensure that the handling of leave and absences is fair, taking into consideration the personal needs of the employees versus the mission requirements of the agency.

1-2. REFERENCES.

- a. Title 5, United States Code (U.S.C.), Chapter 63 - Leave.
- b. 5 Code of Federal Regulation (CFR), Part 63, Absence and Leave.
- c. Negotiated Agreement between Fort Polk and National Association of Government Employees (NAGE) Local R5-168.
- d. Negotiated Agreement between Fort Polk and International Association of Firefighters (IAFF) Local F-215.

1-3. SCOPE.

a. Part I and Part II of this regulation apply to all commands, staff offices, and activities served by the Directorate of Civilian Personnel (DCP) that have employees paid from appropriated funds. Where this regulation is in conflict with a Department of the Army (DA) approved negotiated union-management agreement, the provisions of the agreement will be applicable, unless changes are required by law or by regulations of appropriate authorities.

b. Part III of this regulation applies to all DA appropriated fund civilian employees assigned to Forces Command

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(FORSCOM) or tenant activities, who are eligible to accrue and use leave and are serviced by the DCP of this installation.

c. Part IV of this regulation applies to all employees, as identified in subparagraph a above, who have completed at least 12 months of service as employees (not required to be 12 recent

or consecutive months). Intermittent employees or temporary employees serving on an appointment for 1 year or less are excluded from coverage under this part.

1-4. HISTORY. This is the first printing of this revised publication. This publication is the result of combining Joint Readiness Training Center (JRTC) and Fort Polk Pamphlet 690-3, Supervisor's Handbook, Absence and Leave Administration, and Joint Readiness Training Center and Fort Polk Regulation 690-20, Voluntary Leave Transfer Program.

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CHAPTER 2

POLICIES AND PROCEDURES

2-1. POLICY. Leave administration is both a personnel and a fiscal matter. This installation's leave policy and administrative procedures are outlined in this regulation. Each supervisor

is responsible for being thoroughly familiar with the regulation, and applying it equitably and consistently.

2-2. RESPONSIBILITIES.

a. Commanders are responsible for delegating responsibility for actual administration of leave to the lowest practicable level of supervision.

b. Supervisors are responsible for the following:

(1) Ensuring that leave is administered effectively. This includes approval and disapproval of leave based on judgments of mission requirements.

(2) Scheduling work of the organizational element, insofar as practical, to ensure that employees may use their leave when compatible with mission requirements.

(3) Scheduling planned vacations. Where negotiated union-management agreements are applicable, scheduling will be accomplished in accordance with the negotiated agreements.

(4) Initiating informal and formal disciplinary actions, based on the merits of each individual case, on employees who absent themselves from work without approved leave.

(5) Ensuring employees are informed of persons authorized to approve/disapprove leave, the types of leave, and the procedures for requesting and obtaining approval of leave.

c. Employees are responsible for the following:

(1) Regular, dependable presence on the job.

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(2) Requesting and obtaining supervisory approval of leave prior to its use.

(3) Reporting unexpected absences as soon as possible, normally no later than 2 hours after the beginning of their tour of duty or in accordance with the negotiated agreements, as applicable.

(4) Planning vacations in advance to assist their supervisors in workload planning.

d. Other responsibilities are defined under the specific types of leave or absences covered in the other chapters of this regulation.

2-3. PROCEDURES. Procedures for leave and absences are outlined in the individual chapters of the regulation.

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CHAPTER 3  
ANNUAL LEAVE

3-1. EXPLANATION OF TERM. Annual leave is the absence from duty with pay to provide the employee with vacation time or other time off for personal reasons.

3-2. ACCRUAL.

a. The amount of annual leave a full-time employee earns varies with his years of Federal service, as follows:

(1) Employees with less than 3 years of service accrue 4 hours each pay period, or 13 workdays annually.

(2) Employees with 3, but less than 15, years of service accrue 6 hours each pay period (10 hours for the last complete pay period of the calendar year), or 20 workdays annually.

(3) Employees with 15 or more years of service accrue 8 hours each pay period, or 26 workdays annually.

b. Part-time employees accrue annual leave in direct relationship to the number of hours worked. Intermittent employees and employees on temporary appointments of less than 90 days do not accrue annual leave.

3-3. ACCRUAL DURING ABSENCE. Annual leave accrues to the employee's credit while he is in a pay status, including periods of absence with pay. It also accrues for any period of non-pay status, except under the conditions below, provided there is a return to duty.

a. When absences without pay total the equivalent of the base hours of a pay period (80 hours), no annual leave will be earned for this period.

b. During absence without pay for periods of disability, no accrual will be credited if the employee is receiving disability compensation.

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3-4. CREDITING AND CHARGING OF LEAVE. Leave accrues to the employee's leave account in 1-hour units and is credited at the end of the pay period in which it is earned. Leave is charged only for absences on days which are scheduled workdays and is not charged for holidays or other nonworkdays.

a. The minimum chargeable annual leave time is 15 minutes. Absences of less than 15 minutes will not be accumulated from day to day for the purpose of charging annual leave. It is within

administrative discretion, however, to accumulate absences within a single day for leave charge purpose.

b. Employees cannot be required to work during any period for which leave is charged. An employee will not be charged with annual leave when he is in his seat or is accounted for in the work area when the tour of duty begins.

3-5. SCHEDULING ANNUAL LEAVE. The two main considerations in scheduling leave are the effect of insufficient vacation or leave time on employees and the effect of leave on productive time. Leave will be scheduled and approved when it can best be taken without seriously affecting production. Annual leave will be scheduled early in the calendar year, or as specified in the **negotiated agreements**, and such schedule must be based on anticipated workload and employee desires. As soon as practicable thereafter, the leave schedule will be prepared and made known to the employees so that they can make their plans accordingly.

3-6. GRANTING ANNUAL LEAVE. Although an employee has an absolute right to use or take annual leave when leave is to be used is a management prerogative. Annual leave will be granted to employees at such times and in such amounts as work conditions permit. When employees can be spared from their duties, annual leave will be granted freely for personal or emergency purposes to avoid large accumulations.

a. Normally, employees will not be denied an opportunity to use annual leave which they will otherwise be required to forfeit at the end of the leave year by reason of maximum accumulation and forfeiture rules. Denial of its use will be based upon

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factors which are reasonable and equitable and which do not discriminate against any employee or group of employees.

b. Employees will normally apply for annual leave prior to absence. In emergency situations when circumstances warrant, retroactive approval may be given. In the event of a conflict in scheduling between employees at the same grade level and position and within the same department or section, length of time in the job will be the determining factor. Once the vacation leave has been scheduled, the employee concerned may request a change, provided the leave choice of another employee is not changed. To

assist in maintaining maximum efficiency and productivity of each employee, and to the extent permitted by work conditions, supervisory officials will plan to allow each employee annually an extended period of leave for rest and relaxation (normally 2 weeks).

c. Authority for approving leave will be delegated to the first full level of supervision; determination as to the amount of leave granted will generally, be based on mutual agreement between the employee and his supervisor.

d. The procedures for granting annual leave to non-supervisory employees of the Directorate of Public Works, Fire and Emergency Services, will be in accordance with the appropriate negotiated agreement.

### 3-7. EMERGENCY ANNUAL LEAVE.

a. When emergencies arise requiring the use of annual leave not previously approved, approval of the leave may not be presumed by the employee.

(1) Except where circumstances beyond the control of the employee do not permit, the employee must contact his supervisor or other designated person either personally or by phone and request and obtain permission for the absence. This will not occur later than 2 hours after the beginning of the employee's workday.

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(2) Employees engaged in patient care and nutrition care must contact their supervisor either personally or by phone as early as possible but not later than the beginning of the workday and request and obtain permission for the absence. Employees in patient care are Nursing Assistants, Licensed Practical Nurses, and Medical Clerks-Receptionists in the Medical Department Activity (MEDDAC), Clinical Support Division.

(3) A non-supervisory employee of the Directorate of Public Works, Fire and Emergency Services, must contact his supervisor or designated representative by telephone or other appropriate means as early as possible, but not later than 15

minutes after the beginning of the employee's tour of duty and request and obtain permission for the absence.

b. The fact that a request is made is not tantamount to approval. The supervisor will request the employee provide an explanation at the time of the telephonic request so that the supervisor is in a position to approve, deny, or stipulate conditions which need to be met for approval.

c. If a condition for approval was established and not met, upon the employee's return to duty, the absence may be charged to absence without leave (AWOL).

3-8. MAXIMUM ACCUMULATION. The majority of Federal employees may accumulate annual leave for later use up to a maximum of 30 workdays (240 hours). Under certain conditions, employees serving outside the United States may accumulate up to 45 days of annual leave.

3-9. CANCELING ANNUAL LEAVE. When it is necessary to withdraw approval of vacation leave, the supervisor will notify the employee as soon as possible prior to the employee's scheduled vacation period. Approval will not be withdrawn during the 30 days immediately preceding an employee's scheduled vacation period except for compelling reasons that necessitate retaining him on duty. Canceling annual leave as a result of an exigency of public business, which will result in forfeiture of annual leave, is discussed in paragraph 3-10d below.

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3-10. RESTORATION OF FORFEITED ANNUAL LEAVE.

a. Annual leave which an employee forfeited because of administrative error, exigencies of the public business, or sickness may be restored to a separate leave account. The leave which was forfeited must have been scheduled in writing at least three biweekly pay periods prior to the end of the leave year in order to be considered for restoration.

b. Employees, who forfeit annual leave under the conditions listed in paragraph a above, may submit a written request to their immediate supervisor asking for restoration of annual leave no later than the end of the leave year following the leave year

in which the annual leave was forfeited. The request will include the following documentation:

(1) The calendar date the leave schedule was approved (the annual leave must have been scheduled and approved at least three pay periods prior to the end of the leave year in order to be considered for restoration).

(2) The date(s) during which the leave was scheduled for use and the amount of leave (days/hours) that was scheduled.

(3) Reason(s) for subsequent canceling of approved leave (in the case of an exigency of the public business). This documentation must include the beginning and ending dates of the exigency and a copy of commander's approval of the exigency (see paragraph d below).

(4) The calendar date the canceled leave was rescheduled for use.

(5) The date(s) during which the leave was rescheduled for use and the amount of leave (days/hours) that was to be used on each date.

(6) A Standard Form (SF) 71, Application for Leave, indicating the total amount of forfeited annual leave requested for restoration, signed by the employee, and approved by the immediate supervisor.

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c. Upon receipt of the employee's request for restoration of forfeited annual leave, the supervisor will determine whether or not the documentation is adequate. If the documentation **is not adequate**, the request will be returned to the employee with an explanation. If the documentation **is adequate**, the supervisor and his chain of command will recommend the restoration of leave and forward the recommendation and all supporting documentation to the Directorate of Civilian Personnel (DCP), Labor/Management-Employee Relations and Training (LMERT) Division for processing.

d. In cases when annual leave was forfeited due to exigencies of the public business, the existence of the exigency must be approved by the commander **before** the employee's request for restoration of annual leave can be granted. This is normally

done in advance of the cancellation; however, bona fide emergencies will preclude making this decision in advance.

(1) The determination that the exigency is of such importance that the employee cannot be excused from duty is a separate decision. The decision must be made outside the immediate organizational unit affected by the exigency, and may not be made by any employee whose leave will be affected by the decision. Therefore, the organization must obtain approval from the commander or appropriate authority for the existence of an exigency before recommending that leave be restored to an employee under these conditions.

(2) The request for approval of an exigency with supporting justification will be submitted to the DCP, LMERT Division, for processing as soon as possible after the knowledge of the exigency is known.

e. Restored annual leave must be scheduled and used not later than the end of the leave year ending 2 years after:

(1) The date of restoration of the annual leave forfeited because of administrative error; or

(2) The date the employee is recovered and able to return to duty if the leave was forfeited because of sickness; or

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(3) The date fixed by the agency head, or his/her designee, as the termination date of the exigency of the public business that resulted in forfeiture of the annual leave.

f. Except as noted in paragraph g below, any restored leave unused at the expiration of the maximum 2-year limitation is forfeited with no further rights to restoration.

g. In the case of an **extended exigency**, restored annual leave must be scheduled and used within a period equal to twice the number of full calendar years, or parts thereof, during which the exigency existed. This period begins at the beginning of the leave year following the leave year in which the exigency is declared to be ended. An extended exigency means an exigency of such significance as to:

- (1) Threaten the national security, safety, or welfare;
- (2) Affect a segment of an agency or occupational class;
- (3) Last more than 3 calendar years; and
- (4) Preclude subsequent use of both restored and accrued annual leave within the 2-year time limit.

h. The authorization for restoration of annual leave will be forwarded to the appropriate payroll office by the LMERT Division and will include a statement as to the regulatory time limit for use. One copy of the approval will be sent through the immediate supervisor to the employee.

### 3-11. ADVANCING ANNUAL LEAVE.

a. Directors are delegated the responsibility for approving requests for advanced annual leave. Annual leave which will accrue to an employee during the current leave year may be made available in advance of the actual credit to the employee's account.

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(1) If the employee's request for advance leave is denied, the denial will be based upon factors that are reasonable, equitable, and do not discriminate.

(2) Employees known to be separating or retiring during the year may not be advanced an amount to exceed that which will accrue prior to the forthcoming separation or retirement.

(3) Employees serving under temporary limited, term appointments, or under probationary or trial periods, may be advanced or have made available to them only that amount of annual leave which is reasonably assured will be subsequently earned. However, granting advance leave will not normally be appropriate because the nature of these positions is such that they may be terminated with minimum or no advance notice.

b. The procedures to request advance annual leave are as follows:

(1) An employee will submit his request for advance annual leave, to his supervisor using the form at Figure 3-1. The request will explain the purpose of the requested leave and a completed SF 71 will be attached.

(2) Upon receipt, the supervisor will consider the following:

(a) The employee's current leave balance, the number of hours requested, and the amount of leave the employee will earn by the end of the leave year.

(b) History of the employee's leave usage.

(c) The reason for the requested leave.

(d) The impact of the absence on the mission.

(e) The employee's status (temporary limited, term, probationary, retiring, etc.).

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(3) The supervisor will forward the request, with his recommendation and the basis for the recommendation, through the chain of command to the director/activity commander for final approval/disapproval.

c. The approved request (i.e., signed SF 71, request, recommendation, and approval) for advance annual leave must be sent to the appropriate payroll office prior to the leave being taken. A copy of the approval will be furnished to the employee. A disapproved request will be returned to the employee with an explanation of the reason for denial. The DCP does not need to review the request for advance annual leave.

d. Refunds will be required for any negative annual leave balance remaining at the end of the leave year, except when the negative balance is a result of extended Leave Without Pay

(LWOP). In such instances, negative balances may be carried forward to the next leave year.

3-12. REQUIRING ANNUAL LEAVE TO BE TAKEN.

a. When an employee's services are not needed for short periods of time, or when it is otherwise desirable, management may direct the use of annual leave to the extent that such credits are available for use, except that an employee may not be placed on annual leave without his consent during any period of notice of adverse personnel action for cause. The authority to require that annual leave be taken is delegated only to the director. Shortages of work and/or funds may require that all employees or groups of employees on particular projects or activities be placed on annual leave.

(1) When a 24-hour advance notice can be given, employees who cannot be reassigned to other work must be placed on annual leave with or without their consent.

(2) When unavoidable circumstances make a 24-hour notice impractical, employees may be placed on annual leave with or without their consent if notice is given before the end of the work period immediately preceding the one in which they are to be

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placed on leave. Such action will be proper and not considered discriminatory.

(3) In no cases will annual leave be charged as a disciplinary measure.

b. The commander decides whether or not to close the installation during inclement weather. If the commander determines in advance of the beginning of a tour of duty that the activity will remain open, all regularly scheduled personnel are expected to make a reasonable effort to report for duty. In this case, if an employee decides that weather or road conditions in his locality are too hazardous to commute to work, the employee will request annual leave, following normal procedures. If the employee does not request annual leave to cover his absence, the supervisor will advise him, that the absence will be charged as AWOL.

3-13. TRANSFER OF ANNUAL LEAVE. An employee may request to be a recipient of donated annual leave under the Voluntary Leave Transfer Program upon experiencing a medical emergency. A medical emergency is a medical condition of an employee or a family member of such employee that is likely to require his prolonged absence from duty and to result in a substantial loss of income to such employee because of the unavailability of paid leave. Specific criteria and procedures are outlined in Part III of this regulation.

3-14. PAYMENT FOR ANNUAL LEAVE. Employees are entitled, upon separation, to payment for all annual leave to their credit. This includes their regular carryover balance from the previous leave year, any accrued and unused annual leave during the current leave year, plus any unused restored annual leave maintained in a separate account.

3-15. IN LIEU OF SICK LEAVE. Periods of approved absences which are properly charged to sick leave will, if sick leave credits are exhausted, be charged to annual leave, or LWOP if no annual leave is accrued.

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CHAPTER 4  
SICK LEAVE

4-1. EXPLANATION OF TERMS.

a. ADOPTION refers to the legal process in which an individual becomes the legal parent of another's child. The source of an adopted child, e.g., whether from a licensed placement agency or otherwise, is not a factor in determining eligibility for leave under this chapter.

b. FAMILY MEMBER means the following relatives of the employee:

- (1) Spouse, and parents thereof;
- (2) Children, including adopted children, and spouses thereof;

(3) Parents;

(4) Brothers and sisters, and spouses thereof; and

(5) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

c. FOSTER CARE means 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement by the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family to take the child.

d. IN LOCO PARENTIS refers to the situation of an individual who has day-to-day responsibility for the care and financial support of a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

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e. MEDICAL CERTIFICATE means 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.

f. HEALTH CARE PROVIDER means:

(1) 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;

(2) A person providing health services who is not a medical doctor, but who is certified by a national organization and licensed by a State to provide the service in question; or

(3) A Christian Science practitioner listed with the First Church of Christ Scientist, in Boston, Massachusetts.

g. PARENT means a biological or adoptive parent or an individual who stands or stood in loco parentis to an employee when the employee was a child. This term does not include parents "in-law."

h. SERIOUS HEALTH CONDITION means an illness, injury, impairment, or physical or mental condition that involves the following:

(1) Any period of incapacity or treatment in connection with or consequent to inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;

(2) Any period of incapacity requiring absence from work, school, or other regular daily activities, of more than 3 calendar days, that also involves continuing treatment by, or under the supervision of, a health care provider; or

(3) Continuing treatment by, or under the supervision of, a health care provider for a chronic or long-term health

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condition that is incurable or so serious that, if not treated, will likely result in a period of incapacity of more than 3 calendar days; or

(4) Prenatal care.

i. SON or DAUGHTER means a biological, adopted, or foster child; a stepchild; a legal ward; or a child or a person standing in loco parentis who is:

(1) Under 18 years of age; or

(2) Eighteen years of age or older and incapable of self-care because of a mental or physical disability. A son or daughter incapable of self-care requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" or "ADLs."

j. SPOUSE means a husband or wife, as defined or recognized under State law for purposes of marriage, including common law marriage in states where it is recognized.

4-2. SICK LEAVE USAGE. Sick leave will be granted to an employee as follows:

a. For the purpose of receiving medical, dental, or optical treatment or examination;

b. When it is established that an employee is unable to perform his/or her duties because of physical or mental illness, injury, pregnancy, or childbirth;

c. When his presence on the job will, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others because of exposure to a communicable disease;

d. When he must be absent from duty for purposes relating to the adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings;

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required travel; and any other activities necessary to allow the adoption to proceed;

e. In order 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

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

4-3. COMMUNICABLE DISEASE.

a. An employee can use sick leave during the time a health authority or a health care provider determines that the employee's exposure to a communicable disease will jeopardize the health of other employees. The key determination is whether a particular illness will jeopardize the health of other employees. Leave approving officials will rely on the expertise of health authorities or health care providers in determining whether a

communicable disease will place the health of other employees in danger.

b. Once the determination is made that an employee's exposure to a communicable disease no longer jeopardizes the health of other employees, this provision no longer applies. If the employee wants to provide care to the affected family member, the employee can request sick leave, under the family care provisions, or other appropriate leave (e.g., annual leave).

4-4. ADOPTION. As of 2 December 1994, an employee can use sick leave for purposes relating to the adoption of a child. Sick leave is justified for an activity that is necessary to allow an adoption to proceed. For example, if an adoption agency or court, **orders or requires** adoptive parent(s) to take a specific period of time off to bond with the child, sick leave can be granted. However, sick leave is not justified if adoptive parent(s) wish, on their own, to remain at home to bond with the child. Activities necessary to allow the placement of a child with an employee for foster care are **not** included under this provision. Employees **cannot** use sick leave for such purposes.

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4-5. FEDERAL EMPLOYEES FAMILY FRIENDLY LEAVE ACT (FFLA). The FFLA, Public Law 103-388, was signed by the President of the United States on 22 October 1994. The Act provides for a 3-year pilot program wherein Federal employees may use a limited amount of sick leave for family care or bereavement as indicated in paragraph 4-2e and f above. The use of sick leave under the FFLA became effective 2 December 1994.

a. As of 2 December 1994, sick leave can be used by an employee to give care or otherwise attend to a family member having an illness, injury, or other condition which, if an employee had such condition, will justify the use of sick leave. In other words, if the family member were an employee, and his condition will justify the use of sick leave, then the employee's use of sick leave to care for that family member is justified. For example, the employee's child has the flu. If that child were an employee, sick leave will be justified. Therefore, sick leave is justified for the employee who gives care to that child. As another example, an employee's parent has a medical examination. If that parent were an employee, sick leave will be

justified. Therefore, sick leave is justified for the employee to accompany the parent to the examination.

b. As of 2 December 1994, employees can use sick leave for purposes related to the death of a family member, to include making the arrangements necessitated by the death and/or attending the funeral. Examples are travel and attending memorial services, pre-funeral gatherings/ceremonies, or the reading of the will.

#### 4-6. LIMITED AMOUNT OF SICK LEAVE USED UNDER THE FFLA.

a. Full-time employees may use up to 40 hours (5 workdays) of sick leave each leave year for the following:

(1) To provide care for a family member.

(2) To make arrangements necessitated by the death of a family member or attend the funeral of a family member.

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b. There are no similar limits on the amount of sick leave an employee can use for examination or treatment, incapacitation, communicable disease, or adoption. This sick leave does not count toward the limits described in subparagraphs (1) and (2) above.

c. In addition, a covered full-time employee, who maintains a balance of at least 80 hours of sick leave, will be able to use an additional 64 hours (8 workdays) of sick leave per year for these purposes, bringing the total amount of sick leave available for family care and bereavement purposes to a maximum of 104 hours (13 workdays) per year for employees who satisfy this condition.

d. Part-time employees, or employees with an uncommon tour of duty, may use the number of hours of sick leave that is equal to the average number of hours of work in the employee's scheduled tour of duty each week. In addition, a part-time employee, or an employee with an uncommon tour of duty, who maintains a sick leave balance equal to at least twice the average numbers of hours of work in the employee's scheduled tour

of duty each week, may use an amount equal to the number of hours of sick leave normally accrued by the employee during a leave year.

e. Requests for sick leave under the provisions of the FFLA will be considered, approved, and processed in the same manner as other sick leave, except that an SF 71 will be required to document the leave usage (see paragraph 4-11 below). "Family Friendly Leave Act" or "FFLA" will be annotated in the remarks section of the SF 71 in order to maintain statistics as required for reporting purposes. Medical documentation, for the purpose of taking sick leave to care for a family member under these procedures, will be required in the same manner as normally applies to the employee taking sick leave. See paragraph 4-12 below.

f. If an employee does not use any or all of the amount of sick leave provided for family care or bereavement purposes in a leave year, it cannot be accumulated in succeeding years to be used to care for a family member or for bereavement purposes.

#### 4-6

4-7. ACCRUAL. Sick leave accrues to the employee's credit at the rate of 4 hours each pay period beginning with the first full pay period, regardless of type of appointment, years of service, or completion of a qualifying period. There is no maximum with regard to the accrual of sick leave. The unused hours will be carried forward from year to year to furnish protection in case of extended illness. The minimum charge of sick leave is 15 minutes, and additional charges to sick leave are in multiples thereof.

4-8. SUBSTITUTION OF SICK LEAVE FOR ANNUAL LEAVE. When sickness occurs during a period of annual leave, the period of illness may be charged to sick leave, and the charge against annual leave reduced accordingly. The substitution of sick leave for annual leave may also be requested for family care provided the conditions are met. Generally, the employee will be required to return to duty before a substitution is made; however, where the incapacity is such as to preclude return to duty, the substitution may still be made.

4-9. RETROACTIVE SUBSTITUTION OF LEAVE. Sick leave accrued after a period of absence may not be retroactively substituted

for such absence. Accumulated or accrued sick leave credits may not be retroactively applied to any period of LWOP which was requested and granted. Annual leave may not be substituted for a period of sick leave previously granted.

4-10. INSUFFICIENT SICK LEAVE TO COVER ABSENCE. When an employee's sick leave credits are exhausted during a period of illness, the portion of absence which is not covered by sick leave will be charged to annual leave. When annual leave credits are exhausted, leave without pay may be approved.

4-11. PROCEDURES FOR REQUESTING SICK LEAVE.

a. Requests for sick leave because of incapacitating physical or mental illness or injury shall be made by the employee, to the supervisor or his designated representative, by telephone or other appropriate means as early as possible, but no later than 2 hours after the beginning of the employee's tour of duty except where circumstances beyond the control of the

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employee preclude the contact. Employees engaged in patient care (Nursing Assistants, Licensed Practical Nurses and Medical Clerks-Receptionist in the MEDDAC, Clinical Support Division) and MEDDAC, Nutrition Care Division, must contact their supervisor or his designated representative by phone as early as possible but not later than the beginning of the workday, and request and obtain permission for the absence except where circumstances beyond the control of the employee preclude contact.

b. Unless other arrangements have been made, requests for sick leave must be made on each day of absence. Requests for sick leave for prearranged medical, dental, or optical appointments must be made at least 24 hours in advance. Failure to give the notice may result in a charge to AWOL.

c. Requests and approval of sick leave under the provisions of the FFLA will be processed in the same manner as other sick leave, except that an SF 71 will be required to document the leave usage. "Family Friendly Leave Act" or "FFLA" will be annotated in the remarks section of the SF 71 in order to maintain statistics as required for reporting purposes. Supervisors will be required to maintain records of sick leave usage under this

act for reporting purposes. The specific data required, as a minimum, will include the following:

(1) The total number of hours of sick leave used each year per employee under the FFLA; and

(2) The grade or pay level and gender of each employee.

4-12. GRANTING SICK LEAVE. Use of sick leave is subject to the approval of the supervisor. Approval will be based on the determination that requests for sick leave meet the conditions specified in paragraph 4-1 above, and that any required supporting evidence is properly completed and signed. Unless other arrangements have been made, requests for sick leave must be made on each day of the absence. Where there is no reason to doubt that the absence may be properly charged to sick leave, approval will be given at the time of notification. When it has been established that an absence does not meet the conditions for granting sick leave, no sick leave will be approved. The

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supervisor must determine whether to charge the absence to annual leave, LWOP, or AWOL, whichever is appropriate. See Chapter 9 for procedures and bases for charging AWOL.

4-13. REQUIREMENT FOR CERTIFICATION.

a. Normally, an employee's certification will be sufficient to support a charge to sick leave for absences of 3 workdays or less. Absences resulting in a charge to sick leave in excess of 3 workdays will be supported by a medical certificate from a physician.

b. Periods of absence on sick leave in excess of 48 hours will normally be supported by a medical certificate from the physician for all non-supervisory employees of the Directorate of Public Works, Fire and Emergency Services.

c. Employees who, because of illness, are excused from duty by their supervisor shall not be required to furnish a medical certificate to substantiate sick leave for the day excused from duty. Subsequent days of absence shall be subject to the provisions of this chapter or the appropriate negotiated agreement.

d. An employee shall have one full pay period following his return to duty to furnish the required evidence to support a charge to sick leave. In cases of prolonged absence because of illness, an employee must furnish support evidence at reasonable intervals (biweekly) in order to avoid overpayment resulting from failure to obtain such evidence because of nonreturn to duty.

e. The failure to timely submit the evidence may result in a charge of annual leave, leave without pay, or absence without leave, as the circumstances may justify.

#### 4-14. INJURY OR ILLNESS OCCURRING DURING DUTY HOURS.

a. An employee injured in the performance of his duties will be considered to be in a duty status for the time he receives emergency treatment to the extent that such time falls within duty work hours for the day of injury. Employees will report to

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their supervisors any injury sustained in the performance of their duties, no matter how slight. Employees of the United States Government, who are injured in the performance of duty, are covered by the Federal Employees Compensation Act (FECA), but, in order to claim benefits under this Act, certain procedures and regulations must be followed. For specific procedures to follow, refer to JRTC & FP Reg 690-9, Job Related Injuries and Illnesses, and the designated Activity Compensation Coordinator.

b. The employees have the option to report to MEDDAC, Preventive Medicine, Occupational Health Section, for limited palliative treatment of non-occupational conditions. Benefits to be derived are the appropriate disposition of ill employees, opportunities for health education, and increased awareness on the part of occupational health personnel of the types of health problems employees are having. Employees requiring definitive treatment of nonoccupational health problems will be referred to their personal physician or other appropriate health resource. Firefighter personnel will report to the Occupational Health Section or, if after 1600, to the Emergency Room (ER), Bayne-Jones Army Community Hospital (BJACH) prior to departing the worksite because of an illness. Employees will not be charged with leave while being evaluated at the MEDDAC, Preventive Medicine, Occupational Health Section.

c. In the event of serious illnesses or injuries, the following procedures will be followed:

(1) If an employee becomes seriously ill or injured while on duty, the employee will be taken directly to the ER. Emergency cases **will not** be brought to the MEDDAC, Preventive Medicine, Occupational Health Section. Emergencies can be defined as those situations in which employees experience the following while on the job:

(a) Life-threatening symptoms of heart attack or stroke, severe difficulty breathing, profuse bleeding, or loss of consciousness.

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(b) Injuries that may have caused broken bones, second and third degree chemical or thermal burns, or penetrating wounds to the eye or chest.

(2) Co-workers at the scene of an emergency will continue to provide necessary first aid.

(3) When an employee is transported directly to BJACH, the supervisor or his representative will ensure that the following things have been accomplished:

(a) Alerting the ER, phone 531-3368, that a victim is en route.

(b) Obtaining the victim's health record from the MEDDAC, Preventive Medicine, Occupational Health Section and taking it to the ER.

(c) If the emergency is an on-the-job injury, taking a Form CA-17, Duty Status Report, to the ER. It is suggested that several of these forms be completed as much as possible and kept on hand for emergency situations. If an ambulance is required, the supervisor will call extension 531-3361/3362.

(4) If medical personnel determine the on-post facilities are not adequate for treatment of the employee's condition, the employee will be transported to another treatment facility by ambulance or other appropriate transportation. For employees of activities not located at Fort Polk, the supervisor will arrange for appropriate transportation to take the employee to the nearest appropriate treatment facility. In case of injury, the supervisor will ensure that the employee receives the CA-1 form to complete. The supervisor will not complete the form on the employee's behalf to preclude controversy at a later date. The employee will remain in a duty status for any part of the remainder of the tour of duty during which he is receiving treatment.

d. If an employee appears to be under the influence of alcohol or other drugs on duty, the supervisor will do the following:

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(1) Immediately contact the assigned Employee Relations Specialist at extension 531-2804/4431 for assistance. When dealing with a member of the bargaining unit, the local union steward, if readily available, will be advised of the suspicion.

(2) If the employee is disruptive or poses an immediate threat to persons or property, the supervisor will take action to isolate the employee, but not to confront the employee with the suspicion of being under the influence of alcohol or drugs. Deficiencies in performance or peculiarities in conduct will be documented for future reference when citing the circumstances giving rise to the suspicion. In questioning witnesses, the supervisor must use caution not to make a spectacle of an unknown. Forced removal from the workplace (by Military Police) will be a last resort.

(3) The supervisor and an Employee Relations Specialist will arrange with the MEDDAC for an immediate Fitness for Duty Examination, to include a breathalyzer or blood and/or urine test for alcohol or drug content. This will be done even when the employee admits to using or being under the influence of alcohol or drugs during duty hours.

(4) The employee will be informed of the suspicion at this time and requested to accompany the supervisor to the exami-

nation point to submit to examination and release the results to the employer. Refusal to submit to an examination or confirmation of intoxication may result in adverse action against the employee.

(5) When the employee is found to be impaired, the supervisor will release the employee only into the custody of someone who can drive them home, preferably a family member; otherwise, the employee will be isolated at the worksite. The supervisor will consult with the Employee Relations Specialist and decide the appropriate status of the employee; i.e. annual, sick leave, or AWOL. An approved leave status does not excuse the employee from penalty for the preceding behavior. Actions to discipline and rehabilitate the employee will be coordinated with the LMERT Division.

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4-15 RETURN TO DUTY AFTER ABSENCES DUE TO ILLNESS OR INJURY.

a. Employees will report to MEDDAC, Preventive Medicine, Occupational Health Section, for evaluation upon return to duty from absences of 1 work week or more due to illness or injury. Food handlers and patient care personnel will report to MEDDAC, Preventive Medicine, Occupational Health Section, for evaluation after any absence due to illness.

b. MEDDAC, Preventive Medicine, Occupational Health Section, will evaluate the health status of employees returning to duty after any absence due to a job-related illness or injury. This is normally coordinated through the LMERT Division, Workers' Compensation Branch.

4-16. ADVANCING SICK LEAVE. Subject to the provisions contained in this paragraph, sick leave may be authorized in advance of accrual. The amount of sick leave advanced to an employee may never exceed 240 hours at one time. Sick leave under the provisions of the FFLA may be advanced up to the amount authorized for use. Since the advance is to be liquidated by sick leave subsequently accrued when it is known that an employee is to be retired or separated, the amount may not exceed the amount that will accrue prior to separation.

a. Before a request for advance of sick leave may be granted, the following conditions must be met:

(1) All available accumulated sick leave to an employee's credit must be exhausted.

(2) The request must be supported by medical certification. The medical certificate will clearly state the period of time the employee is expected to be incapacitated from duty and the nature of the illness or injury, and will be signed by a medical doctor.

(3) There must be reasonable assurance that the employee will return to duty. In cases where a separation/disability action is pending and the employee has exhausted all sick and annual leave, and is unable to work, an advance of sick leave may

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not be granted. Such employees may request LWOP. The employee may also consider submitting a request to be a recipient of annual leave under the Voluntary Leave Transfer Program, outlined in Part III of this regulation.

b. Requests for advance sick leave will be approved only by activity directors/commanders. When an employee desires an advance of sick leave, the employee will prepare his request, in writing, using the form at Figure 3-1, explaining the circumstances in full; attach a medical certificate testifying to the actual need for advance leave; and forward the request to the supervisor having approval authority for leave.

c. The supervisor will consider the following:

(1) The adequacy of the medical documentation;

(2) The sick leave balance;

(3) The employee's past work history and attendance record; and

(4) The employee's status (temporary limited, term, probationary, retiring, etc.).

d. The request will then be forwarded through channels to the director/commander of the employee's activity. The request and SF 71 will reference that the sick leave is being taken under FFLA, as appropriate. Such leave will be granted with care and discretion, and will be dependent upon circumstances surrounding the request as well as the recommendations of the employee's supervisor, the employee's past work history, and his attendance record. If the request is not favorably considered, it will be returned to the employee stating the reasons. If approved, the appropriate payroll office will be notified. Medical certification will be submitted with the notice to the payroll office or with the employee's time and attendance card.

e. The payroll office will initiate action to notify employees of sick leave indebtedness upon their retirement or resignation (to ascertain the course of repayment). No repayment

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will be obtained from employees approved for disability retirement.

4-17. DISABLED VETERANS. Supervisors must grant disabled veterans such leave as may be necessary in order that the veteran may receive medical treatment. This grant (240 hours of advance sick leave) is obligatory when the veteran presents an official statement from a properly licensed medical practitioner or officer of a government hospital that treatment is necessary. The veteran must notify his supervisor far enough in advance to permit making arrangements for carrying out work during his absence. The notice must also state the days on which the employee expects to be absent.

4-18. SICK LEAVE CONTROLS. Supervisors are responsible for ensuring that the reasons for the absence warrant the granting of sick leave. Supervisors are responsible for monitoring sick leave usage. Prudent use of sick leave can be encouraged and sick leave controlled through proper exercise of supervisory authority. Sick leave is a benefit to which employees are entitled by law and must be approved when warranted. Supervisors must know the extent of their authority to grant sick leave, as well as the limitations on that authority.

a. The supervisor is responsible for the orientation of new employees with respect to privileges, restrictions, and

responsibilities provided by the regulations governing leave administration.

b. Supervisors will periodically disseminate information to ensure that employees are fully aware of their responsibilities in the proper use of sick leave. Supervisors will actively encourage employees to seek help and early resolution of health problems, in order to decrease sick leave usage and to prevent sick leave abuse.

(1) When an employee's sick leave usage, or pattern of usage, is excessive or indicates possible sick leave abuse, the immediate supervisor will discuss the findings with the employee. A pattern of sick leave usage in conjunction with weekends, holidays, paydays, or a repetitive use of sick leave in 3-day

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increments is indicative of possible sick leave abuse. The purpose of the interview is to find out the state of the employee's health and point out to him that the amount and or pattern of sick leave used suggests possible abuse. The discussion will be used to help uncover problems in the work situation which may be producing tensions and frustrations which can cause illness, or which can lead the employee to use sick leave for minor ills. All counseling sessions will be documented by a Memorandum for Record.

(2) If the discussion fails to provide a satisfactory explanation for the excessive use of sick leave, the employee will be advised, in writing, that he will be required to submit a medical certificate for each subsequent absence for illness. The supervisor will submit a draft letter with the sick leave usage data, to DCP, LMERT Division, for review prior to issuance. The supervisor will review the employee's sick leave record periodically. Once the review reveals a substantial improvement in attendance and usage of sick leave, the employee will be notified, in writing, that a medical certificate will no longer be required for each absence. If there has been no satisfactory improvement, the employee will be advised, in writing, at least every 6 months that the requirement will be continued.

4-19. RESTRICTION DURING PERIOD OF SICK LEAVE. Employees are required to contact their supervisor, by telephone or other appropriate means, and secure approval prior to engaging in

outside employment on one or more days for which sick leave has been approved.

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Office Symbol (690)

Date

MEMORANDUM FOR

SUBJECT: Suspected Abuse of Sick Leave

1. A review of your leave record from \_\_\_\_\_ through \_\_\_\_\_, as shown on the enclosure, reflects that you have used \_\_\_\_ hours of annual leave and \_\_\_\_ hours of sick leave, much of which was not scheduled in advance, and you were carried in an Absent Without Approved Leave (AWOL) status for \_\_\_\_ hours. There were \_\_\_\_ hours available for work during this period, of which you were absent a total of \_\_\_\_ hours or \_\_\_\_% of the time. \_\_\_\_ of these absences occurred on either paydays or consecutive days adjacent to paydays. As a result of this review, your use of unscheduled leave, and absences without leave appears excessive. There is reason to believe that you are abusing the sick leave privilege.

2. You were previously counseled concerning your use of unscheduled leave and the charges of AWOL.

3. The purpose of this counseling is to assist you in correcting your poor attendance and advise you that your deficiencies in attendance cannot continue. If you believe that a personal problem or difficulty may be affecting your attendance at work, I will arrange for referral/counseling through any of several

appropriate sources. While personal difficulties can be extremely bothersome, they must not be allowed to interfere with the duties of your job. Again, you are advised that your continued absenteeism cannot be tolerated.

4. I am naturally concerned about your health and general well-being. However, as a supervisor, I must concern myself not only with helping employees conserve leave for unexpected emergencies, but with the efficient operation of our assigned mission as well. Obviously, any significant number of absences from duty

Figure 4-1. Sample Memorandum of  
Suspected Abuse of Sick Leave

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Office Symbol

SUBJECT: Suspected Abuse of Sick Leave

negatively impacts those concerns. Therefore, this is notification to you that there is reason to suspect that you may be abusing your sick leave privilege. For this reason, you are hereby notified that the following procedures will govern the granting of leave, effective immediately:

a. You must make all requests for leave directly to me for each day of absence, either personally or by telephone at 531-\_\_\_\_ or \_\_\_\_\_. If I am not available, you must contact \_\_\_\_\_ at \_\_\_\_\_. Only I or \_\_\_\_\_, in my absence, can approve your request for leave.

b. When incapacitating sickness or injury prevents you from reporting to work as scheduled, you must request emergency sick leave within 2 hours after your scheduled time for reporting to duty. You are required to call each day unless it is known and approved in advance that the absence will last longer than 1 day. Any absence charged to sick leave will require a doctor's statement upon your return to duty. The doctor's remarks on this statement must include:

(1) The diagnosis and prognosis of the illness or injury.

(2) A statement that your illness or injury prevented you from working.

(3) The day(s) and time(s) during which your illness or injury prevented you from working, and

(4) If your absence is due to exposure to a contagious disease, a certificate from the appropriate health authority is required.

c. Sick leave for prearranged medical, dental, and optical appointments must be requested at least 24 hours in advance. The 24-hours advance notice requirement may be waived in cases beyond

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Office Symbol

SUBJECT: Suspected Abuse of Sick Leave

your control. In this case, you are required to request leave as far in advance as possible. Proof that you did in fact have the scheduled appointment will be required.

d. Annual leave will be approved only if scheduled in advance or if a valid emergency exists. A request for emergency annual leave must be made no later than 2 hours after the beginning of your tour of duty. The validity of the emergency will be determined by me. When a hardship is created by your request for emergency leave, only those emergencies caused by the death or emergency hospitalization of an immediate family member, your involvement in an accident, or other similar emergency situations will be accepted, subject to my approval on a case-by-case basis. Within 3 workdays of your return from emergency leave, you will be required to provide me with written proof that a bona fide emergency existed. If you do not have acceptable proof, you will be charged as absent without approved leave (AWOL).

5. Failure to comply with the provisions set forth in this letter may result in your absence being charged to AWOL. Such a charge may also result in formal disciplinary action, ranging from a written reprimand or suspension, without pay, to removal from the Federal Service.

JRTC & FP Reg 690-20

6. This memorandum is intended to encourage you to use your leave with more care. It will remain in effect for a period of 6 months from the date of your receipt. If your leave usage improves, the requirements of this memorandum will be withdrawn. If not, the time period will be extended. In either case, you will be advised in writing.

7. If you have any questions pertaining to these policies and procedures, or you do not understand the contents of this memorandum and what is expected of you, or if I can assist you in any way, please let me know.

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Office Symbol

SUBJECT: Suspected Abuse of Sick Leave

8. You will acknowledge receipt of this memorandum by signing and dating the record copy.

Encl

Signature

1. Leave Usage Summary

This is to certify that I have received the original of this memorandum. Acknowledgement of receipt does not signify agreement with the contents.

---

Signature

Date

4-20

CHAPTER 5

LEAVE WITHOUT PAY (LWOP)

5-1. GENERAL. Leave without pay is a temporary non-pay status for a specific period of time which may be granted an employee under the conditions and procedures specified below. Leave without pay is a form of approved leave and **may not serve as the basis for formal disciplinary action. An employee cannot demand that he be granted LWOP as a matter of right**, except in the case of disabled veterans, who are entitled to leave without pay if necessary for medical treatment; reservists and National Guardsmen, who are entitled to LWOP if necessary to perform military training duties; and employees requesting LWOP under the provisions of the Family and Medical Leave Program. Periods of LWOP are charged in multiples of 15 minutes (15 minutes is the minimum charge).

a. Leave without pay will not be used indiscriminately in place of annual leave. Annual leave is an employee right. If an employee has an annual leave balance, it is his right to use it. The supervisor, however, may deny its use at a specific time for considerations of adverse impact of the employee's absence on mission accomplishment at that particular time. Except in the cases listed in paragraph 5-1 above and in subparagraph b below, there is no such right to LWOP.

b. Leave without pay is not to be used in lieu of AWOL. The granting of LWOP indicates the supervisor's approval of the employee's absence from the job. Hence, it is not a basis for disciplinary action.

c. Leave without pay generally will not be granted for purposes of accepting employment in private industry or for an extended vacation. Likewise, extended LWOP will not be appropriate for a temporary limited employee.

5-2. CONDITIONS GOVERNING THE GRANTING OF LWOP. When LWOP is requested for reasons of illness or injury, both sick and annual leave credits must be exhausted before LWOP can be approved. Leave without pay will be denied to any employee who has accrued leave to his credit, except under the following circumstances:

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a. When an employee requests LWOP for the purpose of seeking further employment at a new location to which his spouse is being transferred in Federal (civilian or military) Service. Fort Polk's policy is to initially grant 120 calendar days' LWOP to career, career-conditional, and excepted service employees occupying non-temporary positions, who depart a Fort Polk position to accompany a family member to another area. The employee must intend to seek Federal employment in the new area. At the time a request for LWOP is approved under this provision, the employee will be expected to sign a resignation to be effective upon expiration of the approved LWOP or upon request from the employee to terminate LWOP for any reason.

(1) Except in the situation listed in subparagraph (2) below, if the employee has not obtained further Federal employment during the initial period of LWOP, he may request additional LWOP by submitting a written request to his activity prior to the expiration of the LWOP. The Director may approve an extension of LWOP not to exceed (NTE) 1 year.

(2) Employees of the MEDDAC will be granted a maximum of 120 calendar days of LWOP under this provision. Extensions of LWOP beyond the initial 120 days will only be approved where a former employee has been selected for a Federal position and the entrance on duty (EOD) date is scheduled to be after the initial 120-day LWOP period ends.

b. When a reservist requests LWOP to enter on active military duty for a period of 3 months or less for training.

c. When granted to employees who are participating in cooperative training programs or who are in receipt of awards or grants for study or research purposes.

d. When an employee requests up to 12 weeks of LWOP during any 12-month period under the Family and Medical Leave Program. Refer to Part IV of this regulation.

e. When an employee is injured in the line of duty. The employee must be granted LWOP for the entire period for which he is paid disability compensation by the Office of Federal Workers'

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Compensation, regardless of whether or not he has leave to his credit.

5-3. LWOP FOR 30 DAYS OR LESS. In most cases, LWOP of 30 calendar days or less is the result of a lack of sufficient credits to an employee's leave account to cover all or a portion of a requested period of absence. In such circumstances, the absence is subject to the same approval as that required had there been sufficient leave credits. Requests for LWOP for periods of 30 days or less will be handled in the same manner as requests for annual leave and may be approved by the supervisor. Employees in a duty status will apply for leave in advance on SF 71, stating the reason(s) for which leave is being requested in the "Remarks" section. When leave is requested for medical reasons, medical certification is required. If the authority to approve LWOP is delegated to supervisors other than those designated as certifying officers for time and attendance reports, the appropriate payroll office must be notified.

5-4. EXTENDED PERIODS (LONGER THAN 30 CALENDAR DAYS).

a. Except for the employee who must relocate because his spouse is being transferred, eligibility for an extended period of LWOP is not dependent upon type or tenure of appointment. It may be granted at the supervisor's discretion to any employee to whom there has been established a regularly scheduled tour of duty. However, for the reasons stated below, and because periods of LWOP not exceeding 6 months during a calendar year are creditable for retirement purposes, the following considerations are prescribed for the guidance of supervisors.

(1) Each request for LWOP for an extended period must be carefully examined to ensure that the value to the Government is sufficient to offset the cost and administrative inconvenience to the organization which results from the retention of an employee in an LWOP status. Among these costs and inconveniences are:

(a) A vacant position which may necessitate the initiation of a personnel action to fill the position by detail, temporary promotion, or reassignment.

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(b) Loss of services needed by the organization.

(c) Complication of retention registers in the event of reduction-in-force.

(d) Obligation to provide active employment at the end of the approved leave period.

(e) Credit of 6 months of each year toward retirement.

(f) Eligibility for continued coverage (without cost to the employee for up to 1 year in a nonpay status) under the Federal Employee's Group Life Insurance Act and under the Federal Employee's Health Benefits Act.

(2) As a basic condition for approval of an extended period of LWOP, there must be a reasonable expectation that the employee will return to duty in an active, productive capacity at the end of the period of absence, except for employees relocating with their spouses. If considered desirable, written assurance of return to duty may be obtained. The supervisor must also determine that at least one of the following benefits will result:

(a) Increased job ability, such as the result of an absence to attend a course of instruction directly related to the type of work being performed, and completion of which will contribute to the organizations's best interests.

(b) Protection or improvement of an employee's health such as an absence for recovery from illness or disability not of a permanent nature.

(c) Protection of job status while awaiting approval of an application for disability retirement.

(d) Retention of a desirable employee.

(e) Furtherance of a program of interest to the Government (e.g., Peace Corps volunteers).

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b. Requests for LWOP in excess of 30 calendar days may be approved only by the Director/Commander in an amount not to exceed 12 calendar months. Except for employees with relocating spouses, approval may be given as a one-time grant of 12 months, or an initial grant of a lesser amount with extensions thereof, not to exceed a total of 12 months.

(1) An SF 52-B, Request for Personnel Action, must be submitted to the DCP, Technical Service Division, for all LWOP in excess of 30 days. The reason and dates for which LWOP was granted will be shown in the "Remarks" block.

(2) All SFs 52-B for LWOP must have a not to exceed (NTE) date specified. Those SFs 52-B that do not reflect an NTE date will be returned to the submitting office. An SF 52-B submitted for an employee accompanying his spouse to a new duty station will also have a resignation SF 52-B to be effective at the end of the period of LWOP.

(3) In cases where an employee does not return to duty at the end of a period of LWOP in excess of 30 days, supervisors will forward an SF 52 to extend the period of LWOP through the adjusted return to duty date.

(4) If LWOP was originally scheduled for 30 days or less, but extends over 30 days, an SF 52-B will be submitted indicating the date LWOP began as the effective date, and the NTE date.

c. When LWOP is granted to allow the employee to apply for or receive compensation from the U.S. Department of Labor, Office of Workers' Compensation, the supervisor must submit an SF 52-B if LWOP is expected to extend beyond 80 hours.

(1) In block c of the "Personnel Action Requested" section, the supervisor will state "LEAVE WITHOUT PAY NTE\_\_\_\_\_." In block I, "Remarks By Requesting Office," supervisor will state, "On-the-Job Injury. To (or expect to) be paid under 5 U.S.C. 81. On-the-Job Traumatic Injury."

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(2) Where an SF 52-B is submitted to cover LWOP originally scheduled for 30 days or less, but it extends to more than 30 days, a corrected SF 52-B must be submitted to reflect the new NTE date. The following remark will be added: "Correction due to extension of LWOP *beyond* 30 days." This correction is *only* necessary when LWOP was originally requested in on-the-job injury cases.

d. Upon the employee's return to duty after any LWOP previously documented by an SF 52-B, another SF 52-B, indicating the action requested as "Return to Duty," will be sent to DCP, LMERT Division. The "Remarks" block will show the reason for which LWOP was granted and a date of return to duty. If the circumstances permit the employee to return to duty earlier than the established termination date of LWOP, he will contact his supervisor and arrange an earlier return.

e. Requests for LWOP beyond a 12-month period will be referred, by the supervisor, through channels to DCP, LMERT Division. The supervisor and his supervisors will recommend approval or disapproval of the extended period.

f. Where advance approval of LWOP is not possible (unexpected leave requirements in connection with extended illness, hospitalization, recuperation from injury, or similar situations), and the employee does not have sufficient leave to cover the period of absence, the supervisor will telephone or write the employee and make arrangements to secure the information needed and documents required for the approval of LWOP. If the amount of time needed is not known, leave will be approved for 30 days or less pending establishment of a date for return to duty. The employee will be informed of the action taken. Supervisors will consult their Employee Relations Specialist in DCP, LMERT Division.

5-6  
CHAPTER 6  
MILITARY LEAVE

6-1. GENERAL. Military leave is an absence from a civilian position without charge to leave or loss of pay.

a. Entitlement is limited to those employees who are members of reserve components of the Armed Forces (listed below) on days during which they are on active military duty or are engaged in field or coast defense training. The reserve components of the Armed Forces are: The National Guard of the U.S., the Army Reserve, the Marine Corps Reserve, the Air National Guard of the U.S., the Air Force Reserve, and the Coast Guard Reserve.

b. Eligible employees must be engaged in active duty or active duty for training before they can use military leave; military leave is not authorized for periods of inactive duty training (usually weekend drills).

c. Employees with temporary appointments in excess of 1 year are entitled to military leave.

d. When authorization of military leave will not be appropriate, annual leave or LWOP will be granted.

6-2. ACCRUAL. Effective 1 October 1980, Section 6323 (A), 5 U.S.C., was changed to convert accrual of military leave from a calendar year basis to a fiscal year basis, to allow some carry-over of unused military leave from 1 year to the next and to provide some military leave entitlement for part-time employees.

a. An employee, who does not use all of his entitlement to military leave during a fiscal year, may carry over a maximum of 15 days to the next year. The carryover from 1 year to another

will never exceed 15 days. The maximum carryover of 15 days, in addition to the credit at the beginning of the fiscal year of 15 additional days of military leave, gives the employee the benefit of 30 days of military leave for use during the fiscal year.

6-1

b. Part-time employees will accrue military leave according to the number of regularly scheduled hours in their workweek. For example, a part-time employee with a regularly scheduled workweek of 20 hours, half of a full-time workweek, will accrue 7 and 1/2 days of military leave per fiscal year, half of the accrual of a full-time employee.

c. Employees who are members in a reserve or National Guard unit are entitled to 22 workdays of military leave a year when called to active duty to provide military aid to enforce the law.

6-3. COMPUTATION.

a. Military leave is computed on a calendar-day basis rather than on a workday basis. Hence, nonworkdays falling within a period of military leave are charged against the military leave account; although nonworkdays occurring at the beginning or end of the active duty period are not charged.

b. An employee is allowed a maximum of 30 days of military leave to be used in any fiscal year. The military leave may be used during one or more periods of military duty during the fiscal year. An employee may also take the full 15 days of military leave immediately at the beginning of a fiscal year, even if the maximum of 30 days had been taken at the end of the prior fiscal year, if the employee continues on military leave into the new fiscal year. Thus, an employee has the potential for using up to a maximum of 45 days of military leave during an extended period of military duty that crosses fiscal years.

6-4. PROCEDURES. Employees in receipt of military orders will advise their supervisors as far in advance as possible so that arrangements may be made for continuation of work schedule.

a. The employee will submit a request for military leave on an SF 71 together with a copy of his military orders.

b. When the leave is approved, the SF 71 and the supporting document will be forwarded to the appropriate payroll office with the employee's time and attendance report.

6-2

c. Upon return to civilian duty, the employee must furnish official evidence of his performance of military duty. The evidence may be a certificate of completion or a certified letter stating the dates the duty was performed. This document will be forwarded to the payroll office with the employee's time and attendance report.

6-3  
CHAPTER 7  
COURT LEAVE

7-1. GENERAL. Court leave is an authorized absence from duty, without charge to leave or loss of pay, for jury duty or for attending judicial proceedings in a non-official capacity as a witness on behalf of any party to which the United States, the District of Columbia, or a state or local government is a party. Absence from duty to serve as a witness in a court trial between private parties is chargeable to annual leave or LWOP. Judicial proceeding means an action, suit, or other proceeding, but does not include an administrative proceeding.

7-2. POLICIES. The DA considers it the civic responsibility of all of its employees to respond to calls for jury duty and other court services. To this end, supervisors will not request that their employees be excused from jury duty except in those instances where employees' services are required to meet essential schedules. Requests for employees to be excused from jury duty must be sent through channels to the commander for approval.

7-3. PROCEDURES.

a. When an employee is called for court services, either as a witness or a juror, he is required to present the court order, subpoena, or summons to the supervisor. Upon return to duty, written evidence of attendance at court from a court official (clerk of court or judge) is required, showing the dates (and hour, if possible) of the service.

(1) Any fees received in connection with court services and all amounts the court pays to a witness or juror, whether in the form of a per diem for attendance or per diem in lieu of subsistence, must be reported to the employee's servicing payroll office.

(2) An employee called as a witness in his official capacity will be considered on duty and witness fees will not be

accepted. An employee called to witness for the U.S. in litigation which has nothing to do with his official capacity will be granted court leave.

7-1

(3) Employees employed on an intermittent basis are not eligible for court leave.

b. Court leave is granted only for absence within the employee's regularly scheduled tour of duty during which time he performs service in court or is held by the court pending performance of specific services. If an employee is excused or released by the court for any day or substantial portion of a day, he is expected to return to duty, provided the return will not cause the employee hardship because of the distance from home or from the place of duty to the court. The employee will not be expected to return to duty when only an hour or 2 remains in the daily tour. Supervisors will be sure the employee is clearly instructed in regard to return to duty.

c. Employees working an irregular tour of duty will be changed to a standard tour of duty for the duration of the judicial proceeding. Court leave will be granted accordingly.

7-2

CHAPTER 8

OTHER LEAVE CATEGORIES

8-1. FUNERAL LEAVE. An agency shall grant an employee such funeral leave as is needed and requested by him, not to exceed 3 workdays, without loss of or reduction in pay, leave to which he is otherwise entitled, or credit for time or service, and without adversely affecting his performance or efficiency rating. Funeral leave is granted to allow an employee to make arrangements for, or to attend the funeral or memorial service for an **immediate relative who died as the result of a wound, disease, or injury incurred while serving as a member of the armed forces in a combat zone**. The 3 days need not be consecutive, but if they are not, the employee shall furnish the approving authority satisfactory reasons justifying a grant of funeral leave for nonconsecutive days.

8-2. HOME LEAVE. An employee is entitled to home leave only when he has completed a basic service period of 24 months of continuous service abroad. A grant of home leave is at the discretion of the agency. An agency may grant home leave in combination with other leaves of absence in accordance with established agency policy. An agency may grant home leave for use only in the U.S., the Commonwealth of Puerto Rico, or a territory or possession of the U.S. Home leave may be used only during an employee's period of service abroad, within a reasonable period after his return from service abroad when it is contemplated that he will return to service abroad immediately, or on completion of an assignment in the U.S.

8-3. SHORE LEAVE. An officer, crewmember, or other employee serving aboard an oceangoing vessel on an extended voyage may be granted leave of absence at a rate not to exceed 2 days for each 30 calendar days of that service without regard to other leave.

a. An employee has an absolute right to use shore leave, subject to the right of the head of the agency to fix the time at which shore leave may be used.

b. Shore leave may be granted during a voyage only when requested by an employee.

8-1

c. An employee shall submit his request for shore leave in writing. When an employee's request for shore leave is denied, the denial shall be in writing.

8-2

PART II

OTHER PROVISIONS FOR LEAVE AND ABSENCES

CHAPTER 9

ABSENCE WITHOUT LEAVE (AWOL)

9-1. EXPLANATION OF TERM. Absence without leave (AWOL) is any absence from duty (including tardiness, leaving the work area, etc.) which has not been authorized or approved by the supervisor in accordance with leave regulations. Absence without leave will result in loss of pay for the entire period of absence.

9-2. CHARGING AWOL. Periods of AWOL are charged in increments of 15 minutes and may be applied when an employee is absent for less than 15 minutes. If an employee is 5 minutes late, he may be charged 15 minutes AWOL. The employee will not, however, be allowed to perform his duties for the remaining 10 minutes of the AWOL charge. Supervisors have full authority to charge an unauthorized absence to AWOL.

9-3. BASIS TO CHARGE AWOL.

a. To support an AWOL charge, the supervisor must show both that the employee was absent and that either the absence was not authorized or that a request for leave was properly denied. Indiscriminate changes from AWOL to a pay status (i.e., approved leave) will not be condoned. In every case, the supervisor must judge whether or not the circumstances warrant a change to approved leave.

b. The supervisor may deny leave to an individual who has improperly requested leave. If the employee subsequently requests sick leave for the absence, but has no sick leave accrued, the supervisor has the discretion of granting LWOP or charging the employee AWOL, regardless of whether the employee has presented acceptable evidence of incapacity. However, if the employee has sufficient sick leave and subsequently provides acceptable evidence as to the reason for the absence, the supervisor must grant sick leave upon request of the employee. This does not relieve the employee of the responsibility of following the proper procedures for requesting and obtaining approval of leave.

9-1

c. A charge to AWOL may be made even though an employee has reported for duty. Some examples will be an employee returning late from break or lunch, reporting for duty late or leaving before the end of the tour of duty. Another example will be employees removed from the work area by the police for willful misconduct such as fighting at the worksite, theft of government property, selling or possession of an illegal substance, or other misconduct resulting in an employee's arrest.

9-4. PROCEDURES.

a. When a supervisor determines that an employee will not be granted leave (including LWOP) for a period of absence, the absence will be charged to AWOL, the employee's Time and Attendance Card so annotated, and the employee informed of the charge. The employee's initials are not required on the Time and Attendance Card. When it is later determined that an absence without prior approval, initially charged to AWOL, is excusable because of conditions which rendered prior approval impracticable, the charge to AWOL may be changed to annual leave, sick leave, or LWOP, as appropriate.

b. When an employee fails to report to duty and does not contact the supervisor in regard to the absence, the supervisor is required to take prompt action to contact the employee to determine the reason for the absence and the employee's intention to return. If the employee cannot be reached and does not return to duty within 5 workdays, DA regulations require that the employee be contacted by certified mail in order to determine his intentions. In such cases, the supervisor will contact his Employee Relations Specialist for information and assistance with proper procedures.

9-5. DISCIPLINARY ACTION/SEPARATION FOR ABANDONMENT OF POSITION. Depending on circumstances, charges to AWOL may be the basis for initiating formal disciplinary action or a separation for abandonment of position. Supervisors will contact their Employee Relations Specialist for guidance and assistance on meeting regulatory requirements in such cases.

CHAPTER 10  
EXCUSED ABSENCE

10-1. EXPLANATION OF TERM. An "excused absence" is an absence administratively authorized or approved which does not result in a charge to any kind of leave with pay or in loss of salary. Excused absences are posted on the Time and Attendance Report as duty hours. Excused absences are authorized on an individual basis except when it is necessary to close the installation.

10-2. DISMISSALS DURING TEMPORARY SUSPENSION OF OPERATIONS.

a. Supervisors will ensure that they have means of contacting each subordinate at home in an emergency. In most cases, the home telephone number will suffice. When the installation is closed by the Garrison Commander, the supervisor can reasonably expect public media, such as radio and television, to reach most employees.

b. When the commander determines that an emergency condition exists during the normal workday which necessitates an early dismissal, employees will be notified through supervisory channels.

(1) Dismissals will be staggered, to the extent possible, like normal quitting times, to avoid tie-ups and congested traffic. The immediate supervisor may make individual exceptions for carpools.

(2) Whether an employee will or will not be charged leave for an absence depends on his duty status at the time of dismissal; there will be no charge of leave for the remaining hours of the work shift following dismissal. Time and Attendance Cards will be posted to reflect administrative dismissal due to the emergency conditions for the period between dismissal and the end of the scheduled tour of duty.

(3) If the employee did not report for duty, the entire absence will be charged to the appropriate type of leave; no administrative dismissal will be substituted. If the employee was on duty and departed on annual leave because of the emergency

conditions **after the word of the dismissal was received**, but before the time set for dismissal, annual leave will be charged from the time he left until the time set for dismissal. If the employee departs **before** official word of the dismissal is received, annual leave will be charged for the remainder of the tour to duty.

c. If an emergency situation develops during non-working hours, the commander will decide whether to open as usual, but excuse tardiness, or to suspend all but critical operations. If the decision is to open as usual, employees who report late for work because of the emergency situation may be excused for tardiness as follows:

(1) The immediate supervisor may excuse absences up to 1 hour.

(2) Absences in excess of 1 hour, but not more than 2 hours, may be excused by the director. An employee in this category must request excused absence through his immediate supervisor, who will relay the request to the head of the operation, staff office, or directorate.

(3) Absences in excess of 2 hours may be excused by the commander, Garrison Commander, or appropriate authority in tenant activities. Employees in this category will request excused absence, in writing, through channels to the deciding official.

d. When the commander decides to close the entire activity in advance of the beginning of a tour of duty, all employees who were in a pay status on either the workday before the closing or the workday after will be carried in an excused absence status on the workdays of the closing, regardless of whether the pay status was duty or leave. An employee, who had leave approved in advance for a day on which the activity was closed, is to be carried in excused absence status. Employees in a non-pay status on both the workday before the closing and on the workday after will be carried in the same non-pay status for the period of the closing. For example, an employee who was on LWOP on the workdays before and after the closing will be carried on LWOP for the period of the closing.

e. Although it may be necessary to excuse most employees for all or part of a day, there are certain critical operations which cannot be suspended or interrupted. Essential employees will be so notified in writing. Personnel required to remain on duty or to report to duty when others are released or excused will not earn premium pay for working their normal tour of duty. Overtime and/or holiday pay, as appropriate, will be paid for work during other than normal duty hours.

10-3. BONE MARROW OR ORGAN DONOR. An employee is entitled to 7 days of paid leave each **calendar** year to serve as a bone marrow or organ donor. When used, this entitlement needs to be recorded in the time and attendance systems the same way other type of excused absences (e.g., blood donation) are recorded. Although this absence is being administratively recorded as excused absence, leave approving officials have no discretion to deny such requests. This is a statutory right of an employee. Since there will be no separate category in the payroll system to track usage, leave approving officials must ensure authorized limits are not exceeded. Medical procedures and recuperation depend on the circumstances of each case. In many situations the excused absence will not cover the length of the absence. Employees are encouraged to use other forms of leave (e.g., sick leave, annual leave, LWOP, advance leave, or donated leave).

10-4. ABSENCES CONNECTED WITH EMPLOYMENT. Employees may need to be absent from their worksite for a number of reasons connected with their employment. These include attendance at local hearings in connection with grievances and appeals, required employment medical examinations, merit placement interviews, and utilizing the services of the DCP. In performing these acts or services, employees remain under management control or jurisdiction and are thus considered as in a duty status. Supervisors will allow employees reasonable time for these absences without charge to leave, but will ensure that the absences are not unnecessarily often or long. Employees must request permission in advance and report back to the supervisor upon return.

10-5. ABSENCES FOR RELOCATION PURPOSES.

a. Supervisors may excuse employees, who are under authorized Permanent Change of Station (PCS) orders, a reasonable amount of time, normally not to exceed a total of 3 workdays, to make arrangements or transact personal business resulting from the PCS move. The personal business must be directly related to the PCS and cannot be transacted outside the employee's regular working hours. Examples of such business will include the shipping of vehicles or pets, opening or closing of personal bank accounts, and obtaining state driver's license or car tags. Excused absence under this provision applies to employees who are departing or arriving at Fort Polk.

b. The time involved in complying with PCS requirements is considered official duty as outlined in paragraph 10-4 above. Examples of such PCS requirements include obtaining travel orders, passport and vaccinations, adhering to government housing authority requirements, or being present for packing and receiving of household goods.

c. Employees must contact their supervisors to give advance notice so that the absence does not interfere with mission accomplishment.

10-6. ABSENCES FOR VOTING AND REGISTRATION. Employees may be allowed absence from duty without charge to leave or loss of pay for a reasonable amount of time needed to register and vote in national, state, and local elections, or to vote in any election or referendum within the community. Absence is allowed only when practicable without seriously interfering with operations. Employees may be excused from duty so as to permit them to report to work 3 hours after the polls open or to leave work 3 hours before the polls close, whichever results in the lesser amount of time off, if any. Employee requests for excused absence for voting will be made not later than 5 workdays before the election, and will be directed to the immediate supervisor so that appropriate plans may be made to reschedule the employee's work.

10-7. ACTIVITIES IN THE PUBLIC INTEREST - BLOOD DONATIONS. To the maximum extent practical, supervisors are encouraged to release employees to participate in blood donations, keeping in

mind mission accomplishment requirements. Employees must request permission prior to leaving the work area to participate in blood donation. Those employees released to participate as blood donors will be excused from duty upon their request for recuperative purposes for a period not to exceed 4 hours, except in unusual cases. The employees will be excused for the amount of time it normally takes them to travel from the worksite to the site where blood is being given, the time required to actually give blood, and the time to travel back to the worksite. When the employee must travel a long distance, or an unusual need for recuperation occurs, up to 4 additional hours may be authorized.

10-8 PARTICIPATION IN HEALTH PROGRAMS. Federal employees may voluntarily participate in the Civilian Counseling Services, Alcohol Drug Abuse Prevention and Control Program, Smoking Cessation Classes, and Biofeedback. Employees will be excused from duty without charge to leave for initial screening/evaluation and enrollment in these programs. Absences for follow-up appointments will be charged to annual leave, sick leave, or leave without pay, as appropriate. **NOTE:** Referral to biofeedback is made by MEDDAC, Preventive Medicine, Occupational Health Section only.

10-9. BRIEF PERIODS OF ABSENCES AND TARDINESS.

a. Supervisors have the authority to excuse up to 1 hour of employee absence from the worksite, but this authority is not to be used for absences that are more properly charged to annual or sick leave or to any compensatory leave which the employee may have to his credit. It is to be used for occasional tardiness or other brief absences from the worksite. If any employee is tardy or otherwise absent during duty hours and provides an acceptable explanation, the supervisor may excuse up to 1 hour without loss of pay or charge to leave.

b. The criteria for excuse of absence are whether the absence is an infrequent event and whether the employee will have been able to foresee the need to be absent. If the employee is frequently tardy or absent, or the absence is for reasons that the employee can foresee (i.e. having a vehicle repaired, attending a funeral, or picking up children from school), a charge of

leave is appropriate. If the employee is frequently tardy or absent from the worksite without advance approval, the supervisor may wish to consider charging AWOL for the period. An AWOL can be charged in 15-minute increments. An employee can not be required to work during any period for which he is charged AWOL.

ABSENCES FOR MATERNITY REASONS

11-1. GENERAL. Absence for maternity reasons is the period of absence taken for reasons related to pregnancy and childbirth. The granting of leave can mean a combination of as many as three kinds of leave: sick leave, annual leave, and LWOP, in that order. When accumulated sick leave credits have been exhausted, all accrued annual leave credits will be used, and then LWOP may be granted. The employee may request advance leave instead of LWOP. It will be recognized that there is not a separate **maternity leave** as a type of leave.

11-2. PERIOD OF ABSENCE. There is no minimum or maximum period of absence for maternity reasons. The same leave policies, regulations, and procedures which are applicable to requests for leave will generally apply. Childbirth or complications of pregnancy are temporary disabilities and will be treated for leave purposes in the same manner as any other physical condition which incapacitates the employee for the performance of duty. When incapacity is properly established by medical authority, the use of sick and annual leave for maternity reasons is an employee's right, regardless of type of appointment.

11-3. PROCEDURES.

a. An employee will inform her supervisor of her intent to request leave for maternity reasons, including the type of leave, approximate dates, and anticipated durations. Employees and supervisors will follow the procedures prescribed in Chapter 4 of this regulation, when an employee requests leave for maternity reasons. Similarly, if sick leave is exhausted, an employee will request annual leave, following the procedures of Chapter 3 of this regulation. After exhausting sick and annual leave, the employee may request LWOP or advance leave. Procedures for requesting LWOP are found in Chapter 5 of this regulation. Procedures for requesting advance annual and sick leave are found in Chapters 3 and 4, respectively.

b. The initial grant of leave, and each request for extension, will be supported by proper medical documentation

11-1

specifically stating that the employee is incapacitated for duty during the period of absence.

11-4. ADVANCE OF SICK LEAVE. See guidance and procedures in paragraph 4-16. The medical certification will state the expected date of delivery and the estimated period of incapacitation.

11-5. MODIFICATION OF DUTIES. If the pregnant employee, after consulting her physician, requires physical restrictions from portions of her duties, every reasonable effort will be made to accommodate these restrictions.

11-6. FAMILY AND MEDICAL LEAVE PROGRAM. The employee is entitled to use LWOP under the provisions of the Family and Medical Leave Program for the purpose of the birth of a son or daughter and the care of such son or daughter. Refer to Part IV of this regulation.

**NOTE:** Upon notification that an employee is pregnant, the supervisor will refer the employee to the MEDDAC, Preventive Medicine, Occupational Health Section, for screening.

12-1. GENERAL.

a. Being a parent or prospective parent carries certain responsibilities that cannot be ignored or even postponed. Maternity is certainly chief among them, and supervisors have become increasingly accustomed to dealing with leave needs of expectant parents in a responsible and sensitive way. Supervisors need to show the same concern for other aspects of child care and family life as well.

b. Prolonged absences of employees make it harder to reach organizational goals. At times, work pressures make it hard for supervisors to empathize with the problems of parents. Still, through sound judgment and agency policies, it is possible to strike a proper balance between the needs of the organization and the needs of the family. Responsiveness to family needs works, in the long run, to the advantage of the organization. Good morale and the retention of experienced and productive employees contribute to a healthier organization.

c. Leave for parental and family responsibilities consists of appropriate combinations of annual leave, sick leave, and LWOP. Sick and annual leave can also be advanced to employees. Specific guidance on these kinds of leave is found Chapters 3, 4 and 5 of this regulation.

12-2. LEAVE FOR CHILD CARE.

a. A new mother may need time beyond her recuperation period to adjust to a new family member and develop a close relationship with the infant. At the same time, additional responsibilities may fall upon a father who may be needed at home during and after a mother's hospitalization to help with household duties, to care for other children, and to build a close relationship with the newborn. Single parents or couples will often need some time to make arrangements for the care of children before returning to work. Supervisors will consider the importance of this period for the well-being of both parents and children. Annual leave,

12-1

LWOP, and limited amounts of sick leave are appropriate to meet these needs. See Chapter 4, Sick Leave, and Part IV, Family and Medical Leave Program.

b. Parents take their babies to the pediatrician periodically for check-ups to ensure the baby is exhibiting the normal developmental signs and is otherwise healthy. The check-ups continue, at decreasing intervals, as the child grows older. These responsibilities require leave only for a few hours or, at most, a day here and there. But they are responsibilities that cannot be postponed as readily as other leave plans. Annual leave, limited amounts of sick leave, and LWOP are appropriate.

c. Children often suffer minor maladies such as ear infections, colds, stomach ailments, and mysterious rashes. As a result, supervisors may find that parents take more unscheduled leave than other employees. There is often nothing a working parent can do other than stay home with the child. Fortunately, these routine illnesses are usually short-term. Annual leave, limited amounts of sick leave, and LWOP are appropriate for this purpose.

d. Unfortunately, children still get highly contagious diseases for which public health officials require the child to be quarantined, isolated, and restricted. Employees, who must stay home to care for a child with such a disease, or who have been exposed to such a disease, may be granted sick leave.

### 12-3. LEAVE FOR ADOPTION AND FOSTER CARE.

a. Adoption is often a long and arduous process for a prospective parent. There are many arrangements that adoptive parents must make. For example, an adoptive parent often must make a commitment to stay home with the adopted child for the first several months. Supervisors will be flexible and compassionate in the granting of leave during this important time. Certainly adoptive parents are to be given the same consideration as natural parents. Leave for adoption may be annual leave or LWOP. Criteria for the use of sick leave for adoption purposes are outlined in Chapter 4.

### 12-2

b. As with adoptive parents, agencies need to be flexible and compassionate in the granting of leave for employees who are foster parents. Annual leave and LWOP are appropriate for employees who must take care of the needs of foster children.

c. There has been increasing emphasis in recent years on encouraging the adoption of children who have historically been difficult to place; for example, children with mental or physical handicaps. Employees who take on this enormous responsibility may need even more support and encouragement than parents of children who are not disadvantaged. Annual leave and LWOP are appropriate for such purposes.

12-4. LEAVE FOR OTHER PARENTAL AND FAMILY RESPONSIBILITIES.

a. From time to time parents are obligated to attend events such as teacher conferences, school plays, pageants, sporting events, and other activities. Agencies will be flexible in granting leave for these occasions. Annual leave and LWOP are appropriate for these activities.

b. Young children of a single working parent or a working couple are usually placed in some kind of day care situation outside the home. Some children are placed with a sitter, rather than in a day care center. Sitters get sick, need time off for personal reasons, and have emergencies. This means that the working parent may have no alternative but to stay home with the child. Annual leave and LWOP are appropriate for this purpose.

c. Among the more typical family responsibilities is the care for the elderly and the infirm. There will be times when employees will need time off to attend to the medical and personal needs of these dependents. Annual leave, limited amounts of sick leave, and LWOP are appropriate for this purpose. Provisions for limited use of such leave is outlined in Chapter 4.

12-3  
CHAPTER 13  
HOLIDAYS

13-1. NATIONAL HOLIDAYS.



JRTC & FP Reg 690-20

SUNDAY	MONDAY	B	A
SUNDAY	TUESDAY	AB	
SUNDAY	WEDNESDAY	A	B
SUNDAY	THURSDAY	A	B
SUNDAY	FRIDAY	A	B
SUNDAY	SATURDAY	A	B
MONDAY	TUESDAY	B	A
MONDAY	WEDNESDAY	AB	
MONDAY	THURSDAY	A	B
MONDAY	FRIDAY	A	B
MONDAY	SATURDAY	A	B
TUESDAY	WEDNESDAY	B	A
TUESDAY	THURSDAY	AB	
TUESDAY	FRIDAY	A	B
TUESDAY	SATURDAY	A	B
WEDNESDAY	THURSDAY	B	A
WEDNESDAY	FRIDAY	AB	
WEDNESDAY	SATURDAY	A	B
THURSDAY	FRIDAY	B	A
THURSDAY	SATURDAY	AB	
FRIDAY	SATURDAY	B	A

Figure 13-1, Holiday Determination Chart

e. Here is an example for an employee whose regular tour of duty is Sunday through Thursday. The employee is off on Friday and Saturday. To find out which day in this workweek is observed as a holiday, go to Column 1 and Column 2 until one finds the column with the corresponding letter "A." Sunday is the day the employee will observe as a holiday if the holiday falls on Friday. If the holiday falls on Saturday, follow the line across the chart to Column 2 and find the corresponding letter "B," which indicates Thursday is the day the employee will observe as the holiday.

13-2

f. Absences on legal holidays which fall during a period when the employee is already on leave will not be charged against the employee's leave credits. When an employee is required to work on a holiday, he will be paid for the day in accordance with holiday pay regulations. If an employee is instructed to work on a legal holiday and fails to do so, the absence will be counted as AWOL unless it is caused by reasons other than unwillingness

to work as instructed. No payment will be made for a holiday if it falls within a period during which an employee is in a non-pay status, that is, if the employee is in a non-pay status both before and after the holiday.

13-2. STATE AND LOCAL HOLIDAYS. Absences on state and local holidays will be charged to annual leave, or to LWOP if the employee has no leave credits. The supervisor is not required to give any special consideration because of the holiday; however, in terms of good supervision, he will not arbitrarily deny the request if the employee's services can be spared.

13-3. RELIGIOUS HOLIDAYS. Employees, who request leave to observe religious holidays, will be granted the request whenever it does not seriously interfere with the supervisor's overall work schedule. Leave on religious holidays will be charged to annual leave, or LWOP if leave credits are not available. The same procedure is used for local religious services.

13-4. ALTERNATE WORK SCHEDULE. For personnel assigned to an AWS tour of duty that has 3 consecutive days off (or nonworkdays), when a holiday falls on one of these nonworkdays, the following will apply:

a. If the holiday falls on the first nonworkday, then the preceding workday will be observed as the holiday.

b. If the holiday falls on the second or third nonworkday, then the following workday will be observed as the holiday.

13-5. PART-TIME EMPLOYEES. Part-time employees, who have regularly scheduled tours of duty, will be paid for excused absence on holidays that fall within their tours of duty. This holiday treatment applies only to the actual calendar days on

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which the holiday falls, since no entitlement to a day in lieu of a holiday exists. However, when an activity is closed on an "in-lieu-of" holiday that falls on a part-time employee's regularly scheduled workday, the employee, if prevented from working that day, will be granted the day off administratively with no charge to leave.

JRTC & FP Reg 690-20

13-6. INTERMITTENT EMPLOYEES. Employees working on an intermittent basis may not be paid for holidays on which no work is performed.

13-4

PART III

VOLUNTARY LEAVE TRANSFER PROGRAM

CHAPTER 14

GENERAL PROVISIONS AND PROCEDURES

14-1. EXPLANATION OF TERMS. For the purpose of this Part, the following definitions apply:

a. EMPLOYEE means a DA appropriated fund employee assigned to a FORSCOM or tenant activity at Fort Polk, who is eligible to accrue and use leave.

b. MEDICAL EMERGENCY means a medical condition of an employee, or a family member of such employee, that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave.

c. IMMEDIATE SUPERVISOR is the official who assigns work, approves leave, and initiates performance appraisals.

d. APPROVED LEAVE RECIPIENT is an employee meeting the requirements as stated herein, whose application to receive transferred leave has been approved.

e. LEAVE DONOR is a DA appropriated fund employee who voluntarily requests transfer of a portion of his annual leave to the annual leave account of a DA appropriated fund employee assigned to Fort Polk.

f. LEAVE RESTORATION means the return of unused transferred leave to the leave donor.

g. FAMILY MEMBER means the same as defined in Chapter 4.

14-2. PROHIBITION OF COERCION. An employee may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right such employee may have with respect to

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donating, receiving, or using annual leave under the Voluntary Leave Transfer Program.

14-3. ELIGIBILITY. In order to be eligible to receive transferred leave, an employee must be eligible to accrue and use leave, and must:

a. Have been affected by a medical emergency which resulted (or is resulting) in an absence from duty for at least 24 hours

without available paid leave and is likely to result in a substantial loss of income.

b. Have exhausted all available annual and/or sick leave, as appropriate. Sick leave must also be counted as "available paid leave" when the employee is being considered as a recipient for a family member's medical emergency. Advance leave (annual and/or sick) is not considered available leave and therefore does not have to be requested to be eligible to apply. However, transferred leave may be used to liquidate annual and/or sick leave indebtedness when the leave was advanced under the medical emergency conditions described herein. When leave has been advanced, the "24 hours without pay" rule still applies.

c. Not have been approved for disability retirement. Having applied for disability retirement is not disqualifying, but effective at the end of the biweekly pay period in which written notice of approval is received, the medical emergency is considered terminated. The transfer recipient may not receive or use any additional transferred leave.

14-4. APPLICATION FOR CONSIDERATION. Application for consideration for annual leave transfer may be initiated by the employee or, when the employee is not capable of making application, by another employee or representative by using the form at Figure 14-1. Application will be submitted in writing through the supervisor to the DCP, LMERT Division, and must include the following information concerning the potential leave recipient:

a. Name, position title, grade, and pay step.

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b. A brief description of the nature, severity, and anticipated duration of the medical emergency; if it is a recurring one, the approximate frequency of the medical emergency affecting the potential leave recipient. Supporting medical documentation must be provided.

c. Proof of loss of at least 24 hours' pay due to the emergency.

d. A statement from the potential recipient or recognized representative which releases the information supplied under sub-

paragraphs a through c above, for publication to the work force for the purpose of informing potential donors of the identity and circumstances of the employee. If release is denied, publicity of the crisis will be the responsibility of the requesting party.

e. A statement from the employee's supervisor that the employee is not under any notice of suspected abuse of leave privileges. If the current supervisor of the position occupied is not available or knowledgeable, a higher level supervisor may provide the information.

14-5. REVIEW AND APPROVAL. The application will be reviewed by an Employee Relations Specialist. A decision on the application will be rendered within 10 workdays of receipt of the completed application (excluding Saturdays, Sundays, and legal public holidays). Applications meeting the eligibility requirements as stated herein will be approved by the Chief, LMERT Division, and forwarded to the Defense Finance and Accounting Service, Defense Accounting Office, or other payroll office, as appropriate, with instructions to accept properly designated transfers from the leave accounts of authorizing leave donors. When doubt exists as to the emergency nature of an illness of the employee or dependent, the matter will be referred to the MEDDAC, Preventive Medicine, Occupational Health Section, (Federal Medical Officer) for evaluation.

14-3

a. When the application is approved, the employee (or other party making the application) will be notified of their eligibility and of the Civilian Personnel Bulletin (CPB) number under which the need will be made known to the workforce, if authorized by the applicant; otherwise, employees may request the transfer of annual leave to the account of the leave recipient without benefit of formal advertisement.

b. If the application is disapproved, the employee (or other party making application) will be notified of the disapproval and the reasons therefor.

14-6. SOLICITATION FOR DONATIONS. Approved leave recipients will be advertised (at the recipient's option) in a dedicated CPB "Care Bulletin" under which leave transfers may be processed for a period of 30 calendar days. If additional leave is needed by the recipient beyond the initial 30-calendar-day period, the CARE Bulletin will be extended and additional donations of annual leave will be accepted and processed. If the employee declines to participate in the publicity medium, the need cannot be widely communicated, and contributions from outside the immediate organization will probably be limited. Care Bulletins will be distributed to reach all Fort Polk organizations where DA civilians are employed, and donations will be accepted from any DA employee assigned to Fort Polk, subject to instructions under paragraph 14-7, below.

14-7. DONATING LEAVE. An employee may donate annual leave to an approved recipient subject to the following:

a. Donations may not be made to the donor's immediate supervisor.

b. Only one-half of the annual leave accrued during the leave year may be donated to other employees.

c. In the case of a leave donor who is projected to have annual leave that otherwise will be subject to forfeiture at the end of the leave year under 5 U.S.C. 6304(a), the maximum amount of leave that may be donated during the leave year shall be the lesser of the following:

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(1) One-half of the amount of annual leave he will be entitled to accrue during the leave year in which the donation is made; or

(2) The number of hours remaining in the leave year (as of the date of the transfer) for which the leave donor is scheduled to work and receive pay.

d. The maximum amount of annual leave determined by b and c above may be waived by the approving official when the leave donor:

(1) Is working under an approved exigency, in which case three-quarters of the annual leave accrued during the leave year may be donated;

(2) Has restored leave from a previous exigency. In this instance the employee may donate all restored leave in addition to allowances under paragraphs b and c above;

(3) Is a family member of the leave recipient, in which case three-quarters of the annual accrual may be donated; or

(4) Is eligible for optional retirement and has more than 240 hours of annual leave, in which case any amount by which the donor's annual leave account exceeds 240 hours may be donated.

e. Annual leave will be accepted from leave donors employed by other agencies when:

(1) A family member of a leave recipient is employed by another agency and requests to transfer annual leave to the leave recipient; or

(2) Upon determination by the employer that the amount of annual leave transferred from leave donors who are serviced by DCP is not sufficient to meet the needs of the leave recipient.

f. Employees meeting the criteria of subparagraphs a through e above may make donations by completing in duplicate and

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forwarding a FP Form 25, Leave Transfer Authorization, to DCP, LMERT Division, for review to determine eligibility of the recipient and that the leave recipient is not the supervisor of the donor. Approved FP Forms 25 will then be forwarded to the appropriate payroll office for leave transfer. In most cases the appropriate payroll office will be the Defense Finance and Accounting Service, Defense Accounting Office (DFAS, DAO), DAO-CL, Code IXNAB, 130 West Avenue, Suite A, Pensacola, Florida 32508-5120.

14-8. PROCESSING DONATIONS. The DFAS, DAO, or appropriate payroll office, will receive by special transmittal from DCP, LMERT Division, a copy of each Care Bulletin, or separate notice

of the approved leave recipient, and will establish a Leave Transfer File for each approved recipient, wherein the records of transfers, usages, terminations of usage, and restoration of unused transferred leave to donors will be maintained. The servicing payroll office will do the following:

a. Compare the information on FP Form 25 with the donor's leave records and verify the amount of annual leave eligible for transfer.

b. Transfer the appropriate amount of leave to the recipient or forward the FP Form 25, if appropriate, to the appropriate payroll office.

c. Post the leave transfer to the Leave Transfer File.

d. Transfer leave that is accrued by the employee while in a transferred leave status as required in 5 CFR 630.907.

e. Respond to notices of Termination of Medical Emergency by ceasing to pay from the transferred leave, and calculating leave to be restored. Ascertain and process leave donors choice of options available for restoration as follows:

(1) Crediting the restored annual leave to the leave donor's annual leave;

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

(3) Donating such leave in whole or in part to another leave recipient.

f. Make necessary adjustments using appropriate formulas when firefighters donate to non-firefighters or vice versa. Alternate Work Schedules and standard tours of duty are considered as the same for leave transfer purposes.

g. Provide to the recipient, upon request, the names of leave donors if authorized by the donor.

h. Provide to DCP, as necessary, any information required for DA or Office of Personnel Management (OPM) reporting purposes.

14-9. TERMINATION OF MEDICAL EMERGENCY.

a. The medical emergency affecting a leave recipient will be terminated:

- (1) When the recipient's Federal Service is terminated;
- (2) At the end of the pay period during which the employer determines that the medical emergency has ended; or
- (3) At the end of the pay period during which the employer is notified that OPM has approved the recipient's application for retirement.

b. When the personal emergency terminates, no further requests for transfer of annual leave may be granted, and any unused transferred leave will be restored to the donors under 5 CFR 630.911.

c. The leave approving supervisor of the recipient will monitor the emergency conditions, approve leave by pay period according to established guidelines, and notify DCP, LMERT

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Division, when the employee is no longer eligible for leave under the emergency conditions.

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PART IV

FAMILY AND MEDICAL LEAVE PROGRAM

CHAPTER 15

GENERAL PROVISIONS AND PROCEDURES

15-1. GENERAL. The Family and Medical Leave (FML) Program provides for employees to be given a total of 12 workweeks of unpaid leave (LWOP) during any 12-month period.

15-2. EXPLANATION OF TERMS. The explanations of terms outlined in the other Parts of this regulation are applicable as well to this Part, except those redefined below. In addition, the following definitions apply.

a. CONTINUING TREATMENT BY A HEALTH CARE PROVIDER means one or more of the following situations in which an employee or an employee's spouse, son, daughter, or parent:

(1) Is treated two or more times for an illness or injury by a health care provider;

(2) Is treated two or more times for an illness or injury by a health care provider under the orders of, or on referral by, the individual's health care provider or is treated for the illness or injury on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider to resolve the health condition; or

(3) Is under the continuing supervision of the health care provider, but may not necessarily be actively treated by the health care provider, due to a serious long-term or chronic condition or disability which cannot be cured.

b. EMPLOYEE means any Fort Polk civilian employee as identified in Chapter 1, 1-3c.

c. ESSENTIAL FUNCTIONS means the fundamental job duties of the employee's position.

15-1

d. INTERMITTENT LEAVE refers to leave taken in separate blocks of time rather than for one continuous period of time, and may include leave periods of 1 hour to several weeks.

e. REDUCED LEAVE SCHEDULE refers to a work schedule under which the usual number of hours of regularly scheduled work per workday or workweek of an employee is reduced. The number of hours by which the daily or weekly tour of duty is reduced is counted as leave for the purpose of this regulation.

15-3. LEAVE ENTITLEMENT.

a. An employee shall be entitled to a total of 12 administrative workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

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

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

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

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

b. An employee shall take only the amount of FML that is necessary to manage the circumstance that promoted the need for leave under subparagraph a above.

c. Except as provided in subparagraph d below, the 12-month period referred to in subparagraph a above begins on the date an employee first takes leave for an FML need specified in that subparagraph and continues for 12 months. An employee is not entitled to 12 additional workweeks of leave until the previous 12-month period ends and an event or situation occurs that entitles the employee to another period of FML. (This may include a continuation of a previous situation or circumstance.)

15-2

d. The entitlement to a total of 12 administrative workweeks of leave under subparagraphs a(1) and (2) of this section:

(1) May begin prior to or on the actual date of birth or placement for adoption or foster care; and

(2) Shall expire 12 months after the date of birth or placement. Leave for a birth or placement must be concluded within 12 months after the date of birth or placement.

e. Leave under subparagraph a above is available to full-time and part-time employees. A total of 12 administrative workweeks will be made available equally for a full-time or part-time employee 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 commences shall be used as the basis for this calculation.

f. If the number of hours in an employee's regularly scheduled administrative workweek is changed during the 12-month period of FML, the employee's entitlement to any remaining FML will be recalculated based on the number of hours in the employee's current regularly scheduled administrative workweek.

#### 15-4. PROCEDURES FOR LEAVE USAGE.

a. An employee must invoke his entitlement to the leave under the FML Program.

(1) When the need for leave is foreseeable, an employee must provide notice to management (normally the employee's first-line supervisor or designated management official who has leave approving authority for the employee) of his intent to take leave not less than 30 calendar days before the date leave is to commence. A personal representative providing the notice must be designated in writing by the employee.

#### 15-3

(2) When events beyond the control of the employee do not provide 30 days advance notice, the employee will provide management as much notice as is possible so that management has ample opportunity to plan the work during the employee's absence.

(3) If the need for leave is foreseeable, and the employee fails to give 30 calendar days' notice with no reasonable excuse for the delay of notification, management may delay the taking of the leave until at least 30 calendar days after the date the employee provides notice of his need for FML.

b. An employee's initial notice of his intention to take leave may be provided in person, in writing, or by telephone, facsimile, telegraph, or other electronic means.

c. An employee will provide the first-line supervisor a completed SF 71, with remarks, to:

(1) Identify the leave as "FML" for either "family leave" (for a birth, adoption or foster care, or the care of a spouse, son, daughter, or parent with a serious condition) or "medical leave" (for the employee's serious health condition); and

(2) Document the beginning and ending dates of the employee's "12-month period" of FML entitlement.

15-5. MEDICAL CERTIFICATION.

a. Leave to care for a spouse, son, daughter, or parent of the employee, or for the employee's own serious health condition, must be supported by medical certification issued by the health care provider to management in a timely manner.

b. The written medical certification will include the following:

(1) The date the serious health condition commenced;

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

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

(4) For family leave, a statement from the health care provider that the spouse, son, daughter, or parent of the employee requires psychological comfort and/or physical care; needs assistance of basic medical, hygienic, nutritional, safety, or transportation needs or in making arrangements to meet such needs; and will benefit from the employee's care or presence; and

(5) For family leave, a statement from the employee on the care he will provide, and an estimate of the amount of time needed to care for his spouse, son, daughter, or parent.

(6) For medical leave, the medical certification must include a statement that the employee is unable to perform the essential functions of his position.

c. Questionable medical documentation may be forwarded to the Occupational Health Section for review and opinion. If the opinion from the MEDDAC, Preventive Medicine, Occupational Health Section, differs from the original certification, management may require the employee to obtain the opinion of a second health care provider designated or approved by management.

(1) The health care provider designated by management shall not be employed by or under the administrative oversight of the employer. If the second opinion differs from the original certification, management may require that the employee obtain the opinion of a third health care provider. Management and the employee must agree jointly on the health care provider that will provide the third opinion.

(2) The third opinion is final and binding on the employee and management. The employer (employee's activity) will be responsible for the medical costs associated with obtaining the second and third medical opinions.

15-5

d. If an employee is unable to provide the requested medical certification before leave is to begin, the agency will grant leave on a provisional basis (i.e., "provisional leave") pending final written medical certification. To the extent that an employee is unable to provide certification at the time it is necessary to begin leave or if the agency questions the validity of the initial certification provided by the employee, management will, nevertheless, grant provisional leave pending final certification.

e. To remain entitled to leave under the FML Program, the employee or his spouse, son, daughter, or parent, as appropriate, must comply with any requirement from management to submit to examination (though not treatment) by a health care provider (other than the individual's health care provider) to obtain a second or third medical certification. If the individual refuses to submit to such examination and the employee fails to provide a

completed medical certification to management, the employee may be denied leave under the FML Program.

f. An employee on leave may be required to obtain medical recertification, not less than every 30 calendar days, on the continuing need for leave. Management will assume costs for recertification. Management may require medical recertification less than every 30 calendar days if the employee requests the period of absence under the FML Program be extended, the circumstances in the original medical certification have changed significantly, or the employer receives information that casts doubt upon the continuing validity of the medical certification.

15-6. OTHER LEAVE.

a. An employee may elect to substitute paid time off, i.e., annual leave, sick leave, compensatory time off, or credit hours under a flexible work schedule, for LWOP under the FML Program consistent with applicable laws and regulations. Management may not deny an employee's right to substitute paid time off for LWOP under the FML Program, nor can management require an employee to substitute paid time off for LWOP under this program. In addition, an employee may not retroactively substitute paid time off for LWOP under the FML Program.

15-6

b. Leave without pay under the FML Program is in addition to annual leave, sick leave, advance annual or sick leave, other LWOP, leave made available to an employee, or leave under the Voluntary Leave Transfer Program, compensatory time off, or credit hours. However, an employee must obtain approval and/or meet statutory requirements to take additional leave or other periods of paid time off.

15-7. INTERMITTENT LEAVE OR LEAVE ON A REDUCED LEAVE SCHEDULE.

a. An employee must obtain approval from his employing agency to take leave on an intermittent basis or under a reduced leave schedule for the birth of a child or for placement for adoption or foster care. An employee may choose to take leave on an intermittent basis or under a reduced leave schedule when medically necessary to care for his spouse, son, daughter, or parent with a serious health condition or for the employee's own serious health condition.

b. The employee must consult with management and make a reasonable effort to schedule treatment so as not to disrupt unduly the operations of management, subject to the approval of the health care provider. In addition, management may place the employee temporarily in an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which can better accommodate recurring periods of leave.

c. Management and the employee must work together in developing a schedule for treatment that meets both the employee's family or medical needs and management's need to plan the work. The anticipated duration of intermittent leave or leave under a reduced leave schedule must be clearly understood by both the employee and management. The employee must be informed of any major changes in duties and responsibilities that may result from reassignment to an alternative position.

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CHAPTER 16

EMPLOYEE PROTECTIONS AND REPORTING REQUIREMENTS

16-1. PROTECTION OF EMPLOYMENT.

a. An employee who takes FML is entitled, upon return from the leave, to be returned to the same position or to an "equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment." The employee will be placed in a position that offers equivalent responsibilities as well as equivalent benefits, pay status, and other terms and conditions of employment.

b. An employee on LWOP under the FML Program will be subject to the requirements under 5 CFR 531.406(b) to extend a waiting period for a within-grade increase for any time in excess of that allowed under that section.

c. If an employee's position was eliminated due to a reduction-in-force, the fact that the employee was on FML does not protect the employee from displacement. If an employee was hired only for a defined period or specific project, such as seasonal work, the agency is not required to return the employee if the period of employment has expired and the agency will not otherwise have continued to employ the employee.

d. If an employee is not fully recovered when he returns to work, the employee may request additional leave, including advance annual or sick leave and donated annual leave from the Voluntary Leave Transfer Program, or the employee may request a reassignment or demotion to a different position, work schedule, or type of appointment that better suits his personal needs.

#### 16-2. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

a. Under the Federal Employees Health Benefits (FEHB) law, coverage continues for up to 365 days in a non-pay status. Office of Personnel Management regulations provide that the employee may pay the employee share of the premiums on a current basis or may incur a debt and pay his share upon return at a pay and duty status.

#### 16-1

(1) The Family and Medical Leave Act (FMLA) provides that employees who are granted leave under the Act must pay their share of the health benefits premium on a current basis; however, the Act also provides that an employer must comply with any employment benefits program that provides greater FML rights than established under the Act.

(2) For employees who are granted leave under the FMLA that does not exceed the 365 days of continued coverage provided under FEHB law and regulations, the existing FEHB regulations will apply. That is, these employees may choose to incur a debt, just as they could before the FMLA was enacted.

(3) Employees whose LWOP granted under the FMLA exceeds the 365 days are subject to the requirement to pay their share of the premiums on a current basis. Employees granted LWOP under the FMLA in excess of the 365 days must pay their share of the premiums directly to the employing office on a current basis.

b. Employees whose coverage is terminated for nonpayment under these regulations are not penalized when they return to duty for their failure to make payments. They may re-enroll upon their return to duty status in the same way as employees whose coverage terminates because of the expiration of the period of continued coverage allowed during non-pay status.

16-3. EMPLOYEES RIGHTS.

a. If an employee believes management has not fully complied with the rights and requirements under the FMLA, the employee may file a grievance under the agency's administrative grievance procedures or negotiated grievance procedures, as appropriate.

b. An employee shall not directly or indirectly threaten, or coerce, any other employee for the purpose of interfering with the exercise of any rights which such other employee may have under the FMLA.

16-4. REPORTING PROCEDURES.

16-2

a. The DCP, LMERT Division, will be notified by the employee's activity of each application of FML usage. Information to be provided includes the following:

- (1) Name of employee.
- (2) Rate of pay.
- (3) Occupational series.
- (4) Basis for the leave, as follows:
  - (a) Family leave (birth, adoption, or foster care, or the care of spouse, son, daughter, or parent with a serious condition).
  - (b) Medical leave (the employee's serious health condition).
- (5) Beginning date of FML usage.

b. The Defense Finance and Accounting Service, Defense Accounting Office will:

(1) Compile and provide, as necessary, any information, and/or statistics required for DA or OPM reporting purposes.

(2) Provide instructions to all timekeepers on how to report FML usage on Time and Attendance Cards.

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The proponent agency of this regulation is the Directorate of Civilian Personnel. Users are invited to send comments to the Commander, Headquarters, Joint Readiness Training Center (JRTC) and Fort Polk, ATTN: AFZX-CP-LMERT, Fort Polk, Louisiana 71459-5341.

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