

## CHAPTER 24

### LEAVE AND OTHER ABSENCES

***Refer to the collective bargaining agreement (CBA) with AFGE Local 1770 for additional provisions pertaining to bargaining unit employees.***

#### 24-1. GENERAL.

a. Normally, authority to approve leave requests is delegated to the lowest supervisory level having personal knowledge of the work requirements and of the employee's leave record. A primary and an alternate approving authority should be designated. Employees should be clearly informed of the proper procedures to be followed for requesting leave. In some instances, Statute or Executive Order mandates approval of leave requests. In most instances, approval of leave requests is a discretionary matter. When the day-to-day recording of leave usage or certification of time and attendance records is assigned to a time and attendance clerk, it is essential that the approving authority be advised when a problem or questionable situation arises and that he/she assume responsibility for any necessary action. Denial of a leave request or cancellation of approved leave normally needs to be based on the necessity for the employee's services. Leave must not be denied or canceled for arbitrary or capricious reasons. Denial or cancellation of leave is not disciplinary in nature and may not be used as a punitive measure.

b. The supervisor, as well as the employee, is responsible for knowing whether the employee has sufficient accrued leave for the category of leave requested. The DOD Civilian Leave and Earnings Statement (DFAS Form 1), mailed to them biweekly keep employees informed of their leave balances. The DFAS Form 1 also reflects the number of hours that must be used or forfeited by the end of the leave year. Supervisors should maintain work site leave records on their subordinate employees. In the absence of such records, supervisors can request leave balance information from the Human Resource Management Office, telephone 6-1402. It is particularly important in cases of extended leave to establish a procedure whereby an employee will be informed of possible annual leave forfeiture and the need to schedule the leave in writing to ensure entitlement to restoration if the leave is forfeited.

c. Employees are expected to limit their use of leave to that which they have accrued. Some employees are chronically absent from duty, and often supervisors continue to approve sick

or annual leave even after the employee has exhausted both. In such cases, the supervisor is actually approving leave without pay (LWOP) and is presumably making the determination that the employee's presence on the job is not required. When you need an employee's services you may deny leave, and, if the employee does not report for duty, charge him absence without leave (AWOL). (See Chapter 26 - Discipline.)

#### 24-2. ANNUAL LEAVE.

a. The earning rates for annual leave are as follows:

(1) Employees with less than 3 years creditable service accrue annual leave at the rate of 4 hours for each full biweekly pay period (13 days a year); the leave accrual for employees with 3 but less than 15 years creditable service is 6 hours each pay period with a 10-hour accrual the last pay period in the calendar year; employees with 15 or more years of creditable service accrue 8 hours each pay period for a total of 26 days a year.

(2) The earning rates for employees working a 72-hour tour, such as firefighters, are as follows: less than 3 years service - 7 hours each full biweekly pay period with a 12-hour accrual the last pay period in the calendar year; 3 years, but less than 15 - 11 hours each pay period and 13 hours the last pay period in the calendar year; 15 or more years service - 14 hours each pay period and 24 hours the last pay period in the calendar year.

(3) Leave used is charged based on the same proportion as earned. For example, while an employee working a 40-hour week would be charged 40 hours for a week's absence, an employee working a 72-hour tour would be charged 72 hours for a week's absence.

b. Subject to workload consideration, accrued annual leave will be granted freely for personal or emergency purposes. The minimum amount of leave that can be taken by a bargaining unit employee is 6 minutes or 1/10th of an hour. Non bargaining unit employees can take leave in 15-minute increments. The amount of lead time necessary for submission of leave requests will be that required for the supervisor to make a workload determination, and will vary, depending on the nature of the activity's mission. Bargaining unit employees wishing to take 40 hours or more of annual leave, must provide their requests to their supervisor not less than 4 weeks in advance.

c. Employees have the responsibility of cooperating with management in scheduling vacation periods and requesting leave during periods when their services can best be spared. Although

annual leave is a right of the employee in that its accrual may not be denied, it is the prerogative of management to make the final decision on when leave is to be used based on workload considerations. For this reason, the use of annual leave is subject to the prior approval of the appropriate supervisor. Failure to secure proper approval may result in the period being charged as AWOL. Except for an emergency when the need for leave cannot be foreseen, employees will sign Standard Form 71, Application for Leave, before departure on leave.

d. Enforced (involuntary) annual leave may be necessary under certain conditions such as adverse weather or natural disasters. **Decisions to require an employee to take annual leave must be discussed with the Labor Management Office, telephone 6-8905/9138.**

e. Employees requesting accrued annual leave for emergency purposes will notify their supervisor or alternate approving official as far in advance as possible, explaining what the emergency is and securing approval for the amount of leave needed. Notification to the supervisor by a second party does not constitute approval. Final determination in regard to approval of emergency leave is the responsibility of the supervisor and disapproval may result in the event justification for leave cannot be determined. When a request for annual leave for emergency purposes has been denied, the employee will be notified of the reasons for denial.

f. Advancing Annual Leave:

(1) No accrual may be advanced for use during the first 90 days of employment. An employee may not be advanced more leave than he/she will accrue during the leave year. Where it is known or reasonably assured that an employee is to be separated or retired during the year, the advance credit may not exceed the amount that will accrue prior to separation or retirement.

(2) An employee must request advanced annual leave in writing through their supervisor to the activity commander or director who has been delegated approval authority. The employee's immediate supervisor must make a recommendation on the employee's request. Advancing annual leave is at management's discretion. The decision on an advanced leave request will be based upon the employee's past attendance record, length of service in the activity, and circumstances surrounding the request.

g. An employee will be provided opportunities to use his/her annual leave accrued during the leave year. The leave year is defined as the period beginning with the first complete

pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year. Near the end of the leave year, requests for annual leave shall not be denied if, during the leave year other requests from the employee for annual leave have been denied, thereby causing or about to cause forfeiture of annual leave. Annual leave must be scheduled at least three pay periods prior to the end of the leave year before forfeited leave can be considered for restoration. A properly executed SF 71, Application for leave, satisfies the scheduling requirement.

h. Forfeiture of Annual Leave.

(1) Normally, employee forfeits unused annual leave in excess of 30 (240 hours) days at the end of the leave year. Public law 93-181 temporarily suspends, under three conditions, the requirement that leave in excess of 30 days be forfeited. These conditions are:

(a) Administrative errors when the error causes the loss of annual leave. For example: annual leave was not appropriately credited to the employee so that he/she did not know that he/she was going to be in a "use or lose" status.

(b) Exigencies of public business when such annual leave was scheduled in advance.

(c) Sickness of the employee during a period of annual leave which would have been forfeited, when such annual leave was scheduled in advance.

(2) To exercise the provisions provided by law, the following requirements must be met:

(a) The leave must be scheduled in writing and approved by the supervisor. See CBA for additional guidance.

(b) The leave must be scheduled prior to the last three pay periods of the leave year.

(c) In order to avoid forfeiture, the activity commander or director determines that an exigency is of major importance and that the employee may not use the annual leave.

(3) The key to non-forfeiture is written documentation. It is imperative that all employees submit an SF 71, Application for Leave, to their supervisors in time to permit proper scheduling before the last three pay periods of the leave year. A memorandum request to restore leave forfeited as a result of an exigency or illness will be initiated by the employee,

through the supervisor, to the activity commander or director who has approval authority to grant carryover of the leave. Documentation must include the following:

(a) A SF 71, Application for Leave.

(b) The calendar date the leave was schedule (date approved by appropriate authority).

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

(d) Reason(s) for subsequent canceling have approved leave (e.g., if because of an exigency of the public business, documentation must include the beginning and ending dates of the exigency and a copy of the approval action.)

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

(f) The date during which the leave was rescheduled for use and the amounts of leave (days/hours) that were rescheduled for use.

(4) A copy of the memorandum showing approval must be forwarded to the HRMO. Questions should be directed to 6-1402.

(5) The scheduling of restored leave is a matter between the employee and his/her immediate supervisor. Restored leave balances will be shown on the employee's DOD Civilian Leave and Earnings Statement and must be used within 2 years of restoration.

i. Leave Transfer Program. See Chapter 25

#### 24-3. SICK LEAVE.

a. For employees hired on a full time basis, sick leave accrues at the rate of 104 hours per year. The type of appointment and length of service have no effect on sick leave accrual, and there is no limitation on the number of hours that can be carried over from year to year. Accrued sick leave is like money in the bank; the employee will continue to draw full pay in the event of a prolonged illness and when reaching retirement eligibility under the Civil Service Retirement System (CSRS), the unused leave will be added to the years of service and will serve to increase the retirement benefit.

b. Sick leave can be used when the employee:

(1) Receives medical, dental, or optical examination or treatment.

(2) Is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth.

(3) Provides care for a family member as a result of physical or mental illness; injury, pregnancy; childbirth; or medical, dental, or optical examination or treatment.

(4) Makes arrangements necessitated by the death of a family member or attends the funeral of a family member.

(5) Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his/her presence on the job because of exposure to a communicable disease; or

(6) Must be absent from duty for purposes relating to the adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed.

c. Each employee is responsible to notify his/her supervisor or an individual designated by his/her supervisor as soon as practicable, normally by telephone, if he/she is prevented from reporting to work because of an incapacitating illness or injury. Employees will make every reasonable effort to give such notice prior to the start of their scheduled shift, but will insure that notice is normally given within the first hour after the beginning of the scheduled shift. Employees who provide fire protection services and medical care/support services on an around-the-clock basis will make every reasonable effort to notify their supervisor or the designated individual at least 2 hours prior to the beginning of their scheduled shift, but will insure that notice is given prior to the start of their shift. When an absence due to illness extends from 1 workday to another, the employee shall notify his/her supervisor at the beginning of each workday as described above so that the supervisor can plan and accomplish the activity's workload. Employees on prolonged illness known to the supervisor shall notify his/her supervisor on the first day of the second and succeeding weeks for as long as the prolonged illness lasts.

d. An employee will furnish an acceptable medical

certificate to substantiate all periods of absence due to sickness, which exceed 3 consecutive workdays. The medical certificate must be furnished within 7 workdays after return to duty. An acceptable medical certificate is defined as a written statement signed by a registered practicing physician, licensed practitioner, or other appropriate medical office certifying to the employees' incapacitation, examination, treatment, or the period of disability of an employee while he/she was undergoing professional treatment.

e. Sick leave requests for medical, dental, or optical examination or treatment will be submitted for approval in advance, with necessary amounts of leave requested and approved consistent with workload requirements.

f. There are no limits on the amount of sick leave an employee can use for examination or treatment, incapacitation, communicable disease or adoption.

g. An employee pending retirement shall be granted such unused sick leave, as he/she requests, only if the employee submits evidence which supports a determination by the agency that he/she is incapacitated for performance of the duties of his/her position and only for the period during which he/she remains incapacitated as supported by evidence acceptable to the agency.

h. A Notice of Requirement may be issued to an employee when there is reason to suspect the employee is abusing sick leave. In such cases, the employee will be advised in writing that, because of his/her questionable sick leave record, an acceptable medical certificate will be required for each subsequent absence otherwise chargeable to sick leave. The issuing official will review Notices of Requirement 6 months from the date of issuance. If the abuse is no longer present, the letter will be withdrawn; otherwise, the requirement may be extended for additional 6-month periods.

i. Unearned sick leave may be advanced to career or career-conditional employees under certain circumstances. Criteria for advancing sick leave are:

(1) The employee's sick leave record clearly indicates a pattern fully consistent with the proper use of sick leave.

(2) Medical prognosis and other evidence provide reasonable assurance that the employee will be able to resume

duty on a regular basis and accrue sufficient sick leave to liquidate the amount advanced.

(5) An acceptable medical certificate signed by a physician supports the application for advanced sick leave.

j. The amount of sick leave advanced to an employee may never exceed 30 days (240 hours). A medical certificate signed by a physician or practitioner must always support application for advanced sick leave. Application for advanced sick leave must be submitted for consideration through the employee's supervisor to the activity commander or director delegated authority to approve such requests. The immediate supervisor or his/her representative will make an appropriate recommendation based on the factors listed above. If granted, a copy of the memorandum approving the request must be forwarded to the HRMO. Questions should be directed to 6-1402.

k. When sickness occurs during a period of annual leave, whether or not it is entirely within the period of annual leave, the entire period of illness may be charged to sick leave. Generally, the employee will be required to return to duty before a substitution is made unless the incapacitation precludes it. Medical documentation can be required to support the request to change the leave.

l. During the Thanksgiving, Christmas and New Years holiday periods, augmented sick leave restrictions are in effect for bargaining unit employees. **Refer to the collective bargaining agreement Article XI for specifics.**

#### 24-4. FAMILY FRIENDLY LEAVE ACT.

a. Under the Family Friendly Leave Act (FFLA), full-time employees are entitled to use 40 hours of sick leave each year to provide care for a family member as a result of physical or mental illness, injury; pregnancy; childbirth; or medical, dental or optical examination/treatment; or to make arrangements for, or attend the funeral of, a family member. An additional 11 weeks of sick leave can be used if the use of that leave does not cause the employee's sick leave balance to fall below 80 hours. This minimum balance must exist after deducting the amount that will be used for family care or bereavement. The amount is prorated for part time employees. Call the HRMO at 6-6412 for specific information.

b. Family members are defined as follows:

(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. Commanders or activity directors may advance only the initial 40 hours of sick leave or a proportional amount for an employee with a part-time or uncommon tour of duty. An agency may not advance sick leave for the purpose of meeting the requirement to retain a minimum sick leave balance.

d. Employees must follow all established procedures for requesting leave under the FFLA. When it is considered necessary and appropriate, leave approving officials may require evidence to support the use of sick leave for family care, bereavement and adoption. Such evidence must be administratively acceptable to the leave-approving official. Evidence requirements for family care can be the same requirements applied when an employee is incapacitated. For example, if any employee who is incapacitated is not required to provide medical documentation when absent for 3 days or less, medical documentation would not be required when the employee is on sick leave for 3 days or less to care for a family member.

e. Under the FFLA, Federal employees may be granted up to 7 days of paid leave in a calendar year (in addition to sick or annual leave) to serve as a bone-marrow donor. Employees may be granted up to 30 days to be an organ donor. When used, this entitlement should be recorded in the same manner as other excused absences (e.g., blood donation) are recorded. Although this absence is being administratively recorded as an excused absence, supervisors cannot deny this request since it is a statutory right of the employee.

f. Supervisors must carefully record the number of hours granted to an employee under the FFLA to insure the number of hours granted does not exceed the employee's entitlement.

#### 24-5. MANDATORY APPROVAL OF LEAVE REQUESTS.

There are instances in which approval of leave requests is mandatory. The mandatory requirement for granting leave in the following situations is based upon the assumption that the employee has followed established leave procedures:

a. Treatment of Disabled Veterans. Annual, sick or leave without pay (LWOP) as is necessary for medical treatment of a disabled veteran shall be granted upon the employee's request and presentation of an official statement from appropriate medical authority that such treatment is required. OPM regulations further extend the situations in which a leave of absence must be authorized for a disabled veteran to include examinations and absences from duty in connection with the disability.

b. Military Service. An employee (other than an intermittent employee or a temporary employee appointed for less than 1 year) who is a member of a Reserve component shall, upon request, be granted military leave to which he/she is entitled for performance of active duty or active duty for training. If a full-time or part-time employee who is a reservist or National Guardsman is not entitled to, does not request, or has exhausted his/her military leave, he/she shall be granted annual leave or leave without pay, as requested, for performance of active or inactive duty. An exception is that if the reservist or National Guardsman is ordered to an initial period of active duty for training of not less than 3 consecutive months, the agency has the option of granting annual leave or leave without pay, as requested, or separating or furloughing the employee. However, if any employee is to continue on active duty for an extended period (usually more than one year) he/she, after exhausting any requested military leave to which entitled, should be separated or furloughed since the employee's entitlements, if eligible for restoration, will be the same as if continued in a leave status.

c. Family and Medical Leave Act. Leave will be granted for maternity reasons the same as, for any other medically certified temporary disability. This leave could be a combination of sick leave, annual leave, and/or leave without pay. Employment during pregnancy will be governed by the advice of appropriate medical authorities in individual cases. It is the employees' responsibility to advise the supervisor of intent to request leave for maternity reasons including the type of leave, approximate dates, and anticipated duration. This will allow the supervisor to prepare for any necessary staffing adjustments. As soon as the period of confinement is medically determined, the employee will furnish a medical certificate specifying the period of incapacitation and request leave accordingly. A SF-71 will be used for this purpose. The Occupational Health Clinic has an established pregnancy surveillance program to advise women who work during their pregnancy. The employee should call the Occupational Health Clinic, telephone 6-2881 for information on the program. An employee who is not planning to return to work should submit her resignation as soon as possible, but not later than the expiration of the period of medically certified incapacitation.

24-6. LEAVE WITHOUT PAY.

Leave without pay (LWOP) is a temporary, approved non-paid status and absence from duty granted at the employee's request.

a. The granting of LWOP should be limited so far as possible.

b. Requests for LWOP in excess of 30 days will be submitted on a memorandum through the employee's supervisor to the activity commander or director for consideration. Such requests must state the employee's reasons for requesting LWOP and the supervisor's recommendation for approval or disapproval. If approved, a copy of the memorandum approving the request must be sent to the HRMO. Questions concerning this issue should be directed to 6-1402.

c. Due to the cost and administrative inconvenience involved, this type of absence should receive close attention. Among the costs and inconveniences involved are:

(1) The position is occupied and cannot be filled during the period of absence.

(2) The loss of the employee's services to the organization.

(3) The complications of computing retention preference in the event of reduction in force.

(4) The obligations to provide active employment at the end of the approved leave time.

(5) The credits of up to six months leave without pay in a year toward retirement.

(6) The continued coverage of health benefits, insurance, etc., without immediate cost to the employee.

d. At least one of the following benefits should result from granting leave without pay:

(1) Increased job skills.

(2) Protection or improvement of employee's health.

(3) Retention of employee.

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

e. The following are some examples of situations in which LWOP may be appropriate:

(1) Illness or disability. Employees may be granted LWOP for the purpose of recuperating from a temporary illness or disability when they have exhausted their leave balance. Approvals of such requests for LWOP will not exceed the period for which medical evidence is furnished.

(2) On-the-job injuries. Initial grants of LWOP due to job-related injuries must be based on the employee's expected return to duty, but in no case will exceed a period of 6 months. If, prior to the expiration of the initial LWOP period, the employee is still unable to return to work, the supervisor will require medical information on Form CA-17 to determine if an additional period of LWOP should be granted. If medical information indicates the employee will not be able to return to duty before expiration of the LWOP, an additional period up to 6 months may be granted. If, after 1 year of LWOP, the employee has not returned, a determination will be made in coordination with medical authorities as to whether additional LWOP should be granted or separation action initiated.

(3) Transfer of Family Member. LWOP (not to exceed 90 days) will normally be granted, at the employee's request, to career or career conditional employees who must relocate because they are family members of service members or of Federal employees who are obliged to move to new assignments or upon the transfer of a function or activity. In addition to the LWOP request, an employee is required to submit a resignation to become effective the date following the end of the LWOP period. A supervisor may elect to fill the position of an employee who is on LWOP in order to accompany a family member to a new duty location, however, it should be done on a temporary basis. Should the employee request to be returned to duty due to a change in plans he/she is entitled to return to the position from which he/she went on LWOP up through the effective date of the resignation. When an employee accompanies his/her spouse on an overseas tour, a copy of the spouse's Permanent Change of Station (PCS) orders must be forwarded with the request for LWOP. Extensions beyond the initial 90-day period can be granted at the supervisor's discretion.

(4) In addition to the above, LWOP may be appropriate for such reasons as educational purposes, when the completion of the course will contribute to the best interest of the Army; temporary service with non-Federal public or private enterprise, when such service will contribute to the public welfare or the

(experience gained will serve the interest of the Government; participation in Federal programs that the Government is sponsoring or encouraging (e.g., the Peace Corps); and serving as an officer or representative of a union. Additional information on LWOP may be obtained by calling the HRMO, 6-1402.

#### 24-7. FAMILY & MEDICAL LEAVE ACT.

To help balance the demands of the workplace with the needs of the family and to promote the family unit, the Family and Medical Leave Act (FMLA) was signed into law in 1993. This law insures that family and medical leave is available on a gender-neutral basis and mandates job security for employees who take leave. Likewise, it accomplishes three purposes in a manner that accommodates the legitimate interests of employers.

(a) The FMLA provides eligible Federal employees entitlement to a total of 12 administrative workweeks of unpaid leave during any 12-month period for certain family and medical needs.

(b) All employees covered by the annual and sick leave system under Title 5 USC 6301 are eligible. All eligible employees must have completed at least 12 months of service. The 12 months of service need not be recent service.

(c) An employee is not entitled to 12 additional weeks of FMLA leave until the previous 12-month period ends and an event or situation occurs that entitles the employee to another period of FMLA leave. (This may include a continuation of a previous situation or circumstance.) The 12-month period begins on the date the employee first takes FMLA leave and continues for 12 months.

(d) The FMLA provides an entitlement to 12 workweeks of unpaid leave during any 12-month period for the following purposes:

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

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

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

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

(e) The employee may be required to provide advance leave notice and medical certification. The employee ordinarily must provide 30 days advance notice when the need for leave under the FMLA is foreseeable. Supervisors may require medical certification to support a request for leave because of a serious health condition. If any employee cannot provide the required medical certification before FMLA leave is to begin, the employee must be provided provisional leave. Once FMLA leave has commenced and the employee fails to provide the medical certification, supervisor's may charge the employee as AWOL or may allow the employee to request that the provisional leave be charged as LWOP or to the employee's appropriate leave account.

(f) Upon return from FMLA leave, an employee must be returned to the same position or to an equivalent position with equivalent benefits, pay status, and other terms and condition of employment. An employee who takes FMLA leave is entitled to maintain health benefits coverage and may choose to pay the employee share of the premium on a current basis or pay upon return to work. The FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

(g) An employee may elect, but not be required to substitute accrued annual and/or sick leave or other paid time off for the unpaid FMLA leave in accordance with current law and regulations. An agency may not deny or require an employee's right to substitute paid time off for unpaid FMLA leave. An employee may not retroactively substitute paid time off for unpaid FMLA leave. FMLA leave is in addition to other paid time off available to an employee. Under certain conditions, FMLA leave may be taken intermittently, or the employee may work under a work schedule that is reduced by the number of hours of leave taken as family and medical leave.

(h) Supervisors are required to keep accurate records of leave granted under the FMLA.

#### 24-8. COURT LEAVE.

a. Court leave is the authorized absence, without charge to leave or loss of pay, of an employee from official duty for jury duty, or when summoned to appear as a witness in a nonofficial capacity in a judicial proceeding on behalf of a state or local government, or on behalf of a private party in connection with any judicial proceeding to which the United States, The District of Columbia, or a state or a local government is a party. The term "judicial proceeding" means any action, suit, or other preliminary, informational, or other proceeding, but does not

include an administrative proceeding. (Employees who appear as witnesses on behalf of the United States Government, who testify in an official capacity, or who are required to produce records is considered to be in an official duty status.) When employees are called for court services, either as witnesses or jurors, they must present the court order, subpoena, or summons, if one was issued, as far in advance as possible. Upon return to duty, written evidence of attendance at court is required, showing the dates (and hours if possible) of the service. Such statement will be attached to the Time and Attendance Card. It is the civic responsibility of an employee to respond to calls for jury and other court services; therefore, requests for employees to be excused from jury duty will be limited to those instances where the employee's services are required to meet essential work schedules, or the public interests are served better by the employee remaining on duty.

b. Employee eligibility. Court leave will be granted to both permanent employees and temporary employees (full-time and part-time), except for those employed on a substitute, when actually employed, or intermittent basis. Employees on leave without pay will not be granted court leave since court leave is available only to employees who would otherwise be on duty or on leave with pay. Night shift employees who perform court services during the day are entitled to court leave for their night tour of duty and to the night differential. Part-time employees are entitled to court leave only for services performed during their scheduled duty hours. The enclosed table gives the varying conditions for absences and the proper time and attendance recording for each, together with any right to (and retention of) fees for each services rendered and right to payment for expenses of travel.

#### 24-9. EXCUSED ABSENCES.

An excused absence is an absence from duty, administratively authorized, without loss of pay or charge to leave. Ordinarily, excused absences are authorized on an individual basis, except where an installation is closed, or a group of employees is excused from work for various purposes. Excused absences include the following:

##### a. Blood Donations.

(1) Employees who volunteer as blood donors, without compensation, to the American Red Cross, to military hospitals or other blood banks, or respond to emergency calls for needy individuals, will be excused from work without charge to leave for the time necessary to donate the blood, for recuperation following blood donation, and for necessary travel to and from the donation site. The maximum excused time will not exceed 4

hours, except in unusual cases. When the employee must travel a long distance, or when unusual need for recuperation occurs, up to an additional 4 hours may be authorized. The excused absence must be taken on the day the blood was donated. The blood donor will furnish his/her supervisor documentation from the blood facility verifying the blood donation and date.

(2) Excused absence for blood donations will be scheduled at the convenience of both the employee and the supervisor. An employee's request for a specific date may be denied because of workload or other work-related considerations. When the supervisor denies a request, alternate dates will be mutually acceptable.

b. Voting.

(1) The polls in North Carolina are required by law to be open from 6:30 a.m. to 7:30 p.m. on Election Days.

(2) As a general rule, where the polls are not open at least 3 hours either before or after an employee's regular hours of work, he/she may be granted an amount of excused leave which will permit reporting for work 3 hours after the polls open or leaving work 3 hours before the polls close, whichever requires the lesser amount of time off. Administrative excusal would be appropriate in very few instances, i.e., one who commutes from a long distance. Supervisors will judge those rare instances when an employee is entitled to an excused absence for the purpose of voting.

c. Funeral Leave.

(1) Military funerals. Employees who are veterans may be excused up to 4 hours in a day to serve as pallbearers, members of firing squads or honor guards at funeral services for members of the Armed Forces whose remains are returned to the United States from abroad for final interment in the United States. Excused absence is not authorized for honorary pallbearers.

(2) Funerals of immediate relatives whose deaths result from wounds received in combat. Employees will be excused from duty without loss of pay or charge to leave, not to exceed 3 workdays, to make arrangements for or to attend funeral or memorial services of 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 not, employees must furnish satisfactory reasons to justify the request for

nonconsecutive days. See the Family Friendly Leave Act for the definition of a qualifying family member.

d. Armed Forces Medical Examinations. Time spent in reporting for and undergoing a physical examination to determine an employee's eligibility for enlistment into the Armed Forces will be excused without charge to leave or loss of pay, provided the request for absence is supported by official notification from the appropriate military authority. If the absence extends beyond one workday, the employee will be required to submit a statement from the Military Entrance and Processing Station (MEPS), showing the necessity for the additional absence. If the employee is ordered to report to other than the nearest MEPS and, as a result he/she is away from duty more than one day, the absence in excess one day will be charged to annual leave or leave without pay. Medical examinations for reservists for the purpose of recall to active duty, or to determine eligibility for retention in a Reserve Component are to be charged to sick leave, except where the reservist is ordered to active duty for this purpose. In the latter case, the medical examinations directed by the Armed Services in connection with periodic physical examinations of retired military personnel serving as civilian employees are chargeable to sick leave.

e. Other Examinations. This applies only to examinations given by or taken at the request of management. Questions regarding the circumstances under which an employee may be excused to take an examination will be addressed to the Labor Management Office (telephone 6-8905/9138).

f. Conferences or Conventions. Employees may be excused to attend conferences or conventions when it is determined that the attendance will serve the best interests of the Federal service. Excused absences of this type may be restricted to those situations in which the employee is an official representative of the organization involved or is a contributor on the agenda. Questions regarding the circumstances under which an employee may be excused to attend a conference or convention will be addressed to the Labor Management Office (telephone 6-8905/9138).

g. Adverse Actions, Grievances, Appeals, and Discrimination Complaints. (See the collective bargaining agreement with AFGE Local 1770 for provisions pertaining to bargaining unit employees.) An employee, if otherwise in an active duty status, may use reasonable amounts of official time to prepare a written reply or make an oral reply to a notice of proposed action. Employees who serve as witnesses in a grievance, appeal, or discrimination complaint hearing will be on official time if otherwise in a duty status.

h. Closing the Installation or an Activity.

(1) Commanders are authorized to close all or part of an activity consistent with the policy outlined in this subchapter and to excuse employees administratively. This authority does not extend to periods of interrupted or suspended operations that can be anticipated sufficiently in advance to permit assignment to other work or the scheduling of annual leave.

(2) There are stringent limitations on excusing employees administratively because of weather or other factors and each event requiring the closing of the installation or an activity will be administratively addressed on a case-by-case basis and must be made a matter of record. (See Chapter 35 -Adverse Weather Procedures.)

i. Disruption of Operations. Under certain conditions, employees may be excused from duty when operations are interrupted by events such as power failure, breakdown in facilities, or other emergency situations which prevent employees from working. In such cases, supervisors will make every effort to assign other work (in other duty sections, if necessary) or require the use of annual leave or leave without pay (with employee's consent) when an advance notice of 24 hours can be given. When a 24 hour notice cannot be given, employees may be placed on annual leave (not leave without pay) if notice is given before the end of the working period immediately preceding the one in which they are placed on leave. Leave under these conditions will be held to a minimum; in no event will an employee be required to take more than five days of annual leave in any one leave year without 24 hours notice. When other work cannot be assigned and advance notice cannot be given, supervisors may excuse employees for periods of less than one hour. Excused absences of one hour or more must be coordinated with the Labor Management Office.

j. Other Excused Absences. There are numerous instances when employees are absent from their normal productive assignments to perform acts or services officially sanctioned by activity directors and commanders. In performing these acts or services, employees remain under management control or jurisdiction and are thus considered in a duty status. Examples of such absences would include medical examination to determine fitness for duty, merit placement interviews at Fort Bragg, and utilizing personnel office services. Supervisors are authorized to make individual determinations that the act or service is job related and to place reasonable limits on the length of such absences.

24-10. ABSENCES INAPPROPRIATE FOR ADMINISTRATIVE EXCUSAL.

a. Civilian Employee Participation in Physical Activities on Duty Time.

(1) Civilian employees are not permitted to participate in sports or recreational physical activities (running, golf, tennis, volleyball, etc.) during normal duty hours except under the auspices of the Wellness Works Program. Should your organization have a wellness program, the employee can use up to 3 hours of administrative leave per week for 6 months. Some employees attempt to justify participation in these activities on duty time by implying that higher level officials have invited, if not ordered, their participation. Although the benefits of these activities to the health and well being of the employee are recognized, participation in such activities must be done only on leave, documented compensatory time or after duty hours.

(2) Participation in physical activities in a duty status constitutes falsification of time and attendance reports, leaves the supervisor open to allegations of disparate treatment, and has an adverse effect on the morale of other civilian employees who are non-participants.

b. Absence Without Leave (AWOL).

(1) An absence from duty which was not authorized or approved or for which a leave request has been denied is charged on the leave record as AWOL. Pay is withheld for the entire period of such absence. (If it is later determined that the absence without prior authorization was excusable or that the employee was ill, the charge to absence without leave may be changed to annual or sick leave as appropriate.) Disciplinary action can be taken for a charge of AWOL.

(2) AWOL should not be confused with leave without pay (LWOP). LWOP and AWOL are alike in one respect - both mean no pay. There is however, an important difference. LWOP is an approved absence while AWOL is an unauthorized absence. The employee must request LWOP, like other approved leave, may be approved only by officials to whom authority is delegated. AWOL will result when:

(a) The employee fails to report as scheduled and does not contact his/her supervisor.

(b) The employee requests leave and the request is denied, however, the employee fails to report as scheduled.

(c) The employee fails to report as scheduled, comes to work late, and the tardiness is not excused or charged to approved leave.

(d) The employee works part of the workday, but fails to complete the day although leave is not approved.

(3) A charge of AWOL is not a disciplinary action, but can serve as the basis for such an action. A timekeeper has neither the authority to grant leave of any kind or to determine whether AWOL is the appropriate charge. The officials who have leave approving authority make decisions on the proper charge for absences.

c. Tardiness.

(1) Employees are expected to be at their workstations ready to begin work at the beginning of duty hours and at the end of their scheduled lunch period. Repetitive tardiness should not be tolerated. Occasional or infrequent tardiness may be excused, charged to annual leave, compensatory time, or made up as follows:

(a) If the reasons for the tardiness appear to be adequate and acceptable, the supervisor may simply excuse the absence, and no reference may be made to it at a later date nor will the employee be admonished in any way for tardiness; or

(b) The supervisor may allow the employee to compensate for the absence by making up the time so long as the total work hours in the day do not exceed eight (8). Example: Duty hours are 0730 - 1600, with a 30-minute lunch period. The employee reports for work at 0740 rather than 0730, as required. The supervisor may allow the employee to work until 1610 that afternoon to make up for the ten minutes lost in the morning. Time may also be made up during the lunch period, with supervisory permission; or

(c) The absence may be charged against:

(1) Annual leave (charged in increments of six (6) minute increments for bargaining unit employees, 15 minute increments for non-bargaining unit employees and the employee may not work at any time during the leave period).

(2) Compensatory time (which has already been earned and documented on the official time and attendance report).

(3) Absence without leave (AWOL) (Charged in increments of 15 minutes).

(d) Repetitive incidents of tardiness which charged to leave, compensatory time, or made up may be the basis for disciplinary action if the employee has been warned and the behavior does not improve. Contact the Labor Management Office for additional informational guidance.