



# Instruction

Defense Intelligence Agency

DEFENSE INTELLIGENCE AGENCY  
WASHINGTON, DC 20340-5100

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USC 424

## Leave

### References:

- (a) DIAM 22-23, "Civilian Personnel Administration", 3 April 2000.
- (b) Title 5 U.S.C., Chapter 63, "Leave".
- (c) Title 5 Code of Federal Regulations, Part 630, "Absence and Leave."
- (d) Public Law 107-306, Intelligence Authorization Act for Fiscal Year 2003.

### 1. Purpose

1.1. The purpose of leave is to establish the overall management and administration of civilian

employee leave programs. Leave is a benefit for civilian employees to be used for vacations, rest and relaxation, personal business, emergencies, and to conduct official government business. Leave programs encompass

- Annual leave
- Sick leave
- Leave without pay
- Absence without leave
- Home leave
- Environmental and morale leave
- Court leave
- Family friendly leave
- Family and medical leave
- Military leave
- Administrative leave
- Group dismissal and excusal of personnel
- Voluntary leave transfer program, and
- Voluntary leave bank

1.2. This instruction delegates authority to the Chief of Staff (CS) to serve as the approving authority for closure of the agency and release of personnel during emergencies, planned management actions, or other events as deemed appropriate by the CS.



- 1.3. This instruction is applicable to all DIA civilian employees except for foreign national employees, nonappropriated fund employees, experts, consultants, and contractors. Defense Intelligence Senior Executive Service (DISES) and Defense Intelligence Senior Level (DISL) members are not covered by the provisions of this instruction.
- 1.4. This revision superseded DIA Manual 22-23, Chapter 5, Subchapter 3, Leave Administration; Subchapter 4, Annual Leave; Subchapter 5, Sick Leave; Subchapter 6, Leave Without Pay (LWOP) and Absence Without Leave (AWOL); Subchapter 7, Home Leave and Environmental Leave; Subchapter 8, Court Leave; Subchapter 9, Family Friendly Leave; Subchapter 10, The Family Friendly and Medical Leave Act; Subchapter 11, Military Leave; Subchapter 12, Other Types of Leave; Subchapter 13, Group Dismissal and Excusal of Personnel; Subchapter 14, Leave Sharing Program, dated 10 January 2003 (reference (a)). The current revision establishes policy, assigns responsibilities, and provides guidance and procedures for the administration of the Defense Intelligence Agency (DIA) civilian personnel leave programs.

## 2. Responsibilities

2.1. Chief, [REDACTED] is responsible for the overall management of the leave program. (b)(3):10 USC 424

2.2. [REDACTED] will administer the leave program and will: (b)(3):10 USC 424

- establish operating procedures to administer the DIA civilian personnel leave programs when applicable.
- interpret leave laws and U.S. Office of Personnel Management (OPM) and DoD regulations and policies.
- evaluate the effectiveness of policies, objectives, and procedures to ensure that leave is administered on a uniform and equitable basis.
- inform all employees of laws and regulations affecting their leave benefits.
- furnish supervisors and managers with information and staff assistance necessary to discharge their responsibilities for leave administration.
- approve/disapprove leave without pay (LWOP) in excess of 30 days.
- approve/disapprove advanced sick leave requests.
- authorize administrative leave in unusual situations when circumstances warrant removal of the employee from the work site and annual leave or LWOP is not appropriate.
- advise CS of instructions issued by OPM for the Washington DC area regarding administrative dismissals and closings.
- inform deputy directors for and chiefs of special offices of instructions issued by OPM and CS related to administrative dismissals and closings.
- advise [REDACTED] on the application of leave policy and procedures for purposes of time and attendance reporting. (b)(3):10 USC 424
- provide technical advice and guidance to employees and supervisors.



2.3. [redacted] will administer the leave program for DH employees and will: (b)(3):10 USC 424

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- establish operating procedures to administer the DIA civilian personnel leave programs when applicable. The operating procedures will be coordinated with [redacted] prior to implementation.
- evaluate the effectiveness of policies, objectives, and procedures to ensure that leave is administered on a uniform and equitable basis.
- inform all employees of laws and regulations affecting their leave benefits.
- furnish supervisors and managers with information and staff assistance necessary to discharge their responsibilities for leave administration.
- approve/disapprove leave without pay (LWOP) in excess of 30 days.
- approve/disapprove advanced sick leave requests.
- authorize administrative leave in unusual situations when circumstances warrant removal of the employee from the work site and annual leave or LWOP is not appropriate.
- provide technical advice and guidance to employees and supervisors.

2.4. **Chief of Staff (CS)** serves as approving authority for closure of agency and will:

- determine, in accordance with DoD 1400.25-M, Civilian Personnel Manual, Subchapter 610, Dec 96, and the most recent OPM Memorandum on Washington DC Area Emergency Dismissal or Closure Procedures
  - when employees will be administratively dismissed or excused because of an emergency situation.
  - when all or part of DIA will be closed for a short period of time for planned management reasons.

2.5. **Deputy directors for and chiefs of special offices** will:

- establish appropriate internal administrative procedures for requesting and approving leave.
- dismiss or excuse employees when the CS or chief of mission directs such action.

2.6. **Supervisors** will:

- certify time and attendance (T and A) reports and approve/disapprove leave. This authority will not be delegated to timekeepers.
- ensure that all employees under their supervision know the procedures they must follow in requesting and approving leave.
- ensure that all absences are charged to leave in accordance with regulations.
- schedule annual leave on a year-round basis to ensure that all employees are given an opportunity for a reasonable vacation period and to use leave they would otherwise forfeit.



- request advice and assistance from (b)(3):10 USC 424 when there is a question concerning the type of leave to be charged in any absence to include family and medical leave.
- not deny an employee's right to take family and medical leave unless the employee did not follow FMLA procedures.
- control absenteeism. Supervisors should discuss the reasons for absences with employees who have excessive absences or who appear to be abusing leave privileges. In cases where the employee fails to respond, it may be necessary to take corrective action. Actions of this nature must be pre-coordinated with (b)(3):10 USC 424 (b)(3):10 USC 424
- know the duty status of all employees and report unauthorized absences to appropriate officials as outlined in chapter 3 of the procedures in this instruction.
- For the purpose of group dismissals and excusal of personnel, division level supervisors and above will
  - designate “emergency/mission-critical employees tier 1, 2, 3 or non-emergency/mission-critical response personnel” in accordance with the provisions of this instruction.
  - notify emergency/mission-critical employees tier 1, 2 or 3, in writing, of their obligation to work in emergency situations.

#### 2.7. **Employees will:**

- comply with provisions of this instruction.
- request leave in advance to provide the supervisor an opportunity to reschedule workload.
- formally invoke the entitlement to family and medical leave in writing where applicable.
- furnish medical documentation when required by the supervisor.
- furnish a certificate or copy of pay voucher attesting to performance of military service upon return from military leave.
- furnish a copy of the court orders, subpoena summons, jury summons, or official request or other court appropriate court initiated documents attesting to performance of court service upon return.
- contact the immediate supervisor by telephone for approval of leave in the event of an emergency. In such cases the immediate supervisor must be contacted within one hour after the beginning of the employee's regular work shift. If the immediate supervisor is not available, the employee will contact the supervisor's designee or next higher level supervisor (e.g., branch or division chief). Under no circumstances may an employee leave a voice mail message and consider the leave request to have been approved.
- comply with the provisions of DIAR 50-2, Information Security Program, for travel to a foreign country.

### 3. **Procedures** (See enclosure)



//signed//

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Deputy Director for Administration  
1 enclosure a/s



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ANNUAL LEAVE

C1.1. DEFINITIONS

- **Accrued leave**—leave earned by an employee during the current leave year that is unused in that leave year.
- **Accumulated leave**—unused annual leave remaining to the credit of an employee at the beginning of a leave year.
- **Advanced leave**—sick or annual leave granted before it is earned.
- **Leave year**—period from the beginning of the first full pay period in one calendar year to the beginning of the first full pay period in the next calendar year.
- **Paid leave status**—administrative status of an employee while using accrued or accumulated annual or sick leave.
- **Tour of duty**—hours and days during the administrative workweek fixed in advance during which the employee is required to be on duty.

C1.2. LEAVE ACCURALS

- All periods of Federal civilian and honorable military service, which are creditable for annuities, are also creditable in determining your annual leave accrual rate. Full-time employees are assigned to leave accrual categories based on their total creditable service and will accrue annual leave as follows:

Years of Service	Category and Hours per pay Period	Year Total
Up to 3 years	4 hours	13 Days
3 to 15	6 hours*	20 Days
15 and Over	8 hours	26 Days

\* Employees earn an additional 4 hours for the last full pay period in the calendar year.

- Part-time employees, with a regularly scheduled tour of duty, earn leave for the time they are in a pay status. See the next page leave accrual rates.

Years of Service	Hours	Number Hours in a Pay Status
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Up to 3 years	1 hour	20 hours
3 to 15	1 hour	13 hours
15 and Over	1 hour	10 hours

- Part-time employees may carry over from one pay period to the next those excess hours that are not divisible by 10, 13, or 20 hours, as applicable. These hours will be added to the total work hours for the next pay period for leave accrual purposes.
- Intermittent employees *do not* accrue annual leave.
- Leave accrual category is reflected on the employee's biweekly Leave and Earnings Statement (LES).
- The maximum accumulation of annual leave that an employee may carry forward at the end of the leave year is 30 days (240 hours), except
  - leave accrued during certain kinds of service overseas, and
  - restored annual leave (with time limitations).
- Employee may accumulate the maximum of 45 days (360 hours) if he/she is a U.S. citizen serving abroad and meet certain requirements (see 5 U.S.C., Chapter 63, section 6304(b)). This includes any employees whose conditions of employment provide for their return transportation to the United States at government expense upon completion of a minimum prescribed tour of duty.

### C1.3. CREDITING ANNUAL LEAVE

Annual leave will be credited to you at the end of the pay period in which it is earned. Leave accrues on the basis of a full pay period. No leave will be credited for a fractional pay period except when employee move to another Federal employer under the same leave system with no break in service.

### C1.4. ADVANCED ANNUAL LEAVE

- A supervisor may advance you annual leave. The maximum amount of leave that can be advanced is the amount the employee would earn during the remainder of the leave year.
  - The supervisor must note that advanced leave is approved in the remarks section of the Time and Attendance report in accordance with DIAR 46-2, Time and Attendance Reporting.
  - Advanced annual leave is not an employee entitlement; therefore, supervisors should take into consideration past leave usage; performance; and overall conduct when determining if advanced leave is appropriate.
- Advanced annual leave approvals at USDAOs and Defense Liaison Offices should be reported to the NSA Civilian Payroll Office in accordance with State Department procedures.



- If you are indebted for unearned annual leave at date of your separation you are required to repay the actual amount paid for the leave taken but not earned, amounts withheld for allotments (life and health insurance, etc), and in some cases, taxes withheld. When feasible, DIA will withhold any amount to be refunded from your last pay, to include any lump sum leave payment due.
- You are not required to refund advanced annual leave should you die, retire for disability, resign or are separated because of disability which prevents your return to duty or continuance in the service. Your disability must be the basis of the separation, as determined by  and based on acceptable medical evidence.

## C1.5. SCHEDULING LEAVE

### C1.5.1. *Scheduling Leave*

- Except in cases of emergency, approval of annual leave will be obtained from the supervisor in advance of the absence.
- Accumulated annual leave which could be payable in a lump sum will not be granted when it is known or considered likely that you will not return to duty (i.e., pending resignation, retirement), except when
  - you are being separated because of reduction in force.
  - you must be carried in a leave status pending acceptance for extended active duty in the Armed Forces.
  - you have made an application for disability retirement.
- If you are serving under an appointment with a time limitation you may not be granted leave in excess of that you will earn and have credited prior to the expiration of your limited appointment.
- Leave schedules for the entire year will be established NLT 31 March to ensure that you are given an opportunity for a reasonable vacation period and that you are allowed to use all leave you would otherwise forfeit.
- Leave will be scheduled by supervisors to avoid having an excessive number of employees absent at the same time and to ensure that a sufficient number of personnel will be on duty to maintain essential operations.
- As work conditions permit, leave will be granted for the time requested by you. However, when this is not possible your supervisor, after consultation with you, will determine which leave periods will be approved.
- Leave will be requested and approved on an OPM Form 71, Request for Leave or Approved Absence.

### C1.5.2. *Requirement to Take Annual Leave*

- You will not be placed on annual leave without your consent.



- Your supervisor may ask you to request leave if you are not ready, willing, and able to work. If you refuse to request leave, you may be charged absence without leave (AWOL) until the situation can be resolved. A charge of AWOL can be changed by your supervisor to annual, sick leave, approved non-pay status at any time, credit hours taken or comp time off, as appropriate.

#### **C1.6. SUBSTITUTING ANNUAL LEAVE FOR ADVANCED SICK LEAVE**

Annual leave may not be granted retroactively and substituted for regular sick leave that has been approved. However, the retroactive substitution of annual leave for the liquidation of advanced sick leave is permitted.

#### **C1.7. MINIMUM LEAVE CHARGES AND COMPENSATORY TIME**

- The minimum charge of annual leave is  $\frac{1}{4}$  hour. Additional charges are in multiples of  $\frac{1}{4}$  hour.
- When there is compensatory time (comp time) earned to an employee's credit the supervisor will charge comp time in lieu of annual leave until the comp time balance is exhausted.
- If there is insufficient time remaining in the leave year to exhaust your comp time balance and your excess annual leave, annual leave will be charged without regard to the comp time.

#### **C1.8. RESTORATION OF LEAVE**

##### ***C1.8.1. Restoration of Annual Leave***

- Annual leave that was forfeited because it was in excess of the maximum permissible carryover at the end of the leave year may be restored if the loss of leave was caused by
  - administrative error when the error causes you to lose annual leave otherwise accruable.
  - exigencies of the public business when your annual leave was scheduled and approved in advance.
  - illness when your annual leave was scheduled and approved in advance.
- To be considered for restoration, your annual leave must have been scheduled and approved in writing before the start of the third biweekly pay period prior to the end of the leave year by your supervisor or other official designated to approve leave schedules. *However, service by a DIA emergency essential (E-E) employee in a combat zone will be automatically restored, whether it was scheduled in advance or not.* The definition for "emergency essential" is found in DoD Directive 1404.10, Emergency Essential (E-E) DoD U.S. Citizen Civilian Employees, April 1992.



- The restoration of leave applicable to exigencies of the public business can be effected only when both of the following conditions are met:
  - exigency is of such importance that you cannot be excused from duty for the duration of the exigency, and
  - there is no reasonable alternative to the cancellation of your scheduled leave, or the assignment of those individuals who will forfeit annual leave, because of the work requirement generated by the exigency.
- In order to have an exigency of public business declared, the criteria described above must be attested to in writing by the cognizant deputy director for, chief of special office, or USDAO. Except where made by the DR, the determination may not be made by an official in the immediate organizational unit affected by the work requirement or by any official whose leave would be affected by the decision.
- The written determination will be forwarded to the CS for approval of the public exigency. The DR will approve determinations in those instances where the exigency involves the immediate office of the Deputy Director (DD) or the CS.
- Chief, [redacted] is designated as the official authorized to approve the restoration of forfeited annual leave due to administrative error, illness, or exigencies of the public business.

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#### C1.8.2. *Processing a Request for Restoration of Annual Leave*

- Requests for restoration of forfeited annual leave are addressed to [redacted] using the appropriate format provided by [redacted]. Request must be submitted no later than 45 days after the end of the leave year. Chief, [redacted] will review requests for administrative sufficiency and compliance with the requirements set forth in this instruction. If request does not meet the requirements of this instruction, it will be returned with comments describing the nature of the deficiency. (b)(3):10 USC 424
- Claims that are accepted by the Chief, [redacted] will be forwarded to the NSA civilian payroll office for the establishment of a leave account for restored annual leave.

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#### C1.8.3. *Recording Restored Annual Leave*

Timekeepers should consult the time and attendance manual for instructions on completing the timecard.

#### C1.8.4. *Leave and Earnings Statements (LES)*

The LES is designated to show restored leave balances, or hours of restored leave used. It is your responsibility to keep abreast of your leave and to ensure that your restored leave is used within the time provided.



**C1.8.5. *Scheduling and Using Restored Annual Leave***

- Restored annual leave must be scheduled and used no later than the end of the leave year.
  - the date of restoration of the annual leave forfeited because of administrative error.
  - date fixed by the determination made and approved as the termination date of the exigency of the public business which resulted in forfeiture of the annual leave.
  - date you are determined to be recovered and able to return to duty if the leave was forfeited due to illness.

**C1.9. LUMP SUM LEAVE PAYMENT**

Upon separation from the Federal government you will be paid a lump sum for the regular annual leave carryover balance from the previous leave year, plus leave accrued and unused during the current leave year, plus any unused annual leave restored. If you are re-employed in the Federal service within the period represented by a lump sum leave payment you must make a proportional refund and be credited with the unexpired portion of your annual leave. If you are re-employed under a different leave system, your refund and leave account are adjusted accordingly.



## C2. - CHAPTER 2

**SICK LEAVE****C2.1. DEFINITIONS**

- **Contagious disease**—an illness or disease requiring isolation of the patient, quarantine, or restriction of movement as prescribed by health authorities having jurisdiction.
- **Medical certificate**—a written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, or treatment, and the period of disability while the patient was receiving professional treatment.

**C2.2. SUPERVISOR'S ROLE**

An employee who is absent frequently for short periods due to illness should be advised to visit a physician for a physical checkup or may be referred to available civilian medical facilities for a physical examination. When there is reason to believe that an employee is abusing the use of sick leave, a medical certificate may be required for any period of absence. This requirement will be limited to individual cases of suspected abuse. If the employee is known or believed to be planning optional retirement, the case will be carefully monitored to ensure that sick leave is fully justified and sufficiently documented.

**C2.3. GRANTING SICK LEAVE**

Sick leave will be granted to an employee when the employee

- receives medical, dental, or optical examination or treatment.
- is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth.
- provides care for a family member who is incapacitated by a medical or mental condition or attends to a family member receiving medical, dental, or optical examination or treatment.
- provides care for a family member with a serious health condition.
- makes arrangements necessitated by the death of a family member or attends the funeral of a family member.
- would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease.
- 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.

**C2.4. SICK LEAVE ACCRUALS**



If you are a full-time employee you accrue 4 hours of sick leave per pay period. Sick leave is credited at the close of the pay period in which it is earned. If you are a part-time employee you earn 1 hour of sick leave for each 20 hours in a pay status. You may not earn more than 4 hours of sick leave for 80 hours in a pay status during any biweekly pay period. Intermittent employees do not earn sick leave. There is no limitation on the amount of sick leave that may be accumulated. All sick leave which is not used within the year in which it is earned may be carried forward for use in later leave years.

## C2.5. ADVANCED SICK LEAVE

- In the case of serious disability or ailment, you may be advanced sick leave not to exceed 30 days (240 hours), subject to prior approval by [REDACTED] Sick leave will not be advanced if you will be separated or will retire before the amount advanced is earned and it is likely that you will not return to duty. In determining whether or not sick leave will be advanced, careful consideration will be given to the following factors
  - the employee's tenure.
  - the established pattern of sick leave usage.
  - stability of employment record to include performance and conduct, and
  - advanced sick leave is justified by the situation.
- Your written request for advanced sick leave, including a medical certificate, will be submitted to your supervisor. Your supervisor will recommend approval or disapproval with appropriate comments and will forward the request through your chain of command to [REDACTED] Notice of approval will be forwarded by [REDACTED] to the NSA Civilian Payroll Office with an information copy to your supervisor. Disapproved requests will be returned to your supervisor.
- If you are indebted for advanced sick leave at date of your separation, you are required to refund the excess amount paid. When feasible, DIA will withhold the amount required for refund from your last pay or lump sum leave payment. Refund is not required in cases of death, disability retirement, or if you are unable to return to duty due to an incapacitating illness supported by a medical certificate. If you enter active military service with restoration rights you are not required to make a refund for unearned leave.

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## C2.6. APPLYING FOR SICK LEAVE

You must apply for sick leave as soon as possible after the beginning of your illness. If you are unable to report for duty due to illness (or other reasons for which sick leave may be granted), you must contact your supervisor by telephone within 1 hour after the beginning of your work shift and request sick leave. Application for sick leave for medical, dental, or optical examinations will be made in advance. Leave will be requested and approved on an OPM Form 71, Request for Leave or Approved Absence. Supervisors designated to approve annual leave may also approve sick leave.



**C2.7. MINIMUM SICK LEAVE CHARGES**

The minimum charge of sick leave is ¼ hour and additional charges are in multiples of ¼ hour.

**C2.8. SUBSTITUTING SICK LEAVE FOR ANNUAL LEAVE OR LEAVE WITHOUT PAY**

If your illness occurs during a period of annual leave, sick leave supported by a medical certificate may be substituted for the annual leave. Sick leave may not be granted retroactively to cover any period of absence without pay that you applied for and had approved in advance, except for leave without pay granted to you pending action on an Office of Workers' Compensation claim that was subsequently disallowed.

**C2.9. DOCUMENTING SICK LEAVE**

In most cases certification from you (initials on the time and attendance report) will be accepted for absence due to illness for 3 days or less. However, management may establish internal office policy on the need for documentation. If you are under a Letter of Instruction (LOI) you must follow the specifics of the letter when documenting your illness. Sick leave in excess of 3 days should be supported by a medical certificate. However, if there was no attending physician, a certificate from you showing evidence of incapacity for duty may be accepted in lieu of a medical certificate.

**C2.10. SICK LEAVE AND REDUCTION-IN-FORCE**

If you are on extended sick leave (including sick leave for maternity reasons) when an advance notice of reduction-in-force or displacement is received, you may be continued on sick leave for the duration of your illness but not longer than the notice period. Sick leave may not be substituted for annual leave after the last day in duty status.

**C2.11. HEALTH CLINIC VISITATION**

If you visit an on-site health clinic due to sickness you will be allowed up to 1 hour of excused absence to obtain necessary treatment. When more than 1 full hour is required, sick leave will be charged in multiples of ¼ hour. If the charge exceeds the period of absence, the employee will not be required to work during the period covered by leave.

**C2.12. CONTAGIOUS DISEASE**

- A contagious disease is a disease ruled as subject to quarantine or requiring isolation of the patient by health authorities having jurisdiction over the employee's place of residence.
- You may be granted sick leave when a member of your immediate family contracts a contagious disease, and as a result of exposure to contagious disease, your presence would jeopardize the health of others. Employees are entitled to use sick leave for



this purpose only for the period of time during which danger to the health of other employees exists.

- You apply for sick leave using OPM Form 71, Request for Leave or Approved Absence. The application must include a statement from the health officer or attending physician specifying the disease, attesting to the need for quarantine or isolation, and specifying the period of isolation or restricted movement.
- In those specific cases where there is reason to believe that your presence at work would endanger your health or would constitute a health hazard to others, the supervisor, after consultation with [REDACTED] may request that you provide a medical statement of fitness for duty.
- If such a statement cannot be obtained from your private physician, [REDACTED] may arrange for you to be examined by a Federal Medical Officer.

### **C2.13. SICK LEAVE AND MILITARY SERVICE**

If you are required to report for a periodic physical examination in connection with your status in any reserve component of the armed forces, the National Guard, or a State Guard, you may be granted sick leave for the period of your absence.

### **C2.14. RE-CREDITING SICK LEAVE FOLLOWING A BREAK IN FEDERAL SERVICE**

Any sick leave balance that you had at the time of your previous separation from the Federal service may be re-credited if you were reemployed on or after 2 December 1994.

### **C2.15. RETIREMENT CREDIT**

- If you are enrolled in the Civil Service Retirement System (CSRS) and you retire on an immediate annuity or if you die, any unused sick leave hours will be added to your creditable service for computing the CSRS annuity.
- If you are enrolled in the Federal Employees Retirement System (FERS) you are not given credit for sick leave when computing your FERS annuity.
- If you are enrolled in the Federal Employees Retirement System (FERS) and have a Civil Service Retirement System (CSRS) component, frozen sick leave will be added to your creditable service for computing the CSRS portion of your annuity.

## **C3. - CHAPTER 3**

### **LEAVE WITHOUT PAY (LWOP) AND ABSENCE WITHOUT LEAVE (AWOL)**

#### **C3.1 DEFINITION**



- **Leave Without Pay (LWOP)**—permissive leave without pay which must be requested by the employee and approved by the employee's supervisor.

### C3.2. LEAVE WITHOUT PAY

#### C3.2.1. *Supervisor's Role*

- Supervisors who are authorized to approve annual and sick leave may grant LWOP for 30 days or less.
- All requests for LWOP for more than 30 days will be forwarded to  for prior approval and will be accompanied by a SF 52, Request for Personnel Action.
- Supervisors have full authority to deny LWOP for a period of 30 days or less except
  - in the case of disabled veterans who are entitled to LWOP, if necessary for medical treatment under Executive Order 5396, dated July 17, 1930.
  - in the case of Reservists and National Guardsmen who are entitled to LWOP to perform training duties under 38 U.S.C. 2024(d) and when their employment is interrupted by a period of service in the uniform service.
  - for limited periods, if receiving injury compensation under 5 U.S.C. Chapter 81 from the Department of Labor, or
  - under the provisions of the Family and Medical Leave ACT of 1993 which provides covered employees with an entitlement to a total of up to 12 weeks of unpaid leave during any 12-month period for certain family and medical needs.
- All requests for LWOP for active or inactive military tours of duty must be documented on an SF 52. The SF 52 will be forwarded to
- If an employee remains away from duty after being denied LWOP, the employee will be charged AWOL.
- Since LWOP is permissive leave (like annual and sick leave), no disciplinary action may be taken on absences that have been recorded as LWOP.

#### C3.2.2. *Employee's Role*

- As a basic condition of approval of extended LWOP, there must be a reasonable expectation that you will return at the end of the approved period.

#### EXAMPLES:

- Educational purposes when the course would contribute to the best interest of DIA.



- Service with non-Federal enterprises when the job is of a temporary nature, there is reasonable expectation that the employee will return, and the service performed will contribute to the public welfare and the interests of the employing office.
  - Recovery from illness or disability not of a permanent or disqualifying nature.
  - Protection of your status and benefits pending action on a disability retirement claim or compensation claim resulting from a work related illness or injury.
  - To avoid a break in service for you if you must relocate because you are a dependent of a military service member or other Federal employee.
  - If you are obliged as a Federal employee to move on a rotational assignment or transfer of a function or activity. Up to 90 days LWOP to seek other Federal employment may be authorized to you.
- Each request for LWOP must ensure that the value to the Federal government or the serious needs of the employee are sufficient to offset the costs and administrative inconvenience to the government that result from the retention of an employee in a LWOP status.
  - Initial grants of LWOP may not exceed 12 months. Extensions beyond 1 year will be approved only in exceptional cases when the interests of DIA will be clearly served.

### C3.2.3 *Maximum Daily Leave Without Pay*

- The maximum LWOP that may be granted per day is the number of hours scheduled for that day.
- LWOP may be granted in ¼ hour increments and may be charged only for the actual time absent.
- Your supervisor may grant LWOP when your annual and sick leave are exhausted, provided your supervisor approves the absence.
- Supervisors are advised to consult with  regarding (b)(3):10 USC  
424 appropriate application of LWOP.

## C3.3. ABSENCE WITHOUT LEAVE

- AWOL is an unauthorized or unapproved absence from duty. If the supervisor later determines that the absence was excusable, or that the employee was ill, the charge of AWOL may be changed to annual leave, sick leave, or other approved absence as appropriate.
- Supervisors are advised to consult with  regarding appropriate (b)(3):10 USC  
424 application of AWOL.
- If warranted by the facts, disciplinary action may be taken based on charges of AWOL.

### C.3.3.1 *Reporting Unauthorized Absences*



- DIA employees must notify their management/supervisor within one hour of their scheduled reporting time if unable to report for work. If no contact has been made within the first hour, the supervisor will attempt to contact the employee. If no contact has been made within the next three hours, management will report the absence to [REDACTED] If there is reason to believe that the absence is due to suspicious circumstances, notify [REDACTED] without delay. (b)(3):10 USC 424
- [REDACTED] will take any action considered necessary to locate personnel promptly and advise the immediate supervisor and the appropriate management officials of its findings. (b)(3):10 USC 424
- [REDACTED] will provide information pertinent to clarifying the status of the individual involved and for providing advice and assistance as to the appropriate action. (b)(3):10 USC 424



## C4. - CHAPTER 4

## HOME LEAVE AND ENVIRONMENTAL AND MORALE LEAVE

## C4.1. DEFINITIONS

- **Home leave**—leave earned during an overseas tour of duty which may be used when taking renewal agreement travel between tours or during an overseas tour when the employee meets the eligibility criteria. Home leave must be taken in the United States, Puerto Rico, or other territories and possessions of the United States.
- **Renewal agreement travel**—government paid travel from overseas duty station to home of record. Travel is authorized for the employee and dependents after the employee sign a renewal transportation agreement to remain in government service for an additional 24 months.
- **Service abroad**—service on and after September 6, 1960, by an employee at a post of duty outside the United States and outside the employee's place of residence if his place of residence is in the Commonwealth of Puerto Rico or a territory or possession of the United States.

## C4.2. HOME LEAVE

C4.2.1. *Leave Accruals*

- Home leave is earned by service abroad at a duty post outside the United States. Home leave may be used only in the United States. The United States includes the Commonwealth of Puerto Rico, and the territories or possessions of the United States.
- Employees stationed outside the United States and who are eligible to accumulate a maximum of 45 days of annual leave under the provisions of 5 U.S.C., section 6304(b), are entitled to earn home leave. (b)(3):10 USC 424
- DIA employees, unless specifically excluded by   are subject to the requirement to accept assignments anywhere in the world as the needs of the Agency dictate. For each 12 months of service abroad, eligible employees will accrue home leave at the rate of 15 days. DIA employees excluded from the requirement to accept assignments worldwide by   will have their home leave entitlement determined in accordance with 5 CFR 630.604. (b)(3):10 USC 424

C4.2.2. *Home Leave Calculations*

- Home leave service abroad is calculated from the date of your arrival at the overseas post, or from the date of entrance on duty if recruited abroad, and ends on the date of your departure from station for



- separation.
- reassignment to a position in the United States.
- return to the United States for home leave.
- Full credit is given for day of arrival and day of departure.
- Service abroad includes
  - absence in a non-pay status up to a maximum of 2 workweeks within 12 months of service abroad.
  - authorized leave with pay time.
  - time spent in the Armed Forces of the United States which interrupts service abroad.
  - any period of detail.

#### C4.2.3. *Home Leave Charges*

- The minimum charge for home leave is 1 day.
- Additional charges are in multiples of 1 day.
- Charges to home leave will be exclusive of any leave-free travel time to which the employee may otherwise be entitled.

#### C4.2.4. *Accruing Home Leave*

- Home leave may accumulate without limit but cannot be used for terminal leave or for lump sum payment.
- Home leave which is not used between tours of duty abroad will remain in your leave account but may be used only when you have completed a further period of service abroad. This period of service cannot be less than the tour of duty prescribed for the post of assignment, except when   determines that an earlier grant of home leave is warranted in an individual case.
- If you move to another Federal agency, your home leave account will be transferred to the new agency.
- If you leave the Federal service and return within 90 days, your home leave will be re-credited to your leave account. If you leave the Federal service and have been separated for 91 days or greater, your home leave is forfeited.

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#### C4.2.5. *Crediting and Granting Leave*

- Your home leave will be credited to your leave account as earned in multiples of 1 day. Changes in the accrual rate for home leave start the month after the effective date of the earning rate change.
- Home leave may be granted to you if you are eligible in the following situations



- after 24 months of continuous service abroad, provided additional time remains on your tour. Travel will be at your personal expense if leave is not taken in conjunction with renewal agreement travel. The basic period of 24 months service abroad is terminated by a break in service of one or more days.
  - within a reasonable time (normally 90 days) after your return to the United States from service abroad, when it is contemplated that you will return to service abroad immediately or upon completion of an assignment in the United States
  - in conjunction with TDY travel in the United States provided that the basic service period of 24 months of continuous service abroad is met, or
  - in conjunction with a renewal travel agreement. In this case the travel provisions of the Joint Travel Regulation (JTR) apply (Vol 2, Chapter 4, Part D).
- Home leave may be granted in combination with other leaves or absences; returning employees should be advised to use home leave, if eligible, before using annual leave except where such action would result in forfeiture of annual leave.
  - Approval of leave in excess of the amount of home leave earned in a 24-month period may be denied only when the needs of the service clearly require that you be present at the duty station during that time.

#### ***C4.2.6. Incurring an Indebtedness for Use of Home Leave***

- You will be indebted for home leave used when you fail to return to service abroad after the period of home leave.
- A refund for this indebtedness will not be required if  (b)(3):10 USC 424 determines
  - your failure to return was due to compelling personal reasons such as physical or mental health, or circumstances over which you had no control.
  - it is not in the public interest to return you to the overseas assignment, or
  - you have worked at least 6 months with the Agency in the United States following the period of leave.

#### **C4.3. ENVIRONMENTAL AND MORALE LEAVE**

Under the provisions of title 10 USC 1605, environmental and morale leave provides additional benefits (e.g., Funded Environmental and Morale Leave; Dependent Visitation) comparable to those benefits the Secretary of State provides for Foreign Service officers and employees in accordance with the Foreign Service Act of 1980. See DIAM 100-1, Defense Attaché Manual for Administration, for a discussion of these benefits. While this reference deals with the Defense Attaché System and by extension the Defense HUMINT Service, it is applicable to all eligible DIA civilian employees.







## C5. - CHAPTER 5

**COURT LEAVE****C5.1. DEFINITION**

- **Court leave**—leave of absence from duty without loss of pay or charge to annual leave to perform jury duty in a Federal, State or municipal court. Court leave is also granted to an employee to serve as a witness on behalf of a State or local government in an unofficial capacity, or as a witness on behalf of a private party in an unofficial capacity when the United States, District of Columbia, State, or local government is a party.

**C5.2. ELIGIBILITY**

A permanent or temporary employee (part-time or full-time) with a regularly scheduled tour of duty is eligible for court leave. Employees serving on intermittent or when-actually-employed (WAE) appointments are not eligible for court leave. An employee in a non-pay status cannot be granted court leave for jury or witness duty.

**C5.3. GRANTING COURT LEAVE**

Court leave may be granted only for absence during an employee's regularly scheduled tour of duty including regularly scheduled overtime. If an employee's absence is properly chargeable to court leave, he/she cannot elect to have the absence charged to annual leave.

**C5.4. JURY DUTY****C5.4.1. *Jury Duty***

- DIA considers service on a jury by civilian employees to be a civic responsibility.
- Release from jury duty based on DIA employment will be requested by DIA only in exceptional situations when the presence of the employee concerned is absolutely and unequivocally necessary in the interest of national security. The directorate or special office is responsible for the preparation of requests to the court for excusal.
- Employees assigned to night shifts are granted court leave in the same manner as employees assigned to regular day shift work. Since jury or witness duty generally requires an employee's presence in court during daytime hours, an employee who is scheduled to work at night is granted court leave during the night shift before or the night shift after each day of court appearance.
  - If the employee works during part of his/her regularly scheduled night shift, only that part of the regularly scheduled shift when the employee is absent is charged to court leave.



- If the employee works the regular night shift, no court leave is granted.

#### C5.4.2. *Jury Fees*

- If you are eligible for court leave you may not accept jury fees for service as a juror. However, certain exceptions to this rule do exist and are described below.
  - Federal or District of Columbia Court. You may not accept witness fees when testifying on behalf of the United States or the government of the District of Columbia unless you are on leave without pay (LWOP) for the entire period served as a witness. You may retain reimbursement for expenses such as travel and parking.
  - State or Municipal Court.
    - Fees, (but not expenses) payable to you by State or municipal courts for jury service, or for service as a witness while on court leave or in an official duty status, are to be collected by you and turned into the NSA Civilian Payroll Office. These fees are deposited as an appropriation refund to the funds from which you are paid compensation as a government employee.
    - Only juror or witness fees are subject to collection. You may keep expense money in excess of the juror or witness fee.
    - If you are serving on juries in State or municipal courts and you waive or refuse to accept the authorized juror or witness fees, your salary will be reduced by the amount of the authorized fee.
    - The collection or deduction will not exceed the compensation otherwise payable to you for the period of your absence.
    - You may keep jury fees paid by certain Maryland county courts that are considered to be expense money. Counties that qualify include Anne Arundel, Baltimore, Charles, Calvert, Frederick, Howard, Montgomery, Prince George's, St. Mary's and Washington. Jury fees paid by the City of Alexandria Courts in Virginia are also considered reimbursement for expenses.
- If you take annual leave or LWOP to testify in a nonofficial capacity on behalf of a private party you are entitled to retain the usual fees and expenses related to such witness service.
- For each hour of jury (or witness) service, outside of your normal hours of duty you would have been required to work, performed in a United States, District of Columbia, State, or municipal court, you are entitled to a proportional part of the jury (or witness) fee for that day.

For more information on jury fees, see the following chart.



Court Fees	Type of Absence			Fees		Government Travel Expenses		
				No	Yes			
	Court Leave	Official Duty	Annual Leave or LWOP		Retain	Turn Into Agency	No	Yes*
<b>I. Jury Service</b>								
<b>A. U.S. or District court</b>	X			X			X	
<b>B. State or local court</b>	X					X <sup>1</sup>	X	
<b>II. Witness Service</b>								
<b>A. On behalf of U.S. or District government</b>		X		X				X
<b>B. On behalf of State or local government</b>								
<b>1. In official capacity</b>		X				X		X
<b>2. Not in official capacity</b>	X					X	X	
<b>C. On behalf of private party</b>								
<b>1. In official capacity</b>		X				X		X
<b>2. Not in official capacity</b>								
<b>(a) When the U.S., D.C., or State or local government is a party</b>	X					X	X	
<b>(b) When the U.S., D.C., or State or local government is not a party</b>			X		X			

\* Offset to the extent paid by the court, authority, or party that caused the employee to be summoned.



<sup>1</sup> Exceptions—Payments made by Anne Arundel, Baltimore, Charles, Frederick, Howard, Montgomery, Prince George's, St. Mary's and Washington County Courts in Maryland and Alexandria in Virginia to citizens performing jury duty, are considered to be expense money and may be retained.

### C5.5. WITNESSES

- Attendance in court in an official capacity is considered official duty and no leave of any kind is charged.
- An employee who is summoned or assigned by DIA to testify in an official capacity on behalf of the United States, the District of Columbia, State, local government, or a private party is also in an official duty status.
- An employee subpoenaed in private litigation to testify, not in an official capacity but as a private individual, must be charged annual leave, or leave without pay at the employee's request, for the period of absence.
- If you are called for court service you must present the court orders, subpoena summons, jury summons, or official request to your supervisor as soon as possible. This document will be attached to the time and attendance report that shows the first absence.
- Upon return to duty, you must submit written evidence of attendance at court showing the dates (and hours if possible) served, i.e., certificate of court attendance. This document must be forwarded to [REDACTED] and will be used to support the court leave on time and attendance reports and for other purposes related to the refund of jury or witness fees. If the evidence is not received within the prescribed time limits, [REDACTED] will notify the employee that the court leave requested will be converted to annual leave. If the employee provides the evidence of attendance after the conversion, court leave will be substituted for the annual leave charged.

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USC 424



## C6. - CHAPTER 6

**FAMILY FRIENDLY LEAVE****C6.1. DEFINITION**

- **Family member**—is defined as the following relatives of the employee
  - spouse and their parents.
  - children, including adopted children, and their spouses.
  - parents.
  - brothers and sisters and their spouses.
  - any individual related by blood or affinity whose close association with the employee is the equivalent to a family relationship.

**C6.2. FAMILY CARE AND BEREAVEMENT*****C6.2.1. Sick Leave for Family Care or Attending the Funeral of a Family Member***

- If you are a full-time employee you may use up to 40 hours of sick leave year to
  - provide care for a family member with physical or mental illness, injury, pregnancy, childbirth, or medical, dental or optical examination or treatment, or
  - make arrangements necessitated by the death of a family member or attend the funeral of a family member.
- If you do not have 40 hours of sick leave accrued, you may be given advanced sick leave up to the first 40 hours of sick leave (or a proportional amount if you are on a part-time schedule).
- In addition, if you are a full-time employee and maintain a balance of at least 80 hours of sick leave you may use an additional 64 hours of sick leave per year for these purposes. Because you must maintain a balance of at least 80 hours of sick leave to qualify for this benefit, advanced sick leave does not apply. If you are a part-time employee you must maintain a balance of at least two times the average number of hours in your regularly scheduled tour of duty.
- The maximum amount of leave that you may use for family care or to attend the funeral of a family member for a part-time employee is the number of hours of sick leave normally accrued by that employee during a leave year.

***C6.2.2. Sick leave for General Family Care or Bereavement***



- If you are a full-time employee, you are entitled to a total of 12 weeks (480 hours) of sick leave each year for all family care purposes. Of this 12 weeks, 13 days (104 hours) are permitted for general family care or bereavement.
- If you use any portion of the 13 days of sick leave available to you for general family care or bereavement purposes in a year, that amount must be subtracted from the total 12-week entitlement.
- If you have already used 12 weeks of sick leave to care for a family member with a serious health condition, you cannot use an additional 13 days in the same year for general family care purposes.
- If you are a part-time employee or an employee on an uncommon tour of duty you may use an amount of sick leave equal to 12 times the average number of hours in your scheduled tour of duty each week.
- If you use any portion of the sick leave available to you for general family care or bereavement purposes in a year, that amount must be subtracted from your total entitlement.
- If you have already used your sick leave entitlement to care for a family member with a serious health condition, you are not entitled to use additional sick leave in the same year for general family care purposes.

### **C6.3. SICK LEAVE FOR A FAMILY MEMBER WITH A SERIOUS HEALTH CONDITION**

- Full-time employees may use up to 12 weeks (480 hours) of sick leave each year to care for a family member with a serious health condition. If an employee previously has used any portion of the 13 days of sick leave for general family care or bereavement purposes in a leave year, that amount must be subtracted from the 12-week entitlement.
- If an employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, he or she cannot use an additional 13 days in the same leave year for general family care purposes.
- A serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves
  - any period of incapacity or treatment in connection with, or consequent to, inpatient care in a hospital, hospice or residential medical care facility.
  - any period of incapacity requiring absence from work, school, or other regular daily activities for more than 3 calendar days that also involves continuing treatment by, or under the supervision of, a health care provider.
  - continuing treatment by, or under the supervision of, a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than 3 calendar days, or
  - prenatal care.
- Examples of a “serious health condition” include, but are not limited to, heart attacks, heart conditions requiring bypass or valve operations, cancers, back



conditions requiring extensive therapy or surgical procedures, kidney dialysis, physical therapy, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, severe nervous disorders, clinical depression, recovery from major surgery, final stages of a terminal illness, and Alzheimer's disease.

- The term "serious health condition" is not intended to cover short-term conditions for which treatment and recovery are very brief. The common cold, the flu, earaches, upset stomach, headaches (other than migraines), routine dental or orthodontia problems, etc., are not serious health conditions unless complications arise. (b)(3):10 USC 424

- Employees must maintain a sick leave balance of 80 hours in order to use the full 12 weeks of sick leave to care for a family member with a serious health condition.
- An employee may use an initial 40 hours of sick leave for family care purposes. To use more than 40 hours, an employee must maintain a sick leave balance of 80 hours at all times. This limitation applies to any employee using sick leave to care for a family member.
- If you are a part-time employee you may use an amount of sick leave equal to 12 times the average number of hours in your scheduled tour of duty each week during a leave year.
- If you use any portion of the sick leave available to you for general family care or bereavement purposes in a year, that amount must be subtracted from your total entitlement.
- If you have already used your sick leave entitlement to care for a family member with a serious health condition, you are not entitled to use additional sick leave in the same year for general family care purposes.

## C6.4. MATERNITY LEAVE

### C6.4.1. *Sick Leave, Annual Leave, Leave Without Pay, and Leave Sharing Program*

- Sick leave, annual leave, leave without pay (LWOP), advanced sick and annual leave, and Leave Sharing Program donations, may be granted to female employees for physical examinations, confinement, and recuperation in connection with pregnancy.
- Employees may have an entitlement under the provisions of the family and medical leave. Refer to the procedures and instructions for family and medical leave for further information.
- You should report the intent to request leave for maternity reasons as soon as possible, indicating the type of leave, approximate dates, and anticipated duration. This will allow DIA to take necessary steps to protect your health and to plan for staffing adjustments to compensate for the absence.
- You are required to submit an application for sick leave, annual leave, or LWOP in accordance with DIA policy.



- Sick leave will be granted when it is established by medical certificate that you are incapacitated for duties due to pregnancy and/or confinement.
  - Sick leave will be granted even if you do not intend to return to duty. If you do not intend to return to duty, you should submit your resignation at the expiration of any sick leave supported by a medical certificate.
  - If you state that you intend to return to duty, you will be granted sick leave, annual leave, and LWOP for the period of incapacity (supported by a medical certificate) preceding and following delivery.
- The management of leave for maternity reasons is the responsibility of your immediate supervisor unless
  - advanced sick leave is involved.
  - the Leave Sharing Program is requested.
  - LWOP will exceed 30 days.
  - in these circumstances, the approval of leave will be discussed with and approved by
- In considering requests for leave for maternity reasons, managers must apply the appropriate leave regulations and internal policies and practices in the same way they would apply them in any other request for leave.
- If a replacement is necessary for an employee granted leave for maternity reasons, an SF 52 will be submitted by the organization through the deputy director for or chief of special office requesting the establishment of an additional position and the employment of a temporary replacement.

#### C6.4.2. *Duration of Maternity Leave*

- Managers will not establish arbitrary cutoff dates that require an employee to cease work, or require or prevent the employee from returning to work, without recognizing the physical capability of the employee to perform the duties of the job.
- Firm dates for the leave to begin and end will be discussed and established between the employee and her supervisor after presentation of a medical certificate.
- If the medical certificate appears to cover an unreasonable period, the supervisor may consult the employee's private physician for confirmation of the period of incapacity. If the employee's physician, after being advised of the duties of the position, certifies that the employee is unable to perform her duties, the certificate will be accepted as a basis for granting leave for the period requested.
- If approved, requests for extended leave not supported by a medical certificate should be charged to annual leave or LWOP. If an extended absence is not approved, but taken, the employee may be separated. The supervisor will



attempt to determine the employee's intentions. Any action to separate an employee must be coordinated with [REDACTED]

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#### **C6.4.3. *Requesting Leave Following Return From Maternity Leave***

- Upon completion of maternity leave an employee may desire a period of adjustment or need additional time to make arrangements for the care of the child. Such additional short-term leave requirements may be satisfied by the use of available annual leave or LWOP. The additional period should not exceed 30 days. Annual leave is approved by the supervisor; LWOP in excess of 30 days by [REDACTED]

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#### **C6.5. PATERNITY LEAVE**

- A male employee may request annual leave or LWOP under the family friendly leave for purposes of assisting or caring for his minor children, or the mother of his newborn child who is incapacitated for maternity reasons. Sick leave may be used for care of the mother under the provisions of family and medical leave.
- Additionally, employees may have an entitlement under the provisions of family and medical leave. For additional information refer to family and medical leave in this instruction.
- Approval of leave for this reason will be consistent with DIA's practice for granting leave in similar situations, and each leave request will be considered on its own merits.

#### **C6.6. ADOPTION**

- You may request annual leave, advanced annual leave, LWOP, sick leave, or advanced sick leave for the purpose of caring for a newly adopted child. Additionally, you may have an entitlement under the provisions of family and medical leave. For additional information refer to family and medical leave in this instruction.
- If you are an adoptive parent you may request sick leave for the following purposes
  - appointments with adoption agencies, social workers, and attorneys.
  - court proceedings.
  - required travel.
  - court ordered absences from work to care for the child, and
  - other required activities to allow the adoption to proceed.
- Adoptive parents who voluntarily choose to be absent from work to bond with or care for an adoptive child may not use sick leave for this purpose. Parents may use annual leave or leave without pay for these purposes.
- As with all sick leave absences, you may be required to submit documentation that clearly demonstrated the need for the sick leave.



## **C6.7. REQUESTING LEAVE**

To request sick leave under family friendly leave you must complete an OPM Form 71, Request for Leave or Approved Absence, and indicate in the remarks section “Family Friendly Leave.”



## C7. - CHAPTER 7

## FAMILY AND MEDICAL LEAVE

## C7.1. DEFINITIONS

- **Elderly relative**—an elderly relative is a person related by blood or marriage to you.
- **Family and medical leave**—an employee’s entitlement to 12 administrative workweeks of unpaid leave may be substituted with paid leave, for certain family and medical needs.
- **Health care provider**—a licensed Doctor of Medicine or Doctor of Osteopathy or a physician designated to conduct examinations. 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.
- **Parent**—biological parent or guardian to an employee when the employee was a child. This term does not include parent “in-law”.
- **Son or daughter**—biological, adopted, or foster child, stepchild, or a legal ward or guardian who is
  - under 18 years of age, or
  - 18 years of age or older and incapable of self-care because of a mental or physical disability.
- **Spouse**—husband or wife as defined or recognized under State law for purposes of marriage, including common law marriages in states where recognized.

## C7.2. RESPONSIBILITIES

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424 C7.2.1.

- Provide technical advice and guidance to employees and supervisors in the administration of family and medical leave

(b)(3):10 USC  
424 C7.2.2.

- Provide technical advice and guidance to employees and supervisors in the administration of family and medical leave

C7.2.3. *Supervisor’s*



- Request advice and assistance from [ ] when there is a question concerning the type of leave to be charged in any absence to include family and medical leave (b)(3):10 USC 424
- Not deny an employee's right to take family and medical leave unless the employee did not follow FMLA procedures

#### C7.2.4. *Employee*

- Formally invoke the entitlement to family and medical leave in writing where applicable
- Furnish medical documentation when required by the supervisor

### C7.3. **ELIGIBILITY**

All civilian employees assigned to all elements and activities of DIA except

- employees serving temporary appointments of one year or less.
- intermittent employees.
- employees with less than 12 months of service.

### C7.4. **ENTITLEMENTS**

- You are entitled to a total of 12 administrative workweeks of unpaid leave during any 12-month period for one or more of the following reasons
  - the birth and/or care of a son or daughter of the employee.
  - the placement of a son or daughter with the employee for adoption or foster care.
  - the care of a family member (spouse, son, daughter, or parent), if the family member has a serious health condition.
  - serious health condition which makes you unable to perform the essential functions of your position.
- You may take only the amount of family and medical leave necessary to meet the needs of the particular situation.
- Begins on the first day you take leave for family and medical needs and continues for 12 months.
- Family and medical leave may begin prior to or on the actual date of birth or placement for adoption or foster care and will expire 12 months after the date the leave for FMLA is first used.
- You are not entitled to 12 additional workweeks of leave for FMLA until the 12-month period ends. After completion of the 12-month period, if an event or situation occurs, you are then entitled to another period of family and medical leave.
- The supervisor may not deduct leave for FMLA from an employee's entitlement until DIA has confirmed that you have invoked entitlement to family and medical leave.
- If you take family and medical leave you will remain assigned to your position and billet during the period of your leave.



**C7.5. USE OF LEAVE**

- Leave taken may not be used intermittently unless the agency and you agree to do so.
- Leave may be taken intermittently when medically necessary.
- The number of hours taken intermittently will be subtracted on an hour for hour basis from the total amount of FMLA available to you.
- You may elect, at any time, to substitute the following paid time off for any or all of the periods of LWOP taken
  - accrued annual or sick leave.
  - advanced annual or sick leave approved in accordance with appropriate regulations.
  - leave available under the Leave Sharing Program.
  - compensatory time.
- A supervisor may not deny your right to substitute paid leave for any or all periods of LWOP taken under this paragraph. A supervisor may not require you to substitute paid leave.
- FMLA cannot be retroactive.

**C7.6. NOTIFICATION REQUIREMENTS**

- If you know in advance that family and medical leave is needed, you must notify your supervisor 30 days in advance, or as soon as possible.
- If the need for leave is unexpected and you cannot provide 30 days advance notice, you must notify your supervisor as soon as possible depending on the circumstances involved.

**C7.7. MEDICAL CERTIFICATION**

- LWOP to care for a spouse, son, daughter or parent, or a serious medical condition involving you personally must be supported by medical documentation. This documentation must be submitted in a timely manner.
- In the case of documentation for intermittent LWOP for planned medical treatment, the dates, schedule of treatment and duration of such treatment will be provided.
- If, after the family and medical LWOP has commenced, you fail to provide certification, the agency may
  - charge you AWOL.
  - allow you to request regular LWOP, or
  - charge your absence to your sick/annual leave account, as appropriate.
- The agency may require subsequent certification from the health care provider on a periodic basis.



## **C7.8. LEAVE WITHOUT PAY FOR FAMILY RELATED REASONS**

- At the discretion of your supervisor, you may use up to 24 hours of leave without pay during a leave year for the purposes of
  - participating in school activities directly related to the educational advancement of a child.
  - accompanying your child to routine medical or dental appointments, such as annual checkups and vaccinations, and
  - accompanying your elderly relatives to routine medical or dental appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meals, telephones, banking services, and other similar activities.
- Employees who do not have children can participate by choosing to participate in school activities directly related to the educational advancement of a child.
- You may use the 24 hours of LWOP intermittently.
- The 24 hours of LWOP will not count against your 12-week entitlement under family medical and leave.
- Supervisors may require you to provide medical documentation or evidence of your participation in school activities before approving leave without pay.

### **C7.8.1. *Participating School Activities***

- Activities include
  - parent-teacher conferences (including meetings with principals, counselors, teaching staff, or child care providers).
  - school board meetings.
  - tutoring.
  - interviewing for a new school or child-care facility.
  - school-sponsored activities such as sports and recreational programs, field trips, class plays, “career day”.
  - other volunteer activities supporting a child’s educational advancement.
- School refers to an elementary school, secondary school, Head Start program, or a child care facility.

## **C8. - CHAPTER 8**

### **MILITARY LEAVE**

#### **C8.1. DEFINITIONS**



- **Active duty**—full time duty in the active military service of the United States, to include the Army, Navy, Air Force, Marine Corps, and Coast Guard. Such active service includes full time training, annual training, and attendance in a school designated as a service school by law or by the Secretary of the military department concerned. Active duty does not include full time National Guard duty.
- **Inactive duty for training**—consists of voluntary participation in Reserve activities at weekly or monthly drills of a National Guard unit, regular meetings of a Reserve organization, or mobilization assignments in any of the armed services in a pay or non-pay status.

## C8.2. ELIGIBILITY

- Military leave is granted to civilian employees who are absent from duty without loss of pay (including pay for regularly scheduled overtime) or charge to annual leave to perform active duty or inactive duty for training as a member of one of the following organizations
  - Army Reserve
  - Coast Guard Reserve
  - Air Force Reserve
  - Navy Reserve
  - Army National Guard of the United States
  - Marine Corps Reserve
  - Air National Guard of the United States, and
  - National Guard of the District of Columbia.
- Full-time and part-time employees serving on appointments of over 1 year, who are members of the National Guard or Reserve Components of the Armed Forces, are entitled to military leave. This leave must be approved upon presentation of appropriate official orders.
- Employees serving under temporary appointments limited to 1 year or less, or intermittent appointments are not entitled to military leave.

## C8.3. LEAVE ACCRUALS

- A full-time employee earns 15 days of military leave per fiscal year, which is credited and available for use at the beginning of the fiscal year (1 October).
- Military leave accruals will be converted to available hours of military leave. For example, a full-time employee working a 40-hour workweek will accrue 120 hours of military leave in a fiscal year, or the equivalent of three 40-hour workweeks which is credited and available for use at the beginning of the fiscal year. The basis for crediting military leave is an 8-hour workday.



- Military leave for part-time employees and employees on uncommon tours of duty will be prorated based proportionally on the number of hours in each employee's regularly scheduled biweekly pay period.
- Military leave is authorized up to a maximum of 30 days in a calendar year for those who are called to duty under certain conditions, for the purpose of providing military aid to enforce the law.
- Members of the National Guard of the District of Columbia will be granted military leave for all days (no limit) on which they are ordered to duty for parade or encampment.

#### C8.4. REQUESTING AND USING MILITARY LEAVE

- Requests for military leave must be supported with a copy of the active duty military orders or valid certification of attendance for inactive duty training.
- Orders will be submitted to your immediate supervisor in advance and forwarded to
- Certification of attendance by a military officer as to your participation in active or inactive military duty will be required from you upon return to duty. This certification will be forwarded to  within one pay period following the employee's return. If the certification is not received within the prescribed time limits,  will notify the employee that the military leave requested will be converted to annual leave. If the employee provides the certification of attendance after the conversion, military leave will be substituted for the annual leave charged.

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#### C8.5. LEAVE CHARGES

- You will be charged military leave on an hourly basis and in multiples of full hours for all hours that you are absent from your regularly assigned tour of duty for which you would have received civilian pay.
- If you request military leave for inactive duty training, you will be charged only the amount of leave necessary to cover the period of training and necessary travel.
- Hours in the workday that are not chargeable to military leave must be worked or charged to another leave category or compensatory time, as appropriate.

#### EXAMPLES OF TOURS OF DUTY AND LEAVE CHARGES:

##### ***Basic 40-hour Tour of Duty, Monday Through Friday***

The employee works Monday through Friday 8:00 – 4:30 and requests military leave to cover the entire absence.

#### EXAMPLES:

- Employee enters military duty on Monday and remains on duty for 15 consecutive calendar days. The employee is absent for 11 workdays and is charged 88 hours of military leave.



- Employee performs 15 days of military duty with three separate sets of military orders, each covering a 5-day period of Monday through Friday. The employee is not under military control during the weekends. The employee is absent 15 workdays and is charged 120 hours of military leave (three 5-day periods of Monday through Friday). The intervening weekends are not periods of active duty, therefore, military leave is not charged.
- Employee starts military duty on Sunday and is released 7 calendar days later on Saturday. The employee is absent for 5 workdays and is charged 40 hours of military leave. Non-workdays at the beginning and the end of military duty are not charged to military leave.

***Basic 40-hour Tour of Duty, Monday Through Friday - Co-mingles Leave***

The employee works Monday through Friday 8:00 – 4:30 and commingles military leave with other types of leave.

**EXAMPLE:**

- Employee enters military duty on Monday for two weeks. The employee elects to use annual leave for the first week (Monday through Friday) and military leave for the second week. Annual leave is charged for 40 hours (the intervening weekend does not count and the employee is charged military leave for the following Monday through Friday).
- Employee enters military duty on Monday for two weeks. The employee elects to use annual leave to cover the entire period. Because the employee did not commingle military leave with the annual leave, no military leave is charged.

***Compressed Work Schedules***

***5-4-9 Schedule***

**EXAMPLE:**

The employee works a 5-4-9 compressed work schedule. The tour of duty is Monday through Thursday during the first week of the pay period and Monday through Friday during the second week. Friday is the designated 8-hour day.

**EXAMPLE:**

- Employee enters military duty on the Saturday preceding the start of the new pay period and is released two weeks later on Sunday. The employee is absent for 9 workdays and is charged 80 hours of military leave. The employee is not charged military leave for the first Saturday and Sunday. Military leave is charged for Monday through Thursday of the first week (36 hours), and the following Monday through Friday of the second week (44 hours). Military leave is not



charged for the first and last Saturday and the Sunday at the end of the active duty period.

#### ***4-10 Schedule***

duty The employee works a 4-10 compressed work schedule. The employee's tour of  
is Monday through Thursday each week.

#### **EXAMPLE:**

for The employee enters military duty on the Saturday preceding the start of a new pay period and is released two weeks later. The employee is absent for 8 workdays and is charged 80 hours of military leave. The employee is not charged military leave

Friday, Saturday and Sunday of the first week, or for Friday and Saturday of the second week.

### **C8.6. MILITARY LEAVE FOR PROVIDING MILITARY AID TO ENFORCE THE LAW, ASSIST CIVIL AUTHORITIES, OR PARTICIPATE IN CONTINGENCY OPERATIONS**

- Reserves of the Armed Forces or members of the National Guard are entitled to leave without loss of or reduction in pay or leave when they are required to provide military aid. Military aid is provided to enforce the law or to assist civil authorities in the protection of life or property or the prevention of injury.
- You are entitled up to 22 additional workdays in a calendar leave year. Leave is credited at the beginning of the calendar year. There is no proration for a partial year.
- Employees performing full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in section 101(a) (13) of title 10 U.S.C. are eligible for the additional 22 days of military leave.
- The leave is converted into hours and charged in 1-hour increments. This type of military leave is not charged for holidays and non-workdays.
- This military leave requires that your civilian pay be offset by the amount of the military pay received. If the military pay exceeds your basic civilian pay, no civilian pay is received. If you use annual leave or compensatory time, the offset rules do not apply and you will receive your full military and civilian pay. Non-workdays and holidays are not included in calculating the offset to the civilian pay. The offset is computed on a daily basis and is not prorated hourly.

## **C9. - CHAPTER 9**

### **OTHER TYPES OF LEAVE**



### C9.1. DEFINITION

- **Excused absence**—administratively approved absence which does not result in a charge to leave of any kind or in loss of basic salary.

### C9.2. RELIGIOUS HOLIDAYS

- For employees who wish to observe religious holidays that fall on a scheduled workday, workweek or portions thereof, absence from work will be permitted when arrangements can be made without undue interruption to the work program. The employee must submit the request for accommodation 15 workdays prior to the date of the religious holiday to be observed. The accommodation to the employee is permissible as long as it does not result in an undue hardship to the mission of DIA. Examples of an accommodation may include substitution of a qualified employee, approval of leave, change of tour of duty, or other means sanctioned by DIA.
- When an employee's religious beliefs require abstinence from work during certain periods of the workday, workweek or portions thereof, he/she may be permitted to work compensatory time (comp time) for the time used or to be used. Comp time may be worked before or after the religious observance. Requests for such modification in work schedules may be disapproved based on the mission needs of the DIA. Supervisors must follow the appropriate regulations for approval of comp time.
- Whenever it is necessary to deny time off requested for religious observances, the supervisor will prepare a memorandum for record (MFR) documenting the inability for DIA to accommodate the request for time off, the timeliness of the employee's request, and the reasons for denying the employee's accommodation request. A copy of the MFR will be furnished to the employee no more than 5 workdays after the denial. The MFR will be retained in the Supervisors Record of the Employee for 120 days after the denial.

### C9.3. HAZARDOUS WEATHER

- When DIA is closed by administrative order, employees scheduled to work on those days (except those specifically designated as emergency/contingency response employees tier 1 or tier 2 as directed by their supervisor) will be excused without charge to leave or loss of pay. Employees on previously authorized leave will not be charged leave for those days.
- In situations where DIA activities are not officially closed, but it is extremely hazardous for employees to report for work, supervisors may administratively excuse employees or employees may request annual leave of leave without pay as follows
  - Supervisors are authorized to excuse tardiness up to 2 hours. Excusals of 1 hour or more will be reported on the timecard in accordance with the DIAR 46-2, Time and Attendance Reporting.
  - For tardiness of more than 2 hours, but not in excess of the number of hours the employee was scheduled to work, a deputy director for or chief of special office



may authorize administrative leave. Authorization will be on an OPM Form 71 and reported as administrative leave on the time and attendance reports in accordance with DIAR 46-2. Unusual circumstances will be reviewed by [REDACTED] using specific guidance issued by OPM on a case-by-case basis.

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- Factors to be considered by the authorizing official will include
  - distance between the employee's residence and place of work.
  - mode of transportation normally used, and
  - efforts made by the employee to get to work and success of other employees similarly situated who were able to report to work.

#### C9.4. WORK RELATED INJURY

- An employee who suffers a disabling work-related traumatic injury is entitled to continuation of pay (COP) for a period not to exceed 45 calendar days without charge to leave.
- Such injuries must be reported to [REDACTED] within 2 working days. Both duty and non-duty days must be counted and will be recorded on time and attendance reports as COP.
- Detailed procedures for time and attendance reporting are outlined in DIAR 46-2.

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#### C9.5. RECREATIONAL ACTIVITIES

Employees may not be excused without charge to annual leave or LWOP to attend recreational activities even though such activities may be sponsored by the DIA Welfare and Recreation Association and employee participation is encouraged.

#### C9.6. BRIEF ABSENCES AND TARDINESS

- The supervisor may excuse unavoidable absences from duty of less than 1 hour and tardiness when the reasons are justifiable. If this privilege is abused, or tardiness becomes excessive, such absences and tardiness may be charged against annual leave or other forms of approved absences or handled by disciplinary action.
- Supervisors are responsible for monitoring excessive tardiness of their employees and for determining whether or not disciplinary action should be taken. The employee should be counseled and advised that disciplinary action is being considered. Before taking any action, the supervisor should contact [REDACTED]

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#### C9.7. PROLONGED DUTY STATUS OR TRAVEL

- If an employee must travel and/or serve in a duty status for more than 16 hours, and is scheduled to work during the next calendar day, he/she may be excused without charge to leave or loss of pay for up to 4 hours to recuperate from fatigue or loss of sleep.



- In determining the time to be allowed, the adverse affect on work performance, health, well being, or safety should be considered. In extreme circumstances additional time may be approved.
- Excusal must be approved by the immediate supervisor or a leave-approving official in the chain of command. An explanation of the administrative leave will be entered in the remarks block on the time and attendance report.

## C9.8. EXAMINATION AND INTERVIEWS

- Employees taking examinations for promotion or other positions at the request of  will be granted time off without charge to leave to complete the examination. Any absence for the purpose of taking any other examinations for other types of positions must be charged to annual leave or, if requested by the employee, LWOP.
- Employees under consideration for DIA vacancies, or to fill specialized training or rotational assignments requiring interviews, will be excused from duty for the minimum time necessary for the interview (including travel time).
- Based on mission demands, supervisors may excuse employees to participate in interviews when
  - interview is for a position within the Department of Defense, or
  - individual is under notice of separation or change to a lower grade for any reason except personal cause.
- Time spent in interviews in circumstances other than those above will be charged to annual leave or, if requested by the employee and approved by the supervisor, LWOP.

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## C9.9. CONSULTATION WITH

An employee will not be charged leave for the time required to consult with  on questions concerning duties, working conditions, or employment status, provided arrangements are made with the immediate supervisor and

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## C9.10. BLOOD DONATIONS

- It is DIA policy to encourage employees to volunteer as blood donors through the DoD Blood Donor Program.
- Personnel, who donate blood to the American Red Cross, or in an emergency to individuals, may be excused from duty for the time necessary to donate the blood, for recuperation following donation, and for necessary travel to and from the donation site.
- Maximum excusal time will not exceed 4 hours except in unusual cases where up to 4 additional hours may be authorized.

## C9.11. VOTING AND REGISTRATION



- Employees who wish to vote or register in any election (national, State, county, city, or local), or in referendums on a civic matter in their community, will be granted any necessary time off upon specific request as follows
  - as a general rule, where polls are not open at least 3 hours before or after an employee's regular hours of work, the employee will be excused for up to 3 hours after the polls open, or 3 hours before the polls close, whichever requires less time off.
  - supervisor will be guided by the voting hours unless the employee reports that he/she has learned from a public announcement that the place where he/she votes will be open other hours.
- Under exceptional circumstances, an employee may be excused for additional time to vote not to exceed 1 day.

#### EXAMPLES:

- Complex transportation problems, or
- Unusual congestion at the polls.
- In those cases where polls are open 3 hours before or after an employee's regular working hours, excused time will be granted an employee voting in the local commuting area only under exceptional circumstances.
- If any employee votes outside the commuting area, and an absentee ballot is not permitted, he/she will be granted sufficient time off to make the trip to cast the ballot. Where more than 1 day is required to make the trip, a liberal leave policy will be observed. Time off in excess of 1 day will be charged to annual leave or LWOP.
- Time off to register will be granted on the same basis as for voting. No time will be granted if registration can be accomplished on a nonworkday and the place of registration is within a reasonable 1 day round trip travel distance of the employee's place of residence.

### **C9.12. PHYSICAL EXAMINATION FOR DUTY IN THE ARMED FORCES**

- Employees who are required to report for physical examination before induction or recall to active duty in the armed forces will be excused without charge to leave upon presentation of official notification from proper authorities.
- In the event the absence extends beyond 1 workday, the employee will be required to submit a statement from the examining station indicating the necessity for the additional absence.
- If, through choice on part of the employee, he/she is ordered to report to other than the nearest examining station and is absent from duty for more than 1 workday, the excess absence will be charged to annual leave or LWOP.

### **C9.13. ATTENDANCE AT TRAINING COURSES OR MEETINGS**



- An employee may be excused to attend a conference or convention when it is determined that attendance will serve the best interest of DIA. The request for attendance must be submitted and approved in accordance with [REDACTED] regulations. Detailed procedures for time and attendance reporting are outlined in DIAR 46-2. Excused absences to attend conferences or conventions will be limited to 5 workdays per calendar year.
- Employees who wish to attend conferences or conventions concerned with the improvement of working conditions of employees, or conventions or other meetings of veteran's organizations, may be granted annual leave or LWOP upon request, unless their absence would result in serious interference with operations.

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#### **C9.14 FUNERAL LEAVE**

- An employee will be excused up to a maximum of 3 workdays without charge to leave or loss of pay to attend the funeral of an immediate relative who dies as a result of wounds, disease, or injury caused while serving the armed forces in a combat zone.
- Employees who are veterans may be excused up to 4 hours in a workday to participate as pallbearers or honor guards in military funeral services for members of the armed forces whose remains are returned from abroad for interment. The supervisor of an employee requesting such absence is expected to exercise sound judgment in determining whether or not the amount of leave requested is appropriate. Care should be taken to avoid lengthy absences justified on the basis of this instruction, as such absences would be contrary to the intent of the privilege.
- See family friendly leave in this instruction for more information on the availability of sick leave to make arrangements for or to attend the funeral of a family member.

#### **C9.15. BONE MARROW DONATION**

Employees are entitled to 7 days of excused absence each year to serve as a bone-marrow donor. For medical procedures and recuperation requiring absences longer than 7 days, employees may be granted excused absence, paid leave, unpaid leave, advanced leave, or other leave as provided for by this instruction.

#### **C9.16. ORGAN DONATION**

Employees are entitled to 30 days of excused absence each year to serve as an organ donor. For medical procedures and recuperation requiring absences longer than 30 days, employees may be granted excused absence, paid leave, unpaid leave, advanced leave, or other leave as provided for by this instruction.

#### **C9.17. CIVIL DEFENSE ACTIVITIES**



- Participation by civilian personnel in civil defense program activities will be considered regular duty and no charge will be made to leave for the time required.
- Full-time employees who volunteer and are selected for civil defense assignments may be released with the approval of CS for participation in pre-emergency training and test exercises conducted in connection with State or local civil defense programs. Participation in these activities during an employee's regularly scheduled tour of duty for not more than 40 hours in any 1 calendar year will be considered as part of the employee's regular duties and no charge will be made to leave. Part-time employee's entitlement to participate will be prorated based proportionally on the average number of hours in the employee's workweek.
- An employee may be designated as available for assignment to these civil defense activities subject to the following determinations
  - Employee's participation has been requested by the State or local civil defense authority.
  - Employee can be spared from his/her regular duties for the required periods of participation, and
  - Employee can be expected to be available for assignment to civil defense activities in the event of an emergency.
- Upon return to duty the employee will provide the immediate supervisor with a statement from the State or local civil defense authorities showing the days or hours of participation.
- Employees who participate in civil defense activities other than those specified above will be granted annual leave or LWOP if it is possible to spare them without undue interference with operations.

#### **C9.18. EMERGENCY RESCUE OR PROTECTIVE WORK**

- An employee who can be spared without interfering with essential DIA operations may be excused to voluntarily participate in emergency rescue or protective work during an emergency such as fire, flood, or search operations. Such participation will normally be limited to a maximum of 5 workdays per year and is subject to the following criteria and procedures.
  - An excused absence must be coordinated with  prior to final approval.
  - In making determination whether or not the excused absence will be approved, careful consideration will be given but not limited to the following factors
    - current workload of the employee.
    - evidence of a bona fide request for the employee's services.
    - any unique or special skills that would materially benefit the emergency rescue, search, or protective operation, and

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- the scope of the emergency effort with regard to both the number of individuals that may receive benefit or relief (contribution to the public welfare) and the severity or magnitude of the disaster.
- Upon return to duty the employee will provide the immediate supervisor with a statement from the authority that requested the employee's services showing the days and hours of participation.
- Employees may not be excused from duty without charge to leave for the purpose of performing rescue or guardsman duty which otherwise would be covered by military leave.

#### **C9.19. HOSTILE ACTION ABROAD**

Leave may not be charged to the leave account of an employee for absence, not to exceed 1 year, due to an injury incurred while serving abroad, and resulting from insurgency, war, mob violence, or similar acts of hostility, as long as the injury was not due to the employee's intemperance, vicious habits, or willful misconduct. For more information, see 5 U.S.C. 6325.

#### **C9.20. MERIT SYSTEMS PROTECTION BOARD (MSPB) HEARINGS**

Employees who serve as voluntary witnesses in hearings conducted by the MSPB are in a duty status during the time that they are available as witnesses and will not be charged leave.

#### **C9.21. RELOCATION**

An employee may be excused for a reasonable time to make personal arrangements and to transact personal business directly related to a permanent change of station which is in the interest of the U.S. Government, provided that such business or arrangements cannot be transacted outside the employee's regular working hours. This includes such things as making arrangement for packing and unpacking of household goods, and obtaining driver's licenses, auto tags, passports, and immunizations.

#### **C9.22. VOLUNTEERISM**

Employees may be granted up to 2 hours administrative leave per week or up to 4 hours per pay period to participate in DIA sponsored community-related events such as the Malcolm X Adopt-A-School Program.

#### **C9.23. PREVENTIVE HEALTH SCREENING**

- Preventive health screening programs include but are not limited to health screening for prostate, cervical, colorectal and breast cancer; screening for sickle cell anemia, blood lead level and blood cholesterol level, mammography, pap smears, and blood pressure checks.



- If you wish to participate in an external preventive health screening program during normal duty hours you can, in advance, discuss a schedule change with your supervisor for the day in question using Alternative Work Schedule (AWS) rules; or request sick leave, annual leave, advanced sick leave, advanced annual leave, credit hours, compensatory time or leave without pay (LWOP).
- If you have less than 80 hours of accrued sick leave, you can request up to 4 hours of administrative leave per calendar year to participate in such programs. Your supervisor is the approving official for the administrative leave.
- Excused absence is not appropriate for an employee to accompany a family member receiving preventive health screenings such as stress tests, children's immunizations, and flu shots.
- Employees qualified for administrative leave for preventive health screening will have their time and attendance report coded as "LN" and the remarks section will be annotated with this statement "preventive health screening."



## C10. - CHAPTER 10

**GROUP DISMISSAL AND EXCUSAL OF PERSONNEL****C10.1. RESPONSIBILITIES****C10.1.1.** 

- Advise CS of instructions issued by OPM for the Washington DC approve/disapprove leave without pay (LWOP) in excess of 30 days
- Inform deputy directors for and chiefs of special offices of instructions issued by OPM and CS related to administrative dismissals and closings
- Advise FE on the application of leave policy and procedures for purposes of time and attendance reporting

**C10.1.2. CS**

- Determine, in accordance with DoD 1400.25-M, Civilian Personnel Manual, Subchapter 610, Dec 96, and the most recent OPM Memorandum on Washington DC Area Emergency Dismissal or Closure Procedures
  - when employees will be administratively dismissed or excused because of an emergency situation.
  - when all or part of DIA will be closed for a short period of time for planned management reasons.

**C10.1.3. Supervisors**

- For the purpose of group dismissals and excusal of personnel, division level supervisors and above will
  - designate “emergency/mission-critical employees tier 1, 2 or 3 or non-emergency/mission critical response personnel” positions in accordance with the provisions of this instruction.
  - notify personnel assigned to emergency positions, in writing, of their obligation to work in emergency situations.

**C10.1.4. Deputy directors for and chiefs of special offices**

- Dismiss or excuse employees when the CS or chief of mission directs such action

**C10.2. ELIGIBILITY**

This procedure applies to all DIA elements in the metropolitan Washington, DC area that are located inside the Washington Capital Beltway. DIA activities outside of the Washington



Capital Beltway will follow the emergency dismissal and excusal policies established for their locale by host base or activity commanders or the nearest such facility.

### C10.3. APPROVAL AUTHORITY

The DR may administratively dismiss or excuse employees when normal operations are interrupted by events beyond the control of management and employees, and close DIA, or any portion thereof, for short periods of time for managerial reasons. This authority is re-delegated to CS.

### C10.4. ESSENTIAL OPERATIONS AND DISMISSAL

- Essential operations will be continued regardless of general dismissals affecting all or any portion of DIA.
- Emergency/mission-critical employees tier 1, 2 or 3 will be designated for this purpose, and personnel whose services will be required will be made aware of the special requirements placed upon them for reporting to or remaining at their work sites in emergency situations.
- Unless the Command Element determines that there are unique factors which dictate independent action, the early dismissal of employees during a regular workday, or the closing of the Agency because of hazardous weather conditions, power shortages, or other emergency conditions affecting the Washington DC area, will be effected only after general instructions have been issued by OPM.
- (b)(3):10 USC 424 [redacted] will inform CS of OPM's instructions and notify designated officials in each directorate or special office when personnel are to be released before the close of the normal working day.
- Generally, when emergency situations develop during non-working hours, announcements will be issued by the OPM through radio or television news media.

### C10.5. ADMINISTRATIVE GROUP DISMISSAL

- In emergency or unpredictable situations specific to DIA, CS may administratively dismiss or excuse personnel for short periods of time, normally not to exceed two workdays for any single situation.
- If the need to curtail operations continues longer, other options should be considered, such as details to other duties, use of leave, or furlough. The dismissal/excusal of any one group of DIA personnel will not, solely for the purposes of equity, require the dismissal of others.
- When, due to planned managerial reasons, the closing of part or all of DIA is required for short periods of time, employees will be notified not less than one full work shift in advance. Employees will be required to take annual leave unless use of leave without pay, accrued compensatory time, or accrued credit hours is requested by the employee.
- If advanced notice is not possible, employees will be administratively dismissed (not to exceed 8 hours or a full work shift). If the circumstances continue into a second day, employees will then be assigned to other work or will be placed on enforced



annual leave, unless the use of leave without pay, accrued compensatory time or accrued credit hours is requested. Employees having no annual leave to their credit may not, in such situations, be placed on leave without pay without their consent. Rather, they will be assigned to other work.

#### C10.6. EMERGENCIES DURING NONWORKING HOURS

- If emergency conditions develop during nonworking hours, employees will be expected to comply with OPM instructions for the metropolitan Washington DC area on work or leave status issued through the news (radio, television, newspaper) media. Generally, OPM will issue one of the following five announcements.
  - ***Federal agencies in the Washington, DC, area are OPEN; employees are expected to report for work on time.***
    - This means Federal agencies will open on time, and employees are expected to report for work as scheduled.
  - ***Federal agencies in the Washington, DC, area are OPEN under an UNSCHEDULED LEAVE policy.***
    - This means DIA will open on time, but employees not designated as emergency/mission-critical employees tier 1, 2 or 3 may take annual leave, leave without pay (LWOP), accrued compensatory time, or accrued credit hours without the prior approval of their supervisors.
    - Employees must call their supervisors within 2 hours of their normal arrival time to declare their intentions for the day.
    - Employees designated as emergency/mission-critical employees tier 1, 2 or 3 are expected to report for work on time as directed by their supervisor.
    - Employees who fail to report for work or who do not call in declaring their intentions for the day should be charged absence without leave (AWOL) until the leave approving official can determine the circumstances behind the employee's absence. The supervisor may change the AWOL charge to an approved leave (annual leave, sick leave, leave without pay, or compensatory time off) after consulting with the employee if circumstances warrant it. Exceptions to this policy should be made only in unusual circumstances.
  - ***Federal agencies in the Washington, DC, are OPEN under a DELAYED ARRIVAL policy. Employees should plan to arrive to work no more than XX hours later than they would normally arrive.***
    - Employees should plan their commutes so that they arrive for work XX hours later than they would normally arrive.
    - Employees designated as emergency/mission-critical employees tier 1, 2 or 3 are expected to report for work on time as directed by their supervisor.



- ***Federal agencies in the Washington, DC, are OPEN under a DELAYED ARRIVAL/UNSCHEDULED LEAVE policy. Employees should plan to arrive for work no more than XX hours later than they would normally arrive, and employees who cannot report for work may take unscheduled leave.***
  - Employees should plan their commutes so that they arrive for work XX hours later than they would normally arrive.
  - Employees designated as emergency/mission-critical employees tier 1, 2 or 3 are expected to report for work on time as directed by their supervisor.
  - Employees may take annual leave, leave without pay (LWOP), accrued compensatory time, or accrued credit hours without the prior approval of their supervisors. Employees must call their supervisors within 2 hours of their normal arrival time to declare their intentions for the day. Employees designated as emergency/mission-critical employees tier 1, 2 or 3 are expected to report for work on time as directed by their supervisor.
  - Employees who fail to report for work or who do not call in declaring their intentions for the day should be charged AWOL until the leave approving official can determine the circumstances behind the employee's absence. The supervisor may change the AWOL charge to an approved leave (annual leave, sick leave, leave without pay, or compensatory time off) after consulting with the employee if circumstances warrant it. Exceptions to this policy should be made only in unusual circumstances.
- ***Federal agencies are CLOSED.***
  - Employees not designated as emergency/mission-critical employees tier 1, 2 or 3 are excused from duty without loss of pay or charge to leave.
  - Employees designated as emergency/mission-critical employees tier 1, 2 or 3 are expected to report for work on time as directed by their supervisor.
- If it is announced that the Federal Government is open, but employees are unavoidably delayed in arriving for work, supervisors may grant a reasonable amount of excused absence to those employees. In determining the amount of excused absence to grant, supervisors should consider such factors as distance, availability and mode of transportation, and the success of other employees in similar situations.
- Workdays on which a Federal activity is closed are non-workdays for leave purposes. Because leave cannot be charged for non-workdays [5 U.S.C. 6302(a)], employees who are on leave approved before the closure must also be granted excused absence. This does not apply to employees on LWOP, military leave, suspension, or in a nonpay status on the workday before and after the closure. These employees are not entitled to excused absence and should remain in their current status.
- An employee on a compressed work schedule (CWS) whose regular day off (RDO) is the same workday that a federal activity is closed is not entitled to another RDO "in lieu of" the workday on which the federal activity was closed.

#### **C10.7. EMERGENCIES DURING NORMAL WORK HOURS**



- OPM will provide the following announcement to the media when disruption occurs after the workday begins
  - ***Federal agencies in the Washington, DC, area are operating under an EARLY DISMISSAL policy. Employees should be dismissed by their agencies XX hours earlier than their normal departure time from work.***
    - This announcement does not apply to employees designated as “emergency/mission-critical response employees.” Emergency/mission-critical employees tier 1, 2 or 3 are expected to remain on duty for the remainder of their duty day as directed by their supervisor.
- When OPM announces an “early dismissal” policy in response to emergencies that develop during normal working hours, employees should be dismissed relative to their normal departure time from work. For example, if OPM announces a 3-hour early dismissal, employees on duty who normally leave their offices at 5 P.M. would be authorized to leave at 2 P.M. without charge to leave.
  - Employees who leave prior to the official announcement of “early dismissal” policy or the time set for dismissal will be charged leave for the remainder of the workday following the time of the employee’s departure.
  - Employees absent on previously approved leave (annual, sick, military, or leave without pay (LWOP)) will be charged leave for the entire day.
- (b)(3):10  
USC 424  will notify deputy directors for and chiefs of special offices when an “early dismissal policy” is in effect for DIA. This information should be passed to subordinate element heads for action by first-line supervisors.
- Employees may not depart their work site prior to the start of the DIA early dismissal time without an appropriate charge to leave. If an employee receives approval to leave prior to the early work dismissal time, leave will be charged from the time of departure up to the early dismissal time.
- Employees may be granted an additional period of excused absence by their first-line supervisor if they can demonstrate that they would face an undue hardship if not released prior to the beginning of the “early dismissal” time. For example, to facilitate car pooling, or when younger children are released early from school and no alternative forms of childcare are available to the employee. Leave will not be charged if the supervisor exempts the employee based on hardship.

#### C10.8. UNUSUALLY HOT OR COLD WORKING CONDITIONS

- Group dismissals due to extremely hot or cold working conditions created by the temporary disruption of heating and cooling systems are rare and emphasis will be placed on the correction of these conditions. Employees are expected to work if conditions at the place of work are reasonably adequate in the judgment of the deputy director for or chief of special office, although these conditions may not be normal



and may involve discomforts.

- Before requesting CS approval for a group dismissal due to unusually hot or cold working conditions, managers will
  - temporarily assign personnel affected by unusual temperature extremes to other locations, as appropriate, or
  - approve annual or sick leave for employees who are affected to the extent that they are incapacitated for duty, or to the extent that continuance on duty would adversely affect their health according to the written advice of their physician.
- If, in the judgment of the deputy director for or chief of special office concerned, available options are not sufficient to mitigate the effects of temperature extremes on working conditions, a request for group dismissal may be forwarded for consideration by CS. Such a request will be coordinated with the Office for Engineering and Logistics Services, [REDACTED] for status of repairs to heating or cooling systems and with [REDACTED] for administrative personnel reasons.

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## C11. - CHAPTER 11

### VOLUNTARY LEAVE SHARING PROGRAMS

#### C11.1. DEFINITIONS

- **Available paid leave**



- Available paid leave is annual or sick leave that is accrued or accumulated under Chapter 63 of Title 5, U.S. Code; recredited and restored annual or sick leave, credit hours, and compensatory time. An employee's entitlement to use a certain amount of leave to care for a family member will be considered as available paid leave.
  - Available paid leave does not include annual or sick leave that is advanced to an employee. Also, annual and sick leave that accrues while the employee is a leave share recipient is placed in a "set-aside account." "Set-aside" leave not yet transferred to the employee's accrued leave accounts is not considered available paid leave.
- **Contributed leave**—only "annual" leave donated to the leave bank by employees (leave bank members and nonmembers) for use by leave bank members because of a medical emergency/condition.
- **Family member** means the following relatives of the employee
  - spouse or parents thereof.
  - children, including adopted children, and spouses thereof.
  - parents.
  - brothers and sisters, and spouses thereof.
  - any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- **Leave bank board**—the Leave Bank will be administered by a three-member board consisting of
  - program manager.
  - representative from the Employee Assistance Program Office.
  - representative from DIA's Council of Employees (COE) as selected by CS through volunteer or selection. The COE representative will serve for one year.
- **Leave bank member**—an employee who makes a membership contribution of 4, 6, or 8 annual leave hours during an open season (or during an individual enrollment period, when applicable) of the current leave year. The contribution must be at least the minimum amount of annual leave required for membership in the leave bank.
- **Leave contributor**—an employee who contributes annual leave to the leave bank.
- **Leave donor**
  - Employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved.
  - Employee whose voluntary written request to donate annual leave to the leave bank is approved.



- **Leave recipient**
  - An employee whose application to receive transferred annual leave from the annual leave accounts of one or more leave donors has been approved.
  - Leave bank member whose application to receive contributions of annual leave from the leave bank has been approved.
- **Medical emergency/condition**—acute or non-chronic medical condition of a short-term duration of an employee or a family member of an employee that is likely to require the prolonged absence of such employee from duty and to result in substantial loss of income to such employee because of the unavailability of paid leave. An employee with a medical emergency/condition must be (or expect to be) without available paid leave for at least 24 hours (excluding advanced leave); for a part-time employee the minimum number of hours is at least 30 percent of the average number of hours of work in the employee's biweekly scheduled tour.
- **Paid leave status**—administrative status of an employee while the employee is using annual or sick leave accrued or accumulated.
- **Set-aside account**—an annual or sick leave account that is held separately from other leave accounts during the time an employee is in a shared leave status.
- **Shared leave status**—administrative status of an employee while the employee is using transferred leave from a leave bank.
- **Transferred leave status**—the administrative status of an employee while using transferred leave under the Leave Sharing Programs.

## C11.2. RESPONSIBILITIES

C11.2.1.

- ***Leave Transfer Program***
  - Approve or disapprove each application to become a leave recipient and authorize leave up to a maximum of 1040 hours for each medical condition (extensions beyond the maximum amount will be considered on a case-by-case basis); or, authorize leave up to a maximum of 520 hours to care for a family member for each medical condition (extensions beyond the maximum amount will be considered on a case-by-case basis).
  - Determine if additional medical certification is needed to evaluate a request for leave transfer eligibility.
  - Monitor the status of each leave recipient's medical emergency/condition.
  - Publicize the medical situations of approved leave recipients.
  - Accept applications from potential leave donors.



- Prepare correspondence (e.g. approval and disapproval notices, requests for additional medical documentation).
- Send a request to payroll to transfer leave from donors under leave transfer.

- ***Leave Bank Program***

- Establish membership open season annually for a 30-day period and inform employees.
- Approve or disapprove each application to become a leave recipient and authorize leave up to a maximum of 1040 hours for a personal emergency (extensions beyond the maximum amount will be considered on a case-by-case basis); or, authorize leave up to a maximum of 520 hours to care for a family member for each medical condition (extensions beyond the maximum amount will be considered on a case-by-case basis).
- Determine if additional medical certification is needed to evaluate a request for leave bank recipient eligibility.
- Approve or disapprove each request to make direct contributions of annual leave to an approved leave bank recipient.
- Approve or disapprove exceptions to the maximum amount of leave an employee may contribute to the leave bank.
- Increase or decrease, with approval from OPM, the minimum contribution required for membership.
- Establish a leave bank board.

(b)(3):10 USC  
424

C11.2.2.

- ***Leave Transfer Program***

- Approve or disapprove each application to become a leave recipient and authorize leave up to a maximum of 1040 hours for each medical condition (extensions beyond the maximum amount will be considered on a case-by-case basis); or, authorize leave up to a maximum of 520 hours to care for a family member for each medical condition (extensions beyond the maximum amount will be considered on a case-by-case basis).
- Determine if additional medical certification is needed to evaluate a request for leave transfer eligibility.
- Monitor the status of each leave recipient's medical emergency/condition.
- Publicize the medical situations of approved leave recipients.
- Accept applications from potential leave donors.
- Prepare correspondence (e.g. approval and disapproval notices, requests for additional medical documentation).
- Send a request to payroll to transfer leave from donors under leave transfer.

### **C11.3. LEAVE SHARING PROGRAM**



- The leave sharing program consists of Leave Transfer and Leave Bank Programs. Leave transfer permits you to donate leave on a case-by-case basis to other employees experiencing a personal or family medical emergency.
- The intent of both programs is to offer support, security, and peace of mind to you during a crisis arising from a personal or family medical emergency/condition.
- A leave bank consists of annual leave donated through members to a leave bank established by the agency for use by bank members who are experiencing a personal or family medical emergency.
- The voluntary leave transfer and voluntary leave bank programs may be used in cases where your absence, because of a personal or family medical emergency/condition, results in serious financial consequences for you because of the unavailability of paid leave.

#### C11.3.1. *Eligibility*

- To be approved as a leave recipient, you must be, or expect to be, without available paid leave for a minimum number of hours because of a medical emergency/condition.
- The minimum number of hours for full-time employees is 24 (excluding advanced annual or sick leave).
- The minimum number of hours for part-time employees is at least 30 percent of the average number of hours of work in the employee's biweekly scheduled tour (excluding advanced sick or annual leave). For example, the minimum number of hours for a part-time employee who is scheduled to work 64 hours per pay period is 19.
- Unpaid leave may be consecutive or intermittent during the leave year.

#### C11.3.2. *Application*

- If you are applying to become a leave recipient because of a personal medical emergency/condition, you are required to exhaust all sick leave, annual leave (including any restored leave), credit hours, and compensatory time.
- If you are applying to become a leave recipient because of a family medical emergency/condition, you are required to exhaust all annual leave (including any restored leave), credit hours, and compensatory time.
- If you are caring for a family member you are not required to completely exhaust your sick leave balance.
- You may apply immediately prior to the beginning of the medical emergency/condition if the date is known in advance. No leave will be credited until you have exhausted all annual leave, compensatory time, credit hours, and when appropriate, sick leave.
- Because you are entitled to use a minimum of 40 hours of your sick leave (up to 104 hours per year) to care for family members, you must do so prior to seeking assistance through the leave transfer/bank programs. For more information see family friendly leave in this instruction.



- A leave bank member who receives the limitation on donations from the leave bank may then apply for leave transfer for the same medical emergency.

#### C11.4. VOLUNTARY LEAVE TRANSFER PROGRAM

##### C11.4.1. *Application*

- The leave transfer program is annual leave donated on a case-by-case basis to you when experiencing a personal or family medical emergency.
- If you are or will be affected by a medical emergency/condition you must submit OPM Form 630, Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program, to become a leave recipient. If you are unable to give consent, a personal representative may make the application. Your representative must have your consent, or that of your next of kin or legal guardian, to act on your behalf.
- The application must be forwarded through your immediate supervisor to  for action.
- Applications may be made immediately prior to the beginning of, during, or within 30 days following the end of the emergency/condition.
- Each application must include the following information
  - reason(s) why leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical emergency/condition, to include a prognosis for return to duty. If the condition is a recurring one, the documentation will include the approximate frequency of the medical emergency/condition.
  - certification from the health care provider(s) consisting of a copy of medical records pertaining to the specific condition of the patient (including mental illness) and a signed consent authorizing a  representative to speak with the patient's physician if clarification of information contained in the medical records is necessary.
  - any other information  representative may reasonably require, e.g., emergency room receipt, ambulance bill.

- Failure to submit all the required information will preclude consideration by

##### C11.4.2. *Approving or Disapproving a Leave Application*

- The following criteria will be used by  to evaluate your  application
  - is the absence from duty without available paid leave expected to be at least 24 hours.
  - completeness of the application and medical documentation.



- If the application is approved or disapproved, you (or your personal representative) will be notified by [REDACTED] within 10 workdays after the application is received. (b)(3):10 USC 424
- If approved, you may request the transfer of annual leave to the account of the recipient.
- If disapproved [REDACTED] will notify the employee of the reason(s) for disapproval. (b)(3):10 USC 424

### C11.5. DIA LEAVE TRANSFER TO A DIA EMPLOYEE

- To donate leave to a DIA employee, you must submit OPM Form 630-A, Request to Donate Annual Leave to Leave Recipient Under the Leave Transfer Program, to [REDACTED] specifying the number of hours to be transferred from your accrual annual leave account to the annual leave account of a DIA leave recipient, subject to the following provisions (b)(3):10 USC 424
- you may not donate leave to your official supervisor(s).
- you may not donate leave that has not been earned.
- donated leave can only come from your earned “annual” leave accounts.
- under no circumstances may “sick” leave be donated.
- minimum donation is one hour.
- maximum donation will be the lesser of
  - one-half of the amount of annual leave you are entitled to earn during the leave year in which the donation is made, or
  - number of hours remaining in the leave year (as of the date of the contribution) for which you are scheduled to work and receive pay.
- If you want to donate leave that has been previously restored, your application must contain this sentence: “Please deduct this amount from my RESTORED annual leave balance to the extent available.”
- The limitations on minimum and maximum donations are set by law and cannot be waived solely to avoid the forfeiture of “use-or-lose” annual leave. However exceptions to the limitation on maximum donations may be granted in unusual circumstances, such as lack of donors for a given recipient. Waivers must be documented in writing and may be granted by [REDACTED] on a case-by-case basis. (b)(3):10 USC 424

### C11.6. SOLICITING LEAVE DONATIONS

- If the recipient knows of employees who are willing to donate annual leave, it is not necessary to seek donations through an announcement. In other cases, a leave recipient may need to have the medical emergency/condition announced to obtain donations. (b)(3):10 USC 424
- [REDACTED] is responsible for soliciting and accepting leave donations on behalf of the leave recipient [REDACTED] will write and distribute an announcement (b)(3):10 USC 424



that provides the employee's name, organization, nature of the recipient's medical emergency/condition, and expected duration. The employee's name, if requested, may be announced as anonymous.

- The information released will be concise as possible so as not to violate the recipient's privacy or bias potential donors in favor of one recipient over another. The leave recipient must consent to the publication and distribution of this information in writing.
- The identity of leave donors and the amount of their donations may not be released without their consent. Leave recipients who wish to thank those employees who donated leave are encouraged to forward a thank you note to the DIA Communiqué for publication.

#### **C11.7. INTERAGENCY LEAVE TRANSFER TO EMPLOYEES OUTSIDE THE AGENCY**

- If you wish to donate leave to an employee in another federal agency you must provide all of the necessary information about the receiving agency (Recipient name, Point of Contact (POC) at receiving agency, phone number and fax number of POC).
- To donate leave to an employee of another federal agency, you must submit OPM Form 630-B, Request to Donate Annual Leave to Leave Recipient Under the Leave Transfer Program (Outside Agency), to  specifying the number of hours to be transferred from your accrual annual leave account(s) to the annual leave account of the leave recipient, subject to the following provisions
  - you may not donate leave to your official supervisor(s).
  - you may not donate leave that has not been earned.
  - donated leave can only come from your earned "annual" leave account(s).
  - under no circumstances may "sick" leave be donated.
  - minimum donation is one hour.
  - maximum donation will be the lesser of:
    - one-half of the amount of annual leave you are entitled to earn during the leave year in which the donation is made; or
    - number of hours remaining in the leave year (as of the date of the contribution) for which you are scheduled to work and receive pay.
- If you want to donate leave that has been previously restored, the application must contain this sentence: "Please deduct this amount from my *RESTORED* annual leave balance to the extent available."
- The limitations on minimum and maximum donations are set by law and cannot be waived solely to avoid the forfeiture of "use-or-lose" annual leave. However exceptions to the limitation on maximum donations may be granted in unusual circumstances, such as lack of donors for a given recipient. Waivers must be documented in writing and may be granted by  on a case-by-case basis.
- OPM Form 630B is available on OPM's website [www.opm.gov](http://www.opm.gov).

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- (b)(3):10 USC 424 [redacted] will contact the agency of the potential leave recipient to verify the need for donated leave.
- The potential donor will be notified by (b)(3):10 USC 424 [redacted] of the approval or disapproval of the transfer of annual leave by the receiving agency. Upon approval, (b)(3):10 USC 424 [redacted] will forward the donation to the NSA Civilian Payroll Office. The NSA Civilian Payroll Office will deduct the annual leave from your account, and will fax a general leave donation OPM Form 630B to the outside agency without disclosing your name.

### **C11.8. TRANSFERRED ANNUAL LEAVE FROM EMPLOYEES OF OTHER FEDERAL AGENCIES**

- The transfer of annual leave may be accepted from leave donors employed by other federal agencies when it is determined by (b)(3):10 USC 424 [redacted] that the amount of leave transferred from leave donors employed by DIA may not be sufficient to meet the needs of the leave recipient.
- (b)(3):10 USC 424 [redacted] will act as the liaison in all instances of leave donations from an employee of another agency to you as a recipient. You must furnish (b)(3):10 USC 424 [redacted] the contact information of the donating agency's leave transfer program office (phone number and name of contact, if possible) and information, as known, about the potential leave donor(s) from that agency.
- Before accepting the transfer of leave from a leave donor of another federal agency, (b)(3):10 USC 424 [redacted] shall verify that the leave donor's employing agency has approved the leave donor's request to transfer annual leave to you.
- (b)(3):10 USC 424 [redacted] will forward the donated leave information to the NSA Civilian Payroll Office.
- The NSA Civilian Payroll Office will contact the outside agency to transfer donated leave without disclosing your name. The NSA Civilian Payroll Office will adjust the number of hours of donated annual leave to be credited to your account.
- (b)(3):10 USC 424 [redacted] will notify you if a donation is disapproved and will provide you the reason(s) for the disapproval.
- Eligible employees may start receiving transferred annual leave from employees of other federal agencies beginning with the first full pay period of the 2004 leave year.

### **C11.9. USING TRANSFERRED LEAVE**

- Transferred annual leave is to be used for those periods in which you are incapacitated for duty or are required to care for a family member affected by a medical emergency/condition. You may use transferred annual leave only for the purpose of the medical emergency/condition for which you were approved.
- You use transferred annual leave in the same manner as if you had accrued the annual leave.
- Any annual leave or sick leave accrued or accumulated prior to the date of approval of the application to the Leave Sharing Program must be exhausted before any transferred annual leave may be used. In the case of an employee taking care of a



family member, this includes the use of up to 104 hours of sick leave under family friendly leave.

- There are no annual leave ceiling limitations for leave recipients.
- It may be used on a current basis or may be substituted retroactively to the beginning of the medical emergency/condition to liquidate indebtedness for advanced annual leave or advanced sick leave and leave without pay (LWOP), in that order. The period of LWOP or advanced annual or sick leave must have been granted on or after a date fixed by the agency as the beginning of the medical emergency/condition.
- Transferred leave may not be:
  - transferred to another leave recipient.
  - transferred to another federal agency upon the recipient's transfer of employment unless the employee transfers to another agency without a break in service and the medical emergency/condition still exists.
  - included in a lump sum payment upon separation from DIA for any reason.
  - re-credited if the recipient leaves the federal government and is later re-employed.
  - used after the medical emergency/condition is terminated.

#### **C11.10. EARNING ANNUAL AND SICK LEAVE WHILE IN A TRANSFERRED LEAVE STATUS**

- Except as otherwise provided, when you are in a transferred leave status you will earn annual and sick leave at the same rate as if you were in a paid leave status. The exception is that the maximum amount of annual and sick leave that you may earn while in a transferred leave status in connection with any medical emergency/condition may not exceed 40 hours each (or, in the case of a part-time employee, the average number of hours of work in the employee's weekly scheduled tour). Annual and sick leave above 40 hours will be forfeited.
- Any annual or sick leave earned by you will be transferred to the appropriate leave accounts, and will be available for use:
  - when your medical emergency/condition terminates.
  - once you have exhausted all donated and transferred leave, if your medical emergency/condition has not yet terminated.
- If the medical emergency/condition terminates because you are separated from federal service
  - any leave donated but not yet transferred under this section will not be credited to you.
  - if there remains, as of the date the emergency/condition terminates, any donated leave that became available to you that leave will cease to be available and will be returned to the donor.



**C11.11. TERMINATING MEDICAL EMERGENCY/CONDITION**

(b)(3):10 USC 424

- You are responsible for submitting written notification to  through your supervisor of the termination of the medical emergency/condition. Failure to do so may result in disciplinary action.
- The medical emergency/condition will be considered terminated when one of the following occur:
  - your federal service terminates.
  - receives verbal or written notice from you (or your representative) that you are no longer affected by the medical emergency/condition (written notice must follow a verbal notice).
  - determines, after written notice and opportunity for you (or your personal representative) to answer orally or in writing, that you are no longer affected by a medical emergency/condition.
  - date on which the agency receives notice that OPM has approved an application for disability retirement for you under the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS).
  - after the maximum amount of contributed leave has been used.
  - once the medical emergency/condition is completed.
  - failure by you to supply medical documentation supporting the need for continued leave.
- Regular leave accruals resume when you return to a duty status after your medical emergency/condition terminates.

**C11.12. RETURNING UNUSED TRANSFERRED ANNUAL LEAVE TO THE DONORS**

- Unused donated annual leave will be returned to donors who are currently employed by the agency, upon the termination of the leave recipient's medical emergency/condition.
- The amount of leave to be restored to each donor will be determined as follows
  - divide the number of hours of unused annual leave by the total number of hours of annual leave donated to the recipient by all donors.
  - multiply the ratio obtained from step one by the number of hours of annual leave transferred by each leave donor eligible for restoration.
  - round the results from step two to the nearest hour.
- If the total number of eligible leave donors exceeds the total number of hours of annual leave to be restored, none of the unused leave will be restored to donors; however, it will be placed in the DIA leave bank. In no case will the amount of annual leave restored to a donor exceed the amount originally donated.
- If the leave donor retires, dies, or is otherwise separated from federal service before the date unused transferred annual leave can be restored, the unused leave will be placed in the DIA leave bank.



- The leave donor may choose to have all, or a portion of, annual leave restored by
  - crediting the restored annual leave to the leave donor’s annual leave account in the current leave year.
  - crediting the restored annual leave to the leave donor’s annual leave account effective the first day of the first leave year beginning after the date of election.
  - donating such leave in whole or in part to another leave recipient, or
  - donating such leave in whole or in part to the leave bank.
- Transferred annual leave restored to a donor will be subject to the annual leave ceiling limitations at the end of the leave year in which the restored leave is credited to the donor’s account.

### **C11.13. DOCUMENTING TIME AND ATTENDANCE**

#### **C11.13.1. *Personal Medical Emergency***

If you have been approved to take leave because of a personal medical emergency you will document sick leave taken on the timesheet. Before using donated leave, you must exhaust all available annual leave, sick leave, compensatory time, and credit hours.

#### **C11.13.2. *Family Medical Emergency***

If you have been approved to take leave because of a family medical emergency you will document your annual leave on the timesheet. Before using donated leave, you must exhaust all available annual leave, compensatory time, credit hours, and an appropriate amount of sick leave that may be used to care for an ill family member. See family friendly leave in this instruction for additional information.

### **C11.14. PROHIBITION OR COERCION**

In connection with the Leave Transfer Program, you 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 an employee may have with respect to donating, receiving, or using annual leave. The terms “intimidate, threaten, or coerce” include promising to confer or conferring any benefit (such as an appointment or promotion or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

### **C11.15. VOLUNTARY LEAVE BANK PROGRAM**

#### **C11.15.1. *Leave Bank***



- The Leave Bank Program is annual leave donated through membership to a leave bank established by the agency for use by bank members experiencing a personal or family medical emergency.
- The purpose of the leave bank is to provide protection to a leave bank member who faces a loss of income because the member does not have sufficient personal leave to cover his/her absence from work due a personal or family medical emergency.
- The medical emergency must be serious enough for you to have used all of your personal leave and to have experienced (or expect to experience) at least 24 hours of leave without pay (LWOP) beyond the expiration of your leave.
- Once you meet, or know that you will meet the 24 hour LWOP criterion, you are eligible to apply for leave bank donations. If your application is approved, leave bank donations will commence upon the expiration of your personal leave.
- In a personal medical emergency, it ends when you have used all of your accrued sick and annual leave. In a family medical emergency, it ends when you have used your accrued annual leave and up to 12 weeks of your sick leave under family friendly leave.
- If leave abuse is documented, the leave bank board has the authority to disapprove a leave bank donation request.

#### C11.15.2. *Open Season*

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will establish at least one open season for each leave year. Each open season will last 30 calendar days. may increase or decrease the number of open seasons but there must be at least one each calendar year.

#### C11.15.3. *Leave Bank Membership*

- You may become a leave bank member by submitting a membership application, DIA Form 213, Leave Bank Registration Request, during an open season.
- If you were absent (e.g., annual leave, sick leave, temporary duty (TDY), training, home leave, or LWOP) during an entire open season you will have on your return, an individual enrollment period of 30 calendar days. This period will begin the date you return to the agency.
- If you are a new employee you will have an individual enrollment period of 60 calendar days. This period will begin the date you enter on duty.
- The minimum contribution required to become a leave bank member for each leave year is equal your biweekly accrual
  - four hours of annual leave if you have less than 3 years of creditable service on the effective date of membership.
  - six hours of annual leave if you have at least 3, but less than 15, years of creditable service on the effective date of membership.



- eight hours of annual leave if you have 15 or more years of creditable service on the effective date of membership.
- You will be charged an additional accrual if your leave category changes at any time during the leave year. For example, if you change from leave category 4 to leave category 6 during June (after making the required membership donation at the beginning of the year), you will be charged an additional 2 hours toward your bank membership effective with the first pay period the leave category changes.
- Regardless of when you initially join the leave bank and make your minimum contribution for membership, the NSA Civilian Payroll Office will deduct the annual membership contribution for the succeeding leave year in the first full pay period of the next leave year. Bank dues are deducted after any leave taken during that pay period has been deducted and prior to leave accruals being applied.
- Applications submitted to join the leave bank during an open season will be effective the first full pay period of the next leave year.

#### C11.15.4. *Contributing to the Leave Bank*

- Both leave bank members and nonmembers may, voluntarily and without coercion, contribute additional leave to the bank, or contribute leave to a specific recipient any time during the year. You may not contribute leave to your immediate supervisor. The combined total of your leave contributions during a single calendar year may not exceed one-half the amount of annual leave that you can earn in one leave year.
- If you have annual leave that otherwise would be subject to forfeiture at the end of the leave year, the maximum amount of annual leave that may be contributed during the leave year will be the lesser of
  - one-half of the amount of annual leave you would be entitled to accrue during the leave year in which the contribution is made.
  - number of hours remaining in the leave year (as of the date of the contribution) for which you are scheduled to work and receive pay.
  - you may request an exception to the maximum donated annual leave by submitting a memorandum to [redacted] providing justification to support the request for exception. (b)(3):10 USC 424
- You may request an exception to the maximum donated annual leave by submitting a memorandum to [redacted] providing justification to support the request for exception. (b)(3):10 USC 424
- For purposes of capturing “use-or-lose” leave at the end of the leave year, blanket approval to waive the limitations on donating annual leave may be granted by [redacted] may capture “use-or-lose” that would otherwise be forfeited if they determine that sufficient need exists. This (b)(3):10 USC 424



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USC 424

determination is made annually. [redacted] must document the waiver of donating annual leave in writing.

- NSA Civilian Payroll Office will deposit all annual leave contributions into the leave bank. Leave deposited into the leave bank may not be returned to the leave contributor. Any leave that a recipient does not use will be returned to the leave bank.

#### C11.15.5. *Becoming a Leave Recipient*

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- You must be a leave bank member.
- You must be affected by a medical emergency/condition and submit a "Leave Recipient Application Under the Voluntary Leave Program." If you are unable to give consent, your personal representative may make the application. Your personal representative must have your consent, or that your next of kin or legal guardian, to act on your behalf.
- The application must be forwarded through your immediate supervisor to [redacted] for action.
- Applications may be made immediately prior to the beginning of the medical emergency/condition, during the emergency/condition, or within 30 days following the end of the emergency/condition.
- Each application must include the following information:
  - reason(s) why leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical emergency/condition, to include a prognosis for return to duty. If the condition is a recurring one, the documentation will include the approximate frequency of the medical emergency/condition.
  - certification from the health care provider(s) consisting of a copy of medical records pertaining to the specific condition of the patient (including mental illness) and a signed consent authorizing a [redacted] representative to speak with the patient's physician if clarification of information contained in the medical records is necessary.
  - any other information the [redacted] representative may reasonably require, e.g., emergency room receipt, ambulance bill.

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USC 424

#### C11.15.6. *Maximum Leave Receipt*

- limit is 1040 hours for your medical condition.
- limit is 520 hours for a family medical condition.

#### C11.15.7. *Approving or Disapproving a Leave Recipient*

- [redacted] will:
  - ensure completeness of the application.
  - review medical documentation.

(b)(3):10 USC 424



- ensure membership status.
  - review charges to absent without leave during the past 12 months.
  - review disciplinary or adverse actions for leave abuse in the employees OPF during the past 12 month period.
  - prepare the information that will be forwarded to the Leave Bank Board.
  - convene the Leave Bank Board, who will make the final determination.
- (b)(3):10 USC 424
- In making a determination as to whether a medical emergency/condition is likely to result in substantial loss of income, [ ] considers whether the absence from duty without available paid leave is (or is expected to be) at least 24 hours, or in the case of a part-time employee, at least 30 percent of the average number of hours of work in the employee's biweekly scheduled tour. Such absence may be consecutive or intermittent during the leave year.
- (b)(3):10 USC 424
- When the application is approved or disapproved, [ ] will officially notify your supervisor and you within 15 workdays after the date the application was initially received by [ ]
- (b)(3):10 USC 424
- For each medical emergency/condition, a leave bank member may be approved for up to 1040 hours of leave for each personal medical condition/emergency or 520 hours of leave for each family medical condition/emergency. The Leave Bank Board may increase or decrease this amount on a case-by-case basis.
  - Approvals for employees on part-time or reduced schedules will receive donated leave based on their scheduled tour during the three pay periods immediately preceding the medical or family emergency.
  - If you experience both a personal and a family medical emergency/condition that occur during the same time period you may apply to receive donated leave to cover both situations. However, the amount of donated leave forwarded to your account each pay period may not exceed the number of hours you are scheduled to work per pay period.
  - You may appeal the decision of the Leave Bank Board. The appeal must be submitted to the Leave Bank Board, in writing, within 30 calendar days. The Leave Bank Board will only accept new information. The decision of the Leave Bank Board is final.

#### C11.15.8 *Using Donated Leave*

- Donated annual leave is to be used only for those periods in which you are incapacitated for duty or are required to care for a family member affected by a medical emergency/condition. You may use annual leave withdrawn from the leave bank only for the purpose of the medical emergency/condition for which your leave was approved.
- Any annual leave, restored leave, credit hours, compensatory time, or sick leave (when applicable) that is earned prior to the date the application to



become a leave recipient was approved must be exhausted before using any contributed annual leave.

- The following provisions also apply to the use of contributed annual leave
  - there are no annual leave ceiling limitations placed on you.
  - it may be used on a current basis or may be retroactively substituted to the beginning of the medical emergency/condition to liquidate indebtedness for advanced annual or advanced sick leave and LWOP, in that order. The period of LWOP or advanced annual or sick leave must have been granted on or after a date fixed by the Agency as the beginning of the medical emergency/condition, and you must have been affected by the medical emergency/condition while a leave bank member.
- It may not be
  - donated to another leave recipient.
  - transferred to another federal agency upon the recipient's transfer of employment.
  - included in a lump sum payment.
  - re-credited upon reemployment by a federal agency.
  - used after the medical emergency/condition is terminated.

#### **C11.15.9. *Earning Annual and Sick Leave While in a Transferred Leave Status***

- Except as otherwise provided, while in a transferred leave status you will earn annual and sick leave at the same rate as if you were in a paid leave status. The exception is that the maximum amount of annual and sick leave that may be earned by you while in a transferred leave status in connection with any medical emergency/condition may not exceed 40 hours each (or, in the case of a part-time employee, the average number of hours of work in your weekly scheduled tour).
- Any annual or sick leave earned by you will be transferred to your appropriate leave accounts, and will be available for use:
  - when your medical emergency/condition terminates.
  - once you have exhausted all donated and transferred leave, if your medical emergency/condition has not yet terminated.
  - if the medical emergency/condition terminates because you are separated from federal service
    - any leave earned but not yet transferred under this section will not be credited to you
    - if there remains, as of the date the emergency/condition terminates, any leave which became available to you that leave will cease to be available and returned to the leave bank.



### C11.15.10. *Terminating a Medical Emergency/Condition*

- You are responsible for submitting written notification to  through  your supervisor of the termination of the medical emergency/condition. Failure to do so may result in disciplinary action. (b)(3):10 USC 424
- The medical emergency/condition will be terminated
  - your federal service terminates.
  - when  receives verbal or written notice from you (or your personal representative) that you are no longer affected by the medical emergency/condition (written notice must follow a verbal notice). (b)(3):10 USC 424
  - when  determines, after written notice and opportunity for you (or your personal representative) to answer orally or in writing, that you are no longer affected by a medical emergency/condition.
  - date on which the agency receives notice that OPM has approved an application for disability retirement for you under CSRS or FERS.
  - after the maximum amount of contributed leave has been used.
  - once the medical emergency/condition is completed.
- When the medical emergency/condition affecting you terminates, any unused bank leave credited to you will be returned to the leave bank.
- Regular leave accruals resume when you return to a duty status after your medical emergency/condition terminates.

### C11.15.11. *Documenting Time and Attendance*

#### C11.15.11.1. *Personal Medical Emergency*

When you have been approved to take leave because of a personal medical emergency you will document your sick leave taken on the timesheet. Before using donated leave, you must exhaust all available annual leave, sick leave, compensatory time, and credit hours.

#### C11.15.11.2. *Family Medical Emergency*

When you are approved to take leave because of a family Medical emergency you will document your annual leave on the timesheet. Before using donated leave, you must exhaust all available annual leave, compensatory time, credit hours, and an appropriate amount of sick leave (up to 10 hours) that may be used to care for an ill family member.

#### C11.15.11.3. *Prohibition or Coercion*



In connection with the Leave Bank Program, you may not directly or Indirectly intimidate, threaten, or 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 donating, receiving, or using annual leave.

The terms “intimidate, threaten, or coerce” include promising to confer or conferring any benefit (such as an appointment or promotion or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

#### C11.15.11.4. *Records and Reports*

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- [redacted] will collect and maintain the following data for the purposes of evaluating the usage, feasibility, and cost of the voluntary Leave Bank Program
  - number of applications approved and disapproved for medical emergencies affecting
    - the employee.
    - an employee’s family member.
  - average grade or pay level of
    - leave bank members.
    - contributors who are not leave bank members.
    - leave recipients.
  - total amount of annual leave contributed to each leave recipient’s annual leave account from the leave bank.
  - total amount of annual leave used by each leave recipient from the leave bank.
  - estimated direct and indirect costs of
    - processing leave bank requests.
    - transferring leave between the leave bank and the accounts of the leave recipients.
    - monitoring the use of the leave from the leave bank.
    - other activities related to administering the voluntary Leave Bank Program.



## REFERENCES

(continued)

- (e) Public Law 103-388, Federal Employees Family Friendly Leave Act.
- (f) Public Law 103-3, Family and Medical Leave Act of 1993.
- (g) DoD 1400.25-M, Civilian Personnel Manual, Subchapter 610, Dec 96.
- (h) DIA Instruction 22-63, Emergency/Mission-Critical Employees, 9 March 2004.
- (i) DIAR 20-4, Reporting Unauthorized Absences, 17 April 1990.
- (j) DIAR 50-2, Information Security Program, 15 July 1993.
- (k) DOD Directive 1404.10, Emergency Essential (E-E) DoD U.S. Citizen Civilian Employees, April 1992.
- (l) DIAM 100-1, Defense Attaché Manual for Administration, 17 March 1997.
- (m) Joint Travel Regulation Volume 2.