



UNITED STATES MARINE CORPS
MARINE CORPS BASE
PSC BOX 20004
CAMP LEJEUNE NC 28542-0004

BO 12630.3A
MCCS

DEC 15 2010

BASE ORDER 12630.3A

From: Commanding Officer
To: Distribution List

Subj: ABSENCE AND LEAVE FOR NONAPPROPRIATED FUND (NAF)
EMPLOYEES

Ref: (a) DoD Manual 1400.25-M (NOTAL)
(b) MCO P12000.11A (NOTAL)
(c) NAF Negotiated Agreement with AFGE, Local 2065

Encl: (1) Holidays
(2) Annual Leave
(3) Sick Leave
(4) Military Leave
(5) Court Leave
(6) Leave Without Pay
(7) Administrative Leave
(8) Family Friendly Leave Act (FFLA)
(9) Family Medical Leave Act (FMLA)
(10) Request for Leave or Approved Absence OPM Form 71

1. Situation. To provide policies and procedures for administering the absence and leave regulations essential to the health and welfare of Nonappropriated Fund (NAF) non-bargaining unit employees per references (a) and (b). Bargaining Unit employees will be governed as set forth in reference (c). Enclosures (1) through (9) provide detailed guidance relative to the various types of absences and leave. Enclosure (10) is an example of a properly completed application for leave.

2. Cancellation. BO 12630.3

3. Mission

a. To establish uniform and equitable work schedules, hours and working conditions essential to the health and welfare of NAF employees.

DISTRIBUTION STATEMENT A: Approved for public release;
Distribution is unlimited.

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b. Summary of Revision. This Order has been revised and should be reviewed in its entirety.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. This Order establishes policy for leave and absence for NAF non-bargaining unit employees.

(2) Concept of Operations. This Order will be disseminated to all Division Directors/supervisors for NAF employees.

b. General. Proper administration of the absence and leave regulations is essential to effective and economical management. To the employee, adherence to this Order and the guidance of the supervisor provides protection of salary and position during periods of authorized absence. A lack of adequate supervisory controls over the use of leave privileges results in unnecessary absences, lower morale, increased cost, and decreased production. It is, therefore, emphasized that supervisors authorized to approve leave must ensure that employees know and follow the instructions in this Order. It is incumbent upon each level of supervision and management to take immediate and appropriate corrective action when it is recognized that leave privileges are being abused.

(1) Requesting and Recording Leave. The Request for Leave or Approved Absence, OPM Form 71, (enclosure (10)) may be used for requesting and supporting the types of leave listed in enclosures (2) through (9). When required, a properly completed OPM Form 71 shall be submitted to the supervisor. The supervisor will enter the absence and leave information into the Human Resources Management System (HRMS), PeopleSoft. All absences for leave must be entered in PeopleSoft.

(2) Authority to Approve Leave. The authority to grant leave to NAF employees rests with the Nonappropriated Fund Instrumentality (NAFI) Head. For Family Readiness Officers (FRO) and School Liaison Officers (SLO), the immediate supervisor has the authority to grant leave. Whenever feasible, the authority to approve annual leave should be delegated to supervisors/managers at levels of management where the workloads and manpower needs may be best determined so that annual leave

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is scheduled in the best interests of maintaining maximum efficiency and production.

(3) Charging Leave. Leave shall be charged only for absence on days on which an employee would otherwise work and receive pay and shall be exclusive of holidays and non-workdays established by Federal statute or by executive or administrative order. The minimum charge for leave is one-quarter hour. There is no authority to combine leave absences on parts of 2 or more days to provide for a minimum grant of annual or sick leave. Unless an absence is on a holiday listed in enclosure (1), all absences from duty must be charged to one or a combination of the types of leave enumerated in this Order or to absence without leave (AWOL). AWOL is charged for the exact amount of time the employee is absent. Disciplinary action should be considered for any period of AWOL in accordance with references (b) and (c).

(a) There is no automatic entitlement to approve leave on the sole basis that unforeseen circumstances, in the employee's opinion, require absence from duty. The determination whether to approve or disapprove requested leave, which was not approved in advance, rests with the supervisor authorized to approve leave.

(b) The reason for an absence not approved in advance must be reported by the employee to the supervisor/manager authorized to approve leave within the time limits set forth in enclosures (2) and (3). Such reports may be made by telephone or written message.

(c) Supervisors must always be informed of the reason for an absence not approved in advance. Failure to notify the supervisor as required may result in an unforeseen, justifiable absence being charged as AWOL. In genuine emergencies, such as serious accident, illness, or death in the employee's immediate family, supervisors should exercise due consideration in enforcing reporting requirements. Mere unforeseen circumstances, such as minor accidents requiring repairs to automobiles or property, or ordinary illness of the employee or family members do not justify failure to promptly notify the supervisor concerned.

5. Administration and Logistics. Questions and problems that may arise in applying the provisions of this Order should be

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referred to the Human Resources Division, Marine Corps Community Services (MCCS), Camp Lejeune at 451-6768.

6. Command and Signal

a. Command

(1) Applicability. NAFI Heads will ensure all managers and supervisors (military and civilian) are thoroughly familiar with the contents of this Order and that the Order is made available to employees upon request.

(2) This Order has been coordinated and concurred in by the Director, Marine Corps Community Services.

b. Signal. This Order is effective on the date signed.


D. J. LECCE

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Holidays

1. General. The following days have been designated as legal holidays:

- a. New Year's Day (1 January).
- b. Martin Luther King, Jr.'s Birthday (third Monday in January).
- c. Presidents' Day (third Monday in February).
- d. Memorial Day (last Monday in May).
- e. Independence Day (4 July).
- f. Labor Day (first Monday in September).
- g. Columbus Day (second Monday in October).
- h. Veterans Day (11 November).
- i. Thanksgiving Day (fourth Thursday in November).
- j. Christmas Day (25 December).

2. Observance of Holidays. Holidays that occur within the normal workweek of Monday through Friday will be observed on the day they occur. Holidays that occur on a Saturday will be observed on the preceding Friday. Holidays that occur on a Sunday will be observed on the following Monday.

3. Pay for Holidays on which Employees are Excused from Work

a. A regular full-time (RFT), regular part-time (RPT) or regularly scheduled flexible employee who has been employed for at least 90 days, is entitled to the basic rate of pay for regularly scheduled non-overtime hours as if he/she had worked.

b. A flexible employee without a regular schedule (on-call) is not entitled to the basic rate of pay.

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4. Pay for Work Performed on a Holiday

a. An RFT, RPT, or regularly scheduled flexible employee who has been employed for at least 90 days, is entitled to the

basic rate of pay plus premium pay at a rate equal to his/her rate of basic pay for regularly scheduled non-overtime hours.

b. A flexible employee without a regular schedule (on-call) is entitled to the basic rate of pay.

5. To be eligible for holiday pay, an employee must be in a pay status immediately before or immediately after the holiday.

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Annual Leave

1. General

a. Annual or vacation leave is provided so that employees may have time off for rest, recreation, vacation, and for personal and emergency purposes.

b. Annual leave will be authorized when the work load permits and, whenever possible, at the convenience of the employee.

c. The taking of earned annual leave is a right of the employee subject to the right of management to approve the time at which leave may be taken.

2. Eligibility and Crediting. Annual leave will be credited to regular full-time (RFT) and regular part-time (RPT) employees. The amount of annual leave an employee earns depends on the employee's total length of creditable service.

a. Flexible employees who have worked an average of 24 hours or more per week for 12 consecutive months, will be converted to RPT effective on the first full pay period after the anniversary date of hire, and will begin earning annual leave accordingly

b. Flexible employees not eligible for conversion shall be authorized a reasonable number of unpaid days off from their schedule for personal, emergency, and vacation purposes. Supervisors will make a reasonable effort to schedule such time off at times requested by employees, consistent with manpower and work load requirements and provided reasonable notice is given.

c. Total creditable service for leave accrual purposes will be determined as follows:

(1) All prior Department of Defense (DoD) NAF service, including service with current employer, as an RFT or RPT employee will be credited. Flexible service is creditable when the appointment has been changed to a regular appointment with no break in service. Only continuous flexible service in the position from which converted will be credited.

(2) Prior appropriated fund (APF) service is creditable if the employee has moved, under the provisions of the DoD

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Employee Benefit Portability Program, from an APF position to a NAF position on or after 1 January 1987.

(3) All active uniformed service, except for certain retired members as outlined below, terminated by discharge under honorable conditions or by transfer to inactive reserve under honorable conditions is creditable for determining the annual leave accrual rate. For an employee who is a retired member of any of the uniformed services, credit is restricted to the actual active service in the Armed Forces during wartime or in any campaign or expedition for which a campaign badge has been authorized. If the retired member meets one or more of the following conditions, all of the active service is counted for leave accrual purposes:

(a) The retirement was based on disability resulting from injury or disease received in the line of duty as a direct result of armed conflict.

(b) The retirement was based on disability caused by an instrumentality of war and incurred in the line of duty during a period of war.

(c) On 30 November 1964, the retired member was employed in a civilian office to which the annual and sick leave law applied, and continues to be employed in an office of this kind without a break in service of more than 30 days.

(4) Fractional parts of months will be included in determining length of service; however, the total length of service will be stated in terms of complete months.

(5) When available NAF records fail to support an employee's claim of prior NAF service, the burden of proof of the service rests with the employee.

(6) Civilian NAF employees who are called to active duty for short periods of time (not to exceed 6 weeks) with reserve components of the U.S. Armed Forces shall continue to accrue annual leave credit during such periods. Non-duty time while in reserve components is not creditable.

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(7) Those individuals who have active service in any uniformed service must submit a copy of their DD Form 214 to the Human Resources Division, MCCS, Camp Lejeune to receive credit.

(8) To receive credit, retired members of the uniformed services must complete a "Verification of Military Retirees Service in Non-Wartime Campaigns or Expeditions," (OPM Form 813) in addition to providing a copy of their last DD Form 214.

d. No employee who is currently in a leave category as a result of more liberal provisions of Department of the Navy regulations before 6 September 1974 shall be penalized by being placed in a lower category for leave accrual or accumulation purposes.

3. Annual Leave Accrual Rates. Annual leave will accrue to eligible employees while in a pay status, excluding overtime hours worked in excess of 40 hours during the basic workweek. Employees who are receiving benefits under the Longshoremen's and Harbor Worker's Compensation Act and who are carried on the rolls of the employing NAF in a Leave Without Pay (LWOP) status do not accrue annual leave. Annual leave is accrued as follows:

a. Employees with less than three years service will accrue 5% of the total hours in the basic workweek.

b. Employees with three years but less than 15 years of service will accrue 7.5 percent of the total hours in the basic workweek except for the final biweekly period of the leave year when the accrual rate will be 12.5 percent of the total hours in the basic workweek.

c. Employees with more than 15 years of service will accrue 10 percent of the total hours in the basic workweek.

4. Changes in Rates of Accrual

a. Changes in the rates of accrual are effective at the beginning of the first pay period following the completion of the prescribed service.

b. When a change from a 7.5 percent to a 10 percent leave category occurs at the beginning of the last full biweekly pay

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period in the calendar year, the employee's leave credit for the period will be computed at 12.5 percent of hours in a pay status.

c. Commission or incentive-paid regular employees are covered by the same annual leave policy which applies to RFT and RPT employees. The computation of the annual leave pay to such employees will be on the basis of hourly pay-rate equivalents derived from the application of classification standards to the job. The employee's wage rate step of the currently authorized wage schedule for the appropriate job grade will be used in determining the base rate for computing the earned annual pay.

5. Accumulation of Annual Leave. The maximum amount of accumulated annual leave that may be carried over from one leave year to the next will normally be 240 hours, but may be changed by Headquarters Marine Corps, Personal and Family Readiness Division (MR). Accumulated annual leave in excess of the maximum permissible carry over is automatically forfeited at the end of the leave year. However, the automatic forfeiture may be suspended under the following conditions:

a. Employees recruited or transferred by a NAF from the United States or its territories or possessions, including the Commonwealth of Puerto Rico, for employment outside the area of recruitment, or from which transferred and whose conditions of employment provide for their return transportation to the United States or its territories or possessions, may accumulate 360 hours. Upon the employee's return to the United States, its territories or possessions, the employee will have 2 leave years in which to draw leave down to the maximum 240 hours. However, the employee's leave balance may not exceed 360 hours at the end of the first leave year.

b. The 240 hours maximum carry over requirement may be waived on a case-by-case basis by the NAF Instrumentality (NAFI) Head, or the immediate supervisor for a FRO and SLO, if the following conditions are met: the employee has requested annual leave early in the year for use during the last 60 days of the leave year; the request has been tentatively approved by management; and circumstances beyond the control of management and/or the employee precludes its use prior to the end of the leave year.

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6. Payment for Accumulated Leave. Upon separation from employment, an employee who has completed 90 days as a regular employee will be paid for the accumulated annual leave credited to the employee's account.

7. Leave Transfer. When an employee transfers from one Marine Corps NAFI to another Marine Corps NAFI, with no more than 3 days break in service, they will not be paid for their accrued annual leave. Accrued annual leave will automatically be transferred to the gaining Marine Corps NAFI. If a transfer changes the employee's category of employment to one that prohibits leave benefits, the employee will be paid for his or her accumulated annual leave.

8. Granting Annual Leave. Management is responsible for the planning and effective scheduling of annual leave for use throughout the leave year. Management will make every effort to schedule leave at the time requested by employees consistent with the work load and manpower needs of the activity as determined by supervisors/managers authorized to approve leave.

a. Annual leave taken by an employee will be entered in PeopleSoft by the employee and/or supervisor, as appropriate, and approved by the supervisor.

b. Annual leave requests for 3 days or less may be approved by the supervisor on an as requested basis.

c. For annual leave requests of more than 3 days employees will give the supervisor at least 3 days' notice prior to the dates for which leave is requested by submitting an OPM Form 71 leave request. This notification may be waived for emergencies.

d. Employees shall notify their supervisor, or designee, when prevented from reporting to work and leave has not been approved in advance. Requests for such leave shall be made as soon as possible after the employee learns of the reason he or she may not report for work as scheduled, preferably before the start of the work shift, but not later than one hour after the start of the work shift. Employees who fail to comply with the notification requirement shall be carried AWOL until a determination is made concerning the appropriate leave status.

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Upon return to work an OPM Form 71 will be submitted to the supervisor authorized to approve leave.

e. A reasonable effort will be made to schedule annual leave for vacation purposes at times requested by employees, consistent with manpower and work load requirements as determined by management, provided reasonable advance notice is given by the employee. Requests for such leave will be considered and acted on in the order received, with preference going to the employee who first made the request.

f. An OPM Form 71 must be submitted for requests of more than three working days and when a supervisor is recommending disapproval of the leave request.

g. A liberal leave policy shall be followed in circumstances such as, but not limited to, the following:

(1) Death in an employee's immediate family.

(2) Illness in the employee's immediate family where the employee's care and attendance is required and the employee does not have sufficient sick leave.

(3) Religious observances.

h. Normally annual leave will not be granted when it is known in advance that an employee is to be separated. Upon separation from employment, employees are entitled to a lump sum payment for all annual leave credited to the employee's leave account, provided the employee has completed 90 days as a regular employee. There are, however, situations in which the granting of leave may be appropriate although it is known in advance that the employee is to be separated without returning to duty. Exceptions may be made for employees entering military service to provide time for settling personal affairs and pending approval of disability retirement or compensation. The effective date of separation will be the employee's last day of work unless one of the above circumstances justifies an exception.

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i. Commission/Incentive-Paid Employees

(1) Regular employees paid by commission or incentive are covered by the same annual and sick leave policies as above; however, the computation of annual or sick leave paid to such employees shall be on the basis of an administrative hourly pay rate derived from the application of classification standards to the job.

(2) The employee's current step of the administrative pay rate shall be used in determining the base rate for computing the earned annual and sick leave pay.

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Sick Leave

1. Value and Benefit of Sick Leave. Employees should consider the value and benefit of sick leave as a bank account against unforeseen injury or illness and are encouraged to conserve sick leave for the "rainy day" or real need. Employees should also keep in mind other advantages of having substantial sick leave accumulated to their credit.

a. Employees who accumulate sick leave in excess of 500, 1000, 1500, 2000, 2500 and 3000 hours respectively will be officially recognized by means of appropriate sick leave certificates.

b. Illness or injury can occur at any time and having a substantial amount of sick leave accrued will ensure continuation of pay while the employee is incapacitated.

c. The balance of unused sick leave, as of the date of an employee's retirement, converts to credited service for retirement purposes. The conversion to credited service is 173 hours of unused sick leave equals one month's service. Any final sum of hours less than 173 will be expressed as a fraction of a month.

2. PeopleSoft Sick Leave Usage Status. In order to control possible sick leave abuse, a thorough review of sick leave usage by employees is available within PeopleSoft and should be reviewed by the supervisor. By reviewing usage status, the supervisor will determine if sick leave usage is more than 50 percent of the amount accrued to be considered excessive. The supervisor will determine if counseling regarding sick leave usage for those so noted is necessary, and if so, provide such counseling.

3. Eligibility. Sick leave will be credited to RFT and RPT employees. There is no qualifying period for the crediting of sick leave.

a. Flexible employees who have worked an average of 24 hours or more per week for 12 consecutive months will be converted to RPT, effective on the first full pay period after the anniversary date of hire, and will begin earning sick leave accordingly

b. Flexible employees not eligible for conversion shall be authorized a reasonable number of unpaid days off from their schedule for personal, emergency, and vacation purposes. Supervisors will make a reasonable effort to schedule such time off at times requested by employees, consistent with manpower and work load requirements and provided reasonable notice is given.

4. Granting of Sick Leave. Employees who have sick leave to their credit may be granted such leave per the following provisions:

a. To receive medical, dental or optical examination or treatment.

b. When incapacitated for the performance of duty by sickness, injury, or pregnancy and confinement.

c. When the employee's presence would jeopardize the health of others at the post of duty because of exposure to a contagious disease. For the purpose of this Order, a "contagious disease" is one which must be reported to the Health Department and requires isolation, quarantine, or restriction of movement for a particular period based on regulations prescribed by local health authorities.

d. When the employee is medically certified by a health care professional as being disabled due to a compensable on-the-job injury, and the employee has signed a leave supplement statement to receive sick leave in lieu of Workers' Compensation benefits.

e. The use of annual leave in lieu of sick leave when sick leave has been exhausted will be at the discretion of the employee.

f. Family Friendly and Family Medical Leave policies and procedures are described in enclosures (8) and (9).

5. Sick Leave Credit Accruals

a. Sick leave credits will be accrued at the rate of 5 percent of the total basic workweek hours in a pay status and shall be credited from the date of appointment to RFT or RPT.

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b. Sick leave credits, including those accrued while on sick leave, are credited to the employee's account at the end of the pay period in which accrued.

c. Sick leave balances will be re-credited upon rehire regardless of the date the employee separated unless the employee retired from the NAFI and received retirement service credit for unused sick leave.

d. Commission/Incentive-Paid Employees

(1) Regular employees paid by commission or incentive are covered by the same sick leave policies as above; however, the computation of sick leave paid to such employees shall be on the basis of an administrative hourly pay rate derived from the application of classification standards to the job.

(2) The employee's current step of the administrative pay rate shall be used in determining the base rate for computing the earned annual and sick leave pay.

6. Accumulation of Sick Leave. There is no limit to the amount of sick leave that employees may accumulate and carry forward from one year to the next. No payment for unused sick leave will be made to an employee under any circumstance, and no sick leave will be advanced.

7. On-the-Job-Injury. A NAF employee receiving workers' compensation benefits (Title 5, Section 8171) may be granted leave from the employee's accumulated leave balance to supplement that portion of their wages not covered by their workers' compensation benefit. All sick leave must be exhausted before any annual leave is used to supplement the workers' compensation benefit. The employee is not entitled to full sick or annual leave and compensation benefits as the dual benefit will exceed the employee's average weekly wage. The local payroll office must be contacted when an employee chooses to supplement their workers' compensation benefit. When an employee elects to supplement their workers' compensation benefit with sick or annual leave, a Choice of Doctor/Leave Supplement Statement must be completed at the Human Resources office with the local Workers' Compensation representative.

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8. Policy and Procedures. The following specific procedures will be observed in administering a fair but firm sick leave program.

a. Sick leave taken by an employee will be entered in PeopleSoft by the employee and/or supervisor as applicable, and approved by the supervisor.

b. Sick leave taken in increments of less than three consecutive workdays may be granted by the immediate supervisor without the employee submitting a OPM Form 71 and without a medical certificate. Documentation may, however, be required in individual cases if the supervisor has reason to believe the employee has abused sick leave privileges.

c. Sick leave requests for three or more consecutive workdays shall be requested on a OPM Form 71 and supported by medical certification.

(1) The medical certification should be a statement by a physician or other health care professional. The remarks should clearly indicate the employee's incapacitation to perform assigned work and duration of incapacitation and be signed by the physician or other health care professional.

(2) If a medical certification cannot be obtained because the illness did not require the services of a physician or for other reasons, the employee shall present a written statement explaining the circumstances in support of the request for sick leave.

(3) The medical certificate or employee statement will be retained by the supervisor.

(4) Completion of the OPM Form 71 sick leave request is a joint responsibility of the employee and the supervisor, but the medical certificate or employee statement is the responsibility of the employee.

(5) Employees who cannot support claims for sick leave may request annual leave or leave without pay, in lieu thereof, or be charged absence without leave, as appropriate.

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d. Employees who are unable to report for work because of incapacitation shall notify their supervisors or other designated representatives as soon as possible, but no later than one hour after the beginning of the work schedule on the first day of such absence. Employees who fail to comply with the notification requirement shall be carried AWOL until a determination is made concerning the appropriate leave status. Upon return to work an OPM Form 71 will be submitted to the supervisor authorized to approve leave.

e. Where supportable evidence exists that abuse of sick leave has occurred, a letter of requirement may be issued or appropriate disciplinary action taken in accordance with reference (b). A letter of requirement requiring substantiation of all sick leave requests will not be issued unless the employee has been counseled on at least one occasion regarding the use of sick leave.

Enclosure (3)

Military Leave

1. Coverage

a. Regular full-time (RFT) employees who are members of Reserve components of the Armed Forces of the United States, including the National Guard, are entitled to excused absence up to a maximum of 15 days per fiscal year without loss of pay, time or performance rating, when called to active duty or placed on active duty for training. Any part of this excused absence that is not used in any given fiscal year accumulates for use in succeeding fiscal years, not to exceed a 15-day maximum carryover. Therefore, an eligible employee could have a maximum total of 30 days credit for use during a fiscal year.

b. In the case of regular part-time (RPT) employees, the rate at which leave accrues shall be a percentage. The percentage shall be determined by dividing the number of hours in the regular part-time employee's regularly scheduled workweek by the total number of hours that constitutes the normal full-time workweek of the employing NAFI.

c. RFT and RPT employees who are called to active duty for the purpose of providing military aid to enforce the law may be granted additional military leave not to exceed 22 workdays in a calendar year. These employees shall be granted leave upon presentation of competent orders. Compensation (other than travel, transportation or per diem allowance) received by an employee for such military service shall be credited against the compensation payable to an employee with respect to his or her NAFI position for such period of military service. Military leave is to be granted only for workdays; the NAFI civilian pay of the employee shall be reduced only by the amount received for military service performed on a workday.

2. Application for Military Leave. Military leave will be granted upon presentation of a OPM Form 71, and orders to active duty, active duty for training, or orders to provide military aid to enforce the law. Military leave should be requested as far in advance as circumstances permit. If received by the employee prior to departure, a copy of the orders will be attached to the OPM Form 71. Upon return from military leave, the employee must submit a copy of his/her original orders to active duty or original orders to provide military aid to enforce the law, to

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his/her supervisor. The orders must be signed by competent authority and show the date reported and the date released. The orders will be sent to the Payroll Branch, Financial Management Division, MCCS, Camp Lejeune to support the leave application. In case of orders for the purpose of providing military aid to enforce the law, the amount of military pay received (less allowances) shall be turned in to the Financial Management Division with a copy of the orders. The Financial Management Division will send a copy of the receipt issued to payroll.

3. Leave Without Pay (LWOP). Leave without pay may be granted to RFT and RFT employees for the following other types of military service:

- a. Summer training as members of Reserve Officers Training Corps.
- b. Temporary Coast Guard Reserve Duty.
- c. Participation in parades by members of the State National Guard. (Members of the National Guard in the District of Columbia are entitled to military leave with pay for participation in parades.)
- d. Training with a State Guard or other state military organization.
- e. Civil Air Patrol Duty.

4. Military Furlough. Military furlough shall be granted to a regular employee for induction or recall to active duty in one of the U.S. military services. An employee returned to duty from military furlough shall have the same seniority, status, pay, and annual leave accrual entitlements that the employee would have enjoyed had he or she remained at work instead of being placed on furlough.

5. Uniformed Services Employment and Reemployment Rights Act (USERRA). USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to

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undertake military service or certain types of service in the National Disaster Medical System. Generally an employee entering the military may be placed on leave without pay unless the employee chooses to be placed on military leave or annual leave, as appropriate, or the employee requests to be separated.

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Court Leave

1. General. Upon advance submission of a court order, subpoena, summons, or any other judicial notification from a Federal, District of Columbia, State, or local governmental-unit court, regular employees shall be granted paid court leave as follows:

a. For jury duty.

b. To appear in court in an unofficial capacity as a witness on behalf of the U.S. Government or the Government of the District of Columbia.

c. To appear in court in an unofficial capacity as a witness on behalf of private parties where the United States, the District of Columbia, or a State or local government is a party to the proceedings. This provision does not apply to an employee appearing as a witness in a judicial proceeding that involves only private parties.

2. Application for Court Leave. A regular employee who receives an official summons for jury duty or witness service for which court leave is authorized will show it to the supervisor and apply for court leave prior to the beginning date of such service. Upon completion of the service, the employee will obtain a certificate, signed by the clerk of the court or appropriate official, showing the actual days of service. This certificate will be attached to and submitted with a OPM Form 71 to the supervisor.

3. Duration of Court Leave. A regular employee under summons to serve on a jury or appear as a witness in a judicial proceeding for which court leave is authorized shall be granted court leave for the entire period, from the reporting date stated in the summons to the time discharged by the court or appropriate official, regardless of the number of days actually served.

a. Such services do not include the period(s) during which the employee is excused or discharged by the court or appropriate official. If an employee is not required to report for or is excused from court for a portion of the day, the employee will be expected to report for work if the employee can report and work for 2 or more hours, or the employee may take annual leave for the period of interim excuse from such service.

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b. A night shift employee who performs such service during the day is entitled to court leave for the regularly scheduled night tour, and is entitled to the night shift differential, if applicable.

4. Compensation. Regular employees on court leave will receive their regular pay for such time off or will retain the court fees received from the court whichever is the greater amount. If court fees are the lesser amount such fees (exclusive of transportation where separately identified or otherwise identifiable) will be turned over to the Financial Management Division, MCCA, Camp Lejeune.

5. Flexible Employees. Flexible employees are not entitled to court leave and will be taken off schedule when summoned for such service. As such, they may keep any fees received.

6. Official Duty. An employee is considered to be on official duty when summoned by a court, or assigned by the employing agency, to testify in an official or unofficial capacity, or produce official records. Travel expenses are to be allowed for such official duty.

Enclosure (5)

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Leave Without Pay1. General

a. Leave Without Pay (LWOP), a temporary non-pay status and absence from duty, may be granted at an employee's request. LWOP covers only those hours which a regular full-time (RFT) or regular part-time (RPT) employee would otherwise work or for which the employee would be paid and is charged in the same increment as other leave. LWOP may be granted to a RFT or RPT employee for military service or for other reasons acceptable to and approved by the Head of the NAFI. FROs, Regional School Liaison Officers (RFRO), SLO and Bachelor Housing (BH) shall obtain approval through their immediate supervisor. Supervisors shall contact the Human Resources Director, MCCS Camp Lejeune prior to approving LWOP of more than 30 days. Normally such leave will not be granted for a period exceeding one year, except for military service or other circumstances considered appropriate by the Head of the local NAFI or appropriate supervisors.

2. Worker's Compensation. A status that may be granted to an employee who is covered by workers' compensation. LWOP will start on the first full day of disability after the injury. When an employee elects to supplement their workers' compensation benefits with accumulated leave benefits, they must be placed in a LWOP status for the balance of hours not paid. For example, a regular 40 hour a week employee uses 20 hours of leave to supplement his workers' compensation benefit. He would be placed on LWOP for the remaining 60 hours of that pay period. An employee may remain in a LWOP status for up to 1 year while receiving workers' compensation benefits. After the one consecutive year in LWOP status, the employee may be terminated without cause. Supervisors shall contact the Human Resources office prior to termination of an employee receiving worker's compensation benefits. The termination will not affect the employee's entitlement to benefits under the Longshoremen's and Harbor Workers' Compensation Act.

3. Absent Without Leave (AWOL). AWOL should not be confused with LWOP. AWOL is a non-pay status resulting from a management determination that it will not grant any type of leave (including LWOP) for a period of absence for which the employee did not obtain advance authorization (i.e., unauthorized absence). AWOL

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will equate to the exact amount of time the employee is absent rather than in leave increments.

4. Employee Responsibility. Employees are responsible for requesting only as much annual leave as that which is already to their credit. If such annual leave is insufficient or exhausted, a specific request for LWOP is required in accordance with paragraph 5 below. Flexible employees are not authorized LWOP.

5. Administrative Control. Authorizing LWOP is a matter of administrative discretion. Employees cannot demand to be granted LWOP as a matter of right, except in the case of disabled veterans who are entitled to LWOP, if necessary, for medical treatment, and Reservists and National Guardsmen who are entitled to LWOP, if necessary, to perform military training duties, and Uniformed Services Employment Rights Act (USERRA) eligibles.

6. Action on Requests for LWOP. Normally, LWOP will be granted only after all accrued leave (annual and/or sick leave, as applicable) has been used.

a. Upon request, LWOP may be granted in lieu of annual or sick leave provided the request does not result in forfeiture of annual leave.

b. Supervisors authorized to approve leave requests may grant up to 30 workdays LWOP.

c. Requests for LWOP in excess of 30 workdays, where ultimate separation is not involved, will be prepared in letter form, detailing the reason(s) for the request, attached to a OPM Form 71, and forwarded via the Unit/Section/Branch Head to the Division Director. The Director's endorsement should recommend approval or disapproval and the reason(s), and be forwarded to the Human Resources Director for processing to the Director, MCCS, Camp Lejeune for approval/disapproval. FROs, Regional RSLO, SLO and BH employees shall obtain approval through their immediate supervisors. Supervisors should contact the Human Resources Director for guidance prior to approval/disapproval. The supervisor's written endorsement should recommend approval or disapproval and the reason(s), and be forwarded to the Human Resources Director for processing. Any/all NAF employees being placed in a LWOP status for more than 30 days must receive a

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letter from the Human Resources Director advising them of the approval/disapproval and their rights and responsibilities.

d. Normally such leave will not be granted for a period exceeding 1 year, except for military service or other circumstances considered appropriate by the NAFI Head. Upon completion of LWOP, return to a comparable job is normally assumed within the same NAF which granted the LWOP.

7. Medical and Dental Coverage During Leave-Without-Pay. During a period of approved LWOP, an employee may elect to continue coverage under the DoD NAF Health Benefits Program (HBP) medical and dental plan, provided the employee continues to pay the required employee share of the premium. The employer shall continue to pay the employer's share of the premium. Such coverage cannot be continued beyond one year from the date the LWOP began, except in the case of authorized LWOP for military service or in other circumstances considered appropriate by the applicable NAFI Head/designee, or immediate supervisor for a FRO or SLO.

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Administrative Leave

1. Definition. Administrative leave is an excused absence from duty administratively authorized without loss of pay and without charge to leave. Ordinarily, excused absences are authorized on an individual basis, except where an installation is closed, or a group of employees is excused from work for various purposes.

2. General. Employees may be excused, without charge to leave or loss of pay, for purposes and under conditions established herein. Authority to excuse employees for any reason other than those listed must be issued by Head of the local NAFL. FROs, the RSLO, SLO and BH employees shall obtain approval through their immediate supervisors.

3. Managerial Reasons. When operations are suspended or interrupted because of managerial reasons, every effort must be made to assign employees affected to other work.

a. In all cases where 24 hours advance notice can be given, regular employees who cannot be assigned to other work may be required to use annual leave, or request leave without pay (LWOP).

b. When such situations develop too late to give 24 hours notice, regular employees who cannot be assigned to other work will be required to use annual leave only if notice can be given before the end of their shift immediately preceding the one in which they are to be placed on leave.

c. In those situations when neither 24 hours notice nor notice before the end of the immediately preceding shift is possible, regular employees who cannot be assigned to other work shall be excused with pay for the remainder of the shift. The excuse shall not exceed eight hours. Employees will then be placed on annual leave, or request LWOP, for any subsequent absence, provided 24 hours advance notice is given. This authority applies only to conditions which cannot reasonably be foreseen (e.g., power or equipment failure, lack of material, weather conditions affecting only certain kinds of work but not the activity as a whole).

d. Flexible employees in cases of 3a through 3c, above, will be taken off the schedule and released or notified not to

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report to work, as appropriate. Flexible employees who do not receive timely notification not to report to work and report for work will receive two hours pay for reporting, whether or not work is performed.

4. Closing All or Part of the Base. Only the Commanding Officer, Marine Corps Base (MCB), may direct closing all or part of MCB Camp Lejeune when normal operations are interrupted by events (e.g., extreme weather conditions and fires) beyond the control of management or employees. A special administrative order detailing the extent of the closure and excusing those employees whose services can be spared will be promulgated by the Commanding Officer, MCB.

a. During Working Hours. Employees must be in a duty status in order to be excused. Employees are considered to be in a duty status if they are physically on duty at the time of dismissal or on duty when the formal notification of the scheduled early dismissal occurs. Employees who are not in a duty status when notification of dismissal occurs after opening hours will be charged the appropriate leave for the entire period of absence. When normal operations are interrupted by events such as those cited above, supervisors are not authorized to excuse employees unless a special administrative order has been promulgated. Flexible employees are not authorized excused absence and will be taken off the schedule for the entire period of absence.

b. During Nonworking Hours. When all or part of the Base is closed, affected employees will be provided 24 hours advance notice (one work shift) in a pay status before being placed on annual leave, LWOP or non-pay furlough. Excused absence is authorized during all or part of this 24 hour notice period.

5. Blood Donations. Regular employees who volunteer as donors to an authorized regional bloodmobile during its scheduled visits to the Base will be excused from duty without charge to leave for the period of time necessary to donate the blood and for recuperation following donation; however, the maximum excused time shall not exceed 4 hours for each donation. It should be recognized that individual requirements following donation may differ; therefore, any additional time required shall be charged to leave (sick, annual, LWOP) as appropriate.

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Requests for excused absence for the purpose of donating blood for other than the above scheduled visits shall be referred to the Human Resources Division.

6. Tardiness and Brief Absence. Brief absence from duty and/or tardiness of less than 59 minutes may be excused when reasons appear to be adequate to the supervisor authorized to approve leave. The absence may also be charged against any compensatory time the employee may have available, or be charged to annual leave, LWOP, or absence without leave (AWOL). A charge of annual leave or LWOP will be in multiples of 1/4 hour, in which case the employee may not be permitted to work during the period of leave. When the absence is neither excused nor charged to leave and the employee is AWOL, disciplinary action may then be taken in accordance with reference (b). If the tardiness or brief absence is excused or charged against compensatory time, annual leave or LWOP, it may not be basis for disciplinary action.

7. Leave Time to Serve As An Organ Or Bone Marrow Donor (Public Law 106-56)

a. A Marine Corps NAF employee may use up to 7 days of paid administrative leave each calendar year to serve as a bone marrow donor.

b. A Marine Corps NAF employee may use up to 30 days of paid administrative leave each calendar year to serve as an organ donor.

c. A Marine Corps NAF employee is entitled to use this leave without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance rating. This leave is a separate category of leave that is in addition to annual and sick leave. Certification from a medical doctor is required for approval.

d. For medical procedures and recuperation requiring absences longer than stated, supervisors are encouraged to continue to accommodate personnel by granting additional time off in the form of sick and/or annual leave, donated annual

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leave, or leave without pay. Certification from a medical doctor is required for additional time off in excess of 3 days.

e. Time should be annotated/keyed using the following code BMD/OD in PeopleSoft.

8. On-the-Job-Injury. Employees are granted administrative leave for the remainder of their work schedule on the day of the injury to seek medical attention.

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Family Friendly Leave Act (FFLA)

1. The FFLA permits RFT employees up to 104 hours (13 workdays) of sick leave for general family care or bereavement purposes. For a serious health condition, sick leave may be granted to care for a family member for up to 480 hours (12 weeks). Family members include: spouse, and parents thereof; children, including adoptive 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. Sick leave may be granted to:

a. Care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth;

b. Assist a family member who receives medical, dental or optical examination or treatment; or

c. Make arrangements for or attend the funeral of a family member.

2. The amount of sick leave granted a RPT employee or an employee with an uncommon tour of duty, is the number of hours of sick leave he/she normally accrues during a leave year. An employee may not exceed a total of 104 hours of sick leave for Family Friendly Leave (FFL) purposes per year.

3. The process to request/receive FFL is as follows:

a. An FFL qualifying event occurs and the employee submits the Request for Leave or Approved Absence, OPM Form 71 (Enclosure (10)). The employee will annotate FFL and briefly describe the reason for requesting FFL. For example, "Medical appointment for son." An employee must also provide a medical certificate or other administratively acceptable evidence as to the reason for an absence in excess of 3 workdays, or lesser period when the agency determines it is necessary.

b. The supervisor approves/disapproves the FFL request and enters the FFL or F0 (Family Leave Non-Deferment Code) in the PeopleSoft system.

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Family Medical Leave Act (FMLA)

1. Employees who have completed at least 12 months of service (not required to be 12 recent or consecutive months) are entitled to a total of 12 administrative workweeks of LWOP. Substitution of paid leave is allowed when it is consistent with current law and regulations governing the granting and use of annual and sick leave. (Exception: NAF employees serving under a flexible appointment with a "not to exceed" date of one year are required to comply with the requirement of 1,250 hours of service during the 12-month period immediately preceding the commencement of leave.) Employees may elect LWOP or paid leave, for one or more of the following reasons:

- a. For the birth of a child and care of a newborn baby;
- b. For placement of a child for adoption or foster care;
- c. For the employee with a serious health condition; or
- d. To care for an immediate family member (spouse, child, or parent) with a serious health condition.

e. Section 585 of Public Law 110-18 (signed into law on January 28, 2008), permits a spouse, son, daughter, parent, or next of kin to take family leave to care for a covered member of the Armed Forces. The serious illness or injury must have been incurred by the covered service member in the line of duty while on active duty in the Armed Forces. Covered family members are entitled to up to 26 weeks of Family Medical Leave (FML) during a single 12-month period to care for the service member (referred to as "military family leave").

2. The employee has the right to return to work at the conclusion of the FML and be restored to his or her original job, or to an equivalent job with equal pay, benefits and other employment terms and conditions. Under specific and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, an employer may refuse to reinstate certain highly-paid "key" employees after using FML during which health coverage was maintained.

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3. Leave may be taken in blocks of time (12 continuous weeks), or by reducing a normal weekly or daily schedule. If FML is for a birth, use of intermittent leave is subject to approval of the employer. Spouses employed by the same NAFTI are jointly entitled to a combined total of 12 workweeks of leave for the birth or placement of a child for adoption or foster care, and to care for a parent (but not a parent-in-law) who has a serious health condition.

4. The process to request/receive FML is as follows:

- a. Employees will provide a 30-day advance notice;
- b. Employees will submit a medical certificate for himself/herself or his or her immediate family member;
- c. Management may require on a second or third medical opinion and periodic re-certifications (at the employer's expense);
- d. Management may require periodic reports during leave regarding the employee's status and intent to return to work.
- e. Employees should try to schedule treatment so as not to unduly disrupt the employer's operation when caring for immediate family members.

5. Management is required to maintain group health insurance coverage for an employee on FML. Management is still liable for the employer share of the premium and the employee will pay each pay period the premium he or she would otherwise have had deducted from his or her paycheck. Failure to make timely payments will result in cancellation of benefits.

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Request for Leave or Approved Absence						
1. Name (Last, first, middle)				2. Employee or Social Security Number		
3. Organization						
4. Type of Leave/Absence						5. Family and Medical Leave If annual leave, sick leave, or leave without pay will be used under the Family and Medical Leave Act of 1993 (FMLA), please provide the following information: <input type="checkbox"/> I hereby invoke my entitlement to family and medical leave for: <input type="checkbox"/> Birth/Adoption/Foster care <input type="checkbox"/> Serious health condition of spouse, son, daughter, or parent <input type="checkbox"/> Serious health condition of self <i>Contact your supervisor and/or your personnel office to obtain additional information about your entitlements and responsibilities under the FMLA. Medical certification of a serious health condition may be required by your agency.</i>
Check appropriate box(es) and enter date and time below)	Date		Time		Total Hours	
	From	To	From	To		
<input type="checkbox"/> Accrued annual leave						
<input type="checkbox"/> Restored annual leave						
<input type="checkbox"/> Advance annual leave						
<input type="checkbox"/> Accrued sick leave						
<input type="checkbox"/> Advance sick leave						
Purpose: <input type="checkbox"/> Illness/injury/incapacitation of requesting employee <input type="checkbox"/> Medical/dental/optical examination of requesting employee <input type="checkbox"/> Care of family member, including medical/dental/optical examination of family member, or bereavement <input type="checkbox"/> Care of family member with a serious health condition <input type="checkbox"/> Other						
<input type="checkbox"/> Compensatory time off						
<input type="checkbox"/> Other paid absence (specify in remarks)						
<input type="checkbox"/> Leave without pay						
6. Remarks						
7. Certification: I certify that the leave/absence requested above is for the purpose(s) indicated. I understand that I must comply with my employing agency's procedures for requesting leave/approved absence (and provide additional documentation, including medical certification, if required) and that falsification of information on this form may be grounds for disciplinary action, including removal.						
7a. Employee signature				7b. Date signed		
8a. Official action on request <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved (If disapproved, give reason. If annual leave, initiate action to reschedule.)						
8b. Reason for disapproval						
8c. Signature				8d. Date signed		
Privacy Act Statement Section 6311 of title 5, United States Code, authorizes collection of this information. The primary use of this information is by management and your payroll office to approve and record your use of leave. Additional disclosures of the information may be: To the Department of Labor when processing a claim for compensation regarding a job connected injury or illness; to a State unemployment compensation office regarding a claim; to Federal Life Insurance or Health Benefits carriers regarding a claim; to a Federal, State, or local law enforcement agency when your agency becomes aware of a violation or possible violation of civil or criminal law, to a Federal agency when conducting an investigation for employment or security reasons; to the Office of Personnel Management or the General Accounting Office when the information is required for evaluation of leave administration; or the General Services Administration in connection with its responsibilities for records management. Public Law 104-134 (April 26, 1996) requires that any person doing business with the Federal Government furnish a social security number or tax identification number. This is an amendment to title 31, Section 7701. Furnishing the social security number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application. If your agency uses the information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes.						

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