



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE
PSC BOX 20005
CAMP LEJEUNE NC 28542-0005

MCIEAST-MCB CAMLEJO 12630.1B
CHRO-E
Apr 12 2022

MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE CAMP LEJEUNE ORDER
12630.1B

From: Commanding General
To: Distribution List

Subj: ABSENCE AND LEAVE FOR CIVILIAN EMPLOYEES

Ref: (a) 5 CFR 630
(b) Public Law 114-75
(c) 5 U.S.C. §63
(d) MCIEAST-MCB CAMLEJO 12610.1
(e) Public Law 114-328
(f) MCIEAST-MCB CAMLEJO 12610.4B
(g) SECNAVINST 12752.1A Ch-1

Encl: (1) Annual Leave
(2) Sick Leave
(3) Military Leave
(4) Court Leave
(5) Leave Without Pay (LWOP)
(6) Administrative Leave (Excused Absence)
(7) Voluntary Leave Transfer Program (VLTP)
(8) Family and Medical Leave Act (FMLA)
(9) Disabled Veteran Leave
(10) Paid Parental Leave (PPL)

1. Situation. To provide guidance to supervisors and employees concerning the granting of annual leave, sick leave, military leave, court leave, leave without pay (LWOP), administrative leave, voluntary leave transfer program (VLTP), family medical leave act (FMLA), and paid parental leave (PPL).

2. Cancellation. MCIEAST-MCB CAMLEJO 12630.1A

3. Mission

a. This command observes the leave policies outlined in references (a) through (g). Enclosures (1) through (10) provide detailed guidance relative to the various types of leave and absences that apply to employees covered by this Order. Proper administration of the absence and leave regulations per the procedures and policy set forth herein are essential. The lack of adequate supervisory controls over the use of leave privileges results in unnecessary absences, lower morale, increased cost, and decreased production.

DISTRIBUTION STATEMENT A: Approved for public release distribution is unlimited.

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b. Summary of Revision. This Order has been revised to update time and attendance systems used, add environmental/hazard/other (EHO) codes, make minor adjustments to language in Enclosure (1) regarding advanced annual leave, and update applicability removing Marine Corps Air Station (MCAS) Cherry Point and should be reviewed in its entirety.

4. Execution. Organizational commanders, heads of staff sections, and department heads will ensure that supervisors are thoroughly familiar with the contents of this Order and that the Order is made available to employees upon request. Supervisors who are authorized to approve leave will ensure that employees know and follow the instructions in this Order. Supervisors and managers will take immediate and appropriate corrective action per reference (g) when it is recognized that leave privileges are being abused.

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. Provide current policies and procedures to commanders, supervisors, and employees concerning the types of leave and who can grant leave.

(2) Concept of Operations. This Order shall be used when granting leave to civilian employees.

b. Tasks. Refer throughout Order.

5. Administration and Logistics

a. Delegation of Authority. Department heads or equivalents, or their designee have the authority to approve requests for advance annual leave, advance sick leave, leave without pay in excess of five workdays, applications to be a leave recipient or leave donor, and the authority to determine exigencies of the public business. For MCB CAMLEJ restoration of forfeited annual leave shall be approved by the Chief of Staff (COS).

b. MCIEAST Installation Commanders may develop internal policy regarding approval of requests for restoration of annual leave.

6. Command and Signal

a. Command

(1) MCB CAMLEJ. This Order is applicable to MCB CAMLEJ, its subordinate commands, and MCAS New River.

(2) Installation commanders/commanding officers may adapt guidance contained in this Order. Such guidance and policy must be

consistent with the provisions of this Order, but commands may adopt more detailed rules to meet specific needs.

(3) Tenant Commands. Tenant commands supported by Civilian Human Resources Office-East (CHRO-E) may elect to comply with this Order in its entirety or may describe more detailed rules to meet specific needs as required.

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



T. W. FERRY
Deputy Commander

DISTRIBUTION: A/C (plus H&S Bn, WTBn, MCAS NR)

Annual Leave

1. Annual Leave. The taking of annual leave is an absolute right of the employee, subject to the right of management to determine the time at which leave may be taken in accordance with operational needs.

2. Accrual and Credit. A temporary employee with an appointment of less than 90 days is entitled to accrue annual leave only after being currently employed for a continuous period of 90 days under successive appointments without a break in service. (This restriction only applies to the accrual of annual leave. If an employee on such an appointment already has annual leave to his or her credit from a previous appointment, he or she is allowed to use this annual leave during the temporary appointment.) After completing the 90-day period of continuous employment, the employee is entitled to be credited with the leave that would have accrued to him or her during that period.

a. Full-time employees accrue leave as follows:

(1) Less than three years of service-four hours per biweekly pay period (104 hours or 13 workdays per year).

(2) Three years, but less than 15 years of service-six hours per biweekly pay period, except that the accrual for the last biweekly pay period in the year shall be 10 hours (160 hours or 20 workdays per year).

(3) Fifteen years or more service-eight hours per biweekly pay period (208 hours or 26 workdays per year).

b. Firefighters who are paid annual premium pay in lieu of overtime, night differential, and holiday pay will be credited and charged with annual leave on the basis of each 24-hour workday within the regularly scheduled workweek.

3. Maximum Accumulation. Accrued annual leave may not exceed 30 days at the beginning of the first completed biweekly pay period in any year.

a. Accumulated annual leave in excess of the maximum permissible carry-over is automatically forfeited at the end of the leave year.

b. Under certain conditions (as outlined in paragraph 8 of this enclosure), part or all of forfeited annual leave may be restored to a special leave account.

4. Granting Annual Leave

a. Supervisors are responsible for the overall planning,

coordination, and approving of their employees' annual leave throughout the leave year so the agency's mission and employees' needs are met, and so employees do not approach the end of the leave year with a significant amount of annual leave that must be used or forfeited. While the final date to schedule leave applies only to situations involving the possible forfeiture and restoration of annual leave, employees should be sure to schedule and use annual leave throughout the leave year and not wait until the end of the leave year to schedule annual leave. When an employee makes a timely request for leave, the supervisor must either approve the request and schedule the leave at the time requested by the employee or, if that is not possible because of project related deadlines or the agency's workload, must schedule it at some other time.

b. Accrued annual leave may be granted at any time during the leave year. Supervisors authorized to approve leave are responsible for determining when and to what extent annual leave is granted. To the extent possible, leave granted should include one period of 80 hours (six consecutive shifts for firefighters) for rest and relaxation. Adequate planning must be undertaken to provide scheduled vacations and otherwise grant annual leave in the best interest of maintaining maximum efficiency and production.

c. Supervisors will establish tentative vacation schedules for employees under their supervision based on requests for annual leave submitted by 1 April of each calendar year. If approval cannot be granted for all employees in the same job classification requesting leave for a particular time frame, conflicts will be resolved by individual seniority, based on length of service in the shop/office. This provision is not intended to permit the senior employee to reserve all the preferred leave periods. When a senior employee's request conflicts with the requests of more junior employees for more than two leave periods, the senior person will promptly identify the two periods they want approved on a priority basis. Any remaining leave conflicts will be similarly resolved among the next most senior employees, with no employee being allowed to exercise their seniority priority for more than two preferred periods. Employees who have scheduled leave in the manner described in this paragraph will be given preference over employees who may request leave at a later date.

d. Some employees may submit requests to schedule their vacation during the months of January through March. Since the vacation schedule cannot be completed until 1 April, requests for leave during the preceding months should be treated as though submitted per paragraph 4e, below. Such requests should be acted on in the order they are received and in case of conflict, preference should be given to the individual who first submitted the request.

e. Employees may request annual leave for periods not scheduled

per subparagraph 4c above at any time during the calendar year. Such requests will be submitted in advance and, when required by the employee's supervisor, the employee will submit their leave request using the on-line Time and Attendance (T&A) system. Requests for annual leave under this subparagraph will be considered and acted on in the order that they are received with preference going to the individual who first made the request. If the requests are received on the same day, preference will be shown to the individual with the greatest amount of shop/office seniority.

f. Employees having use or lose leave remaining after vacation leave is scheduled, as required in paragraph 4c above, must schedule such leave no later than the start of the third biweekly pay period prior to the end of the leave year. Without this advance written scheduling, forfeited leave which is otherwise eligible for restoration cannot be restored.

g. A liberal leave policy shall be followed in circumstances such as, but not limited to, death in the employee's immediate family and religious observances.

5. Request for Annual Leave

a. Annual leave should be requested and approved before the absence begins. Employees may request annual leave at any time during the calendar year using the on-line Time and Attendance leave request system. The supervisor will notify the employee of the approval or disapproval of a leave request as soon as possible prior to the first day of leave. If workload does not warrant approval of the requested leave, the supervisor must inform the employee and attempt to reschedule any leave subject to forfeiture.

b. An emergency or unforeseen circumstance may arise during off-duty hours and the employee is unable to report for duty without receiving prior authorization, in such cases:

(1) Employees, except shift workers (including firefighters), are responsible for reporting reasons and estimated duration for such absences to the supervisor or his/her designee as soon as possible but no later than one hour after the beginning of the work schedule on the first day of such an absence. Any absence beyond the estimated duration shall also be reported.

(2) Shift workers, including firefighters, must make every reasonable effort to notify their supervisor or his/her designee as far in advance of the start of their scheduled shift as possible, but at least one hour prior to the start of the shift. The employee is responsible for making every reasonable effort to ensure that notification is made, to include the employee's name, the reason for

the absence, and the estimated duration. Any absence beyond the estimated duration shall also be reported.

(3) Such absences may be approved only on a tentative basis. The notification of the reason for absence does not mean that the leave requested will be approved since the absence must be justified upon return to duty.

6. Status of Absent Employee when leave was not Requested and Approved in Advance

a. When notice from the employee is not received on the first day explaining the reason for the unscheduled absence, the supervisor's entry into the online Time and Attendance system will reflect absent without leave (AWOL). Succeeding days of absence will also reflect AWOL when notice of the reason for absence is not received. The Time and Attendance (T&A) entry shall not be adjusted unless extenuating circumstances justify it.

b. Where notice is received and the employee requests annual leave under circumstances that are justifiable, the entire period of absence shall be reported in T&A as "LA."

c. Where notice is received on the first day of absence or a later day of continuing absence, and the employee requests annual leave under circumstances which do not appear to justify absence without prior authorization, the employee shall be so informed, if possible, and the period of absence reported in the online Time and Attendance system will remain as AWOL. Absence so reported shall not later be adjusted to annual leave unless, upon return to duty, the employee requests reconsideration of the case and the supervisor reverse the previous decision.

d. When unauthorized absence exceeds five consecutive workdays, the supervisor will make every effort to contact the employee by telephone, through co-workers, or by letter to determine the reason for absence and whether or not the employee intends to return to duty. If it appears that the employee has abandoned the position, the supervisor shall take action per the provisions of reference (f).

7. Advanced Annual Leave

a. Requests for advanced annual leave up to the amount that shall be earned during the balance of the leave year may be granted to employees in accordance with annual leave laws and regulations and consistent with mission needs. Requests for advanced annual leave will be prepared in letter form and forwarded through official channels to the appropriate approving official. The unit or section head's endorsement should recommend approval or disapproval. The

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employee shall be notified by the department in writing of either approval or disapproval of the request. If disapproved, the employee will be given the reason for the denial. If the request is approved by the department, the documentation will be forwarded to Labor and Employee Relations (LER) Branch of the servicing CHRO. There must be reasonable assurance that the employee will be in a duty status long enough to repay the leave advanced. Should the employee be separated, the advanced leave must be liquidated by refund or off-set against the retirement fund unless the separation is due to death, disability retirement, or inability to return to work because of illness.

b. Advanced annual leave will not be granted to an employee with an active Letter of Requirement.

8. Restoration of Forfeited Leave

a. Conditions. Under certain conditions, annual leave in excess of the maximum permissible carry-over that is automatically forfeited at the end of the leave year, may be restored. These conditions are:

(1) Restoration of all annual leave to which an employee is entitled in correcting an administrative error.

(2) Restoration of annual leave forfeited due to sickness of an employee when such annual leave was scheduled in writing, in advance, before the start of the third biweekly pay period prior to the ending of leave year. The period of absence due to the sickness occurred at such a time late in the leave year or was of such duration that the annual leave could not be rescheduled for use before the end of the year to avoid forfeiture.

(3) Exigencies of the public business or operational demands of such magnitude or significance that the employee cannot be excused for duty to avoid forfeiture of scheduled annual leave. A specific beginning and ending date of the exigency period must be fixed in advance, unless the suddenness or uncertainty of the circumstances prevents advance decision. These dates must establish the specific time period within which employees were prevented from using scheduled annual leave and thus, subsequently, forfeited leave.

(4) Per reference (a), an employee who has been serving outside the United States, the Commonwealth of Puerto Rico, or territory or possession of the United States in a position which permits a 45-day accumulation, and moves to a position in an area which is subject to the 30-day accumulation limit, will retain the accumulated ceiling above the 30-day maximum accumulation. However, in these cases, when employees use more annual leave in a leave year than earned, the balance carried forward becomes their new leave ceiling if it is still above the 30-day maximum accumulation.

b. How to Request Restoration

(1) Employees of Marine Corps Installations East (MCIEAST)-MCB CAMLEJ who have, due to administrative error, forfeited annual leave may have all such leave restored at MCB CAMLEJ, requests for restoration of forfeited annual leave due to administrative error will be prepared in letter form and forwarded to the COS via their Department Head. The request should contain the amount of leave forfeited, the leave period(s) involved, and the reasons why the leave should not have been forfeited. Any letters, personnel actions, or documentary evidence in support of the request should be referenced or attached. The employee shall be notified in writing of either approval or disapproval of the request. If disapproved, the employee will be given the reason for the denial.

(2) Employees who forfeit scheduled annual leave due to sickness, injury, or any other medical condition for which paid sick leave would be approved may request restoration of such leave provided that the annual leave was scheduled in writing in advance of the onset of the sick leave and the period of absence due to the sickness occurred so late in the leave year that the annual leave could not be rescheduled for use before the end of the year to avoid forfeiture. At MCB CAMLEJ, requests by employees of MCB CAMLEJ for restoration of forfeited annual leave because of sickness will be prepared in letter form and forwarded to the COS via their Department Head. Such requests must enclose a statement from the employee's private physician indicating the beginning and ending dates of the period(s) of treatment or care. The forwarding endorsement of the unit or section head shall certify that the sickness occurred at such time late in the leave year or was of such duration that the annual leave could not be rescheduled for use before the end of the year. The employee shall be notified in writing of either approval or disapproval of the request. If disapproved, the employee will be given the reason for the denial.

(3) Scheduled annual leave of an employee will not be canceled because of an exigency or operational demand, anticipated or unanticipated, without the prior approval of the appropriate official when such cancellation may result in the forfeiture of scheduled leave at the end of the leave year.

(a) At MCB CAMLEJ, requests for approval to cancel scheduled annual leave that may be forfeited will be prepared in letter form and forwarded via the chain of command to the appropriate official, or when appropriate, the COS. Such requests will include the nature of the exigency, specific beginning and ending dates of the exigency period, reason(s) why the exigency is of such importance that annual leave may not be used during the period, and a list of employees affected. In emergency situations, telephone requests,

subsequently supported in writing, may be accepted.

(b) For situations at MCB CAMLEJ, requests for restoration of forfeited annual leave due to an exigency or operational demand will be prepared in letter form and forwarded to the COS via their Department Head. The request must include the calendar date(s) the leave was scheduled and approved; the date(s) during which the leave was scheduled for actual use and the amount of leave that was scheduled for use, the beginning and ending dates of the exigency and a copy of the approval to cancel leave; the calendar date the canceled leave was rescheduled for use; the date(s) during which the leave was rescheduled for use and the amount of leave that was rescheduled for use. The employee shall be notified in writing of either approval or disapproval of the request. If disapproved, the employee will be given the reason for the denial.

Sick Leave

1. Accrual and Credit

a. Full-time employees accrue sick leave on the basis of four hours for each full biweekly pay period. There is no limit on the amount of sick leave which an employee can accumulate.

b. Part-time employees earn one hour of sick leave for each 20 hours in a pay status.

c. Employees who receive annual premium pay will be credited and charged sick leave on the basis of each 24-hour workday within the regularly schedule workweek.

2. Granting Sick Leave

a. Sick leave, if available, shall be granted to an employee when the employee:

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

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

(3) Provide care for a family member who is incapacitated by medical or mental condition or attends to a family member receiving medical, dental or optical examination or treatment. Sick leave for this purpose is limited per paragraph 2d, below.

(4) Makes arrangements necessitated by the death of a family member or attends the funeral of a family member. Sick leave for this purpose is limited per paragraph 2d, below.

(5) Is required to give care and attendance to a member of their immediate family who is afflicted with a contagious disease.

(a) For the purpose of this order, a "contagious disease" is a condition determined by the health authorities having jurisdiction or by a health care provider, which would jeopardize the health of others by that family member's presence in the community because of exposure to a communicable disease.

(b) Sick leave will be granted to an employee submitting a certificate from a physician specifically stating that the employee is required to remain at home to care for a family member ill with a reportable contagious disease. Such leave will be granted only for the period of time specifically designated by the physician.

(6) Would jeopardize the health of others by being present at work because of exposure to a contagious disease.

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

b. Sick leave, if available, shall be granted to disabled veterans for the purpose of receiving medical treatment or for the time necessary for making appointments. If sick leave is not available, annual leave or leave without pay shall be granted. This grant is obligatory provided the veteran gives prior notice of definite days and hours of absence for such treatment.

c. For the purposes of sick leave, a family member means the following relatives of the employee:

(1) Spouse and parents thereof;

(2) Sons and daughters, and spouse thereof;

(3) Parents, and spouses thereof;

(4) Brothers and sisters, and spouses thereof;

(5) Grandparents and grandchildren, and spouses thereof,

(6) Domestic partner and parents thereof, include domestic partners of any individual in 2 through 5 of this definition, or

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

d. An employee is entitled to use up to 104 hours (13 days) of sick leave each leave year for general family care and bereavement, which include making arrangements required by the death of a family member and attending the funeral of a family member.

e. An employee is entitled to use up to 12 weeks (480 hours) of sick leave to care for a family member with a serious health condition each leave year. If an employee previously used any portion of sick leave per 2d above, that amount must be subtracted from the 12-week entitlement. If the 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 the additional 13 days in the same leave year for general family care purposes.

f. An employee who becomes ill during a period of annual leave may have the period of illness charged to sick leave and the charge against annual leave reduced accordingly. Application for substitution of sick leave for annual leave shall be made within two days after return to duty and shall be substantiated in the same manner as any other request for sick leave.

g. Sick leave will not be granted to employees on extended leave without pay.

h. Employees may use annual leave in lieu of sick leave, subject to supervisory approval.

3. Requests for Sick Leave and Pay Status

a. Requests for sick leave for medical, dental, or optical examination or treatment shall be made in advance of the appointment. Requests for sick leave should be entered using the online Time and Attendance system. Requests for sick leave for family care and bereavement should be submitted using the online Time and Attendance system. The employee should request sick leave and select "DE" under the environmental/hazard/other (EHO) code dropdown menu to indicate sick leave is being used specifically for family care/bereavement.

b. Each employee is responsible for causing their supervisor to be notified when unable to report to work because of illness or injury as follows:

(1) Shift workers, including Firefighters, must make every reasonable effort to cause their supervisor to be notified as far in advance of the start of their scheduled shift as possible, but at least one hour prior to the beginning of the shift.

(2) Other employees must cause their supervisor to be notified no later than one hour after the beginning of the employee's assigned work shift.

(3) Failure to give notice may result in the absence being charged as AWOL.

(4) In emergencies, such as serious accidents or illnesses, the supervisor will exercise due consideration in enforcing the reporting requirements.

c. When employees report that they are incapacitated and unable to report for work, such notice is considered tantamount to a request for approved leave. Such absence will be shown in T&A as sick leave. If supporting documentation is not provided upon return, the

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supervisor will complete payroll correction and place the employee in a non-paid status for the time coded as sick leave.

4. Return to Duty

a. An employee returning to duty after an absence of more than three consecutive workdays, the employee will submit the request for leave in the online T&A system and shall furnish documentation containing administratively acceptable evidence of incapacitation for duty along with during the period of absence. The documentation must contain the name, address, and telephone number of the physician, dentist, or other practitioner, a brief statement of the nature of the illness, inclusive dates of treatment, and a statement releasing the employee to return to duty and indicating any limiting medial restrictions. When the employee is absent for a short duration (more than three days) and the illness was not treated by a physician, in lieu of a medical certificate, a signed statement from the employee indicating the nature of illness and the reason why a medical certificate is not furnished may be accepted. When the required medical certificate is not submitted to the supervisor, the supervisor will allow the employee not more than 15 calendar days after they return to duty to obtain the certificate. If it is not practicable under the circumstances to provide the requested evidence or medical certification within 15 calendar days after the date requested by the agency despite the employee's diligent, good faith efforts, the employee must provide the evidence or medical certification within a reasonable period of time under the circumstances involved, but no later than 30 calendar days after the date the agency requests such documentation. Supervisors will ensure that the request for leave is completed in the online T&A System. The employee must certify the reason for absence in all cases.

b. A medical certificate in support of an application for sick leave of three workdays or less normally will not be required. Such certificates will, however, be required in individual cases if the supervisor has a reason to believe the employee has abused sick leave privileges or the employee is on a Letter of Requirement.

c. When an employee's sick leave record is questionable, the employee may be counseled that his or her sick leave record is questionable and advised that if the record does not improve, the employee may be placed on sick leave restrictions requiring a medical certification from a health care provider for each absence due to a claimed illness or medical appointment. If this warning does not bring about an adequate improvement in the sick leave record, the employee will be advised in writing that all future requests for leave because of claimed illness or medical appointments must be supported by a medical certificate. The requirement for a medical certificate

will be rescinded in writing at such time as improvement in the employee's sick leave record warrants.

5. Disapproval of Sick Leave After Return to Duty

a. If, upon the employee's return to duty and submission of whatever substantiating evidence may be required in the individual circumstances, the requested leave is disapproved, the period of absence will ordinarily be converted AWOL.

b. There may arise circumstances in which the requested absence does not justify granting sick leave but could warrant granting annual leave or LWOP. Officials authorized to approve leave should exercise judgment in such instances to grant another type of leave rather than require conversion to AWOL.

c. The non-pay status resulting from AWOL is not itself a disciplinary action. When requested sick leave is disapproved, an investigation for unauthorized absence will be initiated. Employees who are denied sick leave for emergency purposes will, upon request, be provided reasons for such denial in writing.

d. When salary payment has been released, which includes a period converted to AWOL or LWOP, the overpayment will be recovered.

6. Advanced Sick Leave

a. Advanced Sick leave for a full time employee, not to exceed an amount of 30 days (240 hours) at any time, may be approved when the employee is incapacitated for performance of his or her duties by physical or mental illness, injury, pregnancy, or childbirth; for a serious health condition of the employee or a family member; when the employee 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; for purposes relating to the adoption of a child; or for the care of a covered service member with a serious injury or illness, provided the employee is exercising his or her entitlement to FMLA leave to care for a covered Service Member.

(1) Sick leave shall not be advanced to an employee holding a limited appointment, or one expiring on a specific date, in excess of the amount to accrue during the remainder of the appointment.

(2) Sick leave shall not be advanced to an employee known to be contemplating separation by retirement or resignation and in any other case, there should be reasonable expectation of return to full duty as a prerequisite to advanced sick leave.

(3) Advanced sick leave will not be granted to an employee who is required to furnish a medical certificate for each absence claimed as sick leave.

b. When required by exigencies of the situation and subject to the exceptions listed in paragraph 6a, above, sick leave may also be advanced for family care and bereavement. Sick leave for these purposes should not exceed the amount of 13 days (104 hours).

c. A request for advanced sick leave shall be submitted to the appropriate approving official. Such requests must include a statement from the employee's private physician reflecting diagnosis, prognosis, and date of probable return to duty. The name, address, and telephone number of the physician or practitioner is also required. The approving official, shall review the employee's sick leave record and other matters which must be considered as indicated in paragraph 6a, above. The employee shall be notified in writing of either approval or disapproval of the request. If disapproved, the employee will be given the reason for the denial. If the request is approved, the documentation will be forwarded to LER Branch of the servicing CHRO.

7. On-the-Job Injury. Employees injured in the performance of their duties are entitled to apply for compensation and medical care through the Federal Employees Workers' Compensation Program.

a. Emergency Treatment and Examination

(1) If an employee sustains an injury on-the-job, that time during the employee's scheduled work hours spent in obtaining emergency treatment or examination is under the control of management and as such, will be regarded as duty status and will not be charged or recorded as leave. Any scheduled overtime will be neither reduced nor extended for purposes of the treatment.

(2) If an employee is injured during any unscheduled overtime tour of duty, the employee will be carried in a pay status for the time spent receiving emergency treatment or examination not to exceed two hours.

(3) If, after receiving treatment or examination for an on-the-job injury, the employee is not returned to duty, any time remaining in the employee's scheduled workday will be granted as official duty time and will not be charged or recorded as leave.

b. Return to Work After On-the-Job Injury. In all cases, employees who are returning to duty after absence due to an occupational injury must obtain clearance from Occupational Health.

8. Visits to Dispensaries

a. Employees Authorized to Visit the Dispensary. If an employee is authorized by their supervisor to visit the dispensary during normal work hours for reasons other than treatment or examination for an on-the-job injury, any absence in excess of one hour will be charged to sick leave, annual leave, or LWOP.

b. Employee Directed by Management to Visit the Dispensary. If an employee is directed by management to visit the dispensary during scheduled work hours for reasons other than treatment or examination for an on-the-job injury (i.e., required examinations), that the time at the dispensary will be treated as official duty and will not be charged or recorded as leave. If, after receiving treatment or examination the employee is not returned to duty, any time remaining in the employee's scheduled workday will be charged to sick leave, annual leave, or LWOP.

9. Recredit of Sick Leave. An employee who has a break in service and returns to work for the Federal Government is entitled to the recredit of his or her sick leave, regardless of the length of the break in service.

Military Leave

1. Coverage. Per reference (c) permanent, term, and temporary employees (not limited to 1 year), who are reservists of the Armed Forces or members of the National Guard, are entitled to military leave. Military leave is prorated for part-time career employees and employees on an uncommon tour of duty.

a. Reservists of the Armed Forces or members of the National Guard, will be granted military leave for up to 15 days per fiscal year for active duty, active duty training and inactive duty training. An employee can carry over a maximum of 15 days (120 hours) into the next fiscal year.

b. When called for emergency duty as ordered by the President, Secretary of Defense, or a State Governor, 22 workdays (176 hours) per calendar year is provided for employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation.

2. Application for Military Leave. Military leave will be requested as far in advance as circumstances permit. If received by the employee prior to departure, a copy of the original orders or drilling reservist documentation will be shown to the supervisor authorized to approve leave. Upon return from military leave, the employee must submit a copy of the original orders to active duty, original orders to provide military aid to enforce the law, or drilling reservist documentation to their supervisor who will forward the documentation to the Labor Management Division (LMD)/Payroll.

3. Computation of Military Leave. The minimum charge of military leave is one hour. An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay. Employees who request military leave for inactive duty training shall be charged only the amount of military leave necessary to cover the period of training and necessary travel. Employees are not charged military leave for weekends or holidays that occur within the period of military service. 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. An employee may choose not to take military leave and instead take annual leave, compensatory time off for travel, or sick leave (if appropriate), in order to retain both civilian and military pay.

Court Leave

1. General. An employee is entitled to paid time off without charge to leave for service as a juror or witness. An employee is responsible for informing his or her supervisor if he or she is excused from jury or witness service for one day or more for a substantial part of a day. (If there is no jury/witness service, there is no court leave therefore, if the employee did not return to work, the employee would be charged annual leave, sick leave, or leave without pay, as appropriate). To avoid undue hardship, the employee's schedule may be adjusted when the employee works nights or weekends.

2. Eligibility

a. Jury Duty. An employee who is summoned to serve as a juror in a judicial proceeding is entitled to court leave.

b. Witness Service. An employee who is summoned as a witness in a judicial proceeding in which the Federal, state, or local government is a party is entitled to court leave.

c. Official Duty. An employee who is summoned as a witness in an official capacity on behalf of the Federal Government is on official duty, NOT court leave.

3. Application for Court Leave. An employee who receives an official summons for jury duty or witness service for which court leave is authorized will show the summons to their supervisor prior to the beginning of the service. The employee will enter their court leave in OTL the online T&A System prior to the beginning date of such service. The employee will obtain a letter with a raised seal, signed by the Clerk of the Court or appropriate official, showing days of service, and jury duty fees. Employees on court leave for jury duty in state or local courts, or witness service in a judicial proceeding on behalf of a state or local government, or as a witness in a non-official capacity on behalf of a private party in connection with an judicial proceeding to which the United States, the District of Columbia, or a state or local government is a party, shall collect all jury duty fees for the dates of service authorized. The employee will then take the official letter from the Clerk of Court with a personal check written to the Department of the Treasury to LMD/Payroll. The employee will be given a receipt and LMD/Payroll will turn in the check to the Disbursing Office. Employees do not receive fees for jury duty in a Federal Court.

4. Fees and Expenses. Employees must reimburse the agency fees paid for service as a juror or witness. An employee who performs jury or witness service on non-workdays, outside the regular tour of duty or

during non-work hours that do not conflict with hours of employment may retain the usual fees for such service.

5. Retention of Fees. Employees eligible for court leave during duty hours may not elect to take annual leave in lieu of court leave during a period of such service and retain the fees. Jury and witness fees may be retained in accordance with the following:

a. Monies paid to jurors or witnesses for meals and transportation may be retained by the employee.

b. An employee may retain fees for service on a designated legal holiday falling within a 40-hour tour of duty provided that if the employee had not been serving, the employee would have been excused from regular duties on the holiday.

c. A night shift employee who performs jury duty during the day is entitled to court leave for regular scheduled night tour and is entitled the night differential per reference (c).

6. Duration of Court Leave. An 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 until such time when the employee is excused or discharged by the court or appropriate official. When an employee is not required to report for or is excused from court for a portion of a day, the employee is expected to report to work if the employee can work for two or more hours, or the employee may request to take annual leave for the period of interim excusal from jury duty. The employee should be informed that, if annual leave is desired instead of returning to work, the supervisor should be notified promptly upon excusal from court.

7. Court Leave Guide. The chart below summarizes the duty status of employees called to jury duty or witness service.

Employee Absences for Court or Court Related Services

	Type of Absence			Fees			Government Travel Expenses	
					Yes			
Nature of Service	Court Leave	Official Duty	Annual Leave or LWOP	No	Retain	Turn In to agency	No	Yes
I. Jury Service								

A. U.S. or D.C. Court	x			x			x	
B. State Or local court	x					X	x	
II. Witness Service								
A. On Behalf of U.S. or D.C. Government		x		x				x
B. On behalf of state or local government								
(1) In an official capacity		x				X		x
(2) Not in an official capacity	x					X	x	
C. On behalf of private party								
(1) In an official capacity		x				X		x
(2) Not in an official capacity								
(a) When a party is U. S.,	x					X	x	

or state, or local government			x		x		x	
(b) When a party is not U.S. or state or local government								

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

Leave Without Pay (LWOP)

1. Definitions

a. LWOP is an approved, temporary non-pay status and absence from duty which may be granted upon the employee's request. LWOP covers only those hours which an employee would otherwise work or for which the employee would be paid and is charged in the same increments as other leave.

b. AWOL should not be confused with LWOP. AWOL is a non-pay status which is charged for unauthorized absence, or absence for which the employee did not request and obtain approval of leave. AWOL will be charged the exact amount of time the employee is absent rather than in leave increments.

2. 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 per paragraph 7 below.

3. Administrative Control. Even though the reason for requesting LWOP may be known to be legitimate (e.g., illness, injury, or personal emergency), the request may be denied if the employee's services are required or if the employee has not followed prescribed leave procedures. 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; Reservists and National Guardsmen who are entitled to LWOP, if necessary, to perform military training duties; and eligible employees who invoke leave under the FMLA. Even though LWOP is a non-pay status, it is still approved leave and must be requested by the employee and approved by the supervisor.

4. Matters to be Considered in Acting on Extended LWOP Requests. Prior to approval of extended LWOP, consideration will be given to the costs and inconveniences to the Marine Corps. Each request for LWOP should be examined closely to assure that the value to the government or the serious needs of the employee are sufficient to offset the retention of an employee in a LWOP status. Among the costs and inconveniences are:

- a. Encumbrance of a position.
- b. Loss of needed services.
- c. Obligation to provide active employment at the end of the approved leave period.

d. Credit of six months in each year toward retirement without employee contributions.

e. Eligibility for continued coverage under the Group Life Insurance Program (without cost to the employee for up to one year of non-pay status) and payment of the employer's share of health insurance premiums for LWOP up to 365 days.

5. Basic Conditions to Approval of Extended LWOP. In cases where ultimate separation is not involved, LWOP should be granted only when the services of the employee can be spared without detriment to the work in which engaged, and when there is reasonable expectation that the employee will return at the end of the approved period. In addition, it should be apparent that at least one of the following benefits would result:

a. Increased job ability.

b. Protection or improvement of employee's health.

c. Retention of a desirable employee.

d. Furtherance of a program of interest to the government (e.g. Peace Corps Volunteers).

6. Granting LWOP. In most instances, granting LWOP is discretionary and may be limited by the command. However, in the following circumstances, employees have an entitlement to LWOP:

a. When the employee invokes his/her entitlement to leave under the FMLA and meets the eligibility for FMLA leave.

b. When a disabled veteran needs medical treatment for a service-connected disability.

c. When Federal employment is interrupted by a period of service in the uniformed service.

d. When an employee is receiving workers' compensation payments from the Department of Labor.

e. The Department of the Navy requires that up to 90 days of LWOP will be granted to an employed family member of transferring military and civilian personnel who are required to move on rotational assignments, in a transfer of function or relocation of an activity or who accept another Federal job outside the local commuting area. Additional LWOP may be granted at the discretion of the activity head or designee. The granting of LWOP in these circumstances is subject

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to a request made prior to the transfer/relocation and when the family member expresses an intent to seek Federal employment in the new location.

7. Action on Requests for LWOP

a. Supervisors authorized to approve leave requests may grant up to five workdays of LWOP.

b. Requests for LWOP in excess of five workdays, where ultimate separation is not involved, will be prepared in letter form and forwarded to the appropriate approving official as specified in paragraph 5 of this basic Order. The unit or section head's endorsement should recommend approval or disapproval on the basis of the criteria contained in this enclosure.

c. If approved, the appropriate administrative office will prepare and submit a Request for Personnel Action which must be submitted when leave without pay of 80 hours or more is granted because of an on-the-job illness or injury. Leave without pay in excess of 30 days for any other reason must be documented by a personnel action.

8. Effect of LWOP (or other non-pay status on Federal Benefits and Programs Type of Benefit Program)

EFFECT OF LEAVE WITHOUT PAY (OR OTHER NONPAY STATUS) ON FEDERAL BENEFITS AND PROGRAMS TYPE OF BENEFIT PROGRAM	EFFECT OF LWOP/NONPAY STATUS ON ELIGIBILITY/ENTITLEMENT TO FEDERAL BENEFITS/PROGRAMS
Career Tenure	Non-pay time in excess of 30 calendar days for each period of absence extends the waiting period for career tenure by the number of excess days.
Completion of Probation	Any non-pay time in excess of 22 workdays extends the probationary period by the number of excess days.
Time-in-Grade	No impact
Service Computation Dates (SCD)	A total of six months in a non-pay status in any calendar year is creditable service. The SCD will be extended by the amount of time in excess of six months in one calendar year.
Leave Earnings	If an employee is in a non-pay status for an entire pay

	period, no annual or sick leave is earned for that pay period.
Within Grade Increases (General Schedule)	Non-pay time in excess of the following amounts will be added to the waiting period for within grade increases: Steps 2, 3, 4: 2 workweeks (80 hours for full-time employees) Steps 5, 6, 7: 4 workweeks (160 hours for full-time employees) Steps 8, 9, 10: 6 workweeks (240 hours for full-time employees)
Within Grade Increases (Federal Wage System)	Non-pay time in excess of the following amounts will be added to the waiting period for within grade increases: Steps 2: 1 workweek (40 hours for full-time employees) Steps 3: 3 workweeks (120 hours for full-time employees) Steps 4, 5: 4 workweeks (160 hours for full-time employees)
Federal Employees Group Life Insurance	Coverage continues without cost to the employee for up to 12 months in a non-pay status. Coverage is terminated after an employee has been in a non-pay status for 12 months. Previous time in a non-pay status counts towards the 12 months if the employee did not return to duty for at least four months.
Federal Employees Health Benefits	Coverage continues for up to 365 days in a non-pay status, unless the employee elects to cancel the enrollment. The Government's contributions continue during this period. The employee is responsible for paying his share of the premium.

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Military Duty or Absence Due to Compensable Injury (Workers' Compensation)	There is no impact on any benefit or entitlement programs when the absence in a non-pay status is due to military duty or when the employee's absence in a non-pay status is due to a compensable work related injury.
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Administrative Leave (Excused Absence)

1. Definitions. Administrative leave (excused absence) is an absence from duty administratively authorized without loss of pay and without charge to leave. Administrative leave is not an entitlement, and agencies are not required to grant it.

2. General. The activity head is authorized to excuse employees for brief periods for any reasons deemed to be in the best interest of the public or the Marine Corps. Under the Administrative Leave Act of 2016 (Public Law 114-328, December 23, 2016), four new categories were created: (1) administrative leave (excused absence), (2) investigative leave, (3) notice leave, and (4) weather and safety leave. Employees may be granted administrative leave (excused absence) for a period of not more than 10 work days during any calendar year.

3. Absence for Brief Periods or Tardiness. Unavoidable absences, brief periods of early dismissal, and brief periods of tardiness of less than one hour may be excused by the supervisor or he/she may provide the employee opportunity to request approved leave, earned credit hours, or previously-earned compensatory time off.

4. Managerial Reasons. When operations are suspended or interrupted because of managerial reasons, every effort must be made to assign employees affected to other work. Employees who cannot be assigned to other work will be required to use annual leave in cases where 24-hours advance notice can be given. When such situations develop too late to give 24-hours notice, employees who cannot be assigned to other work will be required to use annual leave if notice can be given before the end of their shift immediately preceding the one in which they are to be placed on leave. In those situations when neither 24-hours notice nor notice before the end of the immediately preceding shift is possible, employees who cannot be assigned to other work shall be excused. The excusal will not exceed one workday. Employees will then be placed on annual leave for any subsequent absence provided 24-hours advance notice is given. This authority applies only to extreme 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). Circumstances such as extended military liberty and reduction of leave accumulation for budgetary reasons are not considered "unforeseen."

5. Closing All or Part of the Base. Only the Commanding General, MCIEAST-MCB CAMLEJ may direct closing all or part of MCB CAMLEJ, and only Installation Commanders may direct closing all or part of those installations, when normal operations are interrupted by events beyond the control of management or employees (e.g., extreme weather conditions and fires). When the interrupting event is common to co-located installations, the commands will coordinate the closing decision in accordance with disaster preparedness plans. Weather and

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Safety Leave, authorized under reference (e), may be granted when employees are prevented from traveling to or safely performing work at an approved location due to similar conditions described above. Procedures for granting Weather and Safety leave, delayed reporting, early dismissal, and Installation/Base closures due to severe weather, reasons of national security, or other emergencies are located at reference (f).

6. Uniformed Services Employment and Reemployment Rights Act. Return to civilian employment after active duty military service in support of the Global War on Terrorism. A Presidential Memorandum granted Federal civilian employees returning from active duty military service in support of the Global War on Terrorism or Overseas Contingency Operations five days of administrative leave from their civilian duties each time they return from deployment of at least 42 consecutive days.

7. Blood Donations. Employees who volunteer to donate blood to bloodmobiles at MCB CAMLEJ or to the Navy Blood Bank at the Naval Medical Center will be excused from duty without charge to leave for the period of the time necessary to donate the blood and for recuperation following donation; however, the maximum excused time shall not exceed four hours for each donation. It should be recognized that individual requirements following donation may differ therefore, any additional time shall be charged to leave (sick, annual, LWOP) as appropriate. Requests for excused absence for the purpose of donating blood for other than the above scheduled visits shall be referred to the approving official as specified in paragraph 5 of the basic Order.

8. Examinations, Interviews, or certifications. Employees shall be excused without charge to leave or loss of pay when:

a. Taking Examinations. Excusal from duty may be granted for examinations given by or taken at the request of the employer. Employees will be excused, without a charge to leave, for all examinations required for converting to career-conditional appointments or for required non-competitive examinations within the same employing activity.

b. Employment Interview. Employees under notice of separation or change to lower grade for any reason except for personal cause may be granted excused absence for job searches and interviews. Employees competing for positions within the Department of Defense (DoD) may be granted excused absence for merit placement interviews. This does not cover travel time to job searches and interviews outside the commuting area.

c. Certifications. An employee may be granted excused absence to take an examination (e.g., certified public accountant examination) in

his/her functional area if securing the certification or license would enhance the employee's professional stature, thereby benefiting the DoD. This does not cover time to prepare for such examinations.

9. Permanent Change of Duty Station. An employee may be excused for a reasonable time to make personal arrangements resulting from executing a move to a new duty station (e.g., to close or open personal bank accounts or to obtain a driver's licenses or car tags). Tasks directly related to complying with a permanent change of station may include adhering to government housing authority requirements or being present for the packing and unpacking of household goods, obtaining passports and vaccinations. Accomplishing tasks that are conditional to complying with a permanent change of station are considered an official duty and will be granted.

10. Relief and Recovery Efforts after Severe Weather or Other Emergencies

a. Employees who can be spared without interference with essential agency operations and obligations may be excused to assist those organizations of the Federal Government that are mobilized to respond to severe weather conditions (and their aftermath) or other emergency situations, and to assist in any relief and recovery efforts. Agencies may grant administrative leave to employees who are requested to assist in emergency law enforcement, relief, or clean-up efforts in affected communities, as authorized by Federal, state, or other officials having jurisdiction, and whose participation in such activities has been approved by their employing agency. (This policy does not apply to Federal employee members of the National Guard or Reserves who are called up to assist in disaster relief and recovery efforts, since they are entitled to military leave.)

b. Requests for excused absence for relief and recovery efforts shall be submitted for approval to the approving official as specified in paragraph 5 of the basic Order. Such requests must enclose a statement from the head of the organization to which the service is to be rendered reflecting the nature of the emergency and the need for the employee's services. Circumstances which would preclude granting the request shall also be included in the endorsement when disapproved. If approved, the servicing LER Branch will be advised by memorandum with a copy to the employee. LER will provide information to LMD. If disapproved, the decision will be returned to the employee by memorandum.

11. Voting and Registration. Employees are encouraged to register and to vote in national, state, and local municipal elections or referendums. When the polls are not open at least three hours either before or after an employee's regular hours of work, the employee may be granted excused time for voting. Inasmuch as North Carolina polls are open from 6:30 a.m. to 7:30 p.m., and registration may be

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accomplished outside of normal working hours, excused absence for these purposes is not normally warranted. All requests for excused absence for voting and registration will be referred to the respective department head or equivalent, or their designee.

12. Funerals for Members of the Armed Forces

a. Funeral Service for Members of the Armed Forces Returned from Overseas for Final Interment in the United States. Employees who are veterans of any war, campaign, or expedition (for which a campaign badge has been authorized), or members of honor or ceremonial groups of organizations of such veterans may be excused from duty without loss of pay or deduction from annual leave for such time as may be necessary, but not in excess of four hours in any one day, to enable them to participate as active pallbearers, or as members of firing squads or guards of honor in funeral ceremonies for members of the Armed Forces of the United States whose remains are returned from abroad for final interment in the United States.

b. Funeral of an Immediate Relative Killed in Line of Duty in the Armed Forces. An employee will, upon written request, be excused to attend the funeral or memorial service of an immediate relative killed in line of duty in the Armed Forces. The length of the excused absence will be determined on the basis of the circumstances of each request. Immediate relative for this purpose will include not only a spouse and parents thereof; but also children, including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any other individual related by blood or affinity whose close association with the deceased was such as to have been the equivalent of the family relationship. Requests for excused absence will be submitted to the approving official as specified in paragraph 5 of this basic Order.

13. After Prolonged Overtime or Travel. When it is not possible or reasonable to reschedule an employee's duty or travel time and regular scheduling would require the employee to travel and/or serve in a duty status for more than 16 hours, the employee may be excused without charge to leave or loss of pay for a reasonable time to recuperate from fatigue or loss of sleep. In determining the time to be allowed, the adverse affect on work performance, health, or well-being, and any safety hazard which might result from working while fatigued, should be considered. Excusal under this authority will not exceed four hours.

14. Leave for Bone-Marrow or Organ Donation. Per reference (d) an employee is entitled to seven days of paid leave each calendar year to serve as a bone-marrow or organ donor. Although this absence is administratively recorded as excused absence, the leave is a statutory right of an employee.

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15. Medical Examination for Federal Service. An employee required to take a medical examination to determine the employee's fitness for the Federal service is considered in duty status during the time necessary to obtain the examination or treatment. When an employee is absent because of administratively required vaccinations or immunizations, the absence is considered an excused absence without charge to leave or loss of pay, provided the medical officer administering the vaccinations or immunizations certifies to the necessity for the absence.

Voluntary Leave Transfer Program (VLTP)

1. General

a. Leave transfer is the voluntary transfer of annual leave from one employee to another for use in medical or family medical emergency situations. Medical emergency means a medical condition of an employee or a family member of an employee that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave. The threshold for "a substantial loss of income" is absence (or expected absence) from duty without available paid leave for at least 24 work hours.

b. Employees may not donate annual leave to their supervisor.

c. Transferred annual leave may be substituted retroactively for periods of LWOP or used to liquidate an indebtedness for advanced annual or sick leave granted on or after the date designated by the appropriate approving official as specified in paragraph 5 of this basic Order at the beginning of the medical emergency for which the LWOP or advanced leave was granted.

d. The minimum amount of leave which may be transferred is one hour. Leave that is transferred will be on an hour for hour basis.

2. Application to Become a Leave Recipient

a. Using the OPM 630, Leave Recipient Application, an employee affected by a medical emergency may make written application to the appropriate approving official as specified in paragraph 5 of this basic Order, to become a leave recipient. If an employee is not capable of making written application, a personal representative may make the application on behalf of the employee.

b. The approving official shall review an application to determine that the potential leave recipient has been affected by a medical emergency and that the absence from duty without available paid leave is (or is expected to be) at least 24 hours. The application will be approved/disapproved as appropriate.

3. Notification of Disposition of Potential Leave Recipient's Application. If the potential leave recipient's application is approved, the approving official shall provide the applicant written notification of the approval, the leave recipient's responsibility to provide documentation monthly (unless a more frequent time period is determined to be necessary) to support the continuation of the medical emergency, and the conditions under which the medical emergency terminates. A copy of the notification will be provided to the LER

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Branch of the servicing CHRO. If the application is disapproved, the applicant shall be notified in writing of the reasons for the disapproval. Notifications will take place within ten working days after the date the completed application was received.

4. Notification of Eligible Recipients. The appropriate resource (e.g., CHRO-E intranet web page, WAN email) will be used to publicize the leave recipient's need for donations of annual leave. Other sources to be used, if deemed necessary, will be determined by the approving official. The leave recipient's desire regarding publicity will be honored.

5. Application to Donate Leave

a. Request to Donate Leave Within the Agency

(1) Potential leave donors will use OPM 630-A Form. The application will be forwarded to the appropriate approving official as specified in paragraph 5 of this basic Order for approval/disapproval as appropriate.

(2) The approving official shall review the applications of potential leave donors to ensure that annual leave is available to be transferred and that the amount requested for transfer does not exceed more than a total of one-half of the amount of annual leave the donor employee would be entitled to accrue during the leave year in which the donation is made.

(3) A leave donor who has leave subject to forfeiture at the end of the year may donate the lesser of one-half of the annual leave he or she would accrue in a leave year or the number of hours remaining in the leave year for which he or she is scheduled to work and receive pay.

(4) The approving official may approve waivers of the limitations on annual leave donations. Requests for waivers shall be a separate written statement signed by the donor which certifies that the donor is aware that the request exceeds the limitations and describes the unusual circumstances inherent in the request.

b. Request to Donate Leave Outside the Agency

(1) Potential leave donors will use OPM 630-B Form. The application will be forwarded to the appropriate approving official as specified in paragraph 5 of this basic Order for approval/disapproval as appropriate.

(2) The approving official shall review the applications of potential leave donors to ensure that annual leave is available to be

transferred and that the amount requested for transfer does not exceed more than a total of one-half of the amount of annual leave the donor employee would be entitled to accrue during the leave year in which the donation is made.

(3) A leave donor who has leave subject to forfeiture at the end of the year may donate the lesser of one-half of the annual leave he or she would accrue in a leave year or the number of hours remaining in the leave year for which he or she is scheduled to work and receive pay.

(4) The approving official may approve waivers of the limitations on annual leave donations. Requests for waivers shall be a separate written statement signed by the donor which certifies that the donor is aware that the request exceeds the limitations and describes the unusual circumstances inherent in the request.

6. Notification of Potential Leave Donor's Application. The approving official shall provide the employee written notification of approval/disapproval of their request to donate leave. Notifications will take place within ten working days after the date the completed application was received.

7. Termination of Medical Emergency. Written notification must be provided to the leave recipient upon termination of the medical emergency. A copy of the notification will be provided to the LER Branch of the servicing CHRO. The leave recipient's medical emergency will be terminated due to the following:

- a. When the leave recipient's Federal service is terminated.
- b. At the end of the biweekly pay period in which the leave recipient provides written notice that the medical emergency is over.
- c. At the end of the biweekly pay period in which the agency determines, after written notice to the leave recipient and opportunity for response, that the medical emergency is over, or
- d. At the end of the biweekly pay period in which the agency receives notice that the leave recipient has been approved for disability retirement.

8. Restoration of Transferred Annual Leave

a. Upon termination of the leave recipient's medical emergency, any transferred annual leave remaining in the leave recipient's account shall be restored to the accounts of the leave donors. Transferred annual leave restored to the account of a leave donor is subject to forfeiture at the end of the leave year in which the

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restored leave is credited to the donor's account. At the election of the leave donor, unused transferred annual leave restored to the donor may be restored as follows:

(1) Crediting restored annual leave to the donor's annual leave account in the current leave year.

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

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

b. The minimum amount of annual leave which may be restored to an employee's account is one hour.

Family and Medical Leave Act

1. General. The FMLA entitles certain Federal employees to up to a total of 12 administrative workweeks of unpaid leave during any 12-month period for:

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

b. The placement of a son or daughter with the employee for adoption or foster care.

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

d. A serious health condition of the employee that makes the employee unable to perform the essential functions of his or her position.

e. Any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

2. Employee Eligibility. A Federal employee must have completed at least 12 months of service to be eligible for FMLA leave. Additionally, intermittent and temporary employees with an appointment of one year or less are not entitled to FMLA leave.

3. Definitions

a. Spouse means husband or wife to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State where the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage.

b. A child includes a biological, adopted, or foster child; a step child; a legal ward; or a child of a person in loco parentis. The child must be under 18 years of age; or 18 or older and incapable of self-care because of a mental or physical disability.

c. A parent is a biological, adoptive, step, or foster father or mother, or any individual who stands, or stood, in loco parentis to an employee. This term does not include parents "in-law".

d. A serious health condition is an illness, injury, impairment, or physical or mental condition which involves one of the following:

(1) Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including a period of incapacity or any subsequent treatment in connection with such inpatient care; or

(2) Continuing treatment by a health provider that includes (but is not limited to) examinations to determine that a serious health condition exists.

e. A serious health condition DOES NOT include routine physical, eye, or dental examinations; a regimen of continuing treatment that includes the taking of over the counter medications, bed rest, exercise and other similar activities that can be initiated without a visit to a health care provider; a condition for which cosmetic treatments are administered, unless inpatient hospital care is required or unless complications develop; or an absence because of an employee's use of an illegal substance, unless the employee is receiving treatment for substance abuse by a health care provider. Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), routine dental or orthodontia and periodontal disease are not serious health condition for FMLA purposes.

4. Leave Entitlement

a. Spousal Entitlement. When a husband and wife are both Federally employed, each are entitled to 12 workweeks of FMLA leave in a 12-month period except, if the husband and wife have intermittent or limited appointments of one year or less, they are entitled to only a combined total of 12 workweeks.

b. The 12-Month Period. The 12-month period begins on the date an employee first takes FMLA leave and continues for 12 months. An employee is not entitled to 12 additional workweeks of leave until the previous 12-month period ends and an event occurs that entitles the employee to another period of leave under FMLA.

c. Notice of FMLA Leave

(1) An employee must invoke their entitlement to FMLA leave by submitting written notice to the immediate supervisor. An OPM-71, Application for Leave, may be used for written notification. Such notice must have the appropriate qualifying condition check in block 5, be signed and dated by the employee, specify the period of FMLA leave, and indicate whether the employee elects unpaid leave or wishes to substitute paid time off for all or part of the period. When the

need for this leave is foreseeable, an employee shall provide notice to the supervisor, not less than 30 days before the date the leave is to begin. If a serious health condition exists, an employee should make a reasonable effort to schedule their treatment, or the medical treatment of their spouse, child, or parent, so as not to disrupt agency operations. The supervisor may, for justifiable cause, request that an employee reschedule medical treatment subject to the approval of the medical care provider.

(2) Notification of unpaid FMLA leave in excess of 30 consecutive calendar days should be documented by Request for Notification of Personnel Action, and forwarded upon approval to the CHRO for processing.

f. Medical Certification. A notice to invoke FMLA leave due to a serious health condition of the employee or their spouse, child, or parent must be supported by written medical certification from a health care provider. Medical Certification is normally submitted using the following: (1) Department of Labor (DoL) Form WH-380-E: Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act) and/or (2) Department of Labor (DoL) Form WH-380-F: Certification of Health Care Provider for Family Member's Serious Health Condition.

(1) The medical certification should contain, as appropriate, the following information:

(a) The need of the employee to provide care for a family member

(b) A statement on the care the employee will provide and an estimate of the amount of time needed to provide the care.

(c) Sufficient medical information to support incapacitation, examination, or treatment.

(d) The inability of the employee to perform the essential functions of their position as described in the regulatory position description.

(e) The date the serious health condition commenced and its probable duration.

(f) If an intermittent or reduced leave schedule is prescribed, the dates and duration of the treatment.

(2) If the validity of a medial certification is questionable, the supervisor, may select a different health care provider to provide a second opinion at the command's expense. If the

second opinion differs from the original certification, a third opinion will be acquired from a health care provider agreed upon by the employee and the supervisor at the expense of the command. The third opinion is final and binding.

(3) The medical certification should be submitted to the immediate supervisor not less than 30 days prior to the beginning of the leave except for in unforeseeable circumstances. If the requested information is not received before the leave is scheduled to begin, provisional leave will be granted except for those employees who are intermittent or temporary with an appointment of one year or less. Intermittent and temporary employees must provide medical certification within 15 calendar days prior to the leave, as practicable, or their leave can be delayed. If, after the leave has commenced, the employee fails to provide the requested medical certification, the supervisor may do one of the following:

(a) Charge the employee as AWOL.

(b) Allow the employee to request that the provisional leave be charged to the employee's annual and/or sick leave account, as appropriate.

(4) The supervisor will determine if medical recertification is required and how frequently.

(5) Health care providers may not be employed by this command or be under the DoD administrative oversight on a regular basis.

g. Using Paid Leave

(1) An employee may elect to substitute the following paid leave for any or all of the FMLA leave.

(a) Accrued or accumulated annual or sick leave consistent with current law and regulations governing such leave.

(b) Advanced annual or sick leave approved under the same terms and conditions that apply to any other employee.

(c) Leave made available to the employee under the VLTP consistent with enclosure (7).

(2) A supervisor may not deny any employee's right to substitute paid leave for any part or all of the period of FMLA leave; however, paid leave cannot be substituted retroactively.

5. Health Insurance. Employees taking FMLA leave are entitled to maintain their Federal Employee Health Benefits coverage. Generally,

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employees may continue to pay the employee share of the health insurance premium on a current basis, or pay upon their return to duty.

6. Notification of Intention to Return to Duty. Employees on FMLA leave will report at least once per pay period to the supervisor regarding their intention to return to work. Such reports may be made to the supervisor by telephone.

a. Medical Certification. An employee in a position that has specific medical standards or physical requirements, or is covered by a medical evaluation program, may be required to provide medical certification before being allowed to return to work. The medical certification shall be limited to documentation necessary to prove that the employee meets the specific physical qualifications and medical standards of the employee's position. If medical certification is required, the employee will be notified of the requirement before leave commences, and expenses incurred in obtaining the medical certification will be paid by this command.

b. Restoration. Upon return from FMLA leave, an employee must be returned to the same position, or to an equivalent position or to equivalent benefits, pay, status, and other terms and conditions of employment. An equivalent position must be in the same commuting area and must have the same or substantially similar duties and responsibilities of the position held when the FMLA leave began.

7. Records and Reports. The payroll system maintains information required by the Office of Personnel Management on employees' use of FMLA leave. Supervisors will ensure FMLA leave is accurately recorded in the online T&A system.

a. The EHO code of the online Time and Attendance system shall accurately reflect the use of FMLA leave:

- (1) "DA": Birth of son/daughter or care of newborn,
- (2) "DB": Adoption or foster care,
- (3) "DC": Care for spouse, son, daughter, or parent with a serious medical condition,
- (4) "DD": Serious health condition of employee, or
- (5) "DM": Care for injured member of the Armed Forces.

Disabled Veteran Leave

1. General. Under the Wounded Warriors Federal Leave Act of 2015 (Public Law 114-75, November 5, 2015), an employee **hired on or after November 5, 2016**, who is a veteran with a service-connected disability rating of 30 percent or more from the Veterans Benefits Administration (VBA) of the Department of Veterans Affairs is entitled to up to 104 hours of disabled veteran leave for the purposes of undergoing medical treatment for such disability.

2. Eligibility Period. An eligible employee may only use disabled veteran leave during the continuous 12-month eligibility period beginning on the "first day of employment". The 12-month eligibility period is determined after the agency has established that an employee is eligible to receive disabled veteran leave. The first day of employment is the later of:

a. The date the employee is hired (in a qualifying employment);
or

b. The effective date of the employee's qualifying service-connected disability rating.

3. Qualifying VBA Disability Rating. Many employees will have a qualifying VBA disability rating in effect before they are hired. For these employees, the 12-month eligibility period will begin on the date the employee is hired. Some employees may be hired before a qualifying VBA disability rating has been determined. These employees may be waiting for a pending VBA disability rating or file a VBA disability rating claim after the date the employee is hired. An employee who does not have a qualifying VBA disability rating at the time of hire can establish eligibility for disabled veteran leave at a later time.

4. Expiration of Leave. An employee may only use credited disabled veteran leave during the 12-month period beginning on the "first day of employment". An employee will only have one 12-month eligibility period established based upon his or her "first day of employment", and the 12-month eligibility period expires one day before the anniversary date of the employee's first day of employment.

5. Requesting and Using Disabled Veteran Leave. Leave may be requested and used only for the medical treatment of a qualifying service-connected disability, which includes any individual disability that is part of a combined disability rating of at least 30 percent.

a. Disabled veteran leave will be used for the purposes of undergoing medical treatment for a qualifying service-connected disability. Medical treatment may include a period of rest, but only if the period of rest is specifically ordered by the employee's health care provider as part of a prescribed course of treatment for the qualifying service-connected disability.

b. Requesting to Use Disabled Veteran Leave. Requests for disabled veteran leave should be entered in the online Time and Attendance system. The employee should request sick leave and select PW under the environmental/hazard/other (EHO) code dropdown menu to indicate sick leave is being used specifically for disabled veteran leave. Unless the need for leave is critical and unforeseeable (e.g., a medical emergency or the unexpected availability of an appointment for surgery or other critical treatment), the employee must request the leave in advance, and specify the specific days and hours of absence required for the medical treatment. The leave request must include a personal self-certification by the employee that the leave will be (or was) used for purposes of being furnished medical treatment for a qualifying service-connected disability.

c. Retroactive Substitution. An employee is permitted to retroactively substitute disabled veteran leave for other forms of leave or time off taken for the purpose of receiving treatment for a qualifying disability (excluding periods of AWOL or suspension, but including forms such as LWOP, sick leave, annual leave, compensatory time off, or other paid time off) when the leave or time off was taken during the employee's 12-month eligibility period for the medical treatment of a qualifying disability. Retroactive substitution may be necessary when an employee has a pending claim under review by VBA that is later approved with a retroactive effective date. In that situation, the employee should keep documentation or records relating to medical treatment of a condition that may later be covered as a qualifying service-connected disability. Before approving any retroactive substitution the employee shall provide:

(1) A written statement signed by the health care provider that the medical treatment is for one or more service-connected disabilities of the employee that resulted in a 30 percent or more disability rating.

(2) The date or dates of treatment or, if the treatment extends over several days, the beginning and ending dates of the treatment.

(3) If the leave was not requested in advance, a statement that the treatment required was of an urgent nature or there were other circumstances that made advanced scheduling not possible; and,

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(4) Any additional information that is essential to verify the employee's eligibility.

6. Forfeiture of Disabled Veteran Leave. Any unused disabled veteran leave will be forfeited at the end of the employee's established 12-month eligibility period. There are no circumstances under which the leave may remain to an employee's credit afterwards.

Paid Parental Leave

1. General. Paid Parental Leave (PPL) entitles certain Federal employees who are eligible for and invoke leave under the FMLA to substitute PPL for unpaid FMLA leave in connection with birth, adoption, or foster care placement of a child. PPL is not a stand-alone entitlement and may not be granted based on an anticipated birth or placement. PPL may only be used as a substitute for unpaid FMLA leave and counts towards the total 12 administrative workweeks of unpaid leave during any 12-month period. If an employee has multiple children born or placed on the same day, the multiple-child birth/placement event is considered to be a single event that triggers a single entitlement of up to 12 weeks of paid parental leave. There are no carryover provisions for any unused paid parental leave. An employee may not be paid for unused or expired paid parental leave.

2. Definitions

a. Birth or placement means the birth of a son or daughter of a covered employee, or a new placement of a son or daughter with a covered employee for adoption or foster care, that is the basis for unpaid leave granted under 5 C.F.R. §630.1203(a)(1) or (2) of reference (a) (which correspond to 5 U.S.C. 6382(a)(1)(A) or (B), of reference (c) respectively). For the purpose of interpreting this definition, the terms birth and placement have the meanings given those terms in 5 C.F.R. §630.1202 of reference (a), except that paid parental leave may not be granted based on an anticipated birth or placement.

b. Paid parental leave means paid time off from an employee's scheduled tour of duty that is authorized under 5 U.S.C. 6382(d)(2)(B)(i) of reference (c) and 5 C.F.R. §630 Subpart Q of reference (a) and that is granted to cover periods of time within the 12-month period commencing on the date of birth or placement to an employee who has a current parental role in connection with the child whose birth or placement was the basis for granting FMLA unpaid leave under 5 C.F.R. §630.1203(a)(1) or (2). This leave is not available to an employee who does not have a current parental role.

3. Leave Entitlement

a. Eligibility. In order to utilize PPL Federal employees must first be eligible for and invoke leave under the FMLA. PPL is available in connection with the birth or placement of a son or daughter and is granted exclusively for the purposes of care of that son or daughter.

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b. The 12-Month Period. Paid parental leave may only be used in connection with birth or placement during the 12-month period beginning on the date of the birth or placement involved. Paid parental leave may not be used prior to the birth or placement involved. If an employee has multiple children born or placed on the same day, the multiple-child birth/placement event is considered to be a single event that triggers a single entitlement of up to 12 weeks of PPL. The date paid parental leave concludes is:

(1) The workday on which an employee finishes using 12 administrative workweeks of paid parental leave during the 12-month period that began on the date of birth or placement; or

(2) If the employee does not use 12 administrative workweeks of paid parental leave during the 12-month period that began on the date of birth or placement, the day that is the last workday on which an employee used paid parental leave.

c. Notice of Paid Parental Leave

(1) An employee must invoke their entitlement to FMLA leave and indicate their intent to substitute PPL for unpaid FMLA leave by submitting written notice to the immediate supervisor. An OPM-71, Application for Leave, may be used for written notification. Such notice must have the appropriate qualifying condition checked in block 5, be signed and dated by the employee, specify the period of unpaid FMLA leave the employee elects to substitute with available PPL for all or part of the period. Additionally, the employee must complete and submit a signed PPL leave request form.

(2) Prior to approval of paid parental leave, an employee must agree in writing to return to work for at least 12 weeks beginning on the first scheduled workday after the PPL leave entitlement concludes. In the work obligation agreement, the employee must attest that, in the event of failure to complete the 12 week work obligation, the employee may be required to reimburse the total amount of any government contributions paid on the employee's behalf to maintain health insurance coverage under the Federal Employees Health Benefits (FEHB) Program established under 5 U.S.C. chapter 89 during the period(s) when paid parental leave was used in accordance 5 C.F.R. §630 Subpart Q of reference (a).

d. Medical Certification. A notice from an employee to substitute PPL for unpaid FMLA leave must be supported by the appropriate documentation necessary to establish that the employee's use of paid parental leave is directly connected to a birth or placement. Appropriate documentation could include, but is not limited to, a birth certificate or a document from an adoption or foster care agency regarding the placement. If the appropriate

documentation or certification acceptable to the agency is not received before the leave is scheduled to begin, provisional leave may be granted pending receipt of the requested documentation or certification.

(1) The appropriate supporting documentation necessary to establish that the employee's use of paid parental leave is directly connected to a birth or placement must be provided as soon as practicable but no later than 15 calendar days after the date the agency requests such documentation or certification. If it is not practicable under the particular circumstances for an employee to respond within the 15-day time frame, despite the employee's diligent, good faith efforts, the employee must provide the documentation or certification within a reasonable period of time under the circumstances involved, but no later than 30 calendar days after the date of the agency's original request.

(2) If the employee fails to provide the required documentation or certification within the specified time period as noted above, the agency may determine that the employee is not entitled to paid parental leave and may do one of the following:

(a) Allow the employee to request that the absence be charged to leave without pay, sick leave, annual leave, or other forms of paid time off, as appropriate; or

(b) If the employee acted fraudulently, charge the employee as AWOL and pursue any other appropriate action.

4. Records and Reports. The payroll system maintains information required by the Office of Personnel Management on employees' use of paid parental leave. Supervisors will ensure PPL is accurately recorded in OTL the online Time and Attendance system.

a. The Absence Type entered in the online Time and Attendance system for PPL shall reflect the code of "LN".

b. The EHO code of the online Time and Attendance system shall accurately reflect the use of PPL:

- (1) "DG": Paid Parental Leave for Birth
- (2) "DH": Paid Parental Leave for Adoption
- (3) "DI": Paid Parental Leave for Foster Care.