

**SWDR 690-1-630**  
**Change 1**

**DEPARTMENT OF THE ARMY**  
**Southwestern Division, U.S. Army Corps of Engineers**  
**Dallas, Texas 75242**

**SWD Regulation**  
**690-1-630**

**20 June 2000**

**HUMAN RESOURCES**

**LEAVE ADMINISTRATION**

1. This change to SWDR 690-1-630, 15 May 2000, revises Appendix B, paragraph 4.
2. Substitute the attached pages as shown below:

Remove Pages

Insert Pages

B-3 & B-4

B-3, B-4 & B-5

3. File this sheet in front of the publication for reference purposes.

FOR THE COMMANDER:

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Russell H. Minton  
Executive Assistant

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Military Entrance Processing Station, Dallas  
SWD CPAC Homepage

**DEPARTMENT OF THE ARMY  
Southwestern Division, U.S. Army Corps of Engineers  
Dallas, Texas 75242**

**SWD Regulation  
690-1-630**

**15 May 2000**

**Human Resources**

**LEAVE ADMINISTRATION**

**1. Purpose.** This regulation implements the law, government wide regulations and Department of the Army Regulations pertaining to leave administration.

**2. Applicability.** This regulation applies to all employees of the Southwestern Division, U.S. Army Corps of Engineers, the U.S. Army Recruiting Battalion (Dallas) and the Military Entrance Processing Station (Dallas). Where locally negotiated union-management agreements may conflict with the provisions of this regulation, the negotiated agreement is controlling.

**3. References.**

- a. AR 690-990-2, Book 630
- b. 5 CFR 630

**4. Definitions.**

a. **Accrued Leave.** Leave earned by an employee during the current leave year that is unused at any given time in that leave year.

b. **Accumulated Leave.** The unused leave remaining to the credit of an employee at the beginning of a leave year.

c. **Contagious Disease.** A disease which is ruled as subject to quarantine, requires isolation of the patient or requires restriction

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This regulation hereby rescinds SWFOM 690-1-36, 31 October 1991; SWLDR 690-1-630, 9 August 1991, Change 1, 20 August 1991; and SWTOM 690-1-630, 1 January 1983.

**SWDR 690-1-630**  
**15 May 2000**

d. Employee. An officer or individual who is appointed in the civil service by a properly authorized individual in an official capacity.

e. Leave Year. The period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

f. Medical Certificate. A written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, or other treatment, or to the period of disability while the patient was receiving professional treatment.

g. Leave Days. Those days on which an employee would otherwise work and receive pay and are exclusive of holidays and non-workdays established by Federal statute, Executive Order, or administrative order.

h. Exigency. A case or situation which demands prompt action of remedy.

i. Family Member. The definition of a family member of an employee includes spouse, and parents thereof; children, including adopted children and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

**5. Policies and Procedures.** Appendices A through H contain leave policies and procedures.

**6. Absence Without Leave.** An absence from duty which was not authorized nor approved or for which a leave request has been denied is charged as "absent without leave". Periods of absence without leave are charged in multiples of 15 minutes and pay is withheld for the entire period of such absence. If it is later determined that the absence without prior authorization was excusable or that the employee was ill, the charge to absence without leave may be charged to annual leave or sick leave. When appropriate, disciplinary action may be taken for absence without leave.

**7. Concurrent Leave Rights.** Employees entering the Armed Forces may be paid in a lump sum for their annual leave, or may elect to have their leave remain to their credit until their return from active duty. On return to civilian employment, employees are also entitled to payment for terminal leave from the Armed Forces concurrently with pay for civilian service.

**8. Relationship of Leave Earnings to Pay Periods.** A full-time employee earns leave during each full biweekly pay period while in a pay status or in a combination of pay and non-pay status. Leave does not accrue for fractional pay periods at the beginning or end of Federal

employment. Fractional accruals are proper, however, for employees who transfer between offices without a break in service, whether the same or different pay periods exist. An employee who enters on duty the first workday after the beginning of the pay period is considered to have been appointed at the beginning of the pay period. For example: Sunday begins the pay period; Monday is a holiday; An employee who enters on duty on Tuesday and continues to serve for the remainder of the pay period has completed a full biweekly pay period for leave accrual purposes.

**9. Reductions in Leave Credits.** When the total number of hours of non-pay status in a full-time employee's leave year equals the number of base hours in a pay period (80 hours), the agency shall reduce the employee's credits for leave by the amount the employee earns during a pay period.

**10. Correction of Administrative Error in Charging Leave.** When, through administrative error or oversight, an absence is charged as non-pay status, the error may be corrected by retroactively granting annual or sick leave for the period, or any portion thereof, provided the employee is still on the rolls of the activity at the time of correction, and also provided that leave credit at the time of the absence was sufficient.

**11. Erroneous Leave Credit.** An employee who uses excess annual leave which was credited because of an administrative error may refund the amount received by lump-sum or installment payments or have the excess leave carried forward as a charge against future accruals of annual leave. In some instances, repayment may be waived under regulations governing overpayments of pay and allowances.

**12. Refund for Unearned Leave.**

a. When an employee who is indebted for unearned leave is separated, the agency shall:

(1) Require a refund of the amount paid for the period covering the leave for which indebted; or

(2) Deduct that amount from any pay due. An employee who enters active military service with a right of restoration is deemed not separated for the purpose of this paragraph.

b. This paragraph does not apply when an employee:

(1) Dies;

(2) Retires for disability; or

**SWDR 690-1-630**  
**15 May 2000**

(3) Resigns or is separated because of disability which prevents him from returning for duty or continuing in the service, and which is the basis of the separation as determined by the agency or medical evidence acceptable to it.

**13. Transfer of Leave.** Standard Form 1150, Record of Leave Data Transferred, will be used to transfer the leave record when an employee moves from one agency to another or is reemployed with prior service in another agency. If the SF1150 is delayed in reaching the new employing agency, the employee's personal certification as to the amount of leave credits can be accepted. Standard form 71, Application for leave, with attached record evidence such as an "Earnings and Leave Statement" or a personally maintained record of leave earned and taken may be used for certifying and requesting leave.

**14. Liquidation of Advanced Leave.** Advanced annual or sick leave may not be approved if it is known at the time the employee will not return to duty.

**15. Absences Not Covered.** On absences not covered in this regulation, the matter should be referred to the Human Resources Officer for decision.

FOR THE COMMANDER

- 8 Appendices
- A. Annual Leave
- B. Sick Leave
- C. Family and Medical Leave
- D. Leave Without Pay
- E. Military Leave
- F. Court Leave
- G. Funeral Leave
- H. Excused Absence

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## APPENDIX A

### Annual Leave

1. **Purpose.** Annual leave is provided and used for two general purposes, which are:
  - a. To allow every employee an annual vacation period of extended leave for rest and recreation, and
  - b. To provide periods of time off for personal and emergency purposes. These absences may include but are not limited to such matters as a death in the employee's family, religious observances, attendance at conferences or conventions, securing a driver's permit, or other personal business.
2. **Eligibility.**
  - a. Generally, the following employees are entitled to annual leave:
    - (1) Full-time permanent employees.
    - (2) Temporary and/or part-time employees with an established tour of duty and whose appointments are not limited to less than 90 days.
  - b. Intermittent employees are not entitled to annual leave because they do not have an established tour of duty.
3. **Accrual.** The amount of annual leave accrued depends upon the length of creditable service.
  - a. A full-time employee with less than 3 years of creditable service will accrue 4 hours each complete biweekly pay period or a total of 104 hours of annual leave per year.
  - b. A full-time employee with 3 but less than 15 years of service will accrue 6 hours each complete biweekly pay period, except that 10 hours is accrued for the last complete pay period in the calendar year, or a total of 160 hours of annual leave per year.
  - c. An employee with 15 or more years of service will accrue 8 hours each complete biweekly pay period or a total of 208 hours of annual leave per year.

**SWDR 690-1-630**  
**15 May 2000**

d. To benefit from the leave law, part-time employees must serve under an established tour of duty. They will accrue a prorated amount of leave based on the number of scheduled work hours as follows:

- (1) Leave category 4 - One hour for each 20 hours in a pay status.
- (2) Leave category 6 - One hour for each 13 hours in a pay status.
- (3) Leave category 8 - One hour for each 10 hours in a pay status.

e. Leave category changes will be processed by the Defense Finance Accounting System (DFAS) and the employee will be notified of the change through the employee's copy of the Earnings and Leave Statement.

f. Leave does not accrue for fractional pay periods at the beginning or end of Federal employment. However, fractional accruals are proper for employees who transfer between offices without a break in service, whether the same or different pay periods exist.

**4. Annual Leave During First 90 Days of Employment.** An employee whose current employment is limited to less than 90 days is entitled to annual leave only after being currently employed for a continuous period of 90 days under successive appointments without a break in service.

**5. Scheduling and Use of Annual Leave.**

a. To ensure that all employees will be given an opportunity to take their annual leave and that an adequate work force is present at all times, annual leave should be scheduled early in the leave year for the entire year. Individual schedules may be changed with the consent of the appropriate approving authority because of circumstances which develop during the year. However, employees should bear in mind that failure to take leave when scheduled or to arrange a different schedule in advance could result in forfeiture due to the necessity of ensuring an adequate work force at all times.

b. Leave should be scheduled to coincide with anticipated slack periods when it is practicable to do so. Also, to the extent practicable, the employees' desires as to the time leave will be taken will be given primary consideration. Each employee who has sufficient annual leave accumulated should be given the opportunity to take at least one vacation period consisting of not less than 2 consecutive weeks.

**6. Request for and Approval of Annual Leave.**

a. Although annual leave is a right of an employee in that its accrual may not be denied, it is the prerogative of management to make the final decision on when leave is to be used. For this reason, the use of annual leave is subject to the approval of the immediate supervisor in advance unless there is an emergency which causes the absence. In case of an emergency, the supervisor should be notified as soon as possible on the first day of the absence so that proper approval may be given. Failure to secure the proper approval may result in the period being charged to absence without pay.

b. Supervisors should require a Standard Form 71 for all periods of annual leave. When an employee will not be available to initial the time report at the end of a pay period, a Standard Form 71 will be submitted regardless of the number of hours involved.

c. Supervisors are encouraged to approve requests for annual leave or leave without pay or to make other reasonable accommodations for the religious needs of employees to the extent that such accommodations do not cause undue hardship on the business of the organization. "Reasonable accommodations" to these needs may include such arrangements as changing a tour of duty, substituting another qualified employee, or granting compensatory time off, when appropriate. However, excused absence (administrative leave) is not appropriate for this purpose. If the employee's religious needs cannot be accommodated, the supervisor should be prepared to document inability to do so.

**7. Required Use of Annual Leave.** When an employee's services are not needed for a short period of time, or when it is otherwise desirable, management may direct the use of annual leave.

**8. Advancing Annual Leave.** Annual leave may be advanced in the amount that would accrue during the balance of the current leave year. No leave may be advanced during a temporary appointment or a trial period beyond the amount which it is reasonably assured will be subsequently earned. The same procedure will apply to employees to be separated or retired during the year. Immediate supervisors are authorized to approve requests for advancement of annual leave.

**9. Accumulation.** Employees can normally accumulate and carry over a maximum of 30 days (240 hours) of annual leave from one leave year to the next. However, employees serving at an overseas station under a transportation agreement as defined by Joint Travel Regulation may accumulate annual leave up to a maximum of 45 days.

**SWDR 690-1-630**  
**15 May 2000**

Employees having an accumulation in excess of 30 days under these conditions retain such balance until it is reduced by the use of leave in excess of the yearly accrual.

**10. Restoration of Forfeited Annual Leave.**

a. Conditions for restoration. Under certain conditions, annual leave in excess of the maximum permissible carryover may be restored for the employee's later use. Any accumulated annual leave in excess of the maximum carryover (normally 30 days) will be forfeited unless restoration can be justified under one of the three following conditions:

(1) Administrative error when the error caused the loss of annual leave.

(2) Exigencies of the public business when such annual leave was scheduled in advance. Commanders are delegated authority to approve an exigency of the public business and approve restoration of annual leave that was lost due to the exigency. However, a commander does not have the authority to approve an exigency affecting an employee for whom he is the leave approving official. Exigencies affecting these employees must be forwarded to the next higher echelon for approval. The authority may not be redelegated. Before annual leave may be restored, the following conditions must be met:

(a) The leave must have been scheduled in writing prior to the exigency and at least three pay periods prior to the end of the leave year.

(b) The commander has approved the exigency in writing and beginning and ending dates are provided.

(c) The exigency was approved before the leave was cancelled (except in cases of extreme emergency).

(d) The leave must have been cancelled in writing because of the exigency and the reasons the leave could not be rescheduled are documented.

(e) The restoration was approved by the commander, after the end of the leave year, and the approval is provided to the Customer Service Representative/Payroll Representative for processing.

(3) Sickness of the employee when annual leave was scheduled in advance.

(a) When employees have not used all excess annual leave before the end of the leave year (e.g., pending disability retirement cases), they may elect to substitute annual leave for the sick leave. If this substitution is not desired, the annual leave that was forfeited may be restored for later use provided the annual leave was scheduled in writing before the beginning of the third biweekly pay period prior to the end of the leave year. The reason for not taking or rescheduling the leave (e.g., the period of sick leave occurred so 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 leave year to avoid forfeiture) must be documented.

(b) Sickness is not, in itself, a basis for permitting annual leave to be restored. The supervisor still has the responsibility to schedule or reschedule the use of annual leave to avoid forfeiture. This is especially true where it is known in advance that a medical or physical condition will require an absence before the end of the leave year.

(c) Workload consideration that is affected by an employee's absence due to illness may not be used as a basis for canceling scheduled annual leave or for not rescheduling the use of annual leave to avoid forfeiture unless the requirements relating to exigencies of public business are satisfied.

b. Request for Restoration of Annual leave. Requests for restoration of annual leave as a result of an exigency or illness must be initiated by the employee in writing through supervisory channels to the commander. Upon approval by the commander the approval will be returned to the supervisor who will provide a copy to the Customer Service Representative/Payroll Office Representative. Also the supervisor will notify the employee.

(1) Supporting documents to be submitted with requests for leave restoration based on an exigency will include:

(a) Documentation showing the leave was scheduled and approved prior to the exigency and at least 3 pay periods before the end of the leave year.

(b) Documentation of an exigency approved by the commander showing beginning and ending dates.

(c) Documentation showing that scheduled and approved leave was disapproved because of the exigency and reasons why the leave could not be rescheduled.

(2) Supporting documents to be submitted with requests for leave restoration based on sickness:

**SWDR 690-1-630**  
**15 May 2000**

(a) Documentation showing the leave was scheduled and approved at least 3 pay periods before the end of the leave year.

(b) Reasons for not taking or rescheduling the leave.

c. Use of restored annual leave.

(1) In all cases where requested annual leave is to be charged to the restored leave account, the employee must submit a request on SF-71, Application for Leave., clearly indicating the amount of leave to be charged to the restored leave account.

(2) In the case of small amounts of restored annual leave (e.g., 5 days or less), employees will normally schedule and use the restored leave before using current leave accruals. Larger amounts of restored leave may be prorated for use over the approved period, or lesser time if feasible.

(3) Restored leave must be used not later than the end of the leave year ending two years after:

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

(b) The date fixed by the Commander as the termination date of the exigency of the public business which resulted in forfeiture of annual leave; or

(c) The date the employee is determined to be recovered and able to return to duty if the leave was forfeited because of sickness.

**11. Lump-sum Payment for Annual Leave Upon Separation.** Employees are entitled to payment, upon separation, for all accumulated annual leave credited to the employee.

a. For this purpose, "accumulated annual leave" consists of the following:

(1) The regular carryover balance from the previous leave year, if any; plus,

(2) Accrued and unused annual leave during the current leave year, if any; plus,

(3) Any unused restored annual leave maintained in a separate account.

b. Lump-sum leave payment will be made at the applicable night shift differential rates for all regularly scheduled periods of night shift duty covered by the unused annual leave as if the employee had continued to work beyond the effective date of separation. Supervisors are responsible for furnishing this information on the request for personnel action submitted for separation of an employee regularly assigned to rotating shifts.

**12. Recredit of Annual Leave.** A separated employee who receives a lump-sum payment for annual leave and is reemployed within the period represented by the annual leave payment must refund a proportionate share of the payment. Annual leave covered by the refund will be recredited to the employee's leave account.

**13. Responsibilities.**

a. Supervisors will:

- (1) Establish annual leave schedules early in the year to minimize forfeitures.
- (2) Approve or disapprove employee's requests for annual leave.
- (3) Correct administrative errors which caused the loss of annual leave.
- (4) Review requests for restoration of annual leave, provide required supporting documents, and forward through supervisory channels to the commander.
- (5) Notify employee of the decision on any request for restoration of annual leave.

b. Employees will:

- (1) Obtain supervisor's approval in advance for use of annual leave unless absence is caused by an emergency. In case of emergency, notify the supervisor as soon as possible on the first day of absence.
- (2) Initial time and attendance reports and/or submit a Standard Form 71 to document requested leave.
- (3) Provide an address or telephone number where they may be reached by their supervisors, especially if the absence is to be an extended period.
- (4) Request restoration of leave forfeited as a result of an exigency or illness.

## APPENDIX B

### Sick Leave

**1. Purpose.** Sick leave is a qualified right in that the employee is entitled to use it only when actually warranted. The supervisor is responsible for determining whether the reasons for the absence warrant granting sick leave. An employee may be required to provide a medical certificate to support a request for sick leave. Sick leave normally will be granted to an employee who requests it for the following:

- a. To receive medical, dental, or optical examination or treatment.
- b. For incapacitation for performance of duties by sickness, injury, or pregnancy and confinement.
- c. To give care and attendance to a member of the immediate family who is afflicted with a contagious disease which requires quarantine.
- d. When the employee's presence at the post of duty would jeopardize the health of others because of exposure to a contagious disease.
- e. Provide care for a family member as the result of physical or mental illness, injury, pregnancy, childbirth, or medical, dental, or optical examination or treatment. The amount of sick leave that can be taken for this purpose is limited as indicated in paragraph 4 of this appendix.
- f. Make arrangements necessitated by the death of a family member or attend the funeral of a family member.
- g. Any other purpose authorized by applicable law or government regulation.

**2. Eligibility.** Full-time permanent, temporary, and part-time employees with an established tour of duty will accrue sick leave as follows:

- a. Full-time employees earn sick leave at the rate of 4 hours for each full biweekly pay period.
- b. Part-time employees with an established tour of duty earn sick leave at the rate of 1 hour for each 20 hours of duty, not to exceed 4 hours of sick leave for 80 hours of duty in any pay period.

**SWDR 690-1-630**  
**15 May 2000**

c. There is no restriction on the amount of sick leave which can accumulate to an employee's leave account.

d. Leave does not accrue for fractional pay periods at the beginning or end of Federal employment. However, fractional accruals are proper for employees who transfer between offices without a break in service, whether the same or different pay period exist.

**3. Request for and Approval of Sick Leave.**

a. An employee who is absent due to illness should notify the supervisor, or other authorized employee, as early as practicable on the first day and each succeeding day for which leave has not been approved. Normally the notification is to be within the first 2 hours after the beginning of the tour of duty, or as soon thereafter as possible. Failure to give notice may result in the charging of the absence to AWOL. Requests for sick leave for medical, dental, or optical examination or treatment normally should be made prior to the beginning of the absence.

b. Sick leave charges will be documented as follows:

(1) A supervisor can require a Standard Form 71 for each period of sick leave.

(2) The supervisor can require a medical certificate if the employee requests sick leave for more than three consecutive work days. Failure to provide requested medical certification could result in disapproval of the request for sick leave.

(3) When in individual cases there is reason to believe that sick leave is being abused, a medical certificate may be required to justify the grant of such leave thereafter. In such cases, the employee will be advised in writing that a medical certificate will be required to support a future grant of sick leave, regardless of duration, e.g. 1 hour. Suspected sick leave abuse cases and/or the requirement for a medical certificate should be coordinated with the Civilian Personnel Advisory Center(CPAC). Any unjustified absence may result in disciplinary action.

(4) In case of prolonged absence because of illness, a SF-71 may be required on a pay period basis. The employee is responsible for providing appropriate medical certificates to support the request for sick leave, when requested by the supervisor.

#### 4. Family Sick Leave.

a. An employee may use 40 hours sick leave for general family care and bereavement purposes each leave year as described in paragraphs 1.e and 1.f of this appendix. Part time employees and employees on uncommon tours of duty may use an amount equal to the average number of hours they work in a week. An additional 64 hours of family sick leave may be used as long as the employee maintains a balance of at least 80 hours sick leave in their leave account. Part time employees and employees on an uncommon tour of duty may use the total amount of sick leave they would normally accrue in a leave year; however, they must maintain a balance equal to the average number of hours they work each two weeks.

b. Employees may use a total of 12 administrative workweeks of sick leave each year to care for a family member with a serious health condition. If an employee has used any portion of the sick leave for general family care and bereavement purposes under the provisions of paragraph 4.a above, in a leave year, that amount must be subtracted from the 12 week entitlement. If an employee has already used the 12 weeks of sick leave to care for a family member with a serious health condition, he or she cannot use additional sick leave in the same leave year for general family care and bereavement purposes. An employee is entitled to a total of 12 weeks of sick leave each year for all family care purposes. Full time employees must maintain a balance of 80 hours. Part time and employees on an uncommon tour of duty may use an amount of sick leave equal to the average number of hours they would normally work in a 12 week period; however, they must maintain a sick leave balance equal to the average number of hours they work in a two week period.

(1) A "serious health condition" includes such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy, and childbirth. The term "serious health condition" is not intended to cover short term conditions for which treatment and recovery are very brief.

(2) Care of a healthy newborn child does not meet the requirements for the use of 12 weeks sick leave; however, sick leave may be used under the provisions and limitations of paragraph 4.a to care for a sick child or take the child to medical appointments.

c. Family member for the purposes of family sick leave is defined as:

- (1) Spouse, and parents thereof;
- (2) Children, including adopted children, and spouses thereof;
- (3) Parents; Brothers and sisters, and spouses thereof; and
- (4) Any individual related by blood or affinity whose close association with the employee is equivalent of a family relationship.

**SWDR 690-1-630**

**Change 1**

**20 June 2000**

**5. Sick Leave Upon Separation.** No lump-sum payment is made for unused sick leave when employees leave the Federal service. However, the sick leave may be recredited to an employee's account upon reemployment. Also, employees who retire from the Federal service under the Civil Service Retirement System (CSRS) with an immediate annuity are entitled to time credit for unused sick leave in their computations of annuity. Employees who retire under the Federal Employees Retirement System (FERS) do not receive credit for unused sick leave in computing the annuity payments unless they were previously vested in the CSRS and switched to FERS. For those employees who were vested in the CSRS system and later switched to FERS, the lesser of (1) the amount of sick leave at the time of retirement or (2) the amount of sick leave when FERS was elected, is included in the CSRS portion of the annuity computation.

**6. Advancing Sick Leave.**

a. Sick leave can be advanced in cases of serious disability or ailments. Also, the first 40 hours of family sick leave can be advanced or a prorated amount for part time employees.

(1) All available accumulated sick leave to the employee's credit must be exhausted. Consideration should also be given to requiring the employee to use any annual leave he/she might otherwise forfeit.

(2) The amount of advanced sick leave to an employee's account may never exceed 30 days at any time.

(3) Advanced sick leave should not exceed an amount which can be liquidated by accrual prior to separation.

(4) There must be a reasonable assurance that the employee will return to duty.

(5) Application for advanced sick leave must be supported by a medical certificate signed by a physician or practitioner.

b. The written request for advance of sick leave, with supporting medical evidence, is initiated by the employee and forwarded through supervisory channels to the Division or Office Chief for approval. Each supervisory level should recommend approval or disapproval of the request. The employee's work history and supervisory comments will provide the basis for action by the approving official. Employees to whom sick leave is advanced will be encouraged to retain as much of their annual leave as possible to offset the credit sick leave balance.

c. A copy of the approved request must be furnished to the Customer Service Representative/Payroll Office Representative and to the timekeeper.

d. If the employee returns to duty before all advanced sick leave is used, the supervisor must notify the Customer Service Representative/Payroll Office representative to cancel the advanced leave balance.

**7. Sickness During Annual Leave.** When sickness occurs within a period of annual leave, employees are permitted to change their scheduled annual leave to sick leave to cover the period of sickness. The use of sick leave within a period of annual leave must be justified to and approved by the employee's immediate supervisor.

**8. Restrictions on Outside Employment While on Sick Leave.** If an employee is unable to perform required duties because of illness or injury, the employee is generally too ill or injured to work elsewhere. There are, however, rare situations (generally involving extended periods of illness or confinement) where there may be acceptable justification for outside employment. One example is an employee confined at home because of pregnancy or recuperation from illness or injury, who engages in telephone solicitation work or writing. An employee on sick leave should obtain prior approval of the supervisor before engaging in any outside work.

## APPENDIX C

### FAMILY AND MEDICAL LEAVE

**1. Purpose.** The Family and Medical Leave Act (FMLA) of 1993 provides, to covered employees, the entitlement to a total of 12 administrative workweeks of unpaid leave (leave without pay) during any 12 month period for the following reasons:

- 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 a spouse, son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition; and
- d. A serious health condition of the employee that makes the employee unable to perform any one or more of the essential functions of his or her position.

**2. Applicability.** The provisions of the FMLA apply to permanent full time employees who have completed at least 12 months of Federal service. Additional information concerning applicability to other employees is provided in 5 CFR 630.1201.

**3. Return from FMLA leave.** Upon return from FMLA leave, an employee must be returned to the same or equivalent position.

**4. Substitution of annual or sick leave.** Annual leave may be substituted for unpaid leave under FMLA. Sick leave may be substituted for unpaid leave in those situations for which the use of sick leave is permitted.

**5. Medical certification.** Supervisors may require that a request for leave under paragraphs 1.c and 1.d be supported by written medical certification issued by the health care provider of the employee or the health care provider of the spouse, son, daughter or parent of the employee, as appropriate.

**6. Notice to supervisor.** An employee who intends to invoke his or her entitlement to family or medical leave must notify his or her supervisor in writing. When possible, the employee must notify his or her supervisor of the intent to take leave not less than 30 days before the date the leave is to begin. If the need for the leave is not foreseeable and the employee cannot provide 30 days' notice, the employee will provide notice within a reasonable period of time appropriate to the circumstances involved.

## APPENDIX D

### Leave Without Pay

**1. Definition.** Leave without pay (LWOP) is a temporary nonpay status and absence from duty granted upon the employee's request. The permissive nature of leave without pay distinguishes it from absence without leave. The authorization of leave without pay is a matter of administrative discretion.

### 2. Granting Leave Without Pay.

a. An employee cannot demand the approval of leave without pay as a matter of right. Each request for extended leave without pay should be examined closely to assure that the value to the Government or the serious needs of the employee are sufficient to offset the costs and administrative inconveniences to the Government which result from the retention of an employee in a leave-without-pay status. Among these costs and inconveniences are:

- (1) Encumbrance of a position.
- (2) Loss of services which may be needed in the organization.
- (3) Obligation to provide active employment at the end of the approved leave period.
- (4) Credit for 6 months of each year toward retirement.
- (5) Eligibility for continued coverage of health insurance and life insurance.
- (6) Complication of retention preference registers in the event of a reduction in force.

b. In addition to the above factors, there must be reasonable expectation that the employee will return at the end of the approved period of absence and it should be apparent that at least one of the following benefits would result:

- (1) Increased job ability.

**SWDR 690-1-630**  
**15 May 2000**

- (2) Protection or an improvement of employee's health.
- (3) Retention of a desirable employee.

c. Normally the initial grant of leave without pay will not exceed 1 year. Requests for additional periods will be reviewed even more carefully than the original authorization. Requests should be approved only when the interests of the Government are best served thereby, or when unusual circumstances indicate it would be manifestly harsh or unfair to deny the extension. If at the end of the initial year, the review indicates the employee will not or cannot return to work, additional leave without pay should not be granted and appropriate steps should be taken to separate the employee. If any extension would cause an absence beyond 2 years, the employee should be separated and reemployed when available for duty.

d. Normally, all accrued leave balances will be used before requesting leave without pay. In some situations, leave without pay may be granted to an employee with accrued and/or accumulated leave balances. Examples of such situations are:

- (1) Absence of student-trainees returning to college when covered by work-study agreements.
- (2) Absence resulting from employee injury or disability.
- (3) Absence to serve temporarily in a salaried position as an officer or representative of a union representing Federal employees.

**3. Examples of Proper Cases for Extended Leave Without Pay.**

a. The following list includes examples of types of cases for which approval of extended leave without pay would be proper, all other factors being favorable.

- (1) For educational purposes, when the course of study or research is in line with a type of work which is being performed by the agency and completion of which contribute to its best interests.

(2) To recover from illness or disability not of a permanent or disqualifying nature, when continued employment or immediate return to employment would threaten impairment of the employee's health or the health of other employees.

(3) To protect employee status and benefits during any period pending final action on a claim for disability retirement or on a claim resulting from work-related illness or injury.

(4) To avoid a break in the continuity of service for career or career conditional employees who must relocate because they are spouses or dependents of service personnel or of Federal employees who are relocating.

(5) To serve, temporarily, as an officer or representative of a union representing Federal employees.

(6) To serve on active military duty for training for a period of less than 3 months. If the active duty is later extended in excess of 3 months, consideration will be given to separating the employee and granting restoration rights. Brief extensions may only require extension of LWOP.

b. Leave without pay will not normally be granted to permit an employee to accept private employment or non-Federal public employment.

**4. Request for Approval of Leave Without Pay.** All requests for leave without pay will be initiated by the employee after discussion with his/her supervisor.

a. Leave without pay for 30 days or less may be approved by the supervisor. The employee must submit a Standard Form 71 to request the leave without pay.

b. Leave without pay in excess of 30 days must be requested in writing and approved by Division/Office Chiefs, or equivalent. Upon approval of the request, a Personnel Action Request, SF-52, must be submitted through the Civilian Personnel Advisory Center (CPAC) to the Civilian Personnel Operations Center (CPOC) to officially document the leave without pay.

c. Leave without pay for employees who are appointed under the cooperative work-study program to return to college will be requested by submission of SF-52 through channels to the CPAC. SF-71 is not necessary for requesting leave without pay, as provision is made in the work-study program agreement between the college and the agency for the study trainee to return to college.

## APPENDIX E

### Military Leave

**1. Definition.** Military leave is absence with pay for active military duty or training. Military leave is accumulated at the rate of 15 calendar days each fiscal year. An employee can carry over unused military leave of 15 days or less from one fiscal year to the next.

**2. Compensation.** An employee absent on military leave receives compensation for the time regularly scheduled to work during the period involved.

**3. Policy.** It is the policy to extend full cooperation to all reserve components of the Armed Forces by granting leave of absence for military training purposes so far as practicable. Employees in receipt of orders are responsible for advising their supervisors as far in advance as possible so that arrangements may be made for continuation of work schedules.

#### **4. Eligibility.**

a. Permanent and part-time permanent employees are eligible for military leave. Also temporary employees on appointments exceeding one year are eligible for military leave. Part-time employees are granted military leave on a prorated basis.

b. Temporary-limited to one year or less and when-actually-employed personnel are not entitled to military leave.

c. Generally a pay status immediately prior to the beginning of military duty or a return to pay status immediately afterwards is a prerequisite to entitlement to military leave.

#### **5. Evidence to be Submitted.**

a. The military order calling the employee to active military duty is sufficient evidence for initial authorization of military leave. Upon return to civilian duty, the employee must furnish official evidence of the performance of military duty; e.g., a statement from the commanding officer of the military unit stating that the employee is a member of the unit and did perform active duty for the period involved.

**SWDR 690-1-630**  
**15 May 2000**

c. An employee may carry over military leave from one year to the next. In order to carry over leave, certification of entitlement must be provided by the employee to the payroll office. The certifying official must be commanding officer, executive officer, or adjutant of the employee's military unit. Each period of military leave carryover must be certified each fiscal year.

**6. Granting Military Leave.**

a. Military leave for active duty or training is granted for 15 calendar days during each fiscal year with provision to carryover any balance of the 15 calendar days into the next fiscal year. A maximum of 30 days for military leave may be paid in a fiscal year. Military leave may be taken intermittently, a day at a time, all at one time, or for several training periods during the fiscal year.

b. Nonwork days falling within an absence on military duty are charged against the 15 days of military leave allowed during the year. Nonwork days occurring at the beginning or end of the active duty period are not charged.

c. An additional 22 workdays of military leave is authorized for providing military aid to enforce the law. The military order to active duty is sufficient evidence for initial authorization of military leave. Upon return to civilian duty, the employee is required to furnish evidence of performance of the military duty.

**7. Transfer or Recredit.** The payroll office is required to transfer or recredit any unused military leave for employees transferring between agencies or being reemployed during the fiscal year. These leave balances should be available for carryover to the next fiscal year, as appropriate. The remarks section of the SF-1150, Leave Record, will be used to record unused portion of military leave when an employee separates. When an employee is not reemployed during the fiscal year in which he or she separates, the unused leave may be recredited if he/she is reemployed in the Federal service during the fiscal year which immediately follows the fiscal year in which he/she separates from the Federal service. If he/she does not return to duty the same fiscal year in which separated or during the next fiscal year, then all unused military leave is forfeited.

## APPENDIX F

### Court Leave

**1. Definition.** Court leave is the authorized absence, without charge to leave or loss of compensation, of an employee from official duty for jury duty, or for attending court as a witness in connection with any judicial proceeding to which the United States, the District of Columbia, a state, or a local government is a party. For court leave purposes, municipal courts are considered state courts.

### 2. Request for and Approval of Court Leave.

a. When an employee is called for jury duty, the court order, subpoena, summons, or official request should be provided to the supervisor. When the employee returns to duty, he/she should provide official written evidence of attendance in court showing the dates and hours to support the appropriate recording on the employee's time and attendance.

b. Court leave can only be granted for those days and hours the employee would otherwise be in a pay status. Employees are to return to work if excused by the court, unless the supervisor determines the employee's return would be impractical. If excused early from jury duty, the employee should contact the supervisor for a determination on their work status for the remainder of the work day.

### 3. Jury Service.

a. The Department of the Army considers it the civil responsibility of all its employees to respond to calls for jury and other court services. Excuses from jury duty will be requested only in those instances when the employee's services are required to meet essential work schedules and when public interests are better served by the employee's remaining on duty.

b. Court leave for jury duty is granted to permanent employees and temporary employees of the United States and the District of Columbia, both full-time and part-time. Employees such as substitute, when-actually-employed, and intermittent employees are granted annual leave to which they might be entitled, or may be placed on leave without pay for any absence from duty for such jury service.

4. Witnesses. Permanent or temporary employees, either full-time or part-time, are eligible for court leave for witness service. Employees such as substitute, when actually employed, and intermittent employees are not covered by court leave for witness service.

**SWDR 690-1-630**  
**15 May 2000**

a. In official capacity. An employee is in an official duty status, as distinguished from a leave status, and is entitled to regular pay when summoned or assigned by the agency to testify in an official capacity or to produce official records.

b. Not in official capacity. When summoned to testify in a matter not related to employment as a witness in a judicial proceeding when one of the parties is the United States, the District of Columbia, a state, or local government, an employee is entitled to court leave during the time absent as a witness. When a government is not a party to the proceedings, the employee's absence must be charged to annual leave or to leave without pay.

**5. Annual Leave or Leave Without Pay.**

a. Annual leave or leave without pay will be used for jury duty or witness service not covered by court leave.

b. If an eligible employee is on annual leave when called for jury or witness service, court leave will be substituted. An employee on leave without pay, although otherwise eligible, may not be granted court leave.

**6. Court Fees.** Employees are entitled to keep money received from a state or local court that is designated as reimbursement for expenses. Fees, other than for expenses, that are received for jury service in a local or state court must be submitted to the Customer Service Representative by a personal check or money order. An employee serving on a jury in a state or local court who waives or refuses to accept jury fees is still liable to the U.S. Government for the fees he or she would have received. Fees for jury service in a Federal court are not paid to Federal employees who are entitled to court leave. Additional information may be found in the DOD Financial Management Regulation, volume 8, chapter 5, section 0517.

## **APPENDIX G**

### **Funeral Leave**

**1. Purpose.** Funeral leave is granted to allow an employee to make arrangements for or to attend the funeral or memorial service for an immediate relative who died as the result of a wound, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone.

#### **2. Granting Funeral Leave.**

a. An employee may be granted funeral leave as is needed and requested by the employee, not to exceed 3 workdays, without loss of or reduction in pay or leave to which he/she is otherwise entitled, or credit for time or service, and without adversely affecting any performance or efficiency ratings. The 3 days need not be consecutive; but if not, the employee shall furnish the approving authority satisfactory reasons justifying a grant of funeral leave for nonconsecutive days.

b. For this purpose, "immediate relative" means the following relatives of the deceased member of the Armed Forces: (a) spouse, and parents thereof; (b) children, including adopted children, and spouses thereof; (c) parents; (d) brothers and sisters, and spouses thereof; and (e) any individual related by blood or affinity whose close association with the deceased was such as to have been the equivalent of a family relationship.

## APPENDIX H

### Excused Absence

**1. Brief Periods of Absence or Tardiness.** In ordinary circumstances, tardiness and unavoidable or necessary absences from duty of less than 1 hour may either be excused for adequate reasons or handled administratively by requiring additional work. Such absences may be charged against any compensatory time the employee may have accumulated as a result of irregular overtime previously worked. When employees are chronically tardy or otherwise absent from duty without adequate excuse, such absences and tardiness may be charged to annual leave, leave without pay, and/or may become the basis for disciplinary action.

**2. Voting and Registration.** It is the policy to excuse employees for a reasonable time, when practicable to do so without seriously interfering with operations, to vote or register in any election or in referendums on a civic matter in their community as follows:

a. As a general rule, when the polls are not open at least 3 hours either before or after an employee's regular hours of work, the employee may be granted an amount of excused leave which will permit reporting for work 3 hours after polls open or leaving work 3 hours before the polls close, whichever requires the lesser amount of time off. Employees on flexible work schedules will be excused only for those hours that cannot be accommodated by their flexible schedule.

b. Under exceptional circumstances when the general rule does not permit sufficient time, an employee may be excused for such additional time as may be needed to enable voting, depending upon the circumstances in each case, but not to exceed a full day.

c. If an employee's voting place is beyond normal commuting distance and voting by absentee ballot is not permitted, the employee may be granted sufficient time off to go to the voting place to cast his/her ballot. When more than 1 day is required, a liberal policy in granting leave will be observed.

d. For employees who vote in jurisdictions which require registration in person, time off to register may be granted on substantially the same basis as voting, except that no time off shall be granted if registration can be accomplished on a nonworkday.

**SWDR 690-1-630**  
**15 May 2000**

**3. Civil Defense Activities.** Employees who participate in Federally recognized civil defense programs may, at the discretion of the Commander, be excused for a reasonable time without charge to leave up to a maximum of 40 hours in any calendar year. Each case of this type will be presented to the Human Resources Office for determination as to conformance with regulations and recommendation to the Commander.

**4. Blood Donations.** All employees who volunteer as blood donors, without compensation, to the American Red Cross, to military hospitals, other blood banks, or respond to emergency calls for needy individuals, will be authorized excused absence up to a maximum of four hours on the day the blood is donated.

**5. Emergency Rescue or Protective Work.** Employees occupying Classification Act positions, including standby employees and those hourly, per diem, and piecework employees who are eligible to be excused on holidays, will be excused when called to emergency duty in the National Guard or State Guard or are called to participate in Civil Air Patrol searches for up to 5 working days. Such employees, when engaged in similar types of emergency rescue or protective work may be excused on a similar basis at the discretion of the Commander.

**6. Draft Registration.** Employees will be excused without charge to leave or loss of pay for the time spent in registering for military duty in accordance with any general statute requiring such registration. When registration is not required on any particular day, employees should arrange to register on a nonworkday, if possible. The excused absences for this purpose generally will not exceed 4 hours and may not exceed 1 day, including necessary travel time to and from the place of registration.

**7. Armed Forces Medical Examinations.** Time spent in reporting for and undergoing a physical examination to determine an employee's eligibility for enlistment or induction into the Armed Forces will be excused without charge to leave or loss of pay, providing the request for absence is supported by official notification from the appropriate military authority. If the absence extends beyond 1 workday, the employee will be required to submit a statement from the induction station showing the necessity for the additional absence.

**8. Medical Examinations.** Time for medical and X-ray examinations to determine an employee's physical fitness for the Federal service will be considered duty time. Disabled veterans will be provided leaves of absence (sick leave, annual leave, or leave without pay) for medical treatment and examination and absences from duty in connection with the disabilities. Excused absence is not appropriate for such purposes.

**9. On-the-Job Injuries.** An employee injured in the performance of his/her duties will be considered in a duty status and will receive pay without charge to leave for the time required to obtain emergency treatment to the extent that the time falls within his/her prescribed hours of work that day.

**10. Taking Examinations.** Employees taking noncompetitive examinations for promotion at the request of the employing activity, those taking examinations for their present jobs, including reexaminations, and those participating in tests administered under the merit promotion program will be granted time off without charge against leave for the time necessary to complete the examination. Absence to take any other examinations must be charged to annual leave or leave without pay. In view of the policy of the Chief of Engineers to encourage professional registration, duty status (exclusive of travel time) will be authorized for engineers, accountants, appraisers, safety officers, and architects for the time required to take the examination for professional registration or state license or certification in the profession in which the employee is serving. This action is considered to be in the best interest of the service.

**11. Conferences or Conventions.** Employees may be excused to attend conferences or conventions without loss of pay or charge to leave whenever it is determined that such attendance will serve the best interests of the Government. Affirmative determinations should be reserved for those situations when the employee is designated as an official representative, or when a direct relationship between items on the agenda and the employee's official duty assignments make attendance necessary or desirable; Excused absence of this type will be limited to five working days per calendar year.

**12. Adverse Actions, Grievances, Appeals, and Discrimination Complaints.** An employee may use reasonable amounts of time to appear before any grievance or appeals board or committee at the activity without charge to leave or loss of pay. Similar time off may be allowed away from the activity, generally not to exceed 1 day. Employees, if otherwise in an active duty status, may use reasonable amounts of official time under the following circumstances:

a. Affected employee. To write a reply or orally reply to a notice of proposed adverse action; to prepare a grievance, appeal, or discrimination complaint; to present a grievance, appeal, or discrimination complaint at a proceeding.

b. Representative. To assist in the preparation of a grievance, appeal, or discrimination complaint; to present a grievance, appeal, or discrimination complain at a proceeding.

c. Witness. To participate in a grievance, appeal, or discrimination complaint proceeding.

**SWDR 690-1-630**  
**15 May 2000**

**13. Administrative Dismissals - Inclement Weather.** The following policy will be observed when severe flooding, hurricanes, snow, storm, or icing conditions on streets, highways, and bridges create traffic hazards unusually dangerous to the safety and health of employees. Supervisors will maintain staff for essential operations in this type of emergency.

a. The determination to dismiss employees early will be based on the judgment and information obtained from the State and local police, or the National Weather Service, in coordination with other Federal establishments (e.g., Federal Executive Boards, where appropriate) in the area. The decision to close the installation early will be made by the Commander. Snow or ice conditions developing during the night or before an employee's regular workday will not ordinarily be the basis for absence from work. When unusually severe conditions develop to the extent that the Commander determines it advisable not to open the office, such will be announced through local radio stations or through supervisory notification. When the office is not closed, granting excused absences from work for employees tardy for reasons such as snow, ice or flooding conditions will be determined after the fact by the Commander. However, as a general rule, no more than 2 hours will be granted under such conditions.

b. Employees eligible under the above conditions will be excused without charge to leave or loss of pay. Employees serving under initial temporary appointment of 90 days or less are not eligible for excused absence with pay.

c. Emergency situations occurring Before the Start of the Workday.

(1) When an activity is open and employees are expected to report to work on time, employees may be authorized use of annual leave, credit hours, LWOP, compensatory time earned, or excused for reasonable tardiness when they experience commuting delays.

(2) When an activity is closed, all affected non-emergency employees should be excused without loss of pay, whether or not other leave was previously approved.

d. Emergency Situations occurring during the Workday.

(1) When an activity suspends operations, as much as practical, all non-emergency employees on duty at the time of dismissal should be excused (placed on administrative leave) without loss of pay even if they were scheduled to take leave later in the day. Employees who were on leave at the time of the dismissal will normally continue to be carried on leave for the remainder of the day. However, if the employee is scheduled to return to work during the dismissal period, he or she will only be charged for leave, on that day, until the time set for dismissal.

(2) Annual leave, credit hours, compensatory time earned, or LWOP may be granted, or AWOL may be charged, if appropriate, to employees who leave before the official notice of dismissal, for the period remaining until the end of the regular workday.

(3) Excused absence (administrative leave) may be granted to avoid hardship for employees who are authorized to leave after official notice of dismissal, but before official departure time, for the period remaining until official departure time. When an employee leaves after receiving word of the pending dismissal but before the time set for dismissal (with supervisory approval) in a situation not involving a hardship; annual leave, credit hours, compensatory time earned, or LWOP may be charged as appropriate for the period remaining until the employee's official departure time, i.e., the authorized dismissal time.

**14. Absence of Employees to Serve on State Boards of Registration for Professional Engineers and Architects.** Upon request of appropriate state authorities, civilian engineers or architects of the Corps of Engineers may be authorized to serve on state boards of registration for professional engineers and architects, provided no remuneration is received from the state other than an allowance for transportation and travel expenses. While serving on such boards, the employees will be considered in a duty status, normally not to exceed 5 working days per year.

**15. Absences for Incentive Awards Program.** Attendance at official incentive awards ceremonies is considered official duty status. However, excused absence is not permitted for office social functions.

