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ABSENCE AND LEAVE PROGRAM

FOR THE ADJUTANT GENERAL:

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Proponent. The proponent for this regulation is the Director, Human Resources/J1.

Summary. The purpose of this regulation is to establish a uniform policy and provide guidance to managers, supervisors, and technicians on the intent and proper use of leave. This regulation is to be used in conjunction with the negotiated agreement between the Adjutant General, Wisconsin, and the Labor Organization to which exclusive recognition has been granted.

Suggested improvements. Users are invited to send comments and suggested improvements to Joint Force Headquarters, ATTN: WIJS-J1, P.O. Box 8111, Madison, WI 53708-8111.

Applicability. This regulation applies to all Joint Force Headquarters elements, the Wisconsin Army National Guard, and the Wisconsin Air National Guard.

Distribution. This publication is available in electronic media only and is intended for all Joint Force Headquarters elements, the Wisconsin Army National Guard, and the Wisconsin Air National Guard. It is available on the WIJS-J1/Human Resources intranet page.

This regulation has changed substantially and should be thoroughly reviewed. This regulation also incorporates compensatory time information previously detailed in HRR 990-2

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Section I

Chapter 1

General Provisions

1-1. Purpose

The purpose of this regulation is to establish a uniform policy and provide guidance to managers, supervisors, and technicians on the intent and proper use of leave. This regulation is to be used in conjunction with the negotiated agreement between The Adjutant General, Wisconsin, and the Labor Organization to which exclusive recognition has been granted.

1-2. References

This regulation is not intended to stand alone and must be used in conjunction with the references at Appendix A.

1-3. Explanation of Abbreviations and Terms

Explanation of abbreviations and terms used in this regulation are in the glossary.

1-4. Responsibilities

The Adjutant General establishes an Absence and Leave Administration Program that meets the statutory and regulatory requirements cited in the references in Appendix A and this HRR.

The J1 will issue regulatory guidance, administers and publicizes the Absence and Leave Program. The J1 will assure the Absence and Leave Program meets the regulatory requirements cited in Appendix A. The J1 also provides training and support to supervisors and managers on leave and absence requirements.

Chapter 2

Annual Leave

2-1. Eligible Employees All permanent and indefinite employees are eligible for annual leave. Temporary employees who are appointed to positions in excess of 90 days are entitled to earn annual leave upon completion of the first biweekly pay period.

2-2. Maximum Accumulation Federal employees may accumulate a maximum of 240 hours (30 days) of annual leave. However, excess annual leave will only be forfeited at the beginning of the first pay period of the new leave year. Any leave to the employee's credit at the end of the leave year that exceeds the maximum accumulation is either forfeited or restored according to paragraph 2-8.

2-3. Granting Annual Leave Annual leave is provided to allow every employee a period of relaxation and provide short periods of time off for personal and emergency purposes. When employees can be spared from their duties, annual leave will be granted freely for personal or emergency purposes. Large accumulations should be avoided. The technician and the supervisor both have the responsibility to plan annual leave schedules. The final determination as to the time and amount of annual leave granted is made by the supervisor authorized to approve leave. Their decision will generally be made considering the needs of the service. Arbitrary decisions to deny leave will not be made. Scheduled annual leave must be requested by the technician and

approved by the supervisor as far in advance as possible to avoid conflicts with the needs of the service and other personnel leave requests. Supervisors should consider the technicians' desires and personal convenience as well as the work situation when granting leave. Supervisors should insure that annual leave is scheduled for use to prevent loss at the end of the leave year.

Advancing Annual Leave. Annual leave may be advanced and will be considered on a case-by-case basis. The Advanced Annual Leave cannot exceed the amount of leave that would accrue to the employee during the current leave year. Supervisors should counsel the employee on the impact of advancing leave.

Leave before Separation. Where an employee's separation is expected (such as employees on temporary appointments or those whose retirement is planned), advanced leave may not exceed the amount that can be repaid by accrual before the separation.

Sickness during Annual Leave. When sickness occurs during a period of annual leave, supervisors may change annual leave to sick leave for the period of sickness.

Use of Annual Leave during Active Military Duty. Members of the Reserve or National Guard may use annual leave during active military duty or inactive duty training periods.

2-4 Leave Differences Between Services

Army Guard: In order to provide consistency in unscheduled leave requests, the employee will make a good faith effort to contact the supervisor verbally to request leave (normally not later than two (2) hours after the employees scheduled reporting time. Individual supervisors may adopt a more liberal policy (i.e. leaving messages w/employee, email etc.) as long as it is communicated with the subordinate employees.

Air Guard: Requests for annual leave for unanticipated circumstances (emergencies) will be made as soon as the need is known. In situations where the employee is unable to report to work the request for annual leave will normally be made within one (1) hour following the starting time of the employee.

2-5. Disposition of Annual Leave Technicians are entitled to receive a lump sum payment for all accumulated and accrued annual leave upon separation from technician employment. If the technician leaves the National Guard to accept a position in another federal agency, lump-sum payment of annual leave is not authorized. The leave will be transferred to the new position.

2-6. Leave Rate Accrual

- a. Technicians appointed for 90 days or longer accrue annual leave.
- b. The amount of annual leave that a full time technician earns depends on their length of service. Technicians are assigned to leave earning categories (based on Service Computation Date (SCD Leave) as follows:
 - (1) Technicians with less than 3 years of service earn 4 hours of annual leave per each bi-weekly pay period.
 - (2) Technicians with 3, but less than 15 years of service earn 6 hours of annual leave for each bi-weekly pay period. (10 hours for the last pay period).
 - (3) Technicians with 15 or more years of service earn 8 hours of annual leave for each full biweekly pay period.
- c. Part time technicians with regularly scheduled tours of duty earn leave for all time they are in a pay status not in excess of 80 hours in the pay period.

- (1) Technicians with less than 3 years of service earn 1 hour for each 20 hours in a pay status.
 - (2) Technicians with 3 but less than 15 years of service earn 1 hour for each 13 hours in a pay status.
 - (3) Technicians with 15 or more years of service earn 1 hour for each 10 hours in a pay status.
- d. Maximum accumulation at the end of the leave year. Unused annual leave up to a maximum of 240 hours may be carried forwarded from one leave year to the next. Unused annual leave in excess of the maximum of 240 hours is forfeited.
- e. Creditable service for annual leave. Creditable service for determining the rate of accrual for annual leave will include:
- (1) Periods of employment as a National Guard Technician.
 - (2) Periods of honorable active military service, unless the technician is a retired member of the uniformed services and crediting portions of their military service for leave accrual is restricted by law.
 - (3) Periods of employment by a Federal Agency.
 - (4) While in a non-pay status as a technician drawing compensation from the Office of Workers Compensation Program.
 - (5) Six months in any calendar year while on Leave Without Pay
 - (6) Periods of military furlough.
- f. Change in Annual Leave earning rates. A change in annual leave earning rates is effective at the beginning of the first bi-weekly pay period following completion of the prescribed creditable service.

2-7. Denial or Cancellation of Leave Denial of leave or cancellation of approved leave will be based on the necessity for the employee's services. Denial or cancellation will be based upon factors that are reasonable, equitable, and which do not discriminate against any employee or group of employees. In addition, denial or cancellation of leave is not disciplinary in character and must not be used as a punitive measure.

2-8. Restoration of Forfeited Annual Leave

Scheduling, and as necessary, rescheduling of annual leave must be done through some type of formal documentation indicating inclusive calendar dates, amounts of leave requested, amount scheduled, dates rescheduled if disapproved and/or canceled, and the signature of the leave approving officer.

Provisions have been established for restoration of annual leave under certain specific conditions. (Sickness, administrative error or exigency of the public business [operational demands]).

A determination must be made by WIJS-J1 that the exigency was of such major importance that annual leave could not be used to avoid forfeiture. The law requires that the decision to schedule annual leave must be made at least three pay periods prior to the end of the leave year before such leave can be considered for restoration.

The following information is required by WIJS-J1 for consideration of restoration of annual leave:

- a. Written verification scheduling the annual leave (the OPM Form 71 may be used to document the actions). Documentation should include the following:

- 1) Calendar date the leave was scheduled (approved/disapproved)
 - 2) Date during which the leave was scheduled for actual use and the amount of leave that was scheduled for use
 - 3) Reasons for subsequent cancellation of approved leave (if for sickness, a medical certificate signed by a doctor is required)
 - 4) Beginning and ending dates of the exigency, sickness or operational demand that resulted in the forfeiture. The date fixed as the termination of the exigency or sickness determines the two year period within which the restored leave must be used. The two year period for administrative error begins on the date the annual leave was restored in correcting the administrative error.
 - 5) The date the canceled leave was rescheduled
 - 6) The date during which the canceled leave was rescheduled for use and the amount of leave that was rescheduled for use.
 - 7) The exact number of hours requested to be restored.
- b. The above information will be retained for two years or until the leave is used, or in the case of separation, for the time required by the payroll office to process a lump sum payment.

Chapter 3

Leave Without Pay (LWOP)

3-1. Leave Without Pay

(LWOP) is a temporary non-pay status and absence from duty that may be granted when requested by a technician at the discretion of the Adjutant General or those supervisors designated in paragraph 3-3a(1). The permissive nature of leave without pay distinguishes it from absence without leave (AWOL) which is an unauthorized absence. Leave Without Pay can be imposed without penalty. If a technician applies for and is granted leave without pay, the period of leave may not be retroactively converted to annual leave or sick leave. There are two exceptions to this restriction.

- a. If the technician is granted leave without pay to be eligible for a cost-of-living increase in certain disability cases, or;
- b. To meet the eligibility requirements for compensation under the provisions of the Federal Employee's Compensation Act.

3-2. Granting Leave Without Pay

Leave without pay will be granted to permanent technicians for periods of absence due to military service, Inactive Duty Training and Active Duty for training (i.e., service schools, annual training, etc.).

Leave without pay may be granted for recovery from illness or injury not of a permanent or disqualifying nature when return to duty would impair the technician's health or threaten the health of other technicians.

Leave without pay may be granted for educational purposes either civilian or military, that would have a direct result in increased job proficiency or ability.

Leave without pay may be granted pending final action by the Office of Personnel Management on a claim for Disability Retirement.

Leave without pay may be granted pending final action by the Office of Worker's Compensation Programs.

Leave without pay normally will not be granted for personal reasons. In emergency situations, wherein the technician has utilized all their leave, LWOP may be granted if fully justified and approved by the individual listed in 3-3a(l) below.

Leave without pay may be granted for maternity reasons, when there is some reasonable assurance that the employee plans to return to work.

3-3. Requests for Leave Without Pay There are three main categories, a. Any military duty. b. More than 80 hours for work related injury OR more than 30 calendar days for any other reason. 80 hours or less for work related injury OR 30 calendar days or less for any other reason. See a, b, c below for specific process and appropriate paperwork to submit. The uniform application of this directive is essential to ensure that all technicians are treated equally and that the interests of the government and the technician are protected.

Requests for Leave Without Pay for Military Duty for 1 day or more must be submitted in writing from the technician on SF 52 through supervisory channels to J1. The request should include copy of orders, dates of military duty, dates of LWOP, and statement of intent to return to technician duty. Submission of the SF 52 will ensure that appropriate benefits earned are credited. You may also be required to submit an OPM 71 – Request for Leave or Approved Absence or letter to your supervisor for time and attendance documentation.

Requests for Leave without Pay for More Than 80 Hours for a Work Related Injury or More Than 30 Calendar Days for Any Other Reason. All requests for LWOP for more than 80 hours for a work related injury or more than 30 calendar days for any other reason must be submitted on a SF 52 through supervisory channels to the J1. The technician's reasons may be stated in the Remarks Section or on a separate sheet attached and must contain the technician's signature. Requests must state the specific reason for the request, the inclusive dates, the number of hours and days involved and a statement of intent to return or not return to duty status following the LWOP period. If any other type of leave (Annual, Sick or Military) is to be used in conjunction with LWOP, these periods must also be stated in the request. Requests for LWOP must be processed so as to arrive at the applicable approving authority a minimum of five (5) workdays in advance of the start of the LWOP. NOTE: EMERGENCY REQUESTS WILL BE INITIATED BY TELEPHONE THROUGH APPROPRIATE CHANNELS.

Requests for Leave Without Pay for 80 Hours or Less for a Work Related Injury or 30 Calendar Days or Less for any Other Reason. Submit an OPM 71 – Request for Leave or Approved Absence or letter from the technician (or someone acting on their behalf if the technician is unable to do so themselves) to the technician's supervisor, who must add their recommendation. The supervisor will then forward through supervisory channels to the applicable approval authority as listed below. Requests must state the specific reason for the request, the inclusive dates, the number of hours and days involved and a statement of intent to return or not return to duty status following the LWOP period. If any other type of leave (Annual, Sick or Military) is to be used in conjunction with LWOP, these periods must also be stated in the request. Requests for LWOP must be processed so as to arrive at the applicable approving authority a minimum of

five (5) workdays in advance of the start of the LWOP. NOTE: EMERGENCY REQUESTS WILL BE INITIATED BY TELEPHONE THROUGH APPROPRIATE CHANNELS.

- a. Approval Authority: These supervisors are granted the authority to approve or disapprove requests for LWOP for 80 hours or less for a work related injury or 30 calendar days or less for any other reason. A copy of the approved OPM 71 or letter will be forwarded to the appropriate civilian payroll office with the initial time and attendance card reflecting LWOP status.
 - (1) JFHQ – Command Section – Those technicians under their immediate supervision
 - (2) JFHQ – Joint Staff – Those technicians under their immediate supervision.
 - i. Chief of Staff, Joint Staff
 - ii. Counter Drug Division
 - iii. Directorate of Manpower and Personnel (DHR)/J1
 - iv. Directorate of Operations for Military Support (DOMS)/J3
 - v. Directorate of Installation Management (DIM)/J4
 - vi. Strategic Plans and Policy/J5
 - vii. Directorate of Information systems for C4 (DISC4)/J6
 - (3) USPFO for Wisconsin – Those technicians under their immediate supervision including Directorate of Resource Management/J8
 - (4) JFHQ – Land Component – Those technicians under their immediate supervision.
 - i. Chief of Staff
 - ii. Recruiting and Retention Command
 - iii. Deputy Chief of Staff for Aviation (DCSAVN)
 - iv. Deputy Chief of Staff, Personnel (DCSPER)/G1
 - v. Deputy Chief of Staff Security & Intelligence (DCSINT)/G2
 - vi. Deputy Chief of Staff for Operations (DCSOPS)/G3
 - vii. Deputy Chief of Staff for Logistics (DCSLOG)/G4
 - (5) JFHQ – Air Component – Those technicians under their immediate supervision.
 - i. Executive Support Staff Officer
 - ii. Air Commander – Truax Field Technicians
 - iii. Air Commander – General Mitchell ANG Base Technicians
 - iv. Detachment Commander – Air Control Squadron Technicians

3-4. Return from LWOP Status

- a. When a technician returns to technician duty from any period of LWOP for military duty an SF-52 will be forwarded from the employee through the supervisor to the J1.
- b. When a technician returns to technicians duty from any period of LWOP in excess of 80 hours, for a work related injury or in excess of 30 calendar days for any other reason a SF-52 must be prepared by the supervisor and forwarded to the J1. Restoration of pay and benefits is not automatic and therefore timeliness is critical, because without the SF-52, the technician cannot be paid nor have benefits restored even though the original request had an ending date. So as not to jeopardize any pay or benefits, supervisors must take prompt action in coordination with the employee.
- c. When a technician returns to technician duty from any period of LWOP not in excess of 80 hours, for a work related injury not in excess of 30 calendar days for any other reason there is no requirement to notify the J1. However, notification of return to their

supervisor for proper time and attendance reporting is required. The supervisor in turn notifies the payroll office.

3-5. LWOP – Effect on NGAUS/Reliastar/ING Life Insurance

Technicians in a LWOP status for any reason, in excess of a pay period, are individually responsible for their premium payment. Technicians are responsible for contacting their technician payroll office, prior to entering on LWOP, and making arrangements for the method of premium payments in order to keep their insurance in force. Failure to maintain premiums on a current basis will jeopardize not only their coverage, but also the non-forfeiture values in the ValuLife. LWOP for military duty may be addressed separately for specific contingencies.

3-6. LWOP – Effect on American Life and Casualty Technician Insurance

Technicians in LWOP status for any reason, in excess of a pay period, are individually responsible for their premium payments. Premium payments will be made directly to the insurance company (Administrator, American Equity Life Insurance Program, P.O. Box 1886, Birmingham, AL 35201). Premiums may be paid for the entire period of LWOP or a minimum of two (2) bi-weekly payments, with continuation of premiums the responsibility of the technician. Failure to maintain premium payments will cause the insurance coverage to terminate. LWOP for military duty may be addressed separately for specific contingencies.

3-7. LWOP – Effect on Within Grade Increases (WGI)

LWOP for military reasons does not impact nor adjust a due date of a Within Grade or Step Increase. LWOP for personal reasons may impact and automatically delay the due date of the increase if the non-pay status exceeds appropriate time limitations. The WGI will be delayed by the amount of the non-pay period, when the non-pay status exceeds in the aggregate, the following:

- a. General Schedule Technicians,
 - 1) Two workweeks in the waiting period for steps 2, 3, and 4.
 - 2) Four workweeks in the waiting period for steps 5, 6, and 7.
 - 3) Six workweeks in the waiting period for steps 8, 9, and 10.
- b. Wage Grade Technicians.
 - 1) One workweek in the waiting period for step 2
 - 2) Three workweeks in the waiting period for step 3
 - 3) Four workweeks in the waiting period for steps 4 and 5
- c. When a technician has time in a non-pay status in excess of that permitted by regulation as shown above, in any one waiting period, causes the waiting period to be extended by the amount of the excess time in a non-pay status
- d. Non-pay status granted to a technician because of injury for which compensation is payable under the provisions of SECTION 81, Title 5, United States Code, Federal Workers' Compensation Program, WING HRR 810-1, is creditable service in the computation of a waiting period.
- e. Non-pay status granted to a technician because of entry on active military duty performed under the authority of Sections 502f, 503, 504 and 505 of Title 32, United States Code, is creditable when technician service is interrupted by the military duty.

3-8. LWOP – Effect on Federal Technician’s Health Insurance

- a. The health insurance coverage continues for up to one (1) year while in a LWOP status, unless it is canceled by the technician. The technician is responsible for paying the employee share of the premium. The premium may be paid directly to the pay office during the period or collected upon return to duty during one or more subsequent pay periods. For Air: If paying direct, checks will be made out to DFAS-CL, the memo line must include member SSAN and FEHB. Check will be mailed to:

DFAS-CL (dssn8522)
PO BOX 998009
Cleveland, OH 44199-8009

- b. When the technician enters on military duty for a period of 30 days or less, the insurance coverage continues and the premium is collected from the first pay check after return to duty.
- c. When the technician enters on military duty for a period of 31 days or more, the insurance coverage continues for up to 18 months, unless it is canceled by the technician. The technician is responsible for the premium until canceled or the 1 year, whichever comes first. The request to terminate must be in writing. If terminated, it may be reinstated at the time of return to civilian service.
- d. When the technician serves on active duty in connection with Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, or any other operation subsequently established under Executive Order 13223, the federal government will pay their share of the FEHB premium for up to 24 months.

3-9. LWOP – Effect on Federal Employees Group Life Insurance

A technician’s life insurance coverage (FEGLI) continues, without cost to the technician, while in a non-pay status (LWOP) for up to 12 months to include active duty or active duty for training.

3-10. LWOP – Effect on Service Creditable for Retirement

- a. Technicians are granted credit for time on the rolls in a non-pay status (LWOP, AWOL, and suspension) which does not exceed six months in the aggregate in any calendar year. The amount of time in non-pay status which is in excess of six months in the aggregate in any calendar year is not creditable service for retirement purposes. In the case of LWOP while on military duty a monetary deposit will be required for the period of LWOP to be creditable.
- b. If a technician is receiving benefits from the Office of Workers’ Compensation Program, credit is given for the entire period if he is carried on the rolls in a leave without pay status.

3-11. LWOP – Effect on Annual Leave

The technician’s annual leave balance is reduced or prorated during the period of leave without pay.

3-12. LWOP – Effect on Sick Leave

The technician's sick leave balance is reduced or prorated during the period of leave without pay.

Chapter 4 Sick Leave

4-1. Eligibility

All employees (permanent or temporary) regardless of work schedule (full or part time) are eligible to earn and use sick leave. Sick leave will not be advanced for temporary or probationary technicians. Unused sick leave accumulates without limit.

4-2. Earning Rates

- a. Full time technicians earn sick leave at the rate of 4 hours for each full biweekly pay period. Sick leave is earned from the first pay period of employment and its accrual is not affected by the type of appointment or length of service. There is no qualifying period for earning sick leave.
- b. Technicians who work on a part time basis with an established tour of duty earn sick leave at the rate of 1 hour for each 20 hours of duty.
- c. Crediting sick leave. Unless it is uncertain as to how much will be earned, sick leave accrual may be credited to a technician at the beginning of the pay period in which it is earned.

4-3. Granting Sick Leave

Sick leave is appropriate when any of the following circumstances cause absence. (Note: federal employees may use up to 104 hours of sick leave each leave year to care for a family member or to arrange for or attend the funeral of a family member.)

- a. Medical, dental, or optical examination or treatment
- b. Incapacitation for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth
- c. Make arrangements necessitated by the death of a family member or attend the funeral of a family member. Family members include: spouse, parent, children to include adopted children, brothers and sisters, and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- d. Jeopardize the health of others by presence on the job because of exposure to a communicable disease, or as determined by the health authorities having jurisdiction or by a health care provider.
- e. Any activities relating to adoption of a child, including appointments with social worker, adoption agencies, travel, courts processing etc.

4-4. Advancement of Sick Leave

Sick leave may be advanced to a permanent technician. A technician seriously injured or ill may draw on his/her anticipated future sick leave accruals if they disability surpasses their current accumulation and if there is a reasonable assurance that they will return to duty. A maximum of 240 hours sick leave may be advanced by the J1 under these circumstances:

- a. All sick leave must be exhausted and annual leave that would otherwise be forfeited must be used first
- b. A medical certificate signed by a licensed medical physician certifying the incapacitation of the technician and the date the technician may be expected to return to work must be submitted.

Chapter 5

Family Medical Leave Act (FMLA)

5-1. Eligibility

All employees are eligible to use leave under the provisions of the Family Medical Leave Act (FMLA) except intermittent employees and employees serving under a temporary appointment with a time limitation of one year or less. Further, the employee must have completed at least 12 months of civilian service with the Federal Government (not required to be 12 recent or consecutive months).

- a. Granting Leave under FMLA. Employees shall be entitled to a total of 12 administrative work weeks of unpaid leave (LWOP) during any 12 month period for one or more of the following reasons:
 - 1) Birth of son or daughter and care of the newborn.
 - 2) Placement of son or daughter for adoption or foster care (within one year after placement).
 - 3) Care for spouse, child, or parent with a serious health condition.
 - 4) A serious health condition that renders the employee unable to perform the essential functions of their position. A serious health condition must require continuing treatment by, or under the supervision of a health care provider.
 - 5) Substitution of Paid Leave. An employee may elect to substitute paid time off for any or all of the period of leave under FMLA
 - i. Any of the following types of paid time off may be substituted: accrued or accumulated annual or sick leave, leave donated to the employee under the voluntary leave transfer program, or compensatory time. The agency may not deny an employee's right to substitute paid time off for any or all of the periods of FMLA leave.
 - ii. The agency may not require an employee to substitute paid time off for any or all of the period of FMLA

5-2. Continued Employment after Extended FMLA

The agency will assure continued employment for whom extended leave had been approved unless termination is otherwise required by expiration of appointment, by reduction-in-force, for cause, or for other reasons unrelated to the absence. The employee must be allowed to return to the position formerly occupied.

5-3. Family Defined

Family includes the following relatives of the technician:

- a. Spouse, and parents thereof;
- b. Children, including adopted and step-children, and spouses thereof;

- c. Parents;
- d. Brothers and sisters, and spouses thereof; and
- e. Any individual related by blood or affinity who close association with the technician is the equivalent of a family relationship

Chapter 6

Military Leave

6-1. Definition

Military leave is absence from duty in the employee's civilian position without loss of pay to perform military duty and provides and accrual of military leave on a fiscal year basis:

- a. **Conditions for Granting Military Leave.** An eligible technician is granted any military leave that is available whenever ordered to active duty, active duty for training, or inactive duty. Annual leave, LWOP, or compensatory time off may not be granted for such military duty as long as the technician has military leave available
- b. **Military Leave for Inactive Duty.** Military leave may be used for performance of inactive duty. A technician can use military leave to perform AFTPs, RUTAs, SUTAs, etc.
- c. **Military Leave in Hourly Increments.** Military leave is chargeable in increments of one hour. Hourly increments are only chargeable to scheduled work hours. 120 hours of military leave can be used for military duty during scheduled work hours.

6-2. Military Leave under 5 U.S.C. § 6323 (a) (120 hours)

- a. **Leave accrual.** Permanent and indefinite technicians accrue (120 hours) of military leave for each fiscal year while on Leave Without Pay status from their full-time position, for military duty under Title 10 or Title 32
- b. **Carry Over.** Technicians may carry over up to 120 hours of military leave into the next fiscal year.
- c. **Maximum use.** No more than 240 hours of military leave may be used in any one fiscal year.

6-3. Military Leave under 5 U.S.C. § 6323 (b) 22 Days (176 hours)

- a. **Leave accrual.** Permanent and indefinite technicians are entitled to 176 hours of leave per year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor. This leave is also provided for employees who perform full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code. This active duty may be performed CONUS or OCONUS.
- b. **Charge to Leave.** Technicians may elect to use annual, compensatory time or LWOP prior to using leave under 5 U.S.C. § 6323 (b).
- c. **Crediting Amounts of Pay Received.** Pay for military service under the provisions of this subchapter may not be less than the pay due a technician as their regular civilian pay for the same period. Military pay and allowances received (other than travel, transportation, or per diem allowance) shall be credited against the technician's civilian pay and, if less than the civilian pay, the technician shall be paid the difference. If military pay exceeds civilian pay, no civilian pay will be made, nor is a refund of the excess required.

6-4. Military Leave under 5 U.S.C. § 6323 (d) 44 Days (352 hours)

In addition to the military leave available above, military technicians are entitled to 352 hours of military leave in a calendar year when on active duty without pay for participation in operations outside the United States, its territories, and possessions. The active duty order must cite 10 U.S.C. § 12315, 12301(b), or 12301(d) to be eligible for this entitlement. Technicians must be in a Title 10 status and non-military pay status; however, the member will receive one military retirement point for each duty day served. While in this status, the technician continues to receive his or her technician pay and benefits. The 44 (352 hours) workdays are converted into hours and are charged on the same basis as annual leave. This military leave may only be used in a non-hostile area.

6-5. 5-Days Excused Absence for Returning Activated Military Employees

Technicians activated for military service in connection with Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, or any other military operations subsequently established under Executive order 13223, are entitled to 5 work days of excused absence without charge to leave. Upon receiving notification from the employee of his or her intent to return to civilian duty, an agency must grant the employee 5 days of excused absence immediately prior to the employee's actual resumption of his or her duties. Authority: President George Bush's and Office of Personal Management November 14, 2004 memorandums. This leave is not converted to hours. Time keepers will code this leave as "LV".

Chapter 7

Funeral Honors Duty Status (32 USC 115)

7-1. Use of Military Technicians

Military technicians may be used in a technician status to administer, plan, train, and prepare military funeral honor details for performance of funeral honors. Technicians may volunteer to perform military funeral honors but must be placed in an inactive duty training status, state active duty status or administrative leave status. Technicians on inactive duty training status or state active duty status must be placed in an appropriate leave status. The following leave status may apply: annual leave, compensatory leave, leave without pay or military leave.

7-2. Funeral Honors Duty Status while on Inactive Duty Training

If on military duty status, the technician must be in an approved leave status.

7-3. Funeral Honors Duty Status While on Excused Absence

Technicians may perform military funeral honors duty while in an excused absence status.

- a. Excused absence for the purpose of military funeral honors may be granted to cover each period of travel to and from the burial site, and the performance of funeral honors. The number of instances of administrative leave granted for funeral honors duty will be determined by the TAG, or designated representative using applicable guidance.
- b. Technicians on excused absence and in a funeral honors duty status may be reimbursed for travel and transportation incurred, if such duty is performed at a location 50 miles or more from the members residence.

- c. Technicians may perform military funeral honors duty and collect the federal \$50.00 stipend while in: annual leave, compensatory leave, or LWOP status. To receive the \$50.00 stipend the technician must be in a funeral honors duty status for a period of at least 2 hours.

7-4. Funeral Honors Duty Status While on State Active Duty

Technicians may be granted annual leave, compensatory leave, or LWOP, to perform military funeral honors duty while in a state active duty status, approval will be the Adjutant General or designated representative. Federal funds for stipends travel and transportation reimbursement will not be allowed.

Chapter 8

Full Time National Guard Duty for Special Work (FTNGDSW) – Military Personnel Authorization (MPA) Mandays

8-1. Authorized Use

Technicians may utilize FTNGDSW and MPA mandays, as authorized, in an appropriate leave status. Appropriate types of leave include annual leave, compensatory leave, LWOP, and military leave.

8-2. Excused Absence

May not be granted to technicians in a FTNGDSW or MPA status since the appropriate leave, while in either status, is military leave under 5 U.S.C. § Section 6323. Military leave is limited to 15 days (120 hours) a year.

Chapter 9

State Active Duty (SAD)

9-1. Election of Leave

Military technicians who are required to perform State Active Duty (SAD) may elect any of the following types of leave to cover their absence: annual leave, LWOP, compensatory time, or leave provided under 5 U.S.C. § 6323 (b). Leave may be used provided the technician is a permanent or indefinite employee. Leave is limited to 22 workdays in a calendar year, and may only be used when the technician is actually performing emergency duties, providing other assistance to civil authorities such as participating in rescue work, fire fighting, or performing duties in support of a contingency operation. SAD orders should so state.

- a. Use of military leave, sick leave or excused absence to perform SAD is prohibited.
- b. Dual compensation rules dictate that any technician who performs SAD be required to take a full day of leave for each day of such service, even if the SAD functions are performed after the normal technician working hours. The only exception to this requirement occurs when the technician first learns of the necessity to perform SAD during a workday. In this circumstance, the technician will be required to take leave only for the hours absent from work for the remainder of that day. The technician will be required to take a full day of leave for each subsequent day of SAD.
- c. There is no charge of leave when SAD is performed on non-workdays or holidays.

Chapter 10

Voluntary Leave Transfer

10-1. Eligibility

All technicians are eligible for Voluntary Leave Transfer (VLT) as recipients and donors except that an employee may not donate to their immediate supervisor.

- a. Provisions. The VLT program permits Federal employees to donate annual leave for the use of other Federal employees in medical or family medical emergency situations.
- b. Annual leave only may be donated
- c. In any one-leave year, a leave donor may donate no more than a total of one-half the amount of annual leave they are entitled to accrue during the leave year in which the donation is made.
- d. Any transferred annual leave remaining to the credit of the leave recipient when the medical emergency terminates, shall be restored to the leave donor(s) to the extent administratively feasible.

10-2. Definitions

- a. "Leave donor" means a technician whose voluntary written request of transfer of annual leave to the annual leave account of a leave recipient is approved by their employing office.
- b. "Leave recipient" means a current technician for whom the employing office has approved an application to receive annual leave from the annual leave accounts of one or more leave donors.
- c. "Employing office" means the Adjutant General of Wisconsin
- d. "Family member" means the following relatives of the technicians.
 - 1) Spouse, and parents thereof;
 - 2) Children, including adopted children, and the spouse thereof;
 - 3) Parents;
 - 4) Brothers and sisters, and spouses thereof, and
 - 5) Any individual related by blood or affinity whose close association with the technician is the equivalent of a family relationship.
- e. "Medical emergency" means a medical condition of a technician or a family member of such technician that is likely to require the technician's absence from duty for a prolonged period of time and result in a substantial loss of income to the technician because of the unavailability of paid leave. This would normally occur after all leave available to the employee (to include advanced annual or advanced sick leave) is exhausted.

10-3. Responsibility of J1 and Payroll Offices

- a. The J1 Office will administer the Leave Transfer Program
- b. The Technician Payroll Office of the leave recipient and the leave donor will be responsible for the transfer of annual leave between the recipient and donor accounts and the maintenance of leave records

10-4. Application to Become a Leave Recipient

A technician who has been affected by a medical emergency must make a written application (Optional Form 630) to the J1 to become a leave recipient. If such a technician is not capable of making an application on their or his own behalf, another technician may make written application on behalf of the recipient.

Each application shall be accomplished by the following information concerning each potential leave recipient:

- a. The name, position title, and grade and pay level.
- b. A brief description of the nature, severity, and anticipated duration of the medical emergency.
- c. May require documentation from the attending physician describing the nature and anticipated duration of the medical problem, if unable to verify by other means

10-5. Approval of Application

- a. The J1 will review the technician's application to determine that:
 - 1) The technician has been affected by a "medical emergency" as defined in paragraph 10-2.e. of this regulation
 - 2) The absence from duty is without available paid leave and is (or is expected to be) at least 24 hours.
- b. If the application is approved, the J1 will notify the technician who made the application within 10 workdays after the date the application was received, that
 - 1) The application has been approved; and
 - 2) Notice to other technicians that they may request the transfer of annual leave to the account of the leave recipient.
- c. If the application is not approved, the J1 will notify the technician who made the application within 10 workdays after the date the application was received, that
 - 1) The application has not been approved; and
 - 2) The reasons for its disapproval

10-6. Transfer of Annual Leave by Leave Donor

- a. Written Request. A technician (leave donor) may submit a voluntary written request (Optional Form 630A) to the J1 that a specified number of hours of his/her accrued annual leave be transferred from his/her annual leave account to the annual leave account of specified leave recipient.
- b. Limitations:
 - 1) In any one leave year, a leave donor may donate no more than a total of one-half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the donation is made
 - 2) A leave donor who is projected to have annual leave that otherwise would be subject to forfeiture (use or lose) at the end of the leave year may donate the lesser of – one half of the amount of annual leave he or she should be entitled to accrue during the leave year, or the number of hours remaining in the leave year (as of the date of the transfer) for which the leave donor is scheduled to work and receive pay. Their requirement may be waived in unusual circumstances, but not in cases to avoid annual leave forfeitures.
 - 3) A leave donor may not transfer leave to his/her immediate supervisor.

10-7. Use of Transferred Annual Leave by Leave Recipient

- a. A leave recipient may use annual leave transferred to his/her annual leave account only for the purpose of the medical emergency for which the leave recipient was approved. However, any accrued annual leave (and sick leave, if applicable) shall be used before using any transferred annual leave.
- b. While a technician is in a transferred leave status, annual and sick leave shall accrue at the same rate as if the technician were in a regular paid leave status, except that the maximum amount of annual leave or sick leave that may be accrued may not exceed 40 hours in each leave account. Any annual or sick leave accrued by a technician shall be transferred to the appropriate leave account of the technician and shall become available for use:
 - 1) As of the beginning of the first applicable pay period beginning on or after the date on which the technician's medical emergency terminates or;
 - 2) If the technician's medical emergency has not yet terminated, once the technician has exhausted all transferred leave made available to such technician under their part
- c. The approval and use of transferred annual leave shall be subject to all of the conditions and requirements imposed by Chapter 63 and Title 5 United States Code, Part 630 and CFR, and appropriate NGB-TPR's and WING SPR's on the approval and use of annual leave. Except transferred annual leave is not subject to forfeiture,
- d. Transferred annual leave may not be:
 - 1) Transferred to another leave recipient;
 - 2) Included in a lump-sum payment; or
 - 3) Made available for credit upon reemployment by a Federal Agency.

10-8. Termination of Personal Emergency

- a. The medical emergency affecting a leave recipient shall terminate:
 - 1) When the leave recipient's employment is terminated;
 - 2) At the end of the biweekly pay period in which the J1 determines that the leave recipient is no longer affected by a personal emergency; or
 - 3) At the end of the biweekly pay period in which the J1 receives notice that the Office of Personnel Management has approved an application for disability retirement for the leave recipient
 - 4) The leave recipient's supervisor will continuously monitor the status of the medical emergency affecting the leave recipient to ensure that the leave recipient continues to be affected by a medical emergency.

10-9. Restoration of Transferred Annual Leave

- a. Any transferred annual leave remaining to the credit of a leave recipient when the medical emergency terminates shall be restored, to the extent administratively feasible, by transfer to the annual leave accounts of the leave donor
- b. The amount of unused transferred annual leave to be restored to each leave donor shall be determined as follows:
 - 1) Divide the number of hours of unused transferred annual leave by the total number of hours of annual leave transferred to the leave recipient;

- 2) Multiply the ratio obtained in (1) above by the number of hours of annual leave transferred by each leave donor eligible for restoration; and,
 - 3) Round the result obtained in (2) above to the nearest one hour.
 - 4) If the total number of eligible leave donors exceeds the total number of hours of annual leave to be restored, no unused transferred annual leave shall be restored.
- c. Restored Leave Election:
- 1) The leave donor may have the restored leave credited to the current leave year; or
 - 2) Have the restored leave credited to the first day of the next leave year to avoid forfeiture (use or lose).
 - 3) Donate such leave to another leave recipient

10-10. Prohibition of Coercion

A technician may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any other technician for the purpose of interfering with any right such technician may have with respect to donating, receiving, or using annual leave under this regulation.

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

10-11. Records and Reports

The J1 office shall maintain records and report pertinent information concerning the administration of the voluntary leave transfer program to NGB and OPM as required.

The technician pay office shall maintain the proper leave account records in accordance with this regulation and appropriate payroll procedures.

10-12. Transfer between Agencies

A leave recipient’s employing agency shall accept the transfer of annual leave (optional Form 630-B) from leave donors employed by other agencies when:

- a. A family member of a leave recipient is employed by another agency and requests the transfer of annual leave to the recipient.
- b. In the judgment of the leave recipient’s employing agency, the amount of annual leave donated by the technician’s employing agency may not be sufficient to meet the needs of the leave recipient; or
- c. In the judgment of the leave recipient’s employing agency, acceptance of leave transferred from another agency would further the purpose of the voluntary leave transfer program. All requests for transfer of leave between agencies will administered by the J1.

Chapter 11 Compensatory Time

11-1. Earning Compensatory Time

Compensatory time off is time off from regularly scheduled work in lieu of overtime pay. The amount of time off given is equal to the time spent outside the normal duty hours or irregularly scheduled work.

Compensatory time is accrued only in support of the activity/base/unit missions and should be requested in advance and must be approved by the supervisor. Compensatory time must be taken within 26 pay periods from the pay period in which it was earned. There are no provisions for the restoration of forfeited compensatory time.

Compensatory time should be taken before annual leave, except in those instances where forfeiture of annual leave will occur.

Work Performed on Holidays. A technician who works on a holiday falling outside their normal workdays may not earn compensatory time for all hours worked. Technicians performing work on holidays should receive premium pay.

An employee whose personal religious beliefs require the abstention from work during certain periods of time may elect to engage in overtime work for time lost for meeting religious requirements.

11-2. Disposition of Compensatory Time

Technicians are not entitled to receive a lump sum of payment for accumulated compensatory time upon separation, compensatory time is forfeited.

11-3. Compensatory Leave for Travel

Compensatory time for travel is earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise "compensable."

Compensable refers to periods of time that are creditable as hours of work for the purpose of determining a specific pay entitlement. For example, certain travel time may be creditable as hours of work under overtime pay provisions. To be creditable under this provision, travel must be officially authorized. In other words, travel must be for work purposes and must be approved by an authorized agency official. For the purpose of compensatory time off for travel, time in a travel status includes:

- a. Time spent traveling between the official duty station and a temporary duty station;
- b. Time spend traveling between two temporary duty stations; and
- c. The "usual waiting time" that precedes or interrupts such travel (e.g., waiting at an airport or train station prior to departure). The employing agency has the sole and exclusive discretion to determine what is creditable as "usual waiting time." An "extended" waiting period – i.e., an unusually long wait during which the employee is free to rest, sleep, or otherwise use the time for his or her own purposes – is not considered time in a travel status.

If an employee elects to drive to a training course in lieu of the government providing the airfare, the comp leave earned would only equal the normal constructive time spent for a flight to the destination.

Chapter 12

Administrative Leave (also known as Excused Absence)

12-1. General

The authority to grant Administrative Leave to technicians is within the discretion of the Adjutants General or designated representative. This authority may not be used in situations of extensive duration or for periods of interrupted or suspended operations such as ordinarily would

be covered by the scheduling of leave, furlough, or the assignment of other work. In addition, should adverse weather conditions or other emergency situations arise which will prevent employee from performing normal duties or jeopardizes their safety, the Adjutant General may close the organization and require employees to either leave or not report to work. Such closing will be publicly announced.

12-2. Agency Determinations

Special events. Technicians may be excused for short periods to participate in civil activities the Federal government is interested in encouraging. Before granting administrative leave, it should be determined that such participation is in the best interest of the Federal government (including the National Guard). These periods will normally be limited to no more than a combined total of 3 workdays during a calendar year. Official community activities may include but are not limited to inaugurals, dedication of public buildings and projects, ceremonies for officially invited governmental visitors and the convening of legislative bodies.

Conferences and Conventions. A technician may be excused to attend a conference or convention when it determined that attendance will serve the best interest of the Federal service. Administrative Leave may be granted to official delegates to attend National Guard Association Conferences.

Representing Labor Organizations. Refer to the appropriate Labor-Management Contract Agreement.

Absences for Permanent Change of Station (PCS) Purposes. An employee may be excused for reasonable time to make personal arrangements and transfer personal business directly related to a PCS which is in the interest of the US Government, provided such business or arrangements cannot be transacted out the employee's regular working hours.

Blood Donation. When mission requirements allow, the supervisor will normally grant an excused absence not to exceed three (3) hours for whole blood, four (4) hours for double red blood cells and six (6) hours for platelets. These time frames will ensure for the transportation of the donor to a blood center of his/her choice and the appropriate amount of time for recuperation after the donation.

Registration and Voting. Technicians may be excused for a reasonable time to vote or register in federal, state, county, or municipal elections.

Tardiness and Brief Absences. Tardiness and brief absences of less than 1 hour may be excused when reasons are justified.

Physical Fitness. Excused absence may be granted for short periods for participating in the agency physical fitness program. No more than three hours per week of official time may be used for this purpose. Physical fitness time is covered in TAG Policy Memorandum 23. Technicians taking the **Army/Air Physical Fitness Test** during their normal duty hours must be in an appropriate leave status. Annual leave, LWOP, comp leave or military leave (if the employee is on military orders).

Bone marrow or organ donor. A technician is entitled to 7 days paid leave each calendar year to serve as a bone marrow or organ donor. When used, their entitlement needs to be recorded in the time and attendance systems the same way other types of excused absences (e.g., blood donation) are recorded.

Technicians may be utilized to administer, plan, train and prepare military funeral honors details for performance of funeral honors. Use of administrative leave is not authorized while the technician is in any military status.

Technicians called to emergency duty (search/rescue work) as members of Civil Air Patrol may be granted excused absence for short periods of time.

Federal Employment. Workload permitting and at supervisory discretion; technicians may be excused for a total of no more than 24 hours a year for job interviewing within the Wisconsin National Guard

Personnel Preparation for Deployment. Mission requirements permitting and with the mutual convenience of the supervisor and employee, Technicians may be granted administrative leave in the following increments: ½ day administrative leave for deployments of greater than 15 days, and an additional ½ day for each 15 days beyond that, not to exceed a total of 3 days.

12-3. Time Off Awards

A Time Off Award is an excused absence granted to technicians without charge to leave or loss of pay for recognition purposes. Excused absences may not be used to perform military duty; therefore technicians may not use Time Off Awards to perform military duty of any variety (federal or state).

12-4. Inclement Weather Policy/Emergency Closure

Administrative leave is authorized when Federal technicians are excused from work due to closure of the facility. Reference TAG Policy Memorandum 13 and HRR 610-1.

Chapter 13

Court Leave

13-1. Definition

Court leave is the authorized absence without charge to leave or loss of pay of a technician from work status for jury duty, or as a witness in a non-official capacity on behalf of a private party in connection with any judicial proceeding to which the United States, the District of Columbia, or a State or Local government is a party.

13-2. Eligibility

Court leave for jury duty is granted to permanent, indefinite and temporary technicians both full-time and part-time except for those technicians on a substitute, when actually employed, or intermittent basis.

13-3. Use of Annual Leave

If a technician is on annual leave when called for jury service, court leave should be substituted. However, a technician may elect to use annual leave or compensatory time off instead of court leave for absences for which court leave would otherwise be authorized. The technician may not, however, retain such fees received for such service. In order to retain such fees, the technician would have to be in a non-pay status.

13-4. Pay Status Requirements

A technician on leave without pay (LWOP) may not be granted court leave when called to jury duty since court leave is available only to technicians who, except for jury duty, would be on duty or leave with pay.

13-5. Duration of Jury Duty

A technician called for jury duty shall return to work or be charged other appropriate leave for that part of the day not required for jury duty, plus necessary travel time to return to work.

13-6. Jury Fees

When in a court leave status, technicians must forward fees collected to their payroll office. The technician is permitted to keep travel and per diem allowance for each day's attendance in court. The technician may keep any fees earned on non-work days. Should a technician fail to forward fees received when required to the payroll office, payroll deductions will be made for the amounts involved from compensation due him. The payroll office will apply these fees against the amount that would otherwise be due the technician for the period of their absence on jury duty. The technician can keep any excess of the jury fees over the amount of compensation due him. This does not pertain to moneys received which are designated as expenses rather than jury fees. NOTE: The Comptroller General has ruled that technicians who perform Jury Service in Federal or State Courts may be paid a Jury Service Fee, or allowed to retain part of the fee from a State Court, for those hours that do not overlap their technician work hours. Fractional hours shall be rounded off, one-half or more being considered one hour. (G70371 & B-1 19969, both Vol 55 page 1265.)

13-7. Procedures

A copy of orders, subpoenas, summons, or official requests to appear in court will be presented to the supervisor as far in advance of the court date as possible. Upon return to duty, the technician will submit evidence from the court reflecting dates (and hours if possible) or attendance in court.

13-8. Witnesses – Judicial Proceedings

The term "judicial proceedings" includes any action, suit, or other proceeding of a judicial nature (including any condemnation, preliminary, information or other such proceedings) but does not include an administrative proceeding. The word "summon" does not intend that a subpoena be required but that the summon be an official request, invitation, or call, evidenced by an official writing from the court or authority responsible for the conduct of the processing, thus excluding strictly voluntary appearances from court leave coverage.

13-9. Witnesses in Official Capacity

When a technician is summoned or assigned by their agency to testify in their official capacity or to produce official records at a judicial proceeding, he is in an official duty status, as distinguished from a leave status and entitled to their regular pay and appropriate travel related expenses.

13-10. Witnesses in Non-Official Capacity

When a technician is summoned as a witness in a judicial proceeding to testify in a non-official capacity on behalf of a state or local government, he is entitled to court leave during the time he is absent as a witness. When a technician is summoned or assigned by their agency to testify in a non-official capacity on behalf of the United States Government or the government of the District of Columbia, he is in an official duty status as distinguished from a leave status and entitled to their regular pay. If the witness service is in a non-official capacity on behalf of a

private party, the technician's absence must be charged to annual leave, compensatory leave if available, or leave without pay, and he may accept fees and expenses incidental thereto.

13-11. Travel Expenses

A technician is entitled to travel expenses in connection with any judicial or agency proceedings to which he has been summoned (and is authorized by their agency to respond to such summons), or is assigned by their agency (1) to testify or produce official records on behalf of the United States, or (2) to testify in their official capacity or produce official records on behalf of a party other than the United States.

Chapter 14

Absence Without Leave (AWOL)

14-1. Charging Absence Without Leave

- a. Absence without leave (AWOL) is defined as an absence from duty (i.e., tardiness or leaving work area) which has not been authorized or approved by the proper official in accordance with this regulation. Accordingly, pay is denied for the entire period of absence.
- b. After determining the absence is excusable, a charge of AWOL may be changed. The absence may be charged to any appropriate leave status. The supervisor must determine whether or not the circumstances warrant a change to approved leave.
- c. Incidents of unauthorized absence may require disciplinary action in accordance with TPR 752.
- d. The minimum charge of AWOL is one half hour and additional charges of AWOL will be in multiples of one hour.

Chapter 15

Holidays

15-1. Holiday Schedule

All technicians are entitled to receive basic pay for holidays. All technicians who are required to work on holidays are entitled to holiday premium pay.

- a. Federal Holidays: New Year's Day – First day of January. Martin Luther King Day – Third Monday in January. President's Day – Third Monday in February. Memorial Day – Last Monday in May. Independence Day – Fourth Day of July. Labor Day – First Monday of September. Columbus Day – Second Monday of October. Veterans Day – Eleventh Day of November. Thanksgiving Day – Fourth Thursday of November. Christmas Day – Twenty-fifth Day of December. Any other day designated as a holiday by Federal Statute or Executive Order.
- b. When a holiday falls on the employee's first non-workday (i.e. Saturday), the preceding workday is designated as the "in lieu of" holiday. When the holiday falls on the second non-workday (i.e. Sunday) or third (i.e. Monday) non-workday, the next workday is designated as the "in lieu of" holiday:

- 1) Technicians receive their regular straight-time pay for holidays they are not required to work. When the activity is closed on a Friday or Monday because of a holiday falling on a Saturday or Sunday, such closed days are not considered holidays in determining holiday benefits for part-time technicians, but these technicians may be excused without charge to leave for such days.
 - 2) If a technician works on a holiday that falls on a regular workday, or a holiday that falls on a day designated as “in lieu of holiday”, they are paid at twice the regular rate for not more than the number of hours in their regularly scheduled tour of duty. If the technician is required to work more than the number of hours in their regularly scheduled tour of duty, that employee is authorized compensatory time for all additional hours worked above the regularly scheduled tour of duty.
- c. Technicians who are normally eligible for basic pay for a holiday when no work is required will not be paid based on the following:
- 1) The technician fails to report for duty after being directly notified that his or her services would be required on the holiday and an acceptable reason is not provided for the absence.
 - 2) The holiday falls within a period of non-payment status. A holiday that falls on the first or last day of an authorized period of LWOP is within the non-pay period; therefore, payment is not authorized. If the date of the holiday is not included in the period of non-pay status, payment for the holiday is authorized.
 - 3) Technician was AWOL on the regularly scheduled workday immediately preceding the holiday.
 - 4) Travel performed within the regularly scheduled duty hours on a holiday or a day designated “in lieu of” holiday is not earned compensatory time. Required travel within regularly scheduled duty hours on a holiday will be compensated by premium pay.

Chapter 16

Enforced Leave

16-1. All Employees are Subject to the Provisions of Enforced Leave

Management has the right to require a technician to leave the worksite when:

- a. The technician is not ready, willing, and able to perform assigned duties.
- b. The technician’s continued presence is highly undesirable because the employee presents an immediate threat to himself, others, or government property.
- c. The technician must never be instructed to leave the worksite **if their ability to drive is questionable**. In that case, the supervisor must arrange for a family member or a co-worker to provide transportation for the technician.

16-2. Termination of Enforced Leave

Enforced Leave must be terminated as soon as management determines the technician is ready, willing, and able to perform assigned duties, or the immediate emergency is resolved.

APPENDIX A

References

Section I

Public Law 93-181, 14 December 1973 Executive Order 11478, April 20, 1967 Equal Employment Opportunity in the Federal Government Title 5, United States Code, Chapter 63 - Absence and Leave Title 32, United States Code, Section 709, Technicians: Employment, Use, Status

A codification of the National Guard Technicians Act, Public Law 90-486 of 1968 Title 5, Code of Federal Regulations, Part 630 AR 690-990-2 Hours of Duty, Pay, and Leave, Annotated TPR 630 Absence and leave Wisconsin National Guard Labor and Management Agreements Office of Personnel Management

Glossary

Section I

Abbreviations:

ANG - Air National Guard

ARNG – Army National Guard

ADT – Active Duty for Training

AT – Annual Training

CFR – The Code of Federal Regulations

EEO – Equal Employment opportunity

EO – Executive Order

FY – Fiscal Year

IDT – Inactive Duty Training

LEL – Law Enforcement Leave

LWOP – Leave Without Pay

MOS – Military Occupational Specialty

MPA – Military Personnel Authorization

OPM – Office of Personnel Management

PCS – Permanent Change of Station

SAD – State Active Duty

TPR – Technician Personnel Regulation

VLT – Voluntary Leave Transfer