



**DEFENSE INTELLIGENCE AGENCY**

**WASHINGTON, D.C. 20340-5100**



FOIA-00286-2018

July 19, 2022

U-22-2026/IMO-2 (FOIA)

John Greenewald  
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Castaic, CA 91384

Dear Mr. Greenewald,

This responds to your Freedom of Information Act (FOIA) request, dated May 23, 2018 that you submitted to the Defense Intelligence Agency (DIA) for information concerning: Requesting a copy of records, electronic or otherwise, of the most recent version of Defense Intelligence Agency Instruction 1424.001. I apologize for the delay in responding to your request as DIA continues its efforts to eliminate the large backlog of pending requests.

A search of DIA's systems of records located (one) document (seventy-seven) pages responsive to your request.

During the review, while considering the foreseeable harm standard, I have determined that some portions of the (one) document, (one) page must be withheld in part from disclosure pursuant to the FOIA. The withheld portion is exempt from release pursuant to Exemptions 3, and 6 of the FOIA, 5 U.S.C. § 552 (b)(3) and (b)(6). Exemption 3 applies to information specifically exempted by a statute establishing particular criteria for withholding. The applicable statute is 10 U.S.C. § 424. Statute 10 U.S.C. § 424 protects the identity of DIA employees, the organizational structure of the agency, and any function of DIA. Exemption 6 applies to information which if released would constitute an unwarranted invasion of the personal privacy of other individuals. DIA has not withheld any reasonably segregable non-exempt portions of the records.

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Sincerely,



(For)

Cheryl Cross-Davison

Chief, Records and Open Government

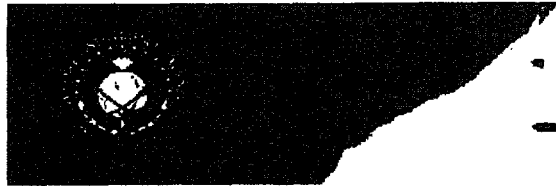
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# Instruction

Defense Intelligence Agency

DEFENSE INTELLIGENCE AGENCY  
WASHINGTON, DC 20340-5100

DIAI 1424.001  
7 Jul 2017  
OPR: OHR

## Civilian Leave Programs

### References:

- (a) DIA Instruction 1424.001, "Civilian Leave Programs," 6 May 2015 (canceled)-
- (b) Title 5 United States Code, Chapter 63, "Leave"
- (c) Part III Subpart E of title 5 U.S.C., "Attendance and Leave"
- (d) Section 2601 of title 29 U.S.C., "Family and Medical Leave Act"
- (e) Part 1 of title 38 U.S.C., "General Provisions"
- (f) through (r), see Enclosure 2

### 1. Purpose.

1.1. Replaces Reference (a).

1.2. Implements References (b) through (l) and establishes procedures for the administration of civilian leave programs. Leave programs facilitate absence from duty for a number of reasons to include vacations, rest and recuperation, personal business, emergencies, and medical incapacitation. All documents and information regarding an individual's request and use of leave are considered sensitive and must be protected accordingly.

1.3. Designates the Director, DIA (DR) as the approving authority for closure of DIA and release of civilian employees during emergencies, planned management actions, or other events as deemed appropriate by the DR. For areas outside of Washington, D.C., designates the local authority responsible for that activity, area, or building, or to the combatant commander or designee, hereafter collectively referred to as the local authority, as the approving authority for release of civilian employees in an emergency, to include weather-related, situations.

1.4. Applies to civilian employees assigned to directorates, special offices, integrated intelligence centers, and combatant command directorates for intelligence (hereafter referred to as "DIA elements"). This Instruction does not apply to military personnel, contractors, or foreign national employees.

2. Definitions – see Enclosure 3.

3. Responsibilities.

3.1. The DR serves as approving authority for all unscheduled leave resulting from weather-related dismissals, emergency dismissals and closures, and unscheduled leave or excused absence resulting from non-emergency conditions, except as noted in Paragraph 1.3.

3.1.1. The DR delegates this authority to the DIA Chief of Staff and the Director for Human Resources in accordance with Reference (m). This delegation does not divest the DR of his or her authority.

3.1.2. The DR, or designee, must determine, in conjunction with existing Office of Personnel Management (OPM) guidance on Washington, D.C. area emergency dismissal or closure procedures:

3.1.2.1. When civilian employees in the Washington, D.C. area will be administratively dismissed or excused because of an emergency situation.

3.1.2.2. When all or part of DIA will be closed for short periods of time for planned management reasons or other events as deemed appropriate by the DR.

3.1.3. The DR delegates authority for specific situations related to unscheduled leave/excused absence resulting from non-emergency events noted in Enclosure 1, Chapter 9 of this Instruction. This delegation does not divest the DR of his or her authority.

3.1.4. For DIA activities located outside the Washington, D.C. area, the DR, or designee, defers to the local authority charged with responsibility for that activity, area, or building. This delegation does not divest the DR of his or her authority.

3.2. The Office of Human Resources (OHR) is responsible for the overall management and administration of civilian leave programs and must:

3.2.1. In coordination with the Office of General Counsel, interpret OPM and DoD leave regulations and policies.

3.2.2. Inform supervisors, managers, and civilian employees of laws, regulations, and policies affecting leave administration.

3.2.3. Approve or disapprove leave without pay (LWOP) in excess of 30 calendar days.

3.2.4. Authorize the appropriate category of leave in unusual situations when circumstances warrant removal of a civilian employee from the work site when annual leave, LWOP, or other personal leave is not appropriate.

3.3. DIA element leaders must:

3.3.1. Dismiss or excuse civilian employees when directed per Enclosure 1.

3.3.2. Ensure civilian leave programs are properly administered by subordinate supervisors under their purview.

3.4. Supervisors must:

3.4.1. Ensure all civilian employees under their supervision are aware of the procedures they must follow to request and obtain approval of leave.

3.4.2. Approve or disapprove leave for their civilian employees.

3.4.3. Ensure all absences are charged to a proper leave category and certify time and attendance reports within the designated timeframe.

3.4.4. Authorize leave and dismissals as required in Chapter 9 of Enclosure 1.

3.4.5. Monitor and assist civilian employees in scheduling annual leave which has been disapproved due to mission requirements. Ensure to the maximum extent practicable, that all employees have an opportunity to schedule leave before it is otherwise forfeited.

3.4.6. Consult with the Employee Management Relations (EMR) Office prior to approving or denying requests for leave under the Family and Medical Leave Act.

3.4.7. Monitor the duty status of all subordinate civilian employees and report unauthorized absences to appropriate officials as outlined in Chapter 3 of Enclosure 1.

3.4.8. Comply with DIA records management retention policy as it relates to civilian leave issues.

3.4.9. Ensure leave requests are handled with appropriate considerations of privacy implications.

3.4.10. For the purpose of group dismissals of personnel, division-level supervisors and above must:

3.4.10.1. Designate emergency and mission-critical emergency civilian employees or non-emergency civilian employees in accordance with the provisions of this Instruction.

3.4.10.2. Notify emergency or mission-critical emergency civilian employees, in writing, of their obligation to work in emergency situations.

3.5. Civilian employees must:

3.5.1. Request and obtain approval of leave in advance of the absence, when possible.

- 3.5.2. Manage individual annual leave balances to avoid forfeiture of excess leave.
- 3.5.3. Request LWOP in accordance with this Instruction, when appropriate.
- 3.5.4. To request extended LWOP for a spousal accommodation, or enrollment in a full-time academic program, submit extension request(s) to OHR for approval on an annual basis. Periods of LWOP for this purpose must not exceed a total of 5 years.
- 3.5.5. Consult OHR regarding civilian employee benefits prior to executing military orders of more than 30 days.
- 3.5.6. Formally invoke entitlement to family and medical leave (in accordance with Reference (i)) in writing, when applicable.
- 3.5.7. Provide medical documentation when required by the supervisor.
- 3.5.8. Upon return to duty from military leave, provide a certificate or copy of pay voucher attesting to performance of military service.
- 3.5.9. Upon return to duty from court leave, provide a copy of court orders, subpoena summons, jury summons, or other official court documents attesting to performance of court service.
- 3.5.10. All requests for LWOP, Family and Medical Leave, medical documentation, and documentation for military service or court service must be submitted to the Human Resources Operations Center (HROC) and the supervisor.
- 3.5.11. Contact the immediate supervisor in the event of an emergency within 1 hour of the beginning of the civilian employee's tour of duty or shift. If the immediate supervisor is not available, the civilian employee should not assume the leave has been approved and the civilian employee must continue to try to contact the supervisor, their designee or the next higher level supervisor to determine if their leave has been approved.
- 3.5.12. Follow all internal office leave requesting procedures.

4. Procedures see Enclosure 1.

(b)(3);10 USC 424;(b)(6)

Enclosures – 3

- E1. Table of contents and procedures.
- E2. Additional references.

E3. Definitions



Enclosure 1.

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CIVILIAN LEAVE PROCEDURES

Chapter 1

1. Annual leave.

1.1. Leave accruals. All periods of Federal civilian and honorable military service creditable for annuities are also creditable in determining a civilian employee's annual leave accrual rate. Full-time civilian employees are entitled to leave accrual based on their total creditable service as follows:

Years of service	category and hours per pay period	year total
Up to 3 years	4 hours	13 days
3 to 15 years	6 hours*	20 days
15 years and over	8 hours	26 days

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

1.1.1. Leave accrual credit for prior uniformed service.

1.1.1.1. Non-retired members will receive full credit for uniformed service (including active duty and active duty for training) performed under honorable conditions. Service will be credited in accordance with the above accrual rate chart.

1.1.1.2. Leave accrual credit for retired members and members on terminal leave is substantially limited as noted in Reference (c). Credit may only be granted for:

1.1.1.2.1. Actual service during a war or while participating in a campaign or expedition for which a campaign badge is authorized.

1.1.1.2.2. Active duty when retirement was based on a disability received as a direct result of armed conflict or caused by an instrumentality of war and incurred in the line of duty during a period of war as defined in Reference (l).

1.1.1.3. Service must be verified with the military branch in which the retiree served and is documented using DoD Form (DD)-214, "Member 4" copy, "Certificate of Release or Discharge from Active Duty," as well as Standard Form (SF)-813, "Verification of a Military Retiree's Service in Non-wartime Campaigns or Expeditions." Once verification is received from the military branch, service will be credited in accordance with the accrual rate chart listed in Enclosure 1, paragraph 1.1.

1.1.2. Part-time civilian employees.

1.1.2.1. Part-time civilian employees with a regularly scheduled tour of

duty earn personal leave for the time they are in a pay status. Leave accrual rates are set forth below:

Years of service	Hours	Number of hours in a pay status
Up to 3 years	1 hour	20 hours
3 to 15 years	1 hour	13 hours
15 years and over	1 hour	10 hours

1.1.2.1.1. Part-time civilian employees may carry over from one pay period to the next those excess hours which are not divisible by 10, 13, or 20 hours, as applicable. These hours will be added to the total work hours for the next pay period for leave accrual purposes.

1.1.2.1.2. The leave accrual category is reflected on the employee's biweekly Leave and Earnings Statement (LES).

1.1.2.1.3. The maximum accumulation of annual leave that a civilian employee may carry into the next leave year is 30 days (240 hours), with the exception of leave accrued during certain kinds of service overseas, restored annual leave (with time limitations), and leave accumulated by certain civilian employees impacted by Base Realignment and Closure activities.

1.1.2.2. A civilian employee may accumulate a maximum of 45 days (360 hours) if he or she is a U.S. citizen serving abroad and meets certain requirements (see Reference (b)). This includes any civilian employees for whom return transportation to the U.S. at Government expense is provided upon completion of a prescribed foreign area tour of duty.

1.2. Crediting annual leave. Annual leave will be credited at the end of the full pay period in which it is earned. Leave will not be credited for a fractional pay period in which a civilian employee is separated from Federal service, except when a civilian employee transfers to another Federal agency under the same leave system with no break in service.

### 1.3. Advanced annual leave.

1.3.1. A supervisor may advance annual leave to a civilian employee. Advanced annual leave is not an entitlement; supervisors should take into consideration past leave usage, performance, and the overall circumstances when determining if advanced leave is appropriate. The maximum amount of leave that can be advanced is the amount of leave the civilian employee would earn during the remainder of the leave year.

1.3.2. Civilian employees who are indebted for unearned annual leave at separation are required to repay the actual amount paid for the leave taken but not earned, to include amounts withheld for allotments (such as life and health insurance, etc.) and, in some cases, income taxes. When feasible, DIA will withhold any amount outstanding from the final salary

and lump-sum leave payments.

1.3.3. DIA will not seek refund for advanced annual leave in the event of death, disability retirement, resignation, or involuntary separation because of a disability which prevents a return to duty or continuance in service. In the case of separation or resignation due to disability, OHR will determine if a refund for advanced leave is appropriate based on acceptable medical documentation.

1.4. Scheduling annual leave.

1.4.1. Scheduling leave.

1.4.1.1. Except in cases of emergency, approval of annual leave will be obtained from the supervisor in advance of the absence.

1.4.1.2. Accumulated annual leave payable in a lump sum will not be granted when there is cause to believe a civilian employee's return to duty is unlikely (such as pending resignation, retirement, terminal leave), except when:

1.4.1.2.1. A civilian employee takes annual leave during part of the last day of pay status;

1.4.1.2.2. A civilian employee takes annual leave before separation, but is present on duty for the last administrative workday before separation;

1.4.1.2.3. A civilian employee is on approved sick leave pending approval of his or her disability retirement application;

1.4.1.2.4. A civilian employee is being involuntarily separated due to adjustment in force or transfer of function and intends to remain on the Agency's rolls to establish eligibility for a retirement annuity or for health insurance during retirement; or,

1.4.1.2.5. A civilian employee must be carried in a leave status pending acceptance for extended active duty in the Armed Forces.

1.4.1.3. Civilian employees serving under a time limited appointment may not be granted leave in excess of what would be earned and credited prior to the expiration of the appointment.

1.4.1.4. Projected leave schedules for the entire year should be established as early as possible to ensure an opportunity for civilian employees to take a reasonable vacation period and to use leave which might otherwise be forfeited. Supervisors will determine the date when leave projections should be submitted.

1.4.1.5. Leave will be scheduled by supervisors so as to avoid having an excessive number of civilian employees absent at the same time and to ensure a sufficient

number of personnel will be on duty to maintain essential operations.

1.4.1.6. As work conditions permit, leave will be granted for the time requested. However, when this is not possible the supervisor will consult with the impacted employee and determine which leave periods will be approved.

1.4.2. Requirement to take annual leave.

1.4.2.1. Civilian employees will not be placed on annual leave without their consent.

1.4.2.2. A supervisor may ask a civilian employee to request leave if the civilian employee is not ready, willing, and able to work. If the civilian employee refuses to request leave, the supervisor may charge absence without leave (AWOL) until the situation is resolved. At the supervisor's discretion, a charge of AWOL can be changed to annual leave, sick leave, leave without pay, credit hours taken or compensatory time off, upon request of the employee and as appropriate.

1.5. Minimum annual leave charges.

1.5.1. The minimum charge of annual leave is ¼ hour. Additional charges are in increments of ¼ hour.

1.6. Restoration of leave. Supervisors and civilian employees coordinate leave use to prevent forfeiture at the end of the leave year as a result of exceeding the maximum carry-over allowed. If leave is approved for restoration, it is restored to the employee for a period of 2 years and carried in a separate restored leave balance in the civilian employee's pay records.

1.6.1. Conditions for restoration. Annual leave in excess of the permitted carry-over may be restored in the following situations:

1.6.1.1. Administrative error. When an administrative error causes the forfeiture of annual leave, the leave may be restored retroactively.

1.6.1.2. Exigencies of public business. Only the DR can declare an exigency of public business, an unanticipated operational demand, beyond management's control, that could not have been met through planning. Annual leave lost through exigencies of public business may be restored if the annual leave was scheduled in writing or electronically requested before the start of the third biweekly pay period prior to the end of leave year. Supervisors and civilian employees must ensure civilian employees' leave is scheduled before this date. The exigency must be of such importance that the civilian employee could not be excused from duty and there was no reasonable alternative to cancellation of the scheduled leave.

1.6.1.3. Sickness. Annual leave may be restored if it was scheduled during a period of sickness or injury (for which sick leave would be approved) of the civilian

employee and interfered with the scheduled annual leave usage. The sickness must have occurred too late in the leave year or been of such duration that the annual leave could not be rescheduled to avoid forfeiture.

1.6.1.4. Forfeiture. Any restored leave not used at the expiration of the 2-year limit is forfeited with no further right to restoration. In scheduling the use of any restored leave, the supervisor must take into account the fact that regular annual leave must also be scheduled during the year to avoid forfeiture.

1.6.1.5. Service of a civilian employee assigned to an emergency essential position who deploys to a combat zone is deemed to be an exigency of the public business for the purpose of restoring forfeited annual leave (5 U.S.C. 6304). Any leave that, by reason of such service, is lost by the civilian employee (regardless of whether such leave was scheduled) will be restored to the civilian employee and will be credited and available. Civilian employees will be required to provide documentation to validate the designation of their emergency essential status.



## Chapter 2

## 2. Sick Leave.

2.1. Granting sick leave. Sick leave may be granted to a civilian employee when the civilian employee:

2.1.1. Is ill, injured, or confined by pregnancy;

2.1.2. Is incapacitated by physical or mental illness, pregnancy, or childbirth; or

2.1.3. Has medical, dental, or optical appointments.

2.1.4. Provides care for a family member with a serious health condition, or is incapacitated by a medical or mental condition, or attends to a family member receiving medical, dental, or optical examination or treatment.

2.1.5. Makes arrangements necessitated by the death of a family member or attends the funeral of a family member.

2.1.6. Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease. Civilian employees are entitled to use sick leave for this purpose only for the period of time during which the danger to the health of other civilian employees exists.

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

2.2. Sick leave accruals. Full-time civilian employees accrue 4 hours of sick leave per pay period. Sick leave is credited at the close of the pay period in which it is earned. Part-time civilian employees earn 1 hour of sick leave for each 20 hours in a pay status. Civilian employees may not earn more than 4 hours of sick leave during any biweekly pay period. All sick leave that is not used within the year in which it is earned will be carried forward for use in later leave years.

2.2.1. Intermittent civilian employees do not earn sick leave.

2.2.2. Employees on temporary appointments of 90 days or less are entitled to use accrued sick leave throughout his or her appointment.

2.3. Sick leave usage limits per leave year. There is no limitation on the amount of sick leave a civilian employee may use for his or her own personal use.

2.4. Sick leave to care for a family member with a serious health condition, or for general family care or bereavement (note: military-related funeral leave is described in Paragraph 9.18.).

2.4.1. Full-time civilian employees may use up to 13 work days (104 hours) of sick leave each leave year to:

2.4.1.1. Provide care for a family member with physical or mental illness, injury, pregnancy, childbirth, or medical, dental, or optical examination or treatment; or

2.4.1.2. Make arrangements necessitated by the death of a family member or to attend the funeral of a family member.

2.4.2. The maximum amount of leave part-time civilian employees may use for family care or to attend the funeral of a family member is the number of hours of sick leave normally accrued by that civilian employee during a leave year.

2.4.3. Any portion of sick leave used in a leave year to care for a family member with a serious health condition, for general family care or bereavement purposes must be subtracted from the total 12 weeks available to civilian employees for all family care purposes. If a civilian employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, he or she may not use an additional 13 days of sick leave for general family care purposes in the same leave year. Exceptions may be granted by D/OHR for unique circumstances.

2.5. Advanced sick leave. The medical documentation requirements associated with sick leave also apply to requests for advanced sick leave.

2.5.1. When required by the exigencies of the situation, up to a maximum of 30 days (240 hours) per leave year of sick leave may be advanced to a full-time civilian employee who:

2.5.1.1. Is incapacitated for the performance of his or her duties by physical or mental illness, injury, pregnancy, or childbirth;

2.5.1.2. For serious health condition of the civilian employee or a family member;

2.5.1.3. When the civilian employee would jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease, as determined by the health authorities or health care provider;

2.5.1.4. For purposes related to adoption of a child; or

2.5.1.5. For the care of a covered Service Member with a serious health condition or illness, providing the civilian employee is exercising his or her entitlement to the Family and Medical Leave Act (FMLA) leave.

2.5.2. In determining whether to grant advanced sick leave, careful consideration will be given to the following factors:

2.5.2.1. A civilian employee's tenure in his or her appointment.

2.5.2.2. The established pattern of sick leave usage.

2.5.2.3. Stability of the employment record, to include performance and conduct.

2.5.2.4. Whether advanced sick leave is justified by the situation.

2.5.3. A maximum of 13 days (104 hours) of advanced sick leave may be granted for:

2.5.3.1. Medical, dental, or optical examination, or treatment of the civilian employee;

2.5.3.2. General family care, such as for a family member who is incapacitated by medical, dental, or optical examination or treatment;

2.5.3.3. To provide care for a family member who would jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease, as determined by the health authorities or health care provider; or,

2.5.3.4. To make arrangements necessitated by the death of a family member or to attend a funeral of a family member.

2.5.4. If a civilian employee has previously used any portion of the 13 days (104 hours) of advanced sick leave allowable for general family care or bereavement purposes in the same leave year, that amount must be subtracted from the allowable 30 days (issuance hours) of advanced sick leave.

2.5.5. If a civilian employee has already used 30 days (240 hours) of allowable advanced sick leave to care for personal health care or for the care of a family member with a serious health condition, he or she cannot use an additional 13 days (104 hours) of sick leave for general family care purposes in the same leave year.

2.5.6. Sick leave will not be advanced if a civilian employee will be separated or will retire before the amount advanced is earned, or if it is likely that the civilian employee will not return to duty.

2.5.7. Requests for advanced sick leave must be submitted by the employee to the supervisor in writing, and must include a medical certificate.

2.5.7.1. Immediate supervisors will approve or disapprove advance sick leave requests up to 13 days (104 hours). Additional advance sick leave, not to exceed 30 days (240 hours) may be approved by second line supervisors. If approved, the supervisor needs to send a signed and dated approval memo for processing through HROC to the OHR payroll office Employee Services Division in OHR. (An example template can be found at: <http://dia.coc.ic.gov/sites/orh/ohr4/sickleave/Pages/default.aspx>.) Approval must be annotated in the timekeeping system. Disapproved requests will be returned to the requesting employee by his or her supervisor.

2.5.7.2. Medical documents must be hand carried to OHR if the supervisor wishes to consult with the DIA Surgeon General regarding the medical documentation or if a civilian employee does not wish to submit personal health information to his or her supervisor. A civilian employee's personal health information must not be routed through the HROC tool.

2.5.8. Civilian employees who are indebted for advanced sick leave at date of separation are required to refund the excess amount paid. When feasible, DIA will withhold the amount required for refund from the final salary or lump-sum leave payments. Refund is not required in cases of death, disability retirement, or if the civilian employee is unable to return to duty due to an incapacitating illness supported by a medical certificate. Individuals who enter active military service with restoration rights are not required to make a refund for unearned leave. Individuals who receive leave through one of the leave sharing programs are not required to make a refund for unearned leave.

2.6. Applying for sick leave. Civilian employees must request unplanned sick leave (for example, unforeseen illness or emergency medical appointment) as soon as possible after becoming aware of the need for sick leave. Civilian employees who are unable to report for duty due to illness (or other reasons for which sick leave may be granted), must contact their supervisor by telephone within 1 hour after the beginning of the civilian employee's scheduled work shift and request sick leave. Civilian employees must electronically request sick leave in the online human resource management system (known as "myHR") upon returning to the workplace. Civilian employees must request sick leave for prearranged medical, dental, or optical examinations in advance. Supervisors designated with authority to approve annual leave may also approve sick leave.

2.7. Minimum sick leave charges. The minimum charge of sick leave is ¼ hour and additional charges are in increments of ¼ hour.

2.8. Substituting sick leave for annual leave or LWOP. If illness occurs during a period of annual leave, and the illness is supported by medical documentation, sick leave may be substituted for annual leave. Sick leave may not be granted retroactively to cover any period of absence without pay requested and approved in advance, except for leave without pay granted pending action on an Office of Workers' Compensation claim which was subsequently disallowed.

2.9. Documenting sick leave. In most cases a civilian employee's self-certification will be accepted for absence due to illness for 3 days or less. However, management may establish

internal office policy on the need for documentation. Civilian employees who have been issued a Letter of Instruction (LOI) must follow the specifics of the letter when documenting illness. Similarly, if there is reason to believe a charge of sick leave may be inappropriate, supervisors may require medical certification as a condition of leave approval. Sick leave in excess of 3 days must be supported by medical documentation.

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

2.11. Health clinic visitation. Civilian employees visiting on-site health clinics due to sickness will normally be allowed up to 1 hour of excused absence to obtain necessary treatment. When more than 1 full hour is required, sick leave will be charged in increments of ¼ hour. If the charge exceeds the period of absence, the civilian employee will not be required to work during the period covered by leave.

2.12. Contagious disease.

2.12.1. A contagious disease is one that is determined to be subject to quarantine or requiring isolation of the patient by health authorities with jurisdiction over the civilian employee's place of residence.

2.12.2. Civilian employees may be granted sick leave in accordance with sick leave regulations when a member of his or her immediate family contracts a contagious disease, or as a result of exposure to contagious disease, the civilian employee's presence would jeopardize the health of others. Civilian employees are entitled to use sick leave for this purpose only for the period of time during which danger to the health of other civilian employees exists. Civilian employees may be granted the use of other leave as appropriate.

2.12.3. Civilian employee requests for sick leave in these instances must include a statement from the health officer or attending physician specifying the disease, attesting to the need for quarantine or isolation, and specifying the period of isolation or restricted movement.

2.12.4. In those specific cases where there is reason to believe a civilian employee's presence at work would endanger the civilian employee or would constitute a health hazard to others, the supervisor, after consultation with OHR, may request the civilian employee provide a medical statement of fitness for duty.

2.12.5. If such a statement cannot be obtained from a private physician, OHR can arrange for examination by a medical officer.

2.13. Sick leave and military service. Civilian employees required to report for periodic physical examination in connection with any reserve component of the Armed Forces, the

National Guard, or a State Guard, may be granted sick leave for the period of absence.

2.14. Re-crediting sick leave following a break in Federal service. Any sick leave balance remaining at the time of previous separation from the Federal service may be re-credited provided reemployment occurs on or after 2 December 1994.

## Chapter 3

## 3. Leave without pay (LWOP) and absence without leave (AWOL).

## 3.1. LWOP.

3.1.1. At OHR's discretion, graduating students may be placed in a limited LWOP status for 120 days or less if DIA employment is not readily available upon their successful completion of a DIA internship program.

3.1.2. Civilian employees may request LWOP to participate in a full-time academic program outside a DIA sponsored process or program. LWOP for the purpose of attending a full-time academic program outside of DIA may be granted for an initial 1-year period, but may not exceed a total of 5 years. These extensions must be reviewed and approved by D/OHR on an annual basis.

## 3.1.3. Supervisor's role.

3.1.3.1. Supervisors who are authorized to approve annual and sick leave may grant LWOP for 30 calendar days or less.

3.1.3.2. All requests for LWOP for more than 30 days must be forwarded to D/OHR for final approval. Upon approval, a personnel action will be processed by OHR and a Notification of Personnel Action (SF-50) will be issued electronically to the civilian employee.

3.1.3.3. Supervisors may grant LWOP when a civilian employee has exhausted annual or sick leave or at the civilian employee's request in lieu of accrued annual or sick leave.

3.1.3.4. If a civilian employee remains away from duty after being denied LWOP, the civilian employee will be charged AWOL.

## 3.1.3.5. Supervisors may not deny LWOP in the following situations:

3.1.3.5.1. Disabled veterans who are entitled to LWOP, if necessary, for medical treatment under Executive Order 5396, dated 17 July 1930.

3.1.3.5.2. Reservists and National Guardsmen who are entitled to LWOP to perform training duties and when their employment is interrupted by a period of service in the uniformed service.

3.1.3.5.3. Civilian employees receiving injury compensation from the Department of Labor.

3.1.3.5.4. Civilian employees requesting leave under the provisions of the Family and Medical Leave Act of 1993 which provides covered civilian

employees with an entitlement to a total of up to 12 weeks of leave (either paid or unpaid) during any 12-month period for certain family and medical needs.

3.1.3.5.5. All requests for LWOP for active or inactive military tours of duty must be documented in a civilian employee's official personnel file. Individuals on active duty military service may not be employed in a civilian capacity with the Federal government, therefore, the supervisor must refer civilian employees who are to execute military orders of more than 30 days to OHR for further guidance. A personnel action to document the period of military service will be processed by OHR and a Notification of Personnel Action (SF-50) will be issued electronically to the civilian employee. Civilian employees who are called to active duty are not permitted to receive compensation from DIA, unless the civilian employee chooses to use military leave or personal leave (sick leave, as appropriate) during his or her military service period.

3.1.3.6. Supervisors are advised to consult with OHR regarding appropriate application of LWOP.

3.1.4. Civilian employee's role.

3.1.4.1. Except in cases of emergency, approval of LWOP will be obtained from the supervisor in advance of the absence.

3.1.4.2. As a basic condition of approval of extended LWOP, there must be a reasonable expectation the civilian employee will return at the end of the approved period.

3.1.4.3. Examples of circumstances for which extended LWOP may be approved include:

3.1.4.3.1. Educational purposes when the course would contribute to the best interest of DIA. Civilian employee must provide proof of enrollment as part of their request for LWOP.

3.1.4.3.2. Service with non-Federal enterprises when the job is of a temporary nature, there is reasonable expectation the civilian employee will return, and the service performed will contribute to the public welfare and the interests of the employing office.

3.1.4.3.3. Recovery from illness or disability not of a permanent or disqualifying nature.

3.1.4.3.4. Protection of status and benefits pending action on a disability retirement application or compensation claim resulting from a work related illness or injury.

3.1.4.3.5. To avoid a break in service if a civilian employee must relocate as a dependent of a military service member or other Federal employee.



3.1.4.4. Civilian employees requesting extended LWOP may be requested to submit a letter of resignation that states if the civilian employee has not received further approval for another extension and does not return at the end of the approved LWOP timeframe, the civilian employee electively terminates their employment with DIA. Letters of resignation must be updated and resubmitted upon approval of each extension.

3.1.5. When a civilian employee is obligated to move due to a transfer of function to another geographic location, up to 90 calendar days LWOP may be authorized at the civilian employee's request to allow the civilian employee to seek other Federal employment.

3.1.6. All requests for extended LWOP must ensure the value to the Federal government or the serious need of the civilian employee is sufficient to offset the costs and administrative inconvenience to the Government which results from the retention of a civilian employee in a LWOP status. Civilian employees serving a trial period may be determined by the D/OHR to be ineligible for extended LWOP.

3.1.7. Grants of LWOP are a matter of administrative discretion on the part of the Agency. If authorized by the D/OHR, LWOP will be initially granted for 1 year (not to exceed 12 months). In specific cases, extensions beyond 12 months may be authorized. LWOP for the purpose of accompanying a spouse on military or Federal government Permanent Change of Station (PCS) orders may be granted, at the civilian employee's request, for an initial 1-year period, but may not exceed a total of 5 years. These extensions must be reviewed and approved by D/OHR on an annual basis.

3.1.8. Civilian employees requesting extended LWOP should consult with OHR to obtain information concerning the impact of extended LWOP on Federal benefits. For example, an extended period of LWOP may delay a civilian employee's scheduled Within Grade Increase and may also have an impact on the civilian employee's share of insurance premiums.

3.1.9. Civilian employees who are ordered to active duty for more than 30 days must consult OHR for information regarding civilian employee benefits and rights while in a military LWOP status.

#### 3.1.10. Maximum daily LWOP.

3.1.10.1. The maximum LWOP which may be granted per day is the number of duty hours scheduled for that day.

3.1.10.2. LWOP may be granted in ¼ hour increments and may be charged only for the actual period of absence.

#### 3.2. Absence without leave.

3.2.1. AWOL is an unauthorized or unapproved absence from duty. If the supervisor later determines the absence was excusable, the charge of AWOL may be changed to

annual leave, sick leave, or other approved absence, as appropriate.

3.2.2. Supervisors are advised to consult with EMR regarding appropriate application of AWOL or other leave charges.

3.2.3. Disciplinary action may be taken based on charges of AWOL.

3.2.4. Reporting unauthorized absences.

3.2.4.1. Civilian employees must notify their management or supervisor within 1 hour of their scheduled reporting time if they are unable to report for work. If no contact has been made within the first hour, the supervisor will attempt to contact the civilian employee. If no contact has been made within 2 hours of the scheduled reporting time, management must report the absence to the Mission Services Operations Center (MSOC). If there is reason to believe the absence is due to suspicious circumstances, MSOC must be notified without delay.

3.2.4.2. The Office of Security will take action as necessary to locate personnel promptly and advise the immediate supervisor and the appropriate management officials of its findings. The Office of Security Investigations Division will advise management officials outside the Washington, D.C. area the appropriate actions to take to locate personnel.

3.2.4.3. EMR will provide information pertinent to clarifying the status of the individual involved and will provide advice and assistance as to the appropriate action.

## Chapter 4

### 4. Family and medical leave (FMLA).

#### 4.1. Entitlement.

4.1.1. Up to a total of 12 administrative workweeks (480 hours) of unpaid leave during any 12-month period for the following reasons:

4.1.1.1. The birth or care of a son or daughter of the civilian employee.

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

4.1.1.3. The care of a spouse, son, daughter, or parent with a serious health condition.

4.1.1.4. Serious health condition of the civilian employee which makes the civilian employee unable to perform any one or more of the essential functions of their position.

4.1.1.5. Qualifying exigency arising out of the fact that the civilian employee's spouse, son, daughter, or parent is on covered active duty in the Armed Forces or has been notified of an impending call or order to active duty status as a member of the National Guard or Reserves in support of a contingency operation. Qualifying exigency leave may be used for short-notice deployment, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, or to attend military events and related activities.

4.1.2. Up to a total of 26 administrative workweeks of unpaid leave during a single 12-month period to care for a covered family member who suffers a serious injury or illness on active duty. This includes the 12 weeks of regular FMLA leave and is not in addition to it.

#### 4.2. Eligibility. All civilian employees except:

4.2.1. Civilian employees serving temporary appointments of 1 year or less;

4.2.2. Intermittent civilian employees; or

4.2.3. Civilian employees with less than 12-months of service.

4.3. Entitlement period. The 12-month period begins on the first day leave is taken under this entitlement.

4.3.1. Civilian employees may take only the amount of family and medical leave necessary to meet the needs of the particular situation.

4.3.2. In cases of childbirth and adoption, family and medical leave may begin prior to or on the actual date of delivery or placement for adoption or foster care.

4.3.3. Civilian employees are not entitled to another 12 administrative workweeks of unpaid leave under FMLA until the 12-month period ends. After completion of the 12-month period, if an event or situation occurs, civilian employees may thereafter invoke entitlement to another 12 administrative workweeks of family and medical leave.

4.3.4. Supervisors may not arbitrarily deduct leave from a civilian employee's FMLA entitlement. A civilian employee must invoke his or her entitlement in order for leave to be deducted from the 12-week entitlement.

4.3.5. Upon return from family and medical leave, civilian employees will be placed in the same or an equivalent position using a vacant permanent authorization with equivalent benefits and pay.

#### 4.4. Use of leave.

4.4.1. Family and medical leave may be taken intermittently when medically necessary, and both DIA and the requesting civilian employee agree to do so.

4.4.2. The number of hours taken intermittently will be subtracted on an hour for hour basis from the total amount of FMLA available.

4.4.3. Civilian employees may elect to substitute any combination of the following paid time off for any or all periods of LWOP taken:

4.4.3.1. Accrued annual or sick leave.

4.4.3.2. Advanced annual or sick leave approved in accordance with this Instruction.

4.4.3.3. Leave approved under the Leave Sharing program.

4.4.3.4. Compensatory time.

4.4.3.5. Credit hours.

4.4.3.6. Time off awards.

4.4.3.7. Compensatory time off for travel.

4.4.4. Supervisors may not deny substitution of paid leave for any or all periods of LWOP taken under this Family and Medical provision. Likewise, supervisors may not require the substitution of paid leave.

4.4.5. Sick leave may only be substituted, in accordance with sick leave regulations, for absences in which sick leave would otherwise be appropriate.

4.4.6. FMLA may not be invoked retroactively.

4.5. Notification requirements.

4.5.1. When the need for leave can be anticipated in advance of the absence, civilian employees must notify their supervisor 30 days in advance.

4.5.2. When the need for leave is unexpected and 30 days' advance notice cannot be provided, civilian employees must notify their supervisor as soon as possible.

4.6. Medical certification.

4.6.1. Family and medical leave requests must be supported by medical documentation. This documentation must be submitted in a timely manner.

4.6.2. Documentation for intermittent leave for planned medical treatment should include the dates, schedule of treatment, and duration of such treatment. The civilian employee will make a reasonable effort to schedule medical treatment so as not to disrupt unduly the operations of the Agency, subject to the approval of the health care provider.

4.6.3. DIA may require additional subsequent medical certification from the health care provider.

4.7. Documentation for qualifying exigency leave. Civilian employees must provide military duty orders and certification including, but not limited to, a description of facts supporting a qualifying exigency leave request discussed in Paragraph 5.1.1.5.

4.8. Failure to provide certification or documentation. If, after family and medical leave has commenced, a civilian employee fails to provide the required medical certification or qualifying exigency leave documentation within 30 days, DIA may:

4.8.1. Charge the absence to AWOL; or

4.8.2. Allow the civilian employee to request another form of leave (for example, annual leave or LWOP).

## Chapter 5

## 5. Voluntary leave sharing programs.

## 5.1. General provisions.

5.1.1. The leave sharing program consists of Voluntary Leave Transfer and Leave Bank.

5.1.2. Both programs are designed to offer support, through leave contributions, to civilian employees experiencing a personal or family medical emergency.

5.1.3. The Voluntary Leave Transfer and Leave Bank programs may be used when a civilian employee experiences serious financial need due to the unavailability of paid leave to cover absence resulting from a personal or family medical emergency.

5.1.4. The Leave Bank cannot be used for a chronic illness or condition. A chronic illness refers to a health-related state that is long-term or, per the U.S. National Center for Health Statistics, lasting 3 months' duration or longer (i.e., a chronic ongoing health state). Examples of chronic medical problems include, but are not limited to, emphysema, chronic obstructive pulmonary disease, diabetes, migraine headaches, Alzheimer's disease, arthritis, and Lyme disease.

5.1.4.1. A civilian employee with a chronic illness may be eligible for either program if the civilian employee experiences an acute medical problem. An acute medical problem refers to a health-related state that is brief or short-term which would be expected to resolve after treatment or surgery and a period of convalescence. Examples of acute medical problems include acute appendicitis, acute kidney failure, osteomyelitis, and endocarditis.

5.1.4.2. Cancer can behave as an acute medical problem that requires treatment and convalescence resulting in cure, or as a prolonged chronic, recurrent set of medical problems that is ultimately not curable. Consequently, some health problems resulting from cancer may be covered by the Leave Bank and Leave Transfer programs.

5.1.4.3. Some medical conditions do not fit easily into either category, as both acute and chronic conditions may be impacted by additional medical problems, medications and complications resulting from treatment, therefore, medical judgment will be used to render a decision on a case-by-case basis.

5.1.5. Civilian employees must apply in order to be considered for receiving assistance through the Leave Bank or Voluntary Leave Transfer program.

5.1.6. Civilian employees cannot receive leave assistance from the Leave Bank and the Voluntary Leave Transfer programs within the same pay period.

5.1.7. OHR will officially notify the immediate supervisor and the requesting civilian employee of approval or disapproval within 15 workdays after the completed application is received by OHR.

5.1.8. When approval is made for civilian employees on part-time or reduced schedules, the civilian employee will receive donated leave based on their scheduled tour during the 3 pay periods immediately preceding the personal or family medical emergency.

5.1.9. All applications for the leave sharing program must be approved and forwarded through the immediate supervisor to OHR for action.

5.1.10. The required medical documentation will be submitted by the civilian employee, their personal representative, or health care provider(s) to OHR.

5.1.11. All applications are subject to review and approval or disapproval by the Leave Sharing Board.

5.1.12. To be approved as a leave recipient, a civilian employee must be, or expect to be, without available paid leave for a minimum number of hours because of a medical emergency.

5.1.12.1. The minimum number of hours for full-time civilian employees is 24 (excluding advanced annual or advanced sick leave).

5.1.12.2. The minimum number of hours for part-time civilian employees is at least 30 percent of the average number of hours of work in the civilian employee's biweekly scheduled tour (excluding advanced annual or advanced sick leave). For example, the minimum number of hours for a part-time civilian employee who is scheduled to work 64 hours per pay period is 19 hours.

5.1.13. Civilian employees applying to become a leave recipient because of a personal medical emergency are required to exhaust all annual leave (including any restored leave), and sick leave. Credit hours, compensatory time, time-off awards, and compensatory time off for travel (travel comp) hours need not be exhausted unless they are due to expire prior to the civilian employee's return to work.

5.1.14. Civilian employees applying to become a leave recipient in order to care for a family member experiencing a medical emergency are required to exhaust all annual leave (including any restored leave), and sick leave. Credit hours, compensatory time, time-off awards and compensatory time off for travel (travel comp) hours need not be exhausted unless they are due to expire prior to the civilian employee's return to work.

5.1.15. Civilian employees may apply immediately prior to the beginning of the medical emergency if the date is known in advance or within 30 days following the end of the emergency.

5.1.16. Maximum leave receipt within a leave year for Leave Bank and Leave Transfer.

5.1.16.1. Limit is 1,040 hours for a civilian employee's own medical condition.

5.1.16.2. Limit is 520 hours for a family member's medical condition.

5.1.16.3. A Leave Bank member who reaches the limitation on donations from the Leave Bank may thereafter apply for assistance through the Voluntary Leave Transfer for the same medical emergency.

5.1.17. General application requirements:

5.1.17.1. Application packages may be obtained from OHR.

5.1.17.2. Civilian employees who are unable to give consent or complete the application process may designate a personal representative to complete the application process. A personal representative must have the civilian employee's consent, or that of the civilian employee's next of kin or legal guardian, in order to act on his or her behalf.

5.1.17.3. Applications must include the following information:

5.1.17.3.1. Reason(s) why leave is needed, including a brief description of the medical emergency, to include a prognosis for return to duty.

5.1.17.3.2. Certification from the health care provider(s) consisting of a copy of medical records pertaining to the specific condition, nature, severity, and anticipated duration of absence of the patient (including mental illness) and a signed consent authorizing an OHR representative to speak with the patient's physician if clarification of information contained in the medical records is necessary.

5.1.17.3.3. Any other information OHR representatives may reasonably require (for example, emergency room receipt, ambulance bill, etc.). Failure to submit all required information will preclude consideration by OHR.

5.1.17.3.4. The required medical documentation will be submitted from the civilian employee, their personal representative or health care provider(s) to OHR.

5.2. General restrictions for using donated leave from the Leave Bank or Leave Transfer program.

5.2.1. Donated leave may be used on a current basis or may be retroactively substituted to the beginning of the medical emergency to liquidate a civilian employee's indebtedness for advanced annual or advanced sick leave, and LWOP, in that order. The period of LWOP, or advanced annual or sick leave, must have occurred on or after the date approved by



DIA as the beginning of the medical emergency; and the civilian employee must have been affected by the medical emergency while a Leave Bank member.

5.2.2. Donated leave may not be:

- 5.2.2.1. Transferred to another leave recipient.
- 5.2.2.2. Transferred to another Federal agency upon the recipient's transfer of employment.
- 5.2.2.3. Included in a lump-sum payment.
- 5.2.2.4. Re-credited upon reemployment by a Federal agency.
- 5.2.2.5. Used after the medical emergency terminates.

5.3. Earning annual and sick leave while in a transferred leave status. Except as otherwise provided, civilian employees in a transferred or donated leave status will earn annual and sick leave at the same rate as if they were in a paid leave status. The exception is that the maximum amount of annual and sick leave which may be earned while in a transferred leave status in connection with any medical emergency may not exceed 40 hours (or, in the case of a part-time civilian employee, the average number of hours of work in a civilian employee's weekly scheduled tour).

5.3.1. Any annual or sick leave earned will be transferred to the appropriate leave accounts, and will be available for use:

- 5.3.1.1. When the medical emergency terminates.
- 5.3.1.2. Once all donated and transferred leave has been exhausted, if the medical emergency has not yet terminated.

5.3.2. If a DIA civilian employee is separated from Federal service prior to the transfer of earned leave, the leave may not be fully credited to the receiving employee.

5.4. Approving and disapproving leave sharing program applications:

- 5.4.1. OHR will:
  - 5.4.1.1. Ensure completeness of the application.
  - 5.4.1.2. Review medical documentation.
  - 5.4.1.3. Review any charges to absence without leave during the preceding 12 months.

5.4.1.4. Prepare the information that will be forwarded to the Leave Sharing Board.

5.4.1.5. Convene the Leave Sharing Board for a final decision.

5.4.1.6. Determine if absence from duty without available paid leave is expected to last at least 24 hours.

5.4.1.7. If disapproved, notify the civilian employee (or their representative) of the reason(s) for disapproval.

5.5. Terminating a medical emergency.

5.5.1. Civilian employees are responsible for submitting written notification to OHR through the immediate supervisor when a medical emergency terminates if the termination is prior to the date previously authorized. Failure to do so may result in disciplinary action.

5.5.2. The medical emergency will be deemed to have terminated:

5.5.2.1. When Federal service terminates.

5.5.2.2. When the approved period of absence expires, unless an extension has been approved in advance of the expiration date.

5.5.2.3. When OHR receives verbal or written notice from the civilian employee (or personal representative) that he or she is no longer affected by the medical emergency (written notice must follow a verbal notice).

5.5.2.4. When OHR determines, after written notice and an opportunity to respond orally or in writing, the civilian employee is no longer affected by a medical emergency.

5.5.2.5. On the date DIA receives notice that OPM has approved an application for disability retirement under CSRS or FERS on the civilian employee's behalf.

5.5.2.6. After the maximum amount of contributed leave has been used.

5.6. Protection against coercion. A civilian employee may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other civilian employee for the purpose of interfering with any right such civilian employee may have with respect to donating, receiving, or using annual leave. The terms "intimidate, threaten, or coerce" include promising to confer or conferring any benefit (such as an appointment, promotion, or compensation) or effecting, or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

## 5.7. Leave Bank program.

### 5.7.1. Leave Bank program description.

5.7.1.1. The Leave Bank program is administered by OHR and consists of a pool of annual leave donated each year through membership to the Leave Bank for use by Leave Bank members experiencing a personal or family medical emergency.

5.7.1.2. The purpose of the Leave Bank is to provide protection to a Leave Bank member who faces a loss of income because the member does not have sufficient personal leave to cover his or her absence from work due to a personal or family medical emergency.

5.7.1.3. Once a member meets, or knows he or she will meet, the 24-hour non pay status criteria, the member becomes eligible to apply for Leave Bank donations. If a member's application to receive leave is approved, Leave Bank donations will commence upon expiration of all required paid leave.

5.7.1.4. If leave abuse is documented during the past 12 months when determining eligibility for donated leave, the Leave Bank Board has the authority to disapprove a leave bank withdrawal request. Documented leave abuse includes attendance infractions resulting in disciplinary action, or time and attendance documentation which demonstrates unacceptable work attendance or failure to comply with leave policy.

5.7.2. Open season. OHR will establish and publicize at least one open season each leave year for civilian employees to join the Leave Bank. Each open season will last a minimum of 30 calendar days. OHR may increase the number of open seasons but there must be at least one each calendar year.

### 5.7.3. Leave Bank membership.

5.7.3.1. A civilian employee must be a Leave Bank member to use the Leave Bank.

5.7.3.2. Civilian employees may become a Leave Bank member by enrolling through the "myHR" menu during an open season.

5.7.3.3. Civilian employees who are absent (for example, annual leave, sick leave, temporary duty, training, home leave, LWOP, or military reserve duty) during an entire open season will, upon the civilian employee's request, have an individual enrollment period of 30 calendar days. This period will begin as of the date of return to duty at DIA.

5.7.3.4. New civilian employees will have an individual enrollment period of 60 calendar days. This period will begin on the date of entrance on duty. New civilian employees must enroll through the "myHR" menu.

5.7.3.5. The minimum contribution required upon member enrollment, and the annual membership requirement for each leave year thereafter, is equal to a civilian employee's bi-weekly annual leave accrual, i.e., 4, 6, or 8 hours.

5.7.3.6. Regardless of when a civilian employee initially enrolls as a Leave Bank member and makes the minimum membership contribution, the annual membership contribution for the succeeding leave year will be deducted in the first full pay period of the new leave year. The deduction is made after any leave taken during that pay period has been deducted and prior to leave accruals being applied. Membership carries over to succeeding leave years unless a civilian employee cancels membership by submitting DIA Form 213 to OHR.

5.7.3.7. Enrollments initiated during an open season will be effective the first full pay period of the next leave year.

5.7.4. Contributing to the Leave Bank.

5.7.4.1. Both Leave Bank members and nonmembers may, voluntarily and without coercion, contribute additional leave to the Leave Bank. Leave donors may not contribute to an immediate supervisor. The annual leave donated must be accrued and available at the date of donation. The combined total of a civilian employee's leave contributions during a single calendar year may not exceed one-half the amount of annual leave a civilian employee is eligible to earn in a leave year.

5.7.4.2. Civilian employees who have annual leave which otherwise would be subject to forfeiture at the end of the leave year may contribute the maximum amount of annual leave that is the lesser of:

5.7.4.2.1. One-half of the amount of annual leave a civilian employee would be entitled to accrue during the leave year in which the contribution is made.

5.7.4.2.2. The number of hours remaining in the leave year (as of the date of the contribution) for which the civilian employee is scheduled to work and receive pay.

5.7.4.3. Civilian employees can request an exception to the maximum donation limitations by submitting a memorandum to OHR providing justification for the exception request.

5.7.4.4. Leave deposited into the Leave Bank may not be returned to the leave contributor. Any donated leave that a recipient does not use will be returned to the Leave Bank.

5.7.5. Applying for leave through the Leave Bank. Civilian employees or their family members must be affected by a qualifying medical emergency and submit an application package. Applications may be obtained from OHR.

5.7.6. Approving or disapproving a Leave Bank application. Civilian employees may appeal decisions of the Leave Sharing Board. The appeal must be submitted to the Leave Sharing Board, in writing, within 30 calendar days of receipt of the decision. The Leave Sharing Board will only accept new information. The decision of the Leave Sharing Board following deliberation on an appeal is final.

5.7.7. Using donated leave from the Leave Bank.

5.7.7.1. Donated annual leave is to be used only for those periods in which the member is incapacitated or is required to care for a family member affected by a medical emergency. Civilian employees can use leave from the Leave Bank only for the medical emergency for which participation as recipient was approved.

5.7.7.2. Any leave remaining as of the date the emergency terminates, will cease to be available and will be returned to the Leave Bank.

5.7.7.3. Regular leave accruals resume when the civilian employee returns to duty status following termination of the medical emergency.

5.8. Voluntary Leave Transfer program.

5.8.1. Application.

5.8.1.1. The Leave Transfer program consists of annual leave donated on a case-by-case basis to a civilian employee who is experiencing a personal or family medical emergency.

5.8.1.2. Civilian employees who are or will be affected by a medical emergency must submit OPM Form 630, "Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program," in order to be considered for donations.

5.8.2. Leave transfer to DIA civilian employees.

5.8.2.1. Leave transfer permits the donation of annual leave on a case-by-case basis to other DIA civilian employees experiencing a personal or family medical emergency.

5.8.2.2. DIA civilian employees who wish to donate annual leave to another DIA civilian employee must submit OPM Form 630-A, "Request to Donate Annual Leave to Leave Recipient Under the Leave Transfer Program," to OHR, specifying the number of annual leave hours to be transferred to the annual leave account of a DIA leave recipient, subject to the following provisions:

5.8.2.2.1. Civilian employees may not donate leave to their official supervisor(s).

5.8.2.2.2. Civilian employees may not donate leave which they have not yet earned.

5.8.2.2.3. Civilian employees may not donate sick leave.

5.8.2.2.4. Minimum donation is 1 hour.

5.8.2.2.5. Maximum donation will be the lesser of:

5.8.2.2.5.1. One-half of the amount of annual leave a civilian employee is entitled to earn during the leave year in which the donation is made.

5.8.2.2.5.2. The number of hours remaining in the leave year (as of the date of the contribution) for which the civilian employee is scheduled to work and receive pay.

5.8.3. Civilian employees who wish to donate leave which has been previously restored must include the following statement on their OPM Form 630-A: "Please deduct this amount from my restored annual leave balance to the extent available."

5.8.4. The limitations on minimum and maximum donations are set by law and cannot be waived solely to avoid the forfeiture of "use-or-lose" annual leave. However, exceptions to the limitation on maximum donations may be granted in unusual circumstances, such as lack of donors for a given recipient. Waivers must be documented in writing and may be granted by OHR on a case-by-case basis.

#### 5.9. Soliciting leave donations.

5.9.1. If an approved recipient knows of civilian employees who are willing to donate annual leave, it is not necessary to seek donations through an announcement. In other cases, a leave recipient may need to have leave donations solicited on their behalf.

5.9.2. OHR solicits and accepts leave donations on behalf of approved recipients. OHR will post the civilian employee's name, organization, and expected duration of the personal or family medical emergency. The civilian employee's name or the nature of the medical emergency, if requested, may be withheld.

5.9.3. The information released will be as concise as possible so as not to violate the recipient's privacy or bias potential donors in favor of one recipient over another. The leave recipient must consent, in writing, to the publication and distribution of this information.

5.9.4. The identity of leave donors and the amount of their donations may not be released without their consent. Leave recipients who wish to thank those civilian employees who donated leave are encouraged to forward a thank you note to the Office of Corporate Communications.

5.10. Interagency leave transfer to civilian employees outside of DIA.

5.10.1. Civilian employees who wish to donate leave to a civilian employee in another Federal agency must provide all of the necessary information about the receiving agency (recipient name, point of contact (POC) at the receiving agency, phone number, and facsimile number of POC).

5.10.2. Civilian employees must also submit OPM Form 630-B, "Request to Donate Annual Leave to Leave Recipient Under the Leave Transfer Program," to OHR, specifying the number of hours to be transferred from the donor's annual leave account accrual to the annual leave account of the leave recipient. (OPM Form 630-B is available on OPM's website ([www.opm.gov](http://www.opm.gov)) or through OHR.)

5.10.3. OHR will contact the Agency of the potential leave recipient to coordinate the appropriate actions.

5.10.4. The potential donor will be notified by OHR of the approval or disapproval of the transfer of annual leave by the receiving agency. Upon approval, OHR will process the donation and it will be deducted from the donor's annual leave account.

5.11. Interagency leave transfer to DIA civilian employees.

5.11.1. The transfer of annual leave may be accepted from leave donors employed by other Federal agencies.

5.11.2. OHR will act as the liaison in all instances of leave donations from a civilian employee of another agency to a DIA recipient. The DIA recipient must provide OHR with the contact information for the donating agency's Leave Transfer program office (phone number and name of contact, if possible) and information, as known, about the potential leave donor(s) from that agency.

5.11.3. Before accepting the transfer of leave from a leave donor of another Federal agency, OHR will verify the leave donor's employing agency has approved the leave donor's request to transfer annual leave.

5.11.4. OHR will forward the donated leave information to the NSA Civilian Payroll Office who will adjust the number of hours of donated leave.

5.11.5. OHR will notify DIA civilian employees if a donation is disapproved and will provide the reason(s) for the disapproval.

5.12. Using transferred donated leave.

5.12.1. Transferred annual leave is to be used for those periods in which a civilian employee is incapacitated or required to care for a family member affected by a medical emergency. Civilian employees may use transferred annual leave only for the purpose of the

medical emergency for which it was approved.

5.12.2. Transferred annual leave must be used in the same manner as accrued sick leave.

5.12.3. Transferred annual leave may be used on a current basis or may be substituted retroactively to the beginning of the medical emergency to liquidate indebtedness for advanced annual leave, advanced sick leave, or LWOP, in that order. The period of LWOP, or advanced annual or sick leave, must have been granted on or after a date fixed by DIA as the beginning of the medical emergency.

5.12.4. If donated leave remains as of the date the medical emergency terminates, that leave will cease to be available and will be returned to the donor.

5.12.5. Regular leave accruals resume when a civilian employee returns to a duty status after the medical emergency or condition terminates.

5.13. Returning unused transferred annual leave to the donors.

5.13.1. Upon the termination of the leave recipient's medical emergency, unused donated annual leave will be returned to donors who are currently employed by DIA.

5.13.2. The amount of leave to be restored to each donor will be determined as follows:

5.13.2.1. Divide the number of hours of unused annual leave by the total number of hours of annual leave donated to the recipient by all donors.

5.13.2.2. Multiply the ratio obtained from step one by the number of hours of annual leave transferred by each leave donor eligible for restoration.

5.13.2.3. Round the results from step two to the nearest hour.

5.13.3. If the total number of eligible leave donors exceeds the total number of hours of annual leave to be restored, none of the unused leave will be restored to donors; instead, it will be placed in the DIA Leave Bank. In no case will the amount of annual leave restored to a donor exceed the amount originally donated.

5.13.4. If the leave donor retires, dies, or is otherwise separated from Federal service before the date unused transferred annual leave can be restored, the unused leave will be placed in the DIA Leave Bank.

5.13.5. The leave donor may choose to have all, or a portion of, annual leave restored by:



5.13.5.1. Crediting the restored annual leave to the leave donor's annual leave account in the current leave year.

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

5.13.5.3. Donating such leave in whole or in part to another leave recipient,  
or,

5.13.5.4. Donating such leave in whole or in part to the Leave Bank.

5.13.6. Transferred annual leave restored to a donor will be subject to the annual leave ceiling limitations at the end of the leave year in which the restored leave is credited to the donor's account.

5.14. "Use-or-lose" donations to Leave Bank. Any "use-or-lose" leave not taken by the end of the leave year will be automatically donated to the Leave Bank. For purposes of capturing "use-or-lose" leave at the end of the leave year, blanket approval to waive the limitations on donating annual leave may be granted by OHR.

## Chapter 6

6. Home leave. Home leave is a special category of leave distinct from annual leave and earned only by civilian personnel assigned permanently to a foreign area. The purpose of home leave is to ensure that civilian employees who are assigned abroad for an extended period undergo reorientation and re-exposure in the United States. Home leave is distinct from other forms of leave (such as annual leave) and provides for absence without loss of pay or charge to personal leave. There is no maximum accumulation of home leave and accumulated home leave does not expire.

6.1. Accrual start and end dates.

6.1.1. Home leave accruals start on the date of the civilian employee's arrival date at a post of duty outside the United States or on the date of entrance on duty when recruited abroad.

6.1.2. Home leave accruals end on the date of the civilian employee's departure (or separation) from the overseas post for return to the Continental United States.

6.1.3. Civilian employees receive home leave on the day of arrival and the day of departure.

6.2. Crediting, accumulation, and transfer of home leave.

6.2.1. Home leave is credited to a civilian employee's leave account in units of 1 day. Accruals are credited monthly. Changes in the accrual rate for home leave start the month after the effective date of the earning rate change.

6.2.2. Unused home leave remains in the civilian employee's leave account. Unused home leave at separation from Federal Service is not included in any terminal lump-sum payment and cannot be used for terminal leave.

6.2.3. Home leave accounts may be transferred from one Federal Agency to another, or home leave can be re-credited to a civilian employee's account after a break in service of no more than 90 days. If a civilian employee leaves Federal service and has been separated for 91 days or greater, the home leave is forfeited.

6.2.4. There is no entitlement for the civilian employee's use of accumulated home leave solely on the basis of the civilian employee's eligibility to earn home leave.

6.3. Accrual rates. For each 12 months of service abroad, a civilian employee earns 15 days of home leave. A civilian employee will not earn home leave for the duration of a tour of duty in the Armed Forces of the United States if military service interrupts service abroad (example: A civilian employee will not earn home leave if mobilized under military orders and required to serve on active duty while stationed abroad).

HOME LEAVE EARNING TABLE (Days Earned)	
Months of Service Abroad	Earning Rate (Days Accumulated)
1	1
2	2
3	3
4	5
5	6
6	7
7	8
8	10
9	11
10	12
11	13
12	15

6.4. Home leave may be granted to eligible civilian employees in accordance with the provisions of this Instruction, provided the civilian employee:

6.4.1. Is a citizen of the United States;

6.4.2. Has completed at least 18 months of continuous service abroad or, alternatively, 12 months of continuous service abroad at a post experiencing extraordinary circumstances, as determined by the Department of State;

6.4.3. Is assigned outside the United States and meets the requirements to accumulate a maximum of 45 days (360 hours) of annual leave;

6.4.4. Abides by the established local policies of their assigned component governing use of home leave;

6.4.5. Uses home leave in the United States. Home leave cannot be used for vacations in foreign countries. Civilian employees are required to have a home leave address in the United States.

6.5. Home leave is permitted in the following situations:

6.5.1. During an initial overseas tour.

6.5.1.1. Home leave may be used after a civilian employee completed 18 months of continuous service overseas, however, if the home leave is used during the initial tour,

the civilian employee must return back to his or her overseas assignment, prior to his or her PCS from the overseas assignment.

6.5.1.2. The civilian employee cannot use home leave in conjunction with his or her PCS back to the United States after serving only one tour overseas.

6.5.1.3. All or part of home leave accrued during the current tour is available for use.

6.5.1.4. The civilian employee's supervisor must approve home leave prior to use.

6.5.2. Between two consecutive overseas tours.

6.5.2.1. Home leave may be used at any time once the civilian employee completed 18 months of continuous service overseas. DIA civilian employees are encouraged to use their home leave between the two overseas tours. If home leave is being used in conjunction with Renewal Agreement Travel (RAT), supervisors may adjust the number of requested days (as needed) to accommodate mission requirements.

6.5.2.2. Civilian employees are eligible to use all or part of the home leave accrued during the first tour.

6.5.2.3. The civilian employee's DIA element leader, or designated representative, must approve home leave prior to use.

6.5.3. After completion of two or more overseas tours.

6.5.3.1. Home leave may be used in conjunction with a civilian employee's PCS back to the United States provided the civilian employee's supervisor, or designated representative, can validate that the civilian employee will return to service abroad following the completion of an assignment in the United States. If the supervisor cannot validate a return to service abroad following the completion of an assignment in the United States, the request for home leave should be disapproved.

6.5.3.2. In the event a civilian employee does not return to service abroad following an assignment in the United States, and a determination is made that such a return is not in the best interest of DIA (e.g., promotion opportunity, approved humanitarian request, management-directed assignment, etc.), a waiver request must be approved by the civilian employee's DIA element leader, or designated representative, and forwarded to D/OHR for approval.

6.5.4. Upon completion of one overseas tour and upon receipt of a follow-on overseas assignment, a civilian employee may use his or her home leave in conjunction with or in preparation for his or her PCS to their new overseas assignment.

6.5.5. Home leave for civilian employees serving at posts experiencing extraordinary circumstances, as determined by the Department of State.

6.5.5.1. Civilian employees earn home leave at the rate of 15 days per 12 months if assigned by Temporary Duty (TDY), Temporary Change of Station (TCS), or PCS if the following criteria are met:

6.5.5.1.1. Civilian employee must serve a period of continuous service abroad of at least 12 months, and

6.5.5.1.2. Civilian employee is expected to return to service abroad or to another overseas location upon completion of the home leave period, or upon completion of an assignment in the United States.

6.5.5.2. Civilian employees serving at posts experiencing extraordinary circumstances must take home leave at the conclusion of their assignment.

6.5.5.3. Civilian employee is not required to complete the one-time service requirement of 18 months of continuous service abroad. Civilian employee is not required to be eligible to accumulate a maximum of 45 days (360 hours) of annual leave to earn home leave.

6.5.5.4. Service abroad prior to an official assignment at a post experiencing extraordinary circumstances is credited toward the 12-month service requirement if it is creditable for the 18-month service requirement. Civilian employees who have previously completed the 18-month service requirement are not required to complete a new 12-month service requirement prior to taking earned and approved home leave.

6.5.5.5. Civilian employees assigned to posts experiencing extraordinary circumstances for fewer than 12 consecutive months are not eligible to earn home leave unless the 12-month continuous service requirement was fulfilled in its entirety by previous creditable service abroad.

#### 6.6. Granting home leave.

6.6.1. The 18 months of continuous service abroad is a one-time requirement; when the initial 18-month threshold is achieved, the civilian employee may use accrued home leave at any time during subsequent tours overseas, with supervisory approval, provided the civilian employee is expected to return overseas.

6.6.2. Home leave may be used in conjunction with temporary duty travel to the United States provided the basic service period of 18 months of continuous service abroad has been met.

6.6.3. Home leave may be granted in combination with other leave or absences; returning civilian employees should be advised to use home leave, if eligible, before using

annual leave except where such action would result in forfeiture of annual leave.

6.6.4. Supervisors may adjust the amount of home leave usage when the needs of DIA require the civilian employee's presence at the duty station during that time.

6.6.5. Home leave that is accrued prior to commencing approved LWOP will remain to the civilian employee's credit and may be used when the civilian employee returns to duty status and otherwise meets the eligibility requirements of this Instruction.

6.7. Home leave for less than 18 months of continuous service abroad.

6.7.1. Home leave may also be granted to civilian employees with less than 18 months of continuous service abroad when:

6.7.1.1. The assignment is terminated because the post or country of assignment is designated as an imminent danger area and the civilian employees are evacuated from post.

6.7.1.2. As authorized by OHR, the assignment is terminated at the convenience of the U.S. Government and the needs of DIA warrant the termination.

6.8. Home leave for unique situations. Civilian employees who accompany spouses or same sex domestic partners, assigned overseas to foreign locations, may accrue and use home leave in their own right (excludes those in a LWOP status and those working under a current telework agreement).

6.9. Home leave charges.

6.9.1. The minimum charge for home leave is 1 day.

6.9.2. Additional charges are in multiples of 1 day.

6.10. A civilian employee is indebted for home leave use if he or she:

6.10.1. Fails to return to service abroad after a period of home leave taken during or between foreign tours, unless the period of remaining service is waived for reasons acceptable to DIA; or

6.10.2. Upon returning from service abroad to an assignment in the United States, fails to complete at least 6 months of service within DIA in the United States or possession.

6.10.3. When a determination is made that a refund of all home leave is required, the home leave must be changed to annual leave or other personal leave. If a partial refund of home leave is required, that portion is charged to annual leave, provided the minimum time requirements for home leave are met.

6.10.4. In the event a civilian employee is indebted for home leave improperly used, the civilian employee may:

6.10.4.1. Convert the improperly taken home leave to some other form of available paid leave (such as annual leave, compensatory time, or credit hours).

6.10.4.2. Have the amount owed deducted from payroll according to a management approved repayment plan.

6.10.4.3. Immediately refund the Government for the full amount of leave improperly taken.

6.11. No refund of home leave indebtedness is required if:

6.11.1. OHR determines the failure to serve 6 months within DIA in the United States was due to compelling personal reasons of a humanitarian or compassionate nature; or

6.11.2. It is not in the public interest to return the civilian employee to the overseas assignment.

6.11.3. Such exceptions may involve circumstances over which the civilian employee had no control.

6.11.4. Waivers may be submitted to OHR via the HROC request tool.

6.12. Certifying home leave and ensuring the appropriate use of home leave is the responsibility of the civilian employee's supervisor or the DIA element's leader. By certifying home leave, the civilian employee's supervisor or the DIA element's leader is affirming that the civilian employee is abiding by the provisions within this policy.

6.13. OHR will monitor the use of home leave. Civilian employees using home leave hours will either return to serve overseas following their assignment in CONUS or have a documented waiver approved by OHR. Any use of home leave without a return to service abroad or a documented waiver will be corrected in accordance with Paragraph 6.10.4.

## Chapter 7

7. Court leave. Court leave is an approved absence from official duty, without charge to leave or reduction in pay, to perform jury duty in a Federal, state, or municipal court; or to serve as a witness, in a nonofficial capacity, for the U.S., the District of Columbia, or a State or local government.

7.1. Eligibility. Civilian employees on permanent, term or temporary appointments with established work schedules (regular tour of duty) are entitled to court leave. However, civilian employees in a non-pay status cannot be granted court leave for jury or witness duty. A civilian employee serving on an intermittent appointment who does not have established and routine work schedule or a civilian employee on LWOP may not be granted court leave when called to jury service.

7.2. Granting court leave. Court leave may be granted to a civilian employee who, except for jury or witness service, would be on duty or on paid leave. If a civilian employee's absence is properly chargeable to court leave, he or she cannot elect to have the absence charged to annual leave, or other forms of personal leave.

7.2.1. A civilian employee who is summoned to serve as a juror in a judicial proceeding is entitled to court leave.

7.2.2. A civilian employee who is summoned to serve as a witness in a judicial proceeding in which the Federal, State, or local government is a party is entitled to court leave.

7.2.3. A civilian employee on annual leave who is called for jury duty is entitled to have court leave substituted for annual leave.

7.2.4. Court leave is not granted to a civilian employee who:

7.2.4.1. Uses time testifying in his or her own behalf.

7.2.4.2. Is a party in a suit against the Government (i.e., plaintiff). The employee will be charged leave for the time the civilian employee spends in preparation for the trial, including answering the government's interrogatories, and the time the civilian employee spends observing the conduct of the trial.

7.2.4.3. Is summoned to court for a traffic violation as a defendant.

7.2.4.4. Uses time to accompany a minor child to court.

7.3. Jury duty.

7.3.1. Jury service is a civic responsibility.



7.3.2. Supervisors may only request release from jury duty based on DIA employment in exceptional situations when the presence of the civilian employee is absolutely and unequivocally necessary in the interest of national security. The DIA element leader is responsible for the preparation of requests to the court for excusal.

7.3.3. Civilian employees assigned to night shifts are granted court leave in the same manner as civilian employees assigned to day work. Night-shift civilian employees who perform jury service during the day are granted court leave for their regularly scheduled night tours of duty and are entitled to night pay differential.

7.3.4. A civilian employee who is summoned to serve on a jury will be granted court leave for the entire period of service. The period of court leave extends from the date on which the civilian employee is required to report to the court until the time he or she is excused or discharged by the court.

7.3.4.1. Jury duty does not include time during which the civilian employee is excused or discharged by the court for an indefinite period subject to call by the court or for a definite period in excess of 1 day.

7.3.4.2. A civilian employee may be required to notify his or her supervisor upon notification by the court of being excused or discharged.

7.3.5. A civilian employee who is excused from jury duty for 1 day or a substantial part of the day is required to return to duty or be charged annual leave for the balance of the normal workday.

7.3.6. When a civilian employee on court leave for jury duty outside the commuting area is excused for an indefinite period or discharged by the court, the travel time necessary for return to duty will be considered as court leave.

#### 7.4. Witnesses.

7.4.1. A civilian employee who is summoned as a witness in an official capacity, to include on behalf of the Federal government, is on official duty and no leave of any kind is charged. The time the civilian employee spends testifying is considered regular duty, not court leave.

7.4.2. A civilian employee who is summoned or assigned by DIA to testify in an official capacity is also in an official duty status and no leave of any kind is charged.

7.4.3. Civilian employees assigned to night shifts are granted court leave in the same manner as civilian employees assigned to regular day shift work. Since witness duty generally requires a civilian employee's presence in court during daytime hours, a civilian employee who is scheduled to work at night is granted court leave during the night shift before or the night after each day of court appearance.

7.4.4. A civilian employee subpoenaed to testify in private litigation, not in an official capacity (when the United States, District of Columbia, state, or local government is not a party), as a private individual, must be charged annual leave, leave without pay, or other personal leave at the civilian employee's request, for the period of absence.

7.4.5. Court leave for witness service is permitted only if the civilian employee is summoned by the court or authority responsible for the proceeding.

7.4.6. A civilian employee who is not summoned as a witness but appears before the court voluntarily and requests to testify is not entitled to court leave.

7.4.7. Witness service performed on behalf of a private party will be charged to the civilian employee's personal leave.

7.5. Jury and witness fees. Generally, civilian employees eligible for court leave may not accept fees for service as a juror or witness. However, certain exceptions to this rule exist and are described below.

7.5.1. Federal or District of Columbia (D.C.) court. Civilian employees may not accept jury fees or witness fees when testifying on behalf of the U.S. or Washington, D.C. government unless they are on LWOP for the entire period served as a juror or witness. Civilian employees may retain reimbursement for expenses such as travel and parking.

7.5.2. State or municipal court. Fees (but not expenses) payable by State or municipal courts for jury service, or for service as a witness while on court leave, or in an official duty status, must be collected and turned into the Chief Financial Officer. These fees are deposited as an appropriation refund to the funds from which civilian employees are compensated.

7.5.2.1. Only jury or witness fees must be reimbursed to DIA. Civilian employees may retain reimbursement for expenses such as travel and parking, in excess of the jury or witness fee.

7.5.2.2. Civilian employees serving on juries in state or municipal courts who waive or refuse to accept the authorized jury or witness fees will have their salary reduced by the amount of the authorized fee.

7.5.2.3. The collection or deduction will not exceed the compensation otherwise payable for the period of absence.

7.5.3. Civilian employees who take annual leave, LWOP or other personal leave to testify in an unofficial capacity on behalf of a private party are entitled to retain the usual fees and expenses related to such witness service.

7.5.4. For each hour of jury or witness service outside of a civilian employee's normal hours of duty performed in a U.S., Washington, D.C., state, or municipal court, the

civilian employee is entitled to a proportional part of the jury or witness fee for that day.

7.6. Documentation of jury and witness service.

7.6.1. Civilian employees called for court service must present the court orders, subpoena summons, jury summons, or official request to their supervisor as soon as possible. This document will be attached to the time and attendance report which shows the first absence.

7.6.2. Upon return to duty, civilian employees must submit written evidence of attendance at court showing the dates (and hours if possible) served, such as certificate of court attendance. This document must be forwarded to OHR (through HROC) within one pay period following the civilian employee's return to duty and will be used to support the court leave on time and attendance reports, and for other purposes related to the refund of jury or witness fees. If the evidence is not received within the prescribed time limits, OHR will notify the civilian employee that the court leave requested will be converted to annual leave. If the civilian employee provides the evidence of attendance after the conversion, court leave will be substituted for the annual leave charged.

The chart summarizes the rules concerning jury and witness fees

Court fees	Leave or duty status			Fees			Government travel expenses	
	Court leave	Official duty	Annual leave or LWOP	No	Yes		No	Yes*
					Retain	Turn into DIA		
I. Jury service								
A. U.S. or District Court	X			X			X	
B. State or local court	X					X	X	
II. Witness service								
A. On behalf of U.S. or District Government		X		X				X
B. On behalf of State or local government...								
1. In official capacity		X				X		X
2. Non-official capacity	X					X	X	
C. On behalf of private party...								
1. In official capacity		X				X		X
2. Non-official capacity								
(a) When the U.S., D.C., State or local government is a party	X					X	X	
(b) When the U.S., D.C., State or local government is not a party			X		X			

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

## Chapter 8

## 8. Military leave.

## 8.1. Eligibility.

8.1.1. Military leave is granted for authorized absence from duty, without loss of pay (including pay for regularly scheduled overtime) or charge to annual or other personal leave, to perform active duty or inactive duty for training as a member of one of the following entities:

- 8.1.1.1. Army Reserve.
- 8.1.1.2. Coast Guard Reserve.
- 8.1.1.3. Air Force Reserve.
- 8.1.1.4. Navy Reserve.
- 8.1.1.5. Army National Guard of the U.S.
- 8.1.1.6. Marine Corps Reserve.
- 8.1.1.7. Air National Guard of the U.S.
- 8.1.1.8. National Guard of the District of Columbia.

8.1.2. Full-time and part-time civilian employees, serving on appointments of over 1 year, who are members of the National Guard or Reserve Components of the Armed Forces, are entitled to military leave. This leave must be approved upon presentation of appropriate official orders.

8.1.3. Civilian employees serving on temporary appointments, limited to 1 year or less, and civilian employees on intermittent appointments are not entitled to military leave.

## 8.2. Leave accruals.

8.2.1. A full-time civilian employee earns 15 days of military leave per fiscal year, which is credited and available for use at the beginning of the month of October of each fiscal year.

8.2.2. Military leave accruals will be converted to available hours of military leave. For example, a full-time civilian employee working a 40-hour workweek will accrue 120 hours of military leave in a fiscal year, or the equivalent of three 40-hour workweeks, which is credited and available for use at the beginning of the fiscal year. Military leave is credited on the basis of an 8-hour workday.

8.2.3. Military leave for part-time civilian employees and civilian employees on uncommon tours of duty will be prorated based proportionally on the number of hours in a civilian employee's regularly scheduled biweekly pay period.

8.2.4. Military leave is authorized up to a maximum of 30 days in a calendar year for those who are called to duty under certain conditions, for the purpose of providing military aid to enforce the law.

8.2.5. Members of the National Guard of the District of Columbia will be granted military leave for all days (no limit) on which they are ordered to duty for parade or encampment.

### 8.3. Requesting and using military leave.

8.3.1. Requests for military leave must be supported by a copy of the active duty military orders or a valid certification of attendance for inactive duty training.

8.3.2. To ensure mission requirements are met, orders must be submitted to a civilian employee's immediate supervisor as soon as received.

8.3.3. Certification of attendance by a military officer will be required upon return to duty. This certification will be forwarded to OHR (through HROC) within one pay period following the civilian employee's return. If the certification is not received within the prescribed time limits, OHR will notify the civilian employee that the military leave requested will be converted to annual leave. If a civilian employee provides certification of attendance after the conversion, military leave will be substituted for the annual leave charged.

### 8.4. Leave charges.

8.4.1. Military leave is charged in increments of 1 hour and may only be charged for periods of absence occurring during the regularly scheduled tour of duty.

8.4.2. When military leave is requested for inactive duty training, only the amount of leave necessary to cover the period of training and necessary travel occurring during the regularly scheduled tour of duty hours will be charged.

8.4.3. Absences occurring during duty hours, which are not appropriate for military leave, must be charged to another leave category or compensatory time (or other paid time off such as credit hours or time off award), as appropriate. Examples of tours of duty and leave charges follow.

8.4.3.1. Basic 40-hour tour of duty, Monday through Friday. The civilian employee works Monday through Friday 8:00 – 4:30 and requests military leave to cover the entire absence. Examples:

8.4.3.1.1. Civilian employee enters military duty on Monday and

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

8.4.3.1.2. Civilian employee performs 15 days of military duty with 3 separate sets of military orders, each covering a 5-day period, Monday through Friday. The civilian employee is not under military control during the weekends. The civilian employee is absent 15 workdays and is charged 120 hours of military leave (three 5-day periods, Monday through Friday). The intervening weekends are not periods of active duty, therefore, military leave is not charged.

8.4.3.1.3. Civilian employee starts military duty on Sunday and is released 7 calendar days later on Saturday. The civilian employee is absent for 5 workdays and is charged 40 hours of military leave. Non-workdays at the beginning and the end of military duty are not charged to military leave.

8.4.3.2. Basic 40-hour tour of duty, Monday through Friday; co-mingling leave. The civilian employee works Monday through Friday 8:00 - 4:30 and combines military leave with other types of leave. Examples:

8.4.3.2.1. Civilian employee enters military duty on Monday for 2 weeks. The civilian employee elects to use annual leave for the first week (Monday through Friday) and military leave for the second week. Annual leave is charged for 40 hours (the intervening weekend does not count) and the civilian employee is charged military leave for the following Monday through Friday.

8.4.3.2.2. Civilian employee enters military duty on Monday for 2 weeks. The civilian employee elects to use annual leave to cover the entire period. Because the civilian employee did not combine military leave with the annual leave, no military leave is charged.

8.5. Military leave for providing military aid to enforce the law, assist civil authorities, or participate in contingency operations.

8.5.1. Reserve personnel or members of the National Guard are entitled to leave without loss of or reduction in pay or leave when they are required to provide military aid. Military aid is provided to enforce the law or to assist civil authorities in the protection of life or property, or the prevention of injury.

8.5.2. Civilian employees performing full-time military service as a result of a call or order to active duty in support of a contingency operation are entitled to up to 22 additional workdays per calendar year. This military leave is credited at the beginning of the calendar year and there is no proration for a partial year.

8.5.3. The leave is converted into hours and charged in 1-hour increments, and is charged only for absences occurring during a civilian employee's scheduled tour of duty.

8.5.4. Military leave requires that civilian pay be offset by the amount of the military pay received. If the military pay exceeds basic civilian pay, no civilian pay is received. Non-workdays and holidays are not included in calculating the offset to the civilian pay. The offset is computed on a daily basis and is not prorated hourly.

8.5.5. Civilian employees may opt to use annual leave, compensatory time, or other paid time off such as credit hours or time off award in lieu of military leave. In such cases the offset rules do not apply, civilian employees retain full military and civilian pay.

8.6. Excused absence for civilian employees returning from active military duty.

8.6.1. Civilian employees who are called to active duty in support of the Overseas Contingency Operations (OCO) are entitled to 5 days of excused absence upon their immediate return from active duty.

8.6.2. Eligibility.

8.6.2.1. The civilian employee must have been called to active duty as part of a military campaign.

8.6.2.2. The civilian employee must have served at least 42 consecutive days.

8.6.3. Using the excused absence leave.

8.6.3.1. The excused absence will be charged as administrative leave for timekeeping purposes with comments on the reason for the administrative leave.

8.6.3.2. The civilian employee will submit certified military orders to his or her supervisor and OHR immediately upon their return to civilian duty.

8.6.3.3. The civilian employee must use the excused absence immediately upon return to civilian duty.

8.6.3.4. The maximum amount of such leave a civilian employee can receive is 5 days for 1 year, starting on the first day of the excused absence.



## Chapter 9

## 9. Other absences.

## 9.1. Maternity leave.

9.1.1. All forms of approved leave, paid or unpaid (such as LWOP), to include leave sharing program donations, credit hours, compensatory time off, and time off awards, may be granted to birth mothers for physical examinations, incapacitation, and recuperation in connection with pregnancy.

9.1.2. Civilian employees may exercise an entitlement to leave under the provisions of FMLA. Refer to the procedures and instructions in Chapter 4, Family and Medical Leave.

9.1.3. Civilian employees are encouraged to plan for and provide notification of the intent to request leave for maternity reasons as soon as possible, indicating the type of leave, approximate dates, and anticipated duration. This will allow DIA to take necessary steps to plan for staffing adjustments to compensate for the absence.

9.1.4. Civilian employees are required to submit a leave request for sick leave, annual leave, LWOP, credit hours, compensatory time off, or time off award(s) in accordance with DIA policy.

9.1.5. Leave will be granted when a medical certificate establishes incapacitation due to pregnancy, childbirth, and recovery.

9.1.6. Leave will be granted even if the requesting civilian employee does not intend to return to duty. Civilian employees who will not return to duty must submit a resignation at the expiration of approved leave.

9.1.7. Supervisors are authorized to approve leave for maternity reasons except when:

9.1.7.1. Participation in the leave sharing program is requested.

9.1.7.2. LWOP in excess of 30 calendar days is requested.

9.1.8. Approval of leave in these circumstances must be coordinated with, and approved by, OHR.

9.1.9. Although each leave request must be considered on its own merits, supervisors must apply the appropriate leave regulations, and internal policies and practices, consistently when considering requests for leave for maternity reasons.

9.1.10. Duration of maternity leave.

9.1.10.1. Managers will not establish arbitrary cutoff dates which require a civilian employee to cease work, or require or prevent the civilian employee from returning to work, without recognizing the physical capability of the civilian employee to perform the duties of the job.

9.1.10.2. Final dates for the leave to begin and end will be discussed and established between the civilian employee and her supervisor after presentation of a medical certificate.

9.1.10.3. If the medical certificate appears to cover an unreasonable period, with the civilian employee's consent, an OHR representative may consult the civilian employee's private physician for confirmation of the period of incapacity.

9.1.11. Upon completion of maternity leave, a civilian employee may desire a period of adjustment or need additional time to make arrangements for childcare. Such additional short-term leave requirements may be satisfied by the use of available annual leave, LWOP, credit hours, compensatory time off, or time off awards; however, they may not be charged to sick leave. Annual leave is approved by the supervisor; LWOP in excess of 30 days must be coordinated with and approved by OHR.

## 9.2. Paternity leave.

9.2.1. A birth father may request all forms of approved leave, paid or unpaid (LWOP), to include leave sharing program donations, credit hours, compensatory time off, and time off awards, to accompany the birth mother to prenatal appointments, to be with her during hospitalization, and to care for her during periods of incapacitation including her recovery period.

9.2.2. Additionally, birth fathers may have an entitlement to leave under the provisions of the FMLA. For additional information refer to Chapter 5, Family and Medical Leave, of this Instruction.

9.2.3. Sick leave may only be granted for medical appointments, or when medical incapacitation and the need to provide care are established by a medical certificate.

9.2.4. Annual leave and LWOP may be used to cover absences for the purpose of bonding with and caring for a healthy newborn.

9.2.5. Although each leave request must be considered on its own merits, supervisors must apply the appropriate leave regulations, and internal policies and practices, consistently when considering requests for leave for paternity reasons.

## 9.3. Adoption.

9.3.1. Annual leave, advanced annual leave, LWOP, sick leave, or advanced sick leave may be requested for the purpose of caring for a newly adopted child. Additionally,

civilian employees may have an entitlement to leave under the provisions of the FMLA. For additional information refer to Chapter 4, Family and Medical Leave, of this Instruction.

9.3.2. There is no limitation on the amount of sick leave that may be used for adoption-related purposes. Sick leave for adoption-related purposes does not count towards the 13-day (104-hour) limit for sick leave each year for general family care and bereavement purposes or the overall limit of 12 weeks of sick leave each year for all family care purposes.

9.3.3. While sick leave may be used for adoption-related purposes, a civilian employee cannot use sick leave for purposes related to foster care. Annual leave, advanced annual leave, or LWOP may be requested when planning for the placement of a foster child or after a foster child is placed in the civilian employee's care.

9.3.4. Adoptive parents may request sick leave for the following purposes:

9.3.4.1. Appointments with adoption agencies, social workers, and attorneys.

9.3.4.2. Court proceedings.

9.3.4.3. Required travel.

9.3.4.4. Court ordered or adoption agency required absences from work to care for the child, and

9.3.4.5. Other activities required to allow the adoption to proceed.

9.3.5. Adoptive parents who voluntarily choose to be absent from work to bond with an adoptive child may not use sick leave for this purpose. Parents may use other forms of approved paid or unpaid leave for these purposes.

9.3.6. Civilian employees may be required to submit documentation in support of absences related to adoption. For example, civilian employees who invoke an entitlement to leave under FMLA are required to submit supporting documentation.

9.3.7. Requesting leave. To request sick leave in the event of adoption, civilian employees should request leave and indicate in the remarks section "Adoption."

9.4. Religious holidays.

9.4.1. Civilian employees who wish to observe religious holidays which fall on a scheduled workday, workweek, or portions thereof will be permitted absence from duty when arrangements can be made without undue interruption to mission operations. Civilian employees must submit requests for accommodation 15 workdays prior to the date of the religious holiday to be observed. Accommodation is permissible as long as it does not result in an undue hardship to the mission of DIA. Examples of possible accommodations may include approval of leave,

change of tour of duty, or other means sanctioned by DIA.

9.4.2. When a civilian employee's religious beliefs require that he or she refrain from working during certain periods of the workday, workweek or portions thereof, he or she may be permitted to work compensatory time or credit hours in preparation for, or to make up the time used or to be used.

9.4.2.1. Compensatory time or credit hours may be worked before or after the religious observance.

9.4.2.2. Requests for such modification in work schedules may be disapproved based on the mission needs of DIA.

9.4.2.3. Supervisors must follow the appropriate regulations for approval of compensatory time and credit hours.

9.4.2.4. Compensatory time earned specifically for religious purposes is coded in DIA's timekeeping system as "CR."

9.4.2.5. Use of the compensatory time earned for religious purposes is coded in DIA's timekeeping system as "CA."

9.4.3. It is DIA policy to accommodate requests for absence for religious observances to the greatest extent possible. In the rare circumstance where requests cannot be accommodated because of mission needs, the supervisor will prepare a Memorandum for the Record (MFR) documenting the mission basis for disapproval. The MFR will address any alternative arrangements considered prior to arriving at the decision and will be furnished to the civilian employee no more than 3 workdays after the receipt of the request. The MFR will be retained by the supervisor for a minimum of 120 days.

9.5. Brief excused absence. Supervisors may excuse civilian employees from duty for brief periods of less than 1 hour on rare, infrequent occasions as determined necessary. For accountability purposes, the time will be recorded as administrative leave (LN) in the timekeeping system and an explanation for the absence must be annotated in the comments section.

9.5.1. If this privilege is abused, or tardiness becomes excessive, such absences and tardiness may be charged to annual leave, other forms of approved absence, or AWOL. Unapproved tardiness charged to AWOL may be subject to disciplinary action.

9.5.2. Supervisors are responsible for monitoring excessive tardiness and determining whether disciplinary action should be taken. The civilian employee should be counseled and advised that disciplinary action is being considered. Before taking any action, supervisors should contact the EMR Office.

9.5.3. Supervisors may not excuse civilian employees from duty for brief periods of

less than 1 hour in order to extend a specific grant of administrative leave authorized by the DR.

#### 9.6. Work related injury.

9.6.1. A civilian employee who suffers a disabling work-related traumatic injury is entitled to Continuation of Pay (COP) for a period of up to 45 calendar days without charge to leave. Both duty and non-duty days are counted towards the COP period and must be appropriately recorded in the timekeeping system as COP.

9.6.2. Such injuries must be reported to the Employee Services Division in OHR within 2 working days.

#### 9.7. Morale leave.

9.7.1. Morale leave can be used without charge to personal leave when attending a DIA sanctioned event and is recorded as administrative leave (LN) in DIA's timekeeping system (noting "Morale Leave" in the comments section). Except as noted in Paragraph 10.4.3, a maximum of 12 hours of morale leave may be granted to a civilian employee, per leave year, when approved by a supervisor or DIA element leader. Civilian employees participating in DIA sanctioned events must obtain supervisory approval prior to the event. If a civilian employee chooses not to attend the event, he or she must remain in the office and adhere to his or her regular work schedule, unless any personal leave is approved for those hours.

9.7.2. Based on mission requirements, supervisors can approve use of morale leave when:

9.7.2.1. The approval is granted prior to the event;

9.7.2.2. The approval does not permit the civilian employee to exceed the maximum number of hours allowable;

9.7.2.3. The request does not exceed 4 hours per event.

9.7.3. The DR, CS, or D/OHR may approve additional grants of morale leave (administrative leave (LN)) to encourage group participation in DIA events. The grant of additional leave must be specific, authorized in writing and in advance of the actual event, and may not exceed the duration of the event. (Personnel assigned official duties in connection with such events, such as keyworkers, will be carried in a regular duty status for the duration of any events for which their attendance is required).

#### 9.8. Administrative leave (LN).

9.8.1. An administratively authorized absence from duty without loss of pay or charge to leave.

9.8.2. The use of administrative leave is authorized:

9.8.2.1. When it is necessary to remove a civilian employee immediately from DIA premises for protection of classified information, for security reasons, or for other situations in which such action is desirable, the civilian employee may be placed on administrative leave as stated in Reference (r).

9.8.2.2. Pending disciplinary actions. A civilian employee may be placed on administrative leave while other disciplinary measures are being considered.

#### 9.9. Wounded Warrior Federal Leave Act.

9.9.1. Leave provided to any new Federal civilian employee hired on or after November 5, 2016, who is a veteran with a Service-connected disability rating of 30 percent or more for the purposes of medical treatment.

9.9.2. Disabled veteran leave is available for the first 12 months of employment and may not exceed 104 hours. If disabled veteran leave is not used during the first 12 months of employment, it may not be carried over to subsequent years and will be forfeited. Disabled veteran leave is recorded as administrative leave (LN) in DIA's timekeeping system. Civilian employees must annotate "Disabled Veteran Leave" in the comments section of the timecard.

9.9.3. Civilian employees utilizing this new leave category must provide proof of a Service-connected disability rating of 30 percent or more upon initial in-processing. When using this leave, civilian employees must submit certification issued by a health care provider to their supervisor.

#### 9.10. Prolonged duty status or travel.

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

9.10.2. In determining the time to be allowed, the adverse effect on work performance, health, well-being, or safety should be considered. In extreme circumstances additional time may be approved.

9.10.3. The excused absence must be approved by the immediate supervisor or a leave-approving official in the chain of command. This time will be recorded as administrative leave (LN) for the purpose of time and attendance and an explanation for the absence must be entered in the comments section of the timekeeping system.

#### 9.11. Examination and interviews.

9.11.1. Based on mission demands, supervisors may also excuse civilian employees to participate in interviews when:

9.11.1.1. The interview is for a position within the DoD; or

9.11.1.2. The civilian employee is under notice of involuntary separation for reasons other than misconduct.

9.11.2. Civilian employees under consideration for DIA vacancies, or to fill specialized training or rotational assignments requiring interviews, will be excused from duty for the minimum time necessary for the interview (including travel time). DIA employees can annotate their time as Regular Hours (RG) when interviewing for DIA positions.

9.11.3. Civilian employees taking examinations at the request of OHR or the Academy for Defense Intelligence (ADI) will be granted time off without charge to leave to complete the examination. Any absence for the purpose of examination not precipitated or approved by OHR or ADI must be charged to a form of approved leave, to include credit hours, compensatory time off, time off awards or LWOP.

9.11.4. Time spent in interviews (or other related activities) in circumstances other than those above will be charged to a form of approved leave to include credit hours, compensatory time off, time off awards or LWOP.

9.11.5. Civilian employees qualified for an excused absence for examinations and interviews will have their time and attendance report coded as administrative leave (LN) in the timekeeping system and an explanation for the absence must be annotated in the comments section.

9.12. Administrative Consultations. A civilian employee will not be charged leave for the time required to consult with OHR or the Office of the Inspector General (OIG) on questions concerning duties, working conditions, or employment status, provided arrangements are made with the immediate supervisor. A civilian employee will be granted time, without prior approval, to seek guidance from the Equal Opportunity & Diversity Office (EO) on the complaint process. Civilian employees will also be given time to prepare for the equal employment opportunity (EEO) complaint process. Although prior approval is not required, the civilian employee should notify their supervisor if they will otherwise be absent from the office.

9.13. Blood donations.

9.13.1. DIA encourages civilian employees to volunteer as blood donors.

9.13.2. Personnel who donate blood may be excused from duty for the time necessary to donate the blood, for recuperation following donation, and for necessary travel to and from the donation site.

9.13.3. Maximum excusal time will not exceed 4 hours except in unusual cases where up to an additional 4 hours may be authorized.

9.13.4. Time used under this section will be reported as administrative leave (LN)

in the timekeeping system and an explanation for the absence must be annotated in the comments section.

#### 9.14. Voting and registration.

9.14.1. Civilian employees who wish to vote or register in any election (national, state, county, city, or local), or in referendums on a civic matter in their community, will be granted necessary time off upon specific request. As a general rule, where polls are not open at least 3 hours before or after a civilian employee's regular hours of work, the civilian employee will be excused for up to 3 hours after the polls open, or 3 hours before the polls close, whichever requires less time off.

9.14.2. Under exceptional circumstances, a civilian employee may be excused for additional time to vote not to exceed 1 day. Additional time may be authorized due to complex transportation problems, or unusual congestion at the polls.

9.14.3. In cases where polls are open 3 hours before or after a civilian employee's regular working hours, excused time will only be granted under exceptional circumstances for civilian employees voting in the local commuting area.

9.14.4. If any civilian employee votes outside the commuting area, and an absentee ballot is not permitted, he or she will be granted sufficient time off to make the trip to cast the ballot. Where more than 1 day is required to make the trip, a liberal leave policy will be observed. Time off in excess of 1 day will be charged to annual leave, LWOP, or other form of approved leave.

9.14.5. Time off to register will be granted on the same basis as for voting. No time will be granted if registration can be accomplished on a non-workday and the place of registration is within a reasonable 1-day round trip travel distance of the civilian employee's place of residence.

9.14.6. For time and labor purposes, time used for voting and registration will be recorded as administrative leave (LN) in the timekeeping system and an explanation for the absence must be annotated in the comments section.

#### 9.15. Physical examination for duty in the Armed Forces.

9.15.1. Civilian employees who are required to report for physical examination before induction or recall to active duty in the Armed Forces will be excused without charge to leave upon presentation of official notification from proper authorities. For time and labor purposes, the absence will be recorded as administrative leave (LN) in the timekeeping system and an explanation for the absence must be annotated in the comments section.

9.15.2. In the event the absence extends beyond 1 workday, the civilian employee will be required to submit a statement from the examining station indicating the necessity for the additional absence. If approved, the absence will be recorded in the timekeeping system as



administrative leave (LN) as noted above.

9.15.3. If, by a civilian employee's choice, he or she is ordered to report to other than the nearest examining station and is absent from duty for more than 1 workday, the excess absence will be charged to annual leave, LWOP, or other form of approved leave.

9.16. Rest and Recuperation (R&R). R&R will be processed in accordance with deployment policy and procedures. The Forward DIA Organization at the deployed location will coordinate for DIA participation in the R&R Program. This program is a benefit, not an entitlement. Participation may be suspended or cancelled at any time due to workload demands, unacceptable or erratic work attendance, poor performance, or failure to comply with the conditions specified in the registration process. Civilian employees may use a combination of personal leave (annual leave, credit hours, comp time off, or time off award) for absences related to R&R.

9.17. Attendance at training courses or meetings.

9.17.1. The Government Employee Training Act authorizes an agency the discretion to pay the costs of training, as well as salary and benefits, to civilian employees engaged in training that provides a benefit to the government. DIA is not required to pay the training costs, but if a civilian employee is authorized to engage in such training during normal working hours, or if DIA directs a civilian employee to engage in such training during non-working hours, those hours in training constitute hours of work and are compensable in accordance with Reference (p).

9.17.2. A civilian employee may be excused to attend a conference or convention when it is determined attendance will serve the best interest of DIA. The request for attendance must be submitted and approved in accordance with Reference (p). Detailed procedures for time and attendance reporting are outlined in Reference (o). Authority to attend conferences or conventions will be limited to 5 workdays per calendar year. The civilian employee will remain in a duty status during this period.

9.17.3. If a supervisor determines the requested training is not of benefit to the government, and the civilian employee still wishes to attend the training, the civilian employee may do so on his or her own personal time in an approved paid leave status, or may request to be placed in a LWOP status. LWOP should not be granted if doing so is inconsistent with mission requirements.

9.17.4. Civilian employees who wish to attend conferences or conventions concerned with the improvement of working conditions of civilian employees, or conventions or other meetings of veteran's organizations, may be granted annual leave, or other personal leave as appropriate, or LWOP upon request, unless their absence would result in serious interference with mission operations.

9.18. Funeral leave. Civilian employees are excused from duty for a period not to exceed three workdays without charge to leave or loss of pay to make arrangements or attend

the funeral or memorial service for an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone. The three workdays need not be consecutive but if not, the civilian employee will furnish his or her supervisor satisfactory reasons justifying a grant of funeral leave for nonconsecutive days. Although the phrase "in a combat zone" restricts the funeral leave granted, supervisors may excuse a civilian employee from duty without charge to leave or loss of pay, if desired, to cover situations involving deaths of servicemen and women occurring in the line of duty elsewhere in the world. This excused absence will be reported as administrative leave (LN) in the timekeeping system and an explanation must be annotated in the comments section of the timekeeping system. When a civilian employee requests funeral leave for a combat-related death of an immediate relative, documentation of the civilian employee's relationship to that immediate relative may be required.

9.18.1. Civilian employees may be excused up to 4 hours in a workday to participate as pallbearers or honor guards in military funeral services for members of the Armed Forces whose remains are returned from abroad for interment. The supervisor of a civilian employee requesting such absence is expected to exercise sound judgment in determining whether or not the amount of leave requested is appropriate. Care should be taken to avoid lengthy absences on the basis of this provision as such absences would be contrary to the intent of the privilege. This excused absence will be reported as administrative leave (LN) in the timekeeping system and an explanation must be annotated in the comments section of the timekeeping system.

9.18.2. See Chapter 2, for more information on the availability of sick leave to make arrangements for, or to attend, the funeral of a family member.

9.19. Bone marrow donation. Civilian employees are entitled to up to 7 days of excused absence each year to serve as a bone-marrow donor. This excused absence will be reported as administrative leave (LN) in the timekeeping system and an explanation must be annotated in the comments section of the timekeeping system. For medical procedures and recuperation requiring absences longer than 7 days, civilian employees may be granted additional time off in the form of paid leave, unpaid leave, advanced leave, or other leave as provided for by this Instruction.

9.20. Organ donation. Civilian employees are entitled up to 30 days of excused absence each year to serve as an organ donor. This excused absence will be reported as administrative leave (LN) in the timekeeping system and an explanation must be annotated in the comments section of the timekeeping system. For medical procedures and recuperation requiring absences longer than 30 days, civilian employees may be granted additional time off in the form of paid leave, unpaid leave, advanced leave, or other leave as provided for by this Instruction.

9.21. Civil defense activities.

9.21.1. Participation by civilian personnel in officially-sanctioned civil defense program activities will be considered regular duty and no charge will be made to leave for the

time required. This time will be reported as regular grade (RG) in the timekeeping system.

9.21.2. Full-time civilian employees who volunteer and are selected for civil defense assignments may be released with the approval of OHR for participation in pre-emergency training and test exercises conducted in connection with State or local civil defense programs. Participation in these activities during a civilian employee's regularly scheduled tour of duty for not more than 40 hours in any 1 calendar year will be considered as part of the civilian employee's regular duties and no charge will be made to leave. Part-time civilian employee's entitlement to participate will be prorated based proportionally on the average number of hours in the civilian employee's workweek.

9.21.3. A civilian employee may be designated as available for assignment to these civil defense activities subject to the following determinations:

9.21.3.1. Civilian employee's participation has been requested by the State or local civil defense authority;

9.21.3.2. Civilian employee can be spared from his or her regular duties for the required periods of participation; and,

9.21.3.3. Civilian employee can be expected to be available for assignment to civil defense activities in the event of an emergency.

9.21.4. Upon return to duty the civilian employee will provide the immediate supervisor with a statement from the State or local civil defense authorities showing the days or hours of participation.

9.21.5. Civilian employees who participate in civil defense activities other than those specified above will be granted annual leave or LWOP if it is possible to spare them without undue interference with operations.

9.22. Emergency rescue or protective work.

9.22.1. A civilian employee may be excused to voluntarily participate in emergency rescue or protective work during an emergency such as fire, flood, or search operations. Such participation will normally be limited to a maximum of 5 workdays per year and is subject to the following criteria and procedures.

9.22.1.1. An excused absence must be coordinated with OHR prior to final approval.

9.22.1.2. In determining whether or not the excused absence will be approved, careful consideration will be given, but not limited to, the following factors:

9.22.1.2.1. Current workload of the civilian employee;

9.22.1.2.2. Evidence of a bona fide request for the civilian employee's services.

9.22.1.2.3. Any unique or special skills which would materially benefit the emergency rescue, search, or protective operation;

9.22.1.2.4. The scope of the emergency effort with regard to both the number of individuals who may receive benefit or relief (contribution to the public welfare) and the severity or magnitude of the disaster; and,

9.22.1.2.5. The impact of the civilian employee's absence on mission accomplishment.

9.22.2. Upon return to duty the civilian employee will provide the immediate supervisor with a statement from the authority which requested the civilian employee's services showing the days and hours of participation. If approved, the excused absence will be reported as administrative leave (LN) in the timekeeping system and an explanation must be annotated in the comments section of the timekeeping system.

9.22.3. Civilian employees may not be excused from duty without charge to leave for the purpose of performing rescue or guardsman duty which otherwise would be covered by military leave.

9.23. Hostile action abroad. Leave may not be charged to the leave account of a civilian employee for absence, not to exceed 1 year, due to an injury incurred while serving abroad, and resulting from insurgency, war, mob violence, or similar acts of hostility, as long as the injury was not due to the civilian employee's intemperance, vicious habits, or willful misconduct. The excused absence will be reported as administrative leave (LN) in the timekeeping system and an explanation must be annotated in the comments section.

9.24. Administrative hearings. Civilian employees who serve as voluntary witnesses in hearings conducted by the Merit Systems Protection Board are in a duty status during the time they are available as witnesses and will not be charged leave. (This includes civilian employees who serve may be called to serve as government witnesses before the EEO Commission.) This time will be reported as regular grade (RG) in the timekeeping system.

9.25. Volunteerism. Civilian employees may be granted up to 2 hours morale leave per week or up to 4 hours per pay period to participate in DIA sponsored community-related events. This excused absence will be reported as administrative leave (LN) in the timekeeping system and an explanation must be annotated in the comments section.

9.26. Preventive health screening.

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

pressure checks.

9.26.2. Civilian employees who wish to participate in an external preventive health screening program during normal duty hours may request a schedule change from their supervisor for the day in question using Alternative Work Schedule (AWS) rules; or request sick leave, annual leave, advanced sick leave, advanced annual leave, credit hours, compensatory time, time off award, or LWOP. Requests for schedule changes or leave approval must be made to the supervisor in advance of the absence.

9.26.3. Civilian employees with less than 80 hours of accrued sick leave can request up to 4 hours of administrative leave per calendar year to participate in such programs. Requests for administrative leave for this purpose may be approved by the supervisor.

9.26.4. Excused absence is not appropriate for a civilian employee to accompany a family member receiving preventive health screenings such as stress tests, children's immunizations, and flu shots. Such absences may be charged to sick leave, annual leave or other paid time off, or LWOP.

9.26.5. Civilian employees qualified for administrative leave for preventive health screening will have their time and attendance report coded as administrative leave (LN) in the timekeeping system and an explanation must be annotated in the comments section in the timekeeping system as "preventive health screening."

#### 9.27. PCS.

9.27.1. At the supervisor's discretion, DIA civilian employees may be excused for a reasonable time, not to exceed an aggregate of 5 business days at the losing or gaining duty locations, or a combination thereof, to make personal arrangements and to conduct personal business directly related to a PCS, provided such business or arrangements cannot be conducted outside the civilian employee's regular working hours. This is applicable for PCS in the interest of DoD or DIA no-cost transfers.

9.27.2. This time will be recorded as administrative leave (LN) in the timekeeping system and an explanation must be annotated in the comments section of the timekeeping system. This includes collection of medical documents for self and dependents, obtaining driver's licenses, auto tags, and immunizations for dependents. Events such as having household goods packed and shipped and obtaining civilian employee official travel documents are considered official duty and will be recorded as regular hours in DIA's timekeeping system. This entitlement may be offered to both DIA civilian employees if traveling on the same order.

## Chapter 10

## 10. Group dismissal and closure procedures.

## 10.1. Responsibilities.

10.1.1. The DR may administratively dismiss or excuse civilian employees when normal operations are interrupted by events beyond the control of management and civilian employees, and close DIA, or any portion thereof, for short periods of time for managerial reasons. This authority is delegated to the CS and the D/OHR, or the local authority, as appropriate, and noted in the Responsibilities section of this Instruction.

10.1.2. The DR may authorize an early dismissal of civilian employees for a predetermined number of hours prior to a Federal holiday.

10.1.2.1. The early release will be charged as excused absence or administrative leave (time and attendance code LN).

10.1.2.2. The administrative leave for early release cannot be used in conjunction with other types of personal leave nor can it be combined with brief excused absences that may be authorized by a supervisor as noted in Paragraph 10.2.

10.1.2.3. The specific grant of administrative leave applies only to the specific day authorized by the DR for the early release and cannot be used on an alternate workday. Civilian employees whose work schedule does not include that day, or who are scheduled to be on leave for that day, are not authorized administrative leave for the early release.

10.1.2.4. The grant of administrative leave is not guaranteed and may be forfeited due to mission requirements.

## 10.2. Essential operations and dismissal.

10.2.1. Essential operations will be continued regardless of general dismissals affecting all or any portion of DIA.

10.2.2. Emergency or mission-critical emergency civilian employees will be designated for this purpose, and personnel whose services will be required will be made aware of the special requirements placed upon them for reporting to or remaining at their work sites in emergency situations.

10.2.3. Unless there are unique factors which dictate independent action, the early dismissal of civilian employees during a regular workday, or the closing of DIA because of hazardous weather conditions, power shortages, or other emergency conditions affecting the Washington, D.C., metro area will be effected only after general instructions have been issued by OPM in accordance with the Responsibilities Section of this Instruction.

10.2.4. The CS or D/OIIR will inform the DR of OPM's instructions and notify designated DIA element leaders located within the Washington, D.C., metro area when personnel are to be released before the close of the normal working day.

10.2.5. DIA activities located outside of the Washington, D.C., metro area will be dismissed or released by the local authority charged with responsibility for that activity area or building.

10.2.6. Generally, when emergency situations develop during non-working hours, announcements will be issued by OPM for those in the Washington, D.C., metro area through radio or television news media. DIA civilian employees should follow the guidance being issued by OPM or the local authority unless told otherwise by their supervisor or DIA element leader.

### 10.3. Administrative group dismissal.

10.3.1. In emergency or unpredictable situations specific to DIA, the DR may administratively dismiss or excuse personnel for short periods of time.

10.3.2. If there is a need to curtail operations for an extended period of time, other options should be considered, such as details to other duties, use of leave, or furlough. The dismissal or excusal of any one group of DIA personnel will not, solely for the purposes of equity, require the dismissal of others.

10.3.3. When due to planned managerial reasons, the closing of part or all of DIA is required for short periods of time, civilian employees should be notified not less than one full work shift in advance.

10.3.4. If circumstances requiring dismissal continue for an extended period of time, civilian employees will then be assigned to other work or locations, or may be granted additional time off in the form of paid leave, unpaid leave, advanced leave or other leave as provided for by this Instruction.

10.3.5. DIA activities located outside of the Washington, D.C., metro area will be dismissed or released by the local authority charged with responsibility for that activity area or building.

### 10.4. Emergencies during non-working hours.

10.4.1. If emergency conditions develop during non-working hours, civilian employees will be expected to comply with OPM guidance for the Washington, D.C., metro area (executive agencies located within the Washington Capital Beltway) on work or leave status issued through the news (radio, television, newspaper) media.

10.4.2. DIA activities located outside of the Washington, D.C., metro area will

follow guidance issued by the local authority charged with responsibility for that activity area or building.

10.4.3. Non-emergency civilian employees will be granted excused absence for the number of hours they were scheduled to work unless covered by one of the exceptions listed below.

10.4.3.1. If a telework agreement stipulates that a civilian employee is required to work when Federal offices are closed to the public, then the civilian employee must continue working unless leave is required and approved by his or her supervisor.

10.4.3.2. If a non-emergency civilian employee is on official travel on a workday when a DIA office is closed to the public, the civilian employee is expected to continue working. However, if the emergency procedures of the Agency make it impossible for the civilian employee to continue work, excused absence may be appropriate. The supervisor will be responsible for determining whether a civilian employee is required to continue working or will be granted excused absence under these circumstances.

10.4.3.3. A civilian employee on LWOP, LWOP for military duty, workers' compensation, suspension, or in another non-pay status does not receive excused absence when DIA is operating under emergency procedures. These civilian employees should remain in their current status. Civilian employees in a non-pay status have no expectation of working and receiving pay for a day during which Federal offices are closed to the public and is therefore not entitled to be paid for his or her absence.

10.4.3.4. A civilian employee on AWS whose Regular Day Off (RDO) is the same workday that a Federal activity is closed is not entitled to another RDO "in lieu of" the workday on which the Federal activity was closed.

#### 10.5. Emergencies during normal working hours.

##### 10.5.1. Early dismissal.

10.5.1.1. Civilian employees who leave work before an early departure policy is announced, or before his or her early departure time, should be charged leave beginning at the time the civilian employee left work and for the remainder of his or her scheduled workday.

10.5.1.2. Civilian employees on pre-approved leave or requested unscheduled leave (annual, sick, or other paid absence, military leave, or LWOP) for the entire day, will be charged leave for the entire day. A civilian employee scheduled to take pre-approved leave commencing after his or her early departure time (for example, for doctor's appointment) will not be charged leave for that period. The civilian employee should be granted excused absence for the remainder of the workday following his or her early departure time.



10.5.1.3. Civilian employees on official travel during normal working hours when DIA dismisses civilian employees early are not entitled to additional pay or paid time off (for example, compensatory time off or credit hours) for hours that are part of their normal work schedule.

10.5.1.4. If a civilian employee is scheduled to return from leave after an early departure policy is announced, the supervisor should charge leave for the period prior to the civilian employee's early departure time and grant excused leave for the remainder of the workday following the civilian employee's early departure time.

10.5.1.5. Civilian employees may not depart their work site prior to the start of the DIA early departure time without an appropriate charge to leave. If a civilian employee receives approval to leave prior to the early work dismissal time, leave will be charged from the time of departure up to the early dismissal time.

10.5.1.6. Civilian employees may be granted an additional period of excused absence by their first-line supervisor if they can demonstrate that they would face an undue hardship if not released prior to the beginning of the "early dismissal" time. For example, to facilitate car-pooling or when younger children are released early from school and no alternative forms of childcare are available to the civilian employee. Leave will not be charged if the supervisor exempts the civilian employee based on hardship.

10.5.1.7. Civilian employees in a telework status are expected to continue working for the remainder of the workday or request unscheduled leave. Emergency or mission critical emergency civilian employees are expected to remain on duty for the remainder of their duty day as directed by their supervisor.

#### 10.5.2. Immediate departure.

10.5.2.1. Non-emergency civilian employees will be immediately dismissed from their offices and will receive administrative leave for the hours remaining in their workday. For example, if OPM or the local authority announces an immediate departure at 12:00 p.m., all non-emergency civilian employees will be granted excused absence (administrative leave) for the number of hours remaining in their scheduled workday.

10.5.2.2. Emergency and mission critical emergency civilian employees are expected to remain at work unless otherwise directed by their supervisors.

10.5.2.3. Civilian employees in a telework status are expected to continue working for the remainder of the workday or take unscheduled leave for the remainder of the workday.

10.5.2.4. Non-emergency civilian employees who depart before an immediate departure policy is announced should be charged annual leave or other paid leave, or leave without pay beginning at the time the civilian employees left work and for the remainder of their scheduled workday.

10.5.2.5. Non-emergency civilian employees scheduled to return from leave after an immediate departure is announced should be charged leave for the period prior to the immediate departure time and granted excused absence for the remainder of the workday following the immediate departure time.

10.5.2.6. Civilian employees on alternative work schedules are not entitled to another AWS day off in lieu of the workday on which the Agency is closed. In addition, civilian employees cannot be granted excused absence on a non-workday.

10.5.3. Federal offices in the Washington, D.C., metro area under shelter-in-place procedures and are closed to the public.

10.5.3.1. Civilian employees should relocate to a designated safe area to protect themselves from sudden severe weather (for example, tornadoes) until they are notified by Agency officials when they may return to their offices or leave their worksites. It is anticipated this announcement will be extremely rare and for a short period of time.

10.5.3.2. Civilian employees who are unable to enter their building due to shelter-in-place procedures should be granted excused absence (administrative leave) for the duration of the announcement.

10.5.3.3. Telework civilian employees performing telework are expected to continue working during the shelter-in-place, unless affected by the emergency or otherwise notified by their supervisor.

10.5.4. After emergency condition is cancelled. Civilian employees not able to return to work once the closure, delayed arrival, or other emergency condition is cancelled may request annual leave, comp time, credit hours, other paid time off, or LWOP. If leave is not authorized by the supervisor, the civilian employee will be charged with AWOL.

#### 10.6. Hazardous weather.

10.6.1. When DIA is closed by administrative order, in accordance with Reference (j) civilian employees scheduled to work on those days (except those specifically designated as emergency or mission critical emergency civilian employees as directed by their supervisor, or telework agreements that allow working from home) will be excused without charge to leave or loss of pay. Civilian employees on previously authorized leave will be charged leave for those days.

10.6.2. When a delayed arrival is authorized by administrative order, administrative leave (LN) may be granted for the period noted. Brief additional periods of personal leave may be added to the period of the authorized absence. However, civilian employees must report to duty in order to be granted the authorized administrative leave. Civilian employees who request unscheduled leave and do not report for duty will be charged leave for the entire workday. Civilian employees on pre-approved leave for the entire

workday will be charged leave for the entire workday.

10.6.3. In situations where DIA activities are not officially closed, but it is extremely hazardous for civilian employees to report for work, or an early dismissal is necessary for safety reasons, civilian employees may request annual leave (or other paid leave such as travel compensation or time off award), or leave without pay, or may be administratively excused as follows:

10.6.3.1. Supervisors are authorized to excuse tardiness for up to 1 hour. This excused absence will be reported in the timekeeping system as administrative leave (LN) and an explanation must be annotated in the comments section of the timekeeping system.

10.6.3.2. Element leaders may excuse a civilian employee's tardiness or early departure for up to 2 hours. Excused tardiness or early departure due to hazardous weather will be reported as administrative leave (LN) in the timekeeping system and an explanation must be annotated in the comments section of the timekeeping system.

10.6.4. Factors to be considered by the authorizing official will include:

10.6.4.1. Distance between the civilian employee's residence and place of duty;

10.6.4.2. Mode of transportation normally used; and,

10.6.4.3. Efforts made by the civilian employee to get to work and success of other civilian employees similarly situated who were able to report to work.

Enclosure 2.

#### ADDITIONAL REFERENCES

- (f) Section 5551 of title 5 U.S.C., "Lump-sum Payment for Accumulated and Accrued Leave on Separation"
- (g) Section 551.423 of title 5 CFR, "Time Spent in Training or Attending a Lecture, Meeting or Conference"
- (h) Public Law 111-84, "National Defense Authorization Act," October 2009
- (i) Public Law 103-388, "Federal Employees Family Friendly Leave Act," 22 October 1994
- (j) OPM Washington, D.C., Area Dismissal and Closure Procedures, Current Edition
- (k) DoD Directive 1404.10, "DoD Civilian Expeditionary Workforce," 23 January 2009
- (l) DoD Instruction 1400.25, Volume 630, "DoD Civilian Personnel Management System: Leave," Change 2, 15 May 2015
- (m) DIA Directive 1404.200, "Talent Management," 2 September 2016
- (n) DIAD 5240.004, "Information Security Program," 5 April 2014
- (o) DIA Instruction 1422.002, "Time and Labor Reporting," Change 1, 29 October 2013
- (p) DIAI 1025.002, "Personnel Training," 1 May 2014
- (q) DIAI 5015.001, "Records Management Program," 27 June 2016
- (r) DIAI 1426.001, "Remedial, Disciplinary, Adverse, and Performance-Based Actions," Change 2, 22 December 2016

Enclosure 3.

## DEFINITIONS

**Absence without leave (AWOL)** – Unauthorized absence from duty without pay. AWOL may result in disciplinary action.

**Accrued leave** – Leave earned and unused by a civilian employee during the current leave year.

**Accumulated leave** – Unused leave remaining to the credit of a civilian employee at the beginning of a leave year.

**Active duty** – Full time duty in the active military service of the United States (U.S.), to include the Army, Navy, Air Force, Marine Corps, and Coast Guard. Such active service includes full time training, annual training, and attendance in a school designated as a service school by law or by the Secretary of the military department concerned. Active duty does not include full time National Guard duty.

**Administrative leave** – An administratively authorized absence from duty without loss of pay or charge to leave.

**Advanced leave** – Sick or annual leave granted before it is earned.

**Approval of exigencies** – Only the Director, DIA (DR) can declare an exigency of public business for the restoration of forfeited annual leave. An exigency is of such importance that it prevents the use of annual leave subject to forfeiture. The DR establishes a termination date for the exigencies.

**Available paid leave** – Available paid leave is annual or sick leave that is accrued or accumulated; re-credited and restored annual or sick leave, credit hours, and compensatory time. Available paid leave does not include annual or sick leave which may be advanced to a civilian employee, nor does it include leave placed in a “set-aside account” during participation in the voluntary Leave Bank program. “Set-aside” leave not yet transferred to the civilian employee’s accrued leave accounts is not considered available paid leave.

**Contagious disease** – An illness or disease requiring isolation of the patient, quarantine, or restriction of movement as prescribed by health authorities having jurisdiction.

**Contributed leave** – Annual leave donated to the Leave Bank for use by Leave Bank members because of a medical emergency.

**Court leave** – Leave of absence from duty without loss of pay or charge to leave to perform jury duty or to serve as a witness, in an unofficial capacity, when summoned in a judicial proceeding in which the U.S., Washington, District of Columbia (D.C.), State, or local government is a party.

**Covered Service Member** – For the purposes of Family and Medical Leave provisions:

- (a) A member of the Armed Forces, including a member of the National Guard or

Reserves, who is undergoing medical treatment, recuperation, or therapy, are otherwise in an outpatient status, or who are otherwise on the temporary disability retired list, for a serious injury or illness.

(b) A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which they underwent such medical treatment, recuperation, or therapy.

Emergency employee – A civilian employee who is expected to report for work or remain on duty in dismissal or closure situations unless otherwise directed by their supervisor.

Excused absence – An administratively approved absence without loss of pay or charge to leave.

Family and medical leave – An eligible civilian employee’s entitlement to 12 administrative workweeks of unpaid leave during any 12-month period because of the civilian employee’s serious health condition; the need to care for a spouse, son, daughter, or parent with a serious health condition; childbirth; or adoption.

Family member For purposes of sick leave, funeral leave, voluntary leave transfer, voluntary leave bank, and emergency leave transfer, a family member is defined as an individual with any of the following relationships to the civilian employee:

1. Spouse, and parents thereof; and,
2. Biological, adopted, or foster child; a step child; or a legal ward
3. Brothers and sisters, and spouses thereof;
4. Grandparents and grandchildren, and spouses thereof;
5. Domestic partner and parents thereof, including domestic partners of any individual in 2 through 5 of this definition; and,
6. Any individual related by blood or affinity whose close association with the civilian employee is the equivalent of a family relationship.

Health care provider – A licensed Doctor of Medicine, Doctor of Osteopathy, or a physician designated to conduct examinations. A person providing health services who is not a medical doctor, but who is certified by a national organization and licensed by a State to provide the service in question.

Home leave – Leave earned during an overseas tour of duty which may be used when taking renewal agreement travel between tours; or during an overseas tour when the civilian employee meets the eligibility criteria. Home leave must be taken in the U.S., Puerto Rico, or other territories and possessions of the U.S.

Inactive duty for training – Consists of voluntary participation in Reserve activities at weekly or monthly drills of a National Guard unit, regular meetings of a Reserve organization, or mobilization assignments in any of the Armed Forces in a pay or non-pay status.

Leave Sharing Board – Three-member board that will review all leave sharing program applications and forward recommendations to DIA’s Surgeon General.

**Leave Bank member** – A civilian employee who makes a leave bank membership contribution of 4, 6, or 8 annual leave hours during an open season (or during an individual enrollment period, when applicable) of the current leave year. The contribution must be at least the minimum amount of annual leave required for membership in the Leave Bank.

**Leave contributor** – A civilian employee who contributes annual leave to the Leave Bank.

**Leave donor** – A civilian employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient has been approved.

**Leave recipient** – A civilian employee whose application to receive transferred annual leave from the annual leave accounts of one or more leave donors has been approved. Leave Bank member whose application to receive contributions of annual leave from the Leave Bank has been approved.

**Leave Without Pay (LWOP)** – Authorized absence from duty without pay that must be requested by the civilian employee and approved by the civilian employee's supervisor.

**Leave year** – Period from the beginning of the first full pay period in one calendar year to the beginning of the first full pay period in the next calendar year.

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

**Medical emergency or condition** – Acute medical condition, or an acute emergency resulting from a chronic condition, of a short-term duration of a civilian employee or a family member of a civilian employee that is likely to require the prolonged absence of such civilian employee from duty and to result in substantial loss of income to such civilian employee because of the unavailability of paid leave. A civilian employee with a medical emergency or condition must be (or expect to be) without available paid leave for at least 24 hours (excluding advanced leave); for a part-time civilian employee the minimum number of hours is at least 30 percent of the average number of hours of work in the civilian employee's biweekly scheduled tour.

**Medical leave status** – For purposes of leave sharing programs, administrative status of a civilian employee while the civilian employee is using annual or sick leave accrued or accumulated due to medical incapacitation.

**Mission-critical emergency employees** – Civilian employees who are expected to remain in contact with their agencies at all times during any closure situation to maintain continuity of Government operations.

**Parent** – The definition of a parent is a biological parent or an individual who stands or stood “\*in loco parentis” to a civilian employee when the civilian employee was a son or daughter. (\*A child of a person who has day-to-day responsibility for the care and financial support of that child. A biological or legal relationship is not necessary.)

**Renewal agreement travel** – Government paid travel from overseas duty station to home of record. Travel is authorized for the civilian employee and eligible dependents after the civilian

employee signs a renewal transportation agreement to remain overseas in Government service normally for an additional 24 months.

**Scheduled leave** – Leave is considered scheduled after a civilian employee has requested and obtained the supervisor's approval for the absence.

**Serious Health Condition** – Defined as an illness, injury, impairment, or physical or mental condition which involves any period of incapacity or treatment in connection with, or consequent to, inpatient care in a hospital, hospice, or residential medical care facility. A serious health condition involves any period of incapacity requiring absence from work, school, or other regular daily activities for more than 3 calendar days which also involves continuing treatment by, or under the supervision of, a health care provider. Continuing treatment by, or under the supervision of, a health care provider for a chronic or long-term health condition which is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than 3 calendar days, or prenatal care. The term "serious health condition" is not intended to cover short-term conditions for which treatment and recovery are very brief.

**Service abroad** – Service on and after 6 September 1960 by a civilian employee at a post of duty outside the U.S. and outside the civilian employee's place of residence if his place of residence is in the Commonwealth of Puerto Rico or a territory or possession of the U.S.

**Set-aside account** – An annual or sick leave account which is held separately from other leave accounts during the time a civilian employee is in a shared leave status.

**Shared leave status** – Administrative status of a civilian employee while the civilian employee is using transferred leave from the Leave Bank.

**Spouse** – A partner in any legally-recognized marriage (to include same-sex spouse), regardless of the civilian employee's State of residency. The term "spouse" does not include unmarried domestic partners, unless they meet the requirements of being spouses in a common-law marriage in states where such marriages are recognized.

**Tour of duty** – Specific hours and days during the administrative workweek, fixed in advance, during which the civilian employee is required to be on duty.

**Transferred leave status** – The administrative status of a civilian employee while using transferred leave under the leave sharing programs.

**Washington, D.C., metro area** – Applies to Federal civilian employees in executive agencies located inside of the Washington Capital Beltway for emergency dismissal purposes.