

**Technician Personnel Regulation 630**

**Absence and Leave**

**Absence and  
Leave Program**

National Guard Bureau  
Arlington, VA 22202-3231  
August 27, 2010

**UNCLASSIFIED**

# ***SUMMARY of CHANGE***

TPR 630

Absence and Leave

Revision dated August 27,2010

- o This publication supersedes sections of TPR 990-2, 9 Jul 84 which are: Change 1 (C1), 26 Dec 85, to B630.S3, B630.S4, B630.S9, B630.S11, B630.S14; and Change 2 (C2), 1 Mar 90, to B630.S3.
- o Includes changes in the military leave program (22-day and 44-day).
- o Includes the 2001 change in charging of military leave in hourly increments.
- o Includes the addition of President's Excused Absence for those returning from, Global War on Terrorism.
- o Includes new rules concerning compensatory time off for travel.
- o Includes a new chapter on Funeral Honors.
- o Adds an explanation of the responsibilities of the Chief, National Guard Bureau, Manpower and Personnel Directorate, Chief, Technician Personnel Division, and the Joint Force Headquarters-State.
- o Clarifies the procedures, for administrative closings.

Absence and Leave

Absence and Leave Program

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By Order of the Secretaries of the Army and the Air Force:

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**History.** This publication supersedes sections of TPR 990-2, 9 Jul 84, which are: Change 1 to B630.S3, B630.S4, B630.S9, B630.S11, B630.S14; and Change 2 to B630.S3.

**Summary.** This regulation prescribes the Human Resources Absence and Leave Program for National Guard technicians and replaces the leave regulations that were used to supplement the Federal Personnel Manual. This regulation meets Federal and Department of Defense (DoD) requirements as cited in Title 5, United States Code, Chapter 63 and Title 5 Code of Federal Regulation, Part 630. It includes changes in the military leave program (22 day and 44 day) and the charging of military leave in hourly increments. In addition, it includes new chapters concerning compensatory time off, Funeral Honors, and clarifies the procedures for administrative closures.

**Applicability.** This Technician Personnel Regulation (TPR) applies to all Army and Air National Guard technicians, commanders, managers, and supervisors (military or civilian) with authority or responsibility for the Absence and Leave Program. Departments of the Army and Air Force civilian personnel Absence and Leave publications do not apply to National Guard technicians.

**Proponent and exception authority.** The proponent of this regulation is the Chief, NGB-J1-TN. The proponent has the authority to approve exceptions to this regulation when they are consistent with controlling law and regulation.

**Management Control Process.** This regulation is not subject to the management control requirements of AR 11-2. This publication does not contain management control provision.

**Supplementation.** Supplementation of this regulation is authorized. One copy of any supplement will be provided to NGB-J1-TN, 1411 Jefferson Davis Highway, Arlington, VA 22202-3231.

**Suggested Improvements.** Users of this regulation are invited to submit comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to NGB-J1-TN, 1411 Jefferson Davis Highway, Arlington, VA 22202-3231.

Distribution. B/F.

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This publication supersedes sections of TPR 990-2, 9 Jul 84, which are: Change 1 to B630.S3, B630.S4, B630.S9, B630.S11, B630.S14; and Change 2 to B630.S3.

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## **Chapter 1 General Provisions**

### **1-1. Purpose**

This technician personnel regulation (TPR) establishes responsibilities, policies and procedures for the Absence and Leave Program for National Guard technicians. This regulation meets Federal and Department of Defense (DoD) requirements as cited in Title 5, United States Code, Chapter 63 and Title 5 Code of Federal Regulation, Part 630 and provides The Adjutants Generals' (TAG) regulatory guidance to administer the Absence and Leave Program at the State level.

### **1-2. References**

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

### **1-3. Explanation of abbreviations and terms**

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

### **1-4. Responsibilities**

a. The Chief, National Guard Bureau (CNGB). Serves as the strategic focal point in developing, managing, and integrating employment of National Guard capabilities for the Office of the Secretary of Defense, the Joint Staff, and the Departments of the Army and Air Force in support of Combatant Commanders. Administers DoD, Joint Army and Air Force programs and acquires, distributes and manages resources.

b. Director of Manpower and Personnel, NGB-J1. Serves as the primary advisor to the CNGB on all personnel and manpower issues in the National Guard. Provides oversight and has primary responsibility to the CNGB on the human resource technician program development, staffing, and execution of policy, plans, and programs concerning the technician Absence and Leave Program.

c. Chief, Office of Technician Personnel Division, NGB-J1-TN. Establishes responsibilities, policies, and requirements for the National Guard Absence and Leave Program that meet statutory and regulatory requirements cited in references in Appendix A.

d. Adjutants General. Establishes an Absence and Leave Program for their State or Territory that meets the statutory and regulatory requirements cited in the references in Appendix A and this TPR.

e. Joint Force Headquarters-State, JFHQ(St), J-1. Provides oversight and has primary responsibility to TAG on the State's technician absence and leave program.

f. Human Resource Officers. Issues regulatory guidance, and administers and publicizes the State Absence and Leave Program. Ensures the Absence and Leave Program meets the regulatory requirements cited in Appendix A. Provides training and support to supervisors and managers on leave and absence requirements.

g. Human Resources Specialist (Employee Relations). Serves as program manager for the State Leave Program. Provides advice, assistance and training to commanders, managers, and supervisors on effective use and participation in the program. Provides training and orientation to all technicians and military members regarding the leave program.

## **Chapter 2 Annual Leave**

### **2-1. Eligible employees**

All permanent, term, and indefinite employees, and temporary employees who are appointed to positions in excess of 90 days are entitled to annual leave.

### **2-2. Maximum accumulation**

Federal employees may accumulate a maximum of 240 hours (30 days) of annual leave. Excess annual leave will be forfeited at the beginning of the first pay period of the new leave year but may meet criteria for restoration as per paragraph 2-5.

### **2-3. Granting annual leave**

Annual leave is provided to allow every employee a period of relaxation and short periods of time off for personal and emergency purposes.

a. The Adjutant General will establish and publish local policy that will ensure that adequate planning is taken to provide scheduled vacation periods and otherwise grant or direct the use of annual leave. The policy should establish or through negotiations establish the minimum charge for leave, and the conditions under which leave will be advanced, restored, or forfeited. It should also include such matters as when and to whom leave requests will be submitted, when documentation is required, and what documentation is acceptable.

b. Scheduling Annual Leave. Supervisors are charged with the responsibility to consider the mission requirements first, then the employees' desires when approving and/or disapproving leave.

(1) In order for forfeited annual leave to be restored, the annual leave must have been scheduled in writing before the start of the third biweekly pay period prior to the end of the leave year.

(2) If a severe work interruption should arise, and it is the agency decision to place the workforce on administrative leave, supervisors may cancel and reassign employees who were in a leave status prior to the severe work interruption to an administrative leave status. States must ensure that the schedule change is in compliance with their local labor management agreement.

c. Advancing Annual Leave. Supervisors may grant advance annual leave consistent with the agency's leave administrative policy. The amount of annual leave that may be advanced is limited to the amount of annual leave an employee would accrue in the remainder of the leave year. Employees do not have an entitlement to advance annual leave. In most cases, when an employee who is indebted for advance annual leave separates from Federal service, he or she is required to refund the amount of advance leave for which he or she is indebted. When an employee is pending separation (such as employees on temporary appointments or those whose retirement is planned), advanced leave may not exceed the amount that can be repaid by accrual before the separation.

d. Sickness during Annual Leave. When sickness occurs during a period of annual leave, an employee may request to change their status to sick leave for the period of sickness.

### **2-4. Disposition of annual leave**

Technicians are entitled to receive a lump sum payment for all accumulated and accrued annual leave upon separation from technician employment. If the technician leaves the National Guard to accept a position in another Federal agency, lump-sum payment of annual leave is not authorized. If the leave is transferable to the new position, it must be transferred.

### **2-5. Restoration of forfeited annual leave**

a. Restoration of Annual Leave. Leave lost through an administrative error, sickness, or exigencies of the public business (this includes furlough) is authorized. Before forfeited annual leave may be considered for restoration, IAW 5 CFR 630.308 the annual leave must have been requested, approved, and scheduled in writing before the start of the third bi-weekly pay period to the end of the leave year. Restoration of forfeited annual leave is delegated to the State Adjutant General and he or she may delegate this authority to the HRO. However, any official whose leave would be affected by the decision may not make the determination. IAW 5 U.S.C. 6304(d)(1)(B): Annual leave restored because of an extended exigency must be scheduled and used within a time period that equals twice the number of full calendar years, or parts thereof, that the exigency existed. This time period begins at the beginning of the leave year following the leave year in which the exigency is declared to be ended.

b. Exigences Determination. Before forfeited annual leave is restored, there must be a determination that an exigency is of major importance and an employee may not use scheduled annual leave. Failure to use annual leave due to extended active duty is not considered an "exigency of the public business" for purposes of restoring forfeited leave to a special account. Technicians facing activation with a leave balance in excess of 240 hours should be advised to use such leave to avoid forfeiture.

c. An extended exigency means an exigency of such significance as to:

- (1) Threaten the national security, safety, or welfare;
- (2) Last more than three calendar years;
- (3) Affect a segment of an agency or occupational class; and
- (4) Preclude subsequent use of both restored and accrued annual leave within the time limit specified in §630.306 (Time limit for use of restored annual leave).

d. Time Limit for Use of Restored Annual Leave. Once annual leave is restored, it must be scheduled and used not later than the end of the leave year ending two years after the date of restoration of the annual leave. Guidelines may be developed locally for the use of restored leave. In the case of small amounts (e.g., five days or less),

employees may be required to use the restored leave before using current leave accruals. In case of large amounts of restored leave, it may be wise to prorate the use over the entire two-year limit as warranted. Where requested annual leave is to be charged to the restored leave account, the employee must submit an OPM Form 71 clearly indicating the amount of leave to be charged to the restored leave account.

### **Chapter 3**

#### **Leave Without Pay (LWOP)**

##### **3-1. Eligible employees**

All technicians may be eligible for, or entitled to, leave without pay (LWOP).

##### **3-2. Granting leave without pay**

The authorization of leave without pay is a matter of employer administrative discretion. Even though LWOP is a non-pay status, it is still approved leave and must be requested by the employee and approved by the supervisor. Employees cannot demand they be granted LWOP as a matter of right except as follows:

- a. To cover a disabled veteran's absence for medical treatment.
- b. To cover a Reserve or technician's absence to perform military duties (not covered by some form of paid leave).
- c. To cover an absence under the provisions of the Family Medical Leave Act.

##### **3-3. Approval conditions of LWOP**

As a basic condition to the approval of LWOP, there should be reasonable expectation the technician will return at the end of the approved period. It should be apparent that at least one of the following benefits will result:

- a. Increased job ability.
- b. Protection or improvement of employee's health.
- c. Retention of a desirable employee.
- d. Furtherance of a program of interest to the government.

##### **3-4. Approval considerations**

Each request for LWOP should be examined closely to ensure that the value to the government or the serious needs of the employee are sufficient to offset such costs and administrative inconveniences. LWOP granted to an employee may not at a later time be converted to annual or sick leave, except in disability retirement and employee workers compensation cases in which claims are disallowed.

##### **3-5. LWOP is not a penalty**

Generally you may not place a technician on LWOP without their consent. LWOP may not be imposed as a penalty.

##### **3-6. Effects of LWOP**

LWOP for personal reasons that exceeds specific time limitations can delay the due date of the next step increase; it can eliminate leave accrual for the pay period; and can affect creditable service for the calendar year. LWOP for military duty does not impact a due date of a Within Grade Increase, it does affect leave accrual by changing to prorated accrual, and affects creditable Federal service for the period only if a deposit is not made.

### **Chapter 4**

#### **Sick Leave**

##### **4-1. Eligibility**

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

#### **4-2. Granting sick leave**

Sick leave is appropriate when any of the following circumstances cause absence. Employees must request sick leave within such time limits as management may require and when necessary, supported by evidence administratively acceptable by management. The minimum charge for sick leave should be in accordance with 5 CFR 630.206. Minimum charges of less than 6 minutes should not be established.

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

#### **4-3. Advancement of sick leave**

A maximum of 240 hours of sick leave may be advanced to a permanent technician with a medical emergency, for purposes related to the adoption of a child, for family care or bereavement purposes, or to care for a family member with a serious health condition. Sick leave may be advanced subject to the following conditions:

- a. Request for advancement of sick leave will be supported by a medical certificate.
- b. Available accumulated sick leave will be exhausted before advancement.
- c. Annual leave that would otherwise be forfeited will be used.
- d. There is reasonable assurance the technician will return to duty to earn and repay advance credits.

### **Chapter 5**

#### **Family Medical Leave Act (FMLA)**

##### **5-1. Eligibility**

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

##### **5-2. Granting leave under FMLA**

Employees shall be entitled to a total of 12 administrative workweeks of unpaid leave (LWOP) during any 12-month period for one or more of the following reasons:

- a. Birth of son or daughter and care of the newborn.
- b. Placement of son or daughter for adoption or foster care (within one year after placement).
- c. Care for spouse, child, or parent with a serious health condition.
- d. A serious health condition that renders the employee unable to perform the essential functions of their position. In addition, a serious health condition must require continuing treatment by, or under the supervision of a health care provider.

##### **5-3. Military family leave**

Employees who are family members of a servicemember with a serious injury or illness that he or she incurred in the line of duty while on active duty in the Armed Forces, and who are providing care for that servicemember, are entitled to up to 26 weeks of FMLA (military family leave) during a single 12-month period to care for the servicemember. During the 12-month period, the employee is entitled to a combined total of 26 weeks of regular FMLA leave and military family leave.

##### **5-4. Substitution of paid leave**

An employee may elect to substitute paid time off for any or all of the period of leave under FMLA.

- a. Any of the following types of paid time off may be substituted: accrued or accumulated annual or sick leave, leave donated to the employee under the voluntary leave transfer program, or compensatory time.
- b. The agency may not deny an employee's right to substitute paid time off for any or all of the periods of FMLA leave.
- c. The agency may not require an employee to substitute paid time off for any or all of the period of FMLA.

#### **5-5. Continued employment after extended FMLA**

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

## **Chapter 6 Military Leave**

### **6-1. Definition**

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

- a. **Conditions for Granting Military Leave.** An eligible technician is granted any military leave that is available whenever ordered to active duty, active duty for training, or inactive duty. Annual leave, LWOP, or compensatory time off may be granted for such military duty as long as the technician has the leave available.
- b. **Military Leave for Inactive Duty.** Military leave may be used for performance of inactive duty. A technician can use military leave to perform AFTPs, RUTAs, SUTAs, etc.
- c. **Military Leave in Hourly Increments.** Military leave is chargeable in increments of one hour. Hourly increments are only chargeable to scheduled work hours. 120 hours of military leave can be used for military duty during scheduled work hours.

### **6-2. Military leave under 5 USC 6323 (a) 15 days (120 hours)**

- a. **Leave accrual.** Permanent and indefinite technicians accrue 120 hours (15 days) of military leave as of the first day of their hire. Thereafter, another 120 hours accrue on 1 October of each year.
- b. **Carry over.** Technicians may carry over up to 15 days (120 hours) of military leave into the next fiscal year.
- c. **Maximum use.** No more than 30 days (240 hours) of military leave may be used in any one fiscal year.

### **6-3. Military leave under 5 USC 6323 (b) 22 days (176 hours)**

- a. **Leave accrual.** Permanent and indefinite technicians are entitled to 22 days of leave per year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor. This leave is also provided for employees who perform full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in Section 101(a)(13) of Title 10, United States Code. This active duty may be performed CONUS or OCONUS.
- b. **Charge to Leave.** Technicians may elect to use annual, compensatory time or LWOP prior to using leave under 5 USC 6323 (b).
- c. **Crediting Amounts of Pay Received.** Military pay and allowances received (other than travel, transportation, or per diem allowance) shall be credited against the technician's civilian pay and, if less than the civilian pay, the technician shall be paid the difference. If military pay exceeds civilian pay, no civilian pay will be made.

### **6-4. Military leave under 5 USC 6323 (d) 44 days (352 hours)**

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

**6-5. 5-Days excused absence for returning activated military employees (presidential leave)**

Technicians activated for military service in connection with Global War on Terrorism (GWOT) such as Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, or any other military operations subsequently established under Executive Order 13223, are entitled to five work days of excused absence without charge to leave. The technician must spend at least 42 consecutive days at the deployment site and the deployment must be in support of GWOT. Furthermore, the technician is entitled to the five days only once in a 12-month period. Upon receiving notification from the employee of his or her intent to return to civilian duty, an agency must grant the employee five days of excused absence immediately prior to the employee's actual resumption of duties. Authority: President George Bush's and Office of Personnel Management November 14, 2004 memorandums, and OPM December 16, 2008 memorandum amendment (Minimum Service Requirement to Receive five Days of Excused absence for Employees Returning from Active Military Duty).

**6-6. Military leave for dual-status technicians on LWOP while serving in an AGR tour**

Technicians on LWOP-US will accrue 15 days of military leave for fiscal years subsequent to entering onto a Title 32 or Title 10 Active Guard Reserve (AGR) tour.

**Chapter 7**

**Funeral Honors Duty Status (32 USC 115)**

**7-1. Use of military technicians**

Military technicians may be used in a technician status to administer, plan, train, and prepare military funeral honor details for the performance of funeral honors. Technicians may volunteer to perform military funeral honors but must be placed in an inactive duty training status, State active duty status or administrative leave status. Technicians must be in an appropriate leave status while on inactive duty training (annual leave, compensatory leave, LWOP nature of action (NOA) 473, or hourly military leave under USC 6323(a) and while on State active duty (annual leave, compensatory leave, or LWOP NOA 460).

**7-2. Funeral honors duty status while on inactive duty training**

When military technicians perform military funeral honors as part of a detail, they must be placed in an inactive duty training status for retirement credit and must be in an appropriate leave status. To receive a retirement point credit, the technician may use additional UTA training days to perform funeral honors. In order to receive the retirement point credit, the technician must be in a "funeral honors duty" status for a period of at least two hours. Performance of funeral honors duty may not be performed by technicians who are on military active duty under the provision of Title 32 USC, 502f or on a regularly scheduled inactive duty training period. Technicians may perform military funeral honors duty and collect the Federal \$50.00 stipend while in either an annual leave, compensatory leave, or LWOP status. To receive the \$50.00 stipend the technician must be in a funeral honors duty status for a period of at least two hours.

**7-3. Funeral honors duty status while on administrative leave**

Technicians may perform military funeral honors duty while in an administrative leave (excused absence) status.

a. Administrative leave for the purpose of military funeral honors may be granted to cover each period of travel to and from the burial site, and the performance of funeral honors. The number of instances of administrative leave granted for funeral honors duty will be determined by the TAG, utilizing the standards in 5 CFR, 610, Subpart C.

b. Technicians on administrative leave and in a funeral honors duty status may be reimbursed for travel and transportation incurred, if such duty is performed at a location 50 miles or more from the members residence.

**7-4. Funeral honors duty status while on state active duty**

Technicians may be granted annual leave, compensatory leave, or LWOP, to perform military funeral honors duty while in a State active duty status. Military leave (120 hours) under 5 USC 6323(a) may not be used while on SAD.

a. The number of instances of leave granted for funeral honors duty will be determined by the TAG. Retirement credit is not available to technicians performing military funeral honors in State active duty status.

b. Leave for this purpose may only be granted to cover each period of travel to and from the burial site, and the performance of the funeral honors.

c. The Federal \$50.00 stipend, travel and transportation reimbursement, and retirement point credit is not available to technicians performing military funeral honors in State active duty status.

## **Chapter 8**

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

#### **8-1. Authorized use**

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

#### **8-2. Administrative leave**

Technicians in a FTNGDSW or MPA status may not be granted administrative leave since the appropriate leave, while in either status, is military leave under 5 USC Section 6323. Military leave is limited to 15 days (120 hours a year).

#### **8-3. Use of IDT, AT, ADT**

Inactive duty for training (i.e., regularly scheduled drills), annual training, and active duty for training status will not be used for support of military funeral honors for veterans. These are specifically prohibited by statute.

## **Chapter 9**

### **State Active Duty (SAD)**

Military technicians who are required to perform State Active Duty (SAD) may elect any of the following types of leave to cover their absence: annual leave, LWOP, compensatory time, or the 22 days leave provided under 5 USC 6323 (b). Military leave (120 hours) under 5 U.S.C 6323(a) may not be used while on SAD.

a. Leave under 5 U.S.C 6323(a) may be used provided the technician is a permanent or indefinite employee. Leave under 5 U.S.C 6323(b) is limited to 22 workdays in a calendar year. This leave may only be used when the technician is actually performing emergency duties, providing other assistance to civil authorities (i.e., participating in rescue work, fire fighting, or performing duties in support of a contingency operation). SAD orders should state as such.

b. Under no circumstances will a technician use military leave, sick leave or excused absence (administrative leave) to perform SAD.

c. Dual compensation rules dictate that any technician who performs SAD be required to take a full day of leave for each day of such service, even if the SAD functions are performed after the normal technician working hours. The only exception to this requirement occurs when the technician first learns of the necessity to perform SAD during a workday. In this circumstance, the technician will be required to take leave only for the hours absent from work for the remainder of that day. The technician will be required to take a full day of leave for each subsequent day of SAD.

d. There is no charge of leave when SAD is performed on non-workdays or holidays.

e. State active duty is not Federal service and is not covered under Title 32. The Governor of each State or in the District of Columbia, the President, calls up National Guard members for hurricanes, floods, blizzards, forest fires, riots, etc. under a proclamation that varies from State to State.

f. State active duty is not subject to the entitlements, benefits, retirement, and protection under Uniformed Services Employment and Reemployment Rights Act (USERRA).

## **Chapter 10**

### **Voluntary Leave Transfer**

#### **10-1. Eligible**

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

### **10-2. Provisions**

The VLT program permits Federal employees to donate annual leave for the use of other Federal employees in medical or family medical emergency situations:

- a. Annual leave only may be donated.
- b. In any one-leave year, a leave donor is limited to the amount of hours they may donate as outlined in 5 CFR 630.908.
- c. Any transferred annual leave remaining to the credit of the leave recipient when the medical emergency terminates, shall be restored to the leave donor(s) on a pro-rated basis to the extent administratively feasible IAW 5 CFR 630.911.

### **10-3. Leave transfer for combat-related disability**

An employee who sustains a combat-related disability while serving as a member of the Armed Forces and is undergoing medical treatment for that disability may receive donated annual leave without having to exhaust his or her available paid leave. A qualified leave recipient is eligible to receive donated annual leave under this provision for up to 5 years from the start of the employee's treatment, as long as the employee continues to undergo such medical treatment.

### **10-4. Donations from other agencies**

The employing agency of the leave recipient must accept the transfer of annual leave from a donor employed in another agency if:

- a. The leave donor is a family member of the leave recipient.
- b. The leave recipient's employing agency determines the amount of annual leave donated within the agency may not be sufficient to meet the needs of the leave recipient.
- c. In the judgment of the leave recipient's employing agency, acceptance of leave transferred from another agency would further the purpose of the voluntary leave transfer program.

## **Chapter 11**

### **Compensatory Time**

#### **11-1. Earning compensatory time**

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

- a. Compensatory time is accrued only in support of the activity/base/unit missions and should be requested in advance and must be approved by the supervisor. Compensatory time must be taken within 26 pay periods from the pay period in which it was earned. There are no provisions for the restoration of forfeited compensatory time; therefore, the supervisor must ensure that an employee has an opportunity to use, rather than forfeit, compensatory time.
- b. Compensatory time should be taken before annual leave, except in those instances where forfeiture of annual leave will occur.
- c. Work Performed on holidays or Sundays. A technician who works on a holiday or a Sunday falling outside their normal workdays may not earn compensatory time for all hours worked. Technicians performing work on holidays or Sundays will receive premium pay.
- d. An employee whose personal religious beliefs require the abstention from work during certain periods of time may elect to engage in overtime or work schedule adjustment for time lost for meeting religious requirements.

#### **11-2. Compensatory time for travel**

Compensation time off for travel is earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. Travel must be officially authorized and for work purposes and must be approved by an authorized agency official.

- a. For the purpose of compensatory time off for travel, time in a travel status includes: time spent traveling between the official duty station and a temporary duty station; time spent traveling between two temporary duty station; and the usual waiting time (1-2 hours) that precedes or interrupts such travel (e.g., waiting at an airport or train station prior to departure). An extended waiting period, i.e., an unusually long wait during which the employee is free to rest, sleep, or otherwise use the time for his or her own purposes is not considered time in travel status.

b. For the purpose of crediting commuting time: travel outside of regular working hours between an employee's home and a temporary duty station or transportation terminal outside the limits of his or her official duty station is considered creditable travel time. However, the agency must deduct the employee's normal home-to-work/work-to-home commuting time from the creditable travel time. Travel outside of the regular working hours between a worksite and a transportation terminal is creditable travel time, and no commuting time offset applies. Travel outside of regular working hours to or from a transportation terminal within the limits of the employee's official duty station is considered equivalent to commuting time and is not creditable travel time.

c. GS and FWS employees may earn compensatory time while traveling outside of the normal duty hours.

d. Travel performed within the regularly scheduled duty hours on a holiday or a day designated as the "in lieu of holiday" is not earned compensatory time. Required travel within regularly scheduled duty hours on a holiday will be compensated by premium pay.

### **11-3. Disposition of compensatory time**

Technicians are not entitled to receive a lump sum payment for accumulated compensatory time upon separation from Federal employment. Compensatory time is forfeited upon separation.

## **Chapter 12**

### **Excused Absence**

#### **12-1. Excused absence**

The authority to grant excused absence to technicians is within the administrative discretion of the State Adjutant General or delegated official that has made a determination that to support an activity that would benefit the National Guard. This authority may not be used in situations of extensive duration, or for periods of interrupted, or suspended operations such as ordinarily would be covered by the scheduling of leave, furlough, or the assignment of other work. In adverse weather conditions or other emergency situations which will prevent employees from performing normal duties or jeopardizes their safety, the Adjutant General may close the organization and require employees to either leave or not report to work. Such closing will be publicly announced.

#### **12-2. Excused absence with Adjutant General approval**

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

b. Conferences and Conventions. A technician may be excused to attend a conference or convention when it is determined that attendance will serve the best interest of the Federal service. Excused absence will not be granted to attend National Guard Association Conferences unless the technician is an official delegate or an official of the organization.

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

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

e. In cases where an employee is pending an adverse action and it has been determined the employee's presence may result in potential harm or danger to the organization, excused absence may be granted. Such excused absence may not extend beyond the original decision stage of any adverse action proceeding.

#### **12-3. Excused absence with supervisor approval**

a. Blood Donation. Technicians are encouraged to serve as blood donors and will be excused from work without charge to leave only for time necessary to donate blood, recuperation following blood donation, and for necessary travel time to and from the donation site. The maximum excused time will not exceed four hours on the date of the blood donation.

b. Registration and Voting. Technicians may be excused for a reasonable time to vote or register in Federal, State, county, or municipal elections. Generally, employees are excused from duty to permit them to report for work 3 hours after the polls open or to leave work 3 hours before the polls close, whichever results in the lesser amount of time off.

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

d. Physical Examinations. Examinations are required as a condition of technician employment in the National Guard. Technicians will be excused, without charge to leave or loss of pay, for periodic, baseline, or annual physical examinations as required by the military commander, HRO or safety. Administrative leave is also authorized for physical examinations required for military membership taken during regularly scheduled tour of duty hours. This will also apply for Dental examinations required for military duty.

e. Continuation of Pay, Federal Employees' Compensation Act. When an employee sustains a traumatic job-related injury and files a Workers' Compensation claim, the employing agency is required to continue the employee's pay for the period of disability, not to exceed 45 calendar days. Continuation of pay is chargeable as excused absence.

f. Bone Marrow or Organ Donor. IAW 5 USC 6327, a technician is entitled to an excused absence for the time necessary to serve as a bone marrow or organ donor. An excused absence for bone marrow donation may not exceed seven days each calendar year. An excused absence for organ donation may not exceed 30 days each calendar year.

g. Employee Interviews. A technician may be excused for a job interview when competition is for a position within the National Guard or the individual is under notice of separation or change to lower grade for any reason except for personal cause. All other employment interviews will be charged to annual leave, compensatory leave, or leave without pay. Authorization to develop or deliver a job application to any human resources office other than the local HRO is not an excused absence.

h. Employee Assistance Program (EAP). A technician is entitled to an excused absence for the time required for participating in initial counseling and assessment for EAP. If the technician is referred for treatment or assistance, the technician must be in an appropriate leave status.

## **Chapter 13 Court Leave**

### **13-1. Jury duty**

Court leave for jury duty is granted to both permanent and temporary employees, both full time and part time except those employed on an intermittent basis.

a. Duration of Court Service. Court leave is an authorized absence, without charge to leave or loss of pay, of an employee for work status for jury duty, or for attending judicial proceedings in a non-official capacity as a witness on behalf of any party in any matter to which the United States, State, or local government is a party.

b. An employee who is under proper summons from a court should be granted leave of absence with pay for the entire period of court service, regardless of the number of hours per day or days per week served during the period.

c. Supervisors may require an employee entitled to court leave to return to duty or be charged with annual leave, compensatory leave, or LWOP if he or she is excused from court service for one day or even a substantial part of the day. The employee may not, however, be required to return to duty if it would create a hardship.

d. When in a court leave status, technicians must forward fees collected to their payroll office. The technician is permitted to keep travel and per diem allowance for each day's attendance in court. Failure to forward fees collected will result in a charge to leave for the days covered by the fee payment. The technician may keep any fees earned on non-work days.

e. Evidence of Court Service. A copy of orders, subpoenas, summons, or official request to appear in court will be presented to the supervisor as far in advance of the court date as possible. Upon return to duty, the technician will submit evidence from the court reflecting dates of attendance in court.

### **13-2. Witness status**

Witness in Official Capacity. When a technician is assigned by the agency or summoned to testify in an official capacity or to produce official records the technician is in an official duty status and entitled to regular compensation without regard to any entitlement to court leave.

a. If the United States, State, or local government is a party in the judicial proceedings, court leave is appropriate regardless if the employee testifies on behalf of the government or a private party.

b. When the United States, State, or local government is not a party in the judicial proceedings, annual leave, compensatory leave, or LWOP is appropriate.

## **Chapter 14**

### **Absence without Leave**

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

## **Chapter 15**

### **Administrative Closings**

#### **15-1. Administrative dismissal**

Administrative dismissal differs from excused absence in that excused absence normally addresses individual employees. Administrative dismissal is an absence when employees are released from duty because all or part of an activity is closed. Employees affected by these actions are generally excused without charge to leave and without loss of pay. All technicians are eligible for excused absence during closing, except individuals who have been identified as essential personnel. The Adjutant General, Air Commander, Chief of Staff, or Division, Regiment, Group Commander, or Brigade Administrative Officers, will identify essential personnel, based on specific mission requirements. DOD 1400.25-M, Civilian Personnel Manual addresses situations in which commanders may use their authority to close all or part of an activity and excuse non-emergency civilians.

#### **15-2. Facility closures**

It is within the administrative discretion of the TAG to close facilities when circumstances warrant such action. The most common use of this authority is in response to severe weather; however, other circumstances may arise which justify closures.

#### **15-3. Severe weather**

Severe weather may cause closings or adjustments of arrival or dismissal times. In such circumstances, the Federal workforce will follow the State's designated work schedule for severe weather, as communicated by local area media. These situations are considered excused absences and there is no charge to leave. This policy excludes essential personnel unless properly excused by competent authority.

a. Severe weather does not necessitate administrative closing. Employees may use any form of appropriate leave when they are prevented from arriving to work on time, need to leave early to avoid hazardous conditions, or could not return home if they report to work.

b. At the employees' request, supervisors will work with them to allow make up for missed time, if practicable. The supervisor may reschedule the amount of time missed and will grant compensatory time for the time made up. This should be accomplished in the same pay period if possible.

## **Chapter 16**

### **Holidays**

#### **16-1. Pay**

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

### **16-2. Federal holidays**

The following holidays are observed:

New Year's Day – First day of January  
Martin Luther King Day – Third Monday in January  
President's Day – Third Monday in February  
Memorial Day – Last Monday in May  
Independence Day – Fourth Day of July  
Labor Day – First Monday of September  
Columbus Day – Second Monday of October  
Veterans Day – Eleventh Day of November  
Thanksgiving Day – Fourth Thursday of November  
Christmas Day – Twenty-fifth Day of December  
Any other day designated as a holiday by Federal Statute or Executive Order

### **16-3. In lieu of holiday**

When a holiday falls on the employee's first non-workday (i.e. Saturday), the preceding workday is designated as the "in lieu of" holiday. When the holiday falls on the second non-workday (i.e. Sunday) or third (i.e. Monday) non-workday, the next workday is designated as the "in lieu of" holiday:

- a. Technicians receive their regular straight-time pay for holidays they are not required to work. When the activity is closed on a Friday or Monday because of a holiday falling on a Saturday or Sunday, such closed days are not considered holidays in determining holiday's benefits for part-time technicians, but these technicians may be excused without charge to leave for such days.
- b. If a technician works on a holiday that falls on a regular workday, or a holiday that falls on a day designated as "in lieu of holiday", they are paid at twice the regular rate for not more than the number of hours in their regularly scheduled tour of duty. If the technician is required to work more than the number of hours in their regularly scheduled tour of duty, that employee is authorized compensatory time for all additional hours worked above the regularly scheduled tour of duty.

### **16-4. Basic pay for holidays**

Technicians who are normally eligible for basic pay for a holiday when no work is required will not be paid based on the following:

- a. The technician fails to report for duty after being directly notified that his or her services would be required on the holiday and an acceptable reason is not provided for the absence.
- b. The holiday falls within a period of non-payment status. A holiday that falls on the first or last day of an authorized period of LWOP is within the non-pay period, therefore, payment is not authorized. If the date of the holiday is not included in the period of non-pay status, payment for the holiday is authorized.
- c. Technician was AWOL on the regularly scheduled workday immediately preceding the holiday.
- d. Travel performed within the regularly scheduled duty hours on a holiday or a day designated "in lieu of" holiday is not earned compensatory time. Required travel within regularly scheduled duty hours on a holiday will be compensated by premium pay.

## **Chapter 17**

### **Enforced Leave**

#### **17-1. Eligibility**

All employees are subject to the provisions of enforced leave.

#### **17-2. Imposing enforced leave**

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

- a. The technician is not ready, willing, and able to perform assigned duties.
- b. The technician's continued presence is highly undesirable because the employee presents an immediate threat to himself, others, or government property.
  - (1) The technician must never be instructed to leave the worksite if his/her ability to drive is questionable.

(2) In that case, the supervisor must arrange for a family member or a co-worker to provide transportation for the technician to leave the worksite.

**17-3. Termination of enforced leave**

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

**Appendix A  
References**

**Section I  
Required Publication**

**Title 5, United States Code, Chapter 63** (Cited para 1-1)  
Absence and Leave

**Title 5, Code of Federal Regulations, Part 630** (Cited para 1-1, 10-2(c))  
Absence and Leave Programs

**Title 32, United States Code, Section 709**  
Technicians: Employment, Use, Status

**Section II  
Related Publications**

A related publication is a source of additional information. The user does not have to read a related reference to understand this publication.

**Public Law 93-181**  
14 December 1973

**Executive Order 11478, April 20, 1967**  
Equal Employment Opportunity in the Federal Government

**Executive Order 13223,**  
Five-Days Excused Absence for Returning Activated Military Employees

**5 CFR 610, Subpart C**  
Administrative Dismissal of Daily, Hourly, and Piecework Employees

**5 USC 6323**  
Military Leave

**5 USC 6327**  
Absence in Connection with Serving as a Bone-Marrow or Organ Donor

**10 USC 12315**  
Active Duty

**10 USC 12301(b)**  
Active Duty

**10 USC 12301(d)**  
Active Duty

**5 USC 502(f)**  
Required drills and field exercises

**DoD 1400.25-M**  
Civilian Personnel Manual

**AR 690-990-2**

Hours of Duty, Pay, and Leave, Annotated

**TPR 752**

Voluntary and Non-Disciplinary Actions

**Section III**

**Prescribed Forms**

**Office Personnel Management 71**

Request for Leave or Approved Absence

**Section IV**

**Referenced Forms**

**DA Form 2028**

Recommended Changes to Publications and Blank Forms

**Glossary**

**Section I**

**Abbreviations**

**ANG**

Air National Guard

**AFTP**

Additional Flying Training Period

**ARNG**

Army National Guard

**ADT**

Active Duty for Training

**AT**

Annual Training

**CFR**

Code of Federal Regulations

**CG**

Commanding General

**CJCS**

Chairman of the Joint Chiefs of Staff

**CNGB**

Chief, National Guard Bureau

**CPM**

Civilian Personnel Manual

**DoD**

Department of Defense

**EEO**

Equal employment opportunity

**EO**

Executive Order

**FY**

Fiscal Year

**HQDA**

Headquarters, Department of the Army

**HR**

Human Resources

**HRO**

Human Resources Office(r)

**IDT**

Inactive Duty Training

**LEL**

Law Enforcement Leave

**LWOP**

Leave Without Pay

**MOS**

Military Occupational Specialty

**MPA**

Military Personnel Authorization

**NGB**

National Guard Bureau

**OPM**

Office of Personnel Management

**OSD**

Office of the Secretary of Defense

**PCS**

Permanent Change of Station

**RUTA**

Rescheduled Unit Training Assembly

**SAD**

State Active Duty

**SUTA**

Scheduled Unit Training Assembly

**TAG**

The Adjutant General

**TPG**

Technician Personnel Guides

**TPR**

Technician Personnel Regulation

**USAF**

United States Air Force

**VLT**

Voluntary Leave Transfer

**Section II**

**Terms**

**Accrued Leave**

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

**Accumulated Leave**

Unused leave remaining to the credit of an employee at the beginning of a leave year.

**Contagious Disease**

Any disease requiring the isolation of the patient, or the quarantine or restriction of movement by health authorities.

**Earned Leave**

An employee must be employed during a full bi-weekly pay period to earn leave. He/she is considered to have been employed for a full period, if on the rolls on all days falling within the pay period, exclusive of holidays and non-working days.

**Excused Absence**

Absence from duty administratively authorized without loss of pay and without charge to leave.

**Leave Year**

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

**Medical Certificate**

A written statement signed by a registered practicing physician or other practitioner, certifying to the incapacitation, examination, treatment, or the period of disability.

**Technician**

Excepted and competitive service technicians defined in 32 USC §709(d).

**Training**

In a generic sense, training is the process of imparting information to achieve changes in the participant's behavior. The statutory definition of training is in 5 USC §4101.

**Section III**

This section contains no entries.