



DEPARTMENT OF THE NAVY

UNITED STATES NAVAL ACADEMY
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22 MAR 1996

USNA INSTRUCTION 12630.1J

From: Superintendent

Subj: ABSENCE AND LEAVE

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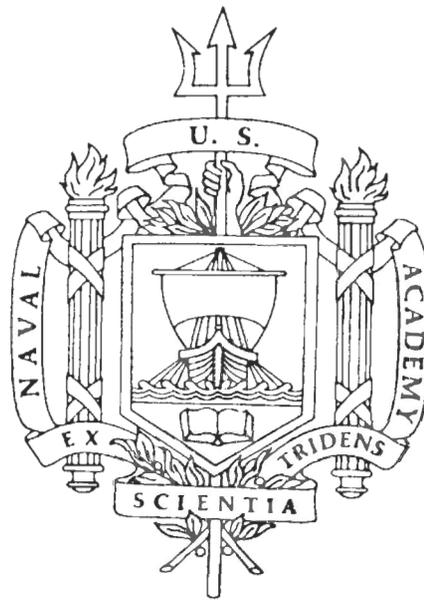
Encl: (1) Absence and Leave Guide

1. Purpose. To provide information on the types of leave to which civilian employees of the Navy are entitled by law, and the procedures for administration of established leave policies.
2. Cancellation. USNAINST 12360.1H is hereby canceled. This directive is a complete revision and should be read in its entirety. Therefore, no special markings appear.
3. Policy. Charging of leave will be in accordance with the provisions of reference (a), applicable negotiated agreements, and the procedures outlined in enclosure (1). It is the policy of the Naval Academy that annual leave will be granted whenever possible, consistent with the workload, deadlines, and our mission.
4. Action. It is the responsibility of supervisors at all levels to ensure adherence to the policies and procedures contained in the enclosures. It is the responsibility of all employees to comply with these established policies and procedures. Advice and assistance will be provided by the personnel specialists in the Human Resources Department (HRD), as required. Payroll questions should be referred to the Payroll Office, Comptroller Department.


W. P. FOGARTY
Deputy for Management

Distribution:
AA (plus 50 to HRD)

USNAINST 12630.1J



ABSENCE AND LEAVE GUIDE

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Appendix A - USNA-ENF-12630/1 (3-96) Civilian Employee Request for Advanced Leave or Leave Without Pay

USNA Instructions referenced:

- USNA/AACINST 12610.4D
- USNA/AACINST 12630.7
- USNAINST 12810.1B

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CORRECTED COPY

USNAINST 12630.1J ERRATA

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SECTION I

ANNUAL LEAVE ADMINISTRATION

1. Definitions

a. Accrued Annual Leave - The leave earned by an employee during the current leave year that is unused at a given time during the leave year.

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

c. Leave Year - That 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.

2. Rate of Accrual. Employees earn annual leave at various rates depending on length of service. Both creditable military and civilian service are used in calculating length of service for leave purposes.

a. Full-Time Employees

(1) Less than 3 years service - 4 hours for each full biweekly pay period (13 days yearly);

(2) Three or more years but less than 15 years service - 6 hours for each full biweekly pay period, except that the accrual for the last full biweekly pay period in the year shall be 10 hours (20 days yearly);

(3) Fifteen or more years of service - 8 hours for each full biweekly pay period (26 days yearly).

b. Part-Time Employees

(1) Those part-time employees with less than 3 or more years of service earn 1 hour for each 20 hours in a pay status.

(2) Those part-time employees with 3 years but less than 15 years of service earn 1 hour for each 13 hours in a pay status.

(3) Those part-time employees with more than 15 years of service earn 1 hour for each 10 hours in a pay status.

c. An employee receiving injury compensation from the Department of Labor does not accrue leave and will not have his or her leave credits reduced during the period such compensation is being received.

d. When the number of hours of nonpay status in a full-time employee's leave year equals the number of base-pay hours in a pay period, the employee's credits for leave must be reduced by an amount equal to the amount of leave he or she earns during the pay period.

e. Uncommon Tours. Employees with uncommon tours of duty, e.g., fire fighters, earn and use leave at different rates than employees with a 40-hour basic workweek (tour of duty). Except as provided for employees with uncommon tours of duty, leave may be charged only for absence during the 40-hour basic workweek. Thus, an employee working a 9-hour day, when the ninth hour is overtime, is charged only 8 hours leave for approved absence on such day. When, however, the basic 40 hour workweek consists of four, 9-hour days and one, 4-hour day, 9 hours leave would be charged for absence on a 9-hour day; 4 hours leave for absence on a 4-hour day. Part-time employees are charged the number of

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hours for which they are scheduled to perform service on the day of absence.

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

4. New Employees. A new employee may use annual leave during the first 90 days of employment if the appointment is for 90 days or longer. If an appointment is for less than 90 days, employees are not entitled to annual leave until after being employed for a continuous period of 90 days under successive appointments without a break in service.

5. Granting Annual Leave

a. Normally, an employee should request annual leave from his or her supervisor during working hours prior to the first day of absence. Although annual leave is a right of an employee in that its accrual may not be denied, it is the prerogative of management to make the final decision on when leave is to be used. For this reason, the use of annual leave is subject to prior approval by the appropriate supervisor. Employees should request annual leave well in advance so that adequate consideration can be given to their request and the supervisor can make the necessary arrangements for work accomplishment. The decision to approve or disapprove a leave request should be made and communicated to the employee as soon as reasonably possible. Absences not requested and authorized in this manner may result in disciplinary action for irregular attendance.

b. When an employee who has already reported for work desires leave on that day, the supervisor is authorized to approve the leave if the services of the employee can be spared.

c. Employees may be required to take annual leave for reasons such as periods of reduced operations, storms, floods, and other natural phenomena.

d. Annual leave should be requested on an Application for Leave (SF71).

6. Advancing Leave. Annual leave up to the amount which will be earned during the leave year may be advanced to an employee with the approval of the supervisor and department head. The employee's request for advanced leave must be in writing and should explain the circumstances and the amount of leave desired. Appendix A is to be used for this purpose. An employee may not be advanced leave if it is known at the time that he or she will not be returning to duty. In considering the request, the supervisor and department head should consider the impact the absence would have on the workload, the employee's performance and leave record, and the reason the advance is needed. If approved, send a copy of the request with the approval endorsement to the Payroll Office.

7. Lump Sum Payment

a. When an employee is separated from the service, he or she will be given a lump-sum payment for all annual leave to his or her credit.

b. Employees entering military service have the right of election between receiving a lump-sum payment or having their annual leave remain to their credit until they return.

c. Employees who are Reservists or National Guardsmen recalled for active duty may be carried on the rolls in an annual leave status until their leave is exhausted, without regard to the dual compensation statutes. Employees entering military services who are not members of a reserve component may not be carried in a leave status and must, therefore, be paid a lump-sum if they elect to receive compensation for their annual leave. Reservists, National Guardsmen, and employees entering active military service may elect to have their annual leave remain to their credit.

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6. Advancing Leave. Annual leave up to the amount which will be earned during the leave year may be advanced to an employee with the approval of the supervisor and department head. The employee's request for advanced leave must be in writing and should explain the circumstances and the amount of leave desired. Appendix A is to be used for this purpose. An employee may not be advanced leave if it is known at the time that he or she will not be returning to duty. In considering the request, the supervisor and department head should consider the impact the absence would have on the workload, the employee's performance and leave record, and the reason the advance is needed. If approved, send a copy of the request with the approval endorsement to the Payroll Office.

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8. Minimum Leave Charge. The minimum charge for annual or sick leave is ½ hour. There is no authority to combine partial leave absences taken on different days to provide for a minimum grant of leave.

9. Leave Without Pay (LWOP)

a. Authorizing LWOP is a matter of administrative decision, therefore, an employee cannot demand that he or she be granted LWOP as a matter of right except:

(1) Disabled Veterans as stated under Executive Order 5396.

(2) Reservists and national guardsmen as stated under Section 9 (G) of the Military Selective Service Act of 1967.

(3) An employee who must be in a LWOP status for 3 days prior to submitting a claim for compensation of wage loss (either following termination of continuation of pay or in occupational disease claims) to the Office of Workers' Compensation Programs (OWCP), Department of Labor.

(4) When covered by the provisions of the Family and Medical Leave Act (see Section V).

(5) Up to 90 days LWOP will be granted to employed family members of transferring military and civilian personnel who are required to move on rotational assignments, in a transfer of function or a relocation of an activity or who accept another federal job outside the commuting area. To be entitled to the LWOP, the family member must express an intent to seek federal employment at the new location. Additional LWOP may be granted at the discretion of the department head.

b. Unless mandated, as a basic condition to approval of extended LWOP, there should be a reasonable expectation that the employee will return to duty at the end of the approved period. In addition, it should be apparent that at least one of the following benefits may be expected to result in:

(1) Improved performance capability.

(2) Protection or improvement of employee's health.

(3) Retention of a desirable employee.

(4) Furtherance of a program of interest to the Government, e.g., Peace Corps Volunteer.

c. Requests for LWOP for less than 80 hours may be approved by the supervisory officials who normally approve requests for annual or sick leave. Requests for LWOP of 80 hours or more must be approved by the head of the department. Appendix A is to be used for this purpose. This authority may be redelegated.

10. Absence Without Advance Approval. When an employee is absent without prior approval, the supervisor should record an entry of Absence Without Leave (AWOL) on the time sheet. Upon request from, or return of the employee, the supervisor may change the time sheet entry to annual leave, sick leave, or LWOP, as appropriate. If leave is disapproved, the time sheet entry remains AWOL, placing the employee in a non-pay status for the period of absence. An employee cannot be required to perform duty during hours charged to annual leave or absence without leave. The non-pay status resulting from an entry of "AWOL" is not in itself a disciplinary action, however, unauthorized absence is misconduct which may result in discipline.

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11. Restoration of Annual Leave

a. Employees who have forfeited excess annual leave for any of the reasons listed below may request to have such leave recredited to a separate leave account for future use. The amount of the restored leave does not in any way increase or change an employee's normal permissible carry-over of annual leave into a new year.

(1) Administrative Error. Any annual leave that was credited to an employee's account as a result of an activity rectifying an administrative error which subsequently resulted in the forfeiture of excess leave may be restored.

(2) Exigencies of the Public Business. A determination was made to cancel an employee's scheduled annual leave which subsequently resulted in a forfeiture of excess leave. The decision to cancel leave must have been made upon unanticipated or anticipated operational demands which were of such importance as to preclude the use of scheduled annual leave.

(3) Sickness. Any employee who was unable to take advantage of scheduled annual leave because of sickness may be eligible to have the forfeited excess annual leave restored for future use. The period of absence due to sickness must have occurred at such a time late in the leave year or was of such duration that the annual leave could not be scheduled for use before the end of the year to avoid the forfeiture.

b. Any employee who has forfeited excess annual leave for the reasons stated in paragraph 11 a(1) through (3) may request to have such leave restored in his or her account. The request should relate the specifics of the situation including duration (beginning and ending dates) of exigency or illness; dates and hours of scheduled leave, and excess leave forfeited; and the details of the administrative error if applicable. The request, except those that relate to administrative errors which involve the Payroll Office, should be routed to the Deputy for Management for approval via the employee's chain of command and the HRD. The immediate supervisor should attest to the validity of the claim and provide any information deemed necessary.

c. Requests relating to administrative errors which involve the Payroll Office should be routed via the department's timekeeper and the employee's chain of command to the Payroll Office, Comptroller Department.

d. Before forfeited leave may be restored, the decision to schedule annual leave must have been made in writing before the start of the third biweekly pay period prior to the end of the leave year.

e. Restored annual leave must be scheduled and used no later than the end of the leave year ending 2 years after:

(1) The date of restoration of the annual leave forfeited because of administrative error; or,

(2) The date fixed by the agency head, or his designated official, as the termination date of the exigency of public business which resulted in forfeiture of the annual leave; or

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

f. Management and employees have a mutual obligation to plan and schedule the restored leave for use as expeditiously as circumstances permit but not longer than the specified 2 year limit. Since restored leave must be credited to a separate account, the use of restored leave must take into account the fact that regular annual leave also must be scheduled during the year to avoid forfeiture. Any restored leave unused at the expiration of the 2 year limit is again forfeited with no further right to restoration.

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SECTION II**SICK LEAVE ADMINISTRATION**

1. Rate of Accrual. Employees earn sick leave at various rates depending on employment status.

a. Full-time employees earn sick leave at the rate of 4 hours for each full biweekly pay period. There is no qualifying period for earning or using sick leave.

b. Part-time employees earn sick leave at the rate of 1 hour for each 20 hours of a regularly scheduled tour of duty.

c. There is no limit on the accumulation of sick leave.

2. Use of Sick Leave. Sick leave shall be used by employees only for the purpose for which it is intended and authorized. These purposes are:

a. When incapacitated for duty by physical or mental illness, injury, or pregnancy, or childbirth.

b. Medical, dental, or optical examination or treatment.

c. When in the opinion of health authorities or a health care provider, the employee's exposure to a communicable disease would jeopardize the health of other employees.

d. Family care, bereavement, and adoption under the provisions of the Federal Employees Family Friendly Leave Act.

(1) Employee may use sick leave to provide care or otherwise attend to a family member having an illness, injury, or other condition which, if an employee had such condition, would justify the use of sick leave. Employees may also use sick leave for purposes related to the death of a family member, including making the arrangements necessitated by the death and/or attending the funeral or memorial service, prefuneral gatherings, or reading of the will.

(2) There is a limit on the amount of sick leave an employee can use for family care and bereavement each leave year. The basic limit for full-time employees is 40 hours. An additional 64 hours can be used if the use of that leave does not cause the amount of sick leave to the employee's credit to fall below 80 hours. The basic limit for a part-time employee or an employee with an uncommon tour of duty is equal to the average number of hours of work in the employee's scheduled tour of duty each week. Additional sick leave, up to the amount accrued during a leave year, can be used if the use of that leave does not cause the amount of sick leave to the employee's credit to fall below twice the basic limit amount.

(3) Family member is defined as a spouse or spouse's parent; children, including adopted children and their spouses; parents; brothers and sisters and their spouses; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

e. For purposes related to the adoption of a child. Activities necessary to allow the placement of a child with an employee for foster care are not included under this provision.

3. Notification. An employee who is absent because of illness shall notify his or her supervisor or other person designated by the supervisor as early as practicable on the first day of absence, but not later than 2 hours after the beginning of the workday. Additionally, the supervisor must be notified on each successive day of absence unless a return to duty date was established during the first notification. Employees must request advance approval for sick leave

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for the purposes of receiving medical, dental, or optical examinations or treatment. To the extent possible, employees must also request advance approval for sick leave for family care, bereavement, and adoption.

4. Procedures for Charging Sick Leave

a. When employees have given notification as specified in paragraph 3, they will be carried on sick leave. If sick leave is not available, they will be carried on annual leave to the extent of the annual leave accrued. It is the responsibility of employees to notify their supervisor if they do not desire to be charged annual leave. If neither sick or annual leave is available, they will be carried on leave without pay.

b. Upon return to duty, employees shall submit whatever substantiating evidence may be required in the individual circumstances for approval of the leave.

c. If an employee fails to follow prescribed procedures for requesting or documenting either emergency or nonemergency sick leave, the approving authority may deny the request if he/she considers the extenuating circumstances that would warrant approval did not exist.

5. Submission of Application for Leave (Standard Form 71)

a. Sick leave should be requested on an SF-71. If sick leave is requested under the Family Friendly Leave Act, this should be documented on the SF-71 and submitted via the timekeeper to the Payroll Office along with time and attendance documentation.

b. When an employee is incapacitated or providing family care for a period of absence not in excess of 3 workdays, a medical certificate will not normally be required except in those instances when the supervisor has some reason to believe that there may have been an abuse of leave.

c. When an employee is incapacitated or providing family care for a period of absence in excess of 3 workdays, a medical certificate must be filed within 15 days after return to duty and must be supported by a doctor's signature. The employee's signed statement explaining the nature of the illness may be accepted when it is unreasonable to require a medical certificate because of a shortage of physicians, remoteness of locality, or the illness does not require the services of a physician.

d. Application for sick leave for medical, dental, or optical examination or treatment may be made in the form of an advance oral request to the supervisor followed by the SF-71 when the employee returns to work.

e. When considered necessary, approving officials may require evidence to support the use of sick leave for bereavement and adoptions.

6. Return to Duty. Employees returning to duty from sick leave of more than 7 consecutive calendar days should report to the Naval Medical Clinic for clearance prior to reporting for work with a note from their private physician certifying capability to perform their duties.

7. Dispensary Checkout. Employees who become incapacitated for duty after reporting for work may be required to checkout through the Medical Clinic before leaving the Naval Academy. A dispensary permit will be furnished by the supervisor to employees who need treatment for either on-the-job injuries or occupational diseases or nonoccupational illness. All cases of injury while at work shall be treated and recorded at the Medical Clinic.

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8. Disabled Veterans. For the purpose of receiving medical treatment or for time necessary for making medical appointments, disabled veterans shall be granted sick leave, if available; otherwise the absence will be charged to annual leave or leave without pay. This grant is obligatory provided proper evidence of necessity for treatment is presented and provided the veteran gives prior notice of definite days and hours of absence required for such treatment.

9. Sickness During Annual Leave. When sickness occurs within a period of annual leave, the period of illness may be charged as sick leave and the charge against annual leave reduced accordingly. This includes periods during an employee's scheduled vacation when the employee would have been eligible to use sick leave for purposes of family care, bereavement, and adoption. Application for such substitution of sick leave for annual leave shall be made within 2 days after return to duty and shall be supported by a medical certificate or other administratively acceptable evidence.

10. Advance of Sick Leave

a. It is the general policy to grant advances of sick leave only in cases of serious disability or illness and when the situation so requires. As used herein, the term "serious disability or illness" is defined as an absence during which hospitalization or confinement at home was required by the attending physician. Advance of sick leave may not be granted solely because the employee has no accrued sick leave to his or her credit. Sick leave may not be advanced in excess of 30 days. Cases will be judged on individual merit as to whether or not the disability or illness is serious enough to grant advanced sick leave. Requests for advanced sick leave must specify the number of days requested and the reason and must be supported by a medical certificate. Appendix A is to be used to request advanced sick leave. Such requests will be approved or disapproved by the head of the department. If approved, a copy of the request and approval will be forwarded to the Payroll Office. Sick leave may not be advanced to employees who are known to be contemplating retirement or separation from the service. In the case of employees serving under temporary appointments, advanced sick leave should not exceed the amount which it is reasonably assured will be subsequently earned.

b. Advanced sick leave may be granted for family care, bereavement, or adoption. A sick leave advance for family care for bereavement should not exceed the amount of leave the employee can use for these purposes. An employee's request for advanced leave does not relieve him/her of having to meet the minimum balance requirements covered in paragraph 2d(2).

c. When advanced sick leave has been approved, payment for such leave will cease if the illness or other purpose for which it is being used is of a shorter duration than was anticipated or circumstances cast doubt upon the legitimacy of the need for continued sick leave.

11. Sick Leave during Leave Without Pay. Sick leave will not be granted to employees who are on extended leave without pay.

12. Supervisor's Responsibility

a. The Payroll Office provides cost centers with quarterly reports on the leave status of employees. Supervisors should review these reports and other available leave records for questionable sick leave patterns. Taking into consideration the leave balance brought forward from past years and the frequency of sick leave absences during the current year, the employee should be cautioned by the supervisor against indiscriminate use of sick leave.

b. Sick leave should be withheld from employees who cannot satisfactorily support claims for sick leave. The supervisor must determine the appropriate leave charge, such as annual leave, leave without pay, or absence without leave as explained below:

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(1) LWOP is approved leave and is nonpay absence granted upon the employee's request. LWOP is charged to an employee who is absent due to sickness when there is an insufficient balance of sick and annual leave to his credit to cover the period of absences.

(2) AWOL is a nonpay status resulting from the supervisor's determination that leave of any type will not be granted (including LWOP) for a period of absence for which the employee did not obtain advance authorization or for which his or her request for leave on the basis of claimed sickness, or any other basis, has been denied.

(3) Annual leave may be charged for an employee's absence when the supervisor does not believe sick leave is justified, but where the charge of AWOL would be too severe based on the employee's record and the facts of the case.

13. Notification of disapproval of sick leave. Notification of disapproval of accrued or advanced sick leave will be issued to an employee, as soon as practicable, by the supervisor.

14. Outside employment during periods of sick leave. When an employee is unable to perform the duties of his/her position because of illness or injury, he/she is generally too ill or injured to work elsewhere. Employees are required to secure prior approval of their supervisor before engaging in any outside employment during a period of sick leave. Approval will be granted only in rare instances wherein extended periods of illness or confinement exist, and the work to be performed is identified, and the need justified.

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SECTION III**MILITARY LEAVE ADMINISTRATION**

Military leave is authorized absence, without charge to annual leave or loss of compensation, for employees who are reservists of the Armed Forces or members of the National Guard during which they are on active duty or engaged in active duty training.

1. Eligibility

a. Permanent, temporary indefinite, and employees holding term appointments shall be granted military leave when competent orders are presented to appropriate supervisory personnel. Employees holding temporary appointments pending establishment of registers (TAPERS) are considered "indefinite" for this purpose.

b. Intermittent and temporary employees appointed for less than 1 year are not eligible for military leave.

2. Rate of Accrual

a. Military leave accrues for full-time employees at the rate of 15 calendar days per fiscal year, and any unused portion accumulates for use in the succeeding fiscal year, but no more than 15 days may be carried over into the new fiscal year. This gives a full-time employee a potential of 30 days of military leave during a fiscal year.

b. Military leave accrues for part-time employees at a rate which is determined by dividing 40 into the number of hours in the regularly scheduled workweek of the employee during the fiscal year.

3. Employees are not eligible for military leave for the following types of service:

a. Summer training as members of Reserve Officers Training Corps, when employees must be carried in a LWOP status.

b. Temporary Coast Guard Reserve.

c. Participation in parades by members of the State National Guard.

d. Training with a State defense organization or a State military organization which is not a part of the National Guard or any other organization created by the State in the absence of the State National Guard during an emergency.

e. Weekly drills and meetings. Employees may request annual leave or LWOP to attend.

f. Civil Air Patrol.

g. Time taken on a workday to travel to the place where the training is to begin unless the military training orders encompass the period of travel time.

h. Active duty as a commissioned officer in the Reserve Corps of the U. S. Public Health Service.

4. Advance Requests. Employees should apply for military leave as far in advance as circumstances permit, attaching a copy of their orders to the application for leave (SF-71).

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5. Substantiation. Upon return to duty from military leave, employees shall submit a certified copy of orders indicating completion of training and/or duty.

6. Computation of Military Leave. Military leave may be taken intermittently or as otherwise directed by military orders. Nonworkdays wholly within a period of military leave are charged against the 15 days allowed during the year; nonworkdays at the beginning or end of the training are not.

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SECTION IV

COURT LEAVE ADMINISTRATION

1. Policy. The Department of the Navy considers it the civic responsibility of all its employees to respond to calls for jury duty and other court service. It is the policy, therefore, that release from jury duty will not be requested except in unusual situations where the employee's services are absolutely necessary to meet critical deadlines. Where the latter situation exists, the cognizant Cost Center Head may write to the court which has requested service, explaining the facts and requesting that the employee be released from jury duty.

2. Eligibility

a. Court leave for jury duty is granted to both permanent and temporary employees, full-time and part-time employees.

b. Intermittent employees are not eligible for court leave. Intermittent employees may be granted any annual leave to which they might otherwise be entitled, or may be placed on LWOP, for any absence from duty for jury duty.

c. Night-shift employees who perform jury service during the day are granted court leave for their regularly scheduled night tour of duty and are entitled to the night shift differential.

d. Pay Status Requirement. An employee on LWOP, although otherwise eligible, may not be granted court leave when called to jury duty. Court leave is available only to an employee who, except for jury duty, would be on duty or leave with pay.

3. Substantiation. To be granted court leave, an eligible employee must submit a copy of the summons (which is certified to be a true copy) for jury or witness service prior to the beginning date of each service.

4. Use of Annual Leave. Court leave should be substituted for employees who are on annual leave when called on for jury duty. No exception is made for annual leave that would otherwise be forfeited at the end of the leave year.

5. Interim Excuse from Jury Duty. When no hardship would result, employees entitled to court leave because of jury service are required to return to duty or suffer a charge against their annual leave if they are excused from jury service for 1 day or even a substantial part of a day. Employees are not, however, required to return to duty if this would represent a hardship, e.g., an employee who works a night shift or one who lives or works a long way from the place where the court is held.

6. Compensation and Fees

a. Jury Fees. Employees on court leave for jury service in a Federal, State, or municipal court may not retain jury fees. All fees must be turned into the Payroll Liaison or they will be deducted from compensation due them. The Payroll Office will apply the jury fees received by employees against, but not to exceed, the amount to which they would otherwise be entitled for the period of their absence on jury duty. Employees are permitted to keep any excess of the jury fee over the amount of compensation to which they are entitled. A permanent or indefinite employee may not elect to take annual leave in lieu of court leave during a period of jury service, nor retain fees for such service.

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b. Expense Fees. Jurors in Anne Arundel County, Baltimore City, Baltimore County, Calvert County, Charles County, Prince George's County, and Saint Mary's County, Maryland, and the entire state of Virginia are not paid a jury fee. Jurors in these counties of Maryland and the State of Virginia receive expense money for each day in attendance at a court. These monies may be retained by the employees on the basis that such amounts are for traveling expenses rather than jury fees.

c. Witness Service while in Pay Status

(1) Full-time and part-time employees on court leave as a Federal Government witness in a nonofficial capacity are paid their regular salaries and may not accept witness fees. They are, however, entitled to reimbursement for expenses incident to witness duty.

(2) When an employee's appearance in court as a witness is not in behalf of the Federal Government; a state or local government; or a private party when a party is the U. S., District of Columbia, or state or local government, and not in his or her official capacity, the absence from duty must be charged to either annual leave or leave without pay. In these circumstances, the employee is entitled to the usual fees and expenses.

(3) Employees called as court witnesses to testify in an official capacity are considered to be in an official duty status as distinguished from a leave status, "court" or otherwise. They may not accept witness fees of any kind. Travel expenses will be paid by the activity in all cases where the employee is considered on official duty.

d. Nonwork Hours. Employees with regularly scheduled tours of duty who perform jury service that does not conflict with their hours of employment may retain the usual fees for jury service. If, however, they perform jury service in a court of the United States during any of the hours in which they are in a pay status, they may not be paid fees for that day.

e. Holiday. Fees received for jury service on a holiday falling within an employee's basic tour of duty may be retained by the employee, provided that the employee would have been excused from his/her regular duties on the holiday.

f. LWOP. Employees who are in a LWOP status when called for jury service and consequently not entitled to court leave may retain the jury fees.

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SECTION V

OTHER LEAVE ADMINISTRATION

1. Obtaining Leave in Unforeseen Circumstances. In unforeseen circumstances, other than personal illness, an employee may request annual leave when absence from duty is necessary without having obtained prior approval as specified in Section I, paragraph 5. In such cases the employees shall notify the supervisor as early as practicable on the first day of absence, but not later than 2 hours after the beginning of the workday. If the employee is to be absent from duty for more than 1 day, he/she should request approval of additional leave at the time the supervisor is notified of the first day's absence.

a. There is no remission of the requirement that the supervisor must be informed of the reason for an absence not approved in advance. In emergencies, such as serious accident, serious illness, or death in the employee's immediate family, supervisors should exercise due consideration in enforcing these requirements.

b. Mere unforeseen circumstances, such as minor repairs to automobiles or property, ordinary illness of the employee or family members, etc., do not justify failure to promptly notify the supervisor.

c. The determination whether to approve or disapprove leave which was not approved in advance rests with the supervisor. There is no automatic entitlement to leave on the sole basis that unforeseen circumstances, in the employee's opinion, required absence from duty.

2. Administrative Excusals. The provisions of this paragraph apply to employees who have a regular tour of duty, except those whose appointments are limited to 90 days or less and those who have not been continuously employed for a period of 90 days under one or more appointments without a break in service. The authority to excuse employees without charge to leave or loss of pay shall be exercised with due consideration for the needs of the activity, for applicable regulatory provisions, and for the welfare of employees.

a. Severe Weather Conditions

(1) In the event that administrative leave is granted due to interruption of normal operations by extreme weather conditions or other natural phenomena, Naval Academy employees will be excused, except those in the following categories who, at the discretion of the department head or his/her representative, must be retained on duty for a specific purpose:

(a) Personnel required for security reasons.

(b) Personnel required for essential planned operations or for the completion of operations in progress.

(2) Those employees who are directed to remain on duty will receive pay at the regular rate for the remainder of the workday. Should their services be required beyond the regular workday, they will be compensated at their overtime rates.

(3) When administrative excusals are called during working hours, determination as to whether an employee should or should not be charged leave for an absence depends upon his/her duty or leave status at the time of dismissal as follows:

(a) If the employee was on active duty and was excused, there is no charge to leave for the remaining hours of the work shift following excusal.

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(b) If the employee was on duty and departed on annual leave after official word was received but before the time set for dismissal, leave is charged only from the time he/she departed until the time set for dismissal.

(c) If the employee was scheduled to report for duty after an initial period of leave and dismissal is given before the employee can report, leave is charged until the time set for dismissal.

(d) If the employee was absent on approved leave for the entire work shift, the entire absence is charged to appropriate leave.

(4) When administrative excusals are called during nonworking hours, employees either scheduled to work or on previously authorized leave will be excused without charge to leave or loss of pay.

(5) USNA/AACINST 12610.4D provides more detailed information on the USNA hazardous weather policy.

b. Official Meetings. Employees authorized to attend official meetings and hearings or conferences and conventions related to the programs of the Department of the Navy are considered to be in a duty status during such attendance without charge to leave.

c. Enlistment Registration and Physical Examination. Employees who are called for physical examination for duty in the Armed Forces shall be excused for that purpose without charge to leave or loss of pay, not to exceed 1 day.

d. Funeral Ceremonies. An employee may be excused to attend the funeral of an immediate family member in the Armed Forces who is killed in a combat zone. Immediate family member for this purpose will include the spouse, children, parent, brother, sister, parent-in-law, daughter-in-law, and any other relative who had resided as a member of the employee's household at the time of his/her entrance into the Armed Forces. The length of all excused absences should be determined on the basis of the circumstances of each request.

e. Navy Health Programs. Employees shall be excused without charge to leave for examination under Department of the Navy health programs.

f. Tests and Interviews

(1) Employees will be excused without charge to leave or loss of pay to participate in interviews when the interview is required under the Navy Merit Promotion Program and the competition is for positions at the Annapolis Area Complex or at other naval activities within the commuting area.

(2) Employees may, at the discretion of command, be excused without charge to leave or loss of pay to participate in interviews when the competition is for positions at a naval activity outside the commuting area, or when the competition is for a non-Navy position and the individual is under notice of separation or change to lower grade by reduction in force.

(3) Employees will be excused, without charge to leave or loss of pay, for all examinations required for converting TAPER appointment to career- conditional.

(4) Employees who participate in tests, examinations, or interviews outside of normal working hours are not in a pay status.

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g. Voting and Registration. Employees desiring to register and vote in any election or referendum shall be excused for that purpose under the following conditions:

(1) Within commuting distance. Where the polls are not open at least 3 hours before or after an employee's regular working hours, they shall be excused for whatever amount of time will permit them to report for duty 3 hours after the polls open or to leave 3 hours before the polls close, whichever requires less excused time.

(2) Beyond the commuting distance. Employees whose place of voting is beyond normal commuting distance and in a location where absentee ballots are not permitted may be excused, not to exceed 1 day, for the necessary trip.

(3) Registration. For employees who vote in jurisdictions which require registration in person, excused time to register may be granted on substantially the same basis as for voting, except that no time shall be granted if registration can be accomplished on a nonwork day and the place of registration is within a reasonable 1-day, round-trip travel distance of the employee's place of residence.

h. Blood Donations. Employees who volunteer as blood donors shall be excused for the time necessary for this purpose up to a normal maximum of 4 hours.

i. Bone-Marrow or Organ Donation. Employees shall be granted up to 7 days of paid leave in a calendar year (in addition to sick or annual leave) to serve as a bone-marrow or organ donor.

j. Tardiness or Brief Absence. Brief absence from duty of less than an hour and tardiness may be excused when reasons appear adequate to the supervisor. The absence may also be compensated for by additional work by "making up" the time at lunch, after work, or by reporting early on the following day. Otherwise, the supervisor may approve annual, LWOP, or sick leave, as appropriate, in increments of 1-half hour, or it may be necessary to place the employee in an AWOL status.

k. Emergency Rescue or Protective Work. Employees who can be spared without interference with essential agency operations and obligations may be excused to participate in emergency rescue or protective work during an emergency such as fire, flood, or search operations. Such participation shall normally be limited to a maximum of 5 workdays per year. 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.

l. Work-Related Injury. An employee who sustains a disabling, job-related, noncontroverted, traumatic injury is entitled to continuation of regular pay for a period not to exceed 45 calendar days, without charge to leave. The 45-day period starts at the beginning of the first full day or first full shift on which the disability begins. The employee will be kept in a pay status for any fraction of a day or shift on which the disabling begins with no "charge" to the 45-day period. See USNAINST 12810.1B for detailed information and procedures.

3. Family and Medical Leave Act. Under the Act, employees are 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. The birth of a child of the employee and the care of such child;
- b. The placement of a child with the employee for adoption or foster care;
- c. The care of a spouse, son, daughter, or parent of the employee who has a serious health condition;

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

4. The Family Employees Leave Sharing Amendments of 1993. These Amendments, (which were made permanent legislation in 1988), allow employees experiencing a medical or family medical emergency who have exhausted all of their available leave to receive donations of annual leave from other federal employees to help offset the hardship resulting from the medical emergency. See USNA/AACINST 12630.7 for detailed information and procedures.

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CIVILIAN EMPLOYEE REQUEST FOR ADVANCED LEAVE OR LEAVE WITHOUT PAY

1. It is essential that this form be fully completed. **Forward original to Payroll Office, Halligan Hall, Stop 20f.**
2. USNAINST 12630.1J contains the policies and procedures with respect to absence and leave of civilian employees. It should be reviewed prior to requesting or recommending approval or disapproval of leave requests for which this form is applicable. Points to be considered are:
- 1) Effect of employee's absence on workload.
- 2) Employee's leave record
- 3) Seriousness of illness (in case of advanced sick leave)**Must be supported by a medical certificate.
- 4) Probability of return to duty.

PART I TO BE COMPLETED BY REQUESTING EMPLOYEE			
Employee's Name (last, first, middle initial)		Office/Shop	Office Extension
Employee's Title and Grade	Last 6 digits of employee number	Control Number	Distribution Number
Type of Leave Requested	No. of Hours	Period Covered by Leave Requested	
<input type="checkbox"/> Advanced Annual	_____	From:	To:
<input type="checkbox"/> Leave Without Pay in Excess of 10 Days	_____	Reason For Requesting Leave	
<input type="checkbox"/> Advanced Sick Leave	_____		
Employee's Signature		Date of Request	
PART II SUPERVISORY RECOMMENDATION ON REQUESTED LEAVE			
Sick Leave Balance	Annual Leave Balance	Leave Without Pay This Leave Year	
Hours	Hours	Hours	
Supervisors Indicate Your Recommendation By Checking Appropriate Block		Approved	Disapproved
Signature of First Level (Immediate) Supervisor			
Signature of Intermediate Supervisor			
PART III DEPARTMENT HEAD DECISION			
<input type="checkbox"/> Approved		Comments	
<input type="checkbox"/> Dissapproved			
Signature of Department Head or Equivalent			Date



DEPARTMENT OF THE NAVY
UNITED STATES NAVAL ACADEMY
121 BLAKE ROAD
ANNAPOLIS, MARYLAND 21402-5000

USNAINST 12630.1J ERRATA
24/HRD
09 APR 1996

USNA INSTRUCTION 12630.1J ERRATA

From: Superintendent

Subj: ABSENCE AND LEAVE

Encl: (1) Absence and Leave Guide, Section I, corrected page 1 and reprinted page 2

1. Purpose. To publish an errata to subject instruction.

2. Action. Make the following corrections:

a. On cover page, paragraph 2 - change "USNAINST 12360.1H" to read "USNAINST 12630.1H."

b. Section I, pages 1 and 2 - remove pages 1 and 2 and replace with enclosure (1), corrected page 1 and reprinted page 2. ✓

Distribution:
AA (plus 50 to HRD)