ILLINOIS NATIONAL GUARD

TPP 904-7
Hours of Duty and Leave

SUPERVISOR'S HANDBOOK

This supersedes Technician Personnel Plan 904, dated 1 October 1996 Chapter 6 Hours of Duty and Leave.

Users of this publication are invited to send comments and suggested improvements, through command channels, to The Adjutant General of Illinois, ATTN: HRO, 1301 N. MacArthur Blvd, Springfield, Illinois 62702-2399

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1-1 WORK SCHEDULES:

a. Illinois Army National Guard employees may request a compressed work schedule. The compressed work schedule is a 9-4-5 format. The normal duty day is nine hours (0700 to 1630), Monday through Friday with one half hour for lunch except for the employees compressed off days. Compressed days off are either the first Monday or first Friday of the pay period unless otherwise approved by the Adjutant General.

(1) Employees may request a compressed work schedule plan and will be off duty on their compressed day off. An eight-hour day will be worked on the employee's working Monday or Friday.

(2) When a holiday falls on the employee's compressed day off, the preceding workday is designated as the "in lieu of" holiday. For example, if the employee's normal compressed off day is Monday and that same Monday is a holiday then the preceding Friday is the employees "in lieu of" holiday.

(3) Once an employee elects the first Monday or Friday as their compressed day off, unforeseen deviations should only occur when dictated by mission requirements. Deviations will not be made to avoid charging of leave.

(4) Employees not on a compressed work schedule will work the regular work schedule. They will work the normal eight-hour day 0800 to 1630, Monday through Friday, with a half an hour lunch break.

(5) Supervisors have the right to approve or disapprove compressed work schedules to maintain work coverage for the unit or section.

(6) The authority to fix basic workweeks and work schedules is delegated to The Adjutant General of Illinois and is further delegated to the following individuals and with their concurrence, to those acting in their absences, but no further, for positions under their supervision.

(a) The Command Administrative Officer

(b) The United States Property and Fiscal Officer for Illinois

(c) The Human Resource Officer

b. The Illinois Air National Guard is on a compressed work schedule. The Base Commander has been delegated to establish workweeks and work schedules for their respective unit and the Assistant Adjutant General for Air establishes workweeks and work schedules for HQ IL ANG. The Base Commander or Assistant Adjutant General for Air (as appropriate) establishes the compressed day and the eight-hour workday.

1-2 NIGHT WORK: Supervisors determining a requirement exists to assign technicians to a regularly scheduled tour of night work, will submit a written request by name, with supporting justification to the local Base Commander or Assistant Adjutant General for Air for ANG technicians or to the Command Administrative Officer, United States Property and Fiscal Officer or, Human Resource Officer for IL ARNG technicians. Night Work is defined for General Schedule (GS) technicians as regularly scheduled work between the hours of 1800 and 0600 and for Wage Grade (WG) technicians it is defined as the majority of work hours scheduled between 1500 and 0800. If approved, a copy of the correspondence and approving endorsement must be furnished to the supporting technician payroll office and a copy to HRO. Termination of such approval or requirement must be similarly reported.

1-3 HOLIDAY WORK:

a. Technicians should only be assigned to work on holidays to meet essential requirements. Holiday work must be scheduled in advance and approved by the individual authorized to approve work schedules designated in paragraphs 1-1a.(6)&1-1b. Approvals must be reported to the supporting technician payroll office and to the Employee Relations Branch in HRO.

b. Technicians performing approved holiday work on a day within their regular workweek will be compensated at the rate of their grade plus premium pay at a rate equal to the regular rate of their grade for a maximum of eight hours. There is no authority to authorize compensatory time in lieu of premium pay.

c. Work performed in excess of eight hours on a holiday and all work performed on a holiday outside of the regular work week is overtime work and will be compensated with an equal amount of compensatory time off.

d. The following are established national holidays. Other holidays may be declared by the President of the United States of America and will be announced through the Human Resource Office. When the work schedule is 0800 to 1630 or 0700 to 1630, Monday through Friday, holidays falling on Saturday are observed on Friday and holidays falling on Sunday are observed on Monday. On the compressed work schedule, if a holiday falls on Monday, employees with that day as their compressed day will take the preceding Friday in lieu of holiday. If holiday falls on a Friday, employees with that day as their compressed day will take the preceding Thursday in lieu of holiday.

(1) New Years - January 1st

(2) Birthday of Martin Luther King - 3rd Monday in January

(3) Washington's Birthday - 3rd Monday in February

(4) Memorial Day - Last Monday in May

(5) Independence Day - July 4th

(6) Labor Day - 1st Monday in September

(7) Columbus Day - 2nd Monday in October

(8) Veterans Day - November 11th

(9) Thanksgiving Day - 4th Thursday in November

(10) Christmas Day - December 25th

1-4 SUNDAY WORK: Activities determining a requirement exists to assign technicians to regularly scheduled Sunday work will submit a request with supporting justification in the same manner as for night work in paragraph 1-2. Copies of approved requests and terminations of approval of requirement will be similarly furnished to the supporting payroll office and the Employee Relations Branch in HRO.

1-5 REST PERIODS: Short rest periods during the day may be permitted when determined to be beneficial and/or necessary. Such rest periods are considered duty time and included in the daily tour of duty. Rest periods may not exceed 15 minutes during each four hours of continuous work. Typically, a rest period would not be granted if the period from the beginning of the daily tour to the lunch period is less than four hours.

1-6 LUNCH PERIODS: Lunch periods during which a technician is entirely free of duty, is not considered duty time and must be scheduled outside the hours established as the daily tour of duty. When time off for lunch is not possible, a lunch period of 20 minutes or less may be conducted as work time for which compensation is allowed. Where such an on-the-job lunch period is in effect, the technician must spend the time in close proximity to their workstation and be available for work.

1-7 MAKE READY AND CLEAN-UP TIME: Incidental duties that are directly connected with the performance of a job, such as obtaining and replacing work tools or materials, and similar tasks, are considered part of the job requirements within the established tour of duty. When shifts overlap, the shifts will be arranged so that time required for incidental duties will be part of the eight hour day. When incidental duties cannot be made part of the regularly scheduled workday, the extra time, for which compensatory time is granted, will not exceed 30 minutes a day.

1-8 UNION AGREEMENTS: Review negotiated agreements between Unions and The Adjutant General regarding the above paragraphs and other guidance within this chapter.

Absence and Leave

1-9 INTRODUCTION: The following types of leave are administered and controlled in accordance with the policy set forth herein. The provisions of current labor agreements shall prevail for the members of the bargaining unit covered under that agreement over these provisions whenever any conflict exists.

1-10 GENERAL PROVISIONS - LEAVE ADMINISTRATION:

a. Overall Responsibility - Managers and supervisors are responsible for controlling absence and leave according to legal and regulatory requirements and without abuse of leave privilege.

b. Approval Authority

(1) The approval of leave is usually the responsibility of immediate supervisors who best know whether the time off requested can be accommodated without undue adverse impact on the mission. The authority to approve leave requests is accompanied by the responsibility for verifying that leave granted is legal and justifiable.

(2) The authority to approve requests for advanced sick leave not to exceed 240 hours at any time, and leave without pay for periods of 30 days or less (except LWOP for OWCP cases, LWOP for Military Duty or LWOP under the Family and Medical Leave Act) rests with the Command Administrative Officer, Director of the Special Staff, Human Resource Officer or the United States Property and Fiscal Officer for the Army National Guard and the Base Commander or Assistant Adjutant General for Air (as appropriate)for Illinois Air National Guard.

(3) Authority to approve requests for leave without pay for more than 30 days or requests for extensions of leave without pay beyond 30 days is retained by The Adjutant General.

(4) The authority to approve overtime/compensatory work rests at the next higher level of supervision above the immediate supervisor unless Commanders/Managers of Units/Activities direct a higher approval level.

c. Consideration of Leave Requests

(1) Mandatory Approval - The approval of leave requests is mandatory under the following circumstances or conditions:

(a) Treatment of Disabled Veterans. Such annual or sick leave or leave without pay (LWOP) as is necessary for medical treatment of a disabled veteran shall be granted upon the technician's request and presentation of an official statement from a medical authority that such treatment is required. This also includes examinations and absences from duty in connection with the disability.

(b) Military Service. A technician (dual status or non-dual status) who is a member of a reserve component (other than an intermittent or temporary technician appointed for less than one year) shall, upon request, be granted military leave to which he or she is entitled for performance of active duty, or active duty for training if the leave is allowed in accordance with regulations. In addition to Military Leave, he or she will be granted annual leave, compensatory time off, time off from a previously awarded time off award, or military leave without pay, as requested for the performance of active or inactive duty. Technicians entering Title 10 or 32 active duty may elect LWOP status for up to five years or separation. When any period of the absence is not covered by a paid leave status the technician must complete a DMAIL 32 if electing LWOP or an SF 52 if electing separation (a copy of the technician's military orders must also be attached). These documents will be forwarded to the HRO prior to the technician's departure for military duty. A temporary technician (appointed for less than one year) may be granted annual leave, compensatory leave, time off from a previously awarded time off award, or leave without pay for performance of active or inactive duty.

(c) Pending Retirement. To reduce the number of nonproductive hours of leave which a technician may use after the preliminary determination has been made that the employee meets requirements for disability retirement and OPM is processing the employee's application, the technician is to be retained in a work status to the extent that the technician is able to render useful and efficient service. The activity may temporarily assign the technician to limited duties, detail the technician to another position, or arrange a temporary change in the hours the technician is on duty (e.g. a combined schedule of work and leave). If the applicant cannot be retained in a duty status (or if the technician applies for optional or discontinued service retirement while incapacitated due to illness or injury), the technician shall be granted such unused sick leave, as they request, only if the technician submits evidence which supports a determination by the activity that they are incapacitated for performance of the duties of their position and only for the period during which they remain incapacitated as supported by evidence acceptable to the activity. Technicians under the Civil Service Retirement System (CSRS) may have their unused sick leave credited in the computation their annuity.

(d) Other Illness, Injury or Pregnancy. A technician is entitled to use accrued and accumulated leave whenever he or she is incapacitated by illness, injury or pregnancy; is receiving emergency medical, dental or optical examination or treatment; or would jeopardize the health of others because of exposure to a contagious disease. A technician with a disability who depends on an aid or mechanical device to perform work normally, is incapacitated without the aid. A seeing-eye dog, a wheelchair, or any prosthetic device may be considered an extension of the person and grant sick leave for such purposes as training, replacement, or repair as appropriate under the same conditions as any other incapacitation. Determining the nature of evidence required to decide whether the employee is incapacitated for work or whether the requirements are of an emergency nature is within the discretion of the approving official

(2) Discretionary Consideration of Leave Requests. The needs of the National Guard must be carefully and judiciously balanced with the rights and welfare of our technicians and their families in the consideration of leave requests in order to provide for the efficient operation of our programs.

(3) Charging of Leave. Unless established otherwise, by NGB, or through negotiations, the Army National Guard technician's minimum charge for annual, compensatory time, or sick leave is one hour. The Air National Guard technician's minimum charge for annual, compensatory or sick leave is 15 minutes.

1-11 ABSENT WITHOUT LEAVE (AWOL): An absence from duty which is not authorized or approved (including leave which is not approved until required documentation is submitted), or for which a leave request has been denied, is properly recorded as AWOL. The technician receives no pay for the period of absence. Recording an absence as AWOL is not a disciplinary action. It does not necessarily mean that the technician has insufficient reason for requesting leave, but it might be that the supervisor has determined that the technician's presence is/was necessary and the technician's request is not one which requires mandatory approval. However, absences without approved leave can become the basis for initiating disciplinary or adverse action. An absence without leave period almost demands supervisory attention and communication with the technician. The technician should be requested to account for their absence. If the technician explains their absence and

requests the appropriate leave such as annual, compensatory, sick or LWOP to be substituted for the AWOL, then the supervisor must determine the appropriate approval or disapproval action to be taken. If the supervisor decides to excuse the absence because circumstances surrounding the absence are such that the absence would have been approved, AWOL may be changed to the appropriate approved leave account. If the AWOL is changed to an approved leave category then the absence without leave period is excused and should not be considered in any way to support any full-time disciplinary or adverse actions. If the absence period is less than the minimum chargeable amount of leave (one hr for ARNG, 15 min for ANG), the supervisor may want to consider excused absence. If the supervisor is not satisfied with the technician's explanation and decides not to approve the substitution of leave, he may decide to let the AWOL status stand. If the AWOL status is to stand, then the supervisor should determine the appropriate course of action such as counseling, disciplinary or adverse action or no action may be appropriate.

1-12 ANNUAL LEAVE:

a. Accrual. Full-time technicians appointed for 90 days or longer accrue annual leave as follows:

(1) Four hours for each full bi-weekly period with less than three years of creditable service or a total of 104 hours per year.

(2) Six hours for each full bi-weekly pay period for a technician that has between three and 15 years of service or a total of 160 hours per year ten hours is accrued the last pay period of the CY.

(3) One day for each full bi-weekly pay period for a technician with 15 or more years of service or a total of 208 hours per year.

(4) Part-time technicians with 15 years or more service earn one hour of annual leave for each ten hours in a pay status, those with three but less than 15 years earn one hour for each 13 hours in a pay status, and those with less than three years earn one hour for each 20 hours in a pay status.

b. Advancing Annual Leave. Annual leave, which will be earned during the leave year, may be advanced to technicians upon request and at the discretion of the technician's leave approving official. Officials listed in paragraph 1-1a (6) may establish a higher approval authority than the leave approving official. Advanced annual leave should not be approved beyond the amount the technician will earn during the leave year. Annual leave should not be approved in an amount over and above what a technician has actually earned when it is known he or she will not return to duty. In such cases as termination or resignation and a technician has used more annual leave than earned, it becomes a debt to the government and must be repaid. Normally repayment would be withheld from final pay or if final pay is not a sufficient amount the technician will be required to send a direct payment, if direct payment is not made collection will be made from CSRS/FERS Retirement Fund, drill pay or from income tax refunds.

c. Scheduling of Annual Leave. It is the responsibility of supervisors to plan and effectively schedule annual leave for use through the leave year. This should be accomplished by encouraging technicians to plan and request their annual leave early in the leave year. Early scheduling will give the supervisor an opportunity to manage leave where several technicians are involved, to schedule leave as mission requirements and work priorities

dictate, the ability to determine if a technician is taking enough leave to avoid forfeiture and to consider technician's preferences if possible. Unscheduled and/or rescheduled annual leave can be approved to meet a technician's immediate personal needs and emergencies. In these instances a supervisor has no obligation to approve specific requests if the technician cannot be spared; however, denial of leave is not to be based on arbitrary or capricious reasons.

d. Documentation of scheduled and rescheduled Annual Leave. Scheduling and rescheduling of annual leave must be in some type of formal documentation indicating inclusive calendar dates, amounts of leave requested, amount scheduled, dates rescheduled if disapproved and/or canceled, and the signature of leave approving official. The type of documentation is left to the discretion of the supervisor. Supervisors, when scheduling or rescheduling annual leave, should give special attention to those technicians who will have leave over and above the maximum 240 hours carry-over (use or lose leave) at the end of the leave year.

e. Restoration of Annual Leave. Approval of restored leave is not delegated below the office of The Adjutant General of Illinois.

(1) Mandatory Requirements - The Comptroller General has ruled that when a technician submits a formal and timely request for annual leave, there may not be discretion whether or not to schedule leave. Supervisors must approve and schedule the leave as requested by the technician or, if that is not possible due to an exigency of the public business (e.g., CRI. ORI, Audits, reorganizations, etc.) then reschedule at some other time mutually agreeable with the technician. Failure on the part of the supervisor to reschedule requested leave, which results in forfeiture of leave to the technician at the end of the leave year, constitutes an administrative error and the technician would be entitled to restoration of leave if requested. When technicians choose not to request or use annual leave to avoid forfeiture, they are not entitled to have forfeited leave restored for later use.

(2) Maximum Accumulation at End of Leave Year - Unused annual leave in excess of 240 hours which is automatically forfeited at the end of a leave year may be temporarily restored for future use if it has been officially scheduled at least three pay periods prior to the end of the leave year and is forfeited because of exigencies of the public business, sickness, or injury or through administrative error.

(a) Exigencies of public business pertains to exigencies or operational demands such as CRI, ORI, audits, reorganizations, etc., that are of such importance that a technician cannot be excused from duty to avoid forfeiture.

(b) Illness or injury pertains to a technician who was absent due to illness or injury which occurred late in the leave year and was of such duration that annual leave could not be rescheduled for use before the end of the year to avoid forfeiture.

(c) Administrative error occurs when scheduled leave has been canceled or disapproved and the supervisor failed to reschedule for use at some other time and resulted in forfeiture of leave.

(d) Procedures for Requesting Restoration. In the event restoration of leave is requested, the following information must be furnished and forwarded through normal leave approving channels to the Adjutant General, Attn: HRO for approval or disapproval by the Adjutant General.

(1) Written verification of scheduling and/or rescheduling of annual leave.

(2) Calendar date leave scheduled was approved.

(3) Date(s) during which the leave was scheduled for actual use.

(4) OPM FORM 71(documenting the scheduling and approval of annual leave).

(5) Reason(s) for canceling of approved leave.

(6) Beginning and ending date of exigency or operational demand that resulted in forfeiture

(7) The date(s) during which the canceled leave was rescheduled for use.

(8) The date canceled leave was rescheduled

(9) The exact number of hours requested to be restored.

1-13 SICK LEAVE:

a. Accrual - Permanent full-time and temporary technicians with a regular scheduled tour of duty (80 hours bi-weekly) earn such leave at the rate of four hours each full bi-weekly pay period, or a total of thirteen days a year. Part time technicians accrue an hour of sick leave for each twenty hours in a pay status. Sick leave is credited to a technician's account at the beginning of the pay period in which it is earned and is available for use.

b. Sick leave not used during the year in which it accrues, accumulates and is available for use in succeeding years. In cases of Civil Service Retirement System (CSRS) technicians retiring on an immediate annuity, the accumulated unused sick leave is added to their actual service and is used in computing the annuity. It may not be used in computing actual numbers of years and months to qualify for retirement.

c. Granting Sick Leave for the incapacitation of the technician. Accrued and accumulated sick leave, when properly requested and documented shall be granted to an employee for the following reasons:

(1) Medical, dental or optical examination or treatment.

(2) When the presence of the technician at their duty station would jeopardize the health of others due to exposure to a contagious disease.

(3) The technician's **own** incapacitation for the performance of duties by sickness, injury or pregnancy. Pregnant employees are entitled to

use sick leave for prenatal and postnatal medical appointments and any periods of incapacitation as a result of pregnancy. Sick leave may only be used for the incapacitation of the mother (generally six weeks or longer based on doctor's recommendation). Sick leave may not be used to care for a healthy newborn child.

d. Sick Leave for Family Care Purposes. There are two ways a technician may use his or her personal sick leave for family care purposes, "Sick Leave for Family Care and Bereavement" and "Sick Leave to Care for a Family Member with a Serious Health Condition."

(1) Sick Leave for Family Care and Bereavement

(a) Technicians may use a maximum of 104 hours/13 workdays (Please note leave balance requirements in paragraph (b) below) of sick leave each year to:

(1) Provide care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth

(2) Provide care for a family member as a result of medical, dental or optical examination or treatment; or

(3) Make arrangements necessitated by the death of a family member or attend the funeral of a family member.

(b) A covered full-time employee may use 40 hours (five work days) of sick leave each leave year for the general family care purposes listed above. The additional 64 hours (eight workdays) of sick leave may be used each year **if the employee maintains a balance of at least 80 hours of sick leave in his or her account.** Part-time employees and employees with uncommon tours of duty are also covered, and the amount of sick leave permitted for family care and bereavement purposes is pro-rated in proportion to the average number of hours of work in the employee's scheduled tour of duty each week. **Agencies may advance only the first 40 hours of sick leave** (or a proportional amount for an employee on a part time schedule or uncommon tour of duty). Record of Sick Leave, Attachment #1 for Family Care Purposes should be used to monitor a technician's use of sick leave for family care.

(1) Family member for this purpose is defined as:

(2) Spouse and parents thereof

(3) Children, including adopted children and spouses thereof

(4) Parents

(5) Brothers and sisters and spouses thereof

(6) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship

(2) Sick Leave to Care for Family Member with a Serious Health Condition.

(a) Technicians may use a total of up to 12 administrative workweeks of sick leave each year to care for a family member with a serious

health condition. If an employee previously has used any portion of the 13 days of sick leave for general family care or bereavement purposes in a leave year, that amount must be subtracted from the 12 week entitlement. If an employee has already used the 12 weeks of sick leave to care for a family member with a serious health condition, he or she cannot use an additional 13 days in the same leave year for general family care purposes. An employee is entitled to a **grand total of 12 weeks of sick leave each year for all family care purposes.**

(b) The same leave balance requirements apply use of sick leave for a family member with a serious health condition as apply to the use of sick leave for general family care or bereavement purposes. A covered full-time employee may use 40 hours (five workdays) of sick leave each year for family care purposes without maintaining a sick leave balance, yet he or she must maintain a balance of at least 80 hours of sick leave if any amount over 40 hours is used. Sick leave may not be advanced to meet this 80 hour balance requirement. Record of Sick Leave for Family Care Purposes, Attachment #1, should be used to monitor a technician's use of sick leave for family care.

(c) The term "serious health condition" includes such conditions as cancer, heart attacks, strokes, severe injuries, pregnancy and childbirth. "Serious health condition" does not include ailments such as ear infections, sore throat, taking your child to regular check up appointments, or care for a **healthy** newborn child. For further guidance on using sick leave to care for a family member with a "serious health condition" contact the Human Resource Office.

(1) Family member for this purpose is defined as:

(2) Spouse and parents thereof

(3)Children, including adopted children and spouses thereof

(4)Parents

(5)Brothers and sisters and spouses thereof

(6) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship

e. Sick leave for adoption. A technician may use accrued sick leave "for purpose relating to the adoption of a child." An adoptive parent may use sick leave for any purpose that would allow the adoption to proceed, including, but not limited to, appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and for any periods during which an adoptive parent is ordered or required by the adoption agency or court to be absent from work to care for the adopted child. If the adoption agency or court does not impose such a requirement, the employee must use annual leave or leave without pay to care for the adopted child.

f. Medical Documentation. For an absence in excess of three work days, or for a lesser period when determined necessary, an employee may be required to provide medical documentation as to the reason for an absence (unless negotiated agreement provides otherwise). The employee may also be required

to provide medical documentation from the health care provider concerning the family members need for psychological comfort and/or physical care.

g. Advancing of sick leave. Sick leave may be advanced to a technician provided all accumulated sick leave is exhausted, and annual leave that would otherwise be forfeited is used and there is reasonable assurance the technician will return to duty to earn and repay the advanced sick leave. Advanced sick leave is limited to a maximum of 240 hours at any one time or 40 hours for a family member. Advance sick leave must be requested by the technician and supported by appropriate medical certification, certifying to the incapacitation of the technician and the date the technician may be expected to return to work. (NOTE: Advanced sick leave is authorized only for the injury or illness for which it was requested and the time period it was requested for based on medical documentation. Advance sick leave for any other illness or injury would require a separate request and approval. A temporary technician may be granted advance sick leave only up to the amount he or she would otherwise earn during an approved term of appointment.

(1) Requests for advancement of sick leave are approved (based on the technicians respective organization) by the Command Administrative Officer, Director of Special Staff, the Human Resource Officer or the United States Property and Fiscal Officer for Army Guard and the Base Commander or Assistant Adjutant General of Air (as appropriate) for Air National Guard. To ensure consistency throughout the Illinois National Guard, all requests must be coordinated with HRO prior to approval or denial.

(2) A copy of all approved requests for advance sick leave with accompanying medical certificate must be forwarded to The Human Resource Office Attn: DMAIL-HRO-TP. A second copy must be forwarded to the USPFO, Attn: Technician Pay Branch in the case of ARNG technicians or the Accounting and Finance Section for ANG technicians. The originals should be sent to the employee by the supervisor.

h. Re-credit Upon Re-employment. Unused sick leave credited to a technician's account at time of separation, is re-credited to their account if re-employed on or after 2 December 1994.

i. Substitution of Sick Leave. A technician on annual or compensatory leave who becomes ill or incapacitated may ask their supervisor to substitute sick leave for approved annual leave. Normally, this must be accomplished before the end of the pay period.

j. Abuse of Sick Leave. Sick leave will be authorized in bona fide cases and may be granted orally or may require acceptable evidence. It is the responsibility of the supervisor to assure absences are properly chargeable to sick leave.

(1) If you suspect a technician is abusing sick leave, review the record in detail to see if there are valid grounds for suspicion. Look for these patterns:

(a) Taken as soon as earned, resulting in low sick leave balance.

(b) Taken frequently before or after holidays.

(c) Taken frequently on Mondays or Fridays (or before normal days off).

(d) Taken during periods of heaviest workload.

(e) Taken when annual leave is refused.

(A NOTE OF CAUTION): there should be a persistent pattern. Infrequent use of sick leave in one of these circumstances would not be grounds for further action. (Document dates and amounts fully and precisely)

(2) Once you are reasonably sure there is abuse, discuss it with the technician involved. Make discussion a matter of record on the supervisor's employee brief or NGB 904-1. Point out the patterns which lead to your suspicions, but don't accuse the technician of abuse. Give the technician a chance to explain the pattern. Refer the employee to the Employee Assistance Program (EAP), specifically if the problem is personal. A regular, recurring schedule of treatment for a non-disqualifying condition does not constitute abuse. On the other hand, a regular, recurring illness requires medical explanation.

(3) Make certain the technician understands leave requirements and how and when leave is supposed to be taken. It is important to monitor continued use of sick leave closely. If abuse continues, consult with the HRO. At that time, you might consider issuing the technician a letter of requirements for granting sick leave. If leave record doesn't improve, take the actions specified in the letter. The following is a sample letter:

SAMPLE LETTER OF REQUIREMENTS

MEMORANDUM FOR: John Q. Technician

SUBJECT: Requirements for Granting Sick Leave

1. I have reviewed your sick leave record for the past 12 months and the record indicated that you apparently are abusing your sick leave entitlement. You use your sick leave as soon as it is earned. Your sick leave balance for the last pay period was ten hours, which you used during this current pay period. The enclosed summary shows the exact days and hours of your leave for the past 12 months. (None of the leave was verified by a physician).

2. I spoke to you on (date) about your use of sick leave, and you stated that you understood sick leave requirements and regulations. Since then, your apparent abuse of sick leave has been a continuing problem. In the future, all of your sick leave periods, regardless of their duration, must be certified by a physician. You will be charged absent without leave (AWOL) if you fail to comply with this requirement. In that event, you may be disciplined. This requirement shall be terminated no later than the end of six months, if your sick leave record in the interim is acceptable.

Encl Supervisor's Signature

SAMPLE LETTER RESCINDING REQUIREMENTS

MEMORANDUM FOR: John Q. Technician

SUBJECT: Requirement for Granting Sick Leave

1. On (date) I issued you a letter, subject as above. Requiring that all of your sick leave periods were to be certified by a physician. Since that time your use of sick leave has been acceptable, and that requirement is terminated. Hereafter, the policies for requesting and granting sick leave will be the same for you as for the other technicians in this unit.

2. So long as you continue to use your sick leave in the manner you have followed for the past (number) months, the normal policy will continue. However, the reoccurrence of this or any related problem will be dealt with in consideration of the past record..

(Supervisor's Signature)

1-14 MILITARY DUTY AND APPROPRIATE CHARGING OF LEAVE:

a. 120 Hours Military Leave.

(1) Accrual and maximum accumulation. Permanent full-time and temporary indefinite technicians are entitled to military leave. Military leave accrues at the rate of 120 hrs or 15 days per fiscal year and any unused leave remaining in that fiscal year, accumulates for use in the succeeding fiscal year. Part-time permanent technicians are entitled to military leave based on a percentage rate of the 120 hours/15 days authorized in a fiscal year. Rate is determined by dividing 40 into the number of regularly scheduled hours in the workweek and then multiplying by 15. No more than 120 hours/15 days of military leave may be carried over into a new fiscal year, whether permanent full-time or part-time, as the maximum accrual for military leave cannot exceed 240 hours/30 days. Temporary technicians are not eligible for military leave.

(2) Granting Military Leave. Whenever an eligible technician is ordered to a tour of Active Duty/Active Duty for Training or Active Duty for Special Work, he or she may take any available military leave, annual leave, compensatory leave, time off awarded from a time off award or leave without pay. Intervening non-work days, weekends and holidays falling between the beginning and ending of leave of absence for military duty are NOT chargeable to leave.

(3) A technician who has not used any or only a partial amount of military leave for a particular tour of duty that extends into a new fiscal year, may elect to be placed on military leave effective 1 October without returning to technician status or being in a paid leave status on 30 September.

(4) Charging Military Leave on Weekends, Holidays and Non Workdays. There is no charge to military leave on intervening weekends, holidays and non workdays. This applies if a technician is in a military status, i.e., under military orders and jurisdiction. Furthermore, technicians are not

required to change their work schedules from compressed to the eight hour day upon entry to military duty.

b. Additional 44 Workdays of Military Leave.

(1) The Department of Defense Authorization Act for FY 96 authorizes an additional 44 days of military leave without leave loss or reduction of pay to which otherwise entitled for the purpose of performing military duty in non combat or combat operations outside the United States, its territories and possessions under the provisions of 10 USC 12301 (b) or 10 USC 12301 (d).

(2) Technicians using the 44 workdays of military leave will be placed on an active duty without pay status. Pay during this category of leave will be normal technician pay. Non-workdays and holidays are not charged to military leave.

(3) Technicians must elect prior to deployment the periods during which they will use the additional 44 workdays of military leave and/or other appropriate leave.

(4) Technicians may commingle leave types. Technicians may elect to use 15 days/120 hrs military leave, annual leave, compensatory leave, time off award or LWOP. Technicians may receive military pay when in these leave categories yet may not when utilizing the additional 44 workdays of military leave

(5) The additional 44 workdays of military leave entitlement is on a calendar year basis and does not carry a balance into the following leave year. Leave is chargeable in hours (8 x 44= 352hrs per calendar year).

(6) There is no requirement to convert technicians on a compressed work schedule to an eight hour work schedule when utilizing this entitlement.

(7) Eligibility for the 44 days of military leave category require the military technician to be on active duty without pay under section 12301 (b) or 12301 (d) of Title 10. Orders must reflect proper Title 10 authority (other than active duty during war or national emergency declared by the President or Congress) and the period of active duty the individual consented to serve without military pay. The military duty must be for combat or non-combat operations outside the United States, its territories and possessions.

(8) Use of this leave is only upon receipt of written request by the technician. This written request will be on a OPM 71.

c. Law Enforcement Leave

(1) General. There are two conditions under which employees are entitles to an additional 22 days/176 hours of military leave under the provisions of 5 USC 6323(b). National Guard members who perform military duty in support of civilian authorities in the protection of life and property are eligible for an additional 22 workdays of military leave. In addition, effective 24 November 2003, employees who perform full-time military service in support of a contingency operation (i.e. Operation Enduring Freedom, Operation Iraqi Freedom, etc) as defined in section 101(a)(13) of title 10,USC, are entitled to 22 days of LEL. Technicians serving under a permanent or indefinite appointment are authorized this additional military leave not to exceed 22 work days/176 hours in a calendar year.

(2) Pay. Pay received from military service performed in law enforcement leave status may not be less than pay due a technician as his normal civilian pay for the same period of time. Military pay and allowances (other than travel, transportation, or per diem allowance) will be credited against civilian pay. If less than civilian pay, the difference will be paid to the technician in civilian pay. No civilian pay will be paid if military pay is greater nor will a refund of the excess military be required.

(3) Charging of Law Enforcement Leave. The 22 workdays of LEL are converted to hours (total of 176) and charged in increments of hours rather than days and only for absence on regular workdays. Non-workdays and holidays are not charged.

d. Leave Usage while on Military Duty. If a technician elects to use paid leave in combination with leave without pay to cover an absence from their technician position to perform military duty, the technician has two options as listed below. Technician should review (TPP 904-11) and determine how each will affect their benefits before making a decision:

(1) The technician may elect to use all paid leave first, followed by any leave without pay.

(2) The technician may elect to intermittently use paid leave and LWOP.

e. When ordered to active duty/active duty for training, and the period is not completely covered by paid leave, or the technician elects not to continue health benefits during military duty, the technician must complete a DMAIL Form 32, Request for Leave of Absence. This form along with a copy of the military orders must be submitted to HRO in advance of reporting date so that the technician may be properly advised of their rights and benefits prior to entry on military duty.

f. Performance of Military duty and Technician duty on the same Day/Dual Compensation. In accordance with NGR 37-111 (1 March 1989) and ANGI 36-2001 (15 January 1997), a period of technician duty and a period of active military service should not be scheduled on the same day except in emergency situations. An ARNG or ANG technician scheduled for active military duty on a given calendar day will not work as a technician on that day and must be in an appropriate leave status (annual leave, military leave, compensatory leave, time off award or military leave without pay) for the entire calendar day.

1. In an emergency situation where mission requirements necessitate the utilization of an ARNG or ANG technician in an active duty status for mission accomplishment, the technician may be placed on active duty orders. If entry on active duty status occurs after the technician has begun a normal technician duty day, they will be in an appropriate leave status from his or her position for the remainder of the technician duty day. Under these emergency situations, where advance planning is precluded, the technician will not be charged leave for technician hours actually worked.

2. ANGI 36-2001, paragraph 1.19.1, requires that when an ANG technician is placed on active duty orders after performing technician duties

on the same calendar day the following statement will be placed on the ANG members orders under remarks: "It has been determined that mission accomplishment necessitates this member will perform technician duties and active military service on the same calendar day. Technician and active service performance periods will not overlap. Member has been placed in appropriate technician leave status from the time on the first day that the active service begins and for the entire technician duty day during those days between the first and to include the last day of an active service period."

1-15 COMPENSATORY LEAVE:

a. General. Current law provides that National Guard technicians shall be granted compensatory time off in an amount equal to the amount of time spent in an irregular or overtime work and shall not be entitled to compensation for such work. National Guard Bureau regulations require that compensatory work shall be ordered and approved in advance and in writing. National Guard technicians are ineligible for overtime pay and must receive compensatory time in lieu of overtime hours. Therefore, all rules and regulations regarding payment of overtime hours apply to computing compensatory time.

b. Supervisor Responsibility. It is the responsibility of each supervisor to anticipate peak workloads and schedule work in-so-far as is practicable to minimize the requirement for compensatory work. When it becomes necessary, supervisors will obtain the approval of the next level supervisor and then order the performance of the compensatory work. The supervisor must then assure that the documentation of the compensatory work is accomplished as directed by the Comptrollers of the Army and Air National Guard as supplemented by the Financial Manager of each Air Base and the USPFO.

c. Approving Official for Compensatory Time. The approving official for compensatory work will be at least one level higher than the first-line supervisor unless Commander/Managers of Units/Activities establish a higher level of approval authority. Overall responsibility for any excessive compensatory work exists with the approving official.

d. Emergency Situation. The above policies are meant to apply in normal day-to day situations where overtime work requirements are known in addition to being possible or practicable for the second level supervisor to approve overtime work, when the first line supervisor is major functional area chief or the next level official is unavailable. In these cases some prior approval should be obtained to the extent possible. If it is not possible, after the fact approval is to be secured and made a matter of record. Necessary work should never be deferred simply to conform to this requirement. On the other hand, irresponsible failure to secure prior approval on the part of a supervisor is a disciplinary matter; and if a technician irresponsibly failed to secure prior approval and the responsible supervisors were unaware of the unauthorized work, compensatory leave accrual should be disallowed.

e. For part-time technicians, compensatory hours are hours worked in excess of 80 hours per pay period. If a change in work schedule is necessitated, an SF 52 should be completed and forwarded to the HRO a minimum of two weeks prior to the effective date of change.

f. Travel. Compensatory hours are defined as work hours that are in excess of eight hours per day or 40 hours per week. Additionally, in situations of travel for TDY, only those hours of travel status on off duty days are creditable as compensatory hours of work.

(1) Travel which is performed within the regularly scheduled duty hours on a holiday or on a day designated as the "in lieu of" holiday is not compensatory work. Holiday hours are included in the basic 40 hour work week and are therefore not considered as overtime hours. Only holiday premium pay is authorized in these instances.

(2) Many instances occur where return travel to home station commences after 1630 hours on Friday, the last day of the TDY period. Travel time is creditable in these instances only when the technician is ordered to return to duty station for the purpose of reporting to work the next morning. Hours of travel are not creditable when the purpose is to attend the Unit Training Assembly on Saturday, regardless if it was directed.

(3) It is the prerogative of management to select the mode of travel. When a technician for personal reasons, such as aversion to flying, does not use the mode of transportation selected, or for their own convenience travels by indirect route or interrupts travel, the technician will be considered to be in travel status only for the estimated time which would be spent in traveling to the point of destination by the mode of transportation selected by management.

(4) When directed mode of transportation is government automobile, all hours of driving the vehicle are considered hours of work. When the driving is shared by others, each driver is credited with the amount of actual driving time that each has incurred.

g. The following are examples of proper compensatory time accruals.

Example No. 1. Technician commences travel on Sunday and reports at 1300 hours at the airline terminal, one hour prior to scheduled departure time. Arrival time at TDY location is 1800 hours
DECISION: Compensatory time authorized would be three and a half hours from 1300-1630 hours. Hours traveled beyond 1630 hours are not creditable.

Example No. 2. Technician commences return travel to home station after 1630 hours on Friday on a voluntary basis.
DECISION: No compensatory time is authorized for travel beyond 1630 hours unless directed by competent authority.

Example No. 3. Technician commences return travel to home station on Saturday, 1000 hours with arrival time at 1500 hours same day.
DECISION: All travel time hours are creditable, five hours, since travel crossed regular scheduled duty hours on off duty days.

Example No.4. Technician elects to travel by privately owned auto and departs Sunday 0800 hours and arrives on or after 1630 hours, same day.
DECISION: Compensatory time is based on constructive air travel time when traveling by privately owned auto.

Example No. 5. Suppose the directed mode of transportation in Example no. 4 is government auto.

DECISION: All hours while driving the vehicle would be creditable. Multiple drivers share the travel time based on actual number of hours they each drive.

Example No. 6. An employee on the Compressed Work Schedule who volunteers to work on their compressed day off.
DECISION: Because it was the decision of the employee to work on their own time no compensatory time is authorized. Employees should be discouraged from working on their compressed days unless directed to do so by competent authority

NOTE: Authorized travel for any reason is creditable as hours of work when traveling as a passenger during hours of non-workdays which correspond to the regular working hours on regular workdays.

h. Granting Compensatory Leave. Technicians in a compensatory leave status are considered to be in a status comparable to annual leave.

i. Granting Compensatory Leave in Advance. Public Law 95-390 enacted 29 September 1978, amended Title 5, USC to provide that a Federal employee may elect to earn compensatory leave for the purpose of taking the time off without charge to other leave when personal religious belief requires that the technician abstain from work during certain periods of the workday or workweek. Employees who elect to earn compensatory leave for this purpose will be granted an equal amount of compensatory leave (hour for hour) from his or her scheduled tour of duty covering the period for which it is needed.

(1) Technicians may earn such compensatory leave before or after it is taken. Advanced compensatory leave is to be repaid by the appropriate amount of compensatory work within a reasonable amount of time.

(2) Supervisors are to accommodate a technician's request to work compensatory time for this purpose, to the extent that such modifications in work schedules do not interfere with their efficient accomplishment of the unit mission in which case the request may be disapproved.

(3) Granting of advanced compensatory leave must be coordinated with the appropriate payroll office prior to submission of T&A cards when payroll offices maintain compensatory leave accounts.

j. Call Back. When technicians are called back to work, any unscheduled compensatory work they perform will be at least two hours in duration for compensatory leave purposes. Two or more hours of such work will be credited on an hour for hour basis.

k. Compensatory Work on Holidays. Compensatory leave is not earned during regularly scheduled eight or nine hours of work when performed on a holiday or OBSERVED DAY for which the holiday premium rate is payable. Work performed in excess of a regularly scheduled eight or nine hours on a holiday is considered compensatory work. Work performed on a holiday which falls outside of a technician's regularly scheduled work week is not an entitlement to the holiday premium rate and is considered compensatory work. The regularly scheduled workweek is that established as described in paragraph 1-1 of this handbook.

l. Time Limits on the Use of Accrued Compensatory Time. Compensatory leave must be scheduled and taken within one year following the pay period in

which it was earned (otherwise it is forfeited). Compensatory leave should be taken before annual leave except in those circumstances when forfeiture of annual leave will occur.

m. Standby Duty and On-Call Status. There are two situations in which Technicians may be assigned to cover problems arising after regular duty hours: Standby Duty and On-Call Status. Standby Duty imposes substantial restrictions on the technician, and provides some compensatory time for hours spent on Standby outside of their regular tour of duty. On-Call Status requires lesser restrictions on the Technician, and provides compensatory time for only those hours when the technician is actually called in to perform work

(1) Standby Duty. The technician is placed in Standby Duty for a specified time, usually on a regular basis. This period may encompass both regular duty and non duty hours. The technician is restricted to quarters at the base, to their own residence, or to another, specifically designated duty location by a formal order of management. The technician must remain in a state of readiness to perform work at all times during the Standby period. There are substantial restrictions on the technicians' use of non working hours, to such extent that they may not use those hours in Standby status effectively for their own purpose. It is permissible for the technician to prepare and consume a meal, read, listen to the radio, watch television, sleep or participate in any similar activity that will not interfere with the ability to perform the work of their position, so long as they does not leave the premises. It is not permissible for the technician to go shopping, go to a restaurant, or to a movie, whether on or off base, even if the technician provides a phone number or pager for call-in. Being assigned to a remote location is not enough to confer Standby status; there must also be a formal order initiating Standby and restricting the technician's location, movement and activities. Standby should only be used when coverage is needed because of imminent risk, with a near immediate response required.

(2) On Call Status. The technician is placed in On-Call status for a specified time covering non-duty hours. When placed in On-Call Status, the technician faces much lesser restrictions. The technician must retain the ability to perform his or her work, remain within a reasonable commuting area from the duty station and may carry a pager or provide a telephone number where he or she can be reached. Routine prohibitions regarding alcohol consumption and use of specific prescription or over the counter drugs are consistent with maintaining the ability to perform work. The technician will receive compensatory time for all hours actually worked when On-Call, but does not receive compensatory time for merely being in "on-call" status. On-Call should be used when need is anticipated, but there is no immediate, specific threat.

1-16 COURT LEAVE:

Court leave is an authorized absence (without loss of pay or leave) for jury duty, or for attending judicial proceedings in a non-official capacity as a witness on behalf of a State or local government. When cases arise, specific information and guidance should be obtained from the HRO

1-17 EVIDENCE OF COURT LEAVE: Whenever a technician receives a summons to appear in court, it should be presented to the supervisor. Upon return to

duty, the technician must submit written evidence from the court reflecting dates and hours of their attendance in court. Time and attendance cards should reflect the dates and hours of court leave granted. A copy of the summons and evidence of attendance must be forwarded to the payroll office for file.

1-18 TECHNICIAN ELIGIBILITY:

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

b. Jury Fees. If a technician is absent from their regularly scheduled technician duties to serve on a Jury, the technician must forward compensation received from such duty to the appropriate accounting office, otherwise payroll deductions will be made from technician pay due them. Technicians will be allowed to keep any excess over the amount of normal technician pay. USPFO or Air Base Financial Managers should be contacted regarding final determinations as to entitlement of jury fees.

c. Duration of Jury Service. Technicians who are under proper summons from a court to serve on a jury should be granted court leave of absence with pay for the entire period, from the date stated in the summons on which they are required to report to the court to the time they are discharged by the court, regardless of the number of hours per day or days per week they actually serve on the jury during the period. This does not include the time during which the technician is excused or discharged by the court for an indefinite period subject to call by the court. Technicians entitled to court leave because of jury service may be required to return to duty or be charged annual leave, if excused from jury service for one day or even a substantial part of a day, provided the return to duty provides no hardship; for example a technician lives or works a long way from the place where the court is held.

d. Witness Service. Due to the complexity of the laws governing witness service, the HRO should be contacted for a decision on entitlement to court leave. Also contact the USPFO or Air Base Financial Managers regarding entitlement to fees.

1-19 EXCUSED ABSENCE/ADMINISTRATIVE LEAVE: An excused absence is an absence from duty administratively authorized without loss of pay and without charge to leave. Situations in which technicians may be granted excused absence are as follows:

a. Granting Excused Absence for Voting. Insofar as practicable, without interfering seriously with operations, technicians who desire to vote or register in any election or in referendums on a civic matter in their community shall, upon request, be excused for a reasonable time for that purpose as follows.

(1) As a general rule where the polls are not open at least three hours either before or after a technician's regular hours of work, they may be granted an amount of excused absence which will permit them to report for

work three hours after the polls open or leave three hours before the polls close whichever requires the lesser amount of time off.

(2) Under exceptional circumstances where the general rule does not permit sufficient time off to the technician or accommodate the necessary schedules of the unit or activity, a technician may be excused for such additional time as may be needed to enable them to vote, depending upon the particular circumstances in their individual case but not to exceed a full day.

(3) If a technician's voting place is beyond normal commuting distance and vote by absentee ballot is not permitted, the technician may be granted sufficient time off in order to be able to make the trip to the voting place to cast their ballot. Where more than one day is required to make the trip to the voting place, time off in excess of one day shall be charged to annual leave, or if leave is exhausted, then to leave without pay.

(4) For technicians who vote in a jurisdiction which require registration in person, time off to register may be granted on substantially the same basis for voting. Except that no such time shall be granted if registration can be accomplished on a non-workday and the place of registration is within reasonable one-day, round trip travel distance of the employee's place of residence.

b. Participation in Military Funerals. This paragraph covers three different situations: Participants in military funerals for National Guard personnel, participation in non-National Guard funerals, and non-participatory attendance at funerals. Each situation is addressed separately.

(1) Military Technicians may be used in a technician status to administer, plan, train and prepare military funeral honors details for performance of funeral honors. Technicians may volunteer to perform military funeral honors as part of a detail.

(2) When Military Technicians perform military funeral honors as part of a detail, they must be placed in a military duty status (on orders) and take appropriate leave. The following duty statuses in combination with leave statuses may be used for technicians performing military funeral honors.

(a) "Funeral Honors Duty" Status (32 USC 115) While on Administrative Leave. Technicians may perform military funeral honors duty while in an Administrative Leave status for (military) retirement point credit only. Dual compensation may not be received if Administrative Leave is granted. Administrative Leave for Military Funeral Honors will not be granted to technicians when absence from duty will cause conflict with the requirements of the mission. Final approval of Administrative Leave for Military Funeral Honors must be received from the Base Commander or Assistant Adjutant General for Air as appropriate for ANG technicians or Command Administrative Officer, Director of Special Staff, Human Resource Officer or the United States Property and Fiscal Officer as appropriate for ARNG technicians. Administrative Leave will be used for short periods of time not generally exceeding one workday per instance. Administrative leave may only be used by regular employees who have a regular tour of duty and whose appointments are not limited to 90 days or less. Technicians on Administrative Leave and in a military "funeral honors duty status" may be

reimbursed for travel and transportation expenses, if such duty is performed at a location 50 miles or more from the member's residence.

(b) "Funeral Honors Duty" Status (32 USC 115) while on Annual Leave, Military Leave, Compensatory Leave, or Leave Without Pay. Technicians may perform military funeral honors duty and receive compensation ($50.00 stipend) and retirement point credit, while in either an Annual Leave, Military Leave, Compensatory Leave, or Leave Without Pay status. Technicians may also be reimbursed for travel and transportation expenses if such duty is performed at a location 50 miles or more from the member's residence.

(c) If a technician is on "state active duty" status to perform military funeral honors, the technician may use Annual Leave, Compensatory Leave or Leave Without Pay (not military leave). The $50.00 stipend, retirement point credit, travel and transportation reimbursement is not available if the technician is on a "state active duty" status.

(d) Technicians may utilize ADSW and MPA Mandays, as authorized, in an appropriate leave status to perform military funeral honors. Appropriate types of leave include Annual Leave, Compensatory Leave, Leave Without Pay and Military Leave. Administrative Leave would not be appropriate.

(3) The practice of providing technician burial details for non-National Guard funerals, such as at the request of the director of a National Cemetery, is determined by the National Guard Bureau to be an improper use of technicians as it cannot be characterized as connected with the "administration and training of the National Guard" (32 USC 809 (a). However, technicians may be granted up to four hours "administrative leave" from their technician duties in any one day when, as members of a military unit, they are ordered by The Adjutant General to State Active Duty for the purpose of participating in military funeral details as active pall bearers or members of the firing squad or color guard.

(4) Technicians desiring to attend military funerals in any other circumstances will be placed in an appropriate leave status - annual, compensatory, or LWOP. A liberal policy of approval will apply, contingent on mission requirements dictating otherwise. The wearing of the military uniform is deemed appropriate and will be permitted at the option of the technicians.

c. Conferences or Conventions - Technicians attending conferences or conventions may be excused without charge to leave if it has been determined by the Adjutant General that such attendance does not fall within the technician's duties but will be in the best interest of the National Guard. Further information is covered in TP Plan 410. Authority to make this determination is not delegated below the Office of The Adjutant General.

d. Civil Activities - National Guard technicians may be excused without charge to leave, for short periods to participate in civil activities which the Federal Government is interested in encouraging.

(1) Short periods will be confined to not more than a combined total of three days (24 working hours) during a calendar year.

(2) Official civil activities include inaugurals, dedication of public buildings and projects, ceremonies for officially invited governmental visitors, and the convening of legislative bodies. Community or civic

celebrations such as banquets, dinners, receptions, carnivals, festivals, opening of sports season, and anniversaries are not considered official civil ceremonies even though sponsored or attended by civic or governmental dignitaries.

(3) Participation must include some duties in connection with the activity, such as a member of an honor guard. Mere attendance does not constitute participation.

(4) The authority to excuse technicians under the above quoted policy is not delegated below The Adjutant General. Request for participation of technicians in such ceremonies in an Administrative Leave status will be forwarded to the Adjutant General in sufficient time to allow for decision and reply prior to final planning for such participation. Request must include as a minimum:

(a) Description, time(s) and date(s) of the activity

(b) Identification of the sponsor and requesting official.

(c) Names and titles of any officially invited governmental visitors.

(d) Identity of the technician proposed to be excused and plans for closing or manning of the units/activities they will be excused from.

(e) Nature of participation proposed for excused technicians.

e. Blood Donation. A technician who makes a blood donation may be excused for a reasonable period of time.

f. Undergoing Medical Examination. Technicians, including those of the excepted service, may be granted excused absence for the purpose of undergoing medical examinations as a condition of employment or for promotional opportunity in the National Guard. Technicians ordered to ADSW for the purpose of undergoing medical examination must, as appropriate, be placed in a military, annual, compensatory leave, or leave without pay status.

(1) When a technician is required to undergo military medical examination during the technician workweek and they are ordered to active duty, then they must be placed in an official leave status. Military leave, annual leave, compensatory leave, sick leave, or leave without pay is authorized. Excused absence (Administrative Leave) is not authorized since it is not considered to be an official leave status.

(2) Technicians not ordered to active duty, who take required military medical examinations should be granted Excused Absence (Administrative Leave) when the military commander deems it is essential that a particular technician obtain a medical examination during the workweek. In this event the commander must coordinate the time off with the technician's supervisor. However, such Excused Absence should not be granted for extended periods of time, i.e. extensive tests or hospitalization resulting from the medical examination. Note: ARNG technicians who are ordered to report for examination by use of DMAIL 128 are not considered to be on active duty, but only in a military travel status.

(3) Technicians who are required to take medical examinations in connection with their technician position may be excused without charge to leave. Examples of these circumstances are as follows:

(a) When the individual occupies a technician position that has physical/medical standards or requirements as part of the job description.

(b) When a need to determine whether claimant for worker's compensation may be able to perform duties of available positions with this agency.

g. Supervisory Discretion. A supervisor may excuse a technician for any period less than the minimum charge for available appropriate leave in any instance where the supervisor determines such excuse to be warranted. If a higher-level supervisor in the supervisory chain deems the supervisor's exercise of this discretion to be abused, the authority may be temporarily reserved to a higher-level supervisor and disciplinary action, if warranted, may be taken.

h. Administrative Dismissal of Technicians. All technicians are to presume, unless otherwise notified, that their office or activity will be open for business each regular workday regardless of any weather or other emergency conditions which may develop. Normally, they are expected to be prepared to cope with difficult driving conditions and disruption of public transportation facilities. On occasions, however, emergency situations arise which are beyond the control of managers or technicians and prevent the opening of Federal offices and activities or create the necessity to dismiss all or part of the workforce in certain areas. It is important that all offices or activities affected by the same emergency conditions follow the same release or excuse procedures in order to avoid confusion and promote equitable treatment of technicians.

(1) Group dismissal of National Guard technicians will only be authorized during emergency situations such as extremely hazardous weather conditions, fire, flood, massive power failure, or such other justifiable reasons as management may determine will necessitate closing a facility or best serve the public interest.

(2) The following management officials are responsible for determining when emergency conditions exist within their designated jurisdiction and have full authority to place administrative dismissal procedures in effect:

Army National GuardCommand Administrative Officer, TAG – All units and activities at Camp Lincoln.

Administrative Officer or Officer in Charge, 404th Chemical Brigade - All ARNG units and activities north of I-80.

Administrative Officer or Officer in Charge, 66th Infantry Brigade - All ARNG units and activities not previously covered.

Note: When an Administrative Officer or Officer in Charge of a Brigade closes a facility in another Brigade, they must notify the other Brigade AO or OIC. Additionally, when a Flight Facility is closed the State Aviation

Officer must be notified and when a CSMS or OMS is closed the Director of Logistics must be notified.

Air National Guard
Air Commander - Each respective IL ANG Base.

Note: The Air Commander must notify HQ IL ANG when closing their respective ANG Base.

In cities where both ARNG and ANG facilities are located, managers should coordinate dismissal announcements, so that each are aware of the other's decisions and announcements are clearly understood as to which activities are affected.

(3) The Human Resource Office must be immediately advised of administrative dismissal determinations. Determinations must be confirmed in writing indicating the facts and circumstances leading to the decision, the time of announcements, and signed by the deciding official. Copies must be furnished HRO and USPFO Technician Pay Branch, or ANG Base Financial Manager as appropriate.

(4) The following example provides guidance for charging leave in various situations when an early dismissal determination is placed in effect. EXAMPLE: Normal duty hours are 0700-1630 or 0800-1630. An extreme weather condition (heavy snow, mixed with sleet and freezing rain) is developing and a determination is made and announced at 1300 hours to close a facility early and allow for group dismissal for technicians at 1530 hours.

(a) Technicians continuing on duty until release at 1530 hours one hour administrative leave

(b) Technicians with previously approved leave for the purpose of leaving work between 1300 and 1530 inclusive one hour administrative leave (1530-1630) and the applicable numbers of annual, sick or compensatory leave.

(c) Technicians absent in an approved leave status prior to the early dismissal announcement at 1300 hours- no change in the leave status

(d) Technicians absent in an approved leave status prior to the early dismissal announcement at 1300 hours but scheduled to return to duty one hour administrative leave (1530-1630) and the applicable number of annual or compensatory leave.

(e) Technicians continuing on duty until 1630 hours - no charge to leave. If ordered to remain on duty after 1630 hours, normal compensatory accrual rules apply.

(5) At times when a Federal Executive Board or Association advises TAG-IL or issues an announcement through the news media that all Federal offices within a geographic area will be closed, managers and supervisors will dismiss technicians accordingly. The Human Resource Office must be advised of any such announcement. Technicians should be advised that an announcement that some Federal offices will be closed will apply only if their respective ARNG or ANG activity is named. In those cases where the worksite is open and technicians are unable to report to work,

administrative leave is not authorized and the personnel should be charged with appropriate types of leave.

1-20 LEAVE WITHOUT PAY: Leave without pay is a temporary non-pay status and absence from duty which may be granted upon the technician's request whether or not the technician has annual or sick leave to his or her credit.

a. Request for LWOP. Requests for LWOP must be initiated by the technician. The request must briefly explain the reason, number of hours, and inclusive dates. Verbal approval, if granted because of the immediacy of the situation, must be confirmed in writing.

b. Appropriate Use of LWOP. Except for performing military duty, to receive workers compensation benefits, or under the Family and Medical Leave Act, LWOP is not a right and may only be granted by the Command Administrative Officer, Director of Special Staff, United States Property and Fiscal Officer, or Human Resource Officer as appropriate for ARNG and Base Commanders or Assistant Adjutant General for Air as appropriate for ANG. Furthermore, LWOP should only be granted after considering the value to the National Guard or serious needs of an individual whose further service to the program is considered to be of sufficient value to warrant approval. A basic consideration in authorizing LWOP is reasonable expectation that the technician will return to duty. The following are some examples of cases in which extended period of LWOP may be proper.

(1) Educational purposes, either civilian or military, that would result in increased job proficiency and ability.

(2) Recovery from illness or disability

(3) To protect a technician's status and benefits pending final action by OWCP or OPM on a claim for disability.

c. Approval or Disapproval. Requests for LWOP for periods up to 30 calendar days must be approved by the Command Administrative Officer, Director of Special Staff, United States Property and Fiscal Officer or Human Resource Officer as appropriate for ARNG and the Base Commander or Assistant Adjutant General for Air for ANG. Requests for periods over 30 days or for extensions of periods LWOP beyond 30 calendar days must be forwarded to the HRO with a fully justified recommendation. Unjustified requests should be disapproved at the lowest supervisory level where the request is determined to be inappropriate, however supervisors are encouraged to consult verbally with their superiors or the HRO in determining a disapproval.

d. Administrative Requirements.

(1) OWCP cases - An SF 52, Request for Personnel Action, must be completed and forwarded to HRO when a technician will be LWOP for any period of time due to an on the job injury.

(2) A DMAIL Form 32 must be completed and forwarded to HRO along with a copy of the technician's military orders for any period of military duty not covered by paid leave.

(3) A SF 52 with supporting justification and recommendations must be submitted to the HRO along with any request for more than 30 days of LWOP.

e. Continuation of Health Benefits for Technicians in a Non-Pay Status. Technicians are responsible for payment of the employee share of premiums for health benefits coverage which continue while they are in a non-pay status up to 12 months. Technicians in a military LWOP status may continue to be covered by FEHB for up to 18 months. The first 12 months in a military LWOP the employee is responsible for their share of the premiums, for the final six months the employee is responsible for the employee and government share of the premiums plus a two percent administrative fee. Payments for FEHB premiums may be made upon return to duty through payroll deduction or by making direct payment to the Defense Finance and Accounting Service (DFAS).

f. Continuation of Health Benefits for Technicians in a Non-Pay Status Called to Active Duty in Support of Contingency Operations.

(1) When a Technician is called to active duty in support of a **contingency operation** (see TPP 904-11 for additional information on benefits while on military duty) the agency will pay both the employee and government health benefit contributions.

(2) The technician must be in a leave without pay status and serve on active duty for a period of more than 30 consecutive days.

1-21 FAMILY MEDICAL LEAVE ACT of 1993

a. Refer to TP Plan 631 for information and guidance on the Family and Medical Leave Act of 1993.

b. The applicability of the Family and Medical Leave Act to other leave programs. An employee may elect to substitute annual, sick, compensatory, time off award, or leave made available to the employee under the Voluntary Leave Transfer Program for the LWOP.

(1) If an employee elects to substitute LWOP for Sick Leave for Family Care and Bereavement or Sick Leave to Care for a Family Member with a Serious Health Condition, the requirements in paragraph 1-13 must be followed. For example: Under the FMLA an employee may take up to 12 weeks of FMLA for the birth of a son or daughter. Yet if that same employee wishes to substitute paid sick leave for LWOP, the mother may only use sick leave for her own incapacitation, generally six weeks. The father may only use sick leave to care for the incapacitation of the mother. Sick leave may not be used to care for a healthy newborn child yet FMLA may be used for bonding purposes.

(2) Communication is key in avoiding extended absences from duty. A supervisor must inform employees of their entitlements and responsibilities under the FMLA. When a employee requests leave for a personal or family medical situation, the supervisor should ask whether the employee is invoking their entitlement to FMLA leave. Although generally a supervisor cannot deny sick leave if the employee provides medical certification, they can deny annual leave, compensatory leave, time off award or leave without pay if there is a need for the employee to be at work. While the taking of these types of leave is a right of an employee, it is subject to the right of the supervisor to schedule at the time at which leave may be taken. If an employee invokes entitlement to FMLA leave, they may then choose to substitute their annual, compensatory, time off award, or sick leave as appropriate.

1-22 ENFORCED LEAVE: Management has the right to require a technician to leave the worksite when it is determined that:

a. The technician is not ready, willing and able to perform assigned duties; and/or:

b. The technician's continued presence is highly undesirable or presents an immediate threat to Government property or the well being of the technicians, co-workers, or the public. The technician's absence must be covered by annual leave, compensatory leave, sick leave, or leave without pay as may be appropriate. See TPR 715 for further information.

1-23 FURLOUGHS: Technicians may be furloughed for legitimate reasons such as lack of work available, lack of funds, equipment breakdown, natural disasters, sabotage or sudden emergencies requiring immediate curtailment of activity. Furloughs for 30 days or less are administered by the HRO under the provisions of TPR 715. Furloughs exceeding 30 days during any six month period are administered by the HRO under the provisions of TPR 351.

a. Leave Substitution. Annual leave, compensatory leave and sick leave, if appropriate, may be substituted for furlough except when the reason for the furlough is lack of funds.

b. Leave Accrual. When furloughs extend for an entire period or longer, annual and sick leave will accrue on a pro rata basis for only those hours the technician is in a duty status.

1-24 LEAVE STATUS WHILE ENTITLED TO MILITARY INCAPACITATION PAY: Military technicians receiving incapacitation pay must be in a LWOP status from their technician position. If the technician elects to use paid leave, then entitlement to military incapacitation pay must be forfeited.

1-25 LEAVE SHARING: The Illinois National Guard Leave Sharing Plan allows technicians to transfer annual leave to approved leave recipients. Please refer to TP Plan 630 for more detailed guidance and information.

ATTACHMENT 1

Record of Sick Leave Used for Family Care Purposes

(Technicians Name) (Social Security Number)

Date	Hours	Cumulative Hours	Leave Balance at Time of Request	FCB or SHC *	Reason

*Indicate whether sick leave was used for Family Care and Bereavement (FCB) or to Care for a Family Member with a Serious Health Condition (SHC)

- Maximum allowable amount of sick leave that may be used for all family care purposes will not exceed 12 weeks
- Use of sick leave in excess of 40 hours for family care purposes requires a balance of 80 hrs to be maintained.