

**U. S. DEPARTMENT OF EDUCATION**

**PERSONNEL MANUAL INSTRUCTION**

PMI: 630-5

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APPROVED:

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**MILITARY LEAVE  
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I. AUTHORITY

- A. Title 5, United States Code (USC), Sec. 6323.
- B. Title 5, USC, Sec. 5519.
- C. Public Law (PL) 106-554, dated December 21, 2000.
- D. PL 107-107, dated December 28, 2001.

II. POLICY

- A. It is the policy of the Department of Education (ED) that all eligible employees who are members of the National Guard or Reserve components of the Armed Forces will be granted military leave within the prescribed limits upon presentation of military orders.
- B. Military leave shall be earned, granted, and charged in accordance with the legal authority cited in Section I of this Instruction.
- C. In all instances, an Office of Personnel Management (OPM) Form 71, Application for Leave, must be completed and signed by the employee prior to the leave period or immediately upon the employee's return from unscheduled and/or emergency leave.

III. APPLICABILITY

- A. This Instruction applies to all full-time ED employees at headquarters and in regional and field locations who are serving in appointments not limited to one year.
- B. This Instruction also applies to all career part-time ED employees (16-32 hours); such employees will earn leave on a pro rata basis.
- C. Employees on temporary appointments not-to-exceed one year are not eligible for military leave.
- D. Employees serving on initial temporary appointments not-to-exceed one year, which are extended beyond one year, are not eligible to earn military leave.
- E. Employees working intermittent work schedules are not eligible for military leave.
- F. Employees are not eligible for military leave for the following types of service:
  - 1. Summer training as members of Reserve Officers' Training Corps;
  - 2. Temporary Coast Guard Reserve;

3. Participation in parades by members of the State National Guard (District of Columbia National Guard participation is permissible); and
4. Civil Air Patrol.

#### IV. DEFINITIONS

A. Military leave – An entitlement to time off without loss in pay, time, performance, or efficiency rating for certain types of active duty, inactive duty, or inactive duty training (including authorized funeral honors duty) in the National Guard or as a Reservist of the Armed Forces.

B. Types of Military Leave:

1. Military leave for active duty, inactive duty training (as defined by Title 37, section 101), funeral honors duty (as covered by Title 10, section 12503 and Title 32, section 115), or engaging in field or coast defense training (as covered by Title 32, sections 502-505).
  - a. An eligible full-time employee earns up to 15 calendar days per fiscal year.
  - b. An eligible part-time career employee (16-32 hours) earns military leave on a pro rata basis.
  - c. Performance of funeral honors duty by a National Guard member not on active duty or fulltime National Guard duty, or a Reservist not on active duty shall be treated as inactive-duty training (including travel to and from such duty).
2. Military leave for emergency duty for assisting civil authorities with civil emergency law enforcement, in the protection of life and property, or the prevention of injury, as ordered by the President or a State Governor. An eligible employee may use up to 22 workdays per calendar year for emergency military duty. The use of this leave is dependent on official military orders expressly for the purpose of assisting civil authorities in the protection of life and property.
3. Unlimited military leave to members of the District of Columbia National Guard for certain types of duty ordered or authorized under Title 39 of the District of Columbia Code. Time spent under this authority is outside the limits on military leave for other purposes.
4. Military leave for overseas duty under certain conditions only for eligible employees who are **Reserve and National Guard Technicians**. Eligible employees who are on active duty without pay are entitled up to 44 workdays in a calendar year for participation in operations outside the United States, its territories and possessions (other than active duty

during a war or national emergency declared by the President or Congress).

V. PROGRAM RESPONSIBILITIES

- A. Specific responsibilities for all concerned parties are defined in ED Personnel Manual Instruction 630-1, Absence and Leave Administration - General Administration, Section V.
- B. Employees are responsible for requesting military leave as far in advance as circumstances permit.

VI. PROCEDURES AND REQUIREMENTS

A. General Requirements

- 1. All leave administration actions covered by this Instruction must be carried out in accordance with applicable statutory, regulatory, policy, procedural, and program requirements, including any applicable collective bargaining agreements.
- 2. The appropriate servicing personnel office should be consulted for guidance on granting and processing military leave and furloughs.

B. Granting Military Leave

- 1. Maximum Amount:
  - a. An eligible, full-time non-temporary (whose appointment is not limited to one year or less) employee accrues 15 calendar days of military leave each fiscal year, for active duty, inactive duty training, active duty training or funeral honors duty. A full-time employee working a 40-hour workweek will accrue 120 hours (15 days x 8 hours) of military leave in a fiscal year, or the equivalent of three 40-hour workweeks. Any military leave (up to 15 days) which is unused at the beginning of the succeeding fiscal year is carried forward for use in the new fiscal year, in addition to the 15 days, which is credited at the beginning of the new fiscal year. An eligible full-time employee has the potential for 30-days (240 hours) of military leave during a fiscal year.
  - b. Military leave under 5 USC 6323(a) will be prorated for eligible part-time career employees based proportionally on the number of hours in the employee's regularly scheduled biweekly pay period.
  - c. Military leave for law enforcement purposes, under 5 USC 6323(b), shall not exceed 22 workdays in a calendar year.

- d. Military leave for military reserve technicians only on certain overseas duties, 5 USC 6323(d), shall not exceed 44 workdays in a calendar year.

2. Requests for Leave

- a. Employees should apply for military leave as far in advance as possible, on an OPM Form 71, Application for Leave, to their leave-approving official along with a copy of their military orders.
- b. Employees who request absence from work for inactive duty training (which is usually two, four, or six hours in length) will be charged only for the amount of military leave needed to cover the period of training and necessary travel. Employees, who wish to take additional paid time off, beyond what is permitted for inactive duty training and travel, must request annual leave. Members of the Reserves and/or the National Guard will not be charged military leave for weekends and holidays that occur within the period of military service.
- c. Military leave is charged in hourly increments, with the minimum charge to leave of one hour, and additional charges are in multiples thereof (5 USC 6323(a)(3)). An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay.

3. Documentation: Upon return to duty from military leave, employees will be required to submit either a certified copy of their military orders indicating completion of training duty or a copy of their pay voucher.

4. Effects on Civilian Pay:

- a. An employee's civilian pay is not affected by periods of military leave for active duty, inactive duty training or active duty training, under 5 USC 6323(a) and (c), including any regularly scheduled premium pay an employee would have received if not on military leave.
- b. Any amount (other than travel, transportation or per diem allowance) received by an employee for military service as a member of the Reserve or National Guard for a period which s/he is granted military leave for law enforcement duties or to serve as military reserve technician shall be credited against the salary payable to the employee for their civilian position.
- c. At the employee's request, the time which an employee is absent to perform service with law enforcement or as a military reserve

technician, may be charged to the employee's accrued annual leave or earned compensatory time, if applicable, instead of being charged to military leave. An employee may choose to take annual leave or earned compensatory time, instead of taking military leave, in order to retain both civilian and military pay. The period of absence **may not** be charged to sick leave.