

**DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE MANUAL**

TRANSMITTAL SHEET

Release No. 307

SUBJECT: Administrative Series
 Part 370.630 Attendance and Leave
 Chapters 1-9

EXPLANATION OF MATERIAL TRANSMITTED:

These chapters establish Minerals Management Service (MMS) policy concerning the administration of leave and explain applicable regulations.

Director

Remove:

Part 370.630 – Attendance and Leave

Chapter 1 – General Provisions
Chapter 2 – General Provisions for
 Annual and Sick Leave
Chapter 3 – Annual Leave
Chapter 4 – Sick Leave
Chapter 5 – Court Leave
Chapter 6 – Excused Leave
Chapter 7 – Leave Without Pay
Chapter 8 – Family and Medical Leave Act
Chapter 9 – Military Leave

Insert:

Part 370.630 – Attendance and Leave

Chapter 1 – General Provisions
Chapter 2 – General Provisions for
 Annual and Sick Leave
Chapter 3 – Annual Leave
Chapter 4 – Sick Leave
Chapter 5 – Court Leave
Chapter 6 – Excused Leave
Chapter 7 – Leave Without Pay
Chapter 8 – Family and Medical Leave Act
Chapter 9 – Military Leave

OPR: Human Resources Officer
Date: October 22, 2008

**Minerals Management Service
Minerals Management Service Manual**

Effective Date: October 22, 2008

Series: Administrative

Part 370.630: Attendance and Leave

Chapter 9: Military Leave

Originating Office: Human Resources Division, Office of Administration and Budget

1. Legal Basis.

A. Entitlement of Military Leave. Each reservist of the Armed Forces or member of the National Guard who is an employee of the United States or the District of Columbia, permanent or temporary indefinite, without regard to classification or terminology peculiar to the civil service system, is entitled to leave of absence from their duties, without loss of pay, time, or efficiency rating for not more than 15 days in any fiscal year for active duty, active duty training, or for inactive duty training.

B. Reserve Components. The reserve components of the Armed Forces include the reserves of the Army, Navy, Air Force, Coast Guard, and Marine Corps and the National Guards of the Army and Air Force.

C. Special Authority for the National Guard of the District of Columbia. Military leave with pay is authorized for employees who are members of the National Guard of the District of Columbia for all days (no limit) of parade or encampment ordered under certain provisions of law.

D. Distinction between Military Leave and Military Furlough. Military leave is absence with pay not to exceed 15 days in a fiscal year for active duty or training while military furlough is absence due to extended active duty for general service with the Armed Forces.

2. Employees Eligible for Military Leave.

Any full-time Federal civilian employee whose appointment is not limited to 1 year is entitled to military leave. Military leave under 5 U.S.C. 6323(a) is prorated for part-time career employees and employees on an uncommon tour of duty based proportionally on the number of hours in the employee's regularly scheduled bi-weekly pay period. Permanent and temporary employees who are members of the National Guard or reserve components of the Armed Forces must be granted military leave upon presentation of competent orders.

3. Types of Military Duty not Covered.

Employees are not eligible for military leave unless the active duty is as a reservist or member of the National Guard.

4. Granting Military Leave.

A. **Maximum Amount.** Military leave is limited to a maximum of 15 days. It is only charged for actual hours for which the employee would otherwise have worked and received pay during each fiscal year, regardless of the number of training periods in the year, and whether taken intermittently, a day at a time, or all at one time. Military leave should be credited to a full-time employee on the basis of an 8-hour workday. The minimum charge to leave is 1 hour.

Employees called for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor are entitled to 22 workdays per calendar year for emergency duty.

B. **Computation.** Nonworkdays falling within a period of absence on military training duty are not charged against the 15 days of military leave.

C. **Use of Annual Leave.** Absence which is not chargeable to military leave can be charged to annual leave. Therefore, employees who are reservists and are called to duty for a period beyond the 15-day period chargeable to military leave can use annual leave for the excess period.

D. **Premium Pay.** An employee who is on military leave on a regularly scheduled overtime day is entitled to overtime pay for that day. Similarly, when an employee's tour of duty permits payment of night differential pay, they are entitled to night differential pay during the period they are on military leave.

E. **When Granted.** When an employee has been granted the maximum of 15 days allowed during the fiscal year and is ordered to a second period of training duty which extends into the next fiscal year, the employee may be granted an additional 15 days of military leave beginning on the first day of the new fiscal year. There is no requirement that the first 15 days of a longer period of active duty be considered as military leave. If circumstances in any particular case warrant, any other 15-day period during the longer active duty period may be designated as military leave. An employee can carry over a maximum of 15 days into the next fiscal year.

5. Effect on Civilian Pay

An employee's civilian pay remains the same for periods of military leave under 5 U.S.C. 6323(a), including any premium pay (except Sunday premium pay) an employee would have received if not on military leave. For military leave under 5 U.S.C. 6323(b) and (c), an employee's civilian pay is reduced by the amount of military pay for the days of military leave. However, an employee may choose not to take military leave and instead take annual leave, compensatory time off for travel, or sick leave, if appropriate, in order to retain both civilian and military pay.

B. Relationship to Annual Leave. When an employee in an annual leave status preceding a furlough without pay period prior to separation by reduction in force is called to military training duty, military leave is regarded as interrupting the employee's annual leave status so as to permit them to revert to an annual leave status at the termination of their military leave.

C. Records. When an employee is separated for military duty, rather than being carried on leave without pay or military furlough, see the OPM Guide to Processing Personnel Actions for instructions for processing a return to civilian status for the purpose of paying for military leave.

MILITARY LEAVE MATRIX

Citation	Pay Code	Days/Hrs/Frequency	To Be Used When On...	Not Allowed While On...	Impact on Civilian Pay/Leave	Footnotes
5 USC 6323(a) 32 USC 505 14 USC 712	070	15 workdays per fiscal year	-Active duty -Active duty training -Inactive duty training	Temporary appointment of 1 year or less	Receives normal pay except Sunday premium; accrues normal leave	1, 2, 7, 8
5 USC 6323(b) 14 USC 712	072	22 workdays per calendar year	Full time active duty IAW 10 USC 331, 332, 333, and 12406 or 32 USC. 502(f))	Temporary appointment of 1 year or less or on active duty under IAW 10 USC 688, 12301(d), 12302, 12304, 12305 or 12306	Must repay agency lesser of military or civilian pay; accrues normal leave	1, 2, 7, 9
5 USC 6323 (c)	074	Unlimited	Parade or encampment IAW 39 D.C. Code	Extended active duty for the current national emergency (9-11-01)	Must repay agency lesser of military or civilian pay; accrues normal leave	2, 7
5 USC 6323 (d)	078	44 days per calendar year	Full time active overseas non-combat duty without military pay IAW 10 USC 12315 or 12301(b) or (d))	Active duty during war or national emergency declared by the President	Receives normal pay except Sunday premium; accrues normal leave	2, 7, 9
10 USC 2301(d) or 12302 32 USC 505	103	Unlimited	LWOP- US; furlough, extended periods of full time active duty/training		Receives NO civilian pay or leave	3, 4, 5, 6, 7

Footnotes:

1. Prorated number of hours given to part time, irregular schedules.
2. Not charged on nonduty days or holidays.
3. Charged on holidays.
4. May use 120 paid hours of military leave per fiscal year without processing Return-to-Duty action; manually pay and adjust leave.
5. May elect to receive lump sum for annual leave balance; manually pay and adjust leave.
6. May elect to make deposit for Thrift for estimated civilian earnings during LWOP period (USERRA).
7. Supervisor/timekeeper should examine orders to determine eligibility.
8. May carry over full year's accrual into the following year. Maximum 240 hours may be used in a fiscal year, minimum charge 1 hour.
9. No carryover of remaining unused entitlement from calendar year to calendar year.