CHAPTER 8

ABSENCE AND LEAVE

Section I - General

1-1. **Authority.** Title 5, United States Code and Code of Federal Regulation (CFR).

1-2. **Policy.** Leave will be administered on a uniform basis within the scope of applicable laws and regulations. In granting leave, consideration must be given to the needs of the Alabama National Guard and the welfare of the technicians.

1-3. **Responsibilities.**

a. **The Adjutant General** has overall responsibility for administering the leave system according to law and regulation. The Human Resources Officer has been designated to act for him in carrying out these functions.

b. **The Human Resources Officer** is responsible for:

(1) Administering and establishing leave policies as outlined in this Chapter.

(2) Determining creditable service for annual leave purposes based on documentation furnished by the technician in support of his/her claim. Establishing a Service Computation Date (SCD) for determining leave earning categories.

(3) Determining eligibility for various types of leave and absence and interpreting the laws and regulations governing leave.

c. **Supervisors** are responsible for:

(1) Ensuring that all technicians under their supervision know the procedure they must follow in requesting and using leave.

(2) Ensuring that all absences from duty are charged to the proper type of leave as stated in applicable laws and regulations.

(3) Authorizing appropriate leave for technicians under their supervision.

1-4. **Types of Leave.** Authorized types of leave are:

a. Annual leave.

b. Sick leave.

c. Family Medical Leave (FMLA).

d. Military leave.

e. Additional military leave to provide military aid to enforce the law - Law Enforcement Leave.

f. Special 44 days Military Leave.

g. Court leave.

h. Compensatory time off.

i. Excused absences (administrative leave).

j. Leave without pay.

1-5. **Leave-Charge.** Annual leave, sick leave, compensatory time off, time-off award, and leave without pay may be charged in multiples of one-half hour.

1-6. **Refund for Unearned Leave.** When a technician has been granted advance annual or sick leave and is separated before that leave is earned, the value of the leave is recovered from any pay due. A refund is not required, however, if the separation is due to death, disability retirement or entrance into military service with restoration rights, or the technician resigns or is separated because of disability which prevents him from returning to duty or continuing in the service.

Section II - Annual Leave

2-1. Earning Rates for Annual Leave.

a. Employees who are appointed to positions not limited to 90 days or less are entitled to accrue leave upon completion of the first biweekly pay period. If an appointment is for less than 90 days, the employee is not entitled to annual leave until after being employed for a continuous period of 90 days under successive appointments without a break in service. If employees are initially appointed for less than 90 days, and subsequently have appointment converted to more than 90 days, e.g., temporary appointments not-to-exceed 30 days; converted to career-conditional appointment on the 29th day, they are entitled to leave credit from the beginning date of the initial appointment.

b. Technicians with less than three years service earn four hours of annual leave for each biweekly pay period.

c. Those with three but less than 15 years of service earn six hours of annual leave for each biweekly pay period except for the last full pay period of the leave year when they earn ten hours of annual leave.

d. Those with 15 or more years service earn eight hours of annual leave for each full biweekly pay period.

e. Annual leave will be credited to the technician's leave account at the end of the pay period in which it was earned.

2-2. Advancing Annual Leave.

a. Annual leave that will be earned during the leave year may be advanced to a technician, subject to approval by the technician's supervisor. Requests for advance annual leave will be submitted by the requesting technician to the supervisor in letter format. The supervisor will furnish the technician and the appropriate Customer Service Representative with a copy of the approved request.

b. When a technician has been advanced annual leave and is separated before the leave is earned and repaid, the value of the leave must be withheld from any compensation due, unless he is separated for death, disability retirement, or because he is unable to return to work due to illness.

2-3. **Granting Annual Leave.**

a. **Purpose.** Annual leave is provided and used to allow every employee an annual vacation period of extended leave for rest and recreation.

b. **Agency Authority.**

(1) Annual leave provided by law is a benefit and accrues automatically and use of annual leave is subject to request of the technician and approval by the supervisor. Supervisors have the responsibility to decide when leave may be taken. This decision should be made with respect to the needs of the service rather than solely on the desires of a technician. Supervisors must ensure that annual leave is scheduled for use in order to prevent any unintended loss at the end of the leave year.

(2) Annual leave may be used in lieu of sick leave if requested, by the technician, and approved prior to charging the period of absence to sick leave. The Comptroller General has ruled that substitution of annual leave for previously granted sick leave may not be made retroactively, except for the liquidation of advanced sick leave. Such substitution must be made before the time the annual leave would have otherwise been forfeited.

(3) On separation, a technician is paid a lump sum for all of his unused annual leave.

2-4. **Creditable Service for Annual Leave.** Creditable service for determining the rate of accrual for annual leave will include:

a. Periods of employment as an Army or Air National Guard Technician or by a Federal agency substantiated by written documentary evidence except LWOP in excess of 6 months in a calendar year (cumulative).

b. Periods of creditable military service under Title 10, USC.

c. The entire period during which a technician is carried on the rolls in a non-pay status while drawing compensation from the U.S. Department of Labor.

d. Active military service performed under Title 32 USC which meets all of the following criteria:

(1) Interrupts creditable civilian service.

(2) Is performed under Section 316, 502, 503 or 504 or 505 of Title 32.

(3) Return to technician status is after 2 AUG 90.

(4) Pay is received for the Title 32 service.

2-5. **Maximum Accumulation.** Normally, the maximum amount of annual leave that may be carried forward from one leave year to the next is 240 hours. However, under certain circumstances, annual leave that is forfeited because a technician was prevented from taking it due to sickness, administrative error or work emergencies, may be credited to the technician's account. Supervisors should develop and maintain an annual leave schedule that will prevent any unintended loss of annual leave at the end of the leave year.

2-6. **Terminal Annual Leave Restriction.** Technicians who separate are entitled to be paid a lump sum for all accrued annual leave; however, it is neither legal nor appropriate to authorize use of annual leave immediately prior to the effective date of separation. Use of annual leave in this situation is called "terminal leave". Terminal leave extends the separation date, allowing technicians to accrue service credit and additional leave which is costly for the Government. Terminal leave does not apply to technicians who are on sick leave pending disability retirement adjudication or to those with RIF notices who through the use of annual leave may extend their separation date to attain first eligibility for retirement annuity and/or Federal Employees Health Benefits Program annuitant coverage.

2-7. **Restoration of Forfeited Annual Leave.** Annual leave may be restored if forfeited due to administrative error, sickness or exigencies of the public business and was scheduled at least three pay periods prior to the end of the leave year. Requests for restoration should be coordinated with HRO.

Section III - Sick Leave

3-1. **Sick Leave Earning Rate.** Technicians earn sick leave at the rate of four hours for each full biweekly pay period. Sick leave is earned from the start of the first full pay period of employment. Sick leave is not affected by the type of appointment or length of service. There is no qualifying period for earning sick leave.

3-2. **Accumulation of Sick Leave.** There is no maximum amount of sick leave that may be accrued. Unused sick leave earned during a year will be carried forward without restriction as to the maximum amount.

3-3. **Authorized Use of Sick Leave.** Sick leave will be granted to technicians under the following conditions:

a. When it is established that a technician is incapacitated for the performance of his duties because of physical or mental illness, injury, pregnancy or childbirth.

b. For medical, dental, or optical examinations and treatment.

c. When a member of the technician's immediate family has a contagious disease and requires the care and attendance of the technician, or through exposure to a contagious disease the presence of the technician at his duty location would jeopardize his fellow technicians.

d. Reasonable travel time for treatment by a specialist whose services are not available in a local area.

e. To cover a period of absence for maternity reasons, the technician should make known her intent to request leave for maternity reasons including the type of leave (sick leave, annual leave, or leave without pay), approximate dates and anticipated duration to allow the agency to allow for any required staffing adjustments. The length of absence should be determined by the technician, her physician, and her supervisor.

f. Technicians can use sick leave for purposes relating to the adoption of a child. Sick leave is justified for an activity that is necessary in order to allow an adoption to proceed, such as appointments with adoption agencies, social workers, and attorneys and court proceedings. Sick leave may be granted for any periods during which an adoptive parent is ordered or required by the adoption agency or by a court to be absent from work to care for the adopted child but is not justified if adoptive parents wish, on their own, to remain at home to bond with the child. (Sick leave is <u>not</u> permitted in connection with activities to allow the placement of a child with a technician for foster care). Requests for sick leave for adoption purposes should be submitted to supervisor in advance on Application for Leave (SF 71). Item 6 (Remarks) should show "Sick leave for adoption purposes". Justification for sick leave must be attached to SF 71.

g. Family Friendly Leave Act (FFLA) permits the use of up to 104 hours sick leave each leave year to: (1) Provide care for a family member as a result of physical or mental illness; injury; pregnancy; childbirth; or medical, dental or optical examination or treatment; or (2) Make arrangements necessitated by the death of a family member or attend the funeral of a family member.

(1) The Act includes the broader definition of "family member" that is used in the Leave Transfer Program. Immediate family member means the following relatives.

(a) Spouse, and parents thereof;

(b) Children, including adopted children, and spouses thereof;

(c) Brothers and sisters, and spouses thereof; and

(d) Any individual related by blood or affinity whose close association with the employee was such as to have been the equivalent of a family relationship.

(2) Technicians who wish to apply for sick leave under the FFLA must submit an Application for Leave (SF 71) to immediate supervisor in advance of use of leave if possible. In Item 6 (Remarks) enter "FFLA due to illness, injury, pregnancy, treatment, childbirth etc as appropriate of type of relative - example "FFLA due to physical illness of my father" or "FFLA due to death of my mother".

(3) Immediate supervisor will approve/disapprove request for leave. In approval block enter "total sick leave used this leave year (LY) under FFLA = _____ hours" and "Sick leave balance as of (most recent pay period) = _____ hours". Appendix A is sample SF 71.

(4) It is the supervisor's responsibility to monitor leave under the FFLA and to insure total authorized leave is not exceeded.

(5) T & A Card will be posted as sick leave with remark—"FFLA" entered under remarks column of T & A Cards.

(6) Certification of Physician will not be required unless there is reason to believe that this sick leave is being abused. In such cases, the technician will be advised in writing that a medical certificate will be required to support any future use of sick leave authorized under the FFLA.

3-4. **Sick Leave Controls.**

a. The supervisor is responsible to ascertain whether absences are properly chargeable to sick leave. A medical certificate, may be required under the following conditions:

(1) For absences in excess of three consecutive workdays upon request of the supervisor.

(2) For absences of more than one pay period.

(3) Whenever there is reason to believe that sick leave is being abused. In such cases, the technician will be advised in writing, by the appropriate supervision that a medical certificate will be required to support future use of sick leave. Supervisors should contact HRO prior to issuing notification to technician.

b. The technician who becomes ill or is injured is responsible for notifying his supervisor as soon as practicable. Such notification should be made within the first two hours of the next work day when illness or injury occurs during off-duty hours. Leave for prearranged examinations and treatments should always be requested in advance.

3-5. **Advancing Sick Leave.** Sick leave, not to exceed 240 hours, may be advanced to a technician when supported by medical certificate describing the illness or injury and the anticipated time of disability. Such requests will be forwarded through channels to the appropriate Customer Service Representative. Requests for advance sick leave will include a SF 71 signed by the individual, his/her doctor (showing dates of incapacitation equaling amount of leave requested and the reason for incapacitation), and approved by his/her supervisor. Advance sick leave will not be granted unless all available sick leave will be exhausted before advancement and annual leave, that otherwise would be forfeited, is used. There also must be a reasonable assurance that the technician can return to duty to earn and repay the advanced leave. The supervisor will furnish the technician and the appropriate Customer Service Representative a copy of the approved request.

3-6. **Repayment of Advanced Sick Leave Credits.** When a technician is separated prior to the repayment of advanced sick leave credits, the un-liquidated balance will be charged against accumulated or accrued annual leave and against earned salary. If the separation is the result of death or disability retirement, or if the technician is unable to return to work because of a disability that is supported by an acceptable medical certificate, advanced sick leave credits are automatically liquidated and no repayment is required.

3-7. **Re-Credit of Sick Leave Upon Reemployment.** Former technicians who are reemployed on or after 2 December 1994 can have a re-credit of sick leave regardless of the length of separation provided the sick leave was not previously forfeited as a result of reemployment before 2 December 1994.

3-8. **Leave Status While Entitled to Incapacitation Pay.** P.L. 100-456 revised the pay and allowance entitlements for members of the Reserve Components who incur injury in the performance of inactive duty training. Compensation is now payable only in those situations where there is a loss of civilian compensation, i.e., technician pay. Technicians must be in an LWOP status before he/she is entitled to receive Incapacitation Pay.

Section IV - Family Medical Leave Act (FMLA)

4-1. **General.** All employees are eligible to use leave under the provisions of the Family Medical Leave Act (FMLA) except intermittent employees and employees serving under a temporary appointment with a time limitation of one year or less.

a. This law entitles Federal employees up to 12 weeks of unpaid leave during a 12 month period for births, adoptions and personal or family medical crises. Federal Employees may use up to 12 administrative workweeks of sick leave to care for a family member with a serious health condition.

b. Family members include technician's spouse and parents thereof, children and spouses thereof, parents or brothers and sisters and spouses thereof with a serious health condition.

c. Technicians will be returned to the same position or to an equivalent position with equivalent benefits, pay, status and other terms and conditions of employment.

d. Technicians may continue health benefits while on leave but must pay employee's share of premium.

e. Technicians must have completed 12 months as either a permanent or indefinite employee prior to entitlement of benefits under the Act.

f. Medical crises is defined as a serious health condition as an illness, injury, impairment, or physical or mental condition that involves the following:

(1) Inpatient care in a hospital, hospice or residential medical care facility.

(2) Continuing treatment by a health care provider.

Serious health conditions covers conditions or illnesses that prohibit the individual from participating in school or regular daily activities for more than 3 days. It is not a short-term condition for which treatment and recovery are very brief. Examples of serious health conditions include, but are not limited to, heart attacks, heart conditions requiring heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, severe nervous disorders, injuries caused by serious accidents on or off the job, ongoing pregnancy, miscarriages, complications or illnesses relating to pregnancy, the need for prenatal care, child-birth, and recovery from childbirth.

g. Intermittent leave may be requested and utilized subject to approval. It may be requested in an intermittent situation when technician's health condition is intermittent or where a technician is only needed intermittently because care is also provided by a third party. In this type situation, a technician may temporarily be placed in an available alternative position for which qualified with equivalent pay and benefits and which can better accommodate recurring periods of leave.

h. When the need for leave under the FMLA is foreseeable, a technician must request it at least 30 days in advance. If a 30 day notice is impossible, request must be submitted at earliest possible date. All requests for leave under FMLA will be requested thru the supervisor on SF 52. Remarks section of SF 52 should (1) Identify the leave as "FMLA leave" for either family leave (for a birth, adoption or foster care, or the care of a spouse, son, daughter, or parent with a serious health condition) or medical leave (for the employee's serious health condition), and (2) document the beginning and ending dates of employee's "12 month period" of FMLA leave entitlement.

i. Request for leave must be accompanied by medical certification. Medical certification for a request for leave to care for a family member must include a statement that the technician is "needed to care for" the individual. Technician must indicate type care to be provided and an estimate of time care will be provided. Medical certification for a technician's serious health condition must include a statement that technician is unable to perform essential functions of his or her position. A copy of position description or standard may be furnished health care provider for use in making this determination. Medical certification for a second health care provider may be required.

j. If a technician is unable to provide medical certification prior to the need for leave, provisional leave may be approved pending final certification. False certification may result in adverse action procedures.

k. A technician may elect to substitute appropriate paid time off for any or all leave taken under FMLA but election must be made prior to date paid leave commences. If the employee uses 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 total of 12 weeks of sick leave each year for all family care purposes with the exception of Paragraph 4.2. below.

4-2. **Military Family Leave.** A Federal employee who is the spouse, son, daughter, parent or next of kin (defined as the nearest blood relative) of a service member with a serious injury or illness and provides care for such a service member is authorized 26 weeks of FMLA during a single 12 month period to care for the service member. The use of FMLA for care of such a service member is referred to as “military family leave.” Military family leave does not reduce regular FMLA nor does regular FMLA reduce military family leave.

4-3. **Permissible Uses of 24 Hours Unpaid Leave Provision.** Employees may schedule and take up to a total of 24 hours of unpaid leave in any 12 month period to participate in school activities directly related to the education advancement of a son or daughter such as a parent-teacher conference or interviewing for a new school; accompanying a son or daughter to routine medical or dental appointments; accompanying an elderly relative to routine medical or dental appointments or appointments for other professional services related to the elders' care.

Section V - Military Leave

5-1. **Accruing Military Leave.** Permanent and Indefinite technicians accrue 120 hours of military leave per fiscal year (1 Oct - 30 Sep) and are authorized to carry over to the next fiscal year any unused military leave up to 120 hours. In no instance will a technician have more than 240 hours of military leave available for use at any one time. In other words a technician may accrue no more than 240 hours military leave.

5-2. **Granting Military Leave.**

a. Permanent and Indefinite technicians are granted any military leave that is available whenever ordered to active duty, active duty for training or IDT. Military leave is not authorized for State Active Duty or for Drug Enforcement or Interdiction Operation. Non-workdays are not chargeable to military leave.

b. Military Leave will be charged in one hour increments. A technician, who is scheduled to perform military duty on an established technician work day with a reporting time to duty after the normal technician duty hours, will be charged leave for that workday. Only in "Emergency" situations may technicians be granted a partial day of either annual leave, compensatory time off or LWOP at the beginning or end of a period of active duty to avoid being charged a full day of military leave for a partial day of absence. This entitlement will only be granted in instances when a technician is ordered to military duty after the technician workday has begun or released from military duty before the end of the technician workday.

c. Upon being ordered to Active Duty (AD), Annual Training (AT), Active Duty Special Work (ADSW) or a Temporary Tour of Active Duty (TTAD), a technician with accrued military leave may use other leave, i.e. annual leave, compensatory leave or leave without pay, for the performance of such duty.

d. In those situations when a technician elects to use military leave in conjunction with other leave (including LWOP) for a period of military duty, we recommend that military leave be charged first. This would eliminate the potential of having to correct a technician's leave account upon return to duty.

e. Technicians are responsible for timely coordinating and requesting leave for military duty with supervisors and to furnish required orders and certification of attendance to properly account and certify time and attendance records.

5-3. **Dual Compensation.** Under normal circumstances a period of technician duty and a period of active duty may not be credited on the same calendar day.

5-4. **Military Leave for Technicians Whose Military Tour Extends Into Additional Fiscal Year.** Technicians in a Leave Without Pay (LWOP) status while serving on active duty which extends into another fiscal year may use the 120 hours of military leave which accrues at the beginning of the each fiscal year without returning to technician status. If a technician wishes to utilize this military leave he/she must submit a Request for Personnel Action (SF 52) for a return to duty for the purpose of utilizing military leave and another Request for Personnel Action (SF 52) for Leave Without Pay (LWOP) at the end of military leave. These SF's 52 must be forwarded to HRO thru the technician's supervisor. The HRO will forward the necessary paperwork to the appropriate CSR for payment of military leave. Payment of military leave should only be processed thru the HRO.

5-5. **Recording Military Leave.** Military leave taken will be documented by attaching a copy of the orders calling the technician to active duty, active duty for training or full-time training duty and a certificate of performance to the T&A Card for the period in which the military duty began.

Section VI - Law Enforcement Leave (22 Days)

6-1. **General.**

a. This additional leave is authorized without loss or reduction of leave to which otherwise entitled for the purpose of providing aid to enforce the law (5 USC 6323(b)) or a contingency operation as defined in 10 USC 101(a)(13). Based on congressional intent, the statute also includes situations where the Guard does not actually perform "law enforcement" duties while assisting civil authorities. For example: Technicians who participate in drug enforcement and drug interdiction operations to include drug testing will be charged law enforcement leave unless they elect to use annual leave, leave without pay or compensatory time. Excused absence or Administrative Leave is not authorized for such duty.

(1) Participation in rescue or protective work in connection with fires, floods, or other natural phenomena.

(2) Dropping feed to cattle during a blizzard.

(3) Providing support services during a strike.

(4) Assisting State officials during refugees processing.

(5) Provide assistance to civil authorities in the protection or saving of life or property or prevention of injury.

(6) A contingency operation by order of the President.

b. **Coverage.** This Section covers National Guard technicians who, for the purpose of providing military aid to enforce the law, assisting civil authorities or perform duty during a contingency operation by the order of the President, perform:

(1) Federal service under sections 331, 332, 333, 3500 or 8500 of Title 10 or other provisions of law, as applicable, or;

(2) Full-time Military service for the State (State Active Duty).

(3) Federal service in support of a contingency operation as defined in 10 USC 101(a)(13).

6-2. **Legal Basis.** Each National Guard technician serving under a permanent or indefinite status appointment who is a member of the National Guard is entitled to law enforcement leave for not more than 22 workdays in a calendar year for the reasons described in 6-1 above. Excused absence may not be granted for performing such duty.

6-3. **Crediting Amounts of Pay Received.**

a. Pay for military service under the provisions of this Section may not be less than the pay due a technician as his/her regular civilian pay for the same period of time. Military pay and allowances received (other than travel, transportation, or per diem allowance) shall be credited against the technician's civilian pay and, if less than the civilian pay, the technician shall be paid the difference. If military pay exceeds civilian pay, no civilian pay will be made, nor will a refund of the excess be required.

b. Reservists or National Guard members requesting this contingency leave must provide:

(1) A copy of his or her military State Active Duty orders.

(2) The military LES(s) for the period(s) requesting.

(3) A completed offset worksheet for contingency operations/law enforcement military leave.

(4) The civilian leave and earnings statement for the period(s) requesting.

(5) A corrected T&A changing KG (leave without pay military) to LL (Law Enforcement Leave) from the appropriate timekeeper to the Customer Service Representative (CSR)

who in turn will provide information to the civilian payroll office (DFAS).

All employees will be coded KG originally on the T &A and only the CSR will change the code to LL after all documentation has been processed to create an offset debt by DFAS. These documents in combination with civilian payroll records will become the basis for calculations.

Additional information including offset worksheet for contingency operations/law enforcement military leave is located on the DFAS website:

http://www.dfas.mil/civilianpay/civiliandeployment.html

6-4. **Granting Law Enforcement Leave.**

a. Technicians may elect to use annual leave, LWOP, compensatory time, or LEL (or any combination) for law enforcement duty. There is no requirement that one type leave should be used before another.

b. Holidays and non-workdays which fall within the period of military duty are not charged against LEL balance.

c. Technicians engaged in law enforcement after the workday begins and/or returns before the workday ends will be charged LEL on an hourly basis.

d. On the first day of the State Active Duty, if the technician must report for State Active Duty after normal technician workday has begun, he/she will be placed in an appropriate leave status for the technician position for the remainder of the normal technician workday.

e. On the last day of State Active Duty, if the technician performs a normal technician workday after release from military control, no leave is required. If after release from military control, he/she performs a portion of the normal technician workday, he/she will be in an appropriate leave status for the hours not worked.

f. On days between the first and the last day of the Active Duty period, the technician must be in an appropriate leave status from the technician position for the entire technician workday.

g. Technicians should not be routinely or frequently ordered to short periods of active duty of one day or a few days to take advantage of these provisions.

h. Excused absence may not be used to perform law enforcement duty.

6-5. **Disposition of Law Enforcement Leave.** Any unused portion of the 22 days LEL is forfeited at the end of the calendar year. There is no provision for carrying over the unused balance to the next leave year.

Section VII - 44 Days of Additional Military Leave (P.L. 104-106)

7-1. **General.**

a. Permanent and Indefinite technicians are authorized 44 additional workdays of military leave in a calendar year for active duty without pay as authorized pursuant to Section 12315 of Title 10, under Section 12301(b) or 12301(d) of Title 10 for participation in operations outside the United States, its territories and possessions; therefore it cannot be used in locations such as Guam, Puerto Rico, Alaska or Hawaii.

b. The following facts apply to use of the 44 days of additional Military Leave.

(1) Technicians must be on active duty without pay.

(2) Active duty must be under Section 12301(b) or 12301(d) of Title 10 for participation in operations outside the United States, its territories and possessions.

(3) Technician must furnish either military orders or a statement from his/her commanding officer showing authority and the period of active duty the technician consented to serve without military pay.

(4) Commingling of the regular 15 days military leave, annual leave and/or compensatory time and this new 44 days military leave may be done provided the portion of the 44 days leave is served without military pay and provided the military service concerned will permit this election since it affects military orders and military pay systems.

(5) 44 workdays are available on a calendar year basis.

(6) There is no carry over provision for all or a portion of the 44 days to the next calendar year.

(7) The 44 days leave is converted into hours and will be charged in hours on the same basis as annual leave.

(8) Leave is not charged for non-workdays and holidays while utilizing 44 days.

(9) For premium pay purposes technicians on 44 days shall receive the same pay he or she would have received for his or her regularly scheduled work.

(10) The leave approving supervisor must track usage of the 44 days. Supervisors will maintain copies of orders showing authority and period of active duty the technician consented to serve without military pay.

(11) Technicians electing to use the 44 days, technician non-workdays may be in a military duty status with pay. For the duration of the period of eligible military duty, military technicians on alternative work schedules will be administratively converted to an 8 hour work day, 5 days a week Monday through Friday.

(12) Technicians are on Title 10 active duty; therefore any line of duty benefits payable would accrue from military programs. There is no entitlement to OWCP benefits.

(13) Technicians must elect prior to deployment the periods during which they will use the new 44 day military leave and or other appropriate leave.

(14) Regardless of leave election(s) the technician is in Title 10 active duty status and any per diem travel allowance stems from military authorization.

(15) Because the technician is in the Title 10 military status there is no eligibility for compensatory time.

(16) Based on the above, military technicians cannot receive both military or technician pay. They may receive both only if they elect to use annual leave, 15 days military leave or compensatory time when in Title 10 status with military pay.

Section VIII - Court Leave

8-1. **General.** Court Leave for jury duty is granted to both permanent and temporary employees.

a. Upon advance submission of a court order, subpoena, summons, or any other judicial notification, regular employees shall be granted paid court leave for jury duty; to appear in court in an unofficial capacity as a witness on behalf of the U.S. Government or the Government of the District of Columbia; and to appear in court in an unofficial capacity as a witness on behalf of private parties where the United States, the District of Columbia, or a State or local government is a party to the proceedings. The court may be a Federal, District of Columbia, State, or local governmental-unit court. This provision does not apply to an employee appearing as a witness in a judicial processing that involves only private parties.

b. Any fees earned for service as a witness or juror while on court leave must be turned in to the appropriate Customer Service Representative. However, any payments designated by the court as "expenses" may be retained by the technician.

c. When an employee's appearance in court as a witness is not in behalf of the United States or the District of Columbia Government, his/her absence from duty must be charged as either annual leave, leave without pay, or compensatory time off.

d. Technicians shall not be paid witness fees when testifying on behalf of the United States Government; however, they shall be paid their regular salary, and the time served as a witness is considered to be in an official duty status.

8-2. **Evidence of Court Service.** The request to appear in court should be presented to the supervisor as far in advance of the actual court day as possible. Upon return to duty, the technician will submit written evidence from the court reflecting the dates (and hours if possible) of his/her attendance in court. Notation should be made on the time and attendance report for the days and/or hours of court leave granted the technician while absent from his/her regularly scheduled duties.

Section IX - Compensatory Time

9-1. **General.** Compensatory time is time off for a technician during his/her scheduled tour of duty equal to the amount of time spent in regular or irregular overtime work. A technician while in compensatory time off status is considered to be in a status equivalent to annual leave.

9.2 Authorizing Compensatory Time Work

a. All compensatory time work must be requested in advance by the employee's First Line Supervisor.

b. First Line Supervisors will use NGB Form 46-14 (for Army Technicians) and AF Form 428 (for Air Technicians) to request and justify compensatory time work for an employee or group of employees.

c. Second Line Supervisors are the approving officials for all requested compensatory time work. Overtime work must be certified as necessary and proper in support of the Alabama National Guard.

d. An employee cannot request compensatory time work on his/her own behalf.

e. Second Line Supervisors **will use the following criteria** when determining whether or not compensatory work is necessary and proper in support of the Alabama National Guard.

(1) The work to be performed is mission essential. Mission essential work is defined as work that is absolutely necessary to accomplish a defined mission requirement or tasking, and non-accomplishment of the work will compromise mission or unit success. (Example: a facility/unit must remain operational after normal duty hours to support a unit mission.)

(2) The work to be performed is time essential. (Example: the work has to be done during the time prescribed in the request and cannot be delayed without compromising the unit mission.)

(3) The work to be performed is inherently a technician function and within the scope of the technician's principal duties. (Example: The technician is performing his/her technician duties that would normally be accomplished during the scheduled technician work day.)

(4) No alternatives, such as rescheduling the work or adjusting the employee's work schedule in advance, are practical.

f. If the request for compensatory time work is approved, the Second Line Supervisor will document authorization using the NGB Form 46-14 (for Army technicians) or AF Form 428 (for Air technicians).

g. The completed/signed NGB Form 46-14 and/or AF Form 428 will accompany the employee's time card and will be retained by the timekeeper for auditing purposes. Timekeepers will not post compensatory time work performed in the absence of this documentation.

h. Supervisors have the authority to verbally approve compensatory time work to accomplish short-notice taskings or unforeseen mission requirements, but written approval and documentation must still be accomplished within 48 hours.

i. Compensatory time is granted on the basis of an hour compensatory time for each hour of overtime worked. It may be earned in quarter hour increments.

j. Compensatory time must be used before the close of the 26th pay period after which it was earned. Unused earned compensatory time will be forfeited after the above time frame.

k. Compensatory time will not be earned for work to be performed on a holiday or any observed day for which the holiday rate is payable.

l. An alternative to comp time is adjusting an employee's work schedule to meet the needs of a specific mission requirement. This can be accomplished if the mission requirement to perform work outside of normal duty hours is known in advance. Supervisors may adjust an employee's work schedule to meet the requirement. Refer to union contracts to ensure all labor agreements are met prior to adjusting an employee's work schedule.

9-3. **Compensatory Time Approving Officials.** The individual or alternate authorized in writing to the Comptroller, Technician Pay Section, to sign Time and Attendance Cards, may certify that compensatory time work was authorized and approved prior to performance.

9-4. **Documentation.** Required advance approval and/or other documentation must be maintained by the time card keeper with the Time and Attendance Cards. T&A Cards will be posted to reflect compensatory time earned and worked.

9-5. **Compensatory Time In Student Status.** Compensatory time may be earned while in a student status outside regular working hours provided the time spent in training is at the discretion of the training facility and the purpose of the training is to improve the technician's performance.

9-6. **Compensatory Time Off for Religious Observances.** Technicians may request to work compensatory time for the purpose of taking off without leave being charged when personal religious beliefs require him to abstain from work during certain periods of the regular workday or workweek. Technicians should notify supervisor in advance of the date, state nature of observance, and request amount of time to be used as well as provided a schedule of time to be worked to repay the time taken. Time must be repaid within a reasonable period of time. Supervisors should approve request unless it interferes with the efficient accomplishment of agency's mission.

9-7. **Compensatory Time In Travel Status.**

a. Time spent in travel status away from the official duty station shall be considered hours of work when:

(1) An employee is required to drive a vehicle or perform other work while traveling during non-work hours;

(2) An employee is required to travel as a passenger on an assignment away from the official duty station during non-work hours;

(3) An employee is required to travel as a passenger on an overnight assignment away from the official duty station during non-workdays;

(4) An employee is ordered to return to the duty station to report to work at the beginning of the next work day when such an order necessitates travel that does not meet the criteria listed in subparagraphs (1) - (3) above. Such travel is not considered hours of work when the purpose is to perform military service (IDT, ADSW, ADT, etc.); or

(5) The travel results from a required event which could not be scheduled or con-

trolled administratively, including travel to such an event and the return to the official duty station.

b. An employee who travels from home before the regular workday begins and returns home at the end of the workday is engaged in normal "home to work" travel; such travel is not hours of work. When an employee travels directly from home to a temporary duty location outside the limits of his or her official duty station, the time the employee would have spent in normal home to work travel shall be deducted from hours of work as specified in subparagraph (5) above.

c. An employee who is offered one mode of transportation, and who is permitted to use an alternative mode of transportation, or an employee who travels at a time other than that selected by the agency, shall be credited with the lesser of:

(1) The actual travel time which is hours of work under this section; or

(2) The estimated travel time which would have been considered hours of work under this section had the employee used the mode of transportation offered by the agency, or traveled at the time selected by the agency.

d. 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 time earned. Required travel within regularly scheduled duty hours on a holiday will be compensated by premium pay.

e. The following are examples of situations involving travel which show the number of hours that would be creditable as compensatory time based on the situations given. In these examples the basic work schedule of the technician is Monday through Friday, 8 hours per day, 0730 - 1600 hours. The technician's normal "home to work" travel time is 30 minutes. The designated TDY period is 5 days, Monday - Friday with reporting time of 0730 hrs Monday.

(1) Example #1: Technician commences travel on Sunday, leaves home at 1230 hours and reports at 1300 hours at airline terminal, one hour prior to scheduled departure time. Arrival time at TDY location is 1800 hours. **Decision** - Compensatory time authorized would be 5.5 hours from 1230 - 1800 hours.

(2) Example #2: Technician commences return travel to home station after 1630 hours on Friday on a voluntary basis. **Decision** - Compensatory time is authorized for travel time only.

(3) Example #3: Technician commences return travel to home station on Saturday, 1000 hours with travel time at 1500 hours same day. **Decision** - All travel time hours are creditable.

(4) Example #4: Technician is offered commercial air, but elects to travel by privately owned auto. Technician departs Sunday 0800 hours and arrives on or after 1630 hours, same day. **Decision** - Compensatory time would be credited for 3.5 hours. Compensatory time is based on constructive air travel time when traveling by privately owned auto.

(5) Example #5: Suppose the directed mode of transportation in #4 is government auto. **Decision** - All hours while driving the vehicle would be creditable. Authorized travel for any reason is creditable as hours of work when traveling during hours on non-workdays.

f. **Disposition of Compensatory Time.** Technicians are not entitled to receive a lump sum payment for accumulated compensatory time upon separation from technician employment. Compensatory time is forfeited upon separation or transfer to another agency.

Section X - Excused Absence, Administrative Dismissal and Holiday

10-1. **Excused Absence.** An excused absence is an absence from duty administratively authorized without loss of pay and without charge of leave. While excused absence is ordinarily authorized on an individual basis, groups of technicians may be excused under certain conditions when authorized or approved by The Adjutant General.

10-2. **Policy.** Individuals may be granted excused absences under the following conditions.

a. **Tardiness and Brief Absences.** Brief absences from duty of less than one hour and tardiness may be excused by the supervisor when the reasons are adequately justified. When not justifiable, the absence must be made up or charged to an appropriate leave account; in addition, the absence may become the basis for disciplinary action as outlined in Chapter 20, this Manual.

b. A technician who makes a blood donation without compensation may be excused for a reasonable time for travel, rest and recuperation, if required and necessary, with such time normally not to exceed four hours. Blood donations should be scheduled so as to minimize the disruption of the work force and to insure continuity of essential functions. The excused absence is for the recovery of health of the technician and will not be carried forward or granted on another day. Proof of donation will be provided by technician if requested by the supervisor.

c. Technicians may be excused to vote where polls are not open at least three hours before or after regularly scheduled duty hours. For technicians who vote in jurisdictions which require registration in person, time off to register may be granted on substantially the same basis. Generally, a technician is excused from duty so as to permit him to report for work three

hours after the polls open or to leave work three hours before the polls close, whichever results in the lesser time off. Under unusual circumstances, a technician can be excused up to a full day for registration or voting where the commuting distance to place of registration is considerable or an absentee ballot cannot be used.

d. A technician may be excused to attend a conference or convention when in the best interest of the Alabama National Guard and approved by The Adjutant General. Excused absence is not applicable when attendance is in a military pay status; in such cases, military and/or annual leave would be appropriate.

e. A supervisor must excuse a technician for up to three workdays to make arrangements for or to attend the funeral of, or memorial service for, an immediate relative who dies as a result of wounds, disease, or injury incurred as a member of the Armed Forces while serving in a combat zone. Supervisors may excuse technicians from duty without charge to leave or loss of pay, to attend funeral ceremonies of servicemen whose death occurs while in line of duty elsewhere in the world.

f. A technician may be excused for a reasonable amount of time when presenting appeals and grievances to supervisors and other management officials, including attendance at any hearings to determine the facts in a case. The period of excused absence will be limited to the actual time of the discussion or hearing, plus any necessary travel time required. The labor agreements govern in the above situations.

g. A technician may be excused to take an examination, either physical or mental, as a condition for continued employment or promotional opportunity in the Alabama National Guard.

h. Technicians may be excused for up to 7 days for the purpose of bone marrow or organ donation.

10-3. **Presidential Administrative Leave.** Technicians must be excused for 40 hours prior to physically returning to work after 42 days or more of active duty in support of the Global War On Terrorism. This is also known as Presidential Leave. Only one 40 hour period of Presidential Leave is grated in a 12 month period. Presidential Leave may be granted while the employee is on Terminal Leave. The employee is not allowed to use Presidential Leave while in a duty status or state active duty.

10-4. **Group Dismissals.** All group dismissals must be approved by The Adjutant General. Requests for such action will include complete justification for the proposed dismissal for short periods of time, normally not to exceed three consecutive workdays. Technicians released during this period are generally excused without charge to leave and without loss of pay. For longer periods, it is within the administrative discretion of The Adjutant General to require technicians to take leave.

10-5. **Participation in Official Civil Ceremonies.** National Guard technicians may be excused, without charge of leave, for short periods to participate in civil activities which the Federal Government is interested in encouraging.

a. Short periods will be confined to not more than a combined total of three days during any one calendar year.

b. Official civil activities include inaugurals, dedications of public buildings and projects, ceremonies for officially invited governmental visitors, and the convening of legislative bodies. Community or civil celebrations such as banquets, dinners, receptions, carnivals, festivals, opening of sports seasons, and anniversaries are not considered official civil ceremonies.

10-6. **Administrative Dismissals.** When the Employer authorizes the shut-down or closure of an activity or unit because of weather conditions or emergency situations, the following criteria shall govern the status of affected technicians: All employees are to presume that all installations will be operational each regular work day regardless of weather or other emergency conditions. Activity or facility supervisors shall determine through normal supervisory channels if their activity shall remain open or if it is to be closed based on anticipated or prevailing conditions, and if employees are to be dismissed. Employees' status at the time of the supervisory determinations to close the activity and dismiss will be as follows:

a. If the employee is on duty and excused, there is no charge to leave for the remaining hours of the work schedule following dismissal.

b If the employee is on duty and departed on leave after official word was received but before the time set for dismissal, leave is charged only from the time the employee departed until the time set for dismissal. Employees will not be permitted to depart before the time set for dismissal without a charge to leave.

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

d. If the employee is absent on approved leave for the entire work shift, the entire absence is charged to appropriate leave status requested.

e. If a situation develops during non-working hours as a result of either an ice or snow storm or other natural disaster in which proper authority declared roads closed or impassable, a supervisor may excuse a two hour period of tardiness without charge to leave. Tardiness of longer periods may also be excused without charge to leave in cases which are personally reviewed and authorized by higher levels of supervision. Requested annual leave or leave without pay will be charged for absences in excess of authorized tardiness unless the supervisor determines that the employee made every reasonable effort to get to work, but was unable to do so.

Section XI - Leave Without Pay (LWOP)

11-1. **General.** Leave without pay is a temporary non-pay status and absence from duty granted upon the technician's request. It does not include days on which the technician is not scheduled for work. The permissive nature of leave without pay distinguishes it from absence without leave, which is a non-pay status resulting from a determination not to grant any type leave, including LWOP, for a period of absence for which a technician did not obtain advance authorization or for which his/her request for leave on the basis of alleged sickness has been denied.

11-2. **Authorized Leave Without Pay.**

a. The granting of leave without pay is a matter of administrative discretion of The Adjutant General. Technicians, with the exceptions listed below, cannot demand that they be granted leave without pay as a matter of right.

(1) To cover a disabled veteran's absence for medical treatment; or

(2) To cover a technician's absence to perform military duties (not covered by some form of paid leave).

(3) To cover an absence, for limited periods, when the technician is receiving injury compensation under the Federal Employees Compensation Act (workers compensation).

(4) To cover an absence under the provisions of the Family Medical Leave Act. See Section 4 of this chapter for details.

(5) To participate in school activities directly related to the educational advancement of a son or daughter (or step son/daughter) such as a parent-teacher conference or interviewing for a new school; accompanying son or daughter to routine medical or dental appointment; accompanying an elderly relative to routine medical or dental appointments for other professional services related to the elders' care. Leave without pay for this purpose is limited to a total of 24 hours unpaid leave in any 12 month period.

b. Approved Conditions of Leave Without Pay. As a basic condition to approval of leave without pay, there should be reasonable expectation that the technician will return at the end of the approved period. In addition, it should be apparent that at least one of the following benefits will result:

(1) Increased job ability;

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

(3) Retention of a desirable employee; or

(4) Furtherance of a program of interest to the government.

c. Approval Considerations. Each request for leave without pay will be examined closely to ensure that the values to the government or the serious needs of the employee are sufficient to offset costs and administrative inconveniences as:

(1) Encumbrance of the position.

(2) Obligation to provide active employment at the end of LWOP.

(3) Eligibility for continued coverage without cost to individuals for up to one year of FEGLI Life Insurance.

(4) Loss of services that may be vital to the organization.

(5) The effect of leave without pay on such benefits as retirement, leave accrual, within grade increases, and severance pay.

11-3. **Charges For Leave Without Pay.** Leave without pay will be charged in multiples of one hour.

a. The day or days declared as holiday(s) immediately preceding the first day or following the last day of a period of leave without pay are to be considered as days to which the technician is entitled to pay.

b. A technician is not entitled to pay for any days that have been declared as holidays within a period of leave without pay.

11-4. **Granting Leave Without Pay.** The Human Resources Office must be notified on a Standard Form 52 of all leave without pay, regardless of length. Leave without pay for 30 calendar days or more must be approved by The Adjutant General and confirmed by issuance of a Standard Form 50, (Notification of Personnel Action). Leave without pay of less than 30 calendar days may be approved by the technician's supervisor. All leave without pay will be reported as far in advance as possible to the NGAL/HRO by forwarding a Standard Form 52, Request for Personnel Action completed as follows: SF 52 will be prepared for the technician's signature in Item 5; the supervisor who normally approves his/her leave will complete Item 6. Part D will indicate the purpose for which the leave without pay is requested. The employee will also complete a SF 52 for the Return to Duty.

Section XII - Voluntary Leave Transfer Program

12-1. Definition.

a. "Leave donor" means an employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved by HRO.

b. "Leave recipient" means a current employee who is approved to receive annual leave from the annual leave accounts of one or more leave donors. Leave recipient requests for maternity purposes will be considered on a case by case basis.

c. "Medical emergency" means a medical condition of an employee or a family member of such employee that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave for a period of at least twenty four (24) hours. No advanced leave will be used in determining a medical emergency.

d. “Shared leave status" means the administrative status of an employee while the employee is using transferred leave.

12-2. General.

a. The voluntary leave transfer program permits Federal employees to donate annual leave for the use of other Federal employees in Medical or family medical emergency situations. In order to be eligible to become a leave recipient an employee must be experiencing a "medical emergency" (including a medical condition of a family member). Family members include the following:

(1) Spouse and parents thereof;

(2) Children, including adopted children and spouses thereof;

(3) Parents;

(4) Brothers and sisters, and spouses thereof; and

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

b. Leave recipients may receive transfer of annual leave from a donor employed in another agency if (1) the donor is a family member of the leave recipient, (2) the leave recipient’s

employing agency determines that the amount of annual leave donated within the agency may not be sufficient to meet the needs of the leave recipient, (3) in the judgment of the leave recipient's employing agency acceptance of leave transferred from another agency would further the purpose of the voluntary leave transfer program.

c. The amount of annual and sick leave a leave recipient may accrue while using transferred leave is limited to forty hours of annual and forty hours of sick leave. This accrued leave may be used after transferred leave is exhausted and before the medical emergency terminates.

d. A technician may make an application to become a leave recipient or if the technician is not capable of making his/her own application, a personal representative may make an application on his/her behalf. Applications may be obtained from the HRO or from OPM at www.opm.gov/forms/OPM 630.

(1) Name, Social Security Number, position title, pay plan, grade, and pay level, organization, office telephone number.

(2) Reason for request including a brief description of the nature, severity, and anticipated duration of the medical emergency, and if it is a recurring one, the approximate frequency of the medical emergency.

(3) Certification may be required from one or more physicians or other appropriate experts with respect to the medical emergency.

e. Leave recipient must use any annual or sick leave accrued or accumulated and available for use during the medical emergency and be expected to be placed in a non-pay status for at least 24 hours prior to approval of leave recipient request and before any transferred annual leave may be used.

f. A technician may submit a request to be a leave donor to transfer annual leave to a specified leave recipient by completing a leave donor form.

g. A leave donor may not transfer annual leave to an immediate supervisor.

h. In any one leave year, a donor may donate no more than a total of one-half of the amount of annual leave he/she would be entitled to accrue during the leave year in which the donation is made. A leave donor projected to have annual leave that would be subject to forfeiture at the end of the leave year may donate no more than the number of hours remaining in the leave year. The HRO may waive the limitation on donating annual leave.

i. HRO will either approve or disapprove all request for leave recipients and donors and return a copy of approval/disapproval to requesting individuals.

j. All approved request will be forwarded to appropriate payroll office.

k. The leave recipient must notify this office and payroll thru his immediate supervisor upon termination of the medical emergency and the effective date of termination. Any transferred annual leave remaining to the credit of a leave recipient when the medical emergency terminates shall be restored on a prorated basis by transfer to the appropriate accounts of the respective leave donors.

Section XIII - Absence Without Leave (AWOL)

Absence Without Leave (AWOL). All unexcused or unauthorized absence from work may be charged to AWOL. In addition to not receiving pay for the unexcused period of unauthorized absence, disciplinary action could be taken.

Section XIV - Absences for Maternity Reasons

14-1. **Eligible Employees.** All technicians (male and female) are eligible for absence for maternity reasons.

14-2. **Absences For Maternity Purposes.** This is a period of approved absence for incapacitation related to pregnancy and confinement. There is not a separate "maternity leave" as a type of leave. It is chargeable to any combination of sick leave, annual leave, leave without pay, and compensatory time. There should be no arbitrary cutoff date which requires a technician to cease work at a certain date or requires the technician to return to work by a certain date. The length of absence should be determined by the technician, her physician, and her supervisor. An absence covering pregnancy and confinement is to be treated like any other medically certified temporary disability. Requests for advanced sick leave should be processed in accordance with paragraph 3-5 of this Chapter.

14-3. **Responsibilities.**

a. Employee Responsibilities.

(1) A technician should report her pregnancy as soon as it is known so that any necessary steps can be taken to protect her health or improve working conditions and so that necessary staffing adjustments may be planned.

(2) An employee who is not planning to return to work should submit her resignation at the expiration of the period of incapacitation. She may, however, be separated earlier for other reasons such as expiration of appointment, reduction in force, cause, or other reasons un-

related to the maternity absence.

(3) A male technician may be granted annual leave, leave without pay, or compensatory time for the purpose of assisting or caring for his minor children or the mother of his newborn child while she is incapacitated for maternity reasons. Further, a male technician may use sick leave under the provisions for care of a family member paragraph 3-3g of this Chapter.

b. Agency Responsibilities. The agency has an obligation to assure continued employment in her position or a position of like seniority, status, and pay, to the employee who wishes to work following delivery and confinement.

14-4. **Family Medical Leave Act (FMLA).** The provisions of FMLA apply to both male and female technicians who need to be absent for maternity/paternity reasons. Section 4 of this regulation discusses FMLA.

Section XV - Absences to Perform State Active Duty (SAD)

15-1. **Appropriate Type of Leave.**

a. Military technicians who are required to perform State Active Duty (SAD) may, at their discretion, elect any of the following types of leave to cover the absence.

(1) Annual Leave.

(2) Leave Without Pay.

(3) Law Enforcement Leave if appropriate.

(4) Compensatory Time.

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

15-2. **Charging Leave To Cover SAD.**

a. Technicians will be required to take leave for the hours they are absent from work to perform SAD.

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

c. It is the responsibility of the employee and the first line supervisor to ensure that there is no overlap of technician and SAD time or responsibilities.

15-3. **Compensation For Injury.** Technicians who suffer injury or death as a result of State Active Duty are not eligible for employee's compensation benefits under the Federal Compensation Act. State Active Duty does not constitute performance of official technician duties.

Section XVI - Enforced Leave

16-1. **Eligible Employees.** All employees are subject to the provisions of enforced leave.

16-2. **Imposing Enforced Leave.**

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

(1) The technician is not ready, willing, and able to perform assigned duties; or

(2) The technician's continued presence is highly undesirable because the employee presents an immediate threat to himself, others, or government property.

b. A technician must never be instructed to leave the worksite if the individual's ability to drive is questionable. In such cases the supervisor must arrange for a family member or co-worker to transport the technician.

c. In situations requiring enforced leave, supervisors should contact HRO for additional guidance and determination of type leave.

16-3. **Termination Of Enforced Leave.** Enforced leave must be terminated as soon as management determines that the technician is ready, willing, and able to perform assigned duties or that the immediate emergency is resolved.

Section XVII - Use of Official Time For Physical Fitness

General. The policy of The Adjutant General of Alabama regarding use of official time for physical fitness is attached as Appendix 8.