2017

Wyoming Military Department
5410 Bishop Boulevard
Cheyenne, WY 82009

WY Technician Personnel Regulation (WY TPR 630) Leave and Other Absences October 2017

UNCLASSIFIED

This regulation supersedes all previous TPR 630's and/or leave policy letters.

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General

a. **Purpose:** The purpose of this regulation is to establish the Wyoming Military Department's policy concerning the Technician leave program.

b. **HRO Mission Statement:** Provide competent, responsive and relevant Human Resources Services to One Workforce in order to safe guard Wyoming while adding value to our communities.

c. **HRO Vision:** To meet the ever changing needs of our One Workforce we strive to be a team of dedicated professionals committed to providing comprehensive, consistent, quality driven Human Resources services.

d. **Forms:** All forms listed in this regulation can be obtained by contacting the Human Resource Office Benefits Section, or visiting the WY Military Department GKO SharePoint sites.

e. **Suggested improvements:** The proponent of this regulation is the Human Resources Office (HRO). Users are invited to send comments and suggested improvements to NGWY-HRO-SVC, 5410 Bishop Boulevard, Cheyenne, WY 82009-3320.

Chapter 1 - Compressed Work Schedule

1-1. Purpose: A compressed work schedule is a fixed work schedule that enables a Technician to complete the basic work requirement (80 hours) in less than ten workdays in a biweekly period.

1-2. Duty Hours: The TAG has designated the agency's compressed work schedule as a 5-4/9 schedule. The core hours of operation are 0700 to 1630. All Technicians will schedule a 30 or 60 minute lunch. These work hours apply to all Technicians.

a. The TAG Form 15-E (Compressed Work Schedule Election Form) will need to be complete by the supervisor and Technician to determine the Technician's duty hours and lunch period.

b. Technicians may elect one of the following standard work schedules:

Duty Hours	Lunch Break
0700 to 1700	1 hour
0700 to 1630	30 minutes
0730 to 1700	30 minutes

c. Or; a work schedule authorized IAW the Air or Army Guard union contracts.

1-3. Change in Work Schedule: If mission or personal hardship requires a Technician to make a change to their work schedule, and it is different than the authorized schedules listed in 1-2 (b) (c) above, they must request an exception to their work schedule by submitting an HRO Form 200 through their supervisor, Directorate/Group Commander and to HRO for final approval. Exceptions will be granted on a case-by-case basis.

a. A Technician must notify their Timekeeper of the approved work schedule change so that adjustments can be made to their payroll/time and attendance record.

b. Work schedule changes to Part Time status will be requested on an SF52 through the supervisory chain to the Human Resource Office for final approval.

Chapter 2 - Annual Leave

2-1. Purpose: Annual Leave is provided to allow an absence from work or while performing service with the uniformed services.

2-2. Eligible Technicians: All permanent, indefinite, and temporary Technicians who are appointed to positions for 90 consecutive days or more, are entitled to annual leave.

2-3. Maximum accumulation: Federal Technicians may accumulate a maximum of 240 hours (30 days) of annual leave. Excess annual leave will be forfeited at the beginning of the first pay period of the new leave year, but may meet criteria for restoration as per paragraph 2-5.

a. Technicians will earn annual leave each pay period based on years of creditable service. 0-3 years of service will accrue 4 hours per pay period, 3–15 years of service will accrue 6 hours per pay period, and 15 or more years of service will accrue 8 hours per pay period.

b. IAW 5 USC 6303, subsection (b), Temporary Technicians will accrue but are not eligible to use any accrued annual leave for the first 90 days of employment.

2-4. Granting Annual Leave

a. Annual leave must be requested on the electronic or hard copy OPM 71 (Application for leave).

b. Supervisors are charged with the responsibility to consider the mission requirements and the employee's desires when approving annual leave. It is the supervisor's discretion to approve and/or disapprove leave.

c. If a severe work interruption should arise, and it is the agency decision to place the workforce on administrative leave, supervisors may cancel and reassign Technicians who were in a leave status prior to the severe work interruption.

d. Sickness during Annual Leave. When sickness occurs during a period of annual leave, a Technician may request to change their status to sick leave for the period of sickness.

2-5. Restoration of Annual Leave: Leave lost through an administrative error, sickness, or exigencies of the public business (this includes furlough) is authorized.

a. IAW 5 U.S.C. 6304(d)(1)(B): Annual leave restored because of an extended exigency must be scheduled and used within a time period that equals twice the number of full calendar years, or parts thereof, that the exigency existed. This time period begins at the beginning of the leave year following the leave year in which the exigency is declared to be ended.

b. Forfeited annual leave may be considered for restoration by the HRO, if the Technician and supervisor make every attempt to schedule the excess leave prior to the end of the leave year.

c. Annual leave restoration must be requested on HRO Form 206, approved by the Supervisor, Directorate/Group Commander and forwarded to HRO for final approval.

d. **Exigences Determination**: before forfeited annual leave is restored, there must be a determination that an exigency is of major importance and an employee may not use scheduled annual leave. Failure to use annual leave due to extended active duty is not considered an "exigency of the public business" for purposes of restoring forfeited leave to a special account. Technicians facing activation with a leave balance in excess of 240 hours should be advised to use such leave to avoid forfeiture. An extended exigency means an exigency of such significance as to:

(1) Threaten the national security, safety, or welfare;

(2) Last more than three calendar years;

(3) Affect a segment of an agency or occupational class; and

(4) Preclude subsequent use of both restored and accrued annual leave within the time limit for use of restored annual leave.

e. Once annual leave is restored, it must be scheduled and used within two years after the date of restoration of the annual leave.

2-6. Advanced Annual Leave: A Technician may request an advance of annual leave; however**,** only in very rare circumstances will advanced annual leave be approved. Advanced annual leave is not an entitlement.

a. Advanced annual leave must be requested on HRO Form 208, approved by the Supervisor, Directorate/Group Commander and forwarded to HRO for final approval.

b. All available and accumulated annual leave must be exhausted before advanced annual leave can be used.

c. The amount of annual leave that may be advanced may not exceed the amount the Technician will accrue in the remainder of the leave year or by their not to exceed date.

d. When a Technician is pending separation (i.e.: temporary appointments or those whose retirement is planned), advanced leave may not exceed the amount that can be repaid by accrual before the separation.

e. If a Technician is indebted for advanced annual leave, and then separates from the agency, they will be required to repay the debt to the agency. If a Technician separates due to death or disability they will not have to repay the debt.

2-7. Payment of annual leave: Technicians are entitled to receive a lump sum payment for all accumulated and accrued annual leave when:

a. Separated from Technician employment.

(1) A temporary Technician will only receive a lump sum payment of their accrued annual leave if they have completed 90 consecutive days or more during their temporary Technician tour.

(2) If the Technician transfers to another Federal agency, their annual leave will transfer with them to the new agency. A lump-sum payment of annual leave is not authorized.

b. They are on military orders and placed in an Absent-US (A-US) status. Note: this leave payment must be requested by the employee, this is not an automatic payment.

Chapter 3 - Sick Leave

3-1. Purpose: Sick Leave is provided to allow an absence from work to address any health and/or safety needs.

3-2. Eligibility: All permanent, indefinite, and temporary Technicians are eligible to earn and use sick leave.

3-3. Sick Leave Accrual: A Technician will accrue 4 hours of sick leave each pay period regardless of years of service.

a. Maximum carryover of sick leave balance is unlimited.

b. A Technician who has a break in service and returns to Federal service is entitled to restoration of unused sick leave regardless of the date of separation.

c. At retirement, any unused sick leave will be counted towards creditable years of service.

3-4. Granting sick leave:

a. Sick leave is authorized only in bona fide cases and must be requested on the electronic or hard copy OPM 71 (Application for Leave).

b. A Technician is entitled to use sick leave when: (1) Attending a medical, dental, or optical examination or treatment, (2) Incapacitation due to mental or physical illness, injury, pregnancy or childbirth, (3) Care for a family member as a result of physical or mental illness, (4) to make arrangements necessitated by the death of a family member or attend the funeral of a family member. Family members include: spouse, parent, children to include adopted children, brothers and sisters, and any individual related by blood or affinity whose close association with the Technician is the equivalent of a family relationship, (5) Technicians with a communicable disease determined by a health care provider, (6) any activities relating to the adoption of a child, (7) In an Absent-US status and becomes ill.

c. A technician who becomes ill is responsible for notifying their supervisor as soon as practical, or to follow the designated protocol, that they will be absent. Designated protocol should be outlined by the supervisor.

d. A supervisor may require medical certification or other administratively acceptable evidence if:

(1) There is an absence in excess of three (3) consecutive days.

(2) A Technician is in an Absent-US status and becomes ill. Medical documentation will be required before sick leave can be approved.

(3) If a supervisor has reason to believe that a Technician is abusing their sick leave privilege, they may place them on a sick leave restriction and require sick leave documentation to be provided for any future sick leave requests, regardless of the duration. A supervisor should notify HRO for guidance prior to conducting any counseling regarding sick leave restrictions.

(4) A Technician may be subject to disciplinary action if they do not provide medical documentation within a reasonable time frame once requested by their supervisor, or they fail to communicate their status and/or intent to return to work to their supervisor.

3-5. Advanced Sick Leave: A Technician may request advanced sick leave for a medical emergency, adoption of a child, family care or bereavement purposes, or to care for a family member with a serious medical condition.

a. Advanced sick leave is requested on a HRO Form 208, approved by the Supervisor, Directorate/Group Commander and forwarded to HRO for final approval. Medical documents are required to support requests for advance sick leave.

b. All available/accumulated leave must be exhausted before advanced sick leave can be used.

c. Technicians may not request or advance more than 240 hours of sick leave in a leave year. Probationary Technicians may not request or advance more than 104 hours during their first year of employment.

d. Advanced leave may be substituted retroactively for any period of leave without pay used due to an unforeseen medical emergency or circumstance.

e. Technicians pending separation (i.e. temporary appointments or whose retirement is pending), may not request or advance an amount of leave that would exceed the amount that could be repaid before their separation.

f. If a Technician is indebted for advanced sick leave, and then separates from the agency, they will be required to repay the debt to the agency. If a Technician separates due to death or disability they will not have to repay the debt.

Chapter 4 – Donated Leave

4-1. Purpose: The Donated Leave Program permits Federal Technicians to donate annual leave for the use of other Federal Technicians in personal or family medical emergencies.

4-2. Eligibility: All Technicians are eligible to be a recipient and/or a donor.

4-3. Donated Leave for a Medical Emergency:

a. **Recipient:** A Technician who has been affected by a personal or family medical emergency may apply for donated leave on an OPM 630 through their immediate supervisor, to HRO for final approval. Medical documentation is required to support requests for donated leave.

(1) A donated leave request may be denied if the Technician has 480 hours or more of accrued leave available for use.

(2) The recipient may only use donated leave when their available paid leave has been exhausted.

b. Donated leave may be substituted retroactively for any period of leave without pay used due to an unforeseen medical emergency or circumstance.

c. The leave recipient will accrue up to forty (40) hours of sick leave, and forty (40) hours of annual leave maximum while using donated leave. This leave will be placed in a Set Aside Account and cannot be used until recipient's need for donated leave has ended.

d. **Donor:** A Technician who wishes to donate their annual leave to the recipient, will submit a voluntary written request on an OPM 630A (inner agency) or OPM 630B (outside agency) to HRO.

(1) A leave donor may only donate annual leave to the recipient.

(2) A Technician may donate annual leave to any other Federal Technician, except for their immediate supervisor.

(3) Supervisor's will not intimidate, threaten, or coerce any Technician into donating their annual leave.

(4) Technician may not donate more than one-half of the annual leave they would accrue during the leave year in which the donation is being made.

e. Medical emergencies or donated leave shall terminate when:

(1) The leave recipient terminates Federal service, or

(2) The leave recipient or person acting on their behalf notifies the agency that the medical emergency has ended. (The recipient must notify the agency within 30 days after the medical emergency has ended), or

(3) The agency or supervisor determines, with supporting medical documentation, that a medical emergency no longer exists.

(4) Once the medical emergency has terminated, the amount of unused leave will be restored back to each donor on a prorated basis.

4-3. Donations for a Combat-Related Disability: A Technician, who has sustained a combat related disability and is undergoing medical treatment for that disability, may receive donated leave.

a. The Technician does not have to exhaust their own available paid leave before they can receive or use donated leave.

b. The recipient will continue to accrue leave to regular leave accounts, a Set Aside Account will not be necessary.

c. The recipient may receive donated leave for up to 5 years from the start of the treatment, as long as the medical treatment continues. The same application and donation procedures apply as with donated leave for a medical emergency.

4-4. Donated leave for an Emergency or Major Disaster: In the event of a major disaster or emergency as declared by the President (e.g. flood, earthquake, hurricane, terrorist attack) that severely affects a large number of Federal Technicians, the President may direct OPM to establish an emergency donated leave program.

a. A Technician does not have to exhaust their own available paid leave before they can receive or use donated leave.

b. The Technician will continue to accrue leave to regular leave accounts, a Set Aside Account will not be necessary.

c. If agencies do not have sufficient donated leave, OPM will coordinate a Government wide transfer of donated leave to each affected agency.

d. The same application and donation procedures apply as with the leave sharing for a medical emergency.

Chapter 5 - Family Medical Leave Act of 1993 (FMLA)

5-1. Purpose: The Family Medical Leave Act was signed into law in 1993 to balance the needs of employers and Technicians in circumstances when a Technician must take extended medical leave for a serious medical condition, including pregnancy, or to care for a family member. The purpose of the law is to protect Technician jobs in these circumstances.

5-2. Eligibility: All permanent, indefinite, and temporary Technicians who have met the following criteria are eligible for FMLA:

a. Must have completed at least 12 months of civilian service with the Federal Government (not required to be recent or consecutive months); and must have worked at least 1250 hours over the previous 12 months before the event occurs.

b. If there is a break in service of more than 7 years, civilian service will not apply unless:

(1) The break was due to National Guard or Reserve military service, or

(2) There is a written agreement of the employer's intention to rehire the Technician after the break in service.

5-3. Under FMLA, Federal Technicians are entitled to use up to 12 administrative work weeks of unpaid or paid leave, during any 12 month period. Intermittent use of FMLA during the 12 month period is authorized, not to exceed 12 administrative work weeks.

a. A Technician must apply for FMLA in the event of: (1) the birth of a child, and care of the newborn (within one year of birth), (2) Placement of a son or daughter for adoption or foster care (within one year of placement), (3) Care of a spouse, child, or parent with a serious health condition, (4) A serious health condition that renders the Technician unable to perform the essential functions of their position.

(1) A serious health condition is defined as an illness, injury, impairment, physical or mental condition or treatment for substance abuse that involves:

i. Inpatient care, an overnight stay in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care

ii. Continuing treatment by a health care provider that would result in an incapacity of three or more consecutive, full calendar days, if not treated.

5-4. FMLA Responsibilities

a. **Technician Responsibility:**

(1) A Technician must give the employer at least 30 days advance notice of the need to take FMLA leave when he or she knows about the need for the leave in advance and it is possible and practical to do so. They must contact HRO to begin the application process.

(2) In medical emergencies, a Technician must apply for FMLA within two working days following the event. If the two working day suspense is not met, the Technician cannot request FMLA to be retroactively back dated to the beginning of the event, unless significant justification is provided regarding delay.

(3) The Technician will provide the completed Certification of Health Care Provider, Form WH-380-E (Technician) or Form WH-380-F (Family Member) to HRO within 15 calendar days of receipt from HRO.

i. With significant justification provided, an extension may be granted for an additional 15 calendar days, not to exceed 30 calendar days. (If the Technician is incapacitated, they may designate a representative to provide documentation to HRO).

(4) Upon FMLA approval, the Technician must follow the sick leave request procedures IAW the OPM 71.

b. **Supervisor Responsibility:**

(1) The supervisor is responsible to track the FMLA 12 week and/or 12 month expiration period, whichever comes first.

(2) The FMLA 12 month period will begin the date the Technician first takes FMLA leave and continues for 12 months. The supervisor should notify the HRO Services Branch for guidance when the 12 week and/or 12 month FMLA expiration period is near.

(3) The supervisor is responsible to establish leave request procedures and approve any paid leave used in conjunction with FMLA.

(4) The supervisor may require the Technician to reschedule any medical appointments due to mission requirements.

c. **HRO Responsibility:**

(1) Upon receipt of the Technician's request for FMLA, HRO will arrange a meeting within 5 calendar days with the Technician to complete an FMLA application.

(2) HRO will complete the Notice of Eligibility and Rights & Responsibilities, Form WH-381, and will also provide the applicable Certification of Health Care Provider to the Technician WH-380-E/F.

(3) Once HRO receives the completed Certification of Health Care Provider, HRO will meet with and provide the Designation Notice, WH-382 to the Technician and supervisor within 5 calendar days from receipt.

5-5. FMLA Rights

a. **Health Care Provider Certification and Recertification:**

(1) A new Certification of Health Care Provider, WH-380-E/F must be complete for each medical condition that may occur during the 12 week and/or 12 month period.

(2) The agency or supervisor may request or require a second opinion from a health care provider, at the agency's expense, if the validity of the original certification is questionable.

(3) A third opinion may be requested, at the agency's expense, if the second opinion differs from original certification.

(4) The agency or supervisor may request periodic recertification, but no more than every 30 calendar days. Recertification requests must be received within 15 calendar days from request. A 15 calendar day extension may be granted with significant justification, not to exceed 30 calendar days.

(5) If the certification indicates that the Technician may need leave beyond a single year, the agency or supervisor can require a certification annually at the Technician's expense.

(6) If certification or recertification is not provided by the Technician within the time frame requested, and the Technician has not provided a good faith effort, then FMLA can be denied.

b. **Fit for Duty:** A Technician is required to provide medical documentation upon returning to duty, to verify that they are fit to perform their normal duties and responsibilities IAW with their established position description.

c. Continued employment: Upon completion of FMLA a Technician must be restored to the same position; or equivalent position with equivalent benefits, pay, status, and other Terms and Conditions of employment.

d. **Grievance:** A Technician may file a grievance if they feel that the agency has not complied with FMLA rights and requirements. (For further information regarding the grievance process, contact HRO, Labor Relations).

e. **Performance and Behavior:** A Technician's request for FMLA does not prevent the supervisor or agency from taking appropriate adverse or performance based actions if necessary.

5-6. Paid leave and FMLA

a. There are 5 types of leave status authorized for use while on FMLA; Annual leave, Sick leave, Donated leave, Advanced leave, Compensatory Time and Leave Without Pay.

b. The agency does not require a Technician to use accrued leave while on FMLA.

c. A supervisor may not deny a Technician's right to use their leave in conjunction with FMLA.

d. For tracking purposes, "FMLA" must be annotated in the remarks section on the Technician's time card.

5-7. FMLA Military Family Leave: Technicians, who are family members of a service member with a serious illness or injury incurred in the line of duty, and are providing care for that service member, are entitled to up to 26 weeks of FMLA during a single 12 month period, to care for the service member. All other procedures and rules listed in the FMLA guidance above, still apply under the FMLA Military Family Leave entitlement.

5-8. Exigency Leave: Technicians who have a family member that has been notified of an impending call or order to active duty for a contingency operation are eligible to take 12 weeks of FMLA in a 12 month period.

a. Qualifying events:

(1) Short notice deployment of less than 7 days
(2) Military events and related activities
(3) Child care and school activities
(4) Care of the military member's parent who is incapable of self-care
(5) Financial and legal arrangements
(6) Counseling (non-medical) for the Technician, covered military member, or child of the covered military member
(7) Rest and recuperation of up to 15 days each time the covered military member is given short term, temporary rest and recuperation leave.
(8) Post deployment activities of 90 days following termination of the military member's active duty.
(9) Additional activities where the employer and Technician agree to the leave, timing, and duration.

Chapter 6 – Military Leave

6-1. Purpose: Military leave entitles a Technician to use accrued military leave, for active or inactive duty training in the National Guard. Military leave can be used for contingency operations, annual training, RUTAs, SUTAs, AFTPs, and active duty for special work or tours.

6-2. Eligibility: All permanent and indefinite Technicians receive military leave. Temporary Technicians are eligible to receive and use military leave after being employed for one consecutive year.

6-3. Military Leave Accrual: A technician will be credited with 120 hours of military leave the beginning of each fiscal year, 1 October. The maximum allowable carryover from one fiscal year to the next is 240 hours.

6-4. Military Leave Usage:

a. Military leave is chargeable in increments of one hour. Hourly increments are only chargeable during scheduled work hours or the normal Technician duty day.

b. Military leave is authorized to travel to and from UTA's, during the normal Technician duty day.

c. Military leave is not authorized for use while performing State Active Duty.

d. Military leave is not authorized for Technicians currently serving on:

(1) A Title 32 Full-time National Guard Duty as an Active Guard Reserve (AGR) Member.

(2) A One Time Occasional Tour.

(3) An Active Duty Operational Support (ADOS) tour for a period of 180 consecutive days or more.

6-5. 44 Days of Military Leave: In addition to the military leave available above, 44 additional work days (352 hours) are available per calendar year for active duty to be performed outside of the United States, its territories or possessions.

a. Technicians must be in a Title 10 status and non-pay military status to be eligible for this entitlement.

b. While on 44 days of Military Leave, the Technician continues to receive their Technician pay and benefits, and will not receive military pay except on weekends and holidays.

6-6. 22 days of Law Enforcement Leave: Permanent and Indefinite Technicians are entitled to 22 workdays per calendar year for emergency duty as ordered by the President, the Secretary of Defense or a State Governor.

a. This leave may be used only for law enforcement, protection of life and property and contingency operations.

b. To use this leave, Technicians must be on State Active Duty orders or Title 10 Military orders.

c. This leave is not used for "double dipping" purposes. After the duty is complete and pay is received from both agencies; the Technician will be required to repay the lesser of the two payments to DFAS.

Chapter 7 - Leave Without Pay for Personal Reasons (LWOP)

7-1. Purpose: LWOP is a temporary non-pay status when absent from Technician duty for personal reasons. This status is not used for the purpose of being absent for military duty.

7-2. Eligibility: All Technicians may be eligible for leave without pay.

7-3. Granting LWOP: The authorization of LWOP is at the discretion of the supervisor or Directorate/Group Commander, HRO, and the Adjutant General.

a. LWOP is considered an approved leave, and may be approved at the discretion of the supervisor only when the absence is not expected to last more than 80 hours.

b. If LWOP is expected to last more than 80 hours, the Technician must complete a LWOP request on an HRO Form 214, approved by the supervisor, Directorate/Group Commander and final approval from HRO.

c. A supervisor cannot place a Technician on LWOP without their consent, unless the Technician does not have sufficient accrued leave to cover an absence or is considered to be absent without leave (AWOL).

d. A Technician cannot demand they be granted LWOP as a matter of right, with the exception of the following:

(1) To cover a disabled Veteran's absence for medical treatment.

(2) To cover the absence under the provisions of The Family and Medical Leave Act.

Chapter 8 - Absence Without Leave (AWOL)

8-1. Purpose: An absence from duty, tardiness, or leaving the work area which was not authorized or approved by the supervisor, or for which a leave request has been denied.

8-2. All Technicians are subject to the provisions of AWOL.

8-3. AWOL can be reversed to a proper leave status, with significant justification provided to the supervisor.

8-4. Incidents of unauthorized absences may require disciplinary action IAW TPR 752 (For further information regarding the TPR 752, contact HRO, Labor Relations).

Chapter 9 – Disabled Veterans Leave

9-1. Purpose: To provide a one-time benefit of a 104 hours of leave during a 12-month period to any Technician **hired on or after November 5, 2016**, who has a service-connected disability. The Wounded Warriors Act established the effective date of implementation one year after passage of the Act, which is November 5, 2016.

9-2. Eligibility: Technicians must have been hired on or after November 5, 2016, and have a service-connected disability rating of 30 percent or more.

9-3. Granting Disabled Veterans Leave:

a. The Technician must provide documentation to HRO stating that they have a service connected disability rating of 30 percent or more.

b. Can only be used when undergoing medical treatment for a qualifying service-connected disability, which was incurred or aggravated in the line of active duty.

c. Once HRO has determined that the employee qualifies or is eligible for Disabled Veterans Leave, they will notify Finance for processing.

Chapter 10 - Administrative or Excused Leave

10-1. Purpose: To provide an administratively authorized absence from duty without charge to leave. Administrative or excused leave is not a Technician right, and can only be authorized by the President, The Adjutant General or the Human Resource Officer.

10-2. Eligibility: All Technicians are eligible for Administrative or Excused Leave.

10-3. Authorized absences:

a. **Academic Courses (military and civilian):** Technicians may be allowed to attend or study for academic courses (military or civilian), without charge to leave. The course should be directly related to the Technician's position. This would include military correspondence courses necessary for advancement in their military position.

(1) Administrative leave for academic courses must be requested by the Technician on a HRO Form 204, and approved by the supervisor, Directorate/Group Commander, and HRO for final approval.

(2) Technicians will not be authorized more than four (4) hours of leave per week to study for or attend academic courses.

(3) Government equipment may be used to complete course work. Additional equipment or software may not be purchased, nor will equipment be altered for reasons of accommodating course work.

b. **Blood and Plasma Donation:** Technicians are encouraged to serve as blood donors.

(1) Administrative leave for blood and plasma donation must be requested by the Technician on a HRO Form 204, and approved by the supervisor, Directorate/Group Commander, and HRO for final approval.

(2) A Technician cannot accept payment for blood or plasma donations if in an administrative leave status.

(3) Technicians will be excused from work without charge to leave for the time necessary to donate blood, recuperation following blood donation, and the necessary travel time to and from the donation site

(4) The maximum excused time will not exceed 4 hours on the date of the blood donation.

c. **Bone Marrow or Organ Donation:** A Technician is entitled to seven (7) days of paid leave each calendar year, to serve as a bone marrow donor, and thirty (30) days each calendar year to serve as an organ donor.

(1) Administrative leave for bone marrow or organ donation must be requested by the Technician on a HRO Form 204, and approved by the supervisor, Directorate/Group Commander, and HRO for final approval.

d. **Tardiness and Brief Absence:** Otherwise known as the 59 minute rule. Brief absences from duty of less than an hour may be excused when reasons are justifiable to the supervisor. When not justifiable, the absence must be made up or charged to appropriate leave.

(1) Brief absence may be used for personal grooming need to maintain military standards (i.e. haircut)

e. **Conference/Convention Attendance for Professional Organizations:** Technicians attending a conference or convention as part of a professional organization (i.e. NGAUS or ACT), may be authorized administrative leave if it has been determined that such attendance would be in the best interest of the Wyoming Military Department.

(1) When attending a conference or convention that is scheduled for only one (1) day, during normal duty hours, and is located in the local commuting area (i.e. professional luncheon), will not require approval on an HRO Form 204. This absence may be approved at the discretion of the supervisor.

(2) Conferences or conventions that are scheduled for more than one (1) day, must be requested by a Technician on an HRO Form 204, and approved by the supervisor, Directorate/Group Commander, and HRO for final approval.

(3) Administrative leave will not be granted to attend National Guard Association Conferences unless the Technician is an official delegate or an official of the organization.

f. **Community Service Leave:** may be used when supporting civil activities and community events that are in compliance with the Joint Ethics Regulation (JER).

(1) Community Service Leave must be requested by a Technician on a HRO Form 204, and approved by the supervisor, Directorate/Group Commander and HRO for final approval.

(2) A Technician may be approved for up to 27 hours of leave per calendar year.

(3) Community Service Leave does not need to be taken consecutively. A Technician may be excused for short periods at a time.

(4) Volunteer activities which may be considered for community service leave are those:

i. Directly related to the agency's mission and/or support the Wyoming Military Department's Strategic Plan.

ii. Will clearly enhance the professional development or skills of the Technician in their current position.

iii. Will support the broad community.

(5) Before granting community service leave, it will be determined that such participation is in the best interest of the Federal Government.

(6) While performing community service, a Technician is required to identify that they are employed with the WY Military Department by wearing a name tag, pin, or military uniform.

g. **Court Leave:** Court leave entitles a Technician to time off at full pay without charge to leave for service as a juror or witness.

(1) Court leave must be requested by the Technician on a HRO Form 204, and approved by the supervisor, Directorate/Group Commander, and HRO for final approval.

(2) A copy of orders, subpoenas, summons, or official request to appear in court will be presented to the supervisor as far in advance of the court date as possible.

(3) Upon return to duty, the Technician will submit evidence from the court reflecting dates of attendance in court.

(4) A Technician should be granted court leave for the entire period of court service, regardless of the number of hours per day or days per week served during the period.

(5) Supervisors may require the Technician to return to duty or be charged leave if court is excused for one day or a substantial part of the day. The Technician may not be required to return to duty if it will create a hardship.

(6) Court Fees

i. When in a court leave status, Technician must return fees collected to the court official or forward to their payroll office.

ii. The Technician is permitted to keep travel and per diem allowance for each day's attendance in court.

iii. Failure to forward fees collected will result in a charge to leave for the days covered by the fee payment.

iv. The Technician may keep any fees earned on non-work days.

h. **Emergencies, Disaster, or Inclement Weather:** In adverse weather conditions or other emergency situations which will prevent Technicians from performing normal duties or jeopardizes their safety.

(1) The decision to release Technicians or close facilities in the Cheyenne area is made by the Governor's office. When release is during duty hours, the Human Resources Office will officially notify department heads, who will, in turn, notify their staff.

(2) When closure occurs during non-duty hours, Technicians will follow directions announced for the State of Wyoming offices. Information is provided through local radio or TV stations, by calling 307-777-5900, or visit www.wyoming.gov.

(3) The decision to release Technicians or close facilities outside the Cheyenne area will be made by the full-time Officer-in-Charge (OIC) or Non-Commissioned Officer-in-Charge (NCOIC). When closure occurs during non-duty hours, notification to Technicians will be done according to established local procedures. The local OIC or NCOIC must notify the Human Resource Officer of the facility closure.

(4) Based on the event, a Technician may be required to report for duty regardless of announcements and will be notified. The authority for notification will be determined based on the event and mission requirements.

(5) Technicians needed for emergency operations will be contacted individually.

(6) Dismissal During Working Hours:

i. If an individual was on duty and was excused, there is no charge to leave for the remaining hours of work shift following excusal.

ii. If an individual departed after official word was received but before the time was set for dismissal, then leave is charged from the time the Technician left until the time set for dismissal.

iii. If an individual was absent on approved leave for a partial work shift and dismissal is given before the Technician can report, leave is charged until the time set for dismissal.

iv. If an individual was absent on approved leave for the entire work shift, the entire absence is charged to appropriate leave (annual, sick, comp time, or LWOP as applicable).

(7) If the WY Military Department is NOT closed due to inclement weather, and a Technician living outside of the local commuting area is experiencing adverse weather conditions in their local area, and are unable to travel to work, they must use their own personal.

i. **Employee Assistance Program (EAP):** A technician is entitled to administrative leave for the time required to participate in initial counseling and assessment for EAP.

(1) Administrative leave for EAP must be requested by the Technician on a HRO Form 204, and approved by the supervisor, Directorate/Group Commander, and HRO for final approval.

(2) Administrative leave for EAP will not exceed 9 hours for each request.

(3) If the technician is referred for further treatment or assistance they must be in an appropriate form of leave status.

j. **Employee Interviews:** A Technician may be excused for a job interview when competition is for a position within any state in the National Guard, or if the individual is under notice of separation or change to lower grade for any reason except for personal cause. Administrative leave for interviews will not exceed 4 hours for each request.

(1) Administrative leave for interviews must be requested by the Technician on a HRO Form 204, and approved by the supervisor, Directorate/Group Commander, and HRO for final approval.

(2) For all other employment interviews, Technicians must be in an appropriate form of leave status.

(3) Administrative leave is not authorized to develop or deliver a job application to any HRO other than the local HRO.

k. **Enforced Leave:** 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.

(2) The Technician's continued presence is highly undesirable because the Technician presents an immediate threat to his/herself, others, or Government property.

i. The Technician must never be instructed to leave the worksite if his/her ability to drive is questionable. The Supervisor must arrange for a family member or law enforcement to provide transportation.

(3) In cases where a Technician is pending an adverse action and it has been determined the Technician's presence may result in a potential disruption to the organization, administrative leave may be granted. This administrative leave may not extend beyond the original decision stage of any adverse action proceeding.

(4) Enforced leave must be terminated as soon as management determines that the Technician is ready, willing, and able to perform assigned duties, or the immediate emergency is resolved.

l. **Funeral Honor Detail:** A Technician is authorized administrative leave to administer, plan, train, and prepare funeral honor details and for the performance of funeral honors.

(1) Administrative leave for funeral honor detail must be requested by the Technician on a HRO Form 204, and approved by the supervisor, Directorate/Group Commander, and HRO for final approval.

(2) A Technician may not receive any monetary benefit when using a Administrative leave for funeral honor detail, but will receive retirement points if in a funeral honors duty status for a period of at least 2 hours.

m. **Permanent or Temporary Change of Station (P/TCS):** A Technician may be excused for no more than 10 consecutive calendar days to make personal arrangements and transfer personal business directly to a T/PCS.

n. **Physical or Dental Examinations:** A Technician is authorized administrate leave for periodic, baseline, or annual physical or Dental examinations when:

(1) Examination is required as a condition of Technician employment in the National Guard.

(2) Examination is required by the Military Commander, HRO, or Safety

(3) Examination is required to maintain military membership and is scheduled during regular Technician duty hours.

(4) Administrative leave for physical or dental examination must be requested by the Technician on a HRO Form 204, and approved by the supervisor, Directorate/Group Commander and HRO for final approval.

o. **Presidential Leave:** Technicians returning from active military duty for the Global War on Terrorism are authorized 5 days of administrative leave for rest and relaxation.

(1) A Technician must use their five (5) days of Presidential Leave consecutively and prior to the actual resumption of their Technician duties.

(2) A Technician cannot be on military orders when using Presidential Leave.

(3) Technicians are entitled to Presidential Leave as long as the deployment was for at least forty two (42) consecutive days. Presidential Leave can only be used once in a twelve (12) month period.

p. **Representing Labor Organizations**: Refer to the appropriate labor-management contract agreement.

q. **Voting:** Technicians may be authorized administrative leave to vote in Federal, State, County, or Municipal elections. HRO will notify the workforce when authorized, and the number of hour(s) allowed to be absent for voting.

r. **Witness Status:** When a Technician is assigned by the WY Military Department to testify in an official capacity, or to produce official records, they will be authorized administrative leave.

(1) Administrative leave for witness status must be requested by the Technician on a HRO Form 204, and approved by the supervisor, Directorate/Group Commander, and HRO for final approval.

s. **Military Line of duty Injury**: Administrative leave may be granted to a Technician who has been injured in the Line of Duty, and is expected to take time off during the normal Technician duty day to recover from or receive medical care for the injury.

(1) Leave will only be authorized if the injury is determined to be in the line of duty, and the Technician is pending placement into a military status for medical reasons (ie: incapacitation pay or military orders).

(2) Authorized leave will not exceed more than 80 hours.

(3) Leave may be reversed on Technician timecards depending on eligibility to be placed in a military status.

Chapter 11 - Workers' Compensation Continuation of Pay (COP)

11-1. Purpose: Continuation of Pay is a type of leave used when a Technician sustains a traumatic job-related injury and files a Workers' Compensation claim. COP is provided to eliminate any interruption of a Technician's income as the result of a traumatic injury.

11-2. Eligibility: All permanent, indefinite, and temporary Technicians sustaining a traumatic injury.

a. When a Technician sustains a traumatic job-related injury and files a Federal Workers' Compensation claim, the employing agency is required to continue the Technician's pay for the period of disability, not to exceed 45 calendar days.

b. Technicians claiming an occupational disease are not eligible for COP.

(1) Once COP begins, the 45 calendar days do not have to be used consecutively.

(2) COP is charged in one-day increments even when the absence from work (due to the injury) is less than 9 hours.

(3) COP begins the day following the date of injury when there is immediate time loss. The date of injury is not charged to COP.

(4) A leave correction must be submitted if the Technician has used COP and their claim is denied. The Technician may use sick leave, annual leave, leave without pay, etc., to replace the time charged to COP.

Chapter 12 - Compensatory Time

12-1. Purpose: A Technician will be granted compensatory time for working extra hours instead of receiving overtime pay.

12-2. Eligibility: All permanent, indefinite, and temporary Technicians

a. General Compensatory Time

(1) Authorization for compensatory time should be obtained in advance on an NGB Form 46-14. In unforeseen or mission essential situations, the 46-14 should generally be accomplished within 5 working days following the effective date in which the compensatory time was earned, if possible to do so.

(2) A compensatory request requires 2 levels of approval, the 1st and 2nd line supervisor.

(3) Compensatory time must be taken within 26 pay periods from the pay period in which it was earned. Compensatory time not used within 26 pay periods will be forfeited.

(4) Compensatory time should be taken before annual leave except where annual leave would be lost.

(5) Technicians are not entitled to receive a lump sum payment for accumulated compensatory time upon separation from Federal employment. Compensatory time is forfeited upon separation.

(6) Compensatory time will be granted only on an hour for hour basis, with one exception:

i. Work which was not previously scheduled, and where the Technician is required to return to their place of employment is allowed to claim a minimum of 2 hours of compensatory time. This applies to periods of work performed which is less than 2 hours in duration.

(7) A supervisor has the authority to require a Technician to work outside of their normal duty hours. Required compensatory time must be requested on a NGB 46-14 and approved by the 2nd line supervisor in advance, except in unforeseen Circumstances for mission accomplishment.

(8) Time spent in a training status during regular working hours shall be considered hours of work. If your training hours exceed more than 80 duty hours per pay period, you are authorized to claim compensatory time for the time spent working outside of your regular duty hours.

b. **Compensatory Time for Travel**

(1) Authorization for travel compensatory time should be obtained in advance on an NGB Form 46-14. In unforeseen or mission essential situations, the 46-14 should generally be accomplished within 5 working days following the effective date in which the compensatory time was earned, if possible to do so.

(2) A travel compensatory request requires 2 levels of approval, the 1st and 2nd line supervisor.

(3) Compensatory time off for travel is earned by an Technician for time spent in a travel status away from the Technician's official duty station when such time is not otherwise compensable.

(4) It is the supervisor's discretion to determine the allowable amount of compensatory time to be claimed for hours spent in a travel status. However, an extended waiting period which the Technician is free to rest, sleep, or otherwise use the time for their own purposes is not considered time in a travel status.

i. Travel status includes the time actually spent traveling between the official duty station and a temporary duty station, or between two temporary duty stations.

(5) Travel compensatory time must be taken within 26 pay periods from the pay period in which it was earned. Travel compensatory time not used within 26 pay periods will be forfeited.

(6) Travel compensatory time may be used while performing service with the uniformed services.

Chapter 13 - Standby or On Call

13-1. Standby

a. A Technician will be considered on duty and time spent on standby duty status shall be considered hours of work if:

(1) The Technician is restricted to an agency's premises, or so close thereto that the Technician cannot use the time effectively for their own purposes; or

(2) The Technician, although not restricted to the agency's premises is restricted to their living quarters or designated post of duty.

(3) Has their activities substantially limited; and

(4) Is required to remain in a state of readiness to perform work.

b. Supervisors are responsible for determining the need for Standby duty status.

c. When a Technician is placed in a stand by status, the supervisor must provide proper Information pertaining to the restrictions and permitted activities.

d. The Technician must adhere to the restrictions, and remain in a state of constant readiness to perform during the standby duty period.

e. Standby duty imposes significant restrictions on the Technician, and provides for compensatory time for the period spent on standby outside the regular working hours.

f. It is the supervisor's discretion to determine the allowable amount of compensatory time to be claimed while in a standby duty status. However, a time period which the Technician is free to rest or sleep should not be claimed as compensatory time.

13-2. On-call

a. A Technician will be considered off duty and time spent on an on-call duty status shall not be considered hours of work if:

(1) The Technician is allowed to leave a telephone number or to carry an electronic device for the purpose of being contacted, and

(2) The Technician is not restricted to the agency's premises, their living quarters or designated post of duty, but must remain within a reasonable call-back radius, or

(3) The Technician is allowed to make such arrangements that any work which may arise during the on-call period will be performed by another person.

(4) The Technician must retain the ability to perform work while in an on-call duty status.

(5) On call status requires lesser restrictions on the Technician, and provides compensatory time only for the time when:

i. The Technician is required to return to their place of employment, and will be allowed to claim a minimum of 2 hours of compensatory time.

ii. A phone call is received that results in an action to be taken by the Technician.

(a) If the action takes less than 30 minutes to complete, then no more than 30 minutes of compensatory time may be claimed.

(b) If the action takes more than 30 minutes to complete, then 1 hour of compensatory time may be claimed.

Chapter 14 - Federal Holiday

13-1. Recognized holidays for Federal Technicians:

New Year's Day
Martin Luther King Day
Presidents Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Day

13-2. If a holiday falls on a non-workday, the holiday will be rescheduled on an alternate work day in lieu of the holiday.

13-3. Any technician required to work or travel on a declared Federal holiday or a day designated in lieu of holiday will be paid holiday pay.

a. Holiday pay requests must be submitted on an HRO Form 216, and approved by the supervisor, Directorate/Group Commander, and HRO for final approval.

b. Holiday pay is twice the amount of regular pay.

c. If a technician is required to work or travel on a holiday or a day designated in lieu of holiday, and the time is outside of their regular work hours, they may claim compensatory time on an hour-for-hour basis.

FOR THE ADJUTANT GENERAL:

FRANCISCO L. ROMERO
COL, JA, WYMD
Human Resources Officer

APPENDIX A - REFERENCES

Required Publication

Title 5, United States Code, Chapter 63 (Cited para 1-1)
Absence and Leave
Title 5, Code of Federal Regulations, Part 630 (Cited para 1-1, 10-2(c))
Absence and Leave Programs
Title 32, United States Code, Section 709
Technicians: Employment, Use, Status

Related Publications

A related publication is a source of additional information. The user does not have to read a related reference to understand this publication.
Public Law 93-181
14 December 1973
Executive Order 11478, April 20, 1967
Equal Employment Opportunity in the Federal Government
Executive Order 13223,
Five-Days Excused Absence for Returning Activated Military Employees
5 CFR 610, Subpart C
Administrative Dismissal of Daily, Hourly, and Piecework Employees
5 USC 6323
Military Leave
5 USC 6327
Absence in Connection with Serving as a Bone-Marrow or Organ Donor
10 USC 12315
Active Duty
10 USC 12301(b)
Active Duty
10 USC 12301(d)
Active Duty
5 USC 502(f)
Required drills and field exercises
DoD 1400.25-M
Civilian Personnel Manual
August 27, 2010 *TPR 630
AR 690-990-2
Hours of Duty, Pay, and Leave, Annotated
TPR 752
Voluntary and Non-Disciplinary Actions
29 U.S. CODE, CH 8
Fair Labor Standards

APPENDIX C - GLOSSARY

Abbreviations/Definitions
AFTP
Additional Flying Training Period
ADT
Active Duty for Training
AT
Annual Training
CFR
Code of Federal Regulations
DoD
Department of Defense
Exigency
A pressing or urgent situation
HRO
Human Resources Office(r)
LEL
Law Enforcement Leave
LWOP
Leave Without Pay
NGB
National Guard Bureau
OPM
Office of Personnel Management
PCS
Permanent Change of Station
RUTA
Rescheduled Unit Training Assembly
SUTA
Scheduled Unit Training Assembly
TAG
The Adjutant General
TPR
Technician Personnel Regulation