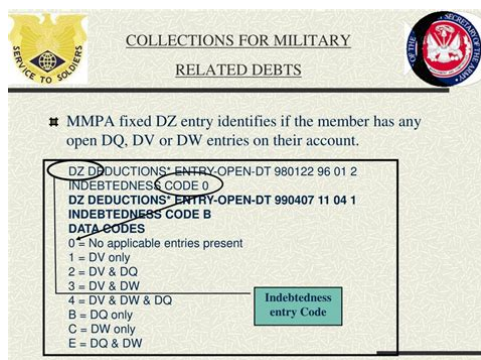


Dod Pay Manual Chapter 22



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Dod Pay Manual Chapter 22

Ultimately, each Federal agency is responsible for complying with the law and OPMs Governmentwide regulations and following OPMs policies and guidance to administer leave policies and programs for its own employees. As a result of the Supreme Court's decision, the United States Office of Personnel Management OPM will now be able to extend certain benefits to Federal employees and annuitants who have legally married a spouse of the same sex, regardless of the employee's or annuitant's state of residency. OPM is currently in the process of updating and revising the website to reflect this change, and will be updating this information as soon as possible. Please check back in the coming weeks for updates. The title 5 statutes regarding leave administration can be found in 5 U.S.C chapter 63, Leave. OPMs regulations on the establishment of work schedules can be found in 5 CFR part 630, Absence and Leave. The index is a valuable resource for researching major leave subjectmatter areas. Please contact your agency personnel office, library, legal office, or information technology office to obtain copies of the documents cited e.g., laws, regulations, Executive orders, opinions of the Comptroller General Comp. Gen. 1, etc.. Since each agency is responsible for Federal leave administration, it is imperative that you also consult your agencies internal policies and collective bargaining agreements, as applicable. Title II of the CPLM is available at the GAO website or may be ordered from the U.S. Government Printing Office at Superintendent of Documents US Government Printing Office 941 North Capitol Street Washington, DC 20402 www.bookstore.gpo.gov An employee on military leave under section 6323a receives his or her full civilian salary, as well as military pay. This leave accrues at the beginning of each fiscal year, and all Guard or Reserve members, including those on extended active duty, should be credited with 15 days of paid military leave on October 1 of each year. http://rbsten-tel.com/images/blog_images/carl-lewis-mt15-foldable-manual-treadmill.xml

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An agency now may charge military leave under 6323 a only for hours the employee otherwise would have worked. Employees using annual leave will receive their full civilian pay, as well as compensation for their military service. Under agency policies, managers and supervisors must use their judgment in administering the use of sick leave for family care or bereavement in a fair and equitable manner. It is not possible for OPM to regulate or specify the criteria for every situation that may arise. In addition, I must provide medical documentation for each unscheduled absence. Earlier this month I hurt my back, and my doctor certified that my condition qualifies as a chronic serious health condition under the Family and Medical Leave Act. My agency agreed to give me intermittent leave under the FMLA, but my supervisor says I must still follow the conditions of the letter of restriction. Is this legal? When the need for leave is not foreseeable, an employee must provide notice as soon as is practicable. In addition, an agency may require an employee on leave for a serious health condition to provide initial medical certification and recertification every 30 calendar days. If the health care provider has specified on the initial medical certification a minimum duration of the period of incapacity, the agency may not request recertification until that period has passed unless other conditions arise that permit the agency to require recertification more frequently. See 5 CFR 630.1207h2i. An agency's policies or procedures for notification of FMLA leave or medical certification may not be more stringent than required by OPMs regulations. If an employee who has been placed on leave restriction invokes his or her entitlement to FMLA leave, the

agency must follow OPMs rules for notification and medical certification of FMLA leave. He is requesting to be paid for his 15 days of military leave for the new fiscal year. <http://www.creationsbyurban.com/admin/photos/carl-lewis-motp12-manual.xml>

Is he entitled to this In addition, an employee who has been activated in support of the national emergency whose duty extends into the next calendar year will be entitled to up to an additional 22 days of military leave under 6323b. An agency may calculate the amount of military pay less any travel, transportation, or per diem allowances an employee will receive for the time period that corresponds to the 22 workdays of military leave and reduce the employees civilian pay by that amount during the 22 workdays of military leave. In contrast, many agencies choose to continue to pay the employee his or her full civilian pay during the 22 workdays of military leave. At the end of the 22 day period of military leave, the agency requires the employee to refund to the agency an amount equal to the amount of military pay received less any travel, transportation, or per diem allowances up to the amount of his or her civilian pay for the time period that corresponds to the 22 workdays of military leave. The effective date is the first day the employee begins to use leave without pay for duty with the uniformed services. Employees may use annual leave, military leave, compensatory time off for travel, or sick leave consistent with the statutory and regulatory criteria for using sick leave, intermittently with leave without pay while performing duty with the uniformed services. OPM does not require that agencies process return to duty actions for each period of paid leave. May I substitute any of my annual and sick leave for the unpaid leave An employee may elect to substitute paid leave e.g., annual or sick leave for the unpaid FMLA leave, but only to the extent such paid leave is permitted under current law and regulations. If an employee chooses to invoke his or her entitlement to FMLA leave to care for a healthy newborn, he or she may only substitute annual leave for the unpaid leave, as there is no authority to use sick leave to care for a healthy child.

An employees entitlement to FMLA leave expires on the first anniversary of the childs birth. Factors such as distance, availability of transportation, and the success of other employees in similar situations should be considered in determining the amount of excused absence to grant. Employees are responsible for notifying their supervisors of their situation. It is up to each supervisor to determine what is a reasonable amount of time to allow for excused absences for late arrival to ensure that the employees work requirements are fulfilled and that the agencys operations are conducted efficiently and effectively. However, agencies may, at their discretion and as circumstances dictate, grant a reasonable amount of excused absence to emergency employees who arrive late for work. The Comptroller General has held that the rendition of services to the Government in a civilian capacity by a member of the armed services on active duty is incompatible with the members actual or potential military duties and payment for such services is not authorized in the absence of specific statutory authority. This is the case even though the civilian services are rendered during the military members hours of relaxation or time provided to attend to personal affairs. See 64 Comp. Gen. 395, 399400 1985, and 47 Comp. Gen. 505506 1968. He is being activated to perform base security at Andrews AFB. Is he entitled to the additional 22 days of military leave Under the Federal leave transfer and leave bank programs, an employee who is experiencing a personal or family medical emergency and who has exhausted his or her available paid leave may request to become an approved leave recipient and receive donated annual leave.

<http://schlammatlas.de/en/node/23199>

Once the disability retirement application has been approved by the Office of Personnel Management, the leave recipient may no longer receive or use donated annual leave beyond the end of the pay period in which the agency receives the notice of allowance of disability retirement. Can I now have that sick leave recredited in light of OPMs new sick leave regulations, which remove the 3 year break in service limitation On December 2, 1994, OPM issued final regulations that removed

the 3year breakinservice limitation on the recredit of sick leave for former employees who are reemployed on or after December 2, 1994. Sick leave may not be recredited to employees who were reemployed in the Federal service before December 2, 1994, and who previously forfeited sick leave under the former rule. For individual changes, see the redlined versions of III22.7 and III22.9. Medically related disability includes the time during which an employee who is a birth mother is unable to work because of a medically related disability caused or contributed to by a pregnancyrelated condition. When this occurs, it is the responsibility of the employee 1 to notify the supervisor of the absence as soon as the employee knows it will not be possible to be at work on schedule, and 2 to return to work as soon as it is reasonably possible. Employees may not be paid for time not spent at work, except as provided for by policy specifically noted in III22. Such an arrangement is to make up the time missed within the work week in which the absence occurred. Normal procedure is to work out such an arrangement whenever feasible. This does not apply in the case of an employee who could have arrived at work with reasonable effort but who did not make such effort. Charging absences to vacation time is ordinarily not satisfactory. When provided advanced warning, employees are expected to anticipate difficulties and delays in transportation.

Upon evaluation of their individual circumstances, employees are expected to make reasonable judgments to avoid serious risks when traveling to and from work. Employees are encouraged to actively communicate with their supervisor or other proper authority regarding their timeliness and attendance during extreme weather conditions, in order to assure proper staffing. When delayed, employees may be expected to report to work as soon as they become available, unless otherwise excused by their supervisor, in order to meet operational needs. Supervisory staff are expected to utilize their discretion reasonably and humanely in relation to this policy. Absences due to severe weather conditions may be addressed in the following manner, as applicableA parttime employee will accrue the fractional proportion of the fulltime entitlement. Employees hired on a temporary, oncall, provisional, project, or emergency basis, as well as students hired through the Office of Student Financial Aid and students hired in positions reserved specifically for student employees, are not entitled to sick leave. A department will, when satisfied by evidence presented, grant the following amount of paid time off to be charged against and not to exceed the employees accrued sick leave forThe time during which the employee is unable to work because of a medically related disability caused or contributed to by a pregnancyrelated condition is treated as a medically related disability. Birth mothers are entitled to leave for any period of pregnancyrelated temporary disability, to be charged against accrued sick leave. Based on current medical practice, a leave of no more than six weeks would not require documentation of disability. If an employees accumulated sick leave is insufficient to cover the period of pregnancyrelated disability, the employee will, at the employees request, be granted a leave of absence to be charged to vacation time, compensatory time, or a leave of absence without pay.

Any authorized leave beyond the period of disability is considered as vacation or a leave of absence without pay. See also III22.8 Parental Leave. Family caregiving leave was established to assist the faculty or staff member with his or her familyrelated responsibilities. Family caregiving leave is in addition to vacation leave that can also be used for care and necessary attention of an ill or injured family member. The maximum usage per year of family caregiving leave includes the current calendar year allowance of up to five days of sick leave 40 hours of sick leave based on fulltime employment, prorated for parttime, as well as any unused allowance from the previous calendar year, up to 80 hours in total prorated for parttime for the care of and necessary attention to ill or injured members of the employees immediate family. Carryover of the unused allowance from the previous year applies to employees covered by a collective bargaining agreement only if the benefit has been negotiated and is contained in the agreement. Family caregiving leave is paid leave charged to accrued sick leave. Appropriate verification of the status of the ill or injured person may

be requested. In the event that the faculty or staff member does not have accrued sick leave, family caregiving leave is not available. However, the department or unit is encouraged to permit the faculty or staff member to use vacation or leave without pay to respond to family-related responsibilities. See also, Departments should work with prospective adoptive parents seeking to adopt through an adoption agency with specific requirements for parental leave, to the extent the adoption leave is not sufficient to undertake an adoption. See also III22.8 Parental Leave. No other absence may be charged against sick leave except as described in paragraphs 2a through 2f above.

The employing department may set the standards for satisfactory evidence which may include a doctor's statement or other applicable documentation. Where there is reason to believe the employee is abusing the sick leave privilege or may not be physically able to return to work, the department may also require a doctor's statement. Generally, an absence for routine medical and dental care should not exceed two hours. Except for instances in which the staff member is under the care of a physician, sick leave does not apply to an illness incurred during vacations or a paid holiday. If a staff member is under the care of a physician while on his or her paid vacation, the employee may use sick leave for those days upon presentation of satisfactory documentation of such care. Employees transferring employment within the University during a given month will transfer all leave accrued to date of the transfer. The employee has the responsibility of reporting and recording on the absence or departmental report form the reason for the absence and categorizing it properly. If the absence is due to an injury incurred while on duty, the procedure in III33 Accidents is followed. Consult III22.4 for leave to attend funerals of those other than the employee's immediate family. Such notification is made through the online transaction system and administrative channels as necessary to reach Payroll by the last day for which the staff member is paid sick leave or vacation benefits. Credit for Workers Compensation benefits will be used to purchase additional days of sick leave for the employee and the total amount of sick leave credit so realized will be exhausted on the staff member's behalf. The University Benefits office will compute the number of days of additional sick leave due to the employee and notify the department involved. The insurer determines whether any insurance benefits are paid and establishes the beginning date of the total disability for that purpose. Section III18.

3 contains specific information concerning the Long Term Disability program. The employee may return to this position immediately upon ability to perform the essential functions of the position. The University may fill the position on a permanent basis after the employee has exhausted sick leave and vacation except in the case of an employee with academic tenure, or an employee who is on a leave of absence pursuant to Workers Compensation, the ADA, the FMLA, or other approved leave. In addition, the employee may have the right to return to comparable employment pursuant to the FMLA, ADA, or Workers Compensation. However, an eligible employee may elect to convert sick leave to vacation for any month in which there has been no absence charged to sick leave. The election must be made on the Monthly Time Report. The exchange formula is to receive 4 hours of vacation time in lieu of the 12 hours monthly sick leave accrual. Employees may also make arrangements to automatically convert sick leave to vacation in every month possible. Once an election to transfer sick leave to vacation has been selected and processed through a monthly payroll cycle, the election for that month is irrevocable. Faculty and staff who do not accrue vacation are ineligible for this program. If the use of sick leave reduces an employee's sick leave account below 240 hours, the account must be built up to 240 hours before eligibility conversion is restored. If accrued sick leave is not available, the employee may take the days as vacation or as leave without pay. If accrued vacation is not available, the employee may take the days as leave without pay. If makeup time cannot be arranged in accordance with University policy, the employing department may agree to charge the lost time to vacation or treat the lost time as leave without pay. Each department is responsible for keeping a record of all absences.

Application for time off for voting should be made to the staff members supervisor prior to election day. The time to be taken off may be designated by the supervisor. Time off for voting may be granted only if the staff members working hours do not allow a threehour period outside of working hours during which the polls are open. To view the Department of Labor Employee Rights and Responsibilities Poster, see. For additional FMLA information, procedures, and best practices, see. ADLs include adaptive activities such as caring for selfgrooming and hygiene, bathing, dressing, and eating. IADLs include cooking, cleaning, shopping, using public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc. Regulations at 29 CFR 1630.2h, i, and j. The source of the adoption is not a factor. Serious health conditions include a period of incapacity or subsequent treatment in connection with the inpatient care or continuing treatment by a health provider. Other serious health conditions include incapacity and treatment, pregnancy and prenatal care, chronic condition, permanent or longterm conditions, or conditions requiring multiple treatments. The first treatment must be within 7 days of the first day of incapacity. Chiropractic treatment is limited to manual manipulation of the spine. Reduced leave is a scheduled reduction of a workday or workweek. FMLA information concerning rights and responsibilities are provided upon hire to all new employees within University and University of Iowa Health Care orientations. Mandatory Department of Labor FMLA Notice and supplementary information concerning Military Family Leave posters are displayed in the University Employment Services office and individual employing department Human Resource areas. Leave under FMLA may be paid, unpaid, or a combination of paid and unpaid leaves, depending on the circumstances of the leave and the employees eligibility for different leaves.

Employees may also use comp time to remain in paid status while in FMLA. Refer to for employee leave eligibility information. The employee must meet all of the following conditionsThe 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted toward the 12 months except for periods of employment prior to a 7year break in service. However, separate periods of employment are to be counted if the break in service exceeds 7 years due to eligible military service obligations. An employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on paid or unpaid leave during the week. Hours absent from work, whether paid vacation, sick, holiday, jury, administrative, etc. or unpaid, are not included in the 1,250 hours required for FMLA eligibility. Employees must work within 75 miles of the worksite where they report or are assigned work and this worksite must have a minimum of 50 University employees reporting to that worksite. The distance is to be calculated by using available transportation and the most direct route. The office location for employees who work from home is the office that assigns work. Care may include provision of treatment or psychological comfort. The employee is unable to perform the essential functions of the job with reasonable accommodation, and work absence is medically necessary. Service members include members of the National Guard, the Reserves, and certain retired members of the Regular Armed Forces and retired Reserve. Employees may take up to 12 weeks of leave for reasons related to or affected by the family members callup, impending callup, or service. The leave may commence as soon as the covered service member receives the callup notice. This type of leave is counted toward the employees 12week maximum of FMLA leave in a calendar year.

This leave may extend to up to 26 weeks in a single 12month period for an eligible employee to care for a spouse, son, daughter, parent, or next of kin covered service member. The 12month rolling period is measured forward. FMLA leave already taken in the calendar year for other FMLA events will be deducted from this 26week period. When two University employees are spouses as defined herein and each wishes to take leave to care for a covered injured or ill service member, the two employees may only take a combined total of 26 weeks of leave. Holidays are not charged to FMLA for leaves of less than one full week. During a calendar year leave may not exceed a total of 12 workweeks for continuous leaves. Intermittent leave may not exceed 480 hours for FTE

appointments or the corresponding amount according to percentage of appointment. The maximum leave available to care for an injured or ill service member in a rolling 12month period is 26 workweeks and the intermittent leave maximum of 1,040 hours for FTE appointments or the corresponding amount according to the percentage of appointment. The 26 weeks will include any leave taken for other nonmilitary FMLA qualifying events during a calendar year. Intermittent or reduced schedule for planned medical treatment or after the birth or placement of a child unrelated to an employee illness requires that employees make a reasonable effort not to disrupt work operations. Scheduling of these absences is to be arranged with the employer. An employee using FMLA retains employment rights during leave. The University requires employees to substitute accrued paid leave vacation, sick leave including family caregiving leave, or comp time as applicable for unpaid FMLA leave. The term "substitute" means that the paid leave provided by the University and accrued pursuant to established policies of the University will run concurrently with the unpaid FMLA leave.

Extenuating circumstances may warrant the faculty or staff member using unpaid FMLA leave when paid leave accruals are available. These exceptions shall be requested through the faculty or staff member's Senior Human Resources Director and Faculty and Staff Disability Services. An employee using a planned reduced schedule to take foreseeable intermittent FMLA leave may be temporarily transferred to an available alternative work assignment with equivalent pay and benefits if the alternative assignment can better accommodate an intermittent or reduced schedule. An employee may be transferred to a parttime job with the same rate of pay and benefits provided no more leave than is medically necessary is required. Equivalent duties are not necessary but duties cannot be assigned to discourage the employee from taking leave. The employee, when able to return to full schedule, will be returned to the same or equivalent job held prior to the leave, complying with other policy and bargaining contracts as applicable. The University will continue the employees health benefits during any period of paid and unpaid FMLA leave. The employee is to contact University Benefits to arrange for premium coverage of all other insurance benefits during unpaid leave. An employee not returning to work following FMLA leave will not be required to reimburse the University for health insurance premiums provided by the University during the leave. The employee must be able to perform the essential functions of the position with reasonable accommodations, as applicable. Certification from the employees treating health provider should be requested if the employers knowledge regarding the need for leave is unknown or unclear. Typically, a department Human Resources representative should inform the employee of the need for a health certification within five days of knowing about the need for leave.

The employee must provide the health certification within 15 days of the request or provide reasonable explanation for the delay. The expense of the certification is the responsibility of the employee. Failure to provide certification may result in denial of FMLA designation. Certification should be made using the Department of Labor DOL Certification of Health Care Provider for Employees Serious Health Condition; however, the University may accept other documentation if the necessary information required for leave is provided. The University Faculty and Staff Disability Services staff, or designee, may contact the employees health provider directly for verification or clarification purposes if leave communication deficiencies continue after the employee has been given 7 days to resolve such deficiencies, provided that the employee has authorized the University to contact the health provider. A second opinion may be requested by University Faculty and Staff Disability Services staff when there are reasons to question the documentation. The provider of the second opinion will be selected by University Faculty and Staff Disability Services and the employing department will provide payment for certification. FMLA may be refused if the selected provider cannot obtain the relevant medical records necessary to make the certification. A third opinion may be requested by University Faculty and Staff Disability Services when conflict exists between the first and second opinions. The provider will be mutually selected by University Faculty and Staff

Disability Services staff and the employee. The employing department will provide payment for the third opinion. This opinion will be considered final. Second or third opinions are not to be requested for covered service member leave. Certification from the family members treating health provider should be requested if the employers knowledge of the need for leave is unknown or unclear.

Typically, a department Human Resource representative should inform the employee of the need for a health certification within 5 days of knowing about need for leave. Certification should be made using the DOL Certification of Health Care Provider for Family Members Serious Health Condition; however, the University may accept other documentation if the necessary information required for leave is provided. The employee will be granted 7 days to resolve certification deficiencies.

Unresolved deficiencies may result in denial of FMLA coverage. The employee will be provisionally entitled to FMLA leave during the documentation request and review period. Certification should only be requested if knowledge of need for leave is unknown or unclear. The University may request copies of the active duty orders or other documentation issued by the military noting activeduty status or call to active duty. If further certification is sought, typically, a department Human Resource representative will inform the employee of the need for certification within 5 days of knowing about need for leave. The employee must provide the certification within 15 days of the request or provide reasonable explanation for the delay. Certification should be made using the DOL Certification of Qualifying Exigency for Military Family Leave; however, the University may accept other documentation if the necessary information required for leave is provided. The employee will be provisionally entitled to FMLA leave during the documentation request and review period. Certification from the service members treating health provider, i.e., U.S. Department of Defense, U.S. Department of Veterans Affairs, authorized provider in a DOD TRICARE network, or authorized private provider of a DOD TRICARE network, may be requested if knowledge of need for leave is unknown or unclear.

<http://www.bouwdata.net/evenement/9550sxu-4lp-manual>