

**Minerals Management Service  
Minerals Management Service Manual**

---

**Effective Date:**

**Series:** Administrative

**Part 370.630:** Attendance and Leave

**Chapter 9:** Military Leave

**Originating Office:** Personnel Division, Office of Administration and Budget

---

**1. Legal Basis.**

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

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

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

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

**2. Employees Eligible for Military Leave.** Permanent and temporary indefinite officers and employees who are members of the National Guard or reserve components of the Armed Forces must be granted military leave upon presentation of competent orders.

**3. Employees not Eligible for Military Leave.** Temporary, when actually employed, and part-time personnel are not entitled to military leave.

**4. Types of Military Duty not Covered.** Employees are not eligible for military leave unless the active duty is as a reservist or member of the National Guard.

## **5. Granting Military Leave.**

A. **Maximum Amount.** Military leave is limited to a maximum of 15 calendar days during each year, regardless of the number of training periods in the year, and whether taken intermittently, a day at a time, or all at one time.

B. **Computation.** Nonworkdays falling within a period of absence on military training duty are charged against the 15 days of military leave allowed during the year but not nonworkdays occurring at the beginning or end of the period.

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

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

E. **When Granted.** When a single period of training extends from 1 calendar year into the next year, an employee is limited to 15 calendar days for that training period. When an employee has been granted the maximum of 15 days allowed during the year and is ordered to a second period of training duty which extends into the next year, the employee may be granted military leave beginning on the first day of the new year. There is no requirement that the first 15 days of a longer period of active duty be considered as military leave. If circumstances in any particular case warrant, any other 15-day period during the longer active duty period may be designated as military leave.

## **6. Pay Status Requirement.**

A. **Pay Status Required.** Generally a pay status either immediately prior to the beginning of military duty or a return to a pay status immediately afterwards is a requisite to entitlement to military leave with pay since, otherwise, no civilian pay would have been lost. The test of whether an employee may be granted military leave should not be merely their leave or pay status immediately prior to or after military duty without regard to other facts. The test should be whether, but for the active duty, the employee would have been in a civilian pay status.

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

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

Military Leave Matrix

Pay Code	Days/Hrs/Frequency	To Be Used When On....	Not Allowed While On...	Impact on Civilian Pay/Leave	Footnotes
070	120 hours per fiscal year	-Active duty -Active duty training -Inactive duty training	Temporary appointment of 1 year or less	Receives normal pay except Sunday premium; accrues normal leave	a, b, g, h
072	176 hours per calendar year	Full time active duty (10 U.S.C. 331, 332, 333, and 12406 or 32 U.S.C. 502(f))	Temporary appointment of 1 year or less or on active duty under 10 U.S.C. 688, 12301(d), 12302, 12304, 12305 or 12306	Must repay agency lesser of military or civilian pay; accrues normal leave	a, b, g, l
074	Unlimited	Parade or encampment (39 D.C. Code)	Extended active duty for the current national emergency (9-11-2001)	Must repay agency lesser of military or civilian pay; accrues normal leave	b, g
060	44 days per calendar year	Full time active overseas non-combat duty without military pay (10 U.S.C. 12315 or 12301(b) or (d))	Active duty during war or national emergency declared by the President	Receives normal pay except Sunday premium; accrues normal leave	b, g, l
103	Unlimited	LWOP- U.S.; furlough; extended periods of full time active duty or training		Receives NO civilian pay or leave	c, d, e, f, g

Footnotes:

- a. Prorated number of hours given to part time, irregular schedules.
- b. Not charged on nonduty days or holidays.
- c. Charged on holidays.
- d. May use 120 paid hours of military leave per fiscal year without processing Return-to-Duty action; manually pay and adjust leave.
- e. May elect to receive lump sum for annual leave balance; manually pay and adjust leave.
- f. May elect to make deposit for Thrift for estimated civilian earnings during LWOP period.
- g. Supervisor/timekeeper should examine orders to determine eligibility.
- h. May carry over full year's accrual into the following year. Maximum 240 hours may be used in a fiscal year, minimum charge 1 hour. Unused hours over 120 forfeit at beginning of new fiscal year.
- i. No carryover of remaining unused entitlement from calendar year to calendar year.