



DEPARTMENT OF DEFENSE
OFFICE OF DEPENDENTS SCHOOLS
2461 EISENHOWER AVENUE
ALEXANDRIA, VIRGINIA 22331-1100

PERSONNEL DIVISION

DS REGULATION 5630.4
November- 6, 1987

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS .
ABSENCE AND LEAVE

- References:
- (a) 20 USC 901-907, Defense Department Overseas Teachers Pay and Personnel Practices Act
 - (b) DoD Directive 1400.13, Salaries and Personnel Practices Applicable to Teachers and Other Employees of the DoD Overseas Dependents' Schools System, July 8, 1976
 - (c) Chapter 630, Federal Personnel Manual, Absence and Leave

A. PURPOSE

This regulation establishes the policies and procedures for the administration of leave for Department of Defense Dependents Schools (DoDDS) personnel employed under the provisions of 20 USC 901-907.

B. APPLICABILITY AND SCOPE

This regulation applies to all employees, except substitutes, who are employed under the provisions of 20 USC 901-907 (Public Law 86-91, as amended).

C. POLICY

Absence and leave shall be administered in a uniform and equitable manner consistent with the needs of DoDDS and the welfare of students and employees. The authorization of leave is a matter of administrative discretion. While employees may request and use leave, the use of leave is subject to supervisory approval. The appropriate supervisor's approval should be requested prior to any absence.

D. RESPONSIBILITIES

1. The Director, DoDDS, is responsible for establishing - DoDDS-wide policies and procedures for leave administration.

DISTRIBUTION: X

DS REGULATION 5630.4

2. Regional directors are responsible for:

a. Ensuring that supervisors and managers within their regions are informed of the requirements of this regulation and the applicable provisions of law and other regulations concerning leave administration.

b. Ensuring that supervisors and managers properly execute their responsibilities with regard to leave administration.

c. Providing advice and guidance, as necessary, to supervisors and managers.

3. Managers and Supervisors are responsible for:

a. Ensuring that leave is properly administered-and absences are appropriately controlled and charged in accordance with applicable law and regulations.

b. Ensuring that employees know and follow the proper procedures for requesting and using leave.

c. Determining when, and to what extent, leave is approved.

d. Establishing procedures for implementing the provisions of this regulation within the school.

4. Employees are responsible for:

a. Planning for absences and requesting-leave sufficiently in advance to allow proper planning of work assignments and equitable decisions on the approval and scheduling of absences and leave. This will ensure that maximum consideration is afforded to such requests.

b. Reporting illnesses and the need for "absences due to emergencies to the immediate supervisor or the person designated by the supervisor as soon as possible, but not later than the normally scheduled reporting time. When circumstances surrounding illnesses or emergencies prevent employees from requesting and obtaining approval for leave before the normally scheduled reporting time, approval shall be requested from the immediate supervisor or the person designated by the" supervisor as quickly as possible in accordance with established school procedures.

EFFECTIVE DATE AND IMPLEMENTATION

This regulation is effective 60 days after signature. It supersedes any regional regulations on absence and leave in effect as of the implementation date. It may not be supplemented without the prior written approval of the Director, DoDDS.


John L. Stremple
Director

Enclosures

DEFINITIONS

- A. Absence Without Leave. An absence from duty without pay for which leave has not been approved.
- B. Accrued Leave. The amount of educator leave which will accrue to the employee's leave account during the current school year. Employees accrue educator leave at the rate of 1 day for each calendar month, or part thereof, of service in a school year. If a school year includes more than 8 months, an employee who serves the entire school year is entitled to a total of 10 days of cumulative leave for that school year. Employees hired "for the full school year are credited with 10 days leave at the beginning of the school year. Employees who are regularly employed on a part-time basis will earn leave in the amount proportionate to that amount of time the employee is regularly employed compared to full-time employment.
- C. Accumulated Leave. The amount of unused educator leave remaining to the employee's credit. There is no limit on the amount of accumulated leave which may remain to an employee's credit at the end of a pay period, school year, or leave year.
- D. Adoption, Absences for. An absence which may be approved immediately before or after the adoption of a child to accomplish official actions necessary to adopt a child and for acclimation of the adopted child in its new home. The supervisor may approve leave without pay or any purpose leave to either parent or to both in such circumstances.
- E. Advanced Leave. Up to 30 days of educator leave which may be approved by management for current use, when an employee has no accumulated leave. Such advances are subject to subsequent earnings of educator leave, or repayment upon separation for any leave advanced but not earned.
- F. Any Purpose Leave. Authorized absence from duty with pay, not to exceed three days in a school year, charged to educator leave. This leave may be approved for any purpose the employee chooses and the employee is not obligated to state the reasons for requesting such leave.

G. Educator Leave. Leave with pay which accrues to an employee's leave account. This may be authorized for use during the school year for maternity purposes; in the event of the employee's illness; in the event of illness, contagious disease, or death in the immediate family of an employee which requires the employee's absence; or, in the event of any personal emergency. Any purpose leave (See paragraph F., above) "is also educator leave.

H. Excused Absence. An absence from duty, approved by management? without loss of, pay and without charge to leave.

I. Leave Without Pay. An approved absence from duty without pay.

J. Maternity Reasons, Absences for. An approved absence associated with pregnancy and childbirth. Such absences may be charged to educator leave, leave without pay, or an appropriate combination of both.

K. Military Leave. Leave without loss of pay or jeopardy of performance rating which accrues to non-temporary, full-time employees at the rate of 15 days per fiscal year. To the extent the leave is not used in a fiscal year it may be carried over into the next fiscal year not to exceed 30 days. It may be approved for use by employees who are called to active duty or for field or coast defense training as a Reservist of the U.S. Armed Forces.

L. Paternity Reasons, Absences for. An approved absence when the wife of a DoDDS employee is physically incapacitated because of pregnancy or complications resulting from pregnancy. The employee may be required to present documentary evidence from a competent medical authority to establish the wife's physical incapacitation. Such absences may be charged to educator leave. If the employee does not have accrued leave, advanced leave or leave without pay may be approved. Approved absence may also be requested by a father who is needed at home after the mother's hospitalization to help with household duties, to care for other children, to adjust to the new family member, or to make arrangements for child care. In such cases, Leave Without Pay or Any Purpose Leave, as requested, may be approved.

PROCEDURES FOR REQUESTING AND SCHEDULING LEAVE

A. Requests for Leave. Requests for educator leave, including advanced leave, and leave without pay of less than 30 days will normally be submitted in writing to the immediate supervisor by the employee requesting leave. The SF 71, Application for Leave, will be used for this purpose. The employee must indicate the specific type of leave requested and, if requested, provide an explanation of the circumstances justifying its approval. When appropriate, documentation, including medical certificates, will be attached to the request. Such requests will be submitted in accordance with established school procedures to the supervisor or the person designated by the supervisor as far in advance as possible, normally, at least 3 work days prior to its proposed use. When sudden illness or unforeseen personal emergency prevents the employee from requesting leave in writing, the employee may contact the immediate supervisor or the Supervisor's designee verbally to request approval for the use of leave. If such circumstances prevent an employee from requesting approval of leave in advance, the employee shall contact the immediate supervisor as quickly as possible. The employee must make every reasonable effort to contact the immediate supervisor prior to the beginning of the employee's scheduled work day.

B. Scheduling and Approving Leave Requests. The approval or disapproval of requests for leave is at management's discretion. In making decisions on the approval or disapproval of leave, the supervisor must consider, as a minimum, the impact of the absence on the educational program and the ability to meet staff requirements during the period of requested absence.

Upon receipt of a request for leave, the supervisor will indicate approval or disapproval on the SF 71 and return it to the employee promptly. The supervisor should review the leave schedule periodically and request modifications or direct cancellation as determined necessary. When the supervisor determines that the leave request should be disapproved or cancelled, the supervisor will provide the employee the reason for such action. Once any purpose leave is approved by management, the approval will not be withdrawn except for good reason.

Requests for the use of leave without pay in excess of 3 days but less than 30 days are subject to the approval of the district superintendent. Requests for the use of leave without pay in excess of 30 days or advanced leave in excess of 10 days are subject to the approval of the regional director. This authority, or any portion of it, may be delegated to district superintendents by regional directors. Requests for leave

without pay in excess of 30 days or advanced leave in excess of 10 days shall be submitted through supervisory channels to the regional director. Supporting documentation must be attached. Each intervening supervisor shall recommend approval or disapproval of such requests and promptly forward them to the next higher supervisory-level. The regional director will make a decision to approve or disapprove the employee-request. When a supervisor at any level determines that additional information is needed to act upon the request, this will be promptly communicated to the employee.

C. Employee Withdrawal of Leave Requests. An employee may withdraw a request for leave without penalty prior to the time such leave begins provided the supervisor has reasonable time to withdraw any offer of employment which has been made to a substitute teacher prior to the time the substitute departs for the work site.

D. Absence Without Leave. When an employee is absent from duty without receiving supervisory approval of a leave request, the employee will be placed in an absence without leave status. Although absence without leave is nondisciplinary, disciplinary action may be taken when appropriate. When an employee is absent from duty without approval, the time-and attendance report must so indicate. Upon the request of the employee, the absence without leave charge may be changed to another leave status if management, after a review of the circumstances, determines that such a change is warranted.

E. Medical Certification. Medical certificates may be required to support absences for illness or for maternity purposes when an absence exceeds 3 days or for shorter periods when there is a reasonable cause to believe that the leave privilege has been abused. In cases of prolonged illness, the supervisor may require the employee to furnish evidence of incapacitation for duty at reasonable intervals. If there is a reasonable basis to believe that the leave privilege has been abused, the supervisor may require that a medical certificate be submitted in support of a request for leave for illness, regardless of duration. In such a case, the employee will be advised in writing that future requests must be supported by a medical certifier, regardless of duration.

F. Minimum Units. The minimum unit of paid leave, leave-without pay, or absence without leave is one-half day. An employee may not be allowed to work during a period of time charged to one of these categories. When a substitute has reported for duty to replace an absent employee, the employee will not normally be allowed to report for duty during the period for which the substitute must be paid. If a substitute has not been committed, the supervisor may excuse infrequent absences of-up to one-half day without charge to leave if the supervisor determines that the employee's reasons for being late are adequate.

DS REGULATION 5630.4
Enclosure 2

G. Nonwork days. Absences on regularly scheduled nonworkdays, such as Saturdays and Sundays at most DoDDS schools, regularly scheduled holidays and other administratively authorized nonworkdays shall not be charged to paid leave.

AUTHORIZATION OF LEAVE

A. Maternity Purposes. Pregnancy is a condition which may require the employee to be absent from duty due to incapacitation. Such incapacitation is to be treated like any other form of illness. The use of educator leave and, upon exhaustion, advanced leave or leave without pay may be authorized. Any additional request for leave beyond that required for incapacitation may be charged to educator leave or, upon exhaustion, leave without pay. In determining whether to approve requests beyond that required for physical incapacitation, supervisors should fully consider the employee's needs to adjust to the new family member, and to make appropriate arrangements for child care as well as the needs of the school.

B. Routine Medical Appointments. Educator leave may be requested by an employee for routine medical, dental, or optical appointments. When possible, employees should attempt to schedule routine medical appointments for treatment and examination during nonduty periods.

C. Illness, Contagious Disease, or Death in the Immediate Family. Educator leave may be approved in cases of death, illness, or contagious disease in the immediate family which require the employee's absence. Members of the immediate family include the spouse, child, mother, father, brother, or sister of the employee or other relatives when a similar family relationship can be clearly established. Whenever possible, employees should attempt to schedule medical appointments which require their presence for immediate family members during nonduty hours.

D. Personal Emergency. A personal emergency is an unforeseen or sudden set of circumstances over which the employee has no control and which requires immediate action on the part of the employee which prevents the employee from reporting for duty. Personal emergencies are normally of short duration. The determination of whether a specific set of circumstances constitutes a personal emergency is left to the supervisor. Questions from supervisors about whether a set of circumstances constitutes a personal emergency should be referred to the appropriate office.

E. Beginning and End of School Year. Any purpose leave will not normally be approved during the first or last week of the school year. Exceptions may be made when early departure or late arrival is necessitated by summer school attendance, or other reasons acceptable to management.

F. Religious Needs. Supervisors should attempt to make reasonable accommodations to the religious needs of employees.

Employees requesting leave to fulfill established religious obligations during the work week should, to the extent possible, be authorized any purpose leave or, at the teacher's option, leave without pay. A distinction must be made between a religious obligation for which leave without pay would be appropriate and attendance at an activity associated with a religion, such as a retreat, which is not obligatory. In the case of an activity which is not obligatory, an employee would normally be required to request any purpose leave.

G. Leave Without Pay. Extended leave without pay may be initially approved at management's discretion for up to one calendar year. Requests for extensions beyond one year will be scrutinized carefully, and will be approved only in unusual cases. Management decisions on whether to approve employee requests for extended leave without pay will be based on the assurance that the employee will return to duty and that the value to the Government or the serious needs of the employee are sufficient to offset the costs and administrative inconvenience associated with the approval of such leave. Except for disabled veterans requiring medical treatment and National Guardsmen desiring leave without pay for military training, employees cannot demand leave without pay as a right. Extended leave without pay may be approved for the following, not all inclusive, reasons:

1. Education.
2. Illness or disability.
3. Illness of a member of the immediate family.
4. Teacher exchange program.
5. Service as a union representative.
6. Maternity/paternity purposes to provide 'time for a period of adjustment and to make arrangements for child care.
7. Leave for adoption to provide time for a period of adjustment and to make arrangements for child care.
8. Not to exceed one school year from the beginning of the next school year to accompany a Government employee spouse to a new duty location.

H. Requests for Leave Without Pay when Any Purpose Leave has not been exhausted. Leave without pay is not normally intermingled with paid leave. Generally, leave without pay will not be approved until an employee has used all the any purpose leave to his or her credit for the school year for which leave without pay is requested. Exceptions to this general rule may be made for long-term leave without pay (leave without pay of 30 days or more) and for leave without pay to engage in union activities.

EXCUSED ABSENCES

- A. Excused absence is an absence from duty which has been authorized by the supervisor. There is no charge to leave or loss of pay for a period of excused absence. Generally, to be approved, the activity or action to be performed must be a requirement of employment or sufficiently in the interest of the Government. There must also be a legal or regulatory basis for excusing absence.
- B. Excused absence may be approved by supervisors for actions requiring the presence of the employee which cannot be accomplished outside the duty day, as follows:
1. Shipment and Receipt of Household Goods. Packing, unpacking, and customs, or administratively required clearance of household goods prior to shipment or upon receipt of shipment. When both husband and wife are employed by DoDDS, either, but not both, may be excused. If a DoDDS employee's spouse is employed by an employer other than DoDDS and the PCS is a condition of the spouse's employment, excused absence is not appropriate.
 2. Directed Movement. Movement to new quarters when the movement is officially directed by a U.S. Government agency and the movement is based on the employee's DoDDS employment.
 3. Official Business with Military Offices. For up to one-half day, to conduct official business of a personal nature with military offices.
 4. Official Business with Host Nation. For up to one-half day, to conduct business with official offices and utility companies of the host nation which is required because of the employee's status as a foreigner in the host nation. This applies only when a foreigner is required to perform some task or action which is not required of citizens of the host nation.
 5. Injury on Duty. To allow an employee to seek immediate medical attention for an injury sustained while on duty.
 6. Attendance at Conventions. For attendance at a conference, convention, hearing, or meeting when the supervisor determines that the employee's attendance will serve the best interests of the Government.

7. Attendance at Activities. For attendance at a school, parent, or installation sponsored activity when the supervisor determines that the employee's attendance will be in the best interests of DoDDS or the school.

8. Blood Donation. For up to one-half day, to donate blood to an authorized collection organization. This includes travel and recuperation time.

9 . Official Business. In any instance when the supervisor determines that the absence cannot be clearly differentiated from official business.

10. Tardiness and Absence. For brief tardiness or infrequent absences of less than one-half day for reasons deemed acceptable by the supervisor.

11. Delayed Arrival at the beginning of the of the School Year
When an employee is delayed solely at the fault of the Government or an act of God during the performance of initial travel overseas or during the return portion of renewal agreement travel, the employee will be paid for those duty days occurring prior to the date of arrival. An exception to this rule is when -job offers are made with less than 15 days before the beginning of the school year. Determinations in this regard will be made on a, case-by-case basis. Delinquency in requesting or reporting for travel is considered to be the fault of the employee.

12. DoDDS Directed Training. When DoDDS directs an employee to attend specific training, including time and place, and requires the employee to depart before the end of the school year or return after the start of the school year, the duty days missed will be excused. These determinations will be made in advance on an individual basis and will be documented in writing.

13. Witness in a Judicial Proceeding.

a. When an employee is summoned or assigned by DoDDS to testify in his/her official capacity or to produce official records in a judicial proceeding, the employee is in an official duty status.

b. When an employee is summoned as a witness in a judicial proceeding to testify in a non-official capacity on behalf of a state or local government,- the employee is entitled to regular pay during the time absent as a witness.

c. When an employee is summoned or assigned by DoDDS to testify in a non-official capacity on behalf of the U.S. Government or the Government of the District of Columbia, the employee is in an official duty status.

DS REGULULATION
Enclosure 4

d. When an employee is summoned as a witness in a nonofficial capacity on behalf of a private party in connection with any judicial proceeding to which the U.S., the District of Columbia, or a state or local government is a party, the employee is entitled to regular pay during the time absent as a witness.

e. If an employee serves as a witness in a non-official capacity on behalf of a private party not in connection with any judicial proceeding to which the U.S., the District of Columbia, or a state or local government is a party, the employee's absence must be charged to leave or leave withoutpay, and the employee may accept fees and expenses from the court incidental thereto.

14. Official Time. The use of official time may be authorized in conjunction with applicable laws, regulations, or negotiated agreements to pursue representational functions on behalf of exclusively recognized unions, or in appropriate administrative forums. Questions concerning the use of official time should be referred to the appropriate office.

15. Military Leave. A non-temporary, full-time, employee who is a reservist of the Armed Forces is entitled to accrue 15 days of military leave each fiscal year for active duty for field or coast defense training. Reserve duty and training should be scheduled only during the summer recess period, unless there is written confirmation from the coordinator for reserve affairs at the major command level that such duty or training cannot be scheduled during the summer recess period. When, the employee does not present such confirmation at the time of request, the supervisor should contact the appropriate authority for such a determination.