



DEPARTMENT OF DEFENSE EDUCATION ACTIVITY
HEADQUARTERS
4800 MARK CENTER DRIVE
ALEXANDRIA, VA 22350-1400

NOV 17 2021

MEMORANDUM FOR THE RECORD

FROM: DIRECTOR, DEPARTMENT OF DEFENSE EDUCATION ACTIVITY

SUBJECT: Directive-Type Memorandum (DTM) 21-HR-001 – Disabled Veteran Leave Program

References: Code of Federal Regulations, Title 5, Section 6329
Department of Defense Education Activity Regulation 5630.9, "DoDEA Leave Administration," April 2, 1999
Dependent Schools Regulation 5630.4, "Department of Defense Dependents Schools Absence and Leave," November 6, 1987
United States Code, Title 5, Section 6329
United States Code, Title 20

Purpose. In accordance with Section 6329 of Title 5, United States Code, also known as "Disabled Veteran Leave (DVL)," this benefit provides a one-time credit to any eligible Federal employee hired on or after November 5, 2016. This DTM is effective November 17, 2021, and will be incorporated into Dependent Schools (DS) Regulation 5630.4. This DTM will expire effective 12 months from the effective date.

Applicability. This DTM applies to the Office of the Director, DoDEA, the DoDEA Europe Region, the DoDEA Pacific Region, and the DoDEA Americas Region.

- This DTM applies to all school-year educator staff and teacher positions hired under Sections 901-907 of Title 20, United States Code, excluding substitute teachers.
- This DTM shall be used in conjunction with any applicable collective bargaining agreements. Where provisions of this DTM differ from enforceable negotiated bargaining agreements, the negotiated bargaining agreement will apply. When provisions of this Issue differ from changes in Federal law or regulation, the changes in Federal law or regulation will apply.

Definitions. See Glossary.

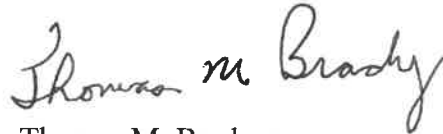
Policy. It is DoDEA policy that veterans with a service-connected disability rated at a combined 30 percent or more are entitled to take DVL for the purpose of undergoing medical treatment for such disability.

Responsibilities. See Attachment 1.

Procedures. See Attachment 2.

Information Collection Requirements. This DTM may result in the collection of information due to its policy and procedures. Any collection of information must follow all applicable Federal, DoD, and DoDEA regulations, policies, and guidance.

Releasability. Cleared for public release. Available on the DoDEA Issuances Policy Webpage.

A handwritten signature in cursive script that reads "Thomas M. Brady".

Thomas M. Brady
Director

Attachments:
As stated

ATTACHMENT 1

RESPONSIBILITIES

1. DODEA DIRECTOR. The DoDEA Director will incorporate DVL procedures into DS Regulation 5630.4.

2. DIRECTOR FOR STUDENT EXCELLENCE. The Director for Student Excellence (DSE) will:

a. Ensure supervisors are informed of the requirements of this DTM and the applicable provisions of DS Regulation 5630.4 when executing their responsibilities.

b. Provide advice and guidance to supervisors, as necessary.

3. SUPERVISORS. Supervisors will:

a. Ensure that employee leave is properly administered and absences are appropriately controlled and charged in accordance with DS Regulation 5630.4 and this DTM.

b. Ensure employees understand and follow procedures for requesting and using leave.

c. Determine when and to what extent employee leave is approved.

d. Establish expectations and office procedures for requesting and using DVL.

4. EMPLOYEES. Employees will plan for absences and request leave as far in advance as possible to allow for 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.

ATTACHMENT 2

PROCEDURES

1. ELIGIBILITY. Employees wishing to establish eligibility must submit documentation from the Veterans Benefits Administration (VBA) certifying the service-connected disability rating (30 percent or higher) and its effective date to the servicing Human Resources (HR) office. DVL is only available to employees hired on or after November 5, 2016.

a. An eligible employee may only use DVL during the continuous 12-month eligibility period beginning on the “first day of employment.” The “first day of employment” for purposes of DVL is the later of:

(1) The date the employee is hired.

(2) The effective date of the employee’s qualifying service-connected disability rating (e.g., an employee receives a qualifying VBA disability rating after the time of hire).

b. The servicing HR office must credit an eligible employee with the appropriate amount of DVL as of the “first day of employment” based on the following:

(1) Full-time employees will receive an initial credit of 9.5 days of DVL.

(2) Employees who are regularly employed on a part-time basis will earn DVL in the amount proportionate to that amount of time the employee is regularly employed compared to full-time employment.

2. REQUESTING AND USING DVL.

a. All requests to use DVL must be in advance unless the need for leave is critical and not foreseeable, e.g., due to a medical emergency or the unexpected availability of an appointment for surgery or other critical treatment. By requesting DVL, an employee is certifying the requested leave will be used for the purposes of receiving medical treatment for a qualifying service-connected disability. Supervisors may require a signed written medical certification issued by a health care provider in accordance with DS Regulation 5630.4.

b. An employee may retroactively substitute DVL for approved paid or unpaid leave (leave without pay) for the purpose of receiving treatment for a qualifying disability, when leave or time off was taken during the employee’s 12-month eligibility period for the medical treatment of a qualifying disability, excluding periods of absence without leave (AWOL) or suspension. Before approving retroactive, substitution may be necessary when an employee has a pending claim under review by VBA that is later approved with a retroactive effective date. The servicing HR office may require an employee to submit the medical certification described in accordance with Section 3 of this DTM.

c. DVL not used within one year of the initial accrual will be forfeited with no opportunity to carry over the leave into subsequent years. An employee may not receive a lump-sum payment for any unused or forfeited leave under any circumstance.

3. MEDICAL DOCUMENTATION. Medical documentation includes:

a. A written statement signed by the health care provider for which the medical treatment being received is for one (1) or more service-connected disabilities of the employee that resulted in a combined 30 percent or more disability rating. Qualifying medical treatment may be provided or prescribed by any health care provider who is covered by the definition of “health care provider” in Office of Personnel Management (OPM) Family and Medical Leave Act (FMLA) regulation in accordance with Section 630.1202 of Title 5, Code of Federal Regulations.

b. The date or dates of treatment or, if the treatment extends over several days, the beginning and ending dates of the treatment.

c. If the DVL was not requested in advance, a statement that the treatment required was of an urgent nature or there were other circumstances that made advanced scheduling not possible.

d. An employee must provide any required written medical certification no later than 15 calendar days after the date the supervisor requests such medical certification unless it is determined that more time is required, but not later than 30 calendar days after the request for medical certification. An employee who does not provide the required evidence or medical certification within the specified time period is not entitled to use DVL and will be charged under the appropriate alternative leave or absence category.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

AWOL	absence without leave
DS	Dependent Schools
DSE	Director for Student Excellence
DTM	Directive-Type Memorandum
DVL	Disabled Veteran Leave
FMLA	Family and Medical Leave Act
HR	Human Resources
OPM	Office of Personnel Managemnt
VBA	Veterans Benefits Administration

PART II. DEFINITIONS

health care provider.

- a. A licensed Doctor of Medicine, or Doctor of Osteopathy, or a physician who is serving on active duty in the uniformed services and is designated by the uniformed service;
- b. Any health care provider recognized by the Federal Employees Health Benefits Program or who is licensed or certified under Federal or State law to provide the service in question;
- c. A health care provider as defined in paragraph (b) above who practices in a country other than the United States, who is authorized to practice in accordance with the laws of that country, and who is performing within the scope of his or her practice as defined under such law;
- d. A Christian Science practitioner listed with the First Church of Christ, Scientist, in Boston, Massachusetts;
- e. A Native American, including an Eskimo, Aleut, and Native Hawaiian, who is recognized as a traditional healing practitioner by native traditional religious leaders who practices traditional healing methods as believed, expressed, and exercised in Indian religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, consistent with Public Law 95-3 14, August 11, 1978 (92 Statute 469) as amended by Public Law 103-344, October 6, 1994 (108 Statute 3125);

f. Providers who are recognized by the Federal Employee Health Benefits Program, certified under Federal or State law, recognized as a Native American “traditional healing practitioner,” or who practice in a foreign country.