

FREQUENTLY ASKED QUESTIONS ON LEAVE

Q1: During the COVID-19 Pandemic, are there prohibitions on civilians earning or using certain types of leave?

A1: Civilians may earn: annual and sick leave, compensatory time-off, compensatory time-off for travel, credit hours and time off awards. There is no current Service prohibition on the use of civilian leave; those decisions are made locally, based on command/organization mission requirements and the personal needs of an employee.

Q2: Does the Department of Defense (DoD) plan to extend the leave year or grant automatic **Restoration of Annual Leave** due to the COVID crisis?

A2: DoD is continuing to monitor the situation and at this time, there are no changes to the end of the leave year or leave restoration policies.

Civilians may only carry 240 (CONUS) or 360 (OCONUS) hours of annual leave from one leave year to another (Current leave year ends on January 2, 2021). Regulations allow for restoration of forfeited annual leave. Large scale or group restorations can be approved, based on exigency. Restoration under an exigency is only authorized if use of the leave was scheduled in advance, in writing, and was approved for use before the start of the third biweekly pay period before the end of the leave year.

Q3: Does DoD plan to extend the timeframe in which **Compensatory Time Off AND Compensatory Time Off for Travel** can be used due to the COVID crisis?

A3: DoD conducted research to see if there was any flexibility to modify or waive the provisions governing **Compensatory Time Off AND Compensatory Time Off for Travel** given the impact the COVID pandemic is having on the DoD civilian workforce. After reviewing the statute and regulations, DoD has determined that there is no such authority to modify these provisions, even in a temporary manner. Such changes would require statutory or regulatory change.

DoD is continuing to monitor the situation and may consider legislative relief depending on the duration of the pandemic. At this time, however, there are no changes to either of the Compensatory Time Off policies. The current rules and authorities are as follows:

- Civilians must use their **Compensatory Time Off** within 26 pay periods or must be paid out (FLSA covered employees) or forfeited (FLSA exempt). For the latter group, if it is determined that the employee's failure to use the time off was beyond the employee's control, it will be paid out.
- Civilians must use their **Compensatory Time Off for Travel** within 26 pay periods or it will be forfeited. If forfeiture was beyond the employee's control, an agency may extend the forfeiture deadline by up to an additional 26 pay periods (1 yr).

Q4: Does DoD plan to extend the timeframe in which **Time Off Awards** can be used due to the COVID crisis?

A4: Civilians must use their **Time Off Awards** within 1 yr of the effective date; no extensions permitted. Payout is not allowed. DoD is working on policy to extend the expiration of time off awards awarded during 2019. More guidance on this issue is pending.