

LABOR RELATIONS



June 4, 2002

Mr. Gary H. Mullins
Vice President
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, N.W.
Washington, DC 20001-2144

Dear Gary:

This responds to your inquiry regarding the changes to Employee and Labor Relations Manual Section 517, specifically 517.53, *Leave Charge for Nonworkdays*.

By letter dated April 10, 2002, I responded to your questions concerning why the changes were made to 517.53 and when they would be effective. You subsequently phoned Sandy Savoie, of my staff, with an additional question regarding the change to 517.53 of the ELM. You asked if the change to 517.53 was intended to eliminate the nonworkdays falling within a period of absence for active duty, as well as the nonworkdays falling at the beginning and end of an active duty period, from being charged against the paid military leave.

As a result of the changes to 517.53 and 517.71 of the ELM, nonworkdays will not be charged against the paid military leave regardless of whether they fall within a period of absence or fall at the beginning and end of an active duty period.

If you have any further questions, please contact Sandy Savoie at 202-268-3823.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug A. Tulino".

Doug A. Tulino
Manager
Labor Relations Policies and Programs

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VICE PRESIDENT'S OFFICE
N.A.L.C. HEADQUARTERS, WASHINGTON, D.C.

LABOR RELATIONS

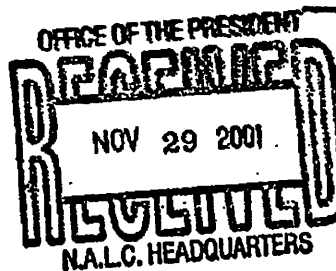


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November 26, 2001

Mr. Vincent R. Sombrotto
 President
 National Association of Letter
 Carriers, AFL-CIO
 100 Indiana Avenue, N.W.
 Washington, DC 20001-2144



Dear Vince:

As a matter of general interest, enclosed is a draft of proposed revisions to the Employee and Labor Relations Manual (ELM), Subchapter 517, concerning Military Leave. A summary of the changes can be found on page one.

If you have any questions on this matter, please contact Sandy Savoie of my staff at (202) 268-3832.

Sincerely,

Doug A. Tulino
 Manager
 Labor Relations Policies and Programs

Enclosure

Postal Employees

ELM Revision

Paid Military Leave Changes

Effective Fiscal Year 2002, *Employee and Labor Relations Manual (ELM) 517, Paid Military Leave*, is revised as follows:

517.41, General Allowance, is modified with an addition to allow employees to carry over allotted but unused (not to exceed 15 days) paid military leave from one fiscal year to the next. On rare occasions, two sets of military orders fall in one postal fiscal year, and no orders are received in the preceding or following fiscal year. This change allows employees to use the allotment for each year.

517.53, Leave Charge for Nonworkdays, is deleted.

517.54, Active Duty Extends into Another Fiscal Year, is deleted because 517.41 allows limited carryover of paid military leave.

517.71, Forms 3973, 2nd paragraph, words "and charges for nonworkdays" are deleted to be consistent with the changes in Section 517.53.

The revisions that appear will also appear in the next incremental update of ELM 16 on the Postal Service internet at <http://www.usps.gov/cpim/manuals/elm.htm>. Changes to text are marked with change bars. The revisions also will be incorporated in the next printed publication of the ELM.

— *Compensation, Employee Resource Management*

[**Note:** For the *Postal Bulletin*, the text below will be truncated to show only revised sections once all revisions have been made and agreed on.]

510 Leave

517 Paid Military Leave

517.1 General

517.11 Postal Service Support

The U.S. Postal Service supports employee service in the Reserve or National Guard, and no action is permitted to discourage either voluntary or involuntary participation. The U.S. Postal Service allows employees to be absent:

- a. To participate in drills or meetings scheduled by the National Guard or Reserve Units of the armed forces.
- b. To attend usual summer training periods.
- c. To perform any other active duty ordered by the National Guard and Reserve Units of the armed forces.

However, eligible employees are entitled to paid military leave only for such duty as and to the extent provided below.

517.12 Definition

Paid military leave is authorized absence from postal duties without loss of pay, time, or performance rating, granted to eligible employees who are members of the National Guard or Reservists of the armed forces.

517.13 Types of Duty

517.131 Duty Covered for Members of the Reserves and National Guard, Except D.C. National Guard

Types of duty covered as paid military leave include:

- a. Active duty, field, and coast defense training.
- b. Scheduled drills.
- c. Service providing military aid for law enforcement purposes.

517.132 Duty Covered for Members of the D.C. National Guard

Types of duty covered as paid military leave include:

- a. Parade or encampment activities of the D.C. National Guard.
- b. Service providing military aid for law enforcement purposes as provided in 517.43.

517.133 Duty Not Covered

Types of duty *not* covered as paid military leave include:

- a. Summer training as a member of Reserve Officer Training Corps.

- b. Temporary Coast Guard Reserve.
- c. Service with the National Guard, if ordered by the State Governors without authority of the Department of Defense, except when such service is in connection with regular annual encampment or for law enforcement purposes as specified in 517.43.
- d. Training with a State Guard or other state military organization that is not a part of the National Guard or that was created to take the place of the National Guard during an emergency.
- e. Weekly drills as member of D.C. National Guard.
- f. Civil Air Patrol, established as a civilian auxiliary of the U.S. Air Force, and similar reserve and guard auxiliary organizations.
- g. Time taken on a workday to travel to the place where training is to begin, unless military training orders encompass the period of travel time required.

517.2 Eligibility

517.21 Eligible Employees

Career postal employees, i.e., full-time, part-time regular, and part-time flexible employees who are members of the following components of the armed forces, are eligible for paid military leave:

- a. The Army National Guard of the United States.
- b. The Army Reserve.
- c. The Naval Reserve.
- d. The Marine Corps Reserve.
- e. The Air National Guard of the United States.
- f. The Coast Guard Reserve.
- g. The Air Force Reserve.

517.22 Ineligible Employees

Permitted to be absent, but not eligible for paid military leave, are noncareer employees such as the following:

- a. Casual employees.
- b. Contract workers.
- c. Noncareer rural carriers.
- d. Temporary employees.
- e. Transitional employees.

517.3 Procedures

517.31 Approval

The employee is to complete a Form 3971, *Request For or Notification of Absence*, before the period of absence. Sufficient notice is required for making necessary arrangements for replacements. If the employee does not learn of the need for the absence until later, notice is to be given as soon possible. The official responsible for approving the attendance record also approves military leave.

517.32 Use of Mixed Leave

Normally the first days of a longer period of military duty are charged to military leave. If circumstances warrant it, any other scheduled workdays during the longer active duty period may be designated as military leave instead of the days at the beginning of the military duty.

517.33 Use of Leave Intermittently

Military leave may be taken intermittently.

517.34 Return From Duty

For paid military leave approval, upon return from military duty to the Postal Service, the employee furnishes a copy of military orders or other documentation properly endorsed by appropriate military authority to show the duty was actually performed.

517.4 Military Leave Allowances**517.41 General Allowance**

Eligible full-time and part-time employees receive credit for paid military leave as follows:

- a. *Full-time employee other than D.C. National Guard* — 15 calendar days (120 hours) each fiscal year.
- b. *Part-time employee other than D.C. National Guard* — 1 hour of military leave for each 26 hours in pay status in the preceding fiscal year provided:
 - (1) Employee was in pay status a minimum of 1,040 hours in the preceding fiscal year, and
 - (2) Employee's pay for military leave does not exceed 80 hours.
- c. *D.C. National Guard* — all days (no limit) of parade or encampment duty ordered under title 39, District of Columbia Code.

An employee may carry over up to 1 year's allotted but unused (not to exceed 15 days) military leave from one fiscal year to the next.

517.42 Previous Service

Employees transferring to the Postal Service from other government agencies are entitled to credit for paid military leave purposes for government service performed prior to appointment as part-time employees. Any other creditable federal civilian service rendered during the prior fiscal year is also used in computing the required 1,040 hours. Creditable service is determined by requesting a transcript from the other agency detailing the number of hours in which the employee was in pay status.

517.43 Law Enforcement Allowance**517.431 State or Jurisdiction Duty**

Eligible full-time and part-time employees are granted additional paid military leave over and above the general allowance if they are ordered by appropriate authority to provide military aid to enforce the law of their contracted state or their chartered jurisdiction (e.g., the District of Columbia,

the Commonwealth of Puerto Rico, or a territory of the U.S.) See approval procedures in 517.3 . Law enforcement military leave is granted as follows:

- a. *Full-time employee* — 22 workdays (176 workhours) each fiscal year.
- b. *Part-time employee* — 1 hour of military leave for each 13 hours of service performed as a part-time employee in the fiscal year preceding the request provided both of the following conditions apply:
 - (1) Employee has worked at least 1,040 hours during the preceding fiscal year.
 - (2) Additional leave granted under this section does not exceed 160 workhours in a fiscal year.

Note: Some National Guard and Reserve activities, although prompted by emergencies, do not involve enforcing the law, such as when guardsmen are engaged in fighting a forest fire or placing sandbags on a river bank to prevent flooding. Also, even when an activity can be described as enforcing the law, it may not involve military aid. *Military aid* is the kind of work characteristic of, or typically performed by, soldiers. Directing vehicular traffic, for instance, may concern enforcement of traffic laws, but it would not ordinarily be considered military aid. The mere fact that National Guardsmen or Reservists in uniform perform a given function does not necessarily transform that function into military aid. The duty performed must be evaluated.

517.432 Allowance for Federal Duty

Paid military leave is not granted for enforcement of federal law or in support of a federal agency, regardless of the employee's specific duties.

517.5 Leave Charge Information

517.51 Pay Status Requirement

Generally, an employee must be in pay status either immediately prior to the beginning of military duty or immediately after the end of military duty in order to be entitled to military leave with pay. The approving official determines whether (but for the active duty) the employee fulfills the pay status requirement.

517.52 Minimum Units

Military leave may be taken in one-hundredths of an hour, except for regular rural carriers (designation 71) or substitute rural carriers (designation 72), who must take military leave in minimum units of 8 hours.

~~**517.53 Leave Charge for Nonworkdays**~~

~~Nonworkdays falling within a period of absence for active duty are charged against the paid military leave allowed full-time employees during the fiscal year, but nonworkdays falling at the beginning and end of an active duty period are not charged. This does not apply to the general allowance for part-time employees. Nonworkdays are charged during continuous active duty periods, even when mixed or other leave is taken or when paid military leave is taken intermittently.~~

~~517.64 Active Duty Extends Into Another Fiscal Year~~

~~Military leave is limited to the applicable general military leave allowance for any period of continuous active duty even though the period may extend into more than 1 fiscal year.~~

~~517.6653~~ **Continuance of Night Differential Pay**

Employees regularly assigned in whole or in part to a night tour of duty are entitled to night differential pay when absent on military leave.

~~517.6654~~ **Absence Beyond the General Military Leave Allowance**~~517.661541~~ **Training Periods**

Any absence beyond the general military leave allowance is charged to annual leave or LWOP regardless of the number of training periods in the fiscal year.

~~517.662542~~ **Choice of Annual Leave or LWOP**

Eligible employees who volunteer or are ordered for a period of military training or for a period of active military duty beyond the general military leave allowance may use annual leave or LWOP, at their option.

517.6 Conflict With Work Schedule**517.61 Employee Alternatives**

An employee who has official duty orders or official notices signed by appropriate military authority for weekly, biweekly, or monthly training meetings and who has a conflict with scheduled work requirements may choose one of four ways of meeting the military obligation:

- a. Use military leave not in excess of the general military leave allowance.
- b. Use annual leave.
- c. Use LWOP.
- d. Arrange a mutually agreeable trade of workdays and days off with another employee who is qualified to replace the absent employee. Such trades must be cleared with the responsible supervisor and must be in accordance with the terms of collective bargaining agreements.

517.62 Administrative Policy**517.621 Reassignments**

The following provisions concern reassignments:

- a. Arbitrary reassignments of other employees are not made to permit absences of employees for military duty. An employee having military drills or military training responsibility should attempt to bid on a work assignment (when the opportunity presents itself) that will not conflict with military duties.
- b. Employees requesting a temporary schedule change must submit Form 3189 (with Form 3971) to the appropriate postal official at their installation (see Handbook F-21, 232.23).

517.622 Rescheduling

An employee desiring absences for military duty may be rescheduled if such action can be taken without increasing costs or adversely affecting the

service to other employees. Every effort should be made to work out these problems as satisfactorily as possible.

517.7 **Records Control**

517.71 **Form 3973**

Form 3973, *Military Leave Control*, provides installations with an official record of the amount of military leave used. Timekeepers or other officials responsible for processing time cards maintain a file of Form 3973. The forms are retained for 3 years after the end of the pay period in which the leave was taken.

Form 3973 is used to monitor paid military leave ~~and charges for nonworkdays~~. As with annual leave and sick leave, military leave requested in excess of amounts provided in 517 are automatically charged to LWOP. Offices must follow the procedures below to ensure that the payroll system functions effectively.

517.72 **General Paid Military Leave**

The following provisions concern general paid military leave allowance:

- a. *Full-Time Employees*. When full-time employees request general paid military leave, i.e., for other than law enforcement duty, offices must check AAD935P3, *Military — Leave Report*, to ascertain whether military leave has been advanced. If it has not, offices must submit their requests for a credit of 120 hours military leave to Payroll Processing, Egan ASC.
- b. *Part-Time Employees*. For a part-time employee, installations should check AAD935P4, *Military — Leave Potential Report*, for the number of hours the employee is entitled and submit a request for an advance of the hours authorized on the report.
- c. *Transfers From Other Agencies*. When an employee transfers from another federal agency, a transcript must be requested detailing hours in a pay status in the prior fiscal year and the military leave used in the current fiscal year. These hours are sent to Payroll Processing, Egan ASC, and are used in addition to the hours on the AAD935P4 report to determine hours to be advanced.
- d. *Noncareer Employees*. Offices may not authorize paid military leave for noncareer employees.

517.73 **Paid Military Leave for Law Enforcement**

If a leave request is for law enforcement purposes, installations must submit a memorandum to Payroll Processing, Egan ASC, requesting advancement of paid military leave for law enforcement purposes for the number of hours requested, not to exceed 176 hours for a full-time employee or, for a part-time employee, the number of hours of law enforcement leave to which the employee is entitled as shown in the AAD935P4 report. If regular military leave has not been advanced, follow the procedures for full-time employees.