

DoD Financial Management Regulation Volume 8, Chapter 5 September 2008

0508 RESTORED LEAVE

050801. General. Except as otherwise authorized by regulation, annual leave restored under 5 U.S.C. 6304(d) must be scheduled and used not later than the end of the leave year ending 2 years after the date:

- A. Of restoration of the annual leave forfeited because of administrative error; or
- B. Fixed by the agency head, or his designated official, as the termination date of the exigency of the public business which resulted in forfeiture of the annual leave; or
- C. The employee is determined to be recovered and able to return to duty if the leave was forfeited because of sickness.

050802. Approval Requirements. The following requirements must be met before forfeited annual leave can be considered for restoration:

- A. Use of the annual leave must have been scheduled in writing before the start of the third biweekly pay period prior to the end of the leave year;
- B. The determination that an exigency is of major importance and, therefore, annual leave may not be used must be made by the head of an activity no lower than a major field headquarters or major field installation.

050803. Time Limit. For an extended exigency of the public business, the time period for use of restored leave is 2 years for each calendar year, or part thereof, during which the exigency existed. This time period starts at the beginning of the leave year following the leave year in which the exigency is declared to be ended. An extended exigency is one that threatens the national security, safety, or welfare; lasts more than three calendar years; affects a segment of an agency or occupational class; and precludes subsequent use of both restored and accrued annual leave within the time limit specified in 5 U.S.C. 6304(d) and 5 C.F.R. 630.306 and 630.309. The time limit established under 5 C.F.R. 630.306 during which restored leave must be used in order to avoid forfeiture is not changed by entry into the SES.

050804. Separate Leave Account. The payroll system shall maintain three separate restored leave accounts for each calendar year. Restored annual leave must be credited to a separate leave account identifying the date of restoration, the date of forfeiture, the amount credited for use, the amount of usage, and the unused balance. Restored annual leave is not included in, and does not increase, the maximum annual leave carryover for an employee.

050805. Time and Attendance Reports. Timekeeping instructions in paragraph 020203 specify the method to be used to identify the leave account to be charged.

050806. Forfeiture of Annual Leave. Restored annual leave, if unused at the expiration of the time limitation, is forfeited with no further right to restoration.

050807. Lump-Sum Payment. Upon separation, employees entitled to lump-sum payment shall be paid for their unused restored annual leave if such leave has not been forfeited. If the leave is forfeited because of an administrative error, then a claim must be filed within 3 years of the discovery of the administrative error leading to the forfeiture 5 U.S.C. 6304(e). Employees entering active duty in the Armed Forces may elect to have leave remain to their credit until their return from active duty (5 U.S.C. 5552 and 6304). See section 0307 for additional information on lump-sum leave payments.