

# U.S. Office of Personnel Management

Recruiting, Retaining and Honoring a World-Class Workforce to Serve the American People

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## Questions and Answers on Excused Absence for Employees Returning from Active Duty

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On November 14, 2003, President George W. Bush directed the heads of agencies to grant Federal employees who are returning from active duty 5 days of excused absence from their civilian duties. The President's memorandum is available on the U.S. Office of Personnel Management's (OPM's) Web site at <http://www.opm.gov/oca/compmemo/2003/2003-14b.asp>. OPM's memorandum and guidance on granting the 5 days of excused absence are available at <http://www.opm.gov/oca/compmemo/2003/2003-14.asp> and <http://www.opm.gov/oca/compmemo/2003/2003-14a.asp>.

The following questions and answers provide additional information to assist agencies in implementing the President's memorandum:

**Q1.** Who is entitled to receive the 5 days of excused absence?

**A1.** An employee is entitled to 5 days of excused absence each time he or she returns from active military service in connection with Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, or any other military operation subsequently established under Executive Order 13223.

**Q2 .** When must an agency grant the 5 days of excused absence? Must an agency grant the excused absence as soon as the employee returns to Federal civilian service ?

**A2 .** The intent of the President's memorandum is to grant 5 days of paid time off to employees returning to Federal civilian service from active duty, to aid in their readjustment to civilian life. Agencies must provide a returning employee with 5 days of excused absence upon his or her return to Federal civilian service. Upon receiving notification from an employee of his or her intent to return to civilian duty on a specific date, an agency must grant the employee 5 days of excused absence immediately prior to the employee's actual resumption of his or her duties. The commencement of the 5 days of excused absence represents a return to Federal civilian employment, and the employee is obligated to report for work at the end of the 5-day period.

If the employee had already returned to Federal civilian service prior to the issuance of the Presidential memorandum on November 14, 2003, or was not granted the 5 days of excused absence for a second or subsequent deployment , he or she may take the 5 days of excused absence at a time mutually agreeable to the employee and the agency.

**Q3 .** How does the 5 days of excused absence affect the time limits for restoring an employee to Federal civilian employment under 5 CFR part 353, subpart B?

**A3 .** The 5 days of excused absence do not affect the time limits for exercising restoration rights, because the commencement of the 5 days of excused absence constitutes a return to Federal civilian service. For example, an employee may take whatever grace period is allowed under part 353 and, *in addition*, is entitled to 5 days of excused absence.

**Q4 .** We have employees who have returned to Federal civilian service, but are expected to be activated again. Can an employee receive 5 days of excused absence more than once?

**A4 .** Yes . Each employee is entitled to 5 days of excused absence each time he or she returns from active military service in connection with Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, or any other military operation subsequently established under Executive Order 13223.

An employee deployed on multiple occasions is entitled to receive 5 days of excused absence for each deployment. If the employee has already returned to Federal civilian service and was not granted 5 days of excused absence for a second or subsequent deployment, he or she may take the 5 days of excused absence at a time mutually agreeable to the employee and the agency.

**Q5 .** Must an employee use the 5 days of excused absence all at once?

**A5 .** Yes. The intent of the President's memorandum is to provide returning employees with a continuous period of paid time off to spend with their families before returning to Federal civilian service

**Q6 .** May an employee return to Federal civilian duty and then take the 5 days of excused absence at a later date?

**A6 .** No. The 5 days of excused absence must be granted as soon as the employee reports back for Federal civilian duty or notifies the agency of his or her intent to return to civilian duty, except in two situations:

1. If the employee had already returned to Federal civilian service prior to the issuance of the Presidential memorandum on November 14, 2003, he or she may take the 5 days of excused absence at a time that is mutually agreeable to the employee and the agency .
2. If the employee has already returned to Federal civilian service and was not granted the 5 days of excused absence for a second or subsequent deployment, he or she may take the 5 days of excused absence at a time mutually agreeable to the employee and the agency.

The 5 days of excused absence may not be "stockpiled" for use at a later date. In addition, the 5 days of excused absence is not to be confused with "credit hours" earned under a flexible work schedule or compensatory time off earned for overtime hours.

**Q7 .** If an employee was activated for military service in connection with Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, or any other military operation subsequently established under Executive Order 13223, but was not deployed overseas, is the employee eligible for the 5 days of excused absence when he or she exercises return rights?

**A7 .** Yes, the President's memorandum applies to all employees who were called to active duty in support of the continuing Global War on Terrorism.

**Q8 .** If an employee who was activated was not a Federal employee when his or her tour began, but has been hired by the Federal Government since his or her deactivation, is the employee entitled to the 5 days of excused absence?

**A8 .** No. The President's memorandum specifically addresses "returning Federal civil servants who were called to active duty." A new employee who was not a Federal civilian employee at the time of his or her activation does not qualify for the 5 days of excused absence.

**Q9 .** How do agencies compute the 5 days of excused absence for part-time employees or employees on uncommon tours of duty, such as Federal firefighters? Do these employees receive 5 work days, 40 hours, or a prorated amount of excused absence?

**A9 .** Each employee is entitled to the equivalent of 1 workweek of excused absence. The period of excused absence for an employee on an uncommon tour of duty or an employee on a part-time work schedule will be prorated according to the number of hours in the employee's regularly scheduled workweek. For example:

<b>Hours in the regularly scheduled workweek</b>	<b>Hours of excused absence</b>
20	20
40	40
53	53
72	72

**Q10 .** May the 5 days of excused absence be prorated depending upon the length of the employee's deployment?

**A10 .** No. Each employee who was activated for military service in connection with Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, or any other military operation subsequently established under Executive Order 13223 is entitled to the equivalent of 1 workweek of excused absence.