STATE OF MARYLAND
MILITARY DEPARTMENT
FIFTH REGIMENT ARMORY
BALTIMORE, MARYLAND 21201-2288

MDNG-AG-HRO (310-1q) 1 May 2001

HRO POLICY/GUIDANCE LETTER # 15

SUBJECT: Leave and Pass Policy

SEE DISTRIBUTION

1. **GENERAL/PERSONNEL ABSENCES.**

a. All leave, passes, permissive temporary duties and Federal public holidays for AGR personnel will be administered as prescribed IAW AR 600-8-10 and this policy/guidance letter.

b. Commanders/supervisors will establish an ordinary leave program for AGR personnel and will provide maximum opportunity for personnel to take accrued leave, within the constraints of operational military requirements.

c. Leave programs provide a change of environment from normal work schedules and should be designed to ensure maximum use of earned leave, minimize the loss of leave, and reduce to the maximum practicable extent the costs of payments of unused accrued leave.

d. Commanders/supervisors and individuals delegated to approve leave (DA Form 31) will encourage AGR members to use their entire 30 days leave each year. This includes the opportunity to take at least one leave period each year, about 14 consecutive days in length and longer when possible. Personnel who refuse to take leave when the opportunity is afforded them as

---

This HRO Police/Guidance Letter supersedes HRO Policy/Guidance Letter #15 dated 1 February 1998, same subject.

part of command ordinary leave programs will be counseled regarding their obligations to execute military programs and policies. They will further be cautioned that such refusal may result in the loss of earned leave at a later date.

e. Payment for accrued leave is authorized as follows: Member is separated from AGR, i.e., retirement, mandatory removal date, or for voluntary or involuntary separation actions, or NLT 90 days from start of new tour continuation orders for initial AGR tour members only.

f. Authority to grant permission for AGR members to visit foreign countries is delegated to the HRO.

g. The leave and pass policy is designed to cover all periods when individuals are absent from duty stations excluding those periods when an individual is normally absent from duty, i.e., from end of normal duty day to beginning of new duty day.

h. Leave and pass records will be subject to inspection and audit and supervisors will be held accountable for accurate and efficient management of this program. Status of leave balances will be an item of special interest to this headquarters.

i. Convalescent Leave.

(1) Unit Commander or full-time supervisor may grant up to a maximum of 30 days convalescent leave with a recommendation from the hospital commander or designated representative.

(2) Hospital commanders are the only approving authority for convalescent leave in excess of 30 days. This authority cannot be delegated.

(3) Convalescent leave for Pregnancy may be recommended by civilian or military physician for up to 42 days, after childbirth.

(4) Convalescent leave for the purpose of exceptional maternal attention must be recommended by the civilian or military physician attending the baby. If convalescent leave exceeds the 42 days following discharge for soldier and/or infant, request for additional leave must be fully justified and forwarded to HRO. Final approval must be received from NGB.

j. Passes.

(1) The granting of special military passes will be documented by preparing a DA Form 31 at the approving authority level. Special passes will be maintained by the approver and not forwarded to the USP&FO for posting against the soldiers accrued leave account.

(2) Granting passes for periods of duty performed when personnel are required to be physically present with unit of assignment (IDT, AT, to include deployments, special projects and exercises) or other unit activities requiring their presence is not authorized.

k. Compensatory time off is not authorized.

2. **TYPES OF ABSENCES.**

a. Chargeable to the Individual's Leave Account.

(1) Ordinary leave - authorized absence from the place of duty for the purpose of providing the member with a rest from the working environment or for other reasons.

(2) Advance leave - leave granted prior to its actual accrual based on a reasonable expectation that it will be earned by the member during the remaining period of active duty.

(3) Emergency leave - leave granted for a personal or family emergency requiring the service member's presence.

(4) Leave awaiting disability separation proceedings - Authorized absence that is in excess of maximum accrued leave is not chargeable as leave.

b. Not Chargeable to the Individual's Leave Account.

(1) Sick in hospital - excused from duty for treatment while confined to a hospital. When hospitalized, it is mandatory that a DA Form 4187 be completed by the duty unit and forwarded to HRO. The member's duty status must be changed from "Present for Duty" to "Hospital" in order to stop rations payment. It is also necessary that another DA Form 4187, indicating a change

from "Hospital" to "Present for Duty," "AWOL," or whatever status the individual goes into, be submitted when the member is released from the hospital (Enclosure 3).

(2) Sick in quarters - excused from duty for treatment or medically directed self treatment in home, barracks, or other non-hospital facility.

(3) Convalescent leave - leave to assist in the restoration of health and is considered a vital part of medical care and treatment.

(4) Excess leave - leave in excess of accrued and/or advance leave; granted without pay and allowance.

(5) Transition Leave - formally called Terminal Leave, is authorization for AGR members to utilize all remaining leave balances in conjunction with retirement and/or resignation from the AGR program. Transition Leave is requested by completing DA Form 31. The Full Time supervisor is the approving authority for Transition Leave. The DA Form 31 will than be forwarded to the HRO with other retirement/resignation documents.

(6) Permissive TDY - Permissive TDY may be granted in conjunction with retirement. A maximum of 10 days of permissive TDY may be granted by requesting action on DA Form 31 and having full-time supervisor approve the action. DA Form 31 should be submitted along with other pertinent retirement papers to HRO. Permissive TDY is primarily used for purposes of house or job hunting of a member retiring from military service. Supervisors are not authorized to approve Permissive TDY in conjuction with retirement if these circumstances are not required.

(a) Other uses of Permissive TDY include:

1. Attendance at meetings that have a direct relationship to the member's profession.

2. Meetings associated with a DOD Credit Union.

3. Participation and essential support of participants in competitive sports authorized by DA.

4. Attendance in response to a subpeona, summons, or request in lieu of process, in performance of State jury service or as a witness at a State criminal investigation involving public interest, such as a major crime. Any determination should be coordinated with HRO.

5. Participation in other official or semi-official programs of the Army or Army National Guard, for which TDY is not appropriate, which will enhance the member's value to the Army and Army National Guard.

(b) The approving authorities include:

1. Up to 10 days, the leave approving authority.

2. Up to 30 days, Command Headquarters

3. Over 30 days, the Human Resource Officer

(c) Restrictions on Permissive TDY:

1. Attendance at spiritual retreats or other religious observances unless these meetings have direct relationship to the member's military profession.

2. Purpose of taking licensing examinations in a professional field, except as authorized in other appropriate regulations.

3. Participation in scouting activities beyond the scope of this policy/guidance letter.

4. Purpose of attending to personal affairs, pursuing a hobby, representing a community organization, or interviewing or training for employment after retirement.

5. Purpose of conserving a member's leave.

6. Cannot be granted for performance of public business.

7. Purpose of providing performance of logistical type support functions. These functions include such areas as mess, sanitation, and medical support.

8. Purpose of reviewing official personnel records.

(7) Pass - (Regular & Special) an authorized absence granted for short periods to provide respite from the working environment or for other specific reasons, at the end of which the member is actually at his or her place of duty or in the location from which the member regularly commutes to work. Passes are not a right to which one is entitled, but a privilege to be awarded to deserving personnel by their supervisor. Supervisors are reminded that a pass should not be granted to an AGR member during periods that would conflict with unit training assemblies, annual training, or other unit functions that would require the AGR member's presence.

(a) Regular passes are granted to deserving military personnel for those periods when they are not required to be physically present at their duty station for the performance of assigned duties. Normally, regular passes will be valid during specified off duty hours, e.g., weekends and holidays.

(b) Special passes may be granted for a period of up to three or four days, outside of regular pass periods, to deserving personnel on special occasions or in special circumstances for the following reasons:

1. A special recognition for exceptional performance of duty. The nature of the exceptional duty performance will be explained in a Memorandum.

2. To alleviate personal problems incident to military service.

3. As time off for work accomplished above and beyond normal requirements, i.e., extra time required to prepare for special events, inspections, etc. An hour for hour authorization is NOT an entitlement. Supervisors must act prudently in this matter.

(c) Special three-day pass periods may include non-duty days, but must include at least one duty day and shall commence at the end of normal working hours on a given day and expire with the start of normal working hours on the third day.

(d) Special four-day pass periods shall commence at the end of normal working hours on a given day and expire with the start of normal working hours on the fourth day, and shall include at least two consecutive non-duty days.

(e) Under no circumstances will any pass be used in conjunction with another pass, nor will a special pass be granted in conjunction with leave, or extended by combination with holidays or other off duty periods where the total will exceed the maximum limits of the pass periods.

(f) DA Form 31 is required when granting passes to AGR members. The DA Form 31 will be completed as a normal leave form with the following exception; The full time supervisor granting the pass will indicate that a pass is being granted by lining thru the chargeable leave dates in block 7 and placing the word PASS in Block 1 of the form. This is not a chargeable leave and should not be forwarded to the USP&FO for processing. However, the full time supervisor is required to annotate the Pass on the leave control log and maintain the DA form 31 for future reference.

3. **LEAVE POLICIES**. Commanders/supervisors authorized to recommend approval of leave requests will establish and regulate schedules to provide for maximum use of earned leave consistent with operational and training requirements and the desires of the individual service member. All personnel shall be provided the time to take leave; normally a member will not be forced to take leave. Leave will be granted only upon the request of the AGR member concerned. The member's immediate supervisor recommends approval/disapproval of leave. Final approval/disapproval will be granted by:

a. Senior officer at battalion level for all military unit employees.

b. Facility commanders - All Aviation facilities.

c. Activity supervisors - Support Maintenance and USP&FO activities.

d. Director/Separate Branch supervisors - All military employees at the State Headquarters.

4. **ACCRUAL AND COMPUTATION OF LEAVE.**

a. Members on active duty are entitled to leave with pay and allowances at the rate of 2 1/2 days for each month of active duty, excluding periods of AWOL, confinement, and excess leave. The total accumulation of accrued leave at the end of any fiscal year will not exceed 60 days.

b. Regardless of the amount of leave authorized, leave will be based on the actual day of departure on leave and the actual day of return from leave subject to other provisions of this policy/guidance letter.

c. The day of departure on and the day of return from leave will not be counted as days of leave if the member is at his or her place of duty for all or nearly all (at least 1/2 or 5 hours) of the normal work day. Otherwise both the day of departure and the day of return will be charged as leave.

d. Commencement and termination of leave. Regardless of the amount of leave authorized, leave will be calculated based on the actual date of departure on leave and the actual date of return from leave. All leave must begin and end in the local area (defined as the place of residence or home from which the member commutes to the duty station on a daily work day basis). Do not confuse the actual date of departure to mean that leave will be charged beginning on that day.

e. When a member who is on authorized leave is called back to duty prior to 72 hours from the date in Item 10a, the period of absence will not be charged.

f. Periods which exceed the original leave period will be charged and must be requested and approved prior to the end of the original leave period. A leave extension will be accomplished on the original DA Form 31 provided there is enough accrued leave or the supervisor grants advance leave.

g. Requests for leave which encompass two or more periods of absence, during which the individual is not required to perform duty from the termination of one leave period to the commencement of another leave period, will not be approved except under emergency conditions or unusual circumstances as determined by the leave approval authority. For example, a member cannot submit a separate leave request for the day prior to a holiday and a separate leave request for the day following a holiday, in order to be charged with only two days of leave rather than three. The same rule applies for taking a Friday and a Tuesday as only two days of leave rather than five.

5. **FAILURE TO RETURN**. When an individual fails to return from leave by 2400 hours of the last day of authorized leave, he/she becomes absent without leave (AWOL), unless the unauthorized absence is excused as unavoidable by the supervisor. In such cases, the day following the day the member was due to return will be computed as the first day of absence without leave. An unavoidable reason for failure to return from leave would be when the absence was not caused by the member's own misconduct and he/she tried to avoid it. When a member is AWOL for 24 hours, an appropriate entry regarding change in status from leave to unauthorized absence will be made on the original and organization copies of the DA Form 31 and the remark "See attached DA Form 4187." The number two copy of the DA Form 4187 (see Enclosure 3) supporting the status change from leave to AWOL, will be stapled to the original copy of the DA Form 31 and forwarded to HRO. This will serve to both report the duty status change that impacts on pay entitlement and update the suspense file for the posting of the leave account. When the individual returns to duty, another DA Form 4187 will be completed to show a change of status from AWOL to Present for Duty and forwarded to HRO.

6. **REQUEST AND AUTHORITY FOR LEAVE (DA FORM 31)**.

a. Part 1, DA Form 31 will be used both as a request for leave and, when approved, as the document authorizing leave. The servicing Finance and Accounting Office for the purpose of these instructions is USP&FO For Maryland. DA Form 31 copies will be forwarded to USP&FO For Maryland. All questions regarding leave or pay of personnel will be directed to the Human Resources Office, DSN 496-6111 or Commercial 410-576-6111.

b. An approved DA Form 31 is valid only for the type of leave requested in Item 7 and only for the inclusive dates shown in Item 10 of the form. Departure on leave may be delayed beyond the date shown in Item 10a without affecting the date of return shown in Item 10b. If this occurs, the individual will be charged only for the leave actually taken. Should an individual requesting leave desire a date of departure earlier than the approved date in Item 10a or date of return later than the approved date in Item 10b, a new DA Form 31 will be completed.

c. Since the number of days personnel may be absent and still be entitled to pay is fixed by regulation, each individual is responsible for verifying his or her current leave balance each month on the Leave and Earning Statement (LES). Errors found in the leave balance shown on the monthly LES should be reported immediately to HRO. Approved absences that involve periods of excess leave require that pay and allowances be withheld during such periods. If, for any reason, pay and allowances were not withheld during such periods, the member has been overpaid. An adjustment or a stoppage of pay will be made to settle indebtedness to the United States because of this erroneous payment. Commanders and supervisors are cautioned that leave taken in the preceding month is usually not reflected on the current LES.

d. DA Form 31 will be used for all categories of leave. DA 31s used for pass purposes will be maintained at supervisory level and not forwarded to the USP&FO for processing.

e. When requesting leave, the individual must complete Items 1 through 17 as follows (see Enclosure 3):

(1) Item 2 - Enter full name as last, first and middle; include any suffixes.

(2) Item 3 - SSN will be entered.

(3) Item 4 - Enter pay grade only such as E-4, E-8, 0-4.

(4) Item 5 - Enter date as day, month, year; this is the day the form is being completed. April 15, 1985 is "15 Apr 85."

(5) Item 6 - Enter complete Leave address to include zip code also include a leave address phone number.

(6) Item 7 - Enter "X" in the appropriate box.

(7) Item 8 - Enter members current military organization to include address, zip code and phone number.

(8) Item 9a - Enter number of days accrued leave service member has credited to his or her account as of date of request and adjust leave balance shown by any leave taken in the preceding month which is not reflected in the "Remarks" section of the current LES.

(9) Item 9b - Enter total number of days chargeable leave which will be taken, exclusive of date service member intends to report for duty.

(10) Item 9c - Enter number of days advance leave requested for the leave or enter N/A. (Advance leave may be granted up to the number of days a member would accrue during the remainder of the tour, in cases of emergency).

(11) Item 9d - Enter number of days excess leave requested for this leave or enter N/A. (Excess leave is leave in excess of accrued and/or advance leave; granted without pay and allowances).

(12) Item 10a - Enter beginning leave date.

(13) Item 10b - Enter ending leave date.

(14) Item 11 - Individual must affix his or her payroll signature. In doing so, the service member attests to the best of his or her knowledge that the leave account is correct and the information reflected in Items 9a, c and d, as determined by the approving authority, is proper.

(15) Item 12 - Individual's immediate supervisor must mark applicable block and affix his or her signature over his/her typewritten or printed name.

(16) Item 13 - Approving authority must affix their signature above their typewritten or printed name along with their title.

f. The approving authority will be required to complete the following blocks on the DA 31 before submitting to the USP&FO for processing. These blocks are as follows: 14 a, b, c and blocks 16 a, b and c. (Enclosure 2).

(1) In block 17 the following statement will appear: CHARGEABLE LEAVE IS FROM _____ TO _____.

Example: CHARGEABLE LEAVE IS FROM 27 NOV 92 TO 27 NOV 92.

(2) Forward original to the USP&FO for processing after leave is complete. The individuals copy will be returned to member upon approval of leave request.

7. **LEAVE CONTROL LOG (DA FORM 4179-R)**.

a. Each organization responsible for approving leave will maintain a Leave Control Log on all DA Form 31s as they are approved. Each DA Form 31 approved for leave will be assigned an organization internal control number starting with "01" at the beginning of each calendar year (i.e. 97-01). The internal control number is to be placed at the upper right hand corner of the DA Form 31. The internal control number will be placed on the organization's DA Form 4179-R (Enclosure 1).

b. Leave control log will be maintained by the organization for 12 months, then destroyed.

8. **ATTENDANCE**.

a. The ten-hour work day, four-day work week is established as normal or standard for all AGR personnel. Except for the IDT training weekend, Saturdays, Sundays and Mondays are normally non-work days. IDT, AT, and other ordered training periods are considered part of the normal work week; not extra duty or overtime.

b. Federal holidays are normally non-work days. Whenever AGR employees are required to perform duty on a Federal holiday due to emergencies or unexpected mission requirements, they may be allowed a day off (pass) in lieu of the holiday. The pass in

lieu of the holiday should be scheduled as soon as possible following the holiday. The following public holidays established by law will be observed except when military operations prevent. When such holiday falls on a Saturday, the preceding Friday also will be considered a holiday. When such holidays fall on a Sunday, the succeeding Tuesday also will be considered a holiday. Holidays are charged as leave if they fall on or within the effective dates of leave. Federal holidays are as follows:

(1) New Year's Day, 1 January.

(2) Martin Luther King Jr.'s Birthday, third Monday in January.

(3) President's Day, third Monday in February.

(4) Memorial Day, last Monday in May.

(5) Independence Day, 4 July.

(6) Labor Day, first Monday in September.

(7) Columbus Day, second Monday in October.

(8) Veteran's Day, 11 November.

(9) Thanksgiving Day, fourth Thursday in November.

(10) Christmas Day, 25 December.

(11) Other, when directed by proper authority under law.

c. Additional working hours or substitute equivalent work hours may be imposed by the commander or supervisor as necessary to accomplish the unit readiness mission. Additional working hours must be reasonable and the principles of good management should be applied to such decisions in the consideration of personal health, welfare, and morale.

9. <u>TIME ACCOUNTING</u>.

MDNG-AG-HRO (HRO POLICY/GUIDANCE LETTER # 15)
SUBJECT: Leave and Pass Policy

a. An individual's time and attendance record will be initiated and maintained for each AGR member on MDNG-AG-HRO Form 600-5-1 (Enclosure 5). This form may be reproduced locally.

b. Time and attendance will be recorded by the supervisor or his/her authorized representative. In no case shall the member be permitted to maintain his/her own time and attendance record.

FOR THE ADJUTANT GENERAL:

Enclosures

ANNETTE M. DEENER
COL, GS, MDARNG
Human Resource Officer

DISTRIBUTION:
All Full-Time Support Managers/
Supervisors (Army Only)