

Quick Reference Card | Military Leave

Military Leave Overview

Employees who are called to active duty, active duty training, or inactive duty training are entitled to military leave. Employees are also entitled to use any accrued annual leave for periods of active military duty. Employees using annual leave will receive their full civilian pay, as well as compensation for their military service.

Governing Provisions

Military leave can be granted under two separate provisions:

- 5 U.S.C. 6323(a) – A Federal employee who is a member of the **National Guard or Reserves is entitled to 15 days (120 hours) of paid military leave each fiscal year for active duty, active duty training, or inactive duty training.** An employee on leave under this section receives his/her full civilian salary, as well as military pay.
- 5 U.S.C. 6323(b) – A Federal employee who performs **full-time military service as a result of a call or order to active duty in support of a contingency operation*** is entitled to **22 days of military leave.** Under this provision, the employee is entitled to the greater of his/her military or civilian pay.

REMEMBER: Leave under section 6323(a) accrues at the beginning of each fiscal year. All Guard or Reserve members, including those on extended active duty, should be credited with **15 days of paid military leave on October 1 of each year.**

**As defined in 10 U.S.C. 101(a)(13)*

Processing 15-Day Military Leave

A full-time employee accrues 120 hours (15 days x 8 hours) of military leave in a fiscal year, or the equivalent of three 40-hour work weeks.

Military leave under 6323(a) is pro-rated for part-time employees and for employees on uncommon tours of duty based proportionally on the number of hours in the employee's regularly scheduled bi-weekly pay period.

Formula to calculate the number of days used:

$$\frac{\text{Weekly Tour of Duty Hours}}{40} \times 15 = \text{---}$$

REMEMBER: An employee must be permanent full-time, permanent part-time, temporary full-time, or temporary part-time, and his/her appointment must exceed one year, to be eligible to use military leave.

Carry out to 3 decimal places. To the total, add the military leave carryover from the IRIS database. An employee can carry over up to 120 hours of unused military leave from the prior fiscal year.

The employee's Timekeeper should use **Transaction Code 65**, on the employee's time and attendance report to pay the employee for the 15 days of military leave. *Holidays and non-duty weekends do not count against the 15-day regular military leave ceilings.*

Regular military leave is recorded by fiscal year. *If an employee uses military leave in the pay period of the fiscal year change, a split Time and Attendance (T&A) record is required.*

ADDITIONAL QUESTIONS?

If you have additional questions about processing military leave payments, please refer to guidance in the [TINQ](#), [EPIC](#), or EmpowHR procedures manuals or enroll in one of NFC's processing training courses at <https://nfc.usda.gov/training>.

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Processing 22-Day Military Leave

There are limited conditions under which employees are entitled to an additional 22 days of military leave under the provisions of 5 U.S.C. 6323(b).

- Reservists or National Guard members who perform military duty in support of civil authorities in the protection of life and property.
- Employees who perform full-time military service as a result of a call or order to active duty in support of a contingency operation.

An employee is entitled to the greater of his/her civilian or military pay—not both.

Authority Code “MIL” is used with the 903 Nature of Action Code (NOAC) to enter the hourly rate by which the employee’s civilian salary must be offset. The following entry guidelines should be used for entering NOAC 903 MIL:

- When using NOAC 903 MIL, only the values of 0 (None) or 9 (Military Hourly Rate-Used in Off-set) may be entered in the Salary Share Code field. If a 9 is entered, a Salary Share Amount must be entered. Please note that leading zeros must be entered in the Salary Share Amount field.
- As an Agency representative, you are responsible for entering the Salary Share Amount. Enter it in the Salary Share Amount field as an hourly salary rate.

Quick Tips

Because Department of Defense (DOD) salary payments may vary between pay periods, you are **required to have a copy of each Leave and Earnings Statement (LES) covered by a corresponding request for 22-day offset military leave.**

When NFC runs the pay calculations for an employee with a higher calculated military hourly rate than civilian hourly rate, the **system will either not issue payment, or will establish a debt if necessary.**

Calculate the DOD’s gross hourly salary rate based upon data recorded on the employee’s LES for the period of service that corresponds to the dates for which the employee is scheduled to use the 22-day offset military leave

$$\begin{array}{ccccccc}
 \text{Base Pay} & + & \text{Housing} & + & \text{Subsistence} & + & \text{Family Separation Leave} & = & \text{Total} \\
 \hline
 & & & & 240 & & & & \\
 & & & & (30 \text{ days} \times 8 \text{ hours}) & & & &
 \end{array}$$

Subtract the amount in the Total box from the civilian hourly wage to **identify the difference.** Enter this difference in the employee’s T&A sheet. The system will use the difference to make the employee’s pay equal to civilian pay.

When the calculated DOD gross hourly rate for the processing period differs from the database, the Agency must process a new NOAC 903 MIL to record the appropriate rate.

The employee’s timekeeper should use **Transaction Code 68** on the employee’s time and attendance report to pay the employee for the 22 days of military leave. Holidays and non-duty weekends do not count against the 22-day military leave ceilings.

Military leave must be charged to the calendar year in which the hours are used. A split T&A must be prepared to charge this leave to the appropriate calendar year whenever the calendar year ends on a day other than the beginning or end of a pay period.

Military leave can be processed through a T&A only if one of the appropriate codes shown below is entered in the Uniform Service Status field on an employee’s personnel record.

Military Leave Codes

- 1 - Ready Reserve
- 2 - Standby
- 3 - National Guard
- 6 - Ret Mil (Reg) & Rsrv/NG
- 7 - Ret Mil (Non-Reg) & Rsrv/NG
- 8 - Ret Mil and DC NG
- 9 - DC National Guard