

# Human Resource Policy Manual (HRPM)

## Volume 8: Leave and Work Schedules

### LWS-8.4

#### Military Leave

**This Chapter applies to** non-bargaining unit employees/positions and bargaining unit employees/positions. It does not apply to bargaining unit employees/positions where the applicable collective bargaining agreement contains conflicting provisions or the Agency has not met its bargaining obligation.

**Chapter established on:** 05/04/2005

**This version effective:** 08/04/2025

**Background Information:** This version replaces LWS-8.4, dated February 10, 2020. The revisions:

- (1) Implement new military leave requirements to align this policy with the enactment of the Service member Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 (FY25 NDAA) under Public Law 118-159, signed on December 23, 2024. The FAA is excepted from Title 5 leave provisions and has no statutory requirement to implement the military leave-related legislative changes required by the FY25 NDAA. However, the Agency has elected to adopt those changes. This policy revision:
  - a. Increases military leave accrual and maximum carryover amounts from 15 to 20 days per fiscal year for active duty, active duty training, and inactive duty training. The effective date of the military leave increase is December 23, 2024 (Title 5, United States Code (U.S.C.) § 6323(a)(1)); and
  - b. Renders employees who are members of the Space Force on sustained duty under 10 U.S.C. § 20105 ineligible for military leave (5 U.S.C. § 6323(a)(1) and (b)(1));
- (2) Ensure the terms “day(s)” and “workday(s)” are consistent with statutory terminology in 5 U.S.C. § 6323(b) for military (emergency) leave and 5 U.S.C. § 6323(a) for military (regular) leave;
- (3) Include language for consistency with the United States Supreme Court’s decision in *Feliciano v. Department of Transportation*, 145 S. Ct. 1284 (2025) which expanded the meaning of 10 U.S.C. § 101(a)(13) for reservists to qualify for military (emergency) leave when called to active duty under any provision of law during a war or national emergency declared by Congress; and
- (4) Ensure compliance with current HRPM formatting and plain language requirements.

**Use this policy chapter in conjunction with:** [Human Resource Operating Instructions - Using and Approving Military Leave](#).

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1. Purpose
  2. Scope
  3. Definitions
  4. Roles and Responsibilities
  5. Military (Regular) Leave
  6. Military (Emergency) Leave
  7. Type of Military Duty and Amount of Military Leave Authorized
  8. Type of Military Duty Not Covered
  9. Pay Status

## 10. Substitution of Military Leave Prohibited Under Certain Situations

### 11. Point of Contact

**1. Purpose.** This policy chapter establishes authority for military leave as a category of approved paid leave available to eligible employees who are members of the National Guard or a Reserve Component of the Armed Forces. Military leave may be used for active duty, active or inactive duty for training, or when employees are activated for Federal or State service to enforce the law, assist civil authorities in emergencies, or support contingency operations.

**2. Scope.** This policy chapter applies to a full-time or part-time employee (with a scheduled tour of duty) serving on a permanent or temporary/time-limited appointment that is one (1) year in duration or longer.

### 3. Definitions.

**a. Active duty:** This term means full-time duty in the active military service of the United States (U.S.) and includes full-time training duty, annual training duty, and attendance while in active military service at a school designated as a service school by law or by the Secretary of the military department concerned. This term does not include full-time National Guard duty.

**b. Armed Forces:** This term refers to the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard, including their reserve components.

**c. Contingency operation** (as defined in § 101(a)(13) of Title 10, United States Code (U.S.C.)): This term refers to a military operation that:

- (1) Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the U.S. or an opposing military force; or
- (2) Results in the call to order to, or retention on, active duty members of the uniformed services under 10 U.S.C. §§ 688, 12301(a), 12302, 12304, 12304a, 12305, or 12406, 10 U.S.C. Chapter 13, 14 U.S.C. § 712, or any other provision of law during a war or a national emergency declared by the President or Congress.

**Note:** To qualify for military (emergency) leave and reservist differential pay, the employee is not required to prove that his/her service was substantially connected to a particular war or declared national emergency. The employee's service need only temporarily coincide with the war or a declared national emergency.

**d. Extended active duty:** A call to military duty that extends beyond 30 calendar days.

**e. Inactive duty training:** Authorized training performed by members of a Reserve component not on active duty and in connection with the prescribed activities of the Reserve component. It consists of regularly scheduled unit training periods, additional training periods, and equivalent training.

**f. Military (Emergency) leave:** Leave granted, without loss of or reduction in pay or leave to which the employee is otherwise entitled, credit for time or service, or performance or efficiency rating, not to exceed 22 workdays in a calendar year to:

- (1) Provide military aid to enforce the law or to assist civil authorities in the protection or saving of life or property or the prevention of injury; or
- (2) Support a contingency operation or any active duty service during a war or declared national emergency (see paragraph 3c).

**g. Military (Parade and Encampment) leave:** Leave granted to a member of the National Guard of the District of Columbia to participate in a parade or encampment or certain types of duty ordered and authorized under Title 49 of the District of Columbia Code. It is limited to drills and training under the authority of the Commanding General of the District of Columbia National Guard.

**h. Military (Regular) leave:** Leave granted, without loss in pay, leave, performance, or efficiency rating for active duty, active duty training, inactive duty training, or engaging in field or coast defense training as a Reserve of the Armed Forces or member of the National Guard, that accrues for an employee at the rate of 20 days (160 hours) per fiscal year. To the extent that the 20 days of military leave are unused in a fiscal year, those days carry over for use in the succeeding fiscal year.

**i. National Guard:** This term refers to the Air National Guard and the Army National Guard. When functioning as a reserve component of the military, the terms “Air National Guard of the United States” and “Army National Guard of the United States” are used.

**j. Reserve:** This term refers to the following components of the uniformed services: the Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve.

#### **4. Roles and Responsibilities.**

##### **a. Office of Human Resource Management:**

- (1) Advises employees (or their representatives) of the effect a period of extended active duty may have on pay, leave, employee benefits, and reemployment rights (see paragraph 10).
- (2) Processes the personnel action in the Federal Personnel and Payroll System (FPPS) to place the employee on leave without pay (Absent – Uniformed Service) when an employee will be on extended active duty, and the Return to Duty personnel action upon the employee’s return to civilian duty.
- (3) Ensures the processing of proper payroll actions when an employee uses Military (Emergency) Leave and/or receives reservist differential pay (see [PRE-3.4, Reservist Differential](#)).

##### **b. Managers:**

- (1) Relieve, upon request, an employee to perform military service.
- (2) Authorize military leave, as appropriate, for an employee performing services in a Reserve Component or National Guard.
- (3) Authorize other paid time off instead of leave without pay for military service, such as annual leave, military leave, earned compensatory time off or compensatory time off for travel, earned credit hours, or accrued sick leave (as appropriate) if requested, for the employee to complete their obligation to perform military service or training.
- (4) Ensure the appropriate personnel action is initiated in FPPS to place an employee on leave without pay (Absent—Uniformed Service) when the employee will be on extended active duty, if applicable.
- (5) Reemploy employees, as soon as practicable, who are exercising their reemployment rights upon notification of their return from military duty (see [EMP-1.12, Employment of Veterans and Service Members](#) for more information).

##### **c. Employees:**

- (1) Inform their managers about their military status and obligations for active or inactive duty training, active duty, etc.
- (2) Provide advance notice of military service (i.e., up to 30 calendar days advance notice) either orally or in writing unless precluded by military necessity or is otherwise impossible or unreasonable under all the circumstances.
- (3) Furnish military orders or a statement from the appropriate military command.
- (4) Complete the Checklist for Employees Entering Extended Military Active Duty when appropriate.
- (5) Request and record the appropriate amount and type(s) of military leave, other accrued paid leave or time off, or unpaid leave on the time and attendance record during the period of absence while performing military service.
- (6) Provide the military leave and earning statements when required to support a request for leave used in support of civil authorities in protecting life and property, to support contingency operations, to perform active duty service during a war or declared national emergency, or for reservist differential pay.

**5. Military (Regular) Leave.** As of December 23, 2024, a full-time employee is entitled to 20 days (160 hours) of military leave **per fiscal year** for active duty, active duty training, and inactive duty training. For guidance regarding calculating the retroactive military leave increase, prorated military leave, premium pay, and an explanation of leave carryover amounts, see [Human Resource Operating Instructions \(HROI\) - Using and Approving Military Leave](#).

**6. Military (Emergency) Leave.** The military (emergency) leave is for use when an employee in the National Guard or Reserves is activated by the President, Secretary of Defense, or a State Governor to enforce the law or to support contingency operations, as defined in 10 U.S.C. § 101(a)(13) or any active duty service during a war or declared national emergency. Employees who perform military duties in support of civil authorities in protecting life and property or who perform full-time military service because of a call to order to active duty in support of contingency operations (see paragraph 3c) or any active duty service during a war or declared national emergency may use military (emergency) leave. For guidance regarding eligibility, leave usage, and documentation, see [HROI - Using and Approving Military Leave](#).

**7. Type of Military Duty and Amount of Military Leave Authorized.** Military leave must be granted to eligible employees as indicated below:

Organizations	Duty	Amount of Military Leave Authorized
National Guard (Army National Guard of the U.S.) and Air National Guard of the U.S.)	Active duty: active duty training, i.e., field or coast defense training encampments, maneuvers, outdoor target practice, service school, or other exercises.	All hours an employee is engaged in such duty, not to exceed 20 days (160 hours for a full-time employee) per fiscal year.
Army Reserve Naval Reserve Marine Corps Reserve Air Force Reserve Coast Guard Reserve	Active duty, active duty training, inactive duty training.	
Reservists and Members of the National Guard	To enforce the law, assist civil authorities in protecting life and	
		Not to exceed 22 workdays (176 hours) in a calendar year.

	property, prevent injury, or perform full-time military service to support a contingency operation or any active duty service during a war or declared national emergency.	
Army National Guard and Air National Guard of the District of Columbia <b>only</b>	Parade or encampment.	Unlimited leave for parades or encampments; full-time schedule.

**8. Type of Military Duty Not Covered.** In the following situations, employees may use an appropriate type of paid or unpaid leave (i.e., annual leave, credit hours, accrued compensatory time, compensatory time for travel, excused absence, or leave without pay):

- a. Temporary Coast Guard Reserve duty.
- b. Participation in parades by members of a State National Guard, except members of the District of Columbia National Guard (by specific statute, members of the District of Columbia National Guard are entitled to military leave to participate in parades).
- c. Training with a State defense organization, a State military organization (not the National Guard), or any other organization created by a State in the absence of the State National Guard during an emergency.
- d. Weekly drills and meetings as a District of Columbia National Guard member.
- e. Civil Air Patrol.
- f. Active duty as a U.S. Public Health Service Reserve Corps commissioned officer.
- g. Time taken on a workday to travel to the scheduled training location, unless military orders include the required travel time.
- h. Summer training in the Reserve Officers Training Corps, when employees must be on leave without pay status.
- i. Sustained duty in the Space Force under 10 U.S.C. § 20105.

**9. Pay Status.**

- a. **Same-day compensation:** An employee who has completed the tour of duty in their civilian position before they are ordered to report for military duty on the same date is entitled to receive both civilian compensation and military pay for the day. Military pay does not reduce the employee's civilian pay.
- b. **Regularly scheduled overtime:** An employee absent on military leave on a day that the employee is regularly scheduled to work overtime is entitled to overtime compensation, provided they are in a pay status for 40 hours of the basic workweek.

**10. Substitution of Military Leave Prohibited Under Certain Situations.** Employees may not substitute military leave for furlough due to a lack of work, funds, or force reduction. If an employee is called to military duty while on annual leave during the 30-day notice period before separation by

reduction-in-force, the employee is entitled to substitute military leave for annual leave up to the previously fixed separation date, not to exceed the 20-day or 22-workday maximum.

**11. Point of Contact.** Please direct questions about this policy chapter to your assigned [Human Resource Services Division](#).

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## Related Information

### Policies

- [EMP-1.12, Employment of Veterans and Service Members](#)
- [PRE-3.4, Reservist Differential](#)

### Human Resource Operating Instructions

- [Using and Approving Military Leave](#)

### Reference Materials

- [Checklist for Employees Entering Extended Military Active Duty](#)

### History Revision Log

DATE	REVISION
02/10/2020	Revised to ensure that leave benefits provided to FAA employees called to active duty service in the military align with other Federal agencies throughout the Federal government. This revision also clarified the two (2) types of military leave and the amount of military leave granted per fiscal year for military (regular) leave and per calendar year for military (emergency) leave.
08/04/2009	Revisions were made to paragraph 9 to note the incorporation of Policy Bulletin #57, Minimum Service Requirement for Granting Excused Absence upon Return from Active Duty Military Service, into LWS-8.8, Excused Absence.
04/13/2009	Issued Policy Bulletin #57, Minimum Service Requirement for Granting Excused Absence Upon Return From Active Duty Military Service, which replaced guidance in LWS-8.4, paragraph 9 (a) and (b); and LWS-8.8, Excused Absence, paragraph 3(c)(23).
05/04/2005	Established LWS-8.4, which canceled and replaced FAA Order 3600.4, Absence and Leave, Chapter 6, Military Leave; Policy Bulletin #7, Approval of Military Leave; Policy Bulletin #16, Return of Activated Military Members to Federal Civilian Employment; and Policy Bulletin #22, Changes to Military Leave for Mobilized Federal Civilian Employees.
01/15/1970	Established Order 3600.4 Absence and Leave.