

Civilian Personnel  
**Civilian Military and Court Leave**

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**History.** This publication is a new Fort Hood Regulation.

**Summary.** This regulation establishes guidance for the usage of military leave and court leave time and attendance at Fort Hood.

**Applicability.** This regulation is applicable to all activities employing appropriated fund civilian personnel at Fort Hood.

**Supplementation.** Local supplementation of this regulation is prohibited except upon approval of the Directorate of Human Resources (DHR).

**Suggested Improvements.** The proponent of this regulation is the DHR. Send comments and suggested improvements to: Commander, III Corps and Fort Hood, ATTN: IMWE-HOD-HRA, Fort Hood, Texas 76544.

FOR THE COMMANDER:

RONALD PERRY  
Rear Chief of Staff

*Official:*



CHARLES E. GREEN, SR.  
Director, Human Resources

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## **Chapter 1 Overview**

### **1-1. Purpose**

This regulation establishes guidance for the usage of military leave and court leave time and attendance at Fort Hood.

### **1-2. References**

Appendix A lists required and related references.

### **1-3. Abbreviations and terms**

The glossary explains abbreviations and terms used in this regulation.

### **1-4. Summary of change**

This is the first printing of this regulation. This regulation supersedes paragraphs 5-1c and 5-1d of III Corps and Fort Hood Pamphlet 690-32 dated 2 November 1987.

## **Chapter 2 Military Leave**

### **2-1. Purpose**

Provides guidance as to when a civilian employee may take military leave and how it is to be requested and documented within the employee's official time and attendance records.

### **2-2. Eligibility**

- a. An eligible employee is entitled to military leave for active duty, inactive duty training, funeral honors duty, or when engaging in field or coast defense training.
- b. An eligible employee is a full-time employee or a part-time employee with a regularly scheduled tour of duty (16 to 32 hours per week) who is:
  - (1) A member of a reserve component of the Armed Forces of the United States.
  - (2) Serving in one of the following appointments: permanent, temporary indefinite, temporary pending establishment of a register, or term.
- c. Employees serving on temporary appointments of one year or less and intermittent employees are not eligible for military leave.
- d. The reserve components of the Armed Forces are:
  - (1) The National Guard of the United States.
  - (2) The Army Reserve.
  - (3) The Navy Reserve.

- (4) The Marine Corps Reserve.
- (5) The Air National Guard of the United States.
- (6) The Air Force Reserve.
- (7) The Coast Guard Reserve.

**2-3. Evidence to be submitted**

a. To substantiate military leave charges, an eligible employee is required to submit a copy of the orders for active duty or appropriate documentation for inactive duty (i.e., Record of Individual Performance of Reserve Duty Training, drill schedules for scheduled unit training, or other written documentation from the unit for inactive duty training performed at times other than those of the unit drill schedule). Such documentation should be submitted to the supervisor as far in advance as possible.

b. Verification of attendance, indicating completion of either active duty or inactive duty training, must be submitted to the supervisor when the employee returns to duty from military leave.

c. The employee's supervisor or activity timekeeper is responsible for reviewing the submitted documentation, verifying the accuracy of information recorded in the time and attendance system, and retaining the documentation with the other payroll records for a period of 6 years. The activity is responsible for forwarding an information copy of the required documents to the local customer service representative (CSR) at the Civilian Personnel Advisory Center (CPAC) for clearance of the outstanding leave report. This is a necessary duplication to satisfy the regulatory requirement for the documents to be maintained as part of the official time card which is now retained in the activity and the Defense Civilian Payroll System (DCPS) requirement that the leave entries be certified by the CSR.

d. Employees who are authorized military leave, but who fail to provide the required documentation to substantiate their requirement for absence must have their absence hours recorded as some other appropriate leave type (annual leave, leave without pay, or absent without leave). Supervisors should consult with their servicing CPAC representative to determine the appropriate leave category in these situations.

e. Effective 1 January 2008, to improve controls over time and attendance recording and prevent recurrence of military leave backlog, an employee who records military leave on their time and attendance record has up to 42 days (three pay periods) to provide the required supporting documentation to their supervisor. If the required supporting documents are not provided to the supervisor within the 42 day time frame, the supervisor will submit a corrected time card for the relevant hours changing the leave code to annual leave or leave without pay (if annual leave is not available). If an employee later produces the required documents, then a retroactive timecard change can be made correcting the timecard back to the original military leave code. Documents must be submitted to the CSR within the appropriate leave year, which for civilian employees coincides with the calendar year.

#### 2-4. Computation

a. A full-time employee working 40 hour workweeks will accrue 120 hours (15 days x 8 hours) of military leave at the beginning of each fiscal year. Military leave (not to exceed 15 calendar days) that is unused at the beginning of the succeeding fiscal year is carried forward for use in addition to the 120 hours credited at the beginning of that fiscal year.

b. Part-time employees and employees on uncommon tours of duty are eligible for a prorated portion of the 120 hour accrual based upon the number of hours in the employee's regularly scheduled workweek. The accrual rate is determined by dividing 40 into the number of hours in the employee's regularly scheduled workweek. The resulting fraction is applied to the 120 hours. Any fraction of a day of military leave resulting from this computation will be accumulated from year to year until a whole day results.

c. The minimum charge for military leave is one hour and additional charges are in multiples thereof. An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay. Members of the Reserves or National Guard will not be charged military leave for non-duty days (typically weekends and holidays) that occur within the period of military service.

d. Military leave for inactive duty training on a scheduled workday (generally 4 hours in length) will be charged only for the number of hours necessary to cover the period of training and necessary travel. Hours in the scheduled civilian workday that are not chargeable to military leave must be worked or charged to another leave category such as annual leave, leave without pay, or to compensatory time taken, if appropriate.

e. An employee is entitled to use annual leave or military leave intermittently with leave without pay while on active duty or active and/or inactive duty training.

f. While on military leave, an employee's time and attendance report should show the employee's regularly scheduled tour of duty so that, if applicable, the following payments may be made:

- (1) Shift differential (Wage Grade (WG) employees).
- (2) Night differential (General Schedule (GS) employees).
- (3) Standby pay.
- (4) Sunday premium.
- (5) Regularly scheduled overtime.

The employee's tour of duty cannot be changed to avoid making these payments while the employee is on military leave.

#### 2-5. Additional military leave

a. Reservists or National Guard members who are ordered to active duty for the purpose of providing military aid to enforce the law or to assist civil authorities in the protection of life and property are eligible for an additional 22 workdays of military leave under Title 5, United States Code (USC) Section 6323(b) (Military Leave; Reserves and National Guardsmen).

b. This 22 day period is separate and distinct from the entitlement to military leave for active duty or inactive duty for training. However, if the absence for the purpose of providing military aid to enforce the law or to assist civil authorities exceeds 22 workdays, any unused portion of military leave accumulated for active duty or active duty for training may be granted.

c. Military leave granted for the purpose of providing military aid to enforce the law or assist civil authorities is not charged for absence on holidays or other non-workdays.

d. When military leave is granted for the purpose of providing military aid to enforce the law or assist civil authorities, military pay received for any day on which this leave is granted will be submitted to the appropriate Defense Payroll Office for disposition in accordance with (IAW) current directives.

e. A copy of the military orders or a statement by the member's commanding officer showing the nature of the service, the authority, and the dates of service must be submitted to the supervisor upon return to civilian duty. This will be submitted to the CSR at CPAC to support approval of additional military leave for the purpose of providing military aid to enforce the law or assist civil authorities.

### **Chapter 3 Court Leave**

#### **3-1. Purpose**

It is considered the civic responsibility of all employees to respond to calls for jury and other court-related services.

#### **3-2. Definitions**

Court leave is the authorized absence from duty of an employee for jury duty or for attending judicial proceedings in a non-official capacity as a witness in behalf of a federal state or local government. The employee is not charged leave and there is no loss of or reduction in pay. The term "judicial proceeding" includes any action, suit, or other proceeding of a judicial nature, but does not include an administrative proceeding.

a. Requests that an employee be excused from jury duty will be limited to those instances where the employee's services are required to meet essential work schedules and where the public interest is better served by the employee remaining on duty.

b. If an employee is excused or released by the court for any day or for a period of time which would allow an employee to complete four hours of the employee's scheduled shift, the employee is expected to return to duty.

c. There are instances when approval of court leave is not appropriate. When a United States (US), District of Columbia (DC) or state or local government entity is not a party, witness service on behalf of a private party is not charged to court leave. Annual leave may be approved for the employee's absence required by subpoena.

### 3-3. Eligibility

Court leave is granted to both permanent and temporary employees, both full-time and part-time. Intermittent employees are not eligible for court leave.

a. A part-time employee will be granted court leave only for days during which the employee is regularly scheduled for duty.

b. A night shift employee who performs jury service during the day is granted court leave for the employee's regularly scheduled night tour of duty and is entitled to the night differential.

### 3-4. Court fees

Federal employees may on occasion be called to perform jury duty or to appear as a witness in either a federal or state court. If the court pays fees to a federal employee who has been granted court leave (this means the employee is considered to be on duty while appearing in court), specific rules apply. Federal employees who are called to jury duty may only retain fees identified and paid as reimbursement for expenses. Payments considered expenses are related to their travel, transportation, and parking. They are not considered pay, are not reportable to their federal employer, and may be kept by the employee.

a. Employees called to *federal jury duty* may not keep the statutory attendance fee (currently set at 40 dollars) that is otherwise payable to jurors who are not federal employees. The employee will remain in a duty status documented as court leave and will be paid their regular salary. They, however, may be reimbursed for reasonable transportation expenses and parking fees by the federal court. The specific amount that may be reimbursed by the federal court is determined by each federal court IAW with its own rules. This is not a matter that should even come to the attention of the federal employer. See 28 USC 1871 (Fees).

b. Federal employees called to *Texas state or local courts* are paid a reimbursement for travel and related expenses by the court (currently set at 6 dollars for the first day and 40 dollars for each additional day). Federal employees remain in a duty status documented as court leave and are paid their regular salary. See Texas Government Code, Subtitle E, Juries; Chapter 61, Section 61.001.

c. Any employee who receives a subpoena or request to appear as a *witness* in any court proceeding and any supervisor who becomes aware of such a situation must coordinate this matter with the Office of Staff Judge Advocate (OSJA) prior to the employee being released from duty for this purpose. This is a mandatory requirement IAW Army Regulation (AR) 27-40, Chapter 7 (Litigation). Federal employees are on occasion issued a subpoena or are requested to appear as a witness in either a federal or state court. Both court systems provide for payment of witness fees. Depending on whether the employee will appear in a case in which the US has an interest or the employee is being asked to testify in the employee's official capacity, as opposed to private litigation, will determine the employee's duty status and whether the employee may keep such witness fees.

d. If an employee is not eligible to retain jury duty fees received, the employee will turn in the fees to the CSR by:

- (1) Requesting collection of the fees directly from their pay.
- (2) Submitting a personal check or money order, made payable to "Department of the Treasury".

e. Disposition of the fees will be made IAW the current Department of Defense (DOD) Financial Management Regulation.

### **3-5. Evidence to be submitted**

When an employee is summoned for court service as a witness or juror, the employee will present the court order, subpoena, or summons to the immediate supervisor as far in advance as possible. Any employee utilizing court leave must present the following documentation upon return to duty.

a. A certificate of attendance that specifies the inclusive dates of attendance and amount of fees the court paid to the employee must be submitted to the supervisor to retain with the time and attendance records and a copy forwarded to the CSR to comply with the DCPS requirement that the leave entries be certified.

b. If it is determined that jury duty fees cannot be retained by the employee, the employee will turn the fees in upon return to duty.

c. Employees who are authorized court leave, but who fail to provide the required documentation to substantiate their requirement for absence must have their absence hours recorded as some other appropriate leave type (annual leave, leave without pay, or absent without leave). Supervisors should consult with their servicing CPAC representative to determine the appropriate leave category in these situations.

d. Effective 1 January 2008, to improve controls over time and attendance recording and prevent recurrence of court leave backlog, an employee who records court leave on their time and attendance record has up to 42 days (three pay periods) to provide the required supporting documentation to their supervisor. If required supporting documents are not provided to the supervisor within the 42 day time frame, the supervisor will submit a corrected time card for the relevant hours changing the leave code to annual leave or leave without pay (if annual leave is not available). If an employee later produces the required documents, then a retroactive timecard change can be made correcting the timecard back to the original court leave code. Documents must be submitted to the CSR within the appropriate leave year, which for civilian employees coincides with the calendar year.

### **3-6. Court leave guide**

Figure 3-1 is a synopsis of the instructions for employee absences for court or court-related services.

Employee Absences for Court or Court-Related Services

Nature of Service	Type of Absence			Fees		Government Travel Expenses		
	Court leave	Official duty	Annual leave or LWOP	No	Yes		No	Yes*
					Retain	Turn in to agency		
I. JURY SERVICE								
A. U.S. or D.C. court	X			X			X	
B. State or local court	X					X	X	
II. WITNESS SERVICE								
A. On behalf of U.S. or D.C. Government		X		X				X
B. On behalf of state or local government:								
1. Official capacity		X				X		X
2. Non-official capacity	X					X	X	
C. On behalf of a private party:								
1. Official capacity		X				X		X
2. Non-official capacity:								
a. When party is U.S., D.C. or state or local government	X					X	X	
b. When party is not U.S., D.C. or state or local government			X		X		X	

\* Offset to the extent paid by the court, authority or party that caused the employee to be summoned.

**Figure 3-1. Employee absences for court or court-related services**

**Appendix A  
References**

**Section I  
Required Publications**

**5 USC 6323(b)**

Military Leave; Reserves and National Guardsmen (Cited in para 2-4a)

**28 USC 1871**

Fees (Cited in para 3-4a)

**AR 27-40**

Litigation (Cited in para 3-4c)

**DOD Financial Management Regulation, Volume 8**

Civilian Pay Policy and Procedures (Available at <http://www.defenselink.mil/comptroller/fmr/08/index.html>) (Cited in 3-4e)

**Texas Government Code** (Cited in para 3-4b)

**Section II  
Related Publications**

**5 USC 5537**

Fees for Jury and Witness Service

**5 USC 6322**

Leave for Jury or Witness Service: Official Duty Status for Certain Witness Service

**32 USC 502-505**

Field Exercises

**Fort Hood Pamphlet 690-32**

A Guide to Civilian Personnel Management

**Office of Personnel Management, Military Leave Policy**

Available at <http://www.opm.gov/flsa/oca/leave/HTML/military.asp> and <http://www.opm.gov/flsa/oca/leave/HTML/MILQA.asp>

**Office of Personnel Management, Court Leave Overview**

Available at <https://www.opm.gov/oca/leave/html/courtlv.htm>

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III CORPS & FH REG 690-50

**Expansion of Military Leave for Reserves and National Guards Memorandum**

Available at <https://dfas4dod.dfas.mil/systems/dcps/consolid/polreg/milleave.pdf>

**DFAS Policies and Regulations**

Available at

<https://dfas4dod.dfas.mil/systems/dcps/consolid/polreg/MilLeave22days.doc> and  
<https://dfas4dod.dfas.mil/systems/dcps/consolid/polreg/milQA.pdf>

**US Department of Commerce, Office of the Secretary, Office of Human Resources**

Available at [http://ohrm.os.doc.gov/Leave/DEV01\\_000047](http://ohrm.os.doc.gov/Leave/DEV01_000047) and  
[http://ohrm.os.doc.gov/Leave/DEV01\\_000056](http://ohrm.os.doc.gov/Leave/DEV01_000056)

**Section III  
Prescribed Forms**

This section not used.

**Section IV  
Referenced Forms**

**FH Form 1853**  
Distribution Scheme

**Glossary**

**Section I  
Abbreviations**

**AR**

Army Regulation

**ATTN**

Attention

**CPAC**

Civilian Personnel Advisory Center

**CSR**

Customer Service Representative

**DC**

District of Columbia

**DCPS**

Defense Civilian Payroll System

**DFAS**

Defense Finance and Accounting Service

**DHR**

Directorate of Human Resources

**DOD**

Department of Defense

**FH**

Fort Hood

**GS**

General Schedule

**IAW**

In Accordance With

**13 June 2008**

**III CORPS & FH REG 690-50**

**LWOP**

Leave Without Pay

**OSJA**

Office of Staff Judge Advocate

**PARA**

Paragraph

**REG**

Regulation

**US**

United States

**USC**

United States Code

**WG**

Wage Grade

**Section II**

**Terms**

This section not used.