Technician
22 Workdays
of
Military Leave Policy

* Also known commonly as Law Enforcement Leave (LEL)

Technician 22-Day Leave Policy

5 U.S.C. 6323 (b) provides 22 workdays per calendar year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor.

This leave is provided for employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation* as defined in section 101(a)(13) of title 10, United States Code.

***This is paid leave for permanent or indefinite employees.**

Technician 22-Day Leave Policy

- **The additional 22 days of military leave (a.k.a. Law Enforcement Leave or LEL) are authorized under the provisions of 5 U.S.C. 6323(b).**

- **Technician Reservists or National Guard members who perform military duty in support of civil authorities in the protection of life and property have been eligible for these additional 22 workdays of military leave.**

- **Commonly utilized during things such as a State Active Duty call up.**
  - **Examples include:**
    - **Floods**
    - **Winter Storms**
    - **Prison Riots**

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Effective November 24, 2003, technician Reservists or National Guard members who perform full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code, are also entitled to these 22 days of military leave (i.e., LEL) under 5 U.S.C. 6323(b).

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The term "contingency operation" means a military operation that-

- **(a) 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 United States or against an opposing military force;**

<u>Or</u>

- **(b) results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of title 10, United States Code, chapter 15 of title 10, United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress.**

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Military leave taken under 6323(b) is subject to the provision of 5 U.S.C. 5519, which provides that military pay (excluding travel, transportation, or per diem allowance) received for service for days on which civilian pay is received must be offset.

Member is entitled to the greater of his/her civilian pay or his/her military pay, not both.

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- **Unlike the 15 days of annual military leave, LEL is not a dual compensation leave.**
- **The entitlement is on a calendar year basis and NOT a fiscal year basis. There is no entitlement to carry over any unused leave into the subsequent calendar year.**
- **The 22 days of military leave is managed in hourly increments resulting in a total of 176 hours of eligible military LEL.**
- **Holidays and non-workdays are not charged.**

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- **Technician's civilian pay is reduced by the amount of military pay for the days of military leave.**
- **If normal pay continues the technician will be required to refund an amount equal to the military pay received (less travel, transportation or per diem).**
  - **This type of leave only pays the difference between civilian pay and pay received on orders.**
- **Technician may choose not to take the 22 days of military leave and instead take annual leave in order to retain both the civilian and the military pay.**

Process Guidance

- **The technician is responsible to plan out utilizing a calendar what types of leave status they will be in for the duration of time being spent in a military status.**
- **The technician will make the necessary elections prior to the deployment.**
- **Elections will be signed by both the technician and the supervisor.**
- **Once elections have been submitted there will be no changes made.**
- **Election options and supporting documentations such as all orders will be forwarded to the local timekeeper and if applicable through the appropriate Command/Directorate to the HRO.**

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Questions?