

Human Resource Policy Manual (HRPM)

Volume 8: Leave and Work Schedules

LWS-8.19

Disabled Veteran Leave

This Chapter applies to: (1) non-bargaining unit employees/positions, and (2) bargaining unit employees/positions, except where the applicable collective bargaining agreement contains conflicting provisions or the subject has not been negotiated.

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Background information: On November 5, 2015, President Obama signed the Wounded Warriors Federal Leave Act of 2015 (Pub. L. 114-75). The Act added section 6329 to title 5, United States Code. This new section requires title 5 agencies to establish a separate new leave category, referred to as disabled veteran leave. The Act provides newly hired full-time employees 104 hours of leave to be used for medical treatment for their qualifying service-connected disability when certified by the Veterans Benefits Administration with a disability rating of 30 percent or more. The Act does not apply to employees not covered by title 5 leave provisions. This policy chapter is consistent with the disabled veteran leave under title 5 and extends those benefits to eligible Federal Aviation Administration employees.

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1. Purpose. This policy establishes a separate new leave category, disabled veteran leave. This leave is available to an eligible employee who is a veteran with a service-connected disability rated at 30 percent or more for the purpose of undergoing medical treatment for the disability. The entitlement provides up to 104 hours of disabled veteran leave during a 12-month eligibility period.

2. Scope. This policy applies to an employee who is a veteran with a service-connected disability rated at 30 percent or more (subject to the eligibility requirements in Paragraph 5. below), hired on or after November 5, 2016.

3. Definitions.

a. 12-month eligibility period is the continuous 12-month period that begins on the first day of employment.

b. Employment is service as an employee (individual serving under a temporary or permanent appointment) during which the employee is covered by a leave system under which leave is charged for periods of absence.

c. First day of employment is the later of the:

- Date an employee is first hired (in qualifying employment); or
- Effective date of the employee's qualifying service-connected disability.

d. Health care provider (HCP) has the same meaning as defined in the [Leave and Work Schedule Reference Material: Leave Definitions](#).

e. Hired is defined as one of the following:

- Receiving initial appointment.
- Qualifying reappointment as defined in Paragraph 3.j.
- Returning to civilian duty from military service (following a break in civilian duty with continuous civilian leave status).

f. Medical certificate is a written statement signed by a HCP certifying to the medical treatment of an employee for a qualifying service-connected disability.

g. Medical treatment is an activity carried out or prescribed by a HCP to treat a veteran's qualifying service-connected disability.

h. Military service is service that is a basis for a finding by the Veterans Benefits Administration (VBA) that a veteran has a service-connected disability qualifying for benefits under title 38, United States Code.

i. Qualified disabled veteran is a person with a disability rating of 30 percent or more, certified by the VBA, who served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable.

j. Qualifying reappointment is an appointment of a former employee of the Federal Government following a break in employment of at least 90 calendar days.

k. Qualifying service-connected disability is a disability rated at 30 percent or more by the VBA that was incurred or aggravated in the line of duty in the active military, naval or air service. This includes a combined rating based on multiple individual disabilities totaling 30 percent or more resulting in the award of disability compensation under title 38, United States Code. A temporary disability rating under 38 USC §1156 is considered a valid rating in applying this definition for as long as the disability is in effect.

l. Veteran is a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

m. VBA is the Veterans Benefits Administration of the Department of Veterans Affairs.

n. VBA certification is documentation from the VBA certifying that the employee has a qualifying service-connected disability rated at 30 percent or more.

4. Roles and Responsibilities.

a. Office Human Resource Management:

- Provides information and guidance to new employees regarding the disabled veteran leave provision in the new employee on-boarding process.
- Advises employees and managers on the leave entitlement and requirements of disabled veteran leave.

- Receives and reviews all certifying documentation from the employee and makes eligibility determinations for disabled veteran leave.
- Establishes the eligible employee's disabled veteran leave account with the appropriate number of leave hours that should be available and the effective date of the employee's certified disability.
- Makes necessary adjustments during and at the end of the 12-month eligibility period to remove any unused balance of disabled veteran leave from the employee's leave account.
- Certifies the balance of unused disabled veteran leave hours and issues necessary documentation including the expiration date of the employee's 12-month eligibility period upon his or her appointment to and/or from another agency or upon separation from Federal service.

b. Manager:

- Approves or disapproves employee's request for disabled veteran leave based on medical documentation from the HCP as described in Paragraph 8.b.
- Monitors and approves/disapproves amended time and attendance records as a result of retroactive substitution of disabled veteran leave for other paid or unpaid leave or paid time off taken for treatment of the qualifying service-connected disability.
- Safeguards and secures the privacy of medical certification used to support the leave request.

c. Employee:

- Provides the servicing Human Resource Division (HRD) the VBA certification of the qualifying service-connected disability on or before he or she enters on duty. If certifying documentation from the VBA is not readily available, the employee should provide it to the servicing HRD as soon as practicable when it is received. The employee should also provide the manager a copy so he or she is aware of the employee's eligibility for this leave.
- Submits requests for disabled veteran leave to his or her manager for approval in advance, unless the need for leave is critical or not foreseeable.
- Provides medical certification from the HCP when using disabled veteran leave.
- Immediately notifies his or her manager and the servicing HRD of any change in his or her disability rating and provides a copy of the certification from the VBA, with the effective date of the change.

5. Eligibility.

a. Requirements: An employee is eligible for disabled veteran leave if he/she meets all of the following requirements:

- Is hired on or after November 5, 2016, to a position in the Federal service;
- Is a veteran who served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable (see 38 USC §101 (2));

- Has a qualifying service-connected disability rating of 30 percent or more certified by the VBA (this also includes a temporary disability rating by the VBA under 38 USC §1156 as long as the rating is in effect); and
- Has not exhausted his or her entitlement to disabled veteran leave under this policy provision, 5 USC §6329, the United States Postal Service (USPS) or Postal Regulatory Commission (PRC), or other agency entitlement to an equivalent disabled leave benefit.

b. VBA certification: In order to use disabled veteran leave, an employee must ensure that the HRD has been provided documentation from the VBA certifying that the employee has a qualifying service-connected disability rated at 30 percent or more. The employee should also provide the manager a copy to ensure he or she is aware of the employee's eligibility to use this leave.

c. Change in disability rating: If an employee's service-connected disability rating changes such that his or her disability rating is reduced below 30 percent or the disability status is discontinued, the employee no longer qualifies for disabled veteran leave. It is the responsibility of the employee to immediately notify his or her front-line manager and the servicing HRD of the change in rating and provide documentation including the effective date of the change.

d. Exclusions: An employee who does not have an established tour of duty where leave is charged for periods of absence (e.g., certain Presidential appointees who are leave exempt or employees with an intermittent work schedule) is **not** eligible for disabled veteran leave.

6. Crediting Disabled Veteran Leave. An eligible employee (on a full-time work schedule) will be credited not more than 104 hours of disabled veteran leave upon receipt and verification of the certifying documentation by the servicing HRD. Employees on a part-time, seasonal, or uncommon tour of duty will be credited with a proportionally equivalent amount of disabled veteran leave of up to 104 hours. In all cases, the amount of disabled veteran leave credited to a qualifying employee is offset by any sick leave hours effective on the first day of employment.

For example, if a regular full-time employee qualifies for disabled veteran leave and has a current balance of 30 hours of sick leave on the first day of employment, the employee would receive 74 hours of disabled veteran leave (104 hours minus the current sick leave balance of 30 hours) to be used during the 12-month eligibility period.

a. Part-time work schedule: For an eligible employee with a part-time work schedule, the 104 hours are prorated based on the number of hours in the part-time schedule (as established for leave charging purposes) relative to a full-time schedule (e.g., 52 hours for a half-time schedule).

b. Employment between FAA and other agencies:

(1) FAA employees to another federal agency: Eligible employees employed with another agency within their 12-month eligibility period without a break in service are entitled to credit of their unused leave balance. An employee who has received disabled veteran leave from FAA and subsequently moves to an agency covered under the disabled leave provisions of 5 USC §6329 and the USPS or PRC within their 12-month eligibility period, must self-certify that he or she received disabled veteran leave when they were employed by FAA and provide the eligibility start date. In addition, FAA will certify to the gaining agency the number of hours remaining and the expiration date of the 12-month period. If 12 months have elapsed since that eligibility start date, the employee will be considered to have received the full amount of an equivalent benefit and no additional benefit may be provided.

FAA employees with a break in service of at least 1 day who are employed with another federal agency will receive credit for a balance of unused disabled veteran leave provided this occurs within the 12-month eligibility period. FAA must certify the number of unused

disabled veteran leave hours available for recredit by the gaining agency and also certifies the expiration date of the employee's 12-month eligibility period.

- (2) Employees from another federal agency:** Eligible employees appointed by FAA within their 12-month eligibility period from agencies covered under 5 USC §6329 and the USPS or PRC without a break in service are entitled to credit of their unused leave balance based on the receipt of the other agencies' leave certification and expiration information. FAA employees from agencies that are not covered under 5 USC §6329 and the USPS or PRC and have an unused balance of an equivalent disabled veteran leave benefit must self-certify and provide the eligibility start date. Additionally, FAA will accept certification from the losing agency.

Employees with a break in service of at least 1 day who are appointed with FAA will receive credit for a balance of unused disabled veteran leave provided the employment occurs within the 12-month eligibility period. Additionally, employees from agencies that are not covered under 5 USC §6329 and the USPS or PRC and have an unused balance of an equivalent disabled veteran leave benefit must self-certify and provide the eligibility start date for recrediting. FAA will also accept certification from the previous agency or determine eligibility from the employees' personnel records.

- c. Forfeiting leave.** After 12 months has elapsed since the disabled veteran's first day of employment, the employee is deemed to have received the full benefit of this provision (or under 5 USC §6329 or any other equivalent benefit) and any unused disabled veteran leave to the employee's credit is forfeited. An employee may not receive a lump-sum payment for any unused disabled veteran leave under any circumstance.

7. Requesting and Using Disabled Veteran Leave.

- a. Leave requests:** An eligible employee must request approval to use disabled veteran leave in advance unless the need for leave is critical and not foreseeable (e.g., due to a medical emergency or the unexpected availability of an appointment for surgery or other critical treatment). Leave requests must be submitted via the applicable timekeeping system (CASTLE or CRU-X) or by the normal approved means of submitting a leave request.

If the employee is unable to provide advance notice of his or her need for leave due to critical circumstances, disabled veteran leave may not be delayed or denied.

b. Leave use:

- (1)** The employee is required to provide medical documentation that the disabled veteran leave is being used (or was used) for the treatment of the qualifying service-connected disability.
- (2)** An employee's medical treatment may include a period of rest, but only if such rest is specifically ordered by the HCP as part of a prescribed course of treatment for the qualifying service-connected disability.
- (3)** Disabled veteran leave may not be used after the 12-month eligibility period. However, if an employee's disability determination is made effective by the VBA after the employee has been hired, the employee may later substitute the leave as described in 7.c. below.

- c. Retroactive substitution:** There is only one 12-month eligibility period for any employee during his or her Federal civilian career. However, if an employee's disability determination is made by the VBA after an employee is hired, the employee may be allowed to retroactively substitute disabled veteran leave for other qualifying leave used during his or her 12-month eligibility period. The employee must submit the required medical certification from the VBA for retroactive substitution.

Disabled veteran leave may be retroactively substituted for periods of leave without pay, sick leave, annual leave, compensatory time off, or other paid time off used for medical treatment of a qualifying service-connected disability but not for AWOL or suspensions. The retroactive substitution cancels the use of the original leave or paid time off. Appropriate adjustments are made by amending the employee's time and attendance records. In the case of retroactive substitution of advanced annual or sick leave, the hours indebted will either be liquidated or reduced by the available disabled veteran leave hours.

Note: Given the possibility of retroactive substitution, an employee awaiting VBA certification should keep records regarding his or her absences for medical treatment of a qualifying service-connected disability.

8. Documentation Requirements.

a. Certification: Employees must provide documentation from the VBA certifying their qualifying service-connected disability to their servicing HRD for eligibility determination and processing. A delay in the employee providing this documentation does not affect the 12-month eligibility period since that period is based on the employee's first day of employment. Employees should ensure that their managers have a copy so they are aware of their employee's eligibility to use this leave.

b. Requirements for Submitting a Medical Certification: A written signed medical certification by an HCP is required for the employee's use of disabled veteran leave. It is also required when retroactively substituting disabled veteran leave for a period of paid leave, unpaid leave, paid time off. The documentation must:

- (1) State that the medical treatment is for one or more service-connected disabilities of the employee that resulted in 30 percent or more disability rating;
- (2) Provide the date or dates of treatment or if the treatment extends over several days, the beginning and ending dates of the treatment;
- (3) Provide a statement, if the leave was not requested in advance, that the treatment required was of an urgent nature or there were other circumstances that made advance scheduling not possible; and
- (4) Provide any additional information that is essential to verify the employee's eligibility.

c. Timeline: The employee must provide the written medical certification within 15 calendar days of the front-line manager's request. If, despite the employee's diligent, good faith efforts, it is not practicable to provide this documentation within 15 calendar days, the employee must provide the required documentation within a reasonable period of time but no later than 30 calendar days after the date of request.

d. Lack of Timely Documentation: An employee who does not provide the required medical certification within the specified time period is not entitled to use disabled veteran leave. If the employee used the leave without timely submission of the documentation, the employee may be charged absence without leave (AWOL) or may be allowed to use leave without pay or paid leave in its place. If the employee's manager decides the employee should be charged AWOL, he or she should consult with their servicing Labor and Employee Relations (LER) HQ or Regional Operations office before taking action.

Related Information

Policies

- [LWS-8.1 Sick Leave for Personal Medical Needs](#)
- [LWS-8.3, Annual Leave, LWS-8.10, Unpaid Absence](#)
- [LWS-8.10, Unpaid Absence](#)
- [LWS-8.12, Voluntary Leave Transfer Act](#)
- [LWS-8.20, Family and Medical Leave Act](#)