



DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL, G-1
USACHRA, WEST REGION, SOUTH PACIFIC DIVISION CIVILIAN PERSONNEL ADVISORY CENTER
1325 J STREET, SUITE 1450
SACRAMENTO, CA 95814-2922

REPLY TO
ATTENTION OF

PECP-WER-H/SPD

1 October 2004

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Use or Lose Annual Leave

1. Employees having an annual leave balance greater than 240 hours at the end of the leave year will forfeit any hours over that amount unless steps are taken by managers or supervisors to document a legitimate reason to carry over into the next leave year. Employees who have served overseas cannot have a leave balance greater than 360 hours.
2. We ask that you ensure all annual leave in excess of the authorized amount is scheduled to be taken by the end of the leave year, 8 January 2005, to avoid the potential for leave forfeiture. Army Regulation 690-990-2, Book 630, Absence and Leave, controls restoration of forfeited leave, commonly referred to as "use or lose" leave. In order to have "use or lose" annual leave restored, it must have been forfeited due to illness or an exigency of the public business.
3. If an employee's annual leave has been forfeited due to illness, two requirements must be met. First, the annual leave must have been scheduled and approved in writing three pay periods prior to the end of the leave year. Second, the absence must have occurred at such time that the scheduled annual leave could not be rescheduled for use before the end of the leave year to avoid forfeiture. The leave year ends 8 January 2005. Therefore, leave must be scheduled and approved prior to 28 November 2004. A copy of an OPM Form 71, or a vacation schedule, approved by the supervisor, can be used to document this.
4. There are two regulatory requirements that must be met before annual leave forfeited as a result of an exigency of the public business may be restored. (An exigency is defined as "A pressing or urgent situation".) First, an employee's annual leave must have been scheduled and approved in writing prior to 28 November 2004. Second, the procedures below must be followed.
 - a. The employee's immediate supervisor will forward, through appropriate channels, a written request to their District/Division Commander, or equivalent for non-Corps organizations, that the mission priority/exigency is approved.
 - b. An exigency that may require cancellation of leave must be described in writing and must include beginning and ending dates.
 - c. Except for extreme emergencies, the exigency must be approved prior to the time scheduled leave is canceled and there must be no reasonable alternative to the cancellation.

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d. The mission priority/exigency, when approved, will form the basis for canceling annual leave. If not approved, the employee will be granted the annual leave so as to avoid forfeiture. Only those mission priorities/exigencies that receive approval may be used as a basis to cancel and subsequently restore forfeited annual leave.

5. Approval authority for restoration of annual leave rests with the Division/District Commander, or equivalent for non-Corps organizations. All situations must be documented carefully and completely, and then forwarded to the Civilian Personnel Advisory Center (CPAC). Every effort should be made to assure there is no reasonable alternative to the cancellation of previously approved leave.

6. Leave Restoration for Emergency Essential Employees in a Combat Zone: With the enactment of Public Law 106-65, the National Defense Authorization Act for Fiscal Year 2000, October 5, 1999, Emergency Essential employees in a combat zone may have their leave restored whether it was scheduled in advance or not. This amendment relieves the employees and supervisors from the administrative burden of scheduling, canceling, and restoring excess annual leave in this situation.

a. The following areas are considered combat zones: Federal Republic of Yugoslavia (Serbia/Montenegro); Albania; the Adriatic Sea; the Ionian Sea; the Persian Gulf; the Red Sea; the Gulf of Oman; part of the Arabian Sea; Gulf of Aden; and the total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, and the United Arab Emirates. The following areas are considered qualified hazardous duty areas and are to be treated as if they were a combat zone: Bosnia and Herzegovina; Croatia; and Macedonia.

b. Employees deployed overseas away from their permanent duty station in support of Operation Joint Forge (but outside the former Yugoslavia), Operation Allied Force, Operation Joint Guardian, Operation Southern Watch, or Operation Northern Watch are not entitled to combat zone benefits.

7. Restored annual leave must be scheduled and used by the end of the leave year ending two (2) years after the termination of the exigency of the public business.

8. Our CPAC staff members will be happy to assist you with any questions you might have regarding "use or lose" annual leave. Please feel free to give your CPAC representative a call if you need further information concerning this matter.

/S/

KRISTIN M. OGLE

Chief, South Pacific Division

Civilian Personnel Advisory Center