

Law Enforcement Leave Fact Sheet

Technicians who have been called to active duty to provide military aid to enforce the law or provide assistance to civil authorities in protection or saving of life or the prevention of injury are entitled to an additional 22 days (176 hours) of leave each calendar year for the purpose of responding to CONUS emergencies. The carryover of all or a portion of the 22 workdays is not permitted.

Unlike the 120 hours of regular military leave available for active/inactive duty, LEL does not authorize technicians to retain both their military and civilian pay (double dip) for the additional 22 days of military leave. Under the offset rule, the Technician's pay is reduced by the amount (other than travel, transportation, or per diem allowance) of pay received by the employee for military service while in LEL status. In other words, full military pay is received, but the offset rules require a crediting of the military pay against civilian pay, thus, reducing the technician's civilian pay. Technician pay is not reduced for military pay received for service on non-workdays.

LEL is normally computed "after the fact" which means that Technicians will initially be placed in a Leave without Pay (LWOP) status. Upon returning from the activation the Technician will furnish his Supervisor/Timekeeper with a copy of his active duty orders and other supporting paperwork in order to process the Time and Attendance Records.

LEL may be commingled with annual leave, compensatory time, time-off awards, LWOP, and regular military leave when on emergency operations.

Here's the fine print:

1. 22-Day Military Leave (Code LL): Effective 24 November 2003, Public Law 108-136 was amended to allow technicians, serving under a permanent or indefinite appointment, who are called or ordered to active duty in support of a contingency operation [as defined in section 101(a)(13) of 10 USC], the use of the 22 days (176 hours) of Law Enforcement Leave (LEL) they accrue each calendar year. There is no charge against the 22-Day LEL for weekends, holidays, and regular days off. There is no carryover of any unused balance into a subsequent calendar year.

2. Unlike regular military leave, when using LEL, you are entitled to the greater of your civilian or military pay, but not both. The gross amount of your military basic pay (less any travel, transportation, or other per diem allowances) received must be compared with your civilian compensation received for this excused period. Two basic rules apply:

- If your military pay is greater than your technician pay, then no technician pay will be due.
- If your military pay is less than your technician pay, then the difference between the two is paid to you.

3. The LEL is normally computed "after the fact." Offset rules require crediting of your military pay against technician pay, thus reducing the technician pay. Basic military pay includes all entitlements, i.e., BAH, BAS, flight pay, etc. You will continue to receive normal technician pay while utilizing the LEL. Upon completion of the LEL duty, your military pay will be compared to your civilian pay to determine the indebtedness. For technicians on non-pay status (KG) that claim LEL, a debt should not occur unless there are insufficient funds to cover deductions such as health benefits.

4. Supervisors and timekeepers should NOT code the technician's timesheet with the "LL" without first coordinating with the appropriate Customer Service Representative (CSR) - USPFO/Payroll. Keep the technician in a non-pay status (KG) and forward the following documents to the CSR:

- The technician's OPM Form 71 reflecting dates of the desired LEL period.
- Copy of the active duty orders reflecting the contingency operation.
- Military Leave and Earnings Statement (LES) covering the same pay periods that the 22-Day LEL is being used for.

5. If all information is not received by the CSR, then the 22-Day LEL will not be input into the pay system until all documentation is received. It is the technician's responsibility to ensure that documentation on any military pay entitlements, which are paid retroactively for the period of leave requested, be provided to the CSR as soon as possible. The above documents in combination with civilian payroll records will become the basis for pay comparisons. Once the CSR receives all your documentation, they will complete an "Offset Worksheet for Contingency Operations/Law Enforcement Military Leave" to determine the amount of your indebtedness. The information will then be forwarded to the DFAS payroll office for approval. After approval is received, the CSR will correct the timesheet from the "KG" status to "LL" status.