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LIUNA Local 1776
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FACT SHEET

Law Enforcement Leave (LEL)

Federal employees in the National Guard and Reserves get an extra 22 workdays (176 hours) of military leave each calendar year for emergency duty and contingency operations.

THE BASICS

Who Gets It and How It Pays

Federal employees who are members of the National Guard or Reserves, and who are called to active duty to provide military aid to enforce the law, to assist civil authorities in protecting or saving life or preventing injury, or in support of a contingency operation, are entitled to an additional 22 workdays (176 hours) of leave each calendar year. None of it carries over to the next year.

Unlike the 20 days (160 hours) of regular military leave each fiscal year for active and inactive duty, LEL does not let you keep both your military and civilian pay ("double dipping"). Under the offset rule, your civilian pay is reduced by the military pay you receive while on LEL, other than travel, transportation or per diem allowances. You receive your full military pay; it is credited against your civilian pay for the workdays you use LEL. Civilian pay is not reduced for military pay received on non-workdays.

LEL is normally worked out "after the fact." You are first placed in leave without pay (LWOP). When you return from the activation, you give your supervisor or timekeeper a copy of your active duty orders and other paperwork so your time and attendance records can be corrected.

LEL may be combined with annual leave, compensatory time, time-off awards, LWOP and regular military leave during emergency operations.

THE DETAILS

Rules, Pay and Paperwork

1. 22-Day Military Leave (Code LL)	Public Law 108-136 (the defense act signed November 24, 2003) amended the leave law so that employees under a permanent or indefinite appointment who are called or ordered to active duty in support of a contingency operation (as defined in 10 U.S.C. 101(a)(13)) can use the 22 days (176 hours) of LEL they accrue each calendar year. Weekends, holidays and regular days off are not charged against LEL. Unused LEL does not carry over to the next calendar year.
2. The Greater of the Two Paychecks	Unlike regular military leave, on LEL you receive the greater of your civilian or your military pay, not both. The gross amount of your military pay (less travel, transportation and per diem allowances) is compared with your civilian pay for the same excused period. If your military pay is greater, no civilian pay is due. If it is less, you are paid the difference.
3. Worked Out After the Fact	The offset rules credit your military pay against your civilian pay. Military pay for this purpose includes all entitlements, such as BAH, BAS and flight pay. You keep receiving your normal civilian pay while on LEL; when the duty ends, your military pay is compared with your civilian pay to work out any debt. If you were in a non-pay status (KG) and claim LEL, a debt should not occur unless there was not enough pay to cover deductions such as health benefits.
4. Don't Code "LL" Yet	Supervisors and timekeepers should NOT code the timesheet "LL" without first coordinating with the payroll customer service representative (CSR) at the USPFO. Keep the employee in non-pay status (KG) and send the CSR: (a) the employee's OPM Form 71 showing the dates of the LEL period; (b) a copy of the active duty orders showing the contingency operation; and (c) the military Leave and Earnings Statement (LES) for the same pay periods.
5. Until the Paperwork Is In	LEL is not entered into the pay system until the CSR has all the documents. It is the employee's job to get documentation of any military pay paid retroactively for the leave period to the CSR as soon as possible. The CSR uses these documents and the civilian payroll records to complete an "Offset Worksheet for Contingency Operations/Law Enforcement Military Leave," which goes to the DFAS payroll office for approval. After approval, the CSR corrects the timesheet from "KG" to "LL."