UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

AUG 27 2008

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Clarification to Policy Memorandum, "Benefits, Allowances and Gratuities for Department of Defense (DoD) Civilian Employees under Public Law (P.L.) 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, June 2006", Dated May 4, 2007

This memorandum amends and clarifies the subject policy memorandum (attachment 1) to allow up to 10 workdays of excused absence for DoD civilian employees assigned to Iraq or Afghanistan, during each of the rest and recuperations (R&R) breaks authorized by the subject policy, not to exceed a total of 20 workdays for such employees during any 12 consecutive months. This clarification ensures consistency with the intent of P.L. 109-234 to allow Federal agencies to implement certain allowances, benefits, and gratuities comparable to those provided to members of the Foreign Service, and consistency with the State Department's policy to allow "administrative leave" to be granted to its Foreign Service and General Schedule personnel assigned to Iraq and Afghanistan, during authorized R&R breaks. It promotes this Department's ability to attract and retain an effective civilian workforce deployed in Iraq and Afghanistan.

The attached Office of Personnel Management (OPM) Memorandum of June 10, 2008, subject: Consistent Compensation for Federal Civilians in Combat Zones (attachment 2), urges agencies to make every effort to apply all flexibilities and

authorities available for Federal civilian employees deployed to combat zones. Among the flexibilities identified by OPM is the authority granted to Agencies to provide excused absence with pay and without charge to leave, such as the State Department's policy for authorized R&R breaks.

In this regard, Paragraph C.3.c. of the subject DoD policy memo is amended as follows (amended provision is in italics), for consistency with Department of State policy and OPM guidance:

"c. Provisions in DoD JTR, Volume II, Chapter 6, Part Q (Rest And Recuperation (R&R) Leave Travel) shall be applied in requesting and authorizing R&R travel. Employees shall be in approved leave status while traveling to and from and during R&R breaks in accordance with DOD Civilian Personnel Manual (CPM) (DoD 1400.25-M) Subchapter 630, Leave, or Subchapter 1260, Home Leave. *Employees shall be granted up to 10 workdays of excused absence per R&R trip, not to exceed a total of 20 workdays for employees assigned to Iraq or Afghanistan for any 12 consecutive months. Employees assigned to Iraq or Afghanistan for at least 6 months, but fewer than 12 months, shall be granted excused absence not to exceed a total of 10 workdays during the R&R trip authorized by paragraph C.3.a.(2), above."*

This amendment is effective immediately. The provisions of this amendment shall not be applied retroactively.

David S. C. Chu

Attachments
As stated

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MEMORANDUM FOR: SECRETARIES OF THE MILITARY DEPARTMENTS
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DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Benefits, Allowances and Gratuities for Department of Defense (DoD) Civilian Employees under Public Law (P.L.) 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, June 2006

Section 1603 of P.L. 109-234, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, effective June 15, 2006, gives Heads of Agencies the discretion to provide to employees on official duty in Iraq or Afghanistan during Fiscal Year (FY) 2006, 2007, and 2008, allowances, benefits, and gratuities comparable to those provided to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act (22 U.S.C. 3973; and 4081 et seq.). The provisions granted under P.L. 109-234 are limited to the authorities specified in the Public Law, and do not include others applicable to the Foreign Service, such as those for regular compensation, retirement, etc.

This memorandum establishes policy for the implementation of provisions of P.L. 109-234 within DoD, with the exception of provisions addressing death benefits; i.e. the death gratuity provided for members of the Foreign Service who die as a result of injuries sustained in the performance of duty abroad, and related provisions for travel and related expenses. DoD policy regarding the new death benefits was issued by memorandum dated April 3, 2007, subject: Death Benefits for Department of Defense (DoD) Civilian

Employees under Public Law (P.L.) 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, June 2006.

The Secretaries of the Military Departments, and heads of Defense Agencies and DoD Field Activities with independent appointing authority for themselves and their serviced organizations are redelegated the authority to authorize the provision of the benefits and gratuities described in the attached policy to their employees who are assigned to Iraq or Afghanistan during FY 2006, 2007, and 2008, in accordance with the subject Public Law. This authority may be redelegated to the lowest practical level. Components should ensure that their civilian employees assigned to Iraq or Afghanistan during this period are informed of these new benefits.

This authority is effective only for the period June 15, 2006, through September 30, 2008. Benefits and gratuities also shall be granted retroactively for DoD employees assigned to Iraq or Afghanistan between June 15, 2006, and the date of this implementing policy, when eligibility criteria are met. Components must review the circumstances of any employee's assignment to Iraq or Afghanistan between June 15, 2006, and the date of this implementing policy, to determine retroactive eligibility. The attached guidance provides implementing policy and procedures.

David S. C. Chu

Attachment
As stated

Department of Defense

Benefits, Allowances and Gratuities for Department of Defense (DoD) Civilian Employees Under Public Law (P.L.) 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, June 15, 2006
Guidance and Procedures

A. General Information

1. Section 1603 of P.L. 109-234 authorizes the Secretary of Defense, at his discretion, to provide to employees on official duty in Iraq or Afghanistan during Fiscal Years (FY) 2006, 2007, and 2008, allowances, benefits, and gratuities comparable to those provided to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act (22 U.S.C. 3973; and 4081 et seq).

2. This guidance addresses provisions consistent with 22 U.S.C. 4081 (Travel and Related Expenses), excluding travel benefits associated with an employee's death, and 4083 (Required Leave). DoD policy memorandum dated April 3, 2007, issued guidance to address provisions consistent with 22 U.S.C. 3973 and 4081 applicable in the event of the death of a DoD civilian employee, when the death is the result of injuries sustained in the performance of duty, and the employee is officially assigned to Iraq or Afghanistan.

3. Provisions of 22 U.S.C. 4081 not specifically addressed in this policy, and provisions of 22 U.S.C. 4082 (Loan of Household Effects), 4084 (Health Care), 4085 (Entertainment and Representation Expenses), and 4086 (Voting) are comparable to authority already granted to DoD under other statutes.

4. These benefits shall be provided retroactively to DoD employees assigned to Iraq or Afghanistan between the period June 15, 2006 and the date of this implementing policy, if eligibility criteria established in this policy are met.

5. This guidance applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense (DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter collectively referred to as the "DoD Components").

6. The provisions apply to all DoD U.S. citizen appropriated fund and nonappropriated fund (NAF) employees who are officially assigned by means of Temporary Duty (TDY), Temporary Change of Station (TCS), or Permanent Change of Station (PCS), or detail to another Federal agency to Iraq or Afghanistan during the period June 15, 2006, through September 30, 2008.

7. The provisions are in addition to any other allowances, benefits, or gratuities applicable to DoD civilian employees, and supercede any more restrictive policies currently applicable for DoD civilian personnel.

8. The Secretaries of the Military Departments, and Heads of Defense Agencies and DoD Field Activities with independent appointing authority for themselves and their serviced organizations are redelegated approval authority consistent with this policy. This authority may be redelegated to the lowest practical level.

9. The provisions are effective retroactively to June 15, 2006, and shall expire effective September 30, 2008.

B. Definitions

The following additional provisions apply for the purpose of this guidance.

1. "United States" means all the States and the District of Columbia.

2. "Actual Residence" has the meaning established in the DoD Joint Travel Regulations (JTR), Volume II, Appendix A.

C. Policy

1. Home Leave

a. Under authority provided by P.L. 109-234, and consistent with provisions of 22 U.S.C. 4083, a DoD employee who is officially assigned to Iraq or Afghanistan by means of Temporary Duty (TDY), Temporary Change of Station (TCS), or Permanent Change of Station (PCS) shall earn, and may be granted home leave, if the following criteria are met:

(1) The employee must serve a period of continuous service in Iraq or Afghanistan of at least 12 months, and

(2) The employee must be expected to return to service abroad to Iraq or Afghanistan, or to another overseas location upon completion of the home leave period, or upon completion of an assignment in the United States.

Home leave is not granted unless it is expected that the employee will return to service abroad.

b. DoD employees assigned to Iraq or Afghanistan are not required to complete the basic one-time service requirement of 24 months of continuous service abroad specified in Title 5, Code of Federal Regulations (CFR), 5 CFR 630.606 in order to earn home leave under the provisions of this policy. Further, employees are not required to be eligible to accumulate a maximum of 45 days of annual leave under 5 U.S.C. 6304 in order to earn home leave under the provisions of this policy.

c. The 12-month continuous service requirement specified in paragraph C.1.a. shall begin on the date of arrival at the post of duty in Iraq or Afghanistan. The 12-month continuous service requirement is extended by any period of time spent in the United States or a U.S. territory or possession in annual leave status (except on annual leave taken in connection with authorized rest and recuperation travel) or sick leave status (except sick leave when the employee is on official medical travel orders for up to 180 days). The 12-month continuous service requirements shall also be extended by any period of time in a leave without pay status that exceeds two work weeks.

d. Service abroad prior to official assignment to Iraq or Afghanistan is credited towards the 12-month service requirement specified in paragraph C.1.a. if it is creditable for the 24-month service requirement specified in 5 CFR 630.606. DoD employees who have previously completed the 24-month service requirement specified in 5 CFR 630.606 are not required to complete a new 12-month service requirement as specified in paragraph C.1.a. prior to taking earned and approved home leave.

e. Employees officially assigned to Iraq or Afghanistan for fewer than 12 consecutive months are not eligible to earn home leave under these provisions, unless the 12-month continuous service requirement is fulfilled in its entirety by previous creditable service abroad as specified in 5 CFR 630.606, or by a combination of previous creditable service abroad and the official assignment to Iraq or Afghanistan.

f. DoD employees assigned to Iraq or Afghanistan who have fulfilled the service requirement specified in paragraph C.1.a. shall earn home leave on a monthly basis at the rate prescribed by 5 CFR 630.604 and 5 CFR 630.605. The post differential of 35 percent currently authorized for Iraq and Afghanistan establishes a home leave earning rate of 15 days per 12 months.

g. Home leave under these provisions shall be granted in consideration of mission needs. However, management officials must be mindful of the exceptionally difficult working conditions associated with duty assignments in Iraq and Afghanistan. Only extremely urgent mission requirements should interfere with granting home leave when it is requested by an eligible employee.

h. Home leave earned but not used under these provisions shall remain credited to the employee's account without limitation for future use, in accordance with 5 CFR 630.606 and 5 CFR 630.607.

2. Travel for Home Leave

a. Under authority provided by P.L. 109-234, and consistent with provisions of 22 U.S.C. 4081(2), employees on official duty in Iraq or Afghanistan during Fiscal Years (FY) 2006, 2007, and 2008, who are granted home leave under provisions in paragraph 1, above, shall be provided round-trip transportation to the employee's actual residence within the United States or its territories or possessions.

b. Transportation expenses of such employee's family members shall also be paid, when family members are residing abroad incident to the employee's assignment to an overseas duty station, except that such expenses shall not be paid for family members already on Separate Maintenance Allowance (SMA) authorization.

c. Payments shall be in accordance with the DoD, Volume II, Chapter 6, Part Q, "Rest And Recuperation (R&R) Leave Travel," paragraphs D, F, and G. Home leave must be used only in the United States, or its territories and possessions.

d. Employees shall be in an approved leave status (e.g., home leave, annual leave, or leave without pay) while traveling.

3. Travel for Rest and Recuperation (R&R)

a. Under authority provided by P.L. 109-234, and consistent with provisions of 22 U.S.C. 4081(6), DoD employees on official duty in Iraq or Afghanistan during Fiscal Years (FY) 2006, 2007, and 2008 are entitled to round-trip transportation to designated locations as provided in the DoD JTR, Volume II, Appendix U, as follows:

(1) Employees assigned to Iraq or Afghanistan by means of TDY, TCS, or PCS for 12 consecutive months are eligible for three R&R trips within the 12 month service period. Employees must serve a minimum of 60 days in Iraq or Afghanistan in order to be eligible for the first R&R trip. These R&R trips should

be taken at reasonable intervals; for example, the first break after 60 days, and subsequent breaks every 50 to 60 days.

(2) Employees assigned to Iraq or Afghanistan by means of TDY, TCS, or PCS for 6 or more months, but fewer than 12 months, are eligible for one R&R trip. Employees must serve a minimum of 60 days in Iraq or Afghanistan in order to be eligible for the R&R trip.

b. Individual R&R trips should not exceed a maximum of 21 calendar days away from the official duty station in Iraq or Afghanistan (including travel time). R&R trips shall be granted in consideration of mission needs. However, management officials must be mindful of the exceptionally difficult working conditions associated with duty assignments in Iraq and Afghanistan. Only extremely urgent mission requirements should interfere with granting home leave when it is requested by an eligible employee.

c. Provisions in DoD JTR, Volume II, Chapter 6, Part Q (Rest And Recuperation (R&R) Leave Travel) shall be applied in requesting and authorizing R&R travel. Employees shall be in approved leave status while traveling to and from and during R&R breaks in accordance with DOD Civilian Personnel Manual (DoD 1400.25-M) Subchapter 630, Leave, or Subchapter 1260, Home Leave.

D. Documentation Requirements

1. The Office of Personnel Management (OPM) Form 71 (Request for Leave or Approved Absence) shall be used to request and approve earned home leave.

2. Home leave accrued by DoD employees in accordance with these provisions shall be documented on the DoD Civilian Leave and Earnings Statement.

3. The Form DD 1610 (Request and Authorization for TDY Travel of DoD Personnel) shall be used to authorize transportation for home leave and R&R for eligible employees and family members as provided in paragraph D, above.

E. Accountability

1. DoD Components are responsible for compliance with these requirements, and for ensuring that their civilian employees assigned to Iraq or Afghanistan between June 15, 2006, and September 30, 2008, are informed of these provisions.

2. DoD Components must maintain records of payment authorizations so as to allow for reporting of payments made to employees under these provisions.