

LAW ENFORCEMENT LEAVE (LEL)

1. Reference: Title 5 USC 6323(b) provided for 22 days of law enforcement leave for employees to perform military duty for the purpose of providing military aid to enforce the law or providing assistance in the protection or saving of life or property or prevention of injury. Public Law 108-136 effective 24 November 2003 modified 5 USC 6323(b) to provide employees who perform duty in support of a contingency operation. This entitlement is a broadening of the qualifications for use of military leave which was limited to personnel called to active duty for law enforcement duty (State Active Duty).

2. Requirements: Permanent or indefinite employees are entitled to the 22 days of military Law Enforcement Leave (LEL) under the provisions of 5 U.S.C. 6323(b) while performing voluntarily or involuntarily:

a. State Active Duty (SAD) as ordered by the President, The Secretary of Defense, or a State Governor in support of civil authorities in a State, District of Columbia (DC), Commonwealth of Puerto Rico, or territory of the United States, or;

b. Federal service under section 331, 332, 333, or 12406 of Title 10 U.S.C., or other provision of law, as applicable, or;

c. Employees who perform military service as a result of a call or order to active duty in support of a contingency operation.

d. The military orders are required to reflect the proper authority to authorize the use of the 22 days of leave.

3. Administration:

a. All permanent and indefinite employees are eligible for 22 days of law enforcement leave. This leave is accrued and available for use at the beginning of each calendar year (CY). There is no provision to carry over into the next CY any unused balance.

b. This is not a "dual compensation" leave. An employee will not be authorized to retain both military and civilian pay. Two basic rules apply:

(1) If the military pay is greater than the technician pay, then no technician pay would be due.

(2) If the military pay is less than the technician pay, then the difference between the two is paid on the technician payroll.

c. The 22 days will be converted from days to hours and charged on an hourly basis. The minimum charge for leave is one hour. Technicians who work 80 hrs per pay period are entitled to a maximum of 176 hrs ($8 \times 22 = 176$). Non-workdays and holidays are not charged. Regardless of work schedule (8, 5/4/9 or 10 hr days) there is a prorated percentage used to compute the difference of daily work hours which does not afford an advantage to any particular schedule.

d. LEL is normally computed "after the fact". Offset rules require crediting of military pay against technician pay, thus reducing the technician pay. The basic military rate of pay includes base pay, BAH, BAS, FSA, HPF & HDP less travel, transportation or per diem. The employee receives their civilian pay and upon completion of the LEL duty, their military pay is compared to their civilian pay to determine the indebtedness. If the employee is LWOP and then claims LEL a debt should not be reflected unless the difference is insufficient for certain deductions such as FEHB.

e. LEL may be commingled with annual leave, compensatory time, Time-Off Award or LWOP and also with the 120 hours of military leave when on contingency operation.

4. Procedures:

a. When requesting LEL the employee submits an OPM Form 71 marked "Other paid absence", lists the dates and in remarks puts "LEL" with a copy of the military order attached.

b. Supervisors:

(1) Verify employee is on LWOP-Mil (KG) for dates requested.

(2) **DO NOT CODE "LL"** on the time card.

(3) Forward the OPM 71 and orders to Tech Pay. Tech Pay will contact DFAS for approval of the request. After approval is received Tech Pay will change the time cards from "KG" to "LL".

c. Supervisors and employees. When planning to use LEL initially upon deployment, for the SF-52 date requesting LWOP-Mil do not include this time. The LWOP-Mil date should be the first date the employee would be in a LWOP status, not including LEL.

5. Some considerations to review prior to deciding if LEL has advantages or disadvantages are:

a. If civilian pay is more than military pay the difference would be received after deductions.

b. If FEHB coverage is retained while on contingency operation, the premium will be deducted. Should the difference not be sufficient to cover the premium cost a debt will be incurred.

c. Annual and sick leave are earned.

d. Retirement (FERS/CSRS), social security, federal/state tax, life insurance, TSP, TSP Loans and other allotments are deducted from the gross pay difference in a designated order of priority according to regulation.

Employee Computation
Law Enforcement Leave (LEL)

1. 22 (calendar) days of leave called LEL available for use each calendar year while on State Active Duty or Contingency Operation.
2. It is not a dual compensation leave. Paid the difference between military pay and civilian pay. If you receive more civilian pay than military pay, this could be an advantage.
3. If use LEL regular deductions are taken out of the difference due. (Health, Life, Taxes, etc).
4. This example is a simple way to compute if there is a difference when based on an 80 hour, bi-weekly pay period. There is a prorated % used to make the different daily work schedules compute equally regardless if 8, 9 or 10 hour days and does not allow an advantage to one or the other.

Estimate Computation

1.. Civilian Pay: Bi-weekly or hourly

Biweekly gross = \$ _____ or Hourly gross = \$ _____ **X 80** = \$ _____

2. Military Pay: (This will only be an estimate)

a. Basic Pay a month (your grade & years of service divided by 30) = \$ _____

b. Subsistence on a daily rate is: Off: \$6.25 Enl: \$9.07 = \$ _____

c. BAH a month (Off or Enl with or without dep) divided by 30 = \$ _____

Total Daily Rate = \$ _____

Total daily military rate X 10 = \$ _____

3. If LEL is used after in country on contingency operation you could need to add to the daily rate:

FSA = \$8.33

Hostile Fire = \$7.50

Haradship Duty Pay = \$5.00

4. Civilian biweekly pay in #1 minus Military pay in #2 (advantages) ? **Difference** \$ _____