



HAWAII NATIONAL GUARD  
HUMAN RESOURCES OFFICE  
BULLETIN



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**ABSENCE WITHOUT PAY**

1. **Reference(s)**. CNGBI 1400.25 Volume 630, Leave and Absences dated 6 August 2018.

2. **Purpose**. This memorandum serves to clarify and standardize the application and management of Leave without pay (LWOP) for all technicians. Provide supplemental guidance to CNGBI 1400.25 Volume 630, dated 6 August 2018, the primary regulatory guidance and reference for all issues relating to the leave and absence program.

3. **Definitions**.

a. Leave without pay (LWOP) is an approved temporary absence from duty in a nonpay status requested by the employee. The term does not cover a suspension, furlough, an absence for which leave has not been approved, or nonpay status during hours or days for which an employee would be compensated on an overtime basis.

b. Extended LWOP is a period of leave without pay exceeding 30 calendar days.

c. Absence without official leave (AWOL) is a period of absence without pay for which the employee did not obtain approval or which a request for leave is denied. AWOL is based on the supervisor's determination that no form of leave (annual, sick, CT, LWOP, etc.) has been or should be approved for the absence based on existing evidence. AWOL can be converted to appropriate leave when a supervisor receives and is satisfied with documentation justifying the absence. AWOL is not disciplinary in nature, but may be the basis for disciplinary action.

4. **Basic Premises**. The authorization of LWOP is a matter of administrative discretion and may not be demanded by an employee, except that:

a. Disabled veterans are entitled to LWOP, if requested, for medical treatment;

b. Members of the armed forces reserves and National Guard are entitled to LWOP, if requested, when ordered to military training duties if absence is not covered by military leave; and

c. Employees are entitled to 12 administrative workweeks of LWOP under the Family

Medical Leave Act (FMLA), if supported by administratively acceptable evidence.

LWOP will not ordinarily be granted to enable an employee to engage in other employment. An employee requesting LWOP to engage in outside employment must comply with the agency's Outside Employment Policy.

**5. Extended LWOP.** LWOP more than 30 days and up to one year must be approved by the Human Resources Officer (HRO), LWOP over one year must be approved by the Adjutant General (TAG). LWOP may be authorized for:

- a. Educational purposes when the studies will enhance the employee's value upon his or her return to the job;
- b. Service with a non-Federal public or private enterprise when the job is of a temporary nature (not to exceed one year), and the service to be performed is in the interest of the Agency;
- c. Recovery from illness or disability not of a permanent nature, when continued employment or immediate return to employment might impair the employee's health or the health of other employees;
- d. Protection of an employee's status during any period pending final action by the OPM on a claim for disability retirement, after sick or annual leave have been exhausted; or pending a determination by the Department of Labor on a claim for disability compensation resulting from employment-connected injury or disease. If the disability or disease is one for which the employee is being compensated by the Department of Labor under 5 U.S.C. Chapter 81, LWOP in excess of one year may be granted in increments appropriate to the employee's prospects for recovery; and
- e. Protection of an employee's status and benefits for a limited period (e.g., 90 days) when the employee has reasonable hope of obtaining another civil service position within agreed period of time.

Each request for extended LWOP should be examined closely to assure that the value to the Government or serious needs of the employee are sufficient to offset the costs and administrative inconveniences involved, including encumbrance of a position, loss of needed services, complication of retention registers for reduction in force, obligation to provide employment at the end of the period of leave, and credit for six months of each year of absence toward retirement (or full credit for those in receipt of disability compensation).

As a basic condition of approval of extended LWOP, there should be a reasonable expectation that the employee will return to work at the end of the approved absence. An employee requesting LWOP may be required to first exhaust annual leave when the absence is primarily for the personal convenience of the employee.

Generally, LWOP may not be substituted retroactively for annual or sick leave (58 Comp. Gen. 661)

An employee in a pay status for the last hour of the of the workday immediately before or the first hour of the workday immediately following a holiday is entitled to regular pay for the holiday regardless of whether he or she is in a leave without pay status or absent without leave immediately succeeding or preceding the holiday (56 Comp. Gen. 393).

An employee in a nonpay status for the last hour of the workday immediately before and the first hour of the workday immediately following a holiday is not entitled to regular pay for the holiday (16 Comp. Gen. 807 and 23 Comp. Gen. 960).

## **6. Procedures for LWOP.**

LWOP for up to 30 calendar days or less may be requested by OPM 71 and approved by the supervisor. The employee's time and attendance reports will show the exact dates of LWOP.

For LWOP in excess of 30 calendar days and up to one year is authorized by the Human Resources Office (HRO). LWOP requests for over one year is authorized by the Adjutant General (TAG). The supervisor must submit a request through DCPDS request for personnel action (RPA). If the LWOP request is made for health reasons, the employee may be requested to furnish a statement from the physician or other licensed health care practitioner indicating the need for the absence and prognosis of the employee's ability to return to work at the end of the period of LWOP. All LWOP for personal reasons must be accompanied by a justification memorandum endorsed by his/her chain of command.

An employee's absence on extended LWOP and subsequent return to duty must be recorded in the Official Personnel Folder. All approved extended LWOP request will be followed up by an LWOP election checklist and subsequent return to duty checklist.

## **7. Absence Without Official Leave (AWOL).**

When a supervisor determines that an employee's absence from duty has not been authorized and should not be charged as approved leave or excused absence, the employee's forfeiture of pay for the period of absence is not a disciplinary action, because the decision to be absent was made by the employee rather than by the supervisor. However, such periods of absence may be the basis for disciplinary action. A supervisor must consult with the Labor Relation Specialist when proposing disciplinary action.

**8. Proponent and Exception Authority.** Joint Force Headquarters, Director of Human Resources. The proponent has authority to approve exceptions when they are consistent with controlling laws and regulation

**9. Suggested Improvements.** Users are invited to send comments and suggestions to Joint Forces Headquarters, Human Resources Office, 3949 Diamond Head Road, Honolulu, HI 96816-4495.

**10. HRO Points of Contact.** Any questions or concerns regarding absence without pay may be directed to the HRO Benefits section at: 808-672-1231.