



**HAWAII NATIONAL GUARD
HUMAN RESOURCE OFFICE
BULLETIN**



NUMBER 20-11

7 May 2020

FORFEITURE/RESTORATION OF ANNUAL LEAVE

1. **Reference.** Chief National Guard Bureau Instruction (CNGBI) 1400.25, Vol 630, National Guard Technician Absence and Leave Program, dated 6 August 2018.

2. **Purpose.** This memorandum serves to clarify Forfeiture/Restoration of Annual Leave for all technicians. Provide supplemental guidance to CNGBI, dated 6 August 2018, the primary regulatory guidance and reference for all issues relating to the Absence and Leave Program.

3. **Definition.**

a. Annual Leave. Annual leave is absence with pay for personal and emergency purposes; it may be used by employees annually for vacations, rest and relaxation, and personal business or emergencies. Employees will receive a lump-sum payment for accumulated and accrued annual leave when they separate from Federal service or enter on active duty in the Armed Forces and elect to receive a lump-sum payment.

4. **Basic Premises.** Annual leave that is in excess of the maximum of 240 hours (30 days) is considered “use or lose” if accrued, but not used by the end of the leave year. Technicians are advised that the current leave year ends on **Saturday, 2 January 2021**. *Excessive annual leave is automatically forfeited if not used by the last day of the leave year.*

5. **Exception to automatic forfeiture are:**

a. Administrative error resulting in forfeiture of annual leave through no fault of the technician.

b. Sickness, injury, or other medical condition for which paid sick leave or continuation of pay (COP) were approved, thereby, interfering with the use of scheduled/rescheduled annual leave. The technician’s sickness or injury must have occurred late in the leave year or was of such duration that the excess annual leave could not be rescheduled for use before the end of the leave year.

c. Exigency of the Public Business (i.e., an urgent need for the employee to be at work) is of major importance and that the excess annual leave could

not be used. Failure to use annual leave due to extended active duty is not considered an “exigency of the public business” for the purpose of restoring forfeited leave. The exigency must be approved, normally in advance, through supervisory channels.

6. Restoration of Annual Leave. Requests for restoration of annual leave that was forfeited will be considered **only** if the annual leave was scheduled in writing before the start of the *third biweekly pay period prior to the end of the leave year*. This means the technician’s written request (i.e., OPM Form 71) and approval to use the “use or lose” annual leave must be accomplished **before 14 November 2020**.

7. Restoration Process. Requests for restoration must be submitted to the Human Resources Office (HRO), through command/supervisory channels, **after 2 January 2021**. The following information must be included in the request:

a. The calendar date(s) on which annual leave was scheduled and approved by an authorized official.

b. The amount(s) of annual leave hours scheduled and approved for use.

c. The reason(s) for cancellation of approved annual leave. If cancellation was due to operational demand (“exigency of public business”), include the beginning and the ending dates of that demand along with a copy of the official documentation which stated the demand had cancelled the scheduled approved leave.

d. The calendar date on which the cancelled annual leave was rescheduled for use.

e. The amount(s) of cancelled annual leave hours rescheduled for use.

8. HRO Points of Contact. Any questions or concerns regarding Forfeiture/Restoration of Annual leave directed to the Employee Benefits Section at: 808-672-1234.