

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

District Personnel Manual Issuance System

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DPM Chapter(s) 12

DPM Instruction No. 12-38

SUBJECT: Impact of Extended Leave Without Pay (LWOP) and
Other Non-Pay Status on Employee Benefits/Programs

Date: July 28, 2008

1. Purpose

The purpose of this District Personnel Manual (DPM) instruction is to provide information on periods of *leave without pay (LWOP)* and other *non-pay status* that do not impact employees' *creditable service* or their eligibility for the benefits/programs listed in the chart below. Generally, periods of *LWOP* or other *non-pay status* longer than the periods specified in the chart will impact negatively on an employee's *creditable service*, and his or her entitlement to or eligibility for these benefits and programs.

2. Creditable Service – General

Creditable service is given for all service in the employ of the District or federal governments that is creditable for purposes of an employee's retirement system. With certain exceptions, credit for leave accrual rate and reduction in force (RIF) is given for service, both military and non-military, performed for the District or federal governments.

Generally, *full-time credit* is allowed for periods of employment with the District or federal governments (i.e., a day's credit is allowed for each day beginning with the date of a person's appointment and ending on the date of his or her separation from District government service). However, there are instances when *full-time credit* is not allowed, for example, when an employee served on an intermittent basis or was on the rolls in a non-pay status for a period or periods aggregating more than 6 months in any calendar year.

3. Definitions

For the purposes of this instruction, the following terms have the meaning ascribed:

- a. **Absence Without Leave (AWOL)** – an unauthorized and unapproved absence from duty; also referred to as "AWOL."
- b. **Leave Without Pay (LWOP)** – a temporary *non-pay status* and absence from duty granted at the employee's request or as otherwise authorized by law or regulation.
- c. **Non-Pay Status** – hours in LWOP status; AWOL status; or on suspension.

Note: DPM Instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart 1, §1.3]

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4. Provisions

Type of Benefit/Program	Impact
<p>1. Completion of Probationary Period (Career Service)</p>	<p>Service credit toward completion of an employee's probationary period <u>shall</u> be given for the following periods of absence:</p> <p>(a) Absence in a <i>non-pay status</i> while on the rolls because of <u>compensable injury</u> or <u>military duty</u>; and</p> <p>(b) Absence following <u>separation</u>, <u>suspension</u>, or <u>furlough</u> during the probationary period, when any of these actions is found to have been unjustified or unwarranted and the employee is restored retroactively as of the effective date of the separation, suspension, or furlough.</p> <p><i>See</i> section 813.9 of Chapter 8 of the D.C. personnel regulations, Career Service</p>
<p>2. Within-Grade Increases</p>	<ul style="list-style-type: none"> • A total of <u>2</u> administrative workweeks in a <i>non-pay status</i> is <i>creditable service</i> for steps 2, 3, 4, or 5 on a <i>*District Service Salary System</i> schedule <u>with steps</u>, or a <i>**Wage Service Rate System</i> schedule; and • A total of <u>4</u> administrative workweeks in a <i>non-pay status</i> is <i>creditable service</i> for steps 6, 7, 8, 9 or 10 on a <i>District Service Salary System</i> schedule <u>with steps</u> or a <i>Wage Service Rate System</i> schedule. <p><i>See</i> section 1127.11 of Chapter 11 of the regulations, Classification and Compensation</p> <p>*[The <i>District Service Salary System</i> is the basic pay system for positions that are classified in accordance with section 1101 of Chapter 11 of the regulations and for which compensation is established on an <u>annual basis</u>.]</p> <p>**[The <i>Wage Service Rate System</i> is the basic pay system for positions that are classified in accordance with section 1105 of Chapter 11 of the regulations and for which compensation is established on an <u>hourly basis</u>.]</p>

Type of Benefit/Program	Impact
3. Annual and Sick Leave Accrual	<ul style="list-style-type: none"> • Whenever the number of hours of <i>non-pay status</i> accrued by a <u>full-time</u> employee during a leave year <u>equals</u> the number of base pay hours (80 in a biweekly pay period), the employee's accrued leave shall immediately be <u>reduced</u> by the amount of annual and sick leave the employee accruals during <u>1</u> biweekly pay period. For example, an employee in a 6 hours annual leave category has accrued 80 hours of LWOP as of pay period 12. As a result, on pay period 13, the employee's accrued leave is <u>reduced</u> by 6 hours of annual leave and 4 hours of sick leave. • When a *part-time employee is in a <i>non-pay status</i>, his or her accrued leave shall immediately <u>reduced</u> by the amount of annual and sick leave accrued during <u>1</u> biweekly pay period, since part-time employees earn leave on a pro-rata basis. • For the purpose of computing accrual rates for annual leave (i.e. 4, 6 and 8), a maximum of <u>6 months</u> in a <i>non-pay status</i> in a calendar year is creditable service. <p><i>See section 1228.10 and 1233 of Chapter 12 of the regulations, Hours of Work, Legal Holidays and Leave</i></p> <p>*[Part-time employees accrue leave on a pro-rated basis, based on hours in a pay status. For example, an employee with 1 year of service who works 40 hours per biweekly pay period accrues 2 hours of annual leave and 2 hours of sick leave.]</p>
4. Health Benefits	Enrollment continues while in a <i>non-pay status</i> for up to 365 days. The <i>non-pay status</i> may be continuous, or it may be broken by periods of less than <u>4</u> months.
5. Life Insurance Benefits	Coverage continues for 12 consecutive months in a <i>non-pay status</i> without cost to the employee or the employing agency. The <i>non-pay status</i> may be continuous, or it may be broken by a return to duty for periods of less than <u>4</u> consecutive months.

Type of Benefit/Program	Impact
<p>6. Retirement Benefits</p>	<ul style="list-style-type: none"> • <i>Civil Service Retirement System (CSRS)</i> – A total of 6 months in a <i>non-pay status</i> in a calendar year is <i>creditable service</i>, except for absence due to military leave or compensable injury authorized under applicable laws or regulations. <i>See</i> 5 U.S. Code § 8332 (f) • <i>Defined Contribution Pension Plan</i> – Creditable service shall include any portion of an authorized period of LWOP of up to 2 years, except for military leave or furlough as authorized under applicable law or regulation. <p><i>See</i> section 2603.5 (b) of Chapter 26C of the regulations, D.C. Retirement Benefit Program</p>
<p>7. Military Duty or Disability Compensation</p>	<p><i>Non-pay status</i> for employees who are performing military duty or receiving disability compensation counts as District government employment for all purposes upon the employee’s return to duty.</p> <p><i>See</i> section 827 of Chapter 8 of the regulations, Career Service</p>
<p>8. Reduction in Force (for the purpose of determining creditable service)</p>	<p>For the purpose of determining <i>length of service</i> of an employee affected by RIF, a maximum of 6 months in a <i>non-pay status</i> in a calendar year is creditable service.</p>
<p>9. Severance Pay</p>	<p>For the purpose of computing <i>*severance pay</i>, the employee affected by the RIF must have been employed for a continuous period of at least 12 months. However, for the purpose of computing <i>severance pay</i>, any time in a <i>non-pay status</i> that is not creditable for leave accrual must be excluded from the employee’s creditable service.</p> <p><i>See</i> section 1148.4 of Chapter 11 of the regulations, Compensation</p> <p><i>*[Severance pay is defined as pay for an employee separated from District government service as a result of a RIF.]</i></p>


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