

8-28-09

**MEMORANDUM OF AGREEMENT**  
**Regarding**  
**Excused Absence Upon Return of Activated Military**  
**Members to Federal Civilian Employment**  
**Between**  
**Professional Aviation Safety Specialists (AFL-CIO) ("PASS")**  
**and**  
**Federal Aviation Administration ("FAA")**

This Memorandum of Agreement (MOA) is made and entered into by and between PASS and the FAA concerning the implementation of Human Resources Policy Manual (HRPM) Policy Bulletin #57 (attached) relating to Minimum Service Requirements for Granting Excused Absence Upon Return From Active Duty Military Service in connection with the continuing Global War on Terrorism ("GWOT"). In order to facilitate a mutually acceptable and beneficial agreement between the Parties, PASS and the FAA agree as follows:

1. In order to insure that the members of PASS's five (5) FAA bargaining units (Tech Ops, AFS, AFS-700, AVN and MIDO) who are called to active duty in the GWOT share a commonality of benefits with other federal employees called to serve in active military duty, PASS agrees to the terms set forth in HRPM Policy Bulletin #57.
2. In the event the FAA agrees to more favorable terms with any other FAA labor organization regarding excused absences for returning military personnel and/or the granting of retroactive excused leave, such terms will be offered promptly to PASS for application to PASS's bargaining unit members. If agreeable to PASS, the new terms shall be made applicable to PASS bargaining unit employees prospectively through the execution of a supplemental MOA.
3. The Agency will make a good faith effort to inform PASS bargaining unit employees of their right to five days of excused absence upon returning from active military duty as outlined in HRPM Policy Bulletin #57 and LWS-8.4 Military Leave and LWS-8.8 Excused Absence. Such effort shall include, but shall not be limited to, written notice from the FAA to all PASS bargaining unit employees via the FAA email system within ten days of the date of this MOA and the posting of this MOA on the FAA's MOA website.
4. The Parties recognize that from September 2001 to the present PASS bargaining unit employees returning from active military duty had a right to five days of excused absence for each active duty deployment, but may not have exercised the right. In recognition of their service to the United States as part of the GWOT, the Agency agrees that, retroactive to the date on which each bargaining unit employee returned to work from a period of active military duty without taking excused absence, each such employee shall

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be granted five days of excused absence at a time mutually agreeable to the employee and his/her supervisor for each qualifying absence not to exceed one 5 day entitlement for each 12 month period. If the employee and supervisor cannot reach agreement, the matter shall be referred to the Parties at the national level for resolution. Employees who have earned multiple entitlements, may not use more than two (ten days) of his or entitlements in a six month period. The right to retroactive excused absence under this section shall expire two years from the date of this agreement, unless the scheduling of a period of excused absence has been elevated to the national level for resolution.

- 5. In order to establish eligibility, an employee must present copies of his or her orders for the period of activation indicating the activation was either for Operation Airport Security, Operation Noble Eagle, Operation Iraqi Freedom or Operation Enduring Freedom.

This MOA shall be effective thirty days from the date signed by both Parties and completion of Agency Head Review, whichever comes first and shall stay in effect for a period of two years from the date signed, or the date on which all scheduling disputes have been resolved, whichever occurs later.

**AGREED:**

*Carol McCrrey* 8/28/09  
 \_\_\_\_\_  
 Carol McCrrey Date  
 FAA, AHL-300

*Michael Derby* 8-31-09  
 \_\_\_\_\_  
 Michael Derby Date  
 PASS Counsel



## Human Resources Policy Manual (HRPM)

### Policy Bulletin #57

Updated: 2:55 pm ET June 30, 2009

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#### **Minimum Service Requirement for Granting Excused Absence Upon Return From Active Duty Military Service**

**This policy bulletin applies to:** (1) Non-bargaining unit employees/positions (2) bargaining unit employees/positions, except where the applicable collective bargaining agreement contains conflicting provisions.

**Policy Bulletin effective date:** 4/13/2009. This bulletin will remain in effect until cancelled by the Office of Human Resource Management, or incorporated in a Human Resource Policy Manual (HRPM) Chapter.

**This policy bulletin supersedes conflicting information found in the following policies:**

- [LWS-8.4 Military Leave](#)
- [LWS-8.8 Excused Absence](#)

**Background Information:** On November 14, 2003, former President George W. Bush issued a memorandum on the return of civilian employees who served on active duty in the continuing Global War on Terror (GWOT) authorizing agencies to grant five days of excused absence to a Federal employee returned from active military duty. Since that time, there has been a rise in the number of activations for short-term active duty service for those in the National Guard and Reserves, in addition to an overall increase in numbers called to active duty military service. After consulting with the Department of Defense (DOD), the Office of Personnel Management (OPM) determined that modifications to the criteria for granting an excused absence prior to an employee's return to Federal civilian employment from a period of active duty service were warranted. These changes are being adopted to ensure that our policy aligns with other Federal agencies so there is commonality of benefits with others called to serve in active duty military service throughout other sectors of the Federal Government.

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**1. Purpose:** The information in this policy bulletin implements the revised criteria for granting five days of excused absence for an employee returning from active duty military service in support of the continuing GWOT. The new requirements continue to reflect the rationale for granting the excused absence which is to aid an employee's readjustment to civilian service and family life after an extended period of active duty. The new changes implement (1) a minimum service period requirement; and (2) clarifies that the number of 5-day excused absences granted is limited to once within a 12-month period. It also expands the definition to include military service in connection with any other current or future military operations deemed part of the GWOT.

**2. Excused Absence Upon Return From Active Duty Military Service:** Employees returning from active military service are granted five workdays of excused absence before they return to work, without charge to leave, upon notification to their employing agency of their intent to return to Federal civilian employment. All eligible employees who were activated for military service in connection with the continuing GWOT (i.e., Operation Noble Eagle, Operation Enduring Freedom, and Operation Iraqi Freedom as well as any other current or future military operations deemed part of the GWOT) are qualified for this leave.

**a. Minimum Service Requirement:** An employee must serve at least 42 consecutive days of active military service in

connection with the continuing GWOT to qualify. The military service must be performed on consecutive days. Multiple periods of active duty service less than 42 days can not be accumulated or combined to meet the qualifying requirements.

**b. Limitations:** An employee is limited to five workdays of excused absence within a 12-month period. The 12-month period begins on the first day of the excused absence. Subsequent periods of active duty service meeting the minimum service requirement still do not qualify for an additional five days of excused absence if it falls within the 12-month limitation, and can not be held for use at the end of the 12-month period. In order to be qualifying, the subsequent period of active duty must conclude after the end of the current 12-month period.

**3. Points of Contacts:** Questions about guidance should be directed to the servicing Human Resource Management Division (HRMD).



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