

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Personnel

Part 370 DM Addition to FPM

Chapter 630 Absence and Leave

370 DM 630, I.I.

Subchapter I. General Provisions

1.1 Purpose. The purpose of this chapter is to set forth Departmental leave policies and other instructions based upon leave laws, regulations of Office of Personnel Management and decisions of the Comptroller General.

1.2 Responsibility. The head of each bureau is responsible for the proper administration of leave and for the maintenance of a leave account for each employee of the bureau. Supervisors and managers who are authorized to approve leave requests are responsible for verifying leave actions to insure that leave granted is legal and justifiable under leave laws and regulations.

1.3 Approval of Leave. Authority to approve leave may be assigned to any level of supervision. For leave requests of the following nature, approval authority should be assigned when feasible to at least one administrative level above the immediate supervisor:

- A. Annual leave in excess of 15 working days at one time,
- B. Advance sick leave,
- C. Advance annual leave,
- D. Leave without pay,
- E. Absence not chargeable to leave.

1.4 Absence Without Leave. When an employee is absent without advance authorization, fails to report for duty without prior approval of leave, does not give proper notification, or does not have an acceptable excuse for absence, the employee will be charged as absent without leave (AWOL). Charging absence without leave in these cases provides documentation of irregular attendance and such charges may be used as a basis for further disciplinary action.

1.5 Nonduty Situations. When an employee is present but not considered ready, willing, and able to work, the employee may be placed on annual or sick leave or in a nonduty nonpay status as the circumstances and leave account require. This will not be considered a suspension in a nondisciplinary situation.

1.6 Standard Leave Charge. The initial charge for leave or credit for compensatory time in lieu of overtime is 15 minutes. Additional charges and credits are also recorded in 15 minute increments. Exceptions are made for (a) AWOL which shall be recorded for actual time absent and (b) any collective bargaining agreements providing different requirements. Establishment of a standard charge for leave does not affect supervisors' capacity to waive charges by excusing short periods of tardiness or absence when circumstances warrant.

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1.7 Relationships with Labor Organizations. When labor organizations hold exclusive recognition or national consultation rights, due regard shall be given to the status of the organizations and any management obligations for consultation or negotiation which may be appropriate.

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Subchapter 2. General Provisions for Annual and Sick Leave

2.1 Alien Employee. Annual and sick leave will accrue and be granted to alien employees occupying positions outside of the United States on the same basis as to citizen employees. Authority for the Secretary to extend these leave privileges to alien employees is contained in 5 U.S.C. 6310.

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Subchapter 3. Annual Leave

3.1 General. Employees shall be encouraged to use for rest and relaxation the annual leave to which they are entitled under the leave laws and to take at least two consecutive weeks vacation annually, rather than using their leave in shorter periods. Leave schedules will be arranged so that each employee has an opportunity to use his annual leave with full consideration for his wishes, providing the work program does not suffer unduly. The taking of annual leave is an absolute right of the employee, subject to the right of the official having authority to approve annual leave in the department or establishment concerned to fix the time at which leave may be taken (16 CG 481). Except in emergencies, employees will be required to obtain prior approval of annual leave.

3.2 Granting and Advancing Annual Leave.

A. Annual leave may be granted as of the first day of employment to employees whose appointments are for 90 days or longer.

B. If an initial appointment is for less than 90 days, the employee is not entitled to annual leave. However, if employment continues without a break in service under successive appointments for a period of 90 days or more, the employee will earn the annual leave retroactively for the 90 days and may be granted annual leave.

C. An employee may be permitted to take the annual leave to his credit plus the leave that will accrue during the current leave year at any time during that year. Annual leave may be advanced only when there are no reasons known to the approving officer why the employee will not be able to earn the leave advanced.

3.3 Restoration of Annual Leave.

A. Annual leave may be restored when it is forfeited because of either administrative error, illness or exigencies of the public business, or unjustified or unwarranted personnel action.

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(1) In order to qualify under illness or exigencies of public business provisions, the annual leave must have been scheduled in advance, no later than the start of the third biweekly pay period to the end of the leave year.

(2) The authority to determine whether an exigency of the public business is sufficient to warrant disruption may be delegated by bureau or office heads to follow the normal channels of delegations. A determination may not be made by any official whose leave would be affected by the decision.

B. The requirement for prior scheduling of annual leave focuses special attention on the mutual responsibility of employees and management to plan and schedule the use of annual leave throughout the year. Bureaus or offices shall develop necessary procedures to assure the effective scheduling and use of annual leave by and for all employees. The advance scheduling of leave must be documented.

C. Restored annual leave must be used within two years unless the employee has been separated prior to the restoration or is separated prior to the expiration of the two years, in which case the unused restored leave shall be liquidated by payment of a lump sum.

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Subchapter 4. Sick Leave

.1 Approval. A medical certificate or other administratively acceptable evidence will be obtained for the use of sick leave in excess of three consecutive working days. Administratively acceptable evidence as to the reason for an absence may be considered regardless of the duration of the absence. However, an approving officer may require additional evidence on certain requests for sick leave when in his considered judgment the individual's leave record justifies it. Employees may be required to submit for approval a Standard Form 71 (Application for Leave) for any period of sick leave. The employee involved should have advance notice of this requirement.

.2 Advance Sick Leave. Advance sick leave may be granted only in cases of serious disability or illness and when required by the exigencies of the situation. An advance of sick leave shall be for not more than 30 days. A certificate of a physician or practitioner or other appropriate written evidence will be obtained for all periods of advance sick leave. Sick leave will not be advanced when a separation date has been established which would preclude an employee from earning leave to cover the advance. Sick leave will also not be advanced when an employee has filed for a disability retirement or when there is evidence that a return to duty is not contemplated. An employee with a limited appointment may be advanced the sick leave which will be earned in the remaining period of the appointment.

.3 Restrictions on Outside Employment During Periods of Sick Leave. Bureaus should require notification by employees whenever they engage in outside employment on one or more days for which they have requested sick leave. If circumstances warrant, a bureau may require its employees to obtain prior approval before engaging in outside employment during a period of sick leave. A decision on the justification for outside employment during a period of sick leave should be based upon the same criteria used in judging the performance of work during disability retirement. One example of acceptable outside employment would be an employee confined at home because of pregnancy or recuperation from illness or injury, who engages in telephone solicitation or writing.

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370 DM 630,6.1

Subchapter 6 Home Leave

6.1 Purpose. The purpose of this subchapter is to outline the eligibility requirements for payment of travel and transportation expenses for using home leave. These requirements are governed by Federal Travel Regulations in 41 CFR Part 101-7 and Chapter 630, Subchapter 6 of the Federal Personnel Manual.

6.2 Eligibility for Travel and Transportation Expenses. In order for an employee stationed at an overseas post of duty to be eligible to receive allowances for travel and transportation expenses to use home leave between tours of duty overseas, the employee must have:

A. Completed 12 months of continuous service abroad, or the prescribed tour of duty, and

B. Entered into a new written agreement for another period of service of no less than 12 months at the same or another overseas post.

6.3 Limitations.

A. If an employee fails to remain at an overseas post for at least 12 months after the date of arrival at the post following home leave, he or she will be required to reimburse the Government for the travel and leave expenses incurred.

B. Employees serving in Alaska and Hawaii are not subject to home leave regulations (38 CG 261 and PL 97-253). See 370 DM 631, Subchapter 14.

6.4 Use of Home Leave.

A. Home leave is for use in the United States, or if the employee's place of residence is outside the area of employment, in its territories or possessions, including the Commonwealth of Puerto Rico.

B. Home leave may be used in combination with other leaves of absence.

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Subchapter 9. Military Leave

9.1 General. Military leave shall be granted to permanent or temporary indefinite employees for active duty or for training under sections 502-505 of Title 32 of the U.S. Code as a Reserve of the Armed Forces or member of the National Guard. In accordance with 5 U.S.C. 6323, leave accrues at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of the fiscal year.

For part-time career employees, the rate of accrual shall be determined by dividing 40 into the number of hours regularly scheduled in the workweek, multiplied by 15 days. Upon applying for military leave, the employee will indicate the Armed Forces reserve organization of which he or she is a member. Upon returning to duty, the employee will furnish a copy of the orders certified accurate by an appropriate military officer, showing the days on which the employee was on active duty.

9.2 Reserve or National Guard. A permanent or temporary indefinite employee who is a member of a Reserve component of the Armed Forces or the National Guard, and who performs for the purpose of providing military aid to enforce the law, Federal service, or full-time military service for his or her state, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States, is entitled to military leave not to exceed 22 workdays in a calendar year as authorized by 5 U.S.C. 6323.

9.3 District of Columbia National Guard. An employee who is a member of the National Guard of the District of Columbia is entitled to military leave for each day of a parade or encampment ordered or authorized by the commanding general. This provision, found in 5 U.S.C. 6323, is in addition to the provisions in 9.2 above.

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Subchapter 10. Court Leave

.1 Granting of Court Leave. Career, career-conditional, temporary-indefinite, and indefinite employees will be granted court leave under the following circumstances:

A. Jury Duty. As a general rule, the Department will not request that its employees be excused from jury duty.

(1) The period of jury duty will be chargeable as court leave, from the date stated in the court summons to the date of discharge by the court.

(2) When an employee is excused from duty by the court for one day or for a period that would permit him to work for at least four hours, it is expected that he will return to work unless his return would cause a hardship because of the distance of the court from his residence or place of duty or unless he is assigned to night duty. If the employee does not return to work when excused, except for the above reasons, he will be charged with annual leave.

(3) A Federal employee serving as a juror in any court of the United States will not receive compensation from the court for such services. Pay received from a State court will be credited to the appropriation fund from which the employee is paid his compensation as a Government employee. Pay for jury duty in a State court may be retained by an employee if such service is performed outside the regular tour of duty of the employee concerned or if payment represents reimbursement for actual and necessary expenses incident to service as a juror.

B. Witness in an Official Capacity. This includes service as a witness for the United States Government or the Government of the District of Columbia.

(1) An employee who testifies in an official capacity or testifies on behalf of the United States Government is considered to be in an official duty status and is not charged court leave.

(2) Witness fees will not be accepted for service as a witness in an official capacity. Fees may be accepted, however, for witness service performed while on leave without pay.

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C. Witness in an Unofficial Capacity. This includes service as a witness for the United States Government, or a State or local government if not covered by assignment on official business.

(1) An employee who testifies in an unofficial capacity on behalf of the United States Government, or a State or local government, will be granted court leave.

(2) Court leave is not appropriate when the service in an unofficial capacity is on behalf of a private party.

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Subchapter 11. Excused Absence.

11.1 Definition. Excused absence is an absence from duty administratively authorized without loss of pay and without charge to leave for a short period of time.

11.2 Purpose. Provision for excused absence, sometimes referred to as administrative leave, permits an agency to excuse an employee from work when it is deemed in the public interest. Law, Executive Order, formal policy, or administrative discretion may be bases for making such determinations. FPM Chapter 630 states the more common situations in which excused absence is appropriate for individual employees. Dismissals of groups of employees are covered in FPM Chapter 610. The examples given in these chapters, however, are not all inclusive.

11.3 Policy. The authority to make excused absence determinations for individual employees is part of the authority delegated supervisors to approve or disapprove leave requests, subject to workload priorities, and any policies established by the bureau or office. Excused absence will not be used in situations for which other types of leave are specified, for example, military leave, court leave, advance sick leave, etc. The granting of excused absence is not an employee right but a discretionary exercise of management's authority.

11.4 Voting or Registration.

(A) An employee who desires to vote or register in an election or in a referendum on a civic matter in his or her community may be granted excused absence as follows:

(1) Where the polls are not open at least three hours either before or after an employee's regular hours of work, an employee may be granted an amount of excused leave which will permit him or her to report for work three hours after the polls open or leave work three hours before the polls close, whichever requires the lesser amount of time off.

(2) An employee may be excused for such additional time as may be needed to enable him or her to vote, depending upon the particular circumstances in his or her individual case, but not to exceed a full day.

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(3) If an employee's voting place is beyond normal commuting distance and vote by absentee ballot is not permitted, the employee may be granted sufficient time off in order to be able to make the trip to the voting place to cast his/her ballot. Where more than one day is required to make the trip to the voting place, bureaus and offices shall observe a liberal policy in granting the necessary leave for this purpose. Time off in excess of one day shall be charged to annual leave or, if annual leave is exhausted, to leave without pay.

(4) An employee who votes in a jurisdiction which requires registration in person may be granted time off to register on substantially the same basis as for voting, except that no such time shall be granted if registration can be accomplished on a nonwork day and the place of registration is within reasonable one-day, round-trip travel distance of the employee's place of residence.

B. Bureaus or Offices are responsible for assembling necessary information about hours during which polls are open in all political subdivisions in which their employees reside and for making an administrative determination regarding the amount of excused leave that may be granted within the stated limits. Employees should be notified of the determination made and the local procedure to be followed.

11.5 Examples. Some examples of situations in which excused absence is appropriate for short periods are as follows:

A. Taking a Federal civil service examination for a position currently occupied or one for which the employee is to be considered or recommended by his or her bureau or office; not to exceed four hours.

B. Taking a physical examination required by the Department or other Federal agency; for the time necessary to complete the examination.

C. Participating as active pallbearers or as members of a firing squad or guards of honor in funeral ceremonies for members of the Armed Forces returned to the United States for final interment, "when" the employee is a veteran; not to exceed four hours on any one day.

D. After obtaining treatment for an injury or illness sustained in the performance of duty, for the balance of the day on which the injury or illness occurred if circumstances warrant not returning to duty.

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E. Being unavoidably or necessarily absent from duty or tardy for less than one hour.

F. Up to four hours for donating blood, providing the employee does not receive pay for the blood.

G. Taking part in Government sponsored activities or those the Government participates in, provided the employee can be spared without detriment to the work and provided further that the absence will not require the employment of a relief worker or the payment of overtime, e.g., a volunteer tutoring at Interior's partnership schools.

H. Union representatives attending a training session sponsored by a labor organization, provided that the subject matter of such training is of mutual concern to the employer and the union, and the Government's interest will be served by the representative's attendance. Administrative leave which is granted under this paragraph shall be in conformance with 370 DM 711.

I. Comparable situations to the above as determined by the supervisor.

11.6 Advice. Questions about the appropriateness of excused absence as compared to official time, annual leave, leave without pay, or compensatory time for religious observances, etc., should be resolved by the supervisor in consultation with the servicing personnel office.

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Subchapter 12. Leave Without Pay

.1 General. Leave laws and Civil Service regulations do not limit or specify the exact situation under which agencies may grant or deny leave without pay. It is the policy of this Department to grant leave without pay (LWOP) only when it will be of mutual benefit and interest to the Department and to the employee. Leave without pay shall be granted only when there is a reasonable expectation that the employee will return to his position upon expiration of the leave (except when action is pending on the employee's claim for disability retirement or disability compensation.) Leave without pay shall not be granted for the purpose of private employment.

.2 Maximum Time Standards. The following maximum time standards are established for use in approving requests for leave without pay:

A. One year for illness or disability.

B. One year for educational purposes for any employee who wishes to undertake career-related education when it is in the interest of the Department and he expects to return to the Department at the end of the period of leave.

C. One year for an employee elected or appointed to a union office that occupies all or part of his work time to transact union business that is directly concerned with the functions of a bureau.

D. Six months for service with non-Federal public or quasi public organization.

E. Three months, depending on the merits of the case, for care of members of the family during illness.

.3 Extensions. Requests for extensions of leave without pay may be approved by the head of the bureau or office concerned when justified.

.4 Effect of LWOP on Life Insurance. Employees granted leave without pay for more than one year should be notified that their Federal Employees' Group Life Insurance is effective for only 12 months plus a 31-day grace period, except when the employee is receiving benefits under the Federal Employees Compensation Act because of disease or injury to himself. In these circumstances his life insurance only may be continued during the period he received such benefits, without cost to him. (5.U.S.C. 8706(c)).

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370 DM 630, 13.1

Subchapter 13. Leave for Parental and Family Responsibilities

13.1 Policy. Appropriate forms of leave will be granted to the extent possible to reinforce parental and family obligations. Consistent with mission priorities, supervisors will extend consideration to granting leave in personally tailored and flexible ways when necessary to fulfill these purposes.

13.2 Coverage. Childbirth and care, adoption and foster care, and absence for myriad family demands as described in FPM Chapter 630 are contemplated by the above policy. Annual or sick leave, leave without pay, advance leave, or combinations of same or flexible work schedules may be appropriate depending on the need, regardless of employee gender.

13.3 Childbirth. Female employees are encouraged to promptly advise supervisors of pregnancy in order that their health may be protected and plans made for a replacement during the period of absence. If there is any question as to the physical ability of a pregnant employee to perform her work, a medical certificate may be required. If the employee's duties require activity which may be injurious to her health, an effort should be made to modify her assignment or to reassign her temporarily to other work for which she is qualified. The same policy which is applicable for advancing sick leave in other situations will apply to advancing sick leave for pregnancies.

13.4 Supervisory Determinations. Leave requests to take care of parental or other family responsibilities may not always permit adequate advance notification to the supervisor because of unanticipated emergencies or events that are beyond the employee's control. For example, although an adoption application may have been in process for years, prospective parents may receive only a few days notice of a child's availability and placement in their home. Illness of family members can also prompt leave requests on short notice. The supervisor must balance what is a reasonable and manageable request with the workload to arrive at a humane determination.

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Subchapter 14. Vacation Leave for Employees in Alaska and Hawaii.

14.1 Purpose. The purpose of this chapter is to establish Departmental policies concerning the payment of travel and transportation expenses for vacation leave for employees located in Alaska and Hawaii as set forth in 5 U.S.C. 5728.

14.2 References.

A. Section 5728, Title 5, United States Code, as amended by Public Law 97-253, September 8, 1982, and Public Law 97-346, October 15, 1982.

B. Federal Travel Regulations (General Services Administration), FPMR 101-7, Chapter 2.

14.3 Responsibility. The head of each bureau and office is responsible for the administration of the provisions set forth in this chapter. The delegation of this administrative authority may be made to field activities as deemed appropriate.

14.4 Definitions.

A. Remote Locations. Remote locations are:

(1) A location at least 100 highway miles from the nearest established community as defined in OMB circular A-45, or

(2) A location not connected by an automobile highway to the mainland highway system.

B. Hard to Fill Positions. Hard to fill positions are:

(1) Positions covered under manpower shortage category on the effective date of the assignment (5 U.S.C. 5723; FPM 571); or

(2) Positions covered under Special Pay Rates for Recruiting and Retention on the effective date of their assignment (5 U.S.C. 5303; FPM 530); or

(3) Positions in a location for which a bureau/office cannot locally recruit and make a selection from at least three available highly qualified candidates from an Office of Personnel Management certificate and/or through the merit promotion process. Documentation must be available which clearly indicates the difficulty experienced in recruiting to fill the position locally.

C. Hard to Retain Positions. Hard to retain positions are:

(1) Positions covered under manpower shortage category on the effective date of the employment agreement (5 U.S.C. 5723; FPM 571); or

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(2) Positions covered under "special pay rates for recruiting and retention" on the effective date of the employment agreement (5 U.S.C. 5303; FPM 530); or

(3) Positions for which the bureau/office has a record of unusually high turnover and has determined to be a shortage for recruitment and retention purposes. Each case must clearly document the high turnover and recruitment problems.

14.5 Eligibility. Employees located in Alaska and Hawaii may be eligible to receive allowance for travel and transportation expenses for vacation leave for self and immediate family (but not household goods) to their actual place of residence at the time of appointment or transfer to Alaska or Hawaii as set forth below:

A. Employees Serving on a Tour of Duty in Alaska or Hawaii on September 8, 1982. An employee in any one of the situations listed below on September 8, 1982, involving a post of duty in Alaska or in Hawaii will continue to be eligible for allowances for travel and transportation expenses for tour renewal agreements - travel provided the employee continues to serve consecutive tours of duty at posts of duty within Alaska or at posts of duty within Hawaii. (Transfers between a post of duty in Alaska and a post of duty in Hawaii do not constitute consecutive tours of duty for purposes of this chapter). On September 8, 1982, the employee must have been:

- (1) Serving a current tour of duty in Alaska or Hawaii,
- (2) In route to a post of duty in Alaska or Hawaii under a written agreement to serve a tour of duty; or
- (3) Engaged in tour renewal agreement travel and have entered into a new written agreement to serve another tour of duty in Alaska or in Hawaii.

B. Employees Assigned, Appointed or Transferred to a Post of Duty in Alaska or Hawaii After September 8, 1982.

(1) Except as described in 370 DM 630, 14.5 A above, payment of travel and transportation expenses for tour renewal agreement travel for employees assigned, appointed or transferred to posts of duty in Alaska or Hawaii will not be allowed unless it is determined that payment of these expenses is necessary for the purpose of recruiting or retaining an employee for service of a tour of duty at a post of duty in Alaska or Hawaii.

(2) Heads of bureaus and offices (or their designees) are expected to use this authority sparingly and only when necessary to fulfill staffing needs to accomplish the bureau or office mission. The above definitions may serve as guidelines in making these determinations.

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(3) The payment of travel and transportation expenses for tour renewal agreement travel for recruiting or retention purposes is limited to two round trips beginning within five years after the date the employee first begins any period of consecutive tours of duty in Alaska or Hawaii. This allowance includes expenses of round-trip travel of an eligible employee and the transportation of his or her immediate family (but not household goods) from the post of duty in Alaska or Hawaii to the place of actual residence at the time of appointment or transfer to the post of duty. The employee must have completed an agreed period of service in Alaska or Hawaii before returning to the actual place of residence for vacation leave before serving another tour of duty at the same or another post of duty in Alaska or Hawaii under a new written agreement made before departure. Employees will be advised in writing of these limitations.

14.6 Effect on other Allowances. Provisions of this chapter are not affected by or to be confused with regulations governing allowances for travel and transportation expenses for employees returning home to take leave between tours of duty in overseas assignments.