

FACT SHEET

DISABLED VETERAN LEAVE GUIDANCE FOR SUPERVISORS

Overview: On November 5, 2015, the President signed the Wounded Warriors Federal Leave Act of 2015 (Pub. L. 114-75) (Act). The Act adds section 6329 to title 5, United States Code. The Act provides for a separate and new leave category, to be known as "disabled veteran leave". This leave benefit is for any new Federal employee hired on or after 5 Nov 2016 who is a veteran with a service-connected disability rated at 30 percent. The disabled veteran leave is for medical treatment associated with the service connected disabilities. The purpose of this new leave benefit is to help disabled veterans attend medical appointments for their service connected disability as they transition to their civilian job without having to take unpaid leave.

Key points:

- Disabled veteran leave (DVL) is available during a 12 months benefit period and may not exceed 104 hours. This new leave category is a one-time benefit and limited to 12 months. Once an employee has exhausted the leave benefit and/or the 12 months have passed, he or she will not have any further entitlements to the benefit.
- Disabled veteran leave (DVL) not used during the first 12 months of employment may not be carried over to subsequent years and will be forfeited.
- Disabled veteran leave (DVL) is only available to veterans with a service-connected disability rated at 30 percent or more hired on or after 5 Nov 2016. Veterans with a service-connected disability rated at 30 percent or more hired before 5 Nov 2016 are not entitled to this benefit.
- Veterans hired on or after 5 Nov 2016 that later are determined to have a service-connected disability rated at 30 percent or more will be eligible for DVL. In such cases, the start date of the 12 month eligibility period will be the date the VA claim is filed.
- A reservist or member of the National Guard called up to perform military duty on or after 5 November 2016, becomes eligible for DVL upon return to civilian employment. However, the amount of creditable disabled veteran leave will be offset by any sick leave balance in effect as of the beginning of the 12 month eligibility period.

ATAAPS procedure: The interim ATAAPS procedure will be to use the administrative leave (LN) code and then, from the NtDiff/Haz/Oth tab, select code PW. The final ATAAPS procedure will not be implemented until April 2017.

NOTE: The ARNG is not using ATAAPS. ARNG supervisors and technicians should coordinate with their timekeeping POC.

Q1: For what purpose can an employee use disabled veteran leave (DVL)?

An eligible employee can only use disabled veteran leave (DVL) to receive treatment by a health care provider for treatment of the service-connected disability. The leave is intended for the veteran to attend scheduled medical appointments. If the medical appointment is for a medical issue that is not part of the service-connected disability, DVL cannot be used. DVL may be used for a period of rest, but only if such period of rest is specifically ordered by the health care provider as part of a prescribed course of treatment for the qualifying service-connected disability.

Q2: How will the supervisor know if the employee is entitled to disabled veteran leave (DVL)?

Supervisors can check the employee's Notification of Personnel Action (NPA) or SF-50. Block 23 of the SF-50 identifies the employee's veteran's preference eligibility. Employees with a service connected disability of 30% or more are coded with a 6 in block 23.

Q3: Does disabled veteran leave (DVL) need to be requested in advance?

An employee must request DVL in advance unless the request for leave is critical and not foreseeable - e.g., due to a medical emergency or the unexpected availability of an appointment for surgery or other critical treatment. The employee must provide notice within a reasonable period of time appropriate to the circumstances involved. If it is determined that the need for the leave is critical and not foreseeable and the employee is unable to provide advance notice, the leave may not be delayed or denied. Supervisors should contact their servicing L/MER Specialist with any questions.

Q4: Will employees need to provide a doctor's note when requesting disabled veteran leave (DVL)?

DVL will follow existing leave requesting and approval procedures. Current procedures allow employees to self-certify for sick leave that is 3 days or less, meaning no doctor's note is required. However, the self-certification must state that the requested leave will be used for medical treatment for a qualifying service connected disability. The leave request must also include the specific date and hours of absence required for the treatment. DVL may also be used for a period of rest, meaning not to attend a medical appointment, but only if such rest is specifically ordered by the health care provider as part of a prescribed course of treatment for the qualifying service-connected disability. If used for this purpose, the employee's leave request should state that rest is specifically ordered by the health care provider as part of a prescribed course of treatment for the qualifying service-connected disability.

Q5: What is a qualifying service connected disability?

A veteran's service-connected disability rated at 30% or more by the Veteran's Benefit Administration, including a combined disability rating of 30% or more that reflects the combined effect of multiple individual disabilities which resulted in the award of disability compensation.

A temporary disability rating under 38 USC 1156 is considered a valid rating for as long as it is in effect.

Q6: Will disabled veteran leave show up on the leave and earning statement (LES)?

Yes, but not until the payroll system is updated around April 2017. In the meantime, supervisors will need to manually track usage. If needed, supervisors can contact their Customer Service Representatives (CSR) and request a DVL usage report. However, the report will only be accurate if the proper ATAAPS reporting rules was followed.

NOTE: The ARNG is not using ATAAPS. ARNG supervisors and technicians should coordinate with their timekeeping POC.

Q7: How will the supervisor know when the 104 hours are used up or when the one year period is up?

The final HR and payroll procedures will not be implemented until April 2017. In the meantime, supervisors will need to manually track usage of DVL. If needed, supervisors can contact their CSR and request a DVL usage report. However, the report will only be accurate as long as employees and supervisors follow the interim ATAAPS procedures.