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08 January 2021

INFORMATION PAPER

SUBJECT: Applicability and Guidance on the Implementation of Section 1111 of the Fiscal Year 2021 National Defense Authorization Act

PURPOSE: Address the implementation and applicability of a higher annual leave carryover limit under Section 1111 of the NDAA 2021 for the T5 and T32 National Guard Employees in the 54 states, territories, and district.

KEY POINTS:

- Annual leave in excess of 240 hours is forfeited at the beginning of the leave year for most employees (5 U.S.C. 634(a), (b), and (f)). With a new leave year beginning on the first day of the first pay period after 1 January 2021.
- Annual leave that is forfeited due to the application of the applicable carryover limit may be restored under certain conditions (5 U.S.C. 6304(d)).
- Under Section 1111, the authority was provided to establish a higher annual leave carryover limited to be applied at the beginning of the 2021 leave year.
 1. The higher annual leave carryover limited under Section 1111 will prevent forfeiture of any annual leave that is subject to the higher limit (see Section C and D of the Guidance on Implementing Section 1111 of the FY 2021 NDAA for details).
 2. The higher annual leave carryover limit established under section 1111 applies to an employee if they would otherwise have annual leave forfeited and not restored under the annual leave carryover limit provisions that normally apply to the employees (5 U.S.C. 6304(a) and (b)). Employees in the U.S. carryover limit changed from 240 hours to 300 hours.
- During the leave year 2021, an employee must use section 1111 excess annual leave before using any other annual leave available to the employee.
- Each state must establish tracking section 1111 excess leave accounts to ensure that statutory and policy requirements are met.
- Detailed information and guidance can be found at the following link: [Higher Annual Leave Carryover Limit under Section 1111 of the National Defense Authorization Act for Fiscal Year 2021 | CHCOC](#)

Prepared by NGB-J1-TCPE, Lara Ray, 703-607-0686; lara.a.ray.civ@mail.mil

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DEPARTMENT OF DEFENSE
DEFENSE CIVILIAN PERSONNEL ADVISORY SERVICE
4800 MARK CENTER DRIVE
ALEXANDRIA, VA 22350-1100

FOR: CIVILIAN PERSONNEL POLICY COUNCIL MEMBERS

FROM: Defense Civilian Personnel Advisory Service Director, Ms. Michelle LoweSolis

SUBJECT: Higher Annual Leave Carryover Limit under Section 1111 of the National Defense Authorization Act for Fiscal Year 2021

AUDIENCE: Nonappropriated Fund and Appropriated Fund

ACTION: Disseminate to all Department of Defense (DoD) Human Resources Practitioners

REFERENCE(S):

- a. Office of Personnel Management (OPM) Memorandum, "Higher Annual Leave Carryover Limit under Section 1111 of the National Defense Authorization Act for Fiscal Year 2021," dated January 5, 2021, <https://www.chcoc.gov/content/higher-annual-leave-carryover-limit-under-section-1111-national-defense-authorization-act>
- b. Department of Defense Instruction 1400.25, Volume 1406, "DoD Civilian Personnel Management System: Nonappropriated Fund (NAF) Attendance and Leave," March 20, 2015, <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/140025/1400.25-V1406.pdf>

BACKGROUND/INTENT: Reference (a) provides the OPM memorandum and implementation guidance pursuant to section 1111 of the National Defense Authorization Act for Fiscal Year 2021, which grants the Director of OPM discretionary authority to establish a higher leave carryover limit to be applied at the start of the 2021 leave year. The guidance includes information on employees eligible for coverage, along with the necessary procedures to apply this authority, which is retroactive to January 3, 2021. The higher annual leave carryover is equal to 125 percent of the otherwise applicable leave carryover ceiling. This higher limit is applicable if the covered employee has any excess annual leave that would otherwise be forfeited under the normal carryover limit, and not restored under the annual leave carryover provisions that normally apply under section 6304 (a) and (b) of title 5, United States Code.

In accordance with reference (b), section 1111 is administratively extended to Nonappropriated Fund activities and employees. However, NAF activities should follow the OPM guidance and procedures as of the first day of the first pay period beginning on or after January 1, 2021.

DCPAS, in coordination with the Defense Finance and Accounting Service, will be disseminating forthcoming supplemental information to assist DoD Components in determining coverage and application of section 1111 to their affected employee population.

POINT OF CONTACT: Melissa Lalonde, Employment and Compensation, 571-372-1557, melissa.a.lalonde.civ@mail.mil and Itzel Santana, Associate Director, NAF Personnel Policy, 571-372-1565 or at itzel.r.santana.civ@mail.mil.

www.dcpas.osd.mil



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