



DEPARTMENT OF THE ARMY  
US ARMY INSTALATION MANAGEMENT COMMAND  
HEADQUARTERS, UNITED STATES ARMY GARRISON-DAEGU  
UNIT#15746  
APO AP 96218-5746

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2014 .06. 20

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: US Army Garrison (USAG) Daegu Policy Letter #81, 59 Minute Rule

1. References.

- a. 5 U.S.C. § 2105
- b. 5 CFR 630.206
- c. DoDI 1400.25, Volume 1261, DoD Civilian Personnel management System: Observance of Holidays in Foreign Areas, 18 May 2009.
- d. United States and Republic of Korea SOFA, Article XVII.
- e. USFK Regulation 690-1, Regulations and Procedures-Korean Nationals, 10 February 2011.

2. Applicability. This policy applies to all military members, DoD civilian employees, and Korean employees of USAG-Daegu/Area IV.

3. Purpose. To establish instructions, standards, and guidance for Commanders, Activity Directors, or designated supervisors to authorize early releases of less than one hour on infrequent occasions to employees. This practice has been referred to as the "59 minute rule". This rule is not to be used to replace time off awards or other types of recognition.

4. General Information.

a. Excused absence is an administratively authorized absence from duty without loss of pay and without charge to other paid leave. Excused absence normally addresses individual employee situations. The time spent on excused absence is considered part of an employee's basic work week; therefore, Army managers/supervisors should use the authority sparingly.

b. The 59-minute rule is considered an approved absence period that is at the discretion of managers and supervisors and is often granted on the Friday before a Monday Holiday and/or before a major holiday (i.e. Thanksgiving, Christmas, and New Years, Lunar New Year etc).

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c. The Office of Personnel Management and the Department of Defense advise limiting the approval of excused absence. Therefore, where absences are for longer than brief periods, excused absence is generally inappropriate. Approving officials should ensure that the granting of excused absence is not specifically prohibited by law.

#### 5. Responsibilities.

a. As a supervisor you must be given the delegated authority to perform such an action of allowing an excused absence period for employees. As with other policies that are "at the discretion" of supervisors/managers, you should always check with higher-level managers before making a practice of exercising this discretion. If you are a higher-level manager, you should consider consistency within your management unit and other similar units of the organization. If any of the units under your supervision is covered by a bargaining unit, always check the negotiated contract. So, on that Friday before that Monday holiday, or when that employee is late for work for reasons beyond their control, or just because you feel like being generous on that hot summer day (highly unlikely), use your discretion wisely when allowing that period of excused absence.

b. Contractor employees are not U.S. Government employees. Their terms and conditions of employment are established in contracts, not under federal employment law. Federal supervisors may not grant excused absences to a private firm's employees.

c. Generally, Nonappropriated fund (NAF) employees are federal employees, but they are excluded from most of the laws administered by the OPM. Consequently, in accordance with DOD and subordinate component regulations, NAF employees may enjoy excused absences on a less restrictive basis than appropriated fund employees. Nevertheless, within the DOD, supervisors must also exercise this authority sparingly.

d. Local national employees often are not considered federal employees within the meaning of 5 U.S.C. § 2105, but their federal employment is statutorily authorized. The DOD contemplates two systems of foreign national employment overseas: indirect hire and direct hire systems. It is clarified that there is no indirect employment of Korean Nationals in USFK. Employment conditions for LN employees normally are founded in treaties, agreements, or contracts with local unions. Supervisors must consult CPAC, these documents and corresponding regulations to determine the scope of excused absence authority for LN employees.

e. When U.S. citizen employees are off duty on an official holiday, the observed day shall be the same as for employees working in the United States. When foreign national employees are off duty on an official holiday, the observed day shall be as prescribed in

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the governing agreement. In the absence of guidance in a governing agreement, the same procedures shall be followed for foreign national employees as are followed for U.S. citizen employees.

6. Procedures.

a. In accordance with 5 CFR 630.206, supervisors may grant brief excused absences on an ad hoc basis for periods of up to 59 minutes if the absence is unavoidable or necessary and the employee presents an acceptable reason. However, supervisors may charge an employee with absence without leave (AWOL) if the circumstances and/or reason(s) provided by the employee does not justify excusing their absence or approving another type of leave.

b. Supervisors should avoid granting 59 minutes on a regular or recurring basis.

c. The 59 minutes may not be combined with breaks, lunch periods or any other type of leave.

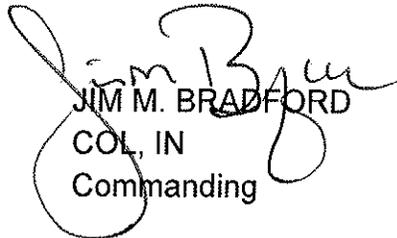
d. The authority to grant excused absence should be used sparingly.

e. IAW 5 CFR 630.206, under this authority, an excused absence is defined as an administratively authorized absence from duty without a loss of pay or charge to other personal paid leave.

f. The authority can be used for all employees as long as the reasons are justifiable.

g. Cases of occasional tardiness to work, for example, due to a flat tire or problem at home, can also be covered by the rule. Inclement weather, holiday observance or delays in travel may be adequate reasons to invoke the "59-minute rule."

7. Questions concerning this policy should be directed to USAG Daegu, Admin at DSN 768-8778.

  
JIM M. BRADFORD  
COL, IN  
Commanding

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