

MILPERSMAN 1050-290

POLICY CONCERNING LIBERTY

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References	(a) DoD Instruction 1327.06 of 13 August 2013 (b) Manual for Courts-Martial United States (2012 Edition)
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1. Definition of Liberty

a. **Regular Liberty.** Shall not exceed 3 days and shall normally be authorized from the end of normal duty hours on the first day to the beginning of normal duty hours on the following work day (i.e., weekend and federal holiday).

(1) On 2-day weekends, regular liberty shall extend from the end of normal duty hours on Friday until the beginning of normal duty hours on the following Monday.

(2) On 3-day weekends, regular liberty shall include Saturday, Sunday, and the Federal holiday (Monday or Friday).

(3) Only the President may authorize a 4-day weekend in conjunction with a Federal holiday.

b. **Special Liberty.** Liberty granted by a unit's commanding officer (CO) outside of regular liberty periods for special occasions or circumstances. Special liberty may not exceed 4 days, including weekends and holidays.

2. Policy

a. COs shall establish a leave and liberty policy that meets organizational readiness requirements.

(1) Policy shall include a liberty recall policy.

b. COs may grant special liberty for any period of 4 days or less. As an instrument of command management, special liberty is normally granted to persons **not** required

(1) to be physically present to complete unfinished work assignments;

(2) for additional essential work; or

(3) to maintain a level of operational readiness.

3. **Circumstances for Granting Special Liberty.** COs may grant special liberty for

a. compensation for significant periods of unusually extensive working hours;

b. long or arduous deployments or for Service members onboard ships in overhaul away from homeport;

c. duty in an isolated location where normal liberty is inappropriate;

d. special recognition for exceptional performance;

e. compassionate reasons, such as allowing a member to attend a funeral of a family member, or assist a family member(s) with a serious illness/injury; or

f. any other special occasion or special circumstance, as determined by a CO.

4. **Prohibitions, Limitations, and Exceptions to Granting Liberty.** Before granting liberty to a member, COs should follow these prohibitions, limitations, and exceptions:

a. **Restrictions on Combining Periods of Liberty and or Leave:**

(1) Special liberty may not be used in combination with normal liberty, holidays, or other off-duty periods in which the combined period of continuous absence would exceed 4 days.

(2) When special liberty or regular liberty is combined with leave, the member must be physically present at the home station or port when departing and returning from leave. If the member wishes to leave the home station or port and not return

prior to checking out on leave, then the entire period of leave and special liberty will be charged as leave.

b. Restrictions on Combining Periods of Liberty with Temporary Duty (TDY) or Temporary Additional Duty (TAD).

(1) Special liberty may not be authorized at the beginning or end of a period of TDY or TAD for the purpose of extending the period of TDY or TAD per reference (a). This prohibition does not include regular liberty periods which do not result in an extension of the period of TDY or TAD.

(2) Members who would ordinarily be in a regular liberty status may elect to remain at the TDY or TAD site in a liberty status through the end of the regular liberty period.

(3) Similarly, members may elect to travel to the TDY or TAD site prior to the commencement of the period of TDY or TAD in order to be in a liberty status at the TDY or TAD site before commencing the TDY or TAD.

c. Members with Diseases

(1) Do not grant liberty to members under treatment for infectious or contagious diseases while in an infectious stage, except in cases of urgent personal matters.

(2) Before granting liberty to a member with an infectious or contagious disease, the CO should first consult with the member's physician to ensure safety of the public.

5. **Extending Liberty Period.** When a member requests an extension of an authorized liberty period and the time (liberty and extension) exceeds 4 days, that portion exceeding the regular liberty shall be charged to the member's leave account.

6. **When a Public Holiday Falls on Weekend.** Use the rules in the table below to consider Friday or Monday as a holiday when a public holiday falls on a weekend:

WHEN public holiday falls...	THEN ...
on Saturday,	the preceding Friday also will be considered a holiday.
on Sunday,	the following Monday also will be considered a holiday.
within authorized dates of leave,	the holiday is charged as leave.

Note: Personnel not on duty are in a regular liberty status on holidays.

7. **Liberty for In-Port Duty on Holidays.** When possible, grant members liberty following in-port duty on public holidays using the rules in the table below:

WHEN ...	AND ...	THEN ...
this liberty is granted,		it should fall on the first workday following the holiday.
the holiday is a Saturday,	the member has duty on Friday (the federally observed day),	give Monday off as liberty.
the holiday is a Sunday,	the member has duty on Monday (the federally observed day),	give Tuesday off as liberty.

8. **Public Holidays and Dates.** Public holidays are governed by law and will be observed, except when military operations prevent. The following table lists public holidays and the dates they are to be observed:

HOLIDAY	DATE OBSERVED
New Year's Day	1 January
Martin Luther King	the third Monday in January
Presidents Day	the third Monday in February
Memorial Day	the last Monday in May
Independence Day	4 July
Labor Day	the first Monday in September
Columbus Day	the second Monday in October
Veterans Day	11 November
Thanksgiving Day	the fourth Thursday in November
Christmas Day	25 December
Other	when directed by proper authority under law

9. **Depriving Liberty**

a. Subject to reference (b), restriction awarded by courts-martial or at captain's mast (nonjudicial punishment (NJP)) can result in deprivation of liberty.

b. Assignment of extra duties awarded by NJP can result in deprivation of liberty during the hours when the extra duties are performed. Upon completion of the assigned daily extra duties, the member should be granted normal liberty if otherwise entitled to it.

c. Completion of normal daily duties should not be construed as depriving liberty.