



National Capital Region
Medical Directorate
ADMINISTRATIVE INSTRUCTION



NUMBER 1426.02

OCT 16 2018

PERS

SUBJECT: Timekeeping, Leave Administration, and Alternate Work Schedule (AWS) for Civilian Employees

References: See Enclosure 1

1. PURPOSE. To prescribe policy and procedures for civilian timekeeping, leave administration, and Alternate Work Schedule (AWS) within NCR MD.

2. APPLICABILITY. This Administrative Instruction (AI) applies to the National Capital Region Medical Directorate (NCR MD), Walter Reed National Military Medical Center (WRNMMC), Fort Belvoir Community Hospital (FBCH) and Clinics, the Joint Pathology Center (JPC), and the Integrated Referral Management and Appointing Center (IRMAC). Hereafter, these facilities are collectively referred to as Joint Medical Treatment Facilities (MTFs) and Center.

3. POLICY. It is NCR MD's policy that MTF directors, managers, supervisors, and employees, adhere to the policies and procedures of this AI in order to reduce the potential of fraud, abuse, and mismanagement of timekeeping procedures, leave administration and the AWS program. When requirements of this NCR MD AI conflicts with the Collective Bargaining Agreement (CBA), the CBA governs.

4. RESPONSIBILITIES. See Enclosure 2.

8. EFFECTIVE DATE. This AI is effective immediately.



Ronald J. Place
Major General, MC, USA
Director

Enclosures

1. References
2. Responsibilities
3. Scheduling Procedures
4. Time and Attendance Procedures
5. Leave Overview
6. Employee Annual Leave
7. Employee Sick Leave
8. Employee Leave without Pay
9. Employees on Temporary Additional Duty Status
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11. Employee Administrative Leave and Excused Absence
12. Guidance for Granting Administrative Leave
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ENCLOSURE 1REFERENCES

- (a) Deputy Secretary of Defense Action Memorandum, "Implementation of Military Health System Governance Reform," March 11, 2013
- (b) DoD Directive 5136.13, "Defense Health Agency (DHA)," September 30, 2013
- (c) NCR MD Concept of Operations, September 10, 2013
- (d) Office of the Assistant Secretary of Defense Health Affairs Memorandum, "Legal Effect of Joint Task Force Guidance after October 1, 2013," October 4, 2013
- (e) DoD 7000.14R, Volume 8, "Civilian Pay Policy," June 2013
- (f) DoD 7000.14R, Volume 5, "Disbursing Policy," March 2013
- (g) 31 United States Code 3528, "Responsibilities and Relief from Liability of Certifying Official"
- (h) 10 United States Code 2773a, "Departmental Accounting Officials"
- (i) Public Law 93-579, "Privacy Act of 1974"
- (j) 5 United States Code 6101, "Basic 40 Hours Work Week; Work Schedules, Regulations"
- (k) Office of Personnel Management, "Lunch or Other Meal Periods"
- (l) Office of Personnel Management, "Fact Sheets on Leave Programs"
- (m) 5 United States Code 6304, "Annual Leave and Accumulation"
- (n) 5 CFR 630.302, "Maximum Annual Leave Accumulation-Forty Five Day Limitation"
- (o) 5 United States Code 6307, "Sick Leave, Accrual and Accumulation"
- (p) 5 United State Code 6381-6387, "Family and Medical Leave"
- (q) DoD Instruction 1400.25, "DoD Civilian Personnel Management System: Training, Education, and Professional Development," December 1996
- (r) 5 CFR 610.301-610.306, "Administrative Dismissal of Daily, Hourly and Piecework Employees"
- (s) 5 United States Code 5550b, "Compensation Time Off for Travel"
- (t) 5 United States Code 5550a, "Compensation Time Off for Religious Observation"
- (u) 5 CFR 550.1002, "Compensation Time Off for Religious Observances"
- (v) 5 United States Code 6126, "Flexible Schedule, Credit Hours, Accumulation and Compensation"
- (w) 5 United States Code 6322, "Leave for Jury or Witness Service, Official Duty Status for Certain Witness Service"
- (x) 5 United States Code 5542, "Overtime Rates, Computation"
- (y) NCR MD AI 1400.07 Change 2, "Title 38 Premium Pay Eligibility and Coverage," November 7, 2016
- (z) NCR MD AI 1000.00, "Inclement Weather Plan," September 30, 2014
- (aa) NCR MD AI 1400.3, "Telework Program," October 15, 2014
- (bb) NCR MD/AFGE Local 1410, Article 12, Section 5, "Collective Bargaining Agreement (CBA)," June 1, 2016

ENCLOSURE 2

RESPONSIBILITIES

1. MTF DIRECTORS. The MTF Directors shall:

a. Enforce the policies and procedures of this AI.

b. Approve overtime and compensatory time requests or delegate approval authority in writing to at least one organizational level above the level ordering the use of overtime or compensatory time. The civilian employee's immediate supervisor is responsible for ordering the use of overtime or compensatory time. Requests for overtime and compensatory time shall be submitted and approved by the appropriate individuals (as outlined in Enclosure 13).

c. Approve advanced annual leave, advanced sick leave, leave without pay (LWOP), and leave taken under Family Medical Leave Act (FMLA). The MTF Director may delegate this approval authority to at least two organizational levels above the employee.

2. SUPERVISORS. Supervisors shall:

a. Review and approve each civilian employee's work schedule, as submitted on the NCR MD Civilian Work Schedule Form Appendix 2. See Enclosure 3 for guidance on work schedules. The basic work requirement for full-time employees regardless of work schedule is 80 hours pay period.

b. Ensure each civilian employee's time and attendance, including the use of leave, overtime, and compensatory time, is accurately recorded. Per Reference (e), Chapter 2, Paragraph 020202, B1, when approving time and attendance reports, supervisors, or higher level managers are representing that, to the best of their knowledge, the actual work schedules, recorded are true, correct, and accurate.

c. Refer to the employee for correction of his/her current pay period timecard if any time and attendance recorded is incorrect. Review and certify the corrected time and attendance, as appropriate.

d. For any prior TA corrections, ensure the employee corrects his/her timecard as well as review and certify the prior TA Corrections, as appropriate.

e. Ensure all civilian employees' time and attendance is certified and submitted by the due date and time.

f. Review and approve as appropriate, all requests for leave submitted by civilian employees. Refer to Enclosures 6-11 for guidance regarding the specific types of leave.

g. Ensure all requests for their employees' overtime and compensatory time are submitted to the proper authority or delegated authority, as outline in Enclosure 13 and Appendix 4. Requests will normally be submitted prior to the employee working the overtime or compensatory time or as soon as practical thereafter.

h. Monitor and manage compensatory time balances to ensure compensatory time is used within 26 pay periods or prior to an employee's transfer to another organization and to prevent paying the time out as overtime.

i. Maintain supporting documentation for their employees' requests related to sick leave, leave taken under FMLA, LWOP, compensatory time-off for travel, compensatory time for religious observances and court leave. Specific supporting documentation requirements are outlined below:

(1) Enclosure 7 for sick leave and leave taken under FMLA.

(2) Enclosure 8 for LWOP.

(3) Enclosure 13 for compensatory time-off for travel and religious observances.

(4) Enclosure 13 for court leave. A copy of supporting documents for court leave and military leave must be maintained by7 the Supervisor and Department's Administrator.

3. CIVILIAN EMPLOYEES. Civilian Employees shall:

a. Understand his/her responsibilities as outlined in this AI.

b. Check-in with the HR and Payroll office during the on-boarding process to ensure they receive and fill out the proper paperwork. Upon departing the organization, civilian employees must check-out with the Payroll office to ensure their final paycheck is accurate.

c. Submit a work schedule request to their immediate supervisor on the Work Schedule form within two days of reporting onboard. Changes to work schedule must be coordinated and documented with supervisor's approval. The Work Schedule for must be used for all subsequent work schedule changes (see Appendix 2 for work schedule form).

d. Account for any overtime or compensatory time worked, as ordered by immediate supervisor and approved by the proper authority or delegated authority, as outlined in Enclosure 13 and Appendix 4.

e. Submit leave requests and supporting documents if applicable to the appropriate authority according to the procedures outline in Enclosures 6-11.

f. Complete and submit accurate time and attendance data (in the appropriate format) with supporting documents (if applicable) to their supervisor no later than noon on the last workday of the pay period.

g. Correct and pay period time and attendance errors at the request of their supervisor. The employee shall notify his/her supervisor of the corrections to ensure his/her supervisor reviews the corrections and certifies the timecard, as appropriate.

ENCLOSURE 3SCHEDULING PROCEDURES

1. BASIC WORK REQUIREMENT. Per Reference (e), Chapter 2, Paragraph 020306, the basic work requirement is defined as the number of hours, excluding overtime hours an employee is required to work or to account for by charging leave. Generally, a full-time employee's basic work requirement is 80 hours in a pay period. The Office of Personnel Management (OPM) Handbook on Alternative Work Schedules (AWS), available at <http://www.opm.gov/oca/aws/INDEX.asp>, provides a framework and guidance on work schedules.

2. WORK SCHEDULE FORM. All employees are required to work the schedule as approved by their supervisor. Newly reporting employees shall submit a work schedule request via a Work Schedule form, within two work days of reporting onboard. Any changes to the employee's work schedule must also be approved via the Work Schedule form. The supervisor is also responsible for maintaining a file of the Work Schedule forms (see Appendix 2).

3. PERMISSIBLE WORK SCHEDULES. Employees may request to work an alternative work schedule, per OPM and Department of Defense (DoD) Guidance. Alternate work schedules have the potential of enabling managers and supervisors in meeting their organization goals while at the same time allowing employees to be more flexible in scheduling their personal activities. This request must be approved on the Work Schedule form by the employee's supervisor. The following work schedules are permitted within NCR MD.

a. Regular Work Schedule. Regular work schedule is Monday through Friday with set hours of 8 hours a day within the core hours set by the organization. A basic work week consists of 40 hours, for an 80 hour bi-weekly pay period. Employees will be charged leave according to their regular work schedule.

b. Flexitour. Flexitour is a fixed work schedule, Sunday through Saturday, whereas a full-time employee adheres to the same start/stop time each day (8 hours per day and 40 hours per week).

c. Compressed Work Schedule. Compressed work schedule (CWS) is a fixed work schedule, which enables full-time employees to complete the basic work requirement of 80 hours, in fewer than 10 full workdays in each bi-weekly pay period, by increasing the number of hours in the workday. There are no flexible times in a compressed schedule. Employee times of arrival and departure from work are set, as are the days on which the employee is to complete the basic work requirement. Employees working a compressed work schedule will be charged leave IAW their basic work schedule. The three most common compressed schedules are:

(1) Employees are permitted to work four 10 hour days with one regular day off (RDO) each week of the basic work requirement per pay period. RDOs must be within the same pay period.

(2) Employees are permitted to work each 9 hour days and one 8 hour day with one RDO within the pay period.

(3) Employees are permitted to work six 12 hour days and one 8 hour day with three RDO within the pay period.

(4) Employees on a compressed work schedules will revert to a regular work schedule during pay periods when they are at official training, travel, other temporary work assignment, court leave or military leave.

d. Telework/Remote Telework. Employees who telework or remote telework may also participate in an alternate work schedule. AI 1400.03 provides specific guidance on Telework.

4. “IN LIEU OF” HOLIDAYS. All full-time employees including those on a flexible or compressed work schedule are entitled to an “in lieu of” holiday when the holiday falls on a non-work day (RDO). The “in lieu of” holiday must be taken in the same pay period as the official holiday. In most cases, the “in lieu” of holiday will be the preceding work day or another work day approved by the supervisor during the same pay period. For employees who work Monday through Friday (no weekend shift), holidays that fall on the first Monday of a pay period will be granted an “in lieu of” holiday as the following workday after the holiday or another work day approved by the supervisor during the same pay period.

5. EXCUSED ABSENCE. An excused absence is an administratively authorized absence from duty without loss of pay and without charge of leave. Agency heads have the authority to grant absence in limited circumstances for the benefit of the agency’s mission or for a government sanctioned purposes, (such as snow, emergency conditions etc.). Excused absence announced on an employee’s RDO is not applicable for that employee, therefore the employee will not be given the equivalent time off at a later date.

6. OVERTIME FOR COMPRESSED/FLEXIBLE WORK SCHEDULES

a. Employees who elect a CWS waive overtime for the ninth hour in a day.

b. Employees who are officially ordered to perform work in excess of their CWS or Flexible Work Schedule (FWS) are entitled to overtime or compensatory time, if otherwise eligible, for all hours worked in excess of their work schedule.

c. Employees on a CWS or FWS who are officially ordered to perform work on their scheduled day off are entitled to overtime or compensatory time, if otherwise eligible, for all hours worked in excess of their work schedule.

7. ALTERNATE WORK SCHEDULES (AWS)

a. The AWS program shall not result in the establishment of additional supervisory positions or require any supervisor to extend their workday beyond the scheduled hours of work. In situations where the presence of a supervisor is required, management will coordinate schedules of supervisory and non-supervisory personnel to ensure office coverage.

b. Participation in AWS is on a voluntary basis; no individual shall be required to participate. However all requests to participate will be consistent with mission requirements and workload demands. AWS is not an entitlement. The agency has the authority to determine which positions may use an AWS. In some cases, a supervisor may find it necessary to require certain individuals or organizational components to remain on the same work schedule or adjust employees' work hours (arrival and departure times) to accommodate the needs of the organization. Further, a supervisor may temporarily suspend or change RDO of an AWS or permanently terminate participation in AWS within their organizational components for operational reasons

c. A supervisor who denies or terminates participation in AWS must notify the employee in writing at least two (2) full pay period in advance and submit a change in work schedule using the Work Schedule form.

8. WORK HOURS

a. Per the OPM Handbook on Alternative Work Schedules, regular daytime working hours are defined as 0600 to 1800 hours. When setting a compressed work schedule, the employee's regularly schedules tour of duty must be set between 0600 and 1800 hours. Otherwise, if the employee works outside regular daytime working hours (i.e., 1800 to 0600), the employee is entitled to night differential pay.

b. Regular work schedule is a 40-hour work week consisting of 5 workdays between the hours of 0700 and 1630.

c. First shift schedule is an 8-hour day between the hours of 0700 and 1630 for 5 consecutive days.

d. Second shift schedule is an 8-hour day between 1430 and 0100 for 5 consecutive days.

e. Third shift schedule is an 8-hour day between 2230 and 0800.

f. Special Schedule is the following standard three-watch schedule developed outside the aforementioned shifts that will be utilized by the Nutrition Services Department:

(1) First shift is an 8-hour day between the hours of 0500 and 1330 for 5 consecutive days.

(2) First shift is an 8-hour day between the hours of 1100 and 1930 for 5 consecutive days.

(3) First shift is an 8-hour day between the hours of 0600 and 0030 for 5 consecutive days.

g. Excepted Schedule is any work schedules other than the aforementioned schedules approved by the NCR MD Director.

9. LUNCH PERIOD. During each shift, employees must be allowed a specific period of time off to eat lunch. Per Reference (k), a break in working hours of more than one hour may not be scheduled in a basic workday. The lunch period cannot be scheduled at the beginning or end of the shift. The lunch period is non-compensable time, for which neither basic or overtime compensation is payable. The length of the shift or workday will be extended by the length of the lunch period. An employee cannot forego their lunch period in order to shorten the length of the shift or workday. Employees on regular work schedules must work 8 hours per day, excluding the lunch period. Employees on alternative work schedules must work 80 hours every two weeks, excluding lunch periods. Supervisors and employees must understand that a scheduled lunch period is free from all duty obligations, except in emergency situations.

10. TARDINESS

a. Employees are required to be at their duty/work station and ready to commence work at the time their tour of duty starts. An employee who fails to report at the time of his/her tour of duty starts is considered tardy. A tardy employee must report immediately to his/her supervisor for disposition of tardiness

b. Tardiness represents a significant cost to the organization, both in the cost of actual time lost and in the disruption of work routine. Accordingly, supervisors are directed to give personal attention to this problem on a continuous basis to ensure tardiness is held to a minimum.

c. Supervisors who experience continuing tardiness problem with employees should consult with the Labor Management Employee Relation section of the Civilian Human Resources Center (CHRC) as soon as a potential problem surfaces.

d. Supervisors are encouraged to explore all options when dealing with tardiness. A change in work schedule on either a temporary or permanent basis may be a tool to assist an employee in resolving tardiness issues. These options should be explored in order to resolve the issued prior to initiating disciplinary actions.

ENCLOSURE 4

TIME AND ATTENDANCE PROCEDURES

1. TIME AND ATTENDANCE RECORDS. Employees shall record their official attendance in ATAAPS for all employees and concur that it is accurate. The immediate supervisor or their designated alternate is responsible for certifying timecards and verifying that time and attendance is complete and accurate for all employees under their supervision. If a discrepancy exists, the employee and supervisor shall meet to resolve the matter.

2. TIMECARD ENTRIES.

a. Employee Timecards:

(1) Employees will complete their timecards in ATAAPS and shall certify their timecards prior to their supervisor certifying their timecard.

(2) Employees shall submit all requests for leave to their immediate supervisor (or designee) via ATAAPS or for employees who do not have computer access, a Request for Leave (OPM 71) form.

b. Changes after Timecard Submission. If an employee needs to change a previously submitted entry (i.e., leave was taken after timecard was submitted and therefore was not recorded), the employee should notify the supervisor and then make the appropriate correction in ATAAPS.

3. CERTIFICATION OF TIMECARDS. Certification of time and attendance records is required. Under most circumstances, this will be accomplished by the employee's immediate supervisor. When this is not feasible due to the supervisor's absence, someone functioning in a supervisory capacity that is aware of the attendance and is properly designated as an alternate certifier will complete the certification. Employees may not certify their own timecards.

4. SIGN-IN & OUT PROCEDURES.

a. Employees are required to sign-in and out in the order of arrival using the agreed upon Sign-In and Sign-Out form.

b. One form shall be utilized in each work area per day and must be available and readily accessible to all employees during their required shifts. This form should be maintained in close proximity to the work site of the employee.

c. The sign-in and out sheet will reflect:

- (1) Printed Name
- (2) Signature
- (3) Time of Arrival
- (4) Work Start Time (Time work actually began, even if late)
- (5) Departure Time

(6) A column to capture any relevant remarks, as necessary. If the supervisor directs the employee to begin work earlier or work later than their scheduled shift, they shall make a comment in the remarks column and initial their remarks.

5. TELEWORK. Telework codes must be annotated in ATAAPS (See NCR MD AI 1400. 03 for specific guidance on Telework).

a. DoD offers two types of telework arrangements:

(1) Ad hoc/situational telework is approved telework performed at an alternative worksite on an occasional or irregular basis. Telework of less than one day per pay period is considered ad hoc.

(2) Regular and recurring telework is an approved work schedule where employees who are eligible to telework will at least one day per biweekly pay period at an alternative worksite. It may also include full-time telework (such as performing all official duties at an alternative worksite), including telework from geographic location outside of the commuting area.

b. A telework arrangement does not alter the terms and conditions of the appointment, including the salary, benefits, individual rights or obligations. All pay, leave, and travel entitlements are based on the official duty station.

c. Participation in telework may be terminated if the employee does not perform at the fully successful level (level 3) or equivalent level under other Defense Performance Management Appraisal Program. In addition, telework arrangements may be terminated if the employee's conduct has resulted in disciplinary action within the last year or if the arrangement no longer meets the needs of the organization. **Telework is not an employee entitlement**, but a management decision. Decisions to allow telework are made locally and must be in line with the supervisor's and command's direction.

d. Time and attendance should be annotated using the following codes:

- (1) TW – Telework Regular

- (2) TS – Telework Ad hoc/Situational
- (3) TM – Telework Medical (both ad hoc and regular)

ENCLOSURE 5

LEAVE OVERVIEW

1. CHARGES TO LEAVE.

- a. Employees will be charged the appropriate category of leave in quarter hour increments for all absences.
- b. Employees who request and are approved or leave for an entire work day will be charged for the number of hours they are scheduled to work on that day IAW their work schedule.
- c. Charges of leave without pay (LWOP) or absence without leave (AWOL) will be based on the employee's work schedule.
- d. An employee on a CWS who is scheduled for military leave must revert to the regular work schedule for the pay period(s) while in a military leave category.

2. DELAYED RECEIPT OF LEAVE BALANCES FROM ANOTHER ACTIVITY. For employees transferring from another activity and whose official personnel folder containing the SF 1150, Record of Leave Data is delayed, the gaining activity is authorized to use the leave balance shown on the employee's last Leave and Earning Statement (LES), subject to verification with the CHRC, if the employee must take leave.

ENCLOSURE 6

EMPLOYEE ANNUAL LEAVE

1. RIGHT TO ANNUAL LEAVE. Employees accrue and have a right to use annual leave IAW applicable laws and regulations.

2. PLANNED LEAVE PROCEDURES.

a. Application: Employees will apply in advance for approval of anticipated leave. Leave requests, approval or denial will be made electronically using ATAAPS, when available, or the written OPM-71. The leave approving official, normally the supervisor, will respond to all requests for leave in a timely manner. Employees may, upon request and with the approval of their supervisor, change previously authorized annual leave to sick leave in accordance with 5 CFR 630.405.

b. Time Increments: Employees may utilize annual leave in 15 minute increments. Annual leave may not be charged in increments of less than 15 minutes.

c. Consecutive Weeks: Annual leave will be granted, subject to mission requirements, in a manner, which permits each employee who wishes to take at least two (2) consecutive weeks of annual leave each year. If workload permits, employees may request and supervisors may approve periods of annual leave that exceed two (2) consecutive weeks. If the request is denied, the reasons must be annotated on the ATAAPS/OPM-71. Upon denial, at the employee's request, the employee and supervisor will meet to discuss alternate dates when leave may be rescheduled. The times at which such rescheduled leave is used must be with concurrence of the employee and the Department.

d. Timeliness of Approval: Employees will be informed of whether their requests for leave have been approved in a timely manner:

(1) For leave requests made to begin the following duty day, the response will be made as soon as possible, but no later than the end of the employee's work shift.

(2) For leave requests made to begin less than seven (7) days in the future, the response will be provided no later than 24 hours before the start date.

(3) For leave requests that begin more than seven (7) days in the future, the response will be made no later than seven (7) calendar days after the request.

e. Cancellations: The Agency retains the right to cancel previously approved leave requests when it is determined that that an employee's presence on duty is required to support mission requirements. Whenever an employee is detailed or administratively reassigned, including in between MTFs, all previously approved leave shall be honored. If there is a conflict of previously approved leave between the incoming/detailed employee and a similarly situated

employee in the gaining organization, the conflict shall be resolved in favor of the incoming employee.

f. Preservation of Work Schedule: When an employee requests annual leave in conjunction with scheduled days off at the beginning and/or end of the leave period, the Department will not change the employee's days off except where necessary to meet valid operational needs.

3. PROJECTED LEAVE.

a. Leave Planning: It is the employee's responsibility to request annual leave in advance. Employees are required to submit leave requests using ATAAPSIOPM Form 71, Request for Leave or Approved Absence. Supervisors will expeditiously inform employees of their approval/disapproval of annual leave requests. Supervisors will make reasonable efforts to schedule and to approve requested annual leave in such a manner throughout the leave year so that no employee forfeits leave at the end of the calendar year. However, it is agreed that it is the employee's responsibility to request use or lose leave in a timely manner in order to preclude end of the year forfeiture.

b. Peak Periods: Employees will submit their projected annual leave plan for June, July, and August by the first day of February of each leave year to identify employees' annual leave desires and to resolve conflicts among employees' annual leave plans. Employees will also submit their projected annual leave plan for the period 15 December to 15 January by the first day of September of each leave year. Employees should notify management in a timely fashion if their leave plans change throughout the course of the year.

c. Approval: Supervisors will review the projected annual leave plans of each of their subordinate employees and inform each employee of their tentative decision regarding the projected leave plans. It is understood that the projected annual leave plan does not constitute final approval of annual leave, but supervisors will make reasonable efforts to accommodate employees' vacation desires consistent with workload and staffing needs.

d. Conflicts: Where two or more employees request the same period of annual leave and all cannot be spared, the conflict will be resolved on the following basis:

(1) When scheduling conflicts occur, an effort should be made to resolve the conflict between the employees involved.

(2) Peak Period: any conflict will be resolved to give preference to the employee who had not taken the same period of leave the previous year. Otherwise, such as where no employee had taken peak period leave the previous year, unresolved conflicts will be settled on the basis of seniority, as measured by Service Computation Date (SCD).

(3) Non-Peak Period: any conflict will be resolved on a first-come, first-served basis. Otherwise, such as where requests are received the same day, approval will be settled on the basis of seniority, as measured by Service Computation Date (SCD).

4. UNPLANNED LEAVE.

a. Procedures: When emergencies or unforeseen circumstances arise requiring the use of annual leave that has not been approved in advance, the approval of annual leave cannot be presumed by the employee. If an employee is unable to report for duty and desires to request unscheduled leave.

b. Notification Process: The supervisor will provide a method of notification to subordinate employees that clearly sets forth the procedures for requesting unscheduled leave (i.e. phone call, voice mail, text message, email, etc.), designating in writing an alternate official who can receive and approve employees unscheduled leave requests in the absence of the immediate supervisor, and the procedure to follow if neither the supervisor or alternate is available. Employees must leave their return contact preference (i.e. phone call, voice mail, text message, email, etc.) for the approving official and the following procedures shall apply:

(1) Non-shift employees will request as soon as possible, but no later than one hour before the beginning of the employee's scheduled tour of duty, unscheduled or emergency leave.

(2) Shift employees will request as soon as possible, but no later than one hour prior to the beginning of their scheduled shift, unscheduled or emergency leave.

(3) Shift employees engaged in patient care must request as soon as possible, but no later than two hours prior to the start of their shift, unscheduled or emergency leave.

c. Employee Responsibility: It is understood that merely calling in and requesting leave does not automatically mean an employee's request for unscheduled or emergency leave is approved. It is further understood that it is the employee's responsibility to ensure that he or she speaks with a responsible management official in their supervisory chain to ensure that leave approval has been obtained.

d. Denial: If the leave cannot be granted, the supervisor will notify the employee within two hours of the employee's request that it cannot be granted or upon the employees return to duty.

e. Approval of unscheduled or emergency leave is at the discretion of the supervisor, therefore, the employee will explain the general nature of the emergency and requested duration of the absence. The supervisor will make a determination on whether or not leave should be granted and also approve the duration of the leave. If the absence exceeds the original approved duration, the employee will call his or her supervisor to obtain approval for any continued absence.

f. If the supervisor determines the reason for the unscheduled leave request is not bona fide or compelling enough to warrant absence from work and the employee's services are required, the request for leave can be denied. If the request is denied or the employee does not receive response within two hours, the employee will be given a reasonable amount of time to report to work, depending on the distance to the work site and any other appropriate circumstances. The time missed from the employee's duty day will normally be charged to leave; however, the

parties agree that management has the right to grant or deny leave based on the circumstances of a given situation.

5. ADVANCED ANNUAL LEAVE. Advance annual leave shall be granted only IAW with applicable regulations.

6. ANNUAL LEAVE FOR UNION REPRESENTATIVES. An employee who is a steward or other Union official will be granted annual leave or LWOP to attend internal Union functions which are not covered by Official Time Article of this CPA. Normally, an advanced notice of 14 workdays will be required and will be approved subject to workload considerations.

7. ANNUAL LEAVE ACCUMULATION.

a. Full-time employees. The rate at which annual leave is earned depends upon the employee's length of service. An employee whose appointment is for ninety days or longer earns annual leave beginning with the first full bi-weekly pay period in a duty status. If an appointment is for less than ninety days, the employee is not entitled to annual leave until after being employed for a continuous ninety days under successive e appointments (i.e., without a break in service). Per Reference (l), available at:

<http://www.opm.gov/oca/leave/html/annual.asp>, the following accumulation rates apply:

(1) Four hours for each full bi-weekly pay period for an employee with less than three years of service.

(2) Six hours for each full bi-weekly pay period for an employee with three years, but less than 15 years of service except that the accrual for the last full bi-weekly pay period in each year is 10 hours.

(3) Eight hours for each full bi-weekly pay period for an employee with 15 or more years of service.

b. Part-time Employees. Part-time employees, for whom a regularly scheduled tour of duty on one or more workdays during each administrative workweek has been established, earn annual leave on a pro rata basis. As described for full-time employees, ninety days continuous employment is a requirement to earn annual leave. Per Reference (n), the following accumulation rates apply:

(1) One hour for each 20 hours in a pay status for an employee with less than three years of service.

(2) One hour for each 13 hours in a pay status for an employee with three years, but less than 15 years of service.

(3) One hour for each 10 hours in pay status for an employee with 15 years or more of service.

c. Temporary Employees. Temporary employees are not eligible to accrue annual leave.

d. Maximum Accumulation and Restoration.

(1) Reference (n) provides guidance related to the maximum accumulation of annual leave. The maximum amount of annual leave that can be carried forward from one leave year to the next is 240 hours. Civilian employees should consult the CHRC, OPM guidance, and/or DoD guidance for additional information regarding maximum annual leave accumulation limits.

(2) Reference (m) provides statutory authority for the restoration of annual leave in certain circumstances. To understand these circumstances and the requirements that must be met for annual leave to be restored, civilian employees and/or their immediate supervisor should consult the HRD, OPM guidance, DoD guidance. If a civilian employee has restored annual leave, the employee should consult the Payroll CSR to understand how the restored annual leave is accounted.

8. SCHEDULING ANNUAL LEAVE. Positive action should be taken by supervisors and employees to ensure annual leave is scheduled for use during the year so as to avoid situations where employees approach the end of the leave year with a significant amount of annual leave that must be used or forfeited. While employees have an obligation to request annual leave in a timely manner, failure on their part to do so does not relieve management of its responsibility to ensure employees manage their leave. When an employee forfeits leave because they chose not to request the use of annual leave, the employee is not entitled to have the forfeited leave restored for later use.

9. GRANTING AND APPROVING ANNUAL LEAVE.

a. Annual leave is provided so that employees may have time off for recreation, vacation, etc., or for personal and emergency purposes.

b. Leave will be calculated/approved in quarter hour increments.

c. Leave will be submitted in ATAAPS or by completing OPM Form 71 as far in advance as possible. Consecutive days may be submitted on one leave request, provided it is the same kind of leave. The employee must enter the correct type hour code (THC), provided in Appendix 5, for the leave being requested.

d. The immediate supervisor must review all leave requests and indicate approval or disapproval, in a reasonable time prior to the employee commencing leave. It is the employee's responsibility to ensure whether or not annual leave has been approved prior to commencing leave. Absence, which could not be planned and approved in advance, due to unforeseen

circumstances, must be reported to the employee's supervisor as soon as reasonable possible prior to the start of the employee's designated workday.

e. Employees may also use any available compensatory time hours in lieu of annual leave hours for leave purposes. Per Reference (e), Chapter 3, paragraph 030302, E7, if the employee's annual leave will be forfeited by the use of compensatory time, annual leave will be charged first. It is strongly recommended that supervisors verify accrued compensatory time status prior to granting annual leave. As a steward of the taxpayer's funds, supervisors should work with the employee to ensure available compensatory time is used before annual leave. Compensatory time off for travel hours may also be used for leave. Accrued compensatory time off for travel hours must be used by the end of the 26th pay period after the pay period during which it was earned or it will be forfeited. Supervisors should verify that employees have enough of the type hour code requested for leave prior to approval.

f. When an employee has exhausted all accrued leave type hours, LWOP will be charged. In extenuating circumstances, when LWOP is request with an accrued annual leave balance, it must be approved by the Head of the Department (HD) or by the appropriately delegated authority at least two organizational levels above the employee. See Enclosure 8 for additional guidance on LWOP.

10. ADVANCED ANNUAL LEAVE. Per Reference (1), at management's discretion, a civilian employee may be granted annual leave in advance of its accrual with the following being considered:

a. The amount that is advanced must not be greater than the amount that the employee will accrue during the remainder of the leave year.

b. Personnel actions that would interrupt normal accrual must not be pending such as LWOP.

c. The balance of the employee's retirement fund should be sufficient to cover the advanced leave in the event of unexpected separation. When an employee is terminated, the employee is required to fund any outstanding advanced annual leave balance, which will be deducted from the employee's paycheck, cash collection or retirement fund.

d. The employee shall submit a request for advanced annual leave to the appropriate approver via the Advance Leave Request Memorandum Appendix 3. The employee shall submit the request at least three weeks in advance. The HD or appropriate approving official shall approve advanced annual leave or must delegate approval authority to the organizational level at least two levels above the employee. The approved advanced annual leave documentation must be forwarded to CHRC.

e. The employee shall document advanced annual leave hours taken in the appropriate days on their timecard. The hours taken cannot exceed the number authorized by the approved leave request.

ENCLOSURE 7

EMPLOYEE SICK LEAVE

1. ACCRUAL AND USE OF SICK LEAVE. Employees will earn and accrue sick leave IAW applicable law and regulations.

2. REQUEST FOR SICK LEAVE. Employees may utilize sick leave in 15-minute increments. The agency and the Union recognize the importance of sick leave and the obligation of employees, as well as the advantage to employees of only utilizing sick leave when incapacitated for duty for medical or other appropriate reasons. Employees will apply in advance for approval of anticipated leave. Leave requests, approvals or denials will be made electronically using ATAAPS, when available, or the written OPM-71. The leave approving official, normally the supervisor, will respond to all requests for leave in a timely manner. If the employee complies with the Agency's notification and medical evidence/certification requirements, the Agency must grant sick leave.

3. USE OF SICK LEAVE. An employee is entitled to use sick leave when they:
 - a. Receive medical, dental or optical examination or treatment;

 - b. Are incapacitated for the performance of their duties by physical or mental illness, injury, pregnancy, or childbirth;

 - c. Provide care for a family member who is incapacitated by a medical or mental condition or attends to a family member receiving medical, dental, optical examination or treatment; or

 - d. Provide care for a family member with a serious health condition;

 - e. Make arrangements necessitated by the death of a family member or attends the funeral of a family member;

 - f. Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease; or

 - g. Must be absent from duty for purposes relating to his or her adoption of a child, including appointments with adoption agencies, social workers, attorneys, court proceedings, required travel, and any other activities necessary to allow the adoption to proceed;

 - h. When the employee is disabled and depends on an aid or device (e.g., wheel chair, seeing eye dog or prosthetic device), to perform his or her duties, and the employee is without that aid or device;

- i. Leave is needed for occupational rehabilitation training or therapy;
- j. Any other reason set forth in 5 CFR Part 630 and any applicable Executive Order, law or regulation.

4. EXPOSURE TO COMMUNICABLE DISEASE: The Merit Systems Protection Board (MSPB) and the courts have determined that placing an employee on sick leave against his or her will is tantamount to a suspension. Therefore, an employee who reports for duty and is ordered to return home may:

- a. Be continued into duty status for the remainder of that day.
- b. If required to take leave may choose the type of leave to be used. The Agency will not place an employee on enforced sick leave without following the procedures contained in the Disciplinary and Adverse Action Article of this contract.

5. SCHEDULING.

a. Planned Sick Leave. Employees should schedule non-emergency medical, dental, optical, psychological, or alcohol/drug counseling appointments as soon in advance as practicable and should request sick leave in advance for such appointments. Employees have the responsibility to notify their supervisor of their needs for unplanned or unscheduled sick leave.

b. Notification Process. The supervisor will provide a method of notification to subordinate employees that clearly sets forth the procedures for requesting unscheduled sick leave (i.e., phone call, voice mail, text message, email, etc.), designating in writing an alternate official who can receive and approve employees unscheduled sick leave requests in the absence of the immediate supervisor, and the procedure to follow if neither the supervisor or alternate is available. Employees must leave their return contact preference (i.e., phone call, voice mail, text message, email, etc.) for the approving official and the following procedures shall apply:

(1) Non-shift employees will request as soon as possible, but not later than one hour before the beginning of the employee's scheduled tour of duty, unscheduled sick leave.

(2) Shift employees will request as soon as possible, but not later than one hour prior to the beginning of their scheduled shift.

(3) Shift employees engaged in patient care must request as soon as possible, but not later than two hours prior to the start of their shift.

6. MEDICAL EVIDENCE.

a. Self-Certification. For periods of up to three consecutive days, the Agency shall normally consider an employee's self-certification as to the reason for his or her absence as administratively acceptable evidence.

b. Requirement for Documentation. For an absence in excess of three workdays or for a lesser period when determined necessary, the Agency may require a medical certificate or other acceptable evidence as to the reason for an absence for any of the purposes as described in 5 CFR 630.403(a). The supervisor must notify the employee if there is to be a requirement to provide medical documentation at the time of the sick leave request. The requirements for employees to provide administratively acceptable evidence to support sick leave absences to the Agency will be governed by applicable law and regulation. A supervisor may consider an employee's self-certification as to the reason for his or her absence as administratively acceptable evidence, regardless of the duration of the absence. The Agency may also require a medical certificate or other administratively acceptable evidence as to the reason for an absence for any absence in excess of three days or for a lesser period when the Agency determines it is necessary, including but not limited to when an employee is under a leave restriction or if a supervisor has reason to believe the employee is abusing/misusing sick leave privileges.

c. Acceptable Documentation. At a minimum, medically acceptable documentation to support a sick leave absence must:

(1) Be on letterhead or other official documentation acceptable to the Agency and signed by an appropriate medical practitioner;

(2) State when the employee was seen and whether or not the employee is incapacitated for duty;

(3) Provide the date the employee is expected to return to duty,

d. Timelines. When medical documentation is requested, an employee must provide the administratively acceptable evidence or medical certification within 15 calendar days after the date the supervisor requests such certification, but no later than 30 days after the date the supervisor requests such documentation. If it is not practicable under the particular circumstances to provide the requested evidence or medical certification within 15 calendar days after the date requested by the supervisor, despite the employee's diligent, good faith efforts, the employee must provide the evidence of medical certification within a reasonable time under the circumstances involved. An employee who does not provide the required evidence or medical certification within the specified time period is not entitled to sick leave. Employees will be carried in an absent without leave (AWOL) status until acceptable documentation is provided, after which the AWOL status will be converted to sick leave or other approved leave.

e. Chronic Medical Conditions. Employees suffering from a chronic medical condition, which requires occasional absence from work, but does not necessarily require medical treatment and who have previously furnished medical certification of the chronic condition, shall not be

required to furnish a medical certificate to substantiate sick leave for subsequent occurrences of the same condition. However, the Agency may periodically require further medical certification to substantiate that the condition still exists.

7. SICK LEAVE ABUSE

a. Suspected Abuse of Sick Leave. The Union and the Agency agree that sick leave abuse by employees, including excessive unscheduled absences, have a detrimental impact on agency's mission. Employees that show a pattern of sick leave abuse may be issued a memorandum of leave restriction.

b. Leave Restriction. If reasonable growth continue to exist for questioning an employee's use of sick leave, the employee may be placed on leave restriction. The notification will be in writing and inform the employee that no request for sick leave, or other leave in lieu of sick leave will be approved for a stated period, not to exceed six months, unless supported by a doctor's certificate

c. Presenting Documentation. If there is a reason to believe that an employee has abused sick leave, the supervisor can require the employee to provide medical documentation signed by appropriate medical official for each and every day of absence of sick leave. The employee will be notified in advance of this requirement. Although not required, the parties agree that employees suspected of abusing sick leave should be counseled on their attendance related deficiencies at least once prior to being placed on leave restriction. Employees who have been given a leave restriction letter will be required to bring a medical certification for any and all sick leave absences thereafter.

8. ADVANCED SICK LEAVE

a. Purpose. Employees who are incapacitated for the performance of duties because of serious disability or ailment may request advance sick leave not to exceed 240 hours. A maximum of 240 hours of sick leave for any purpose for which sick leave is authorized above may be advanced to an employee.

b. Conditions. Requests for advanced sick leave may be granted IAW governing regulations when all of the following conditions are met:

- (1) The employee is eligible to earn sick leave;
- (2) The employee's request does not exceed 240 hours (or for temporary employees, the amount of hours to be earned during the period of temporary employment);
- (3) There is no reason to believe the employee will not return to work after having used the leave and the employee has sufficient funds in his or her retirement account or any other

source of monies owed to the employee by the government to reimburse the Agency for the advance, should the employee not return to work;

(4) The employee has provided acceptable medical documentation of the need for advanced sick leave; and

(5) The employee is not subject to leave restriction.

c. **Inter-Agency Transfers.** When an employee who is indebted for advanced sick leave transfers to another Federal agency without a break in service, any negative sick leave balance shall be transferred to the employee's new agency.

d. **Repayment.** An employee who is indebted for advanced sick leave and separates from Federal service is required to refund the amount of advanced sick leave. However, if the employee dies, retires for disability or is separated or resigns because of disability (as determined by the Agency), the requirement to repay does not apply.

e. **Entry to Active Duty Service.** An employee who enters active military service with a right to restoration will not be considered as having separated and will not be required to refund the amount of advanced sick leave when entering military service. The Agency will treat as confidential any medical information provided by an employee to any agent or representative of the Agency in support of a request for sick leave.

f. **Liquidation of Advanced Sick Leave.** If an employee is a participant in the Agency's voluntary leave transfer program, advanced sick leave may be liquidated by substituting donated annual leave for sick leave that was advanced on or after the date of the medical emergency.

9. **PRIVACY.** The Agency may disclose such information subject to the Privacy Act of 1974 (5 USC 552a), 5 CFR 339, and 45 U.S.C. § 300 et seq. only for purposes of making informed management decisions and only to individuals who have a need to know. A need to know does not extend to secretarial or administrative staff.

10. SICK LEAVE FOR FAMILY PURPOSES

a. **Family and Medical Leave Act.** Employees are entitled to a total of 12 administrative workweeks of unpaid Family Medical Leave during any 12 month period for:

- (1) Birth of a son or daughter and care of the newborn;
- (2) The placement of a son or daughter with the employee for adoption or foster care;
- (3) The care of a spouse, son or daughter or parent with a serious health condition; or

(4) A serious health condition of the employee that makes the employee unable to perform the duties of his or her position.

b. Parental Leave. This leave will provided to new parents including grants of annual leave, sick leave, and LWOP to the maximum extent allowable by law and government-wide regulation. In the event the employee utilizes leave under the provisions of the Family Medical Leave Act, the employee shall be entitled to a total of 12 administrative work weeks of unpaid leave.

c. Domestic Partner. Employees are entitled the use of sick leave for the care of their same-sex domestic partners and the relatives of their same-sex domestic partners IAW 5 C.F.R. § 875.213.

11. SICK LEAVE ACCUMULATION. Per Reference (o) full-time employees accrue sick leave at the rate of 4 hours for each bi-weekly pay period. Part-time employees accrue sick leave at the rate of 1 hour for each 20 hours in a pay status. Temporary employees are not eligible to accrue sick leave.

12. GRANTING SICK LEAVE

a. Sick leave is provided for the following circumstances:

- (1) Personal medical and dental needs.
- (2) Care of a family member.
- (3) Adoption-related purposes.
- (4) Bereavement.

b. Use of sick leave for anything other than its intended purpose (i.e., where use of annual leave or earned compensatory time is more appropriate) is strictly prohibited.

c. For periods of absence of more than three workdays, a medical certificate or other administratively acceptable evidence in support of the use of sick leave is required. For periods of absence of three working days or less, evidence in support of such absence is normally not required. However, in individual cases, if the supervisor has reason to believe an employee may be abusing sick leave, evidence may be required to support all subsequent applications for sick leave. The employee will first be advised verbally of this concern. If this does not bring about the desired change in the employee's use of sick leave, the employee will be notified in writing that all future absences must be supported by a medical certificate or other administratively acceptable evidence. This written notice will also explain fully why the employee is suspected of abusing sick leave privileges and a copy will be forwarded to the HD. In the event the employee subsequently fails to submit the required supporting documentation, this may be

considered an offense justifying disciplinary action. Upon returning to duty after three or more days on sick leave, the employee must have supporting documentation from his/her physician that he/she is fit for duty.

13. REQUESTING SICK LEAVE

a. When an employee is aware of the need to use sick leave, they should submit a leave request at least seven days in advance of taking the sick leave. Such instances where an advanced sick leave requests would be necessary may include, but are not limited to.

- (1) Personal or a family member's medical, dental, or optical examination.
- (2) Care for family member with a serious health condition.
- (3) Bereavement.
- (4) Adoption-related proceedings.

b. When the need to take sick leave in advance is not known, the employee must notify their supervisor as soon as reasonably possible prior to the start of their designated workday. These instances may include, but are not limited to:

- (1) Personal illness or incapacitation.
- (2) Illness or incapacitation of a family member.

c. Upon returning to duty, the employee must submit a sick leave request. Leave will be requested/approved in quarter hour increments.

14. APPROVING SICK LEAVE. The approval level for sick leave requests depends upon the type of sick leave requested.

a. Accrued Sick Leave. The employee's immediate supervisor will approve requests for accrued sick leave.

b. Advanced Sick Leave and LWOP. The MTFs and Center Directors shall approve advanced sick leave and LWOP (i.e., unpaid leave) or may delegate approval authority to the organizational level at least two levels above the employee.

15. CHANGE OF LEAVE TYPE. An employee who becomes ill during a period of annual leave or earned compensatory time may have the period of illness charged to sick leave and the charge against annual leave or earned compensatory time reduced accordingly. Application for

substitution of sick leave for annual leave will be made to the supervisor after return to duty and will be substantiated in the same manner as any other request for sick leave.

16. ADVANCED SICK LEAVE

a. Depending on the circumstances, an employee may request accrued sick leave, advanced sick leave, LWOP or may invoke their rights under the Family and Medical Leave Act (FMLA). For policies and guidance related to these types of leave and provisions, the employee and/or their immediate supervisor should consult the CHRC, OPM guidance, and/or DoD guidance.

b. When an employee wishes to request advanced sick leave, if possible they shall submit the request a minimum of three weeks in advance. Requests for advanced sick leave must include a statement from the employee's doctor indicating the nature of the illness or disability and the probable return to duty date. The approved advanced sick leave documentation must be forwarded to CHRC.

17. FMLA. When invoking FMLA rights, the supervisor and/or appropriate leave approving authority may require an employee to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. Failure to comply with these requirements may result in a delay in the start of FMLA leave. Supervisors may require employees to present certification of fitness to return to work when the absence was caused by the employee's serious health condition. The employee's return to work may be delayed without proper certification.

18. FEDERAL EMPLOYEES' COMPENSATION ACT (FECA). FECA is administered by the Office of Workers' Compensation Programs (OWCP) of the United State (U.S.) Department of Labor (DOL). All civilian employees are covered under the Act. Employees are provided compensation benefits for disability due to personal injury sustained while in the performance of duty or due to employment-related disease. FECA also provides for the payment of benefits to dependents if the injury or disease causes the employee's death.

a. The CHRC processes OWCP claims and maintains file copies. The organization does not have authority to approve or deny any employee's claim for compensation benefits. The authority lies solely within DOL.

b. Employees should report every job-related injury to their supervisor as soon as possible; medical documentation is required for all injury-related absences.

c. For Continuation of Regular Pay (COP), applicable THC codes of "LU" and "LT" will be utilized. "LU" for day of injury and "LT" for days thereafter. Employees and/or their immediate supervisor should see their Payroll CSR for further guidance on applying the correct THCs.

d. Employees and/or their immediate supervisor should consult the CHRC for policy and guidance related to benefit information, instructions, applicable and required forms, and important deadlines regarding FECA. Additional information is also available on the DOL website at: <http://www.dol.gov/owcp/dfec/regs/compliance/ca-11.htm>.

19. VOLUNTARY LEAVE TRANSFER PROGRAM (VLTP). The OPM provides detailed information, forms, and instructions at <http://www.opm.gov/oca/leave/> (Voluntary Leave Transfer Program Regulations). Employees may also contact the VLTP coordinator at CHRC.

ENCLOSURE 8EMPLOYEE LEAVE WITHOUT PAY

1. LEAVE WITHOUT PAY (LWOP). LWOP is an approved leave status, temporary non-pay status and absence from duty, granted in response to an employee's request. Approval is a matter of administrative discretion. The MTFs and Center Directors shall approve LWOP requests up to 30 days, which cannot be delegated. The Chief of Staff, NCD MD shall approve LWOP requests in excess of 30 days. An employee cannot demand LWOP as a matter of right, except in the cases of disabled veterans under Executive Order 5396 and Reservists or National Guardsmen who are entitled to LWOP when they are required to perform military training duties. Annual and/or sick leave should be exhausted prior to taking LWOP. The effects of LWOP need to be carefully researched regarding benefits, career tenure, and within grade increases.

2. GRANTING LWOP. LWOP will be granted to an injured employee for at least the first year the employee is receiving injury compensation under 5 United States Code (U.S.C.) §8101. In all other cases, LWOP will be granted only when the services of the employee can be spared and when it is clear that at least one of the following circumstances exists:

- a. Increased job ability will result.
- b. Protection or improvement of the employee's health will result.
- c. Retention of a desirable employee who would otherwise leave the organization.
- d. A bona fide emergency exists.

3. APPLICATIONS FOR LWOP. LWOP for thirty calendar days or less shall be requested on the Advance Leave Request Memorandum (Appendix 3). The employee's time and attendance reports will show the exact dates of LWOP. **For LWOP in excess of thirty calendar days, the supervisor must inform the NCR MD HQ, Personnel Branch and the Human Resource Liaison (HRL) to submit a Standard Form (SF) 52, Request for Personnel Action.** If the LWOP request is made for health reasons, the employee will be requested to furnish a statement from their physician or other licensed health care practitioner, indicating the need for the absence and the prognosis of the employee's ability to return to work at the end of the period of LWOP. An employee's absence on extended LWOP and subsequent return to duty must be recorded in their Official Personnel Folder. The employing office must process a personnel action (SF 52) for each instance of extended LWOP.

4. LWOP FOR EMPLOYEES WHO HAVE PERMANENT CHANGE OF STATION (PCS) TO THE CONTINENTAL UNITED STATES (CONUS). All locally hired dependent employees who have completed 12 months of overseas Federal service within a 10 year period, and have a favorable performance rating, are authorized to take a total of 6 months of LWOP. The employee may request two 3-month extensions by submitting an Advance Leave Request Memorandum to the MTFs and Center Directors for Resources at least 30 days prior to the expiration of the LWOP period. At the expiration of the LWOP authorization(s), the Department Administrator or HRL will process a termination action.

5. CONSEQUENCES OF LWOP. No sick or annual leave will be accrued for each pay period that 80 hours of LWOP is accumulated.

6. UNAUTHORIZED ABSENCE

a. When an employee is absent from duty without authorization and does not give notification to their supervisor, the employee will be carried in a pending or nonpaid status until their supervisor determines the cause of the absence. If the supervisor subsequently approves and authorizes sick leave or annual leave, upon returning to work, the employee must submit the appropriate leave request. Upon the supervisor's approval of the leave request, the employee must make the appropriate entry on their timecard. The hours recorded on the timecard cannot exceed the number authorized by the approved leave request. If the absence is disapproved, it will be charged as Absence without Leave (AWOL). If AWOL is charged for a period of less than a full workday, the time should be charged in exact hours and minutes.

b. If an employee notifies their supervisor they are ill and unable to report to work, and if the application for sick leave is subsequently disapproved, such absence would normally be charged as AWOL.

ENCLOSURE 9

EMPLOYEES ON TEMPORARY ADDITIONAL DUTY STATUS

1. Temporary Additional Duty (TAD). When a civilian employee is absent from duty en route to attending temporary duty (TDY) or training classes, and not on location within the normal working area, normal daily schedules will be credited for work hours, Monday through Friday. Civilian employees may be entitled to compensatory time off for travel and for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. Specific guidance on compensatory time off for travel is provided in Enclosure 13.

a. To avoid overtime or compensatory time, a supervisor must direct an employee on an AWS to revert to a regular work schedule (8 hours a day, 40 hours a week) for the entire pay period(s) the TAD occurs.

b. When extended sessions or weekend sessions require more than 40 hours a week, the excess hours may be credited as overtime or compensatory time. The request for overtime or compensatory time must be submitted and approved IAW the guidance provided in Enclosure 13.

c. All annual leave planned before or after TAD will be submitted and approved prior to commencing TAD. See Enclosure 6 for additional guidance on annual leave.

2. TAD for Permanent Part-Time Employees. Permanent part-time employees on TAD will be paid their basic work scheduled hours for the actual hours in class, at straight pay up to 40 hours per week, Sunday through Saturday.

ENCLOSURE 10

MILITARY LEAVE

ENCLOSURE 9

1. PURPOSE OF MILITARY LEAVE. The purpose of Military Leave is to provide members of the National Guard and Reserve components of the Armed Forces with approved absence in a pay status meeting active duty training requirements. Military Leave must not be confused with Military Furlough. Military Furlough is an extended absence without pay while the employee serves on extended active duty in the Armed Forces.

2. GRANTING MILITARY LEAVE. Military Leave of 120 hours may be granted to permanent, full-time employees. Part-time career employees are entitled to Military Leave on a prorated basis. The rate is determined by dividing 40 into the number of regularly scheduled hours for the employees. Military Leave will only be granted upon presentation of orders issued by competent military authority. A copy of the military orders must be forwarded to the Civilian Payroll Office (CPO). An employee maybe charged Military Leave only for the hours that they would otherwise have worked and received pay.

3. USE OF MILITARY LEAVE. Military leave will be requested via OPM 71. A minimum of 1 hour is charged to Military Leave. An employee is entitled to use annual leave, military leave, earned compensatory time off for travel, or sick leave intermittently with LWOP while on active duty or active/inactive duty training.

4. ADDITIONAL 22 DAYS OF MILITARY LEAVE (LL). There are two conditions under which employees are entitled to an additional 22 days of Military Leave:

a. Reservists or National Guard members who perform military duty in support of civil authorities in the protection of life and property are eligible for an additional 22 workdays of Military Leave.

b. Employees who perform full-time military service as a result of a call or order to active duty in support of a contingency operation are entitled to 22 days of Military Leave. The term "contingency operation" means a military operation that:

(1) Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(2) Results in the call or order to, or retention on, active duty of members of the uniformed services under Section 688, 12301(a), 12302, 12304, 12305, or 12406 of Title 10,

U.S.C., Chapter 15 of Title 10, U.S.C., or any other provision of law during a war or during a national emergency declared by the President or Congress.

ENCLOSURE 11EMPLOYEE ADMINISTRATIVE LEAVE AND EXCUSED ABSENCE

2. ADMINISTRATIVE LEAVE DURING SUSPENDED OPERATIONS. Per Reference (e), Chapter 5, paragraph 051603, administrative leave may be granted when employees are prevented from working due to extreme weather conditions or other severe disruptions. Volume 610 of Reference (q) govern the administrative dismissal of employees in situations where the MTFs and Center Director uses their authority to close all or part of an organization and, consistent with that closure, administratively excuses the non-mission essential civilian workforce. This includes unanticipated curtailment of operations based on extreme weather, natural disasters (i.e., fires, floods, earthquakes), emergency rescue work, unforeseen interruptions of transportation or building services (i.e., maintenance work projects, breakdown of machines, power failures, and safety risks), or Force Protection Condition Delta (FPCON Delta). This authority is not intended to cover extended periods of interrupted or suspended operations that can be anticipated sufficiently in advance to permit arranging for assignment to other work or scheduling of annual leave, use of compensatory time off, or LWOP. The MTFs and Center Director will establish and publish emergency dismissal and closure procedures that are appropriate for the organization's location. In addition to the guidance referenced here, the MTFs and Center Director or their designee should consult the CHRC when developing emergency dismissal and closure procedures. The following criteria apply to the administrative dismissal of employees:

a. Group dismissal should be rare and authorized only when conditions are severe or normal operations would be significantly disrupted. This authority may not be used to create the effect of a holiday to include activity down time and training days.

b. Before group dismissal authority may exceed 3 consecutive workdays, the MTFs and Center Director must consider using options such as details to other activities, use of unscheduled leave, or the use of furlough authority. In rare cases, when group dismissal is approved beyond 3 consecutive workdays, the administrative order must document why other alternatives could not be used and the reason(s) for the length of the anticipated dismissal.

c. When all or part of an activity is closed for short periods because of planned management action and arrangements cannot be made to perform other work, employees shall be notified as far in advance as possible, but no less than 3 full workdays when circumstances permit, and shall be required to take annual leave or compensatory time off, unless LWOP is requested.

3. EXCUSED ABSENCE. Per Reference (e), Chapter 5, Section 0516, excused absence is an absence from duty, administratively authorized, without loss of pay and without charge to leave. The MTFs and Center Director or their designee has the authority to grant excused absence in limited circumstances for the benefit of the organization's mission or a government-wide recognized and sanctioned purpose. In addition to the guidance referenced here, the MTFs

Directors should consult the CHRC when determining if circumstances meet excused absence criteria.

4. DOCUMENTATION. When administrative leave or excused absence is authorized, the CHRC will direct civilian employees to generate the appropriate leave request and document the hours accordingly on their timecard.

ENCLOSURE 12

GUIDANCE FOR GRANTING ADMINISTRATIVE LEAVE

1. DEFINITION. Administrative leave (also referred to as "excused absence") is an administratively authorized absence from duty without loss of pay or charge to leave. The Administrative Leave Act of 2016 [(Public Law No: 114-328 (12/23/2016)] amended Subchapter II of Chapter 63 of Title 5, including language regarding administrative leave and the new forms of excused absence that are now in effect. Administrative leave is not an entitlement and the Director, NCR MD or delegated authorities are not required to grant it. However, in special circumstances covered by Government-wide directives or in reaction to emergencies, the NCR MD may have policies and practices in place that provide for automatic application of administrative leave.

The Administrative Leave Act of 2016 created two new forms of leave:

a. "During any calendar year, an agency may place an employee in administrative leave for a period of not more than a total of 10 work days."

b. "An agency shall record administrative leave separately from leave authorized under any other provision of law."

(1) Investigative Leave: When the initial 10 work day period expires, an agency may place the employee on investigative leave for not more than 30 work days. Following the investigation, an employee can be placed in "notice leave."

(2) Notice Leave: Notice leave is restricted to the duration of the notice period. It can be used when an agency proposes or initiates an adverse action. This form of leave is restricted. It would be used when the agency is concerned about problems if the employee continues to work there as outlined below.

The Administrative Leave Act of 2016 also created new leave restrictions:

a. Administrative leave that is separate from other forms of paid leave or excused absence already legislatively authorized.

b. Requires NCR MD to document other forms of legislatively authorized excused absence separately from administrative leave.

c. Creates investigative or notice leave separate from administrative leave. These two categories could be used for extended excused absences due to personnel matters. Extended absences would presumably be for rare instances. These leave categories are for completing an investigation or when an adverse action is proposed. In both cases, the requesting official must conclude the employee needs to be out of the office. Approval for these requests can only be authorized by the Director, NCR MD and must be routed through the Labor Management

Employee Relations Branch (LMER), Civilian Human Resource Center (CHRC) and the Personnel Branch, NCR MD.

d. Allows NCR MD to use investigative or notice leave through a multiple step process that involves escalating controls over its use.

e. NCR MD cannot use investigative or notice leave unless established criteria are met.

f. Notice leave would be used when government interests are jeopardized. This includes continued presence of the employee posing a threat, possible destruction of evidence, or loss or damage to government property.

g. The NCR MD will consider options prior to use of investigative leave and notice leave. Options include assigning duties in which the employee is no longer a threat or allowing the employee to telework.

h. The NCR MD will provide employees with an explanation of why they are being placed on investigative leave or notice leave. Documentation for investigative leave and notice leave will be kept by the requesting official, LMER and the Personnel Branch, NCR MD.

2. APPROVAL PROCESS. The President or the Office of Personnel Management (OPM) may issue Government-wide policies or guidance from time to time regarding a specific use of administrative leave. To promote equity and consistency across the Government, OPM advises that administrative leave be limited to those situations not specifically prohibited by law and satisfying one or more of the following criteria:

a. The absence is directly related to the NCR MD's mission;

b. The absence is officially sponsored or sanctioned by the Director, NCR MD;

c. The absence will clearly enhance the professional development or skills of the employee in his or her current position; or

d. The absence is as brief as possible under the circumstances and is determined to be in the interest of the NCR MD. As a general rule, administrative leave should not be used for an extended or indefinite period or on a recurring basis. The MTF/Center Directors are granted the authority to approve Administrative Leave up to 10 business days. Periods beyond 10 business days must be approved by the Director, NCR MD. Examples of appropriate use of administrative leave:

(1) Employee Assistance Program. The MTFs/Center Directors may grant up to 3 hours of administrative leave for counselling to an employee for participation in the Employee Assistance Program (EAP) for problem identification and referral to an outside resource and for general employee orientation or education activities.

(2) The MTFs/Center Directors approved volunteer activities. OPM advises that the granting of administrative leave for volunteer activities should be limited to those situations in which the employee's absence, in the MTFs/Center Directors determination, is not specifically prohibited by law and satisfies one or more of the administrative leave criteria. The MTFs/Center Directors will ensure balance support for employees' volunteer activities with the need to ensure that employees' work requirements are fulfilled and that the MTFs/Center operations are conducted efficiently and effectively.

(3) Emergency Policies. During severe weather (e.g., hurricanes, floods, tornadoes, snow, ice) or other emergencies (e.g., fires, earthquakes, power outages), MTFs/Center Directors have the authority to grant employees administrative leave consistent with OPM guidance. Examples:

(a) Dismissal or closure due to severe weather or other emergencies. Administrative leave may be granted to employees who are prevented from reporting for work or faced with a personal emergency because of a weather emergency and its aftermath and who can be spared from their usual responsibilities.

(b) Relief and recovery efforts after severe weather or other emergencies. To assist those organizations of the Federal Government that are mobilized to respond to severe weather conditions (and their aftermath) or other emergency situations, and to assist in any relief and recovery efforts, MTFs/Center Directors may grant administrative leave to employees who are requested to assist in emergency law enforcement, relief, or clean-up efforts in affected communities, as authorized by Federal, State, or other officials having jurisdiction, and whose participation in such activities has been approved by their employing MTFs/Center. This policy does not apply to Federal employee members of the National Guard or Reserves who are called up to assist in disaster relief and recovery efforts, since they are entitled to military leave under 5 USC 6323(b).

3. ADMINISTRATIVE LEAVE RELATED TO UNACCEPTABLE PERFORMANCE AND MISCONDUCT. OPM does not regulate the use of administrative leave. This authority rests with each Director, NCR MD. However, with regard to performance deficiencies and misconduct, Comptroller General's decisions are instructive. These decisions suggest that approval for administrative leave should generally be limited to situations involving brief absences (less than 2 weeks).

4. ADMINISTRATIVE LEAVE PRIOR TO PROPOSING PERFORMANCE-BASED OR ADVERSE ACTIONS:

a. Placing an employee in a paid, non-duty status is an immediate, temporary solution to the problem of an employee who should be kept away from the worksite. For example, a Directorate may place an employee in a paid, non-duty status during an investigation and when the Directorate believes the employee poses a threat to his own safety or the safety of others, the NCR MD mission or Government systems/property while the investigation is pending. The

NCR MD, LMER, and Civilian Human Resource Center (CHRC) should monitor the situation and move towards longer-term actions when it is possible, appropriate, and prudent to do so. A longer-term solution could include assigning the employee to duties where he or she is no longer a threat to safety, mission, or Government property, if feasible.

b. OPM advises limiting the approval of administrative leave for this purpose. Where absences are for longer than brief periods, administrative leave is generally inappropriate. Approving officials should also ensure that the granting of administrative leave is not specifically prohibited by law.

5. ADMINISTRATIVE LEAVE AFTER PROPOSING PERFORMANCE-BASED OR ADVERSE ACTIONS:

a. In rare circumstances, administrative leave may be used for an employee while suspension or removal adverse action procedures have been proposed. OPM adverse action regulations set forth authorities and options available to the NCR MD to address concerns that may arise once leadership elects to pursue an adverse action against an employee. Specifically, the employee may be placed in a paid, non-duty status for the time necessary to effect the adverse action if the organization determines that the employee's continued presence on the job during the notice period may:

- (1) Pose a threat to the employee or others;
- (2) Result in loss or damage to Government property; or
- (3) Jeopardize legitimate Government interests.

The NCR MD strongly recommends considering other options prior to use of administrative leave in this scenario. Other options include:

b. Assigning the employee to duties where he or she is no longer a threat to safety, the mission, or Government property;

c. Allowing the employee to take leave, or placing him or her in an appropriate leave status (annual, sick, leave without pay) or absence without leave (if the employee has absented himself or herself from the worksite without requesting leave); or

d. Curtailing the advance notice period for the proposed adverse action when the NCR MD managers can invoke the "crime provisions" under title 5, United States Code, because it has reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed and is proposing a removal or suspension.

6. GUIDANCE ON USE OF ADMINISTRATIVE LEAVE RELATED TO PERFORMANCE'-BASED OR ADVERSE ACTIONS:

a. While administrative leave may be appropriate under various circumstances, supervisors often place employees on administrative leave rather than utilizing other options that may be more appropriate, as discussed above. In reviewing policies, OPM recommends taking steps to ensure that NCR MD policies on administrative leave related to performance deficiencies and misconduct address the following:

(1) Consideration of paid duty status options, such as reassignment to alternative duties, before placing an employee on administrative leave;

(2) Consideration of other non-duty status options, such as indefinite suspensions, if appropriate, before placing an employee on administrative leave for extended periods of time;

(3) Whether supervisors and managers should provide justification and obtain prior approval from leadership at higher organizational levels before placing an employee on administrative leave for an extended period of time.

(4) In all cases involving administrative leave, supervisors and managers should consult with LMER, CHRC for guidance on the use of administrative leave related to performance-based or adverse actions.

7. ATAAPS PHYSICAL FITNESS LEAVE AND WEATHER AND SAFETY LEAVE CODES:

a. Below is the process for utilizing the Physical Fitness Leave and Weather and Safety Leave codes:

(1) Enter new leave request.

(2) Type hours that will be LN-Administrative.

(3) Fill in the appropriate information (From Date, From Time, To Date, To Time, and Total Hours).

(4) Use the drop-down menu to select the PF-Physical Fitness and PS-Weather and Safety Leave as appropriate.

(5) Fill in the remarks field (this field is optional).

(6) Select the appropriate Certifier.

(7) Click the Certification box and submit.

ENCLOSURE 13

EMPLOYEE OVERTIME AND COMPENSATORY TIME (OVERTIME FOR TITLE 5 EMPLOYEES)

1. GENERAL PROVISIONS. IAW Title 5 of the United States Code, the Fair Employment Practice Agency (FEPA), and other applicable statutes and government-wide regulations, employees shall be compensated for overtime hours worked based on their Fair Labor Standards Act (FLSA) designation and the provisions of this CBA.

2. FLSA EXEMPTION STATUS. All bargaining unit positions will be determined to be FLSA "exempt" or "non-exempt" at the time the position is classified. When classification actions are proposed that will result in a change to the FLSA determination, the proposed changes will be provided to the employees and the Union thirty (30) calendar days prior to the effective date.

3. TYPE OF OVERTIME

a. Scheduled (Regular). Any overtime work scheduled in advance of the administrative work week as part of an employee's regularly scheduled work week. The employee shall be compensated for regular overtime worked in 15 minute increments, IAW the provisions of OPM regulations (ATAAPS Code "OS").

b. Unscheduled (Irregular or Occasional). Overtime that was not scheduled in advance of the administrative work week and is made a part of an employee's scheduled work week. Unscheduled overtime is paid in the same manner as scheduled overtime work (ATAAPS Code "OU").

c. Call-Back. Any employee called back to perform unscheduled overtime work, either on a regular workday after the employee has completed his or her regular shift and left the Agency, or for a day outside of his basic work week, shall be paid a minimum of two (2) hours overtime pay (ATAAPS Code "OC").

4. DISTRIBUTION OF OVERTIME. The Union recognizes that management has the right to assign overtime work. The Agency recognizes that unscheduled overtime is a problem for the employee as well as the Agency and will ensure fair and equitable assignments of overtime work among employees determined to be qualified to perform the work. Overtime will not be distributed or withheld to reward or penalize employees.

a. Notice. The Agency agrees that for scheduled overtime, unless emergency situations preclude sufficient notice to its employees, employees who are required to work will be notified by their supervisor at least 24 hours before overtime work is required. In order to request to be excused from scheduled overtime, an employee must notify the supervisor of their potential

unavailability for overtime assignments by the close of their shift on the day preceding the overtime. If notification is not given by this deadline, the employee will work as assigned. When an overtime assignment is excused at the request of an employee, after the deadline, for any reason, the supervisor may fill the void with any available employee, and the assigned employee will be moved to the bottom of the mandatory list.

b. Voluntary Basis. When overtime work is available, it will be offered by the supervisor on a voluntary basis to qualified employees before he or she directs mandatory overtime.

c. Rosters. One roster for each job category will be maintained and labeled "voluntary overtime" (based on seniority) and another for each job category will be maintained and labeled "mandatory overtime" (based on inverse seniority). The Agency will first try to fill the need by asking for volunteers.

d. Rotation. Once an employee works an overtime assignment after being chosen from the roster, that employee's name will be placed at the bottom of the roster. Employees who have declined an offer of overtime (voluntary) work will remain in the same place on the roster pending the next offer. Once an employee accepts an overtime assignment they will move to the bottom of the roster upon completion of the overtime work.

e. Absence. Employees who are on leave, TDY, or otherwise unavailable for an overtime assignment will remain in the same place on the roster, pending their return to duty.

f. Newly Assigned Employees. Newly assigned employees will be placed on the appropriate roster at the bottom of the voluntary list and the top of the mandatory list. Employees that are detailed or temporarily assigned to a new unit will be placed on the roster in the same manner.

g. Details and Temporary Reassignments. If an employee is detailed or otherwise temporarily assigned outside of his or her supervisor's work unit, the employee will remain at the current position on the roster during the duration of the detail or temporary assignment.

h. Qualifications. Supervisors may skip an employee on the roster when it is determined that the particular individual does not possess all the qualifications to perform the particular overtime assignment. In such cases, the employee retains his or her position on the roster for the next assignment.

5. DOCUMENTATION. The supervisor will maintain a hard copy of the overtime rosters and shall be able to demonstrate that overtime assignments have been managed IAW this Article. Upon request, current rosters will be made available to all employees and subject to inspection by a Union representative.

6. RESETTING OF ROSTERS. Overtime rosters shall be reset according to the employees SCD date on January 1 of each year.

7. RATE OF PAY. When an employee works overtime, whether covered by the Fair Labor Standards Act or exempt, such overtime will be paid in increments of 15 minutes.

8. FLSA NON-EXEMPT. Overtime pay for FLSA non-exempt employees is equal to one and one-half (1.5) times the employee's hourly rate of pay.

9. FLSA EXEMPT. Overtime pay for FLSA exempt employees is equal to one and one-half (1.5) times the employee's hourly rate of pay. However, if the employee's rate of pay exceeds the rate for a GS-10, Step 1, including any applicable special rate of pay or special pay adjustments, a locality-based comparability payment, or any applicable special rate of pay, the overtime rate is the greater of:

a. One and one-half (1.5) times the applicable minimum hourly rate of basic pay for GS-10, Step 1; or

b. The employee's hourly rate of basic pay.

10. COMPENSATORY TIME IN LIEU OF OVERTIME PAY.

a. Election. Employee requests to work overtime shall be subject to supervisory approval. No employee shall be required to earn credit hours in lieu of earning overtime. Non-exempt employees shall not be required to accept compensatory time off in lieu of payment for any overtime work performed, whether at the employees request or the supervisor's direction. This includes employees on alternate and regular work schedules. Employees may initiate written requests for compensatory time off or credit hours in lieu of overtime pay, which the Agency will consider and acknowledge.

b. Telework Employees. An employee's pay will not be negatively impacted solely by the employee's decision to telework. Overtime pay, premium pay, special salary rate, and other entitlements continue while the employee telecommutes as long as the employee remains eligible under Federal pay laws/authorities for overtime pay, premium pay, special salary rates, and other entitlements. Employees will be notified by the Agency prior to accepting telework of any consequences to their pay entitlements that will result from telework.

c. Usage. Compensatory time off earned must be used by the end of the 26th pay period after such time was earned.

d. Payment of Unused Compensatory Time.

(1) FLSA Non-Exempt. Upon expiration of twenty-six (26) pay periods or upon separation of the employee from the Agency, the Agency will pay FLSA non-exempt employees for any unused compensatory time off, earned in lieu of overtime pay to the employee's credit,

at the overtime rate in effect when the compensatory time off was earned. Compensatory time earned for travel will be handled in accordance with 5 C.F.R. Part 550.

(2) FLSA Exempt. FLSA exempt employees' earned compensatory time off will be forfeited if not used prior to the expiration of twenty-six (26) pay periods. However, if an employee is prevented from using compensatory time off due to an exigency of the Agency's business, the unused compensatory time off will be paid out at the overtime rate in effect when earned. Compensatory time earned for travel will be handled in accordance with 5 C.F.R. Part 550.

(a) For FLSA exempt employees, whose rate of basic pay is above the rate for GS-10, Step 10, the Agency may at its discretion require the employee to receive compensatory time off in lieu of overtime pay for irregular or occasional overtime.

(b) FLSA exempt employees whose rate of pay does not exceed the rate for GS-10, Step 10, may request, in writing, to receive compensatory time off in lieu of overtime pay for regular or occasional overtime. Such written requests will normally be granted, subject to *mission requirements. If the employee does not make such a written request, or if the Agency does not approve that request, the employee is entitled to compensation in accordance with the overtime requirements.

11. OTHER PROVISIONS.

a. Hold-over. Hold-over overtime assignments will first be offered to qualified employees currently on duty.

b. Compensation for hours worked. Employees shall not be required to perform any work or duty before or after their scheduled work hours without compensation. It is further understood that if an employee is required by the Agency to report to a designated location at a specified time prior to or subsequent to their regular shift hours, such time shall be compensated as set forth in Section 4A above.

c. Overtime Compensation. All employees will be paid for all hours of overtime, the only exceptions being Administrative Leave and Comp Leave. Such hours of overtime include all hours scheduled outside the scheduled tour of duty (i.e., any hours more than eight for a standard work schedule).

d. Exceptions. Employees who are on extended annual leave of five or more successive days, or who are on unscheduled sick leave on the day of the overtime assignment, shall not be paid overtime.

e. Training. Employees may be assigned to an overtime situation to obtain specialized training that ordinarily would not be otherwise available.

f. Breaks. During overtime assignments which extend for four hours beyond the normal eight-hour day, affected employees so assigned will be permitted to have a second meal

break. Employees required to work through their non-duty meal period shall be paid for such time.

g. Religious Beliefs. When making overtime assignments, management shall consider sincere claims that his or her religious beliefs required that the employee abstain from work during certain periods of the workday or workweek, as provided in 5 C.F.R. §550.1002, as a legitimate reason to decline. Employees who have declined to work overtime voluntarily for this reason shall be required to work overtime only if other qualified employees are unavailable.

12. STANDBY DUTY AND ON-CALL.

a. Standby Duty. Time spent on standby duty is hours of work if, for work-related reasons, the employee is restricted by official order to a designated post of duty and is assigned to be in a state of readiness to perform work with limitations on the employee's activities so substantial that the employee cannot use the time effectively for his or her own purposes. Employees are compensated if the standby conditions are met in accordance with 5 C.F.R. Part 550 for exempt employees and 5 C.F.R. Part 551 for non-exempt employees.

b. On-Call Status. Time spent in an on-call status is not hours of work, and the employee shall be considered off duty if:

(1) If the employee is allowed to leave a telephone number or carry an electronic device for the purpose of being contacted, even though the employee is required to remain within a reasonable call-back radius; or

(2) If the employee is allowed to make arrangements for another qualified person to perform any work that may arise during the on-call period.

13. OVERTIME (OT) AND COMPENSATORY TIME (CT).

a. Overtime (OT) and compensatory time (CT) are for emergent circumstances only. Federal civilian physicians and dentists under the Physicians and Dentists Pay Plan (PDPP) are not authorized for OT or CT. Examples of conditions that warrant OT or CT include:

(1) Unannounced requirements for nonrecurring reports or responses to higher authority;

(2) Unforeseen loss of manpower for which no replacement or substitute can be used;

(3) Unforeseen loss of equipment for which no replacement or substitute can be used.

b. Per Reference (e), Chapter 2, Section 020308, CT earned may be granted for irregular or occasional OT work only. All written requests for CT will include a statement indicating the employee agrees to receive CT in lieu of OT.

c. All OT and CT must be approved at the appropriate level in advance of the performance of the work. The only exception will be truly emergent situations that the supervisor could not anticipate.

d. OT rates apply to the hours in excess of eight in a day or forty in a week. Employees who elect to work a CWS waive overtime for the work hours documented in their work schedule in excess of eight in a day.

14. OVERTIME (OT) AND COMPENSATORY TIME (CT) REQUESTS. The OT/CT request, Appendix 4, must be used for the approval of OT and CT. The form satisfies the requirement that OT and CT is properly authorized and approved. OT/CT requests can also be submitted in ATAAPS. Additionally, the OT/CT provides stronger internal controls, process efficiency, and process standardization.

a. The employee's supervisor is responsible for ordering the use of OT or CT. The applicable OT and CT type hour codes (THCs) listed in Appendix 5 will be used. A justification must be provided certifying that the work is essential, cannot be accomplished during normal working hours, and no co-worker has the experience or ability to complete the requirement.

b. Upon approval of the OT or CT request, the employee shall account for the hours earned on timecard using the appropriate THC listed in Appendix 5. The OT or CT hours earned cannot exceed the number authorized by the approved OT or CT request.

c. To use CT earned, the employee shall submit a leave request using the appropriate THC in Appendix 5. The employee's immediate supervisor is responsible for reviewing and approving the request for CT taken. The employee shall record the hours taken on the appropriate days on their timecard. The hours taken cannot exceed the number authorized by the approved leave request.

15. COMPENSATORY TIME OFF FOR TRAVEL. Compensatory time off for travel (CT) is earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. To be entitled for CT off for travel, the employee's Temporary Additional Duty (TAD) or Temporary Duty (funded or no-cost) must be for work-related purposes only. If entitled to it, CT off for travel cannot be denied by management or waived by the employee. If management does not wish to grant CT off for travel, management can choose not to send civilian employees on TAD/TDY.

a. Compensable Time. Refers to the periods of time creditable as hours of work for the purpose of determining a specific pay entitlement.

b. Creditable Travel. Travel must be officially authorized. In other words, travel must be for work purposes and must be approved by official travel orders. For the purpose of CT off for travel, time in a travel status includes:

- (1) Time spent traveling between the official duty station and a TAD/TDY station.
- (2) Time spent traveling between two TAD/TDY stations.

(3) The “usual waiting time” preceding or interrupting such travel (e.g., waiting at an airport or train station prior to departure). Each organization has the sole and exclusive discretion to determine what is creditable as “usual waiting time.”

c. **Commuting Time.** Commuting time is handled according to the following scenarios:

(1) Travel outside of regular working hours between an employee’s home and a TAD/TDY station or transportation terminal outside the limits of his or her official duty station is considered credible travel time. However, the employee’s normal home-to-work/work-to-home commuting time must be deducted from the creditable travel time.

(2) Travel outside of regular working hours between a worksite and a transportation terminal is creditable travel time, and no commuting time offset applies.

(3) Travel outside of regular working hours to or from a transportation terminal within the limits of the employee’s official duty station is considered equivalent to commuting time and is not creditable travel time.

d. **Calculating Compensatory Time (CT) Off for Travel.** OPM provides examples for calculating creditable travel time, available at: <http://www.opm.gov/oca/compmemo/2005/2005-03-att2.asp>.

e. **Crediting, Use, and Approval.** Compensatory time (CT) off for travel is credited and used in quarter hour increments.

(1) As with other OT and CT request procedures, the employee’s supervisor shall approve the request for the employee to earn CT off for travel prior to the employee commencing travel. The request shall include the OT request, a copy of the employee’s TAD orders, a copy of the complete flight itinerary with any changes indicated on the itinerary, and a detailed explanation of Travel CT being requested. The employee’s supervisor or the Payroll CSR is responsible for maintaining the documentation in support of the employee’s CT off for travel.

(2) Upon approval of the CT off for travel, the employee will post the CT off for travel earned on the corresponding current or prior period timecard. CT off for travel earned cannot exceed the number of hours authorized by the approved CT off for travel request. Employees may submit a change to the CT off for Travel request that was previously approved if they encountered significant/unexpected delays that were beyond their control. In these cases, the employee must submit an updated travel itinerary and supporting documents. The employee shall use the appropriate THC given in Appendix 5. The employee must sign their current or amended timecard, and the employee’s supervisor shall certify the timecard for the current or prior pay periods.

(3) To use CT off for travel, the employee shall submit a leave request using the appropriate THC in Appendix 5. The employee's immediate supervisor is responsible for reviewing and approving the request for CT off for travel taken. The employee shall record the hours taken on the appropriate days on their timecard. The hours taken cannot exceed the number authorized on the approved leave request.

f. Forfeiture. CT off for travel is forfeited if:

(1) If not used by the end of the 26th pay period after the pay period during which it was earned.

(2) Upon voluntary transfer to another Agency.

(3) Upon separation from the Federal Government.

g. Under no circumstances may an employee receive payment for unused CT off for travel.

16. COMPENSATORY TIME (CT) FOR RELIGIOUS OBSERVANCES. All employees may be granted CT off for religious observances. Per Reference (e), Chapter 5, Section 0510, CT for religious observances may be granted to employees whose personal religious beliefs require not working during certain times of the workday or workweek.

a. Employees are required to submit a written request for an adjusted work schedule in advance for religious CT. The request for time off should not be granted without simultaneously scheduling the hours during which the employee will work to make up the time. Only the number of hours of work needed to make up for previous or anticipated absences from work for religious observances may be scheduled. The adjusted work schedule shall be documented on the Work Schedule form and approved by the employee's supervisor.

b. Religious CT hours shall be requested and approved via the Overtime Request form. The request shall be approved by the appropriate authority. The request should be supported by the employee's adjusted Work Schedule and plan for making up the previous or anticipated absences.

c. To use any previously earned religious CT balance, the employee shall submit a leave request using the appropriate THC in Appendix 5. The employee's immediate supervisor is responsible for reviewing and approving the request.

d. The employee must document religious CT earned and taken on their timecard using the appropriate THC in Appendix 5. In either case, the time documented shall not exceed the hours authorized on the approved religious CT request and/or leave request.

e. Premium pay provisions for OT work do not apply to CT worked for religious observances.

f. For additional guidance on the handling of CT for religious observances, refer to the HRD, OPM guidance and/or Reference (e), Chapter 5, Section 0510.

17. CREDIT HOURS. Credit hours are any hours within a flexible schedule established under 5 U.S.C. 6122 that are in excess of an employee's basic work requirement, and that the employee, with supervisory approval, elects to work to vary the length of a workweek or a workday. Credit hours are distinguished from OT hours in that they are not officially ordered and approved in advance by management.

a. Earning and Using Credit Hours:

(1) Earning Credit Hours. Only full-time and part-time employees under a flexible work schedule may earn credit hours. Credit hours may be earned only within the flexible time band established by the agency or union agreement. Work hours that count toward the employee's basic work requirement should not be considered credit hours. Credit hours are those hours that are in excess of the employee's basic work requirement (8 hours in a day, 40 hours in a week, or 80 hours in the bi-weekly pay period). See 5 U.S.C. 6121(4) and 5 CFR 610.408.

(2) Using Credit Hours. Credit hours must be earned and used in the same increments as other absences with pay.

b. Accumulating Credit Hours. For a full-time employee, only 24 credit hours to be carried over to the next pay period. The 24 credit hours carried forward must be accounted for the same as other types of absences with pay. For a part-time employee, not more than one-fourth of the hours in the employee's biweekly basic work requirement may be carried over to the next pay period.

c. Only 1 credit hour is earned for each hour of voluntary work in excess of the basic work requirement (See 5 U.S.C. 6136(a)).

d. Payment for Credit Hours. Generally, an employee receives no additional pay for credit hours. When used by the employee, credit hours are considered a part of the basic work requirement (non-overtime work) in the bi-weekly pay period that they are applied. Employees are entitled to his/her basic rate of pay for any credit hours used. However, upon separation from Federal service or when an employee is no longer subject to a flexible work schedule program or transfer to another employing activity, any accumulated credit hours may be paid at the employee's current hourly rate.

ENCLOSURE 14

EMPLOYEE COURT LEAVE

1. GENERAL. Leave for jury or witness service is authorized per Reference (w). Per Reference (e), Chapter 5, Section 0517, civilian employees are authorized court LWOP when summoned in connection to serve as a juror or as a witness in a non-official capacity on behalf of any party in connection with any judicial proceeding to which the U.S., the District of Columbia, or a state or local government is a party.

2. REQUIREMENTS. An employee who is under proper summons from a court to serve on a jury should be granted court leave for the entire period, regardless of the number of hours per day or days per week the employee actually serves on the jury during the period. Jury service for which an employee is entitled to court leave does not include periods when the employee is excused or discharged by the court, either for an indefinite period, subject to call by the court or for a definite period in excess of one day. Therefore, an employee may be required to return to duty or be charged annual leave if excused from jury service for 1 day or even a substantial part of a day. The employee may not, however, be required to return to duty if it would cause a hardship.

a. Official Capacity. Civilian employees who perform witness service in an official capacity on behalf of the U.S. or District of Columbia government, a state or local government, or a private party shall not be paid witness fees nor shall the time served as a witness be charged to court leave or annual leave. The time shall be recorded as official duty. If any fees are paid, then they must be turned in to the employing activity.

b. Non-official Capacity. Civilian employees who testify in a non-official capacity on behalf of a private party to which the U.S., the District of Columbia, a state, or local government is not a party are not entitled to court leave. The employee must take annual leave or LWOP. He or she is entitled to the fees and expenses related to such witness service.

c. Intermittent Employees. Intermittent civilian employees are not eligible for court leave.

3. ANNUAL LEAVE. If an employee is on annual leave when called for jury duty or witness service, then court leave shall be substituted. No charge shall be made to annual leave for the court service.

4. REQUESTS FOR AND USE OF COURT LEAVE

a. Employees shall submit a leave request for court leave, using the applicable THC in Appendix 7. The employee's immediate supervisor shall approve the court leave request in advance of the employee taking the court leave. The request must be supported by the court

order, subpoena, or summons, if one was issued. The employee's immediate supervisor or the Payroll CSR is responsible for retaining the supporting documentation.

b. The employee shall record court leave taken on their electronic timecard in Automated Time and Attendance and Production System (ATAAPS), using the applicable THC in Appendix 7. The employee's certificate of attendance should support the court leave being taken. The employee's immediate supervisor or the Payroll CSR is responsible for retaining the supporting documentation. The hours recorded cannot exceed the number authorized by the approved leave request.

5. SERVICE PAYMENT AND RETENTION OF FEES

a. Jury Duty Service

(1) Civilian employees who perform jury duty service on behalf of a state or local court is paid jury duty fees. An employee cannot retain these fees and must return these fees to the employing activity by money order or personal check. A certificate of attendance from the clerk of the court must also be submitted. The certificate shows the inclusive dates of jury duty and the amount of fees the court paid to the employee. The certificate of attendance separately should identify fees and allowances. Fees received by the employee are collected while allowances are not collected. If the certificate of attendance does not identify allowances separately, then all monies are considered fees and shall be collected. The employee may keep reimbursements for expenses received from the court, authority, or party that caused the employee to be summoned and may keep fees that exceed the employee's compensation for the days of service.

(2) Civilian employees who perform jury duty service on behalf of the U.S. or District of Columbia government are not paid jury duty fees.

b. Witness Service

(1) Civilian employees who perform witness service on behalf of a state or local government in a non-official capacity is paid witness fees. An employee cannot retain these fees and must return these fees to the employing organization by money order or personal check. A certificate of attendance from the clerk of the court must also be submitted. The certificate shows the inclusive dates of witness service and the amount of fees the court paid to the employee. The certificate of attendance separately should identify fees and allowances. Fees received by the employee are collected while allowances are not collected. If the certificate of attendance does not identify allowances separately, then all monies are considered fees and shall be collected. The employee may keep reimbursements for expenses received from the court, authority, or party that caused the employee to be summoned and may keep fees that exceed the employee's compensation for the days of service.

(2) Civilian employees who perform witness service on behalf of a private party in a non-official capacity to which the U.S., District of Columbia, or a state or local government or

party is not paid witness fees. If fees are paid to an employee while serving in a non-official capacity, then the employee cannot retain those paid fees. Such fees must be turned in to the CSR at the employing. An employee may keep reimbursements for expenses received from the court, authority, or party that caused the employee to be summoned.

c. Holiday. When a holiday occurs during the time an employee is on jury duty or witness service, the employee can keep the jury duty or witness service fee paid for the holiday.

d. Non-Workday. If an employee is called to jury duty on a non-workday, then the employee may keep the fees paid.

e. Submission of Fees. When required as outlined above, civilian employees shall submit their money order or personal check to the Defense Finance Account System (DFAS), Indianapolis Office.

f. Payroll Deduction. Fees not submitted in a timely manner are subject to payroll deduction. Payroll deductions to collect the fees will be made in the next regular pay period.

ENCLOSURE 15OTHER EMPLOYEE COMPENSATION INCLUDING PAY UNDER TITLE 38

1. TITLE 5 – NIGHT DIFFERENTIAL PAY. Night differential, at the rate of 10 percent of the hourly basic rate, is payable to employees for work between 1800 and 0600 hours, if the regular tour of duty includes work during such hours. The day that an employee's shift begins is designated as the day of work for night differential purposes. Accordingly, the hourly basic rate is multiplied by 10 percent, with the result adjusted to the nearest cent, counting one-half cent and over as a whole cent. The hours worked must be part of the regular tour. An employee is entitled to a night differential for a period of paid leave only when the total amount of that leave in a pay period, including both night and day hours, is less than eight hours. Employees receive night differential when temporarily assigned during the administrative workweek to a daily tour of duty that includes night work. Night differential is payable for OT work between the hours of 1800 and 0600, if the overtime is regularly scheduled in advance of the administrative workweek.

2. TITLE 5 – SUNDAY PREMIUM PAY. This premium applies only to employees, graded and ungraded, whose basic workweek includes Sunday. Employees are entitled to Sunday premium, not to exceed 8 hours and OT for any work performed on Sunday, outside of their basic workweek schedule. Sunday premium is not payable for OT work.

3. TITLE 38 – PREMIUM PAY. Per Volume 540 of Reference (s), and the delegated agreement between OPM, the Veterans' Affairs (VA), and NCR MD AI 1400.07 Change 2, Nov 7, 2016 "Title 38 Premium Pay Eligibility and Coverage." Reference (y).

a. Eligibility

(1) The following permanent, temporary full-time or part-time employees performing direct patient care are covered under this memorandum and are eligible for Title 38 Premium Pay.

(2) Intermittent employees, unless on a regular tour of duty, are not eligible for Title 38 Additional Premium Pay.

(3) Baylor Nursing Students are not eligible for additional pay under this section.

(4) Physicians and dentists under Physicians and Dentists Pay Plan (PDPP) are not eligible for additional pay under this section.

(5) Below is the complete list of approved Occupation Series for Title 38 entitlements per Reference (y).

Series	Description
0180	Clinical Psychologist
0185	Social Worker
0603	Physician Assistant
0610	Registered Nurse
0620	Licensed Practical Nurse
0630	Dietician
0631	Occupational Therapist
0633	Physical Therapist
0636	Rehabilitation Therapy Assistants (Physical Therapy Assistant), (Occupational
0642	Nuclear Medicine Technician
0644	Medical Technologist
0647	Diagnostic Radiologic Technologist
0648	Therapeutic Radiologic Technologist
0649	Medical Instrument Technician
0651	Respiratory Therapist
0660	Pharmacist
0661	Pharmacy Technician
0665	Audiologist/Speech Pathologist
0667	Prosthetist/Orthotist
0669	Medical Records Administration
0675	Medical Records Technician
0681	Dental Assistant
0682	Dental Hygienist
0683	Dental Laboratory Technician
0858	Biomedical Engineers

b. General Title 38 Premium Pay Rules

(1) Title 38 Premium Pay is based on an hourly rate of basic pay derived by dividing the employee's annual basic pay by 2,087 hours and rounding to the nearest whole cent, counting one-half cent and over as a whole cent.

(2) The bi-weekly and annual limitation on Premium Pay under Title 5 does not apply to employees covered by this Title 38 authority.

(3) Title 38 Premium Pay is not considered basic pay for benefits purposes, such as health insurance, life insurance, and retired pay.

(4) An eligible employee may request in writing and be granted CT off in lieu of OT pay, but they may not be required to accept CT.

(5) Eligible employees can receive more than one type of premium pay for the same period of service. Under those circumstances, the amounts are calculated separately. For

ENCLOSURE 15

example, an employee who works weekend duty but also includes night differential will be paid the weekend period as additional pay, calculated separately on the hourly rate of pay, as well as, the night differential additive, calculated separately against the basic hourly rate of pay.

(6) Work units in which shift work is performed shall ensure schedules are developed and monitored for the most effective use of the Title 38 Premium Pay rules to ensure a consistent application of the rules and scheduling. Schedules must provide payroll time and attendance with all the necessary information required to ensure accurate documentation of hours worked.

c. Description and Use of Title 38 Premium Pay

(1) On-Call Pay

(a) An employee officially scheduled to be On-Call outside normal duty hours shall be paid 10% of his or her applicable overtime rate for each hour of on-call duty status outside the facility.

(b) An employee on official Title 38 On-Call status must remain within the designated commuting distance, must remain fit for duty, and must be prepared to return within the time period to the place of work upon notification.

(c) The HD, without further delegation, must designate in writing which work units may use On-Call procedures for the civilian workforce. Within that work unit, the supervisor or HD may determine which employees maybe scheduled for On-Call duty. An employee should not be scheduled to be On-Call unless it is essential for such employee to be immediately available to return to duty.

(d) If called back to work, once on site, the employee's On-Call status ends and regular or OT pay starts. Once the work is finished, the employee returns to On-Call status. Regardless of the duration of work, the time spent at work is deemed to be at least 2 hours for pay purposes. A part-time employee is eligible if they are regularly scheduled to be in an On-Call status.

(e) If an On-Call employee becomes unfit or unavailable to return to work, the employee is required to report the situation immediately to his or her supervisor, or acting supervisor, and is immediately removed from the On-Call duty status and the entitlement to the special pay ends.

(f) Title 38 On-Call duty is not to be confused with traditional "beeper/telephone" duty. For example, a clinician may carry a beeper or cell phone at all times for the purposes of providing telephone consultation. An employee in this situation is not restricted in their activity and is not considered to be in an official "On-Call" duty status for purposes of obtaining additional compensation (premium pay) for those off-duty hours. There is no provision under current law, Title 5 or Title 38, to provide compensation for this type of telephone duty. It is incumbent upon management to understand that physicians and dentists are ineligible for official Title 38 On-Call pay.

(2) Weekend Duty Pay

(a) Weekend duty pay is an additional 25 percent of the civilian employee's hourly rate of base pay for all hours of a tour of duty, if any part of the tour of duty falls between midnight Friday and midnight Sunday.

(b) A civilian employee can receive weekend premium pay for two separate tours of duty. For example, if a nurse works from 2200 hours Friday to 0600 hours Saturday, and then from 2200 hours Sunday to 0600 hours Monday, all 16 hours must be paid at the weekend premium rate.

(3) Tour (Night) Differential Pay

(a) An eligible employee may receive an additional 10 percent of their hourly rate of basic pay for each hour in a tour of duty in which a minimum of 4 hours of that tour of duty fall between 1800 hours and 0600 hours.

(b) If the employee works less than 4 hours between 1800 hours and 0600 hours, then the employee shall be paid additional pay for each hour of work performed between 1800 hours and 0600 hours.

(4) Holiday Pay

(a) A full-time Title 38 eligible employee on a 40 hour basic workweek who works on a holiday shall receive for each hour of work on the holiday basic pay plus the holiday premium for each hour of work on the holiday. When the basic workweek of an eligible employee includes portions of two tours of duty on a holiday, the holiday benefit shall apply to the shift that begins on the holiday. When a full-time eligible employee performs work on a holiday, such duty is deemed to be at least 2 hours in duration for purposes of holiday pay.

(b) A part-time or intermittent eligible employee shall be paid holiday pay only for work performed on the actual calendar holiday, and no in lieu of day will be designated.

(c) Holiday pay is 100 percent of the employee's hourly rate of basic pay for any hour(s) of work performed on the holiday (0001 to 2400 hours).

(d) A Baylor Nursing Student (two 12 hour tours of duty on a weekend) may not receive holiday pay for work that is performed during the employee's regularly scheduled tour of duty. For example, if a Baylor Nursing Student is scheduled to work a weekend in which either Saturday or Sunday is a Federal or National Holiday, he or she will not receive the holiday premium for work performed on that day.

(e) If an employee works OT on a holiday, they shall be paid the holiday rate and not the OT rate of pay.

(5) Overtime (OT) Pay

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(a) An eligible employee (except for Baylor Nursing Students) who performs work that is officially ordered and approved in excess of 40 hours in an administrative workweek, or in excess of 8 hours in a day, shall receive OT pay at a rate of 1.5 times his or her hourly rate of basic pay. An eligible employee covered by a compressed work schedule shall receive OT pay for hour's officially ordered and approved work in excess of the compressed work schedule.

(b) Except as otherwise provided, irregular or occasional OT work of less than 1 hour will be calculated in increments of 15 minutes. An eligible employee must perform at least 15 minutes of such OT work to receive additional pay for such work.

(c) Overtime (OT) work performed by an eligible employee on a day when work was not scheduled, or for which he or she is required to return to the work place, is deemed to be at least 2 hours in duration for the purposes of OT pay. When an employee is called from On-Call duty to perform OT work, these provisions apply and the On-Call duty is suspended.

(d) Overtime (OT) pay under Title 38 authority is not limited by the provisions of Reference (y), (i.e., OT pay is paid at the rate of 1.5 times the hourly rate of basic pay and is not capped at the GS-10 level).

(6) Compensatory Time-Off

(a) An eligible employee may request in writing and be granted CT off in lieu of OT pay for regularly scheduled or irregular and occasional OT work. The amount of the CT off will equal the amount of time spent in OT work. An intermittent employee may not request and be granted CT off in lieu of payment for OT work.

(b) An employee may not be required to accept CT off in lieu of payment for OT work.

(c) Compensatory time (CT) off should be used as soon as possible after it is earned but not later than the end of the 26th pay period following the pay period in which it is earned. Any unused CT off shall be paid at the OT rate at which it was earned.

(d) A Baylor Nursing Student may not be granted CT off in lieu of OT pay.

(7) Payments during Periods of Leave Authorized Absence

(a) An eligible employee may not be charged leave during periods of regularly scheduled On-Call duty, nor receive additional pay for regularly scheduled On-Call duty when, because of leave or other authorized absence, the employee is not expected to be able to return to work immediately.

(b) When on annual or sick leave or on CT off, an eligible employee is entitled to tour differential pay for a period of paid leave only when the total amount of leave in a pay period is less than 8 hours.

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(c) When excused from work because of a holiday or in lieu of a holiday, an eligible employee is entitled to any otherwise appropriate tour differential pay.

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TITLE 38 / TITLE 5 QUICK REFERENCE GUIDE

Title 38 / Title 5 Quick Reference Comparison Chart			
Premium Pay	Hourly Rate of Base Pay Additive	Title 38 Rules	Title 5 Rules
On-Call Pay	10% of OT rate	Premium for all hours On-Call	No equivalent
Weekend Duty Pay	25%	Premium pay for all hours in a tour of duty if any part of the tour is between 2400 hours Friday and 2400 hours Sunday	Premium only for actual hours worked on
Tour (Night) Differential Pay	10%	Premium pay for each hour in a tour of duty between 1800 hours – 0600 hours if at least 4 hours of tour between 1800 hours – 0600 hours, otherwise same as	Only actual hours worked between 1800 hours -0600 hours
Holiday Pay	200%	Premium pay for hours worked on Holiday. Overtime at Holiday rate.	Same as Title 38 except holiday overtime at
Overtime Pay	100%	Overtime rate based on actual rate of base pay (no cap)	Overtime rate capped at GS-10 Step 1

APPENDIX 2

NCR MD CIVILIAN WORK SCHEDULE FORM

WORK SCHEDULE CHANGE REQUEST

1. EMPLOYEE NAME		2. EMPLOYEE SSN (LAST 4)		3. ORG/DEPT			4. DATE		
5. TYPE OF CHANGE TO WORK SCHEDULE (check one) <input type="checkbox"/> Basic Work Schedule <input type="checkbox"/> Flexible Work Schedule <input type="checkbox"/> Flexitour <input type="checkbox"/> Gliding <input type="checkbox"/> Maxiflex <input type="checkbox"/> Flex-in/Flex-out <input type="checkbox"/> Compressed Work Schedule <input type="checkbox"/> 0 5-4-9 <input type="checkbox"/> 0 4-10 <input type="checkbox"/> 0 6-12-8					6. TYPE OF CHANGE TO WORK SCHEDULE (check one) <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary (see comments in block #8 below) <input type="checkbox"/> Other (e.g. Religious Time) (see comments in block #8 below)				
7. REQUESTED PAY PERIOD TOUR OF DUTY									
Week 1		SUN	MON	TUE	WED	THU	FRI	SAT	SUNDAY PAY
Tour of Duty	Start Time								<input type="checkbox"/> Yes
	End Time								<input type="checkbox"/> No
Night Diff	Start Time								<input type="checkbox"/> Yes
	End Time								<input type="checkbox"/> No
Week 2		SUN	MON	TUE	WED	THU	FRI	SAT	SUNDAY PAY
Tour of Duty	Start Time								<input type="checkbox"/> Yes
	End Time								<input type="checkbox"/> No
Night Diff	Start Time								<input type="checkbox"/> Yes
	End Time								<input type="checkbox"/> No
8. ADDITIONAL COMMENTS									
9. EMPLOYEE SIGNATURE							10. DATE		
11. WORK SCHEDULE CHANGE APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO (If no is checked, give reason in block #16 below)							12. EFFECTIVE DATE		
13. AUTHORIZING OFFICIAL NAME PRINTED				14. AUTHORIZING OFFICIAL SIGNATURE			15. DATE		
16. REASON FOR DENIAL									

APPENDIX 3

ADVANCE LEAVE REQUEST MEMORANDUM

DATE: _____

MEMORANDUM FOR:

(Employees please complete 1-4)

1. I, _____ social security number _____ request:
(print name)

(Check Applicable)

_____ Advance Sick Leave for _____ Hours; _____ Advance Annual Leave _____ Hours;
_____ Leave Without Pay in excess of 10 days

2. Dates: From _____ to _____.

3. I have exhausted all leave. Yes No

4. I plan to return to work and repay all leave that has been advanced to me.

5. Advance Sick Leave requires medical documentation submission with this request. A doctor's certification stating that you are incapacitated during this specific period of time.

Requestor Signature

_____ Approved _____ Disapproved

First Line Supervisor's Signature

_____ Approved _____ Disapproved

Department Chief Signature

(If Applicable)

_____ Approved _____ Disapproved

Director For Signature

Advance Sick Leave: Employees may be granted up to 240 hours (30 days) advance sick leave in connection with a serious illness, injury, or disability when the employee has exhausted all sick leave and intends to continue employment with the Department of Defense following recovery. No request for more than 30 days may be approved.

Advance Annual Leave: Annual leave may be advanced to an employee upon written request to supervisor. The amount of annual leave that may be advanced cannot exceed that which an employee could be expected to earn during the remainder of the leave year. If approving the advance leave does not appear to be in the best interest of the government, it should be denied.

APPENDIX 5COMMONLY USED DEFENSE CIVILIAN PAY SYSTEM (DCPS) TYPE HOUR CODES

The following table provides commonly used Type Hour Codes (THCs) for use by civilian employees. This is not a complete list.

1. REGULAR WORK AND OVERTIME TYPE HOUR CODES

Code	Description
CH	Holiday Compensatory Time Earned (Title 38 Only). This code is used for compensatory time worked on a Holiday.
CS	Sunday Compensatory Time Earned (Title 38 Only). This code is used for compensatory time worked on a Sunday. It is also valid on Saturday if the Saturday time continues into Sunday.
HA	Holiday Saturday (Title 38 Only). This code is used for working on a holiday that is on a Saturday. It is also valid on a Friday shift that falls into a Saturday.
HC	Holiday Work, Callback – Holiday work callback during regularly scheduled work hours. The actual time worked must be entered to ensure correct calculation of pay. The system will determine the difference between the actual times worked on callback and the two-hour minimum entitlement under Title 5 and will pay accordingly. The system will default to the shift code assigned unless a temporary shift override is input. Note: If an employee is scheduled to work on a Sunday, which is also the employee's holiday, the holiday pay type code (H) is input in lieu of the Sunday pay type code (S). The system will pay both the Sunday and the Holiday.
HG	Holiday Work (Graded) – Holiday pay for graded employees who work on the holiday.
HU	Holiday Sunday (Title 38 Only). This code is used for working on a holiday that is on a Sunday. It is also valid on a Saturday or Monday if the employee's shift falls into those days from the Sunday.
OB	On-Call – This is a premium pay for employees who are considered on-call. It is paid for hours outside of the regular schedule when the employee is on call and available to come back to work if needed. This is valid for all employees except those who have a Title 38 indicator equal to 'K' or 'L' and occ series of 0602 or 0680. This eliminates Title 38 doctors and dentists who have the 'ZN' entitlement in lieu of this premium pay. All other employees are eligible.

OC	Overtime, Callback – Unscheduled – Additional hours of work not scheduled in advance, on a day when work was not scheduled. This code is also used to report additional hours of work for an employee required to return to his or her place of work. The actual time worked must be entered. The system will determine the difference between the actual times worked on callback and the two-hour minimum entitlement under Title 5 and will pay accordingly. The system will determine which shift is payable to ungraded employees who work overtime callback. Hour minimum entitlement is specified under Title 5 and pay will be determined based on Title 5 rules. The system will determine which shift is payable to ungraded employees who work overtime callback.
OD	Sunday Overtime (Title 38 Only). This code is used for Overtime that is worked on a Sunday. It is also valid on Saturday if the Saturday time continues into Sunday.
OH	Holiday Overtime (Title 38 Only). This code is used for Overtime that is worked on a Holiday. If this code is used on a Saturday, Saturday Premium will also be paid.
OS	Overtime, Scheduled – Additional work hours scheduled in advance. Graded employees' night differential, when appropriate, is payable on scheduled overtime. Ungraded employees' shift differential entitlement is determined and set by the system.
OU	Overtime Unscheduled – Additional hours of work not scheduled in advance. Night differential for graded employees is not payable on unscheduled overtime. Shift differential entitlement for ungraded employees is determined and set by the system. This code may not be used on a nonscheduled workday unless the employee is a firefighter or fire chief, or a foreign national fire-fighter or fire chief. If an employee's Alternate Work Schedule (AWS) code is 3, 4, or 5, this code is not permitted unless valid regular hours are also reported for the same day.
OX	Overtime, Unscheduled Exception. This code can be used on a nonscheduled workday.
RG	Regular (Graded) – Straight time pay for graded employees regardless of scheduled hours worked.
SG	Sunday Work (Graded) – Sunday pay for full-time graded employees when Sunday is a regularly scheduled workday during the administrative workweek. Time and attendance (T&A) will edit to ensure that Sunday premium is payable to the employee.
SW	Saturday Pay (Title 38 Only). This code is used for regular time that is worked on a Saturday. The employee receives additional pay for working on a Saturday. It is also valid on Friday if the Friday time continues into Saturday.

2. LEAVE HOURS – PAID TYPE HOUR CODES

Code	Description
LA	Annual Leave. If the organization has blanket leave authorized, a “3” is set in the blanket leave advance indicator of the organization record or if an employee has a preauthorized advance leave amount, a “2” is set in the blanket leave advance indicator. This code, when used with an injury number, will be counted as one (1) day of continuation of regular pay (COP). Note: For employees on donated leave for “Family,” this code must be inputted and the system will convert to donate.
LB	Advanced Annual Leave. This code is used if an organization has approved advanced annual leave coming in on the timecard. A “1” is set in the blanket leave advance indicator of the organization record.
LC	Court Leave. This code is used when an employee is absent from work for the reason of jury duty or for attending judicial proceedings in a nonofficial capacity as a witness on behalf of a State or local Government.
LF	Forced Annual Leave. The use of this code is the same as for regular annual leave (Code LA). This code gives management the option of distinguishing between annual leave directed to be taken and annual leave used at the employee’s request.
LG	Advanced Sick Leave. This code is used if an organization has approved advanced sick leave coming in on the timecard.
LH	Holiday Leave.
LK	Home Leave.
LM	Military Leave.
LN	Administrative Leave. Paid excused leave given by management. This code is also used for Wellness Program.
LP	Restored Annual Leave Account #3. If the employee’s annual leave balance is insufficient to cover annual leave and restored annual leave accounts #1 and #2 are insufficient, the system will default to this code. At the end of the leave year, any remaining balance will be moved to leave code LQ.
LQ	Restored Annual Leave Account #2. If the employee’s annual leave balance is insufficient to cover reported annual leave and restored annual leave account #1 is insufficient, the system will default to this code. At the end of the leave year, any remaining balance will be moved to leave code LR.

LR	Restored Annual Leave Account #1. This is the oldest account in the employee's leave record and is the account that will be defaulted to when the annual leave balance is insufficient to cover annual leave reported via time and attendance. At the end of the leave year of forfeiture, any balance remaining in this account will be forfeited and cannot be restored again.
LS	Sick Leave. This code can also be used to advance sick leave if employee has preauthorized amount set in master employee record and no sick leave is available. This code, when used with an injury number, will be counted as one (1) day of COP. Note: For employees on donated leave for "self," this code must be inputted and the system will convert to donated.
LT	Absence because of a traumatic injury covered under the provisions of COP. Requires injury number (MMDD). Do not use on date of injury. (See LU).
LU	Date of injury. Hours of non-work due to traumatic injury, chargeable to administrative leave. Do not use after date of injury. (See LT) Do not use injury number. May be reported without hours, if applicable.
LV	Excused absence on a regularly scheduled workday, such as excused absence due to tardiness. Employee may be excused for tardiness under Title 5, but the period excused is not includable under the Fair Labor Standards Act (FLSA).
LX	Periods of non-work which are payable under Title 5, such as date of death, date of traumatic injury, or sabbatical. If employee status code equals "V" for sabbatical leave, T&A will generate this code. If generated, this code may not be overridden.
LY	Time Off Award (leave) given in lieu of cash award (up to 80 hours per year). Unused hours will be automatically dropped off one year from the date it was

3. LEAVE HOURS – NON-PAID TYPE HOUR CODES

Code	Description
KA	Leave Without Pay. If the employee status code equals "L" for extended leave without pay (LWOP), T&A will generate this code; it may not be overridden.
KB	Suspension.
KC	Absent Without Leave (AWOL). This code is used for unauthorized absences.

KD	Office of Worker's Compensation Program (OWCP). Employee is in a non-pay status, receiving compensation from OWCP. If employee status code equals "W" for extended OWCP, T&A will generate this code. If generated, this code may not be overridden. These non-pay hours are not included in the non-pay hours used for leave accrual reduction or counted in the hours of non-pay used for within grade increases.
KG	Military Furlough. If employee status code equals "M" for military furlough, T&A will generate this code. If generated, this code may not be overridden. Leave is accrued/prorated per the Federal Personnel Manual (FPM). These non-pay hours are not included in the non-pay hours used for leave accrual reduction or counted in hours of non-pay used for within grade increases.

4. COMPENSATORY TIME TYPE HOUR CODES

Code	Description
CA	Religious Compensatory Time Taken. This code will reduce any available earned religious time balance. If no balance of earned hours is available, up to 40 hours will be advanced.
CB	Travel Compensatory Time Earned. Determined after employee returns from official TAD and submits Travel Compensatory Time Control Sheet, copy of TAD orders, and copy of flight itinerary. This compensatory time is earned for travel done outside the employee's tour of duty when the employee is in a Travel Status.
CC	Compensatory Time Callback. Input the actual time worked. If less than the 2 hour minimum, the system will calculate the difference between actual time and 2 hours for pay purposes, as applicable, and will record 2 hours to the compensatory time balance.
CD	Credit Hours Earned. Employee must have an alternate work schedule of 1 – 5, 'D&E' (D=Variable Work Schedule, E=Maxiflex Work Schedule) and be approved at the Organizational level. Maximum of 24 hours upon organizational approval. These hours are in excess of the basic work requirement but within the biweekly tour of duty. Any separation payment will be at straight time.
CE	Compensatory Time Earned. This is the actual number of hours worked as irregular or occasional overtime that are entered in the employee's compensatory earned account to be used at a later time as compensatory time off.
CF	Travel Compensatory Time Taken. This compensatory time code will reduce any available Travel Compensatory Time balance by the used amount.
CN	Credit Hours Taken. This code will reduce any available credit hours earned balance by the used amount.

CR	Religious Compensatory Time Earned. This is time worked at the request of the employee to offset time off for religious reasons. If the religious comp balance is a credit amount, the time worked will reduce that credit. If the employee separates with an unused balance, the balance is paid as part of lump sum at the straight line rate.
CT	Compensatory Time Taken (includes Callback). This is compensatory time off in lieu of payment for an equal number of hours worked.

5. FAMILY MEDICAL CODES

Code	Description
Note: The following Family Medical Leave codes, DA, DB, DC, DD, will be reported in the Ehz/HAZ/OTH field as an exception. These codes will be reported with the applicable leave codes: LS, LA, LB, LG, KA, LQ, LR, CT and CN.	
DA	Birth of son/daughter or care of newborn.
DB	Adoption or foster care.
DC	Care for spouse, son, daughter, or parent with a serious health condition.
DD	Serious health condition of employee.

6. TELEWORK CODES

Code	Description
Note: Telework time will be reported in the Ehz/HAZ/OTH field as an exception.	
TW	Telework Regular – where an approved work schedule for eligible employees regularly work at least one day per biweekly pay period at an alternative worksite (as defined for DOD).
TS	Ad hoc/Situational – approved telework performed on an occasional, one-time, or irregular basis. (Telework of less than one day per pay period is considered ad hoc).
TM	Telework Medical – telework that has been approved for a particular employee as deemed necessary by the organization for medical reasons.

GLOSSARYABBREVIATIONS AND ACRONYMS

ATAAPS	Automated Time and Attendance and Production System
AWS	Alternative Work Schedule
AWOL	Absence without Leave
CHRC	Civilian Human Resources Center
CONUS	Continental United States
COP	Continuation of Regular Pay
CT	compensatory time
CWS	compressed work schedule
DCPS	Defense Civilian Pay System
DFAS	Defense Finance Accounting System
DHA	Defense Health Agency
DoD	Department of Defense
DOL	Department of Labor
DTM	Directive Type Memorandum
FECA	Federal Employees' Compensation Act
FFLA	Family Friendly Leave Act
FLSA	Fair Labor Standards Act
FMLA	Family and Medical Leave Act
FPCON Delta	Force Protection Condition Delta
FPM	Federal Personnel Manual
GS	General Schedule
HD	Head of Department
HR	Human Resources
HRD	Human Resources Department
HRO	Human Resource Office
IAW	in accordance with
LWOP	leave without pay
MTF	Medical Treatment Facility
NCR MD	National Capital Region Medical Directorate
OPM	Office of Personnel Management

OT	overtime
OWCP	Office of Workers' Compensation Program
PCS	Permanent Change of Station
PDPP	Physicians and Dentists Pay Plan
PPE	Pay Period Ending
RDO	regular day off
TAD	Temporary Additional Duty
TDY	Temporary Duty
T&A	Time and Attendance
THCs	Type Hour Code(s)
U.S.	United States
U.S.C.	United States Code
VA	Veterans Affairs
VLTP	Voluntary Leave Transfer Program