

DEPARTMENT OF DEFENSE  
HEADQUARTERS, UNITED STATES MILITARY ENTRANCE PROCESSING COMMAND  
2834 GREEN BAY ROAD, NORTH CHICAGO, ILLINOIS 60064-3094

\*USMEPCOM Regulation  
No. 690-13

**Effective: November 19, 2020**

**Civilian Personnel  
Civilian Personnel Management Program**

---

FOR THE COMMANDER:

CUNNINGHAM.JOA Digitally signed by  
NNE.THERES.1091 CUNNINGHAM.JOANNE.THERE  
128434 S.1091128434  
Date: 2020.11.23 13:04:23 -06'00'

J. Cunningham  
Deputy Commander/Chief of Staff

DISTRIBUTION:

Unlimited. This Regulation is approved for public release.

---

**Summary.** This regulation establishes policies and procedures for the Civilian Personnel Management Program in the United States Military Entrance Processing Command (USMEPCOM). This regulation also establishes policy on the civilian wellness program in USMEPCOM.

**Applicability.** This regulation applies to USMEPCOM activities. If any provision of this regulation not required by law conflicts with the terms of a collective bargaining agreement, the collective bargaining agreement will take precedence.

**Supplementation.** Supplementation to this regulation is prohibited without prior approval from Headquarters, United States Military Entrance Processing Command (HQ USMEPCOM), ATTN: J-1/MEHR-CP, 2834 Green Bay Road, North Chicago, IL 60064-3094.

**Management control process.** This regulation contains management control provisions and provides a Management Control Evaluation Checklist (app. B) for use in evaluating management controls.

**Suggested improvements.** The proponent agency of this regulation is the HQ USMEPCOM, J-1/Human Resources Directorate, Civilian Personnel Division (J-1/MEHR-CP). Users may send comments and suggested improvements by memorandum or Department of the Army (DA) Form 2028 (Recommended Changes to Publications and Blank Forms) to HQ USMEPCOM, ATTN: J-1/MEHR-CP, 2834 Green Bay Road, North Chicago, Illinois 60064-3094.

---

\*This regulation supersedes USMEPCOM Regulation 690-13, dated November 1, 2011.

# Summary of Changes

An immediate revision has been made to this regulation and is formatted in **red text**; information that is obsolete and will be deleted is formatted in **red text** with ~~strikethrough~~

## *Incorporating changes effective November 19, 2020*

- Paragraph 12-9(b): Changed approval authority for regular and recurring telework.
- Chapter 13: Added specific levels of authority for administering civilian adverse actions. Removed Table 13-1.

**Table of Contents (TOC)**

|   | <b>Paragraph</b> | <b>Page</b> |
|---|------------------|-------------|
| <b><u>Chapter 1</u></b>   |                  |             |
| <b>General</b>  |                  |             |
| Purpose   | 1-1              | 1           |
| References  | 1-2              | 1           |
| Abbreviations and terms   | 1-3              | 1           |
| Responsibilities  | 1-4              | 1           |
| Objective   | 1-5              | 2           |
| Management control evaluation checklist   | 1-6              | 2           |
| <br>  |                  |             |
| <b><u>Chapter 2</u></b>   |                  |             |
| <b>Identification and Reporting of Key Federal Employees</b>                                      |                  |             |
| Key employees   | 2-1              | 3           |
| Mobilization  | 2-2              | 3           |
| <br>  |                  |             |
| <b><u>Chapter 3</u></b>   |                  |             |
| <b>Classification</b>   |                  |             |
| Purpose   | 3-1              | 4           |
| Administration  | 3-2              | 4           |
| Classification procedures of positions within HQ USMEPCOM<br>and HQ Eastern and Western Sectors   | 3-3              | 4           |
| Classification procedures of positions within the Military Entrance<br>Processing Stations (MEPS) | 3-4              | 4           |
| Position classification system under General Schedule (GS)  | 3-5              | 5           |
| Classification appeals  | 3-6              | 5           |
| <br>  |                  |             |
| <b><u>Chapter 4</u></b>   |                  |             |
| <b>Merit Promotion</b>  |                  |             |
| Purpose   | 4-1              | 7           |
| References  | 4-2              | 7           |
| Responsibilities  | 4-3              | 7           |
| Exclusions  | 4-4              | 8           |
| Competitive actions   | 4-5              | 10          |
| Locating candidates   | 4-6              | 11          |
| Vacancy announcements   | 4-7              | 12          |
| Candidate evaluation and referral   | 4-8              | 12          |
| Selection   | 4-9              | 13          |
| Effective dates   | 4-10             | 13          |
| Missed consideration  | 4-11             | 14          |
| <br>  |                  |             |
| <b><u>Chapter 5</u></b>   |                  |             |
| <b>On-Boarding Process</b>  |                  |             |
| Purpose   | 5-1              | 15          |
| Applicability   | 5-2              | 15          |
| Process   | 5-3              | 15          |
| <br>  |                  |             |
| <b><u>Chapter 6</u></b>   |                  |             |
| <b>Pay Setting</b>  |                  |             |
| Purpose   | 6-1              | 19          |
| Guidance  | 6-2              | 19          |

|   | <b>Paragraph</b> | <b>Page</b> |
|---|------------------|-------------|
| Pay setting rules   | 6-3              | 19          |
| Pay retention   | 6-4              | 21          |
| Approval levels and submission requirements for superior qualifications/advance in hire | 6-5              | 21          |

## **Chapter 7**

### **Hours of Duty and Work Schedules**

|   |      |    |
|---|------|----|
| Purpose   | 7-1  | 22 |
| Assistance  | 7-2  | 22 |
| Applicability                                     | 7-3  | 22 |
| General information                               | 7-4  | 22 |
| Alternate Work Schedules (AWSs)                   | 7-5  | 23 |
| Flexible Work Schedules (FWSs)                    | 7-6  | 24 |
| Compressed Work Schedules (CWSs)                  | 7-7  | 26 |
| Supervisors                                       | 7-8  | 28 |
| Employees   | 7-9  | 28 |
| Potential AWS benefits employer/employee          | 7-10 | 29 |
| AWS termination considerations                    | 7-11 | 29 |
| AWS termination provisions                        | 7-12 | 29 |
| AWS termination in unionized activities           | 7-13 | 30 |
| Credit hours                                      | 7-14 | 31 |
| AWS termination and residual pay for credit hours | 7-15 | 32 |
| Completion of USMEPCOM Form 690-13-2-E            | 7-16 | 32 |
| Union notification/coordination                   | 7-17 | 32 |

## **Chapter 8**

### **Leave and Excused Absence Program**

|  |      |    |
|--|------|----|
| Purpose  | 8-1  | 33 |
| Assistance   | 8-2  | 33 |
| Applicability  | 8-3  | 33 |
| Annual leave   | 8-4  | 33 |
| Absence in connection with serving as a bone-marrow or organ donor | 8-5  | 35 |
| Court leave  | 8-6  | 35 |
| Excused absence  | 8-7  | 36 |
| Comptroller general decisions                                      | 8-8  | 36 |
| Common situations in which excused absence can be granted          | 8-9  | 36 |
| Sick leave   | 8-10 | 37 |
| Leave without pay  | 8-11 | 38 |

## **Chapter 9**

### **Premium Pay and Compensatory Time**

|   |     |    |
|---|-----|----|
| Purpose   | 9-1 | 40 |
| Assistance                                      | 9-2 | 40 |
| Applicability                                   | 9-3 | 40 |
| Approval of overtime                            | 9-4 | 40 |
| Requirements for overtime and other premium pay | 9-5 | 41 |
| Overtime  | 9-6 | 41 |
| Overtime and AWS programs                       | 9-7 | 43 |
| Night pay for standard and AWSs                 | 9-8 | 44 |

|   | <b>Paragraph</b> | <b>Page</b> |
|---|------------------|-------------|
| Holiday premium pay for standard and AWSs | 9-9              | 45          |
| Sunday premium pay for standard and AWSs  | 9-10             | 46          |
| Compensatory time                         | 9-11             | 46          |
| Completion of USMEPCOM Form 690-13-1-R-E  | 9-12             | 48          |

## **Chapter 10**

### **Travel Compensatory Time**

|  |       |    |
|--|-------|----|
| Purpose  | 10-1  | 49 |
| Assistance   | 10-2  | 49 |
| Applicability  | 10-3  | 49 |
| Approval of travel compensatory time                       | 10-4  | 49 |
| Description of travel compensatory time                    | 10-5  | 49 |
| Employee coverage  | 10-6  | 49 |
| Compensable time   | 10-7  | 50 |
| Creditable travel for travel compensatory time             | 10-8  | 50 |
| Deduction of normal commuting time                         | 10-9  | 50 |
| Crediting and use of accrued travel compensatory time      | 10-10 | 50 |
| Forfeiture of accrued travel compensatory time             | 10-11 | 51 |
| Travel compensatory time frequently asked questions (FAQs) | 10-12 | 51 |
| Examples of travel compensatory time                       | 10-13 | 51 |

## **Chapter 11**

### **Voluntary Leave Transfer Program**

|  |       |    |
|--|-------|----|
| Purpose  | 11-1  | 52 |
| Assistance   | 11-2  | 52 |
| Applicability  | 11-3  | 52 |
| Background   | 11-4  | 52 |
| Family member defined  | 11-5  | 52 |
| Medical emergency  | 11-6  | 52 |
| Application to become a leave recipient                            | 11-7  | 53 |
| Approval of application to become a leave recipient                | 11-8  | 53 |
| Transfer of annual leave   | 11-9  | 54 |
| Accrual of annual and sick leave while in receipt of donated leave | 11-10 | 55 |
| Limitations on donation of annual leave                            | 11-11 | 55 |
| Use of transferred annual leave                                    | 11-12 | 57 |
| Termination of medical emergency                                   | 11-13 | 57 |
| Restoration of transferred annual leave                            | 11-14 | 58 |
| Prohibition of coercion  | 11-15 | 59 |
| Records and reports  | 11-16 | 59 |
| Leave options for employees with medical emergencies               | 11-17 | 60 |
| Volunteer leave transfer program forms                             | 11-18 | 60 |
| Union notification/coordination                                    | 11-19 | 60 |

## **Chapter 12**

### **Telework**

|                                 |      |    |
|---------------------------------|------|----|
| Purpose                         | 12-1 | 61 |
| Definition                      | 12-2 | 61 |
| Assistance                      | 12-3 | 61 |
| Applicability                   | 12-4 | 61 |
| Positions suitable for telework | 12-5 | 61 |

|   | <b>Paragraph</b> | <b>Page</b>   |
|---|------------------|---------------|
| Positions not suitable for telework   | 12-6             | 61            |
| Determination of suitability  | 12-7             | 62            |
| Types of telework   | 12-8             | 62            |
| Regular and recurring telework  | 12-9             | 62            |
| Ad hoc Telework   | 12-10            | 63            |
| Additional considerations   | 12-11            | 63            |
| Telework as a reasonable accommodation  | 12-12            | 64            |
| Telework in emergent situations   | 12-13            | 64            |
| Special instructions  | 12-14            | 64            |
| <br>  |                  |               |
| <b><u>Chapter 13</u></b>  |                  |               |
| <b>Civilian Personnel Adverse Actions</b>   |                  |               |
| Purpose   | 13-1             | 65            |
| Applicability   | 13-2             | 65            |
| Administration  | 13-3             | 65            |
| Policy  | 13-4             | 65            |
| <br>  |                  |               |
| <b><u>Chapter 14</u></b>  |                  |               |
| <b>Administrative Dismissal</b>   |                  |               |
| Purpose   | 14-1             | 67            |
| Assistance  | 14-2             | 67            |
| Applicability   | 14-3             | 67            |
| Administrative dismissals of employees  | 14-4             | 67            |
| Charging leave in emergency situations  | 14-5             | 68            |
| <br>  |                  |               |
| <b><u>Chapter 15</u></b>  |                  |               |
| <b>Use of the Employee Wellness Program</b>   |                  |               |
| Employee Wellness Program   | 15-1             | 70            |
| Approval of employee participation  | 15-2             | 70            |
| <br>  |                  |               |
| <b>Tables</b>   |                  |               |
| <b><u>8-1.</u></b> Annual leave accrual rate  |                  | 33            |
| <b><u>8-2.</u></b> Annual leave ceilings  |                  | 35            |
| <b><u>8-3.</u></b> Sick leave accrual rate  |                  | 38            |
| <del><b><u>13-1.</u></b> Proposing Officials for Adverse Actions Appealable to the<br/>— Merit Systems Protection Board</del> |                  | <del>65</del> |
| <br>  |                  |               |
| <b>Figures</b>  |                  |               |
| <b><u>5-1.</u></b> Sample Welcome Letter for New Employee   |                  | 16            |
| <b><u>5-2.</u></b> Sample Sponsorship Letter for Employee New to the Area   |                  | 17            |
| <b><u>5-3.</u></b> Supervisor's Pre-employment Checklist for Newly Assigned Personnel   |                  | 18            |
| <b><u>B-1.</u></b> Sample of a completed DA Form 11-2   |                  | 73            |
| <br>  |                  |               |
| <b>Appendices</b>   |                  |               |
| <b><u>A.</u></b> References   |                  | 71            |
| <b><u>B.</u></b> Management Control Evaluation Checklist - Civilian Personnel Management                                      |                  | 72            |
| <b><u>C.</u></b> Glossary   |                  | 74            |

## **Chapter 1 General**

### **1-1. Purpose**

This regulation establishes policies and procedures for civilian personnel management in the United States Military Entrance Processing Command (USMEPCOM).

### **1-2. References**

References are listed in [Appendix A](#).

### **1-3. Abbreviations and terms**

Abbreviations and terms used in this regulation are explained in the [Appendix C, Glossary](#).

### **1-4. Responsibilities**

a. The Commander, Headquarters, United States Military Entrance Processing Command (HQ USMEPCOM), will—

- (1) Implement and support personnel programs developed at higher levels.
- (2) Implement a Civilian Personnel Management Program according to Department of Army (DA) policy to govern civilian personnel management and guarantee equality of opportunity in the Command.
- (3) Ensure civilian personnel programs and services are provided in coordination with decisions and actions in other program areas of the Civilian Personnel Management Program.
- (4) Maintain effective relations to support DA programs and command interest in policy and program development with Headquarters, Department of the Army (HQDA), other Department of Defense (DOD) components, and Government and non-Government groups.

b. Sector and military entrance processing stations (MEPS) commanders will—

- (1) Implement and support personnel programs developed at higher levels.
- (2) Obtain, develop, use, and retain an effective civilian workforce and guarantee equal opportunity.
- (3) Exercise delegated authority in compliance with applicable laws, policies, standards, decision, or other requirements, and ensures that subordinates act accordingly.
- (4) In those Chapters where they pertain, ensure that provisions of the current J-8/Resource Management Directorate (J-8/MRM) automated civilian employee timekeeping system are fully adhered to in accordance with applicable J-8/MRM guidance. Further ensure that employee work time is properly administered and accounted for.
- (5) Forward recommendations and requests through channels to the proponent section at HQ USMEPCOM for Command-unique workforce management needs.
- (6) Provide the servicing Civilian Personnel Advisory Center (CPAC) with necessary regulations and instructions on a continuing basis.

[TOC](#)

c. The Chief, Civilian Personnel Division, J-1/Human Resources Directorate (J-1/MEHR), HQ USMEPCOM, will—

(1) Act for the Commander, USMEPCOM, in accomplishing civilian personnel management responsibilities.

(2) Ensure program implementation, evaluation of results, reporting of program progress, and development of guidance and recommended corrective actions or program changes as appropriate.

(3) Perform civilian personnel functions and activities that may not be re-delegated to subordinate activities.

(4) Serve as the action officer for civilian personnel matters originating in or requiring HQ USMEPCOM involvement or coordination.

### **1-5. Objective**

a. The objective of civilian personnel administration is to provide the workforce necessary to support the USMEPCOM mission. Servicing Civilian Personnel Offices (CPOs) provide support to USMEPCOM commanders, including support to obtain, compensate, develop, use, and retain an effective workforce.

b. HQDA policy authorizes USMEPCOM to re-delegate civilian personnel administration to the lowest operating level consistent with economical and efficient administration. In USMEPCOM, the Commander, USMEPCOM, may re-delegate the authority to the Deputy Commander, Chief of Staff, Sector commanders, and/or MEPS commanders.

### **1-6. Management control evaluation checklist**

Commanders and supervisors will use the management control evaluation checklist in Appendix B to evaluate key management controls. Commanders and supervisors will use DA Form 11-2 (Internal Control Evaluation Certification) to document management control evaluations. Army Regulation (AR) 11-2 (Manager's Internal Control Program) has additional information on management controls.

**Chapter 2**  
**Identification and Reporting of Key Federal Employees**

**2-1. Key employees**

There are no jobs in USMEPCOM classified as requiring key employees.

**2-2. Mobilization**

With modified recruitment procedures during mobilization, USMEPCOM positions can be filled in a reasonable timeframe after mobilization. Therefore, there are no key employees in USMEPCOM who fit the definition of “key employee” for mobilization purposes.

## **Chapter 3 Classification**

### **3-1. Purpose**

This chapter prescribes policies and procedures for classification of position descriptions (PDs) within USMEPCOM. The position classification system upholds the important merit principle of equal pay for work of equal value – with consideration for market rates of pay for comparable work, appropriate incentives, and recognition of differences in performance.

### **3-2. Administration**

a. **USMEPCOM Commander**. The USMEPCOM Commander is completely responsible for position classification and management and has the authority to render classification decisions. This authority encompasses the determination of the pay plan, occupational series, title, and grade level. All decisions must be consistent with applicable laws, classification standards, principles, and practices. The USMEPCOM Commander may delegate classification authority to subordinate commanders or managers.

b. **Managers and Supervisors**. Managers and supervisors have an increasingly important role in the management of human resources. They assign duties and responsibilities; write job descriptions; and maintain accurate job descriptions that show major duties, how work is reviewed, and what knowledge, skills and abilities are needed.

c. **Position Description**. A Position Description (PD) is considered to be adequate when it contains sufficient information to determine the title, series and grade of the position. Essential elements include:

(1) Major duties that show the knowledge, skill and ability required to perform significant tasks of the job.

(2) Percentage of time spent on each major duty.

(3) An unnumbered statement at the end of major duties: “Performs other duties as assigned.” This makes it clear that the assignment of duties to employees is not limited by the content of the position description. However, supervisors should avoid assigning employees incidental duties that are inappropriate to their positions and qualifications.

### **3-3. Classification procedures of positions within HQ USMEPCOM and HQ Eastern and Western Sectors**

Supervisors must obtain approval from their Sector Commander, Director, or Special Staff Officer for reclassification or creation of new position descriptions. J-1/Human Resources Directorate-Civilian Personnel Division (J-1/MEHR-CP) will review all classification requests and provide advice and assistance to the supervisor on the adequacy of positions description. Once the PD is in the final (camera-ready) version, J-1/MEHR-CP will obtain approval from the Delegated Classification Authority to submit the action to servicing Civilian Personnel Office (CPO) to finalize.

### **3-4. Classification procedures of positions within the Military Entrance Processing Stations**

All MEPS PDs are standardized. The local servicing personnel office cannot alter the full performance (standardized) position descriptions. The local servicing personnel are authorized to establish developmental PDs.

### 3-5. Position classification system under General Schedule (GS)

a. Both the Office of Personnel Management (OPM) and Federal agencies bear responsibility for carrying out the General Schedule (GS) classification system in accordance with the principles set forth in law. While OPM has overall responsibility for establishing the basic policies and guidance governing the classification system, each agency has the general authority and responsibility for properly classifying all of its positions covered by GS.

b. Under the GS classification system, individual positions are classified to an occupational group, a series representing a specific occupation within that group, and an appropriate grade which has a salary range provided by law. The same applies to the Federal Wage System classification except that salary ranges are based on prevailing rates - the rates paid by private employers for similar work in the wage area. The rates are established through geographic wage surveys.

c. The Office of Personnel Management (OPM) issues all Position Classification Standards. OPM also places new and draft standards (as well as all current ones) on their website (<http://www.opm.gov/fedclass/>).

### 3-6. Classification appeals

At any time, an employee may initiate a request or request a review of the classification of their position. There are both **informal** and **formal** review procedures.

#### a. Informal Classification Appeals

An employee may initiate a request to management for an informal **review of the classification of their position**. The classification refers to the title, pay plan, series, and/or grade assigned to the position.

An employee should not be requesting a review to resolve why certain duties and responsibilities have been assigned. The manager should initially ensure that a clear understanding exists regarding the duties and responsibilities assigned to the employee and that the **position description** adequately reflects such information. A new description should be initiated, if necessary, and processed through the servicing CPO.

When all informal efforts have been exhausted and the employee still disagrees with the classification, the employee can file a **formal classification appeal**. The servicing CPO will provide assistance in initiating such actions.

#### b. Formal classification appeals

An employee may formally appeal the classification of the position to which assigned at any time. The classification refers to the title, pay plan, series, and/or grade assigned to the position. An employee cannot appeal the following:

- (1) Assigned duties and responsibilities
- (2) Details
- (3) Standards or guides used to classify the position
- (4) *Proposed* decisions or actions
- (5) Previous appeal decisions

(6) Classification of another employee's job

The employee may appeal directly to DOD. If dissatisfied with the DOD decision, the employee may file a subsequent appeal to OPM.

The employee may appeal through DOD to OPM. If DOD decision is favorable then the classification appeal is closed. If the decision is unfavorable then the appeal, with the DOD decision, is forwarded to OPM.

The employee may appeal directly to OPM, by-passing DOD channels.

Additional information regarding Classification Appeals process can be located on the OPM website: [www.opm.gov](http://www.opm.gov).

## **Chapter 4**

### **Merit Promotion**

#### **4-1. Purpose**

This chapter establishes policy, assigns responsibilities, and prescribes procedures for promotions and other competitive-placement actions of U.S. citizens to appropriated fund positions in the competitive and excepted services for USMEPCOM. Department of Army (DA) regulations and authorities must be used for policy on areas not included.

#### **4-2. References**

References are listed in [Appendix A](#).

#### **4-3. Responsibilities**

a. Managers will:

- (1) Comply with this policy and provide information on its provisions to employees.
- (2) Anticipate personnel requirements and initiate appropriate action enough in advance to allow for effective recruitment. Managers will also identify required information on the Gatekeeper Checklist to process recruitment actions or respond to questions posed by the servicing civilian personnel representative to process recruitment actions.
- (3) Submit requests for personnel actions (RPAs) promptly for non-competitive actions, including but not limited to career-ladder promotions, extensions of temporary or term appointments, and accelerated compensation for developmental position (ACDP) increases.
- (4) Review and monitor selection procedures to ensure compliance with the spirit and intent of Equal Employment Opportunity (EEO) principles and the merit principles of the United States Code (U.S.C.), Title 5.
- (5) Assist employees in applying for vacancies. Managers will help employees who are absent from work for legitimate reasons (for example, approved leave, detail, military duty, and training) with the application process if the employee requests this support in writing. Employees shall provide the supervisor with a listing of the types of positions for which they would like to be considered and the information needed for the supervisor to self-nominate for the employee.
- (6) Notify employees in writing of the conditions of time-limited appointments and temporary promotions.
- (7) Return selections to the servicing CPO in a timely manner (normally within 14 calendar days).
- (8) Extend tentative job offers to selectees as permitted by their command, and inform the civilian personnel representative of the tentative job offer and the response received from the selectee.
- (9) Annotate the referral list to explain the reasons for selection and non-selection of individuals when applicable.

[TOC](#)

(10) Obtain approval for all recruitment actions from Headquarters, J-8/Resource Management Directorate (J-8/MRM).

(11) Obtain required approval of incentives prior to announcement of the vacancy. Approval for advance-in-hire must be obtained prior to the employee's start date.

(12) Uphold the merit-system principles identified in section 2301 (b), Title 5, U.S.C; and guard against prohibited personnel practices identified in section 2302 (b), Title 5, U.S.C.

b. Employees will:

(1) Review job announcements and apply for positions for which they are interested, available, and qualified by following instructions specified in the announcement within required timeframes.

(2) Inform the civilian personnel representative within 2 workdays after being offered a job whether they accept or decline the offer. Applicants who fail to notify the civilian personnel representative within 2 workdays without an approved extension will be considered to have declined the job offer.

(3) Notify their supervisor or manager in writing of job opportunities for which they are interested in applying during periods of legitimate absence.

c. To be self-nominated for a position:

(1) The employee must have an active résumé on file.

(2) The employees shall provide the supervisor with a listing of the types of positions for which they would like to be considered and include all information required for the supervisor to submit the self-nomination.

(3) Seek advice and assistance from supervisors and appropriate civilian personnel representatives on the provisions of this policy.

#### **4-4. Exclusions**

This regulation excludes the following actions:

a. Promotion resulting from the upgrading of a position without significant change in the duties and responsibilities due to the issue of a new classification standard or the correction of an initial classification error.

b. Placement made during or in lieu of a reduction in force (RIF) as permitted by applicable regulations.

c. Action involving statutory, regulatory or administrative placement, including actions directed by higher command levels, arbitration decisions, court decisions, the Merit Systems Protection Board (MSPB), negotiated settlements, and discrimination complaint decisions.

d. Promotion without further competition of an employee who was appointed in the competitive service from a civil service register, by direct hire, by non-competitive appointment or non-competitive conversion, or under the competitive promotion procedures of this regulation for an assignment intended

to prepare the employee for the position being filled. The intent of the career-ladder must be made a matter of record and be documented.

(1) According to DA policy, a non-competitive career-ladder promotion will be made effective the first full pay period after the employee becomes eligible for promotion. Eligibility requires management's certification that the employee is performing satisfactorily, that all training and qualification requirements have been met, and that funds are available.

(2) The manager is required to initiate a RPA for career promotion 30 days before the effective date of the action.

(3) When the career-ladder promotion is effected retroactively, the servicing CPO must include the following statement in the remarks section of the RPA: RPA processed IAW DA Memorandum, subject: Policy for Career Ladder Promotions, dated October 25, 2000.

e. Promotion to a grade previously held on a permanent basis in the competitive service (or in another merit system with which OPM has an interchange agreement) from which the employee was separated or demoted for other than performance or conduct reasons.

f. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having no greater promotion potential than that of the position the employee currently holds or previously held on a permanent basis in the competitive service from which the employee was separated or demoted for other than performance or conduct reasons.

g. Temporary promotions or details to a higher-graded position of 120 days or less, or up to 179 days to maintain continuity of essential functions during base closures and major drawdowns. Prior service during the preceding 12 months under non-competitive, time-limited promotions and non-competitive details to higher grade counts toward the 120 days. An employee need not meet time-in-grade or minimum qualification requirements (other than positive education requirements) to be detailed to another position.

h. Placement of employees who have re-promotion or reemployment eligibility through special consideration programs.

i. Promotion resulting from the employee's position being reclassified at a higher grade because of additional duties and responsibilities. The action represents the upgrading of the employee's existing position and not the filling of a vacancy. The employee will continue to perform the same basic duties of his or her former position.

j. Promotion or placement of an employee entitled to non-competitive priority consideration as a corrective action for failure to be given proper consideration under the requirements of this regulation.

k. Non-competitive appointment of an eligible veteran with a 30-percent or more disability from a time-limited provisional appointment and promotion after conversion to a competitive appointment provided the position occupied has an established full performance level (career ladder). The intent of the career ladder must be made a matter of record.

l. Non-competitive appointment of a veteran's recruitment appointment (VRA) eligible and promotion after conversion to a competitive appointment provided the position occupied has an established full performance level (career ladder). The intent of the career ladder must be made a matter of record.

m. Non-competitive conversion of severely disabled individuals and promotion after conversion provided the position occupied has an established full performance level (career ladder). The intent of the career ladder must be made a matter of record.

n. Non-competitive appointment of an OPM interchange agreement eligible to the same or lower representative rate of pay or a reinstatement eligible to a grade no higher or with no more promotion potential than previously held on a permanent basis in the competitive service.

o. Placement in senior executive service or equivalent-grade position.

p. Reassignments or change to lower grade in the excepted service to a grade no higher or with no more promotion potential than previously held on a permanent basis.

q. Other types of actions not specified above that are permitted by regulation and consistent with the spirit and intent of the merit principles in Title 5, U.S.C.

#### **4-5. Competitive actions**

The following placement actions must be made in accordance with the competitive procedures of this regulation:

a. Permanent promotion to a higher-graded position to a position with more promotion potential than any position previously held on a permanent basis in the competitive service.

b. Reassignment or change to lower grade to a position with more promotion potential than any position previously held on a permanent basis (except as permitted by reduction-in-force regulations).

c. Appointment, transfer, or reinstatement to a position at a higher grade with more promotion potential than previously held on a permanent basis.

d. Time-limited promotion and detail for more than 120 days (or more than 179 days to maintain continuity of essential functions during base closures and major drawdown's) to a higher grade or pay band position.

(1) Service during the preceding 12 months under non-competitive, time-limited promotions and non-competitive details to positions in a higher grade count toward the 120-day total.

(2) Competitive, time-limited promotions and details will not be considered when computing the 120-day limit.

(3) Competitive, time-limited promotions may be made for up to 5 years.

e. A temporary promotion may be made permanent without further competition if both of the following apply:

(1) The temporary promotion was originally made under competitive procedures.

(2) The fact that the promotion may be made permanent was made known to all potential candidates in the area of consideration.

f. Selection for training that is part of an authorized training agreement, part of a promotion program, or required by regulation before an employee may be considered for a promotion as specified in 5 Code of Federal Regulation (CFR) 410.302.

g. Appointment of an employee under an OPM interchange agreement to a higher representative rate position.

h. HQ USMEPCOM, Eastern Sector, and Western Sector civilian employees may be non-competitively placed into vacant positions when they meet the criteria outlined in 5 CFR 335.103 (c) (2). When there is the possibility of more than one candidate eligible for consideration, the supervisor must advertise through formal recruitment methods.

#### **4-6. Locating candidates**

The area of consideration must:

a. Be broad enough to ensure the availability of a reasonable number of high-quality candidates.

b. Take into consideration the nature and level of the position being filled, merit principles, Equal Employment Opportunity principles, and applicable regulations.

c. The area of consideration must be identified in the vacancy announcement.

Except as stated in subparagraphs d. and e. below, the minimum area of consideration must include:

(1) Current DA employees with competitive status, and eligible DA Defense Civilian Intelligence Personnel System (DCIPS) employees.

(2) Veterans Employment Opportunity Act (VEOA) applicants.

(3) Interagency Career Transition Assistance Plan (ICTAP) eligible.

(4) The minimum area of consideration may be expanded to include other sources, such as:

(a) Transfer eligible.

(b) Reinstatement eligible.

(c) VRA eligible.

(d) Thirty percent disabled veteran (30% Disabled American Veterans (DAV)) eligible.

(e) Non-appropriated fund (NAF) employees eligible for appointment under the DOD/OPM interchange agreement.

(f) Non-Army DCIPS interchange agreement employees.

(g) Individuals eligible under other special appointing authorities, as appropriate.

d. For competitive details and temporary promotions of more than 120 days but not to exceed 1 year, managers may limit the area of consideration to current DA employees with competitive status.

[TOC](#)

e. For filling temporary and term positions through outside-the-register procedures, the area of consideration will be limited to candidates eligible for non-competitive appointments (for example, VRA; 30% DAV).

f. Employees on term appointments may compete for other term vacancies according to the CFR, Title 5, part 316. Employees on term appointments may not be promoted to, or non-competitively placed in, permanent positions unless otherwise eligible for a 30% DAV or VRA and it is so stated in the vacancy announcement.

#### **4-7. Vacancy announcements**

a. Vacancy announcements must be open for a minimum of 5 workdays. To open announcements for less than 5 workdays, management must provide a statement of justification and obtain approval from the servicing CPO chief or designated supervisor. The open period must be long enough to give the public adequate notice of the job announcement.

b. Open continuous announcements or standing registers and inventories may be used when deemed appropriate and will be coordinated with the servicing CPO.

#### **4-8. Candidate evaluation and referral**

a. For most positions, the servicing CPO uses an automated rating and referral system for filling positions under this policy. To apply for vacant positions, applicants will be required to submit a résumé to the Army Centralized Database for processing. Once the résumé is processed in the database, applicants can self-nominate for open vacancy announcements. Résumés and self-nominations must be received by the closing date of the vacancy announcement.

b. To be eligible for promotion or placement under this policy, applicants must meet all eligibility requirements and minimum qualification requirements prescribed by OPM within 30 calendar days after the closing date of the announcement, or within 30 calendar days after the date of the rating for open continuous announcements. Applicants for promotion or placement into a job having greater growth potential than their current job (or one previously held) must have a rating of fully successful or higher in their most recent annual performance appraisal. In the absence of an appraisal, applicants will be presumed to be fully successful.

c. The selecting official will work with the civilian personnel representative to identify the job related skills. Applicants who are self-nominated will be matched against the job related skills. To be eligible for referral, candidates must be among the best qualified as determined by the extent to which the applicant possesses the job related skills.

d. No minimum or maximum number of applicants must be referred. A referral list is considered valid if it includes at least three available candidates. A referral list with fewer than three available candidates is also valid when the selecting official chooses to accept the list and make a selection from it.

(1) When fewer than three candidates are referred, management may request a supplemental referral list.

(2) The servicing CPO will consider all requests for supplemental referral lists based on the facts of the case and determine if a subsequent referral is warranted. A request for an additional referral because

a known applicant did not apply in a timely manner or a name request did not appear on the referral list will not be approved. When reviewing requests for subsequent referrals, the servicing CPO will ensure the integrity of the Merit Promotion Program. Examples of additional reasons and justification procedures that may support a supplemental referral request are as follows:

(a) After working the referral list, management determines that there are fewer than three available candidates remaining on the referral list. The selecting official must document the referral list annotating reasons candidates are not available. The Civilian Personnel Officer will review the documented referral list.

(b) Management provides justification that identifies reasons that candidates are minimally but not highly qualified for the position. If sustained by the Human Resources Officer that the desired or required skills were not appropriate to produce a high-quality referral list, the servicing CPO will help management identify desired and required skills that will produce high-quality candidates.

(c) Poor character reference checks.

(d) Other reasons as determined on a case-by-case basis that are justified by management and approved by the servicing CPO.

e. Referral lists may be reissued up to 180 days after initial issue for identical vacancies.

f. The selecting official should make selections within 14 calendar days after the date the referral is issued.

#### **4-9. Selection**

a. The selecting official has the right to consider and select candidates from any appropriate source (for example, in-service personnel, reinstatement, transfers, 30% DAVs, VRA, DOD, and OPM interchange agreement eligible).

b. Interviews and reference checks are highly recommended but not required. The selecting official has the option to interview none, some, or all candidates referred on the referral list. Headquarters, Eastern and Western Sector selecting officials will conduct interview panels and interview their selected candidates for all vacancies. A candidate's ability to appear for an interview will not be used as a basis for non-selection.

c. Selection will be based on job-related reasons. The selecting official will document reasons for competitive selections on the referral list.

d. The civilian personnel representative will verify the program eligibility of selected candidates before the job offer.

#### **4-10. Effective dates**

a. Servicing CPOs will notify selected candidates, make tentative and final jobs offers, and establish entrance on duty or proposed effective dates.

[TOC](#)

b. Employees selected for promotion, reassignment, change to lower grade, will be released by managers after serving the remainder of the pay period during which the offer is made and another full pay period. Exceptions may be made if the releasing official and the gaining official agree.

c. If a geographic move is involved, the selected employee will normally be released within 30 days (45 days if the employee is selected from an overseas position).

d. Actions normally will be effective on the first day of the pay period. Actions that return an employee to pay status may be effective earlier, especially if a delay would cause a break in service.

#### **4-11. Missed consideration**

a. Applicants who miss consideration for a vacancy because of administrative or other error will be granted priority consideration for the next like vacancy.

b. Priority consideration will be granted only once when it can be determined that the applicant would have been on the referral list had the error not occurred.

c. A like vacancy is typically one with the same position title, series, and grade equivalency, and in the same geographic location as the vacancy for which consideration was missed. Based on a written request by the applicant to the CPO, this may be modified on a case-by-case basis. The civilian personnel office (CPO) will give a written approval or disapproval to the applicant regarding any modifications to the terms of the priority consideration.

## **Chapter 5**

### **On-Boarding Process**

#### **5-1. Purpose**

The On-Boarding Process is a procedure for preparing, orienting, and integrating new employees into the workforce. The process has been designed to develop relationships with the new employees prior to their arrival at USMEPCOM. Our system supplements the traditional model of orientation through communication, sponsorship, preparation, in-processing and follow-up. The effective on-boarding of new employees can be one of the most important contributions any hiring manager or direct supervisor can make to long-term organizational success, because on-boarding done right can improve productivity, improve employee retention, and build a shared command culture.

#### **5-2. Applicability**

The On-Boarding Process applies to all new military and civilian personnel.

#### **5-3. Process**

The USMEPCOM On-Boarding Process begins when the employee accepts a position within our command and is followed by:

- Step 1/Communications: Supervisors, commanders, and co-workers should communicate with the applicant to welcome them to the Command. For a sample Welcome Letter, see figure 5-1 and Supervisor's Pre-Employment Checklist for Newly Assigned Personnel, see figure 5-2.

- Step 2/Sponsorship: If the employee is new to the area, a sponsor should be assigned to ease the transition to the new location. Sample Sponsorship Letter, see figure 5-3.

- Step 3/Preparation: Ensure the workplace is prepared for the new employee's arrival.

- Step 4/In-Processing: An in-processing checklist, USMEPCOM Form 690-13-4-E, Personnel Processing Checklist, has been developed for use when the employee arrives on-station. The USMEPCOM checklist is more than what forms to fill out, but rather a synopsis of a myriad of things that should be discussed with a new person. This list includes: what are the work hours, how and when are breaks taken, forms to fill out for all the different IT systems, etc. This checklist also includes items for out-processing military and civilian employees. The checklist is available on the MEPNET under J-1/MEHR, Civilian Personnel Division followed by Home.

- Step 5/Follow-up: USMEPCOM has two surveys that we invite new employees to complete and are optional. The surveys should be taken 30 and 60 days after arrival. The surveys are very short and focus on whether the employee feels the training is adequate, whether they have been provided their performance objectives and asks for suggestions on ways to improve the workplace. The surveys are available on the MEPNET Homepage under Dashboard.

- Although not a part of the On-Boarding Process, there is an Exit Survey located on the MEPNET Homepage under Dashboard. The Exit Survey is strictly voluntary.

- All in-processing forms for in-processing new employees can be found on <http://cpol.army.mil/library/employment/forms.html>.

**Figure 5-1. Sample Welcome Letter for New Employee**

(Date)

Dear (New Employee Name)

On behalf of the entire staff, I'd like to welcome you to (USMEPCOM/MEPS NAME). We are excited that you have accepted our job offer and look forward to meeting you soon. I trust that this letter finds you mutually excited about your new employment with USMEPCOM.

As mentioned during the interview your new position reports to me. Each of us within the (Section) will play a role to ensure your successful integration into the Command.

We're expecting you for in-processing on (Date and Time). A specific orientation program will be established after you join the team. Your agenda for the first week will involve orientation, setting some initial work goals/objectives, development of a career (training) plan, and meetings with your co-workers. Additionally, we will be meeting to discuss the Command's mission and goals. We will also discuss how your position contributes to the achievement of those goals.

Again, welcome to the team. If you have questions prior to your start date, please call me at any time, or send an email. We look forward to having you come aboard.

Regards,

Name of Supervisor

**Figure 5-1. Sample Welcome Letter for New Employee**

**Figure 5-2. Sample Sponsorship Letter for Employee New to the Area.**

(Date)

Dear \_\_\_\_\_,

Welcome aboard! I am pleased to learn of your orders/assignment/transfer to USMEPCOM, \_\_\_\_\_ MEPS. You will be assigned to the \_\_\_\_\_ Section/Branch/Division/Directorate as the \_\_\_\_\_.

As “Freedom’s Front Door”, USMEPCOM is responsible for ensuring the quality of military accessions during peacetime and mobilization. USMEPCOM is a Department of Defense organization which is staffed with military and civilian professionals. Our military personnel come from all 5 branches of service (Army, Air Force, Navy, Marine, and Coast Guard). We determine applicant's physical qualifications, aptitude and moral standards as set by each branch of military service. I know you will find your tour/assignment/job to be challenging, informative, and rewarding.

(Optional) Your sponsor is \_\_\_\_\_. Please let him/her know when you will be reporting aboard. \_\_\_\_\_ will be able to answer any questions you may have about living and working in the \_\_\_\_\_ area. \_\_\_\_\_ may be reached at \_\_\_\_\_.

Again, welcome aboard! I am very pleased that you are joining our team and I look forward to meeting you.

Sincerely,

Commander

**Figure 5-2. Sample Sponsorship Letter for Employee New to the Area.**

**Figure 5-3. Supervisor’s Pre-Employment Checklist for Newly Assigned Personnel**

- Send Welcome Note/e-mail to the new employee from Supervisor, Commander, and/or section personnel; include contact information for supervisor and/or sponsor.
- Assign a sponsor
- If new to the local area, obtain and forward Welcome Packet (or information on websites with information on the community)
- Provide information on:
  - Time and person to report to the first work day and in-processing requirements
  - Location of worksite
  - Entrance requirements (which gate, which door, etc.)
  - Parking Instructions
- Set-up Work space
  - Telephone
  - Computer
  - Office Supplies
  - Other work related materials
  - Special Needs Equipment

**Figure 5-3. Supervisor’s Pre-Employment Checklist for Newly Assigned Personnel**

## **Chapter 6 Pay Setting**

### **6-1. Purpose**

This chapter establishes policy, assigns responsibilities, and prescribes procedures for pay-setting within USMEPCOM. Department of Army (DA) regulations and authorities must be used for policy on areas not included.

### **6-2. Guidance**

Commanders and supervisors will ensure this guidance is applied equally and the principles of good fiscal management are considered, to include the local conditions that affect the recruitment and retention of qualified employees, the availability of funds to employ personnel to carry out assigned functions and the effect the pay action may have on organizational morale.

### **6-3. Pay setting rules**

#### **a. New Appointments.**

(1) Pay is normally set at a step 1 of the GS pay scale for new appointees. Under certain circumstances pay may be set at a higher pay rate than a step 1 (see 6-3. (2)).

(2) Superior Qualifications/Advance in-Hire Rates: If your organization is experiencing difficulty in hiring based on the below factors, your organization may be eligible to submit a request for an advance in-hire rate or an advance in-hire rate based on superior qualifications. Below are qualifications to determine if a higher rate is justified:

(a) If your organization is in a hard-to-fill location, based on geographical location; disparities in Federal and non-Federal salaries for the skills and competencies required for the position.

(b) Difficulty in hiring against the position (recruiting history).

(c) Difficulty in hiring individuals at a step 1 based on the special needs required of the position, e.g., type, level, or quality of skills or competencies, based on experience and/or education.

(d) Other incentives offered in lieu of advanced in-hire rate, e.g., recruitment and/or relocation incentives.

(e) Candidate's current salary, documentation of another competing job offer.

#### **b. Highest Previous Rate (HPR).**

Highest Previous Rate (HPR). To receive the HPR an employee must have worked as a civilian on a regular tour of duty under an appointment not limited to 90 days or less or for a continuous period of not less than 90 days under one or more appointments without a break in service previously held in another Federal job. The pay set is the maximum not to exceed the step 10 of the GS grade or be less than the rate to which the employee would be entitled under normal pay-setting rules. The Highest Previous Rate (HPR) can be used in cases of reemployment, transfer, reassignment, promotion, demotion, or change in type of appointment.

c. Special Salary Tables. Special salary table rates will be used as the HPR when the special rate of pay is the employee's current rate of basic pay, the employee is being reassigned to another DOD position,

and the gaining management official determines that the employee's contribution to the agency's program will be greater in the position to which the employee is being reassigned.

d. Change to Lower Grade

(1) Change Initiated by Management:

(a) Change to lower grade of employee ineligible for grade or pay-retention benefits: Except as provided in paragraphs (b), (c), and (d) below, when an employee is not eligible for grade or pay retention benefits is changed to a lower grade, pay will be fixed in the new grade at step rate that will preserve (as closely as possible) the employee's existing rate of basic pay. If the employee's existing rate of basic pay falls between two steps in the lower grade, the pay will be set at the higher step. When appropriate, the HPR rule may be applied.

(b) Change to lower grade based on inadequate performance or adverse action: When a change to a lower grade is the result of inadequate job performance, loss of security clearance, or other adverse action, the employee's pay will be fixed not to exceed the existing rate of basic pay. If the employee's existing rate of basic pay falls between two steps of the lower grade, pay will be set at the lower step. If the employee's existing rate of basic pay exceeds the top step of the lower grade, pay will be set at the top step of the lower grade.

(c) Change to Lower Grade Following Temporary Promotion: For a change to a lower grade following a temporary promotion for less than 1 year, pay will be set at the step the employee would have earned had the temporary promotion not occurred. The Highest Previous Rate (HPR) will not apply.

(d) Failure to Satisfactorily Complete Probationary Period: An employee who is changed to a lower grade because of failure to satisfactorily complete the required supervisory probationary period will have pay set at the step the employee would have earned had the employee not been promoted to the higher grade.

(2) Changes initiated by employees:

(a) An employee who voluntarily accepts a change to a lower grade will have pay set as close to his or her current rate of basic pay as possible. If the current rate of pay falls between two steps, in the grade to which being placed, pay will be set at the higher step.

(b) An employee who accepts a change to a lower-graded position when that position has known promotion potential to the grade currently held by the employee will have his or her pay set at a rate that would provide the employee no greater benefit on re-promotion than he or she would have attained had the employee remained in the grade. The promotion potential of the position cannot be based on a formal training program.

(c) An employee who accepts a change to a lower grade to enter a formal training program (e.g., Upward Mobility Program, Apprenticeship Program and Career Intern Program) will have his or her pay set at the minimum rate in the lower grade that equals or exceeds his or her current rate of basic pay. If the current rate of pay falls between two steps in the grade to which the employee is being placed, the pay will be set at the higher step. If the current rate exceeds the maximum rate (step 10) of pay to which assigned, the employee will be entitled to pay retention.

[TOC](#)

(d) Non-appropriated Fund (NAF) Employee moving to an Appropriate Funding (APF) GS position. A DOD NAF employee who moves voluntarily to a position in the USMEPCOM system without a break in service of more than 3 days will have his or her pay set under the GS system at any step rate within the grade to which he or she is being assigned that does not exceed the HPR earned in the NAF position. If the current rate of pay falls between two steps in the grade to which the employee is being assigned, the pay will be set at the higher step.

#### **6-4. Pay retention**

Pay retention will be provided to an employee whose rate of basic pay would otherwise be reduced because the employee:

- a. Accepted a lower-graded position designated in advance as hard-to-fill.
- b. Declined a Transfer of Function (TOF) to a location outside the commuting area or non-receipt of an offer at the gaining activity and placement in a lower-graded position within USMEPCOM.
- c. Accepted a lower-graded position for non-disciplinary reasons because of ill health.
- d. Lost military status through no fault of his or her own after service as a National Guard technician when the employee accepts a lower-graded, competitive-service position.
- e. If the incumbent of a position that has been abolished while the incumbent was not serving on a mobility agreement and the incumbent declined an offer outside the commuting area and was placed in a lower-graded position in the commuting area.
- f. Was in a formal employee-development program (e.g., Upward Mobility and Career Intern Program).

#### **6-5. Approval levels and submission requirements for superior qualifications/advance in hire**

a. MEPS commanders and supervisors must submit their requests for Superior Qualifications/Advance in hire through their respective Sector for endorsement prior to the candidate's entrance on duty date. Headquarters USMEPCOM supervisors must submit their requests directly to J-1/MEHR-CP. Request must include the following information:

- (1) Justification detailing the impact of not filling the position will have on your mission.
  - (2) How long the position has been vacant and the number of times the position has been announced and the number of candidates that applied.
  - (3) A copy of the individual's resume.
- b. The Sector will forward the nomination packet to J-1/MEHR-CP for a recommendation.
- c. The Deputy Commander/Chief of Staff or the Commander will make the final decision. After the final decision is made, a copy will be returned to the appropriate Commander or supervisor. The MEPS must submit the approved document to their servicing CPAC for processing.

## **Chapter 7**

### **Hours of Duty and Work Schedules**

#### **7-1. Purpose**

The purpose of this chapter is to provide guidance for the implementation and administration of USMEPCOM Hours of Duty and Work Schedules as described herein. Civilian employees will use USMEPCOM Form 690-13-2-E (Request for Alternative Work Schedule (AWS)) to request and record participation in the AWS program. The Office of Personnel Management (OPM) in its 5 Code of Federal Regulation (CFR) Parts 531, 550, 551 (Fair Labor Standards Act (FLSA)), 610 (includes AWS Program), and 630, established the overarching policy governing USMEPCOM Hours of Duty and Work Schedules. (Applicable 5 U.S.C. Statute Sections are referenced in the aforementioned individual OPM 5 CFRs.)

#### **7-2. Assistance**

Servicing CPACs and the J-1/MEHR-CP may provide technical advice and assistance in the administration of the following work schedule programs, as requested. Most features of the USMEPCOM standard work schedule program as well as the two AWS programs (which are based on underlying OPM guidance), are found Federal Government and DOD wide and are basically generic in nature.

#### **7-3. Applicability**

These programs apply to all full-time and part-time USMEPCOM civilian employees, as appropriate.

#### **7-4. General information**

a. Employee's tours of duty are set by supervisory personnel. Generally, work in USMEPCOM is scheduled from Monday through Friday, 8 hours in duration with an additional 30 minutes lunch period (unless an AWS is involved), and fall on the same hours of each day. A required number of "Saturday openings" are also normally scheduled on an annual basis. These are generally paid overtime days and are in addition to an employee's regular 40-hour work week.

b. Changes in individual workdays and shifts may be made when required to meet new or revised operational requirements. Adequate advance notice by an employee's supervisor must be provided when employees are to be assigned to different tours of duty or to different hours of work. Advance notice requirements vary from HQ organizations and from MEPS to MEPS due to Negotiated Agreements (or the lack of), nature of the work, local past practices, work situations involved and other factors such as need to make new child or elder care arrangements. Unless an "emergent" work situation exists, a *minimum* advance notice period of one week will be provided by the employee's supervisor. Authority for establishing and changing tours of duty has been previously established within existing USMEPCOM organizations.

c. Additionally, some work schedules and hours of duty provide employees with special pay entitlements. Involved employees also receive additional pay for mandatory overtime work and work on holidays (if required). Work will not occur on Sundays, except in very rare cases, at which time a special pay allowance for the day will attach to it.

d. Lunch periods. Lunch periods of a minimum of 30 minutes (non-compensable time), are *required* for all employees who perform 8 or more hours of continuous work. They will be scheduled as close to the midpoint of the day/work shift as possible to provide a bona fide break in employee's work days. Should employees desire to go out to nearby facilities to pick up or consume their meals, the non-compensable

lunch break period may be extended to no more than one hour (60 minutes), to also provide for allowable travel time to and from the location. On the rare occasion and for good cause, if additional time beyond the 60 minutes is needed, it will be based on the use of personal leave. Lunch periods as requested by employees will be subject to prior supervisory approval. Employees who are directed to work through their lunch periods because of an unforeseen/emergent work situation will receive the payment of overtime or be granted (non-exempt employees), or required to accept (exempt employees), the use of compensatory time (for irregular, or occasional overtime), as appropriate for the period of time. Employee on a flexible work schedule (FWS) (only) may also request the time as credit hours, however, this will strictly be at the employee's option.

e. On a case-by-case basis, Commanders or Deputy Commanders, i.e., HQ and Sector, and HQ Directors and Special Staff Officers may approve work schedules which exclude a lunch period. Requests asking for this to occur will be sent forward via the chain of command and will contain detailed and adequate justification to validate the situation. Copies of approvals or disapprovals will be maintained in appropriate files and for a proper length of time.

f. Rest breaks. Each employee will also be granted two 15-minute rest breaks (with pay), during their work day. The first break will occur during the first 4 hours of work and the second during the last 4 hours of work. Only one 15-minute rest break may be authorized during each 4 hours of continuous work. A supervisor may not extend a regularly scheduled lunch period by permitting an employee to take either one or both rest breaks just prior to or immediately following a lunch period.

g. Some USMEPCOM employees request and are granted the option of working under an AWS, which may be either "flexible" or "compressed" in nature. In non-unionized activities, these may be eliminated at the request of an employee or discontinued by their supervisors based on operational needs or for a "cause." In activities with servicing Unions, an AWS may not be discontinued, in general, without the conducting of prior appropriate bargaining. If a need to do so arises at a unionized activity, advance coordination must be made with J-1/MEHR-CP and the servicing CPAC.

h. Unionized MEPS will not implement, eliminate, or make changes to employees established work schedules (to include existing lunch periods and rest breaks) without prior consultation and, if requested, conducting appropriate negotiations with their local Unions. This requirement will not apply to non-Bargaining Unit Members such as MEPS supervisors and the MEPS Commander's Secretary. The stipulation would also not apply to either a MEPS Education Service Specialist (ESS) or Chief Medical Officers (CMOs) if they are non-Union members.

#### **7-5. Alternate Work Schedules (AWSs)**

a. The Federal Employee's Flexible and Compressed Work Schedules Act of 1978 (Public Law 95-390) authorized Alternate Work Schedules (AWSs) as experimental programs in 1978. Subsequently, in 1985, legislation providing permanent authorization for agencies to use AWS programs was enacted (Public Law 99-196). These "Acts" authorized Federal Agencies to allow their employees the ability to request variances in their daily arrival and departure times and, under some work situations, to vary the length of their workdays or workweeks.

b. Within HQ USMEPCOM, Directors and Special Staff Officers may establish an AWS program; within Sector HQ, Sector Commanders may establish an AWS program; and within a MEPS, a MEPS Commander may establish an AWS; for their respective organizations.

[TOC](#)

c. As was mentioned previously, an AWS is an “umbrella” term that may refer to both “flexible” and “compressed” type employee work schedules.

d. In accordance with DOD AWS Policy, employees who desire to participate in an organizationally approved AWS (with the prior concurrence and approval of their supervisors) may request to be placed on either a flexible or compressed work schedule.

e. Employees *will not* be involuntarily placed on an AWS.

f. Alternate Work Schedule (AWS) programs have the potential to enable supervisors to meet program goals while at the same time allowing employees more options in scheduling their work schedules to accommodate personal activities. As employees gain greater control over their time they can better balance work and family responsibilities; chose to become involved in volunteer activities; take advantage of educational opportunities; and/or; schedule rest and recreation activities.

g. Per OPM, there is no authority to establish “hybrid” work schedules that borrow selectively from the authority for federal work schedules (FWSs) and the authority for compressed work schedules (CWSs) in an effort to create a “hybrid” work schedule program. However, it should be noted that some forms of FWSs (e.g., maxiflex) allow work to be compressed into fewer than 10 workdays in a biweekly pay period.

h. Unionized MEPS will not implement, eliminate, or make changes to an AWS without prior consultation and if requested, conducting appropriate negotiations with their local Unions. This requirement will not apply to non-Bargaining Unit Members who may also be on an AWS such as MEPS supervisors and the MEPS Commander’s secretary. The stipulation would also not apply to either a MEPS ESS, or CMO(s), if they are non-Union members.

i. Unions may request, and subsequently compel, that appropriate bargaining occur on a Union proposed AWS. Agreement between the parties need not be reached, however, this may result in the matter being forwarded to the Federal Services Impasses Panel for review and determination at the requesting Union’s option. Should this situation occur, the involved Agency activity must consult with their servicing CPAC and the J-1/MEHR-CP (who will inform the USMEPCOM Staff Judge Advocate (MJA) of the situation).

j. If any provision of this chapter, not required by appropriate law, conflicts with the terms of a Negotiated Agreement the Agreement will take precedence.

#### **7-6. Flexible Work Schedules (FWSs)**

a. A Flexible Work Schedule (FWS) is a work schedule established under the provisions of 5 U.S.C. 6122.

b. Flexible Work Schedules (FWSs), mean several types of work schedules all of which are comprised of “core hours” (mandatory work hours), and flexible time bands/work hours which proceed and follow the daily core hours. Employees may select their time of arrival and departure during the flexible time bands/work hours within specified Agency limits. OPM has provided for five types of FWSs and will be further described in following paragraphs.

[TOC](#)

c. Core hours is a term used in the context of FWSs and refers to the scheduled hours of the workday during which a participating employee must be present for duty. On a rare occasion of short duration, and for good “cause” a supervisor may approve an employee’s absence from the work place during core hours. If it is for an employee’s personal necessity, they will utilize an approved leave or other appropriate absence status.

d. Depending on the type of FWS requested by an employee and approved by their supervisor, the work requirement may be 8 hours in a day, and/or 40 hours in a week or 80 hours in a pay period.

e. A full-time employee on a FWS must work 80 hours per biweekly pay period. A part-time employee will work fewer hours than a full-time employee within a specified period of time, as determined by the supervisor involved.

f. USMEPCOM FWSs of 8 hours daily duration will include a minimum non-compensable lunch period of 30 minutes which will be set as close as possible to the midpoint of the workday.

g. Once selected by an employee and approved by his or her supervisor, future FWS changes requested by an employee in subsequent biweekly pay periods must receive prior supervisory approval.

h. As with standard work days, employees must also be at work on scheduled FWS work days unless in a paid leave status; on some type of approved compensatory time; on credit hours; or in a LWOP status.

i. Credit hours may be earned by employees, with prior supervisory approval, while participating in a number of approved FWSs. Additional information concerning credit hours will be provided in a subsequent paragraph.

j. The recording of absences is treated in the same manner as for employees working a regular work schedule. However, employees on a FWS will be charged leave in accordance with the hours of their basic work schedule.

k. A flexible work schedule (FWS) is not simply a rearrangement of work hours, but a step away from a rigidly controlled work environment. A FWS places more responsibility on both supervisors and employees and so require a significant degree of trust and confidence between the parties.

l. MEPS Commanders may establish flexible time bands/work hours and core hours based on the work needs of their individual Stations, but also within the “spirit” and “intent” of the OPM Program. Sector HQ will provide oversight of MEPS FWS programs and ensure their appropriateness and efficiency.

m. In activities with Unions/Bargaining Units, FWSs are established through advance notice to and subsequent negotiations with (if requested by a Union) the Exclusive Employee Representative.

n. HQ USMEPCOM FWS is established as follows:

(1) Core time period: 0900-1130 and 1300-1430\*

(2) Flexible starting time band: 0600-0900

(3) Flexible lunch period: 1130-1300

(4) Flexible after departure time band: 1430-1800

\*Core time may be adjusted by supervisors as necessary for employees in special work situations, i.e., on a “rotating work schedule” or assigned to “night shift” work hours.

o. Federal work schedules (FWSs) provided by OPM (payroll codes for individual schedules are available from J-8/MRM and may be revised or updated as they deem necessary):

(1) Flexitour - A flexible work schedule (FWS) that requires an employee to work 8 hours a day and 40 hours each workweek. An employee may choose his or her arrival and departure times within the appropriate flexible time bands. Once chosen, the employee must keep the same work schedule until the next opportunity arises to request a change in these times. The employee must be present during core hours. Credit hours may be earned during this work schedule.

(2) Gliding - A FWS that requires an employee to work 8 hours a day and 40 hours each workweek. However, with this schedule an employee may vary his or her arrival and thus, departure time on each of the 10 workdays of a pay period. The changed times must still fall within the parameters of the established flexible time bands. In addition, a participating employee (if requested by their supervisor) must inform the supervisor of a pending change in the employee’s next day work schedule prior to leaving the work area at the close of business (COB) of the preceding work day. Credit hours may be earned during this work schedule.

(3) Variable Day - A flexible work schedule (FWS) in which an employee will still work a 5-day, 40-hour workweek and each workday in the workweek will still contain the basic core work hours. However, the number of hours worked on a given work day within the workweek may be varied. As with a “gliding” FWS a participating employee (if requested by their supervisor) must inform the supervisor of a pending change in the employee’s next day work schedule prior to leaving the work area at COB of the preceding work day. Credit hours may be earned during this work schedule.

(4) Variable Week - A flexible work schedule (FWS) in which an employee will still work a 5-day workweek and each day in the workweek will still contain the basic core work hours. However, the employee may vary the number of hours worked on a given workday or the number of hours within each workweek as long as the basic work requirement of 80 hours for the biweekly pay period are met. Credit hours may be earned during this work schedule.

(5) Maxiflex - A flexible work schedule (FWS) that contains core hours on fewer than 10 workdays in the biweekly pay period. The employee still has a basic work requirement of 80 work hours for the biweekly pay period. However, he or she may vary the number of hours worked on a given workday or the number of hours each week, and, may complete the 80 work hours in less than 10 workdays. Credit hours may be earned during this work schedule. (Similar to a compressed work schedule (CWS), OPM example is of a 5/4-9 work week).

### **7-7. Compressed Work Schedules (CWSs)**

a. A compressed work schedule (CWS) is a work schedule established under the provisions of 5 U.S.C. 6121(5).

b. Compressed work schedule (CWS) means a “fixed” work schedule with no flexible time bands/work hours in which a full-time employee can complete the basic 80-hour biweekly work

[TOC](#)

requirement in less than 10 working days by increasing the hours in a workday. A CWS is always a “fixed” work schedule and does not include “core hours” which are reserved for use with a FWS.

c. Employee’s times of daily arrival and departure from the worksite are set, as are the days on which they are to complete their basic work requirement.

d. The two most common examples of a CWS are:

(1) The “4-10,” a CWS in which a participating employee will work 10 hours a day for 4 days during each workweek to complete their basic 80-hour biweekly work requirement.

(2) The “5/4-9,” a CWS in which an employee will work 9 hours per day for 8 days, 8 hours for one day and will get one day off each pay period in order to complete their basic 80-hour biweekly work requirement. With supervisory concurrence, an employee may select his or her day off and which day will be their 8-hour work day.

e. Compressed work schedules (CWSs) have a basic work requirement of 80 hours in a biweekly pay period for full-time employees. For part-time employees the basic work requirement is less than 80 hours in a biweekly pay period which may be scheduled for less than 10 workdays by the supervisor involved.

f. USMEPCOM CWSs will include a minimum non-compensable lunch period of 30 minutes which will be set as close as possible to the midpoint of the workday.

g. Once selected by an employee and approved by his or her supervisor, future CWS changes requested by an employee in subsequent biweekly pay periods must receive prior supervisory approval.

h. As with standard work days, employees must also be at work on scheduled CWS work days unless in a paid leave status; on some type of approved compensatory time; on credit hours; or in a LWOP status.

i. The recording of absences is treated in the same manner as for employees working a regular work schedule. However, employees on a CWS will be charged leave in accordance with the hours of their basic work schedule.

j. The earning of “credit hours” may not occur with a CWS.

k. Supervisors who may be considering approval of an employee CWS request should be cautioned that use of a CWS with significantly longer (unsupervised) work days place more responsibility on both supervisor and employees for independent work completion and so require a greater measure of trust and confidence between the parties.

l. MEPS Commanders may establish CWSs based on the work needs of their individual Stations, but also within the “spirit” and “intent” of the OPM Program. Sector HQ will provide oversight of MEPS CWS programs and ensure their appropriateness and efficiency.

m. In activities with Unions/Bargaining Units, CWSs are established through advance notice too, and subsequent negotiations with (if requested by a Union) the Exclusive Employee Representative.

**7-8. Supervisors**

- a. Once an AWS program has been approved for their organizations, receive, and review employee request for an AWS.
- b. Consider any appropriate security concerns/issues within the organization and/or with its physical situation, or location. This may include an employee's safety during very early or late work hours.
- c. Approve or disapprove requests for an AWS consistent with the need for efficient and timely operation of the organization involved. Some duty situations, which may involve a need to be present to work with, or provide information to others, may not be suitable for an AWS. Adequate coverage of organizational work activities during official operational hours will be ensured.
- d. Prior to approving an employee's request plan and organize their work so that appropriate measurement of their work accomplishments may take place. Information needed to prepare a valid and comprehensive annual employee performance evaluation will also be noted and maintained.
- e. Review, evaluate, and approve, or disapprove subsequent requests for schedule changes.
- f. Once authorized, ensure that employees comply with approved AWSs or are appropriately absent.
- g. Assume responsibility for proper certification of time and attendance information for employees on an AWS.
- h. Supervisors will ensure that, should an emergent work or personal situation arise, an employee on an off-hours AWS knows who to contact in their chain of command to make proper notification of the situation.

**7-9. Employees**

- a. The ability to request and be granted an AWS provides an employee with a measure of personal control over his or her work environment which previously was not possible. However, it also places an increased level of trust with the employee and so must also be accompanied by an equal degree of personal responsibility.
- b. Employees, in accordance with their AWS, will be present during the core period on scheduled workdays and to fulfill their commitment to account for a full 80-hour biweekly work period for full-time employees, or a prearranged schedule for part-time employees.
- c. Supervisors will make every effort to schedule meetings and other special work related events during core periods. However, there may be an occasion when an employee will need to arrange his or her AWS schedule to meet an unplanned work need or to accomplish an unusually heavy workload.
- d. Supervisors, who encounter the situation cited directly above, will provide the involved employee with as much notice of the unplanned event as is reasonably practicable.
- e. Employees will properly complete and submit to their supervisors, in advance, USMEPCOM Form 690-13-2-E to request participation in the USMEPCOM AWS Program. Additional information is found in paragraph 7-16.

**7-10. Potential AWS benefits employer/employee**

- a. Enhanced job recruitment tool and potential retention tool.
- b. Increased job desirability and flexibility.
- c. Better work coverage/customer service at other/external work locations Continental United States (CONUS) wide.
- d. Enhanced ability to utilize car pools and mass transportation assets.
- e. Employees can better deal with child care, elder care, or other personal situations.
- f. Employees may assist with and partake in appropriate “volunteer” activities in support of OPM and governmental policies on the subject.
- g. Employees may seek and take advantage of external educational opportunities.
- h. Improved employee morale and reduced “turnover” rates.

**7-11. AWS termination considerations**

- a. If abuse of an AWS occurs, immediately terminate the employee’s participation in the program and then seek advice on how to proceed from the servicing CPAC. Initial information may also be obtained from J-1/MEHR-CP.
- b. The occurrence of a verifiable reduction in employee productivity based on actions of the employee or changes in the underlying work situation.
- c. An increase in the actual or projected cost of operations based on the use of an AWS.
- d. The occurrence of an unforeseen interference with the work assignments of other employees.
- e. Unionized activities see paragraph 7-13.

**7-12. AWS termination provisions**

- a. Supervisors will normally provide an employee on an AWS with a 2-week advance notice of its termination.
- b. Situations which may modify this requirement are:
  - (1) an involved employee opts to voluntarily waive the advance notice period;
  - (2) an abuse of the AWS occurs;
  - (3) a security issue involving the employee or the facility arises; and

[TOC](#)

(4) immediate termination is in the best interests of the Government, and the reason(s) for the action are provided to the employee.

c. A termination notice period may be extended upon employee's request if a valid child or elder care arrangement issue arises or another extenuating circumstance occurs. Determinations as to whether an AWS will be extended, per the aforementioned "extenuating circumstances", will be made on a case-by-case basis as the need to do so arises.

d. Unionized activities see paragraph 7-13.

### **7-13. AWS termination in unionized activities**

a. Except in an "emergent" work situation (or evidenced employee misconduct), an existing AWS may not be unilaterally terminated without prior notice and appropriate negotiation. In the event of the occurrence of such a situation, and if practicable, advance consultation will take place with an activity's CPAC. If the servicing CPAC Representative is not available, contact may also be made with J-1/MEHR-CP. In the absence of J-1/MEHR-CP Personnel, contact may be made with the USMEPCOM MJA. In any case, should the above situation arise, subsequent notification of the matter will be made to J-1/MEHR-CP at the earliest opportunity.

b. If a unionized activity finds that, over time, a particular AWS has had a clear and documentable "adverse agency impact," appropriate steps will be taken to seek its elimination. This "determination" is extremely technical in nature and so will not be made without CPAC and J-1/MEHR-CP assistance. The proposed action must be initiated by informing the MEPS Exclusive Representative of the situation and requesting to enter into appropriate negotiations.

c. Adverse agency impact is defined as:

(1) a reduction of the agency's productivity;

(2) a diminished level of services furnished to the public; and

(3) an increase in the cost of agency operations (other than the administrative cost to process the establishment of an AWS program). (See 5 U.S.C. 6131(b).)

d. If a subsequent "impasse" in negotiations results the dispute, along with the "positions of the parties" and supporting documentation, will be forwarded to the Federal Services Impasses Panel for review and consideration. Upon receipt of the request, the Panel will provide additional guidance to the parties. Generally speaking, while the Panel considers a pending request for their assistance in resolving an "impassed" negotiation issue between the parties, an existing AWS may not be terminated.

e. Further negotiations between the parties are not precluded after the matter is submitted to the Panel. If such negotiations result in a subsequent Union/Management "agreement" of some type (and prior to the Panel's issuing a decision), the Panel must be promptly notified of the situation.

f. Unionized activities will seek and receive additional in-depth guidance and assistance on such actions from their servicing CPAC, J-1/MEHR-CP, and USMEPCOM MJA *prior* to undertaking them.

**7-14. Credit hours**

a. Credit hours are additional work hours that are requested and voluntarily performed by an employee only on a “FWS” (they may not be earned on a CWS), with prior supervisory concurrence. They are in addition to the hours that an employee must already work as part of his or her normal FWS work day.

b. Credit hours are not overtime hours because, while they are performed in excess of an employee’s normal FWS work day (and may even exceed 8 hours in a work day), they are voluntarily requested by the involved employee as “credit hours.” Conversely, they are not overtime hours because they have not been requested by the employee as such, nor approved as overtime hours, by their supervisor.

c. Credit hours do not generally convert to pay except as set forth in paragraph 7-15 below.

d. An employee may not be paid premium pay (i.e., overtime, Sunday, or holiday) for credit hours. Credit hours must always be part of the employee’s non-overtime basic work requirement.

e. Employees may not earn additional compensation or credit hours for working voluntarily during holiday hours.

f. Within USMEPCOM, employees may not earn credit hours on Saturday or Sunday. In that regard, only those employees whose organization has established flexible work time bands on Saturdays and Sundays may earn credit hours as part of them. Since USMEPCOM FWSs do not include Saturdays or Sundays, they do not provide for this situation.

g. There is no authority in law or regulation to advance credit hours. Thus, time cannot be charged against credit hours until they have been earned.

h. Only one (1) credit hour is earned for each hour of voluntary work in excess of an employee’s basic work requirement. At USMEPCOM, they may be accumulated and taken in quarter-hour increments.

i. Full-time employee may accumulate up to a maximum of 24 credit hours in his or her account which may be subsequently carried over from one 2-week/80 hour biweekly pay period to the next. Credit hours in excess of 24 hours will be automatically forfeited at the close of a biweekly pay.

j. A part-time employee may carry over as credit hours from one FWS 2-week/biweekly pay period to the next, an amount of such hours equal to one-fourth of their basic 2-week FWS total work hour requirement (e.g., an employee with a 64-work hour, 2-week/biweekly work requirement, may carry over to the next biweekly pay period a maximum of accumulation of 16 credit hours).

k. An employee may use credit hours during a subsequent day, week, or pay period with prior supervisory approval, to allow the employee to be absent from an equal number of hours of their normal FWS work week requirement with no resulting loss of basic pay.

l. Credit hours will be considered daytime hours whenever possible. In general, no night pay may be paid for credit hours that are used at night to be absent from the employee’s basic tour of duty. (For guidance on wage (prevailing rate) employees and those employed under Title 38 U.S.C., see 5 U.S.C. 6123(e)(2).)

**7-15. AWS termination and residual pay for credit hours**

- a. An employee no longer employed in a unit that participates in the AWS program will be paid accumulated credit hours at the employee's set current rate of pay.
- b. For full-time employees, payment for accumulated credit hours will not exceed a maximum of 24 hours.
- c. A part-time employee is entitled to compensation for credit hours not in excess of one-fourth of the employee's 2-week work requirement.

**7-16. Completion of USMEPCOM Form 690-13-2-E**

- a. Completion of USMEPCOM Form 690-13-2-E is mandatory for the initial establishment of an employee requested AWS. While they will no longer need to be maintained on a pay period basis, a new USMEPCOM Form 690-13-2-E must be prepared to document any subsequent work schedule changes that may occur to an existing work schedule.
- b. The form may be used to establish and document both employee flexible and compressed work schedules. Additionally, if an employee requests and is approved to move from a flexible to a compressed work schedule (or vice-a-versa), a new form reflecting the change in their work situation must be completed.
- c. Sections I and II of the form will need to be completed by the requesting employee, and then submitted to his or her supervisor for their concurrence and approval. In addition to any listed remarks shown in Section II, block 11., labeled "Remarks:", a requesting employee will need to provide the daily starting and block times of their requested work schedule as well as their official lunch periods. If additional space is needed, the reverse side of the form may be used. It may be completed by handwritten in black or blue-black ink (for legibility and copying) or it may be typed.
- d. For employees under a FWS, credit hours will no longer need to be entered on the form but instead will be requested and approved via the Automated Time Attendance and Production System (ATAAPS).
- e. The supervisor will maintain the original USMEPCOM Form 690-13-2-E in a location accessible to himself/herself and the requesting employee. A copy of the initial form, as well as any subsequent changes, will also be provided to the organization's timekeeper. He/she will establish and update the employee's timecard in ATAAPS and then file a completed copy in the employee's time and attendance record, file number 1x3. They will be maintained for 3 years from the date of completion, and then may be destroyed by appropriate means.
- f. USMEPCOM Forms 690-13-2-E are subject to USMEPCOM IG inspection/audit.

**7-17. Union notification/coordination**

If the policies and/or provisions outlined above are different than those currently in place for unionized MEPS, the MEPS commander will contact his/her servicing CPAC for assistance in coordinating and providing the information to their local Union Bargaining Unit Representatives for their consideration. This action will take place prior to the implementation of the Policy at the unionized MEPS. Copies of any Union bargaining requests that might be forthcoming will be forwarded by the MEPS to their servicing CPAC for action, and an information copy provided to the J-1/MEHR-CP Labor Relations Representatives.

## Chapter 8 Leave and Excused Absence Program

### 8-1. Purpose

The purpose of this chapter is to provide guidance for the implementation and administration of the USMEPCOM Leave and Excused Absence Program as described herein. 5 U.S.C. Chapter 63. The Office of Personnel Management (OPM) in its 5 CFR Part 630, and on-line guidance established the overarching policies governing USMEPCOMs Leave Programs. (Applicable 5 U.S.C. Statute Sections are referenced in the aforementioned individual OPM 5 CFR.)

### 8-2. Assistance

Servicing CPACs and the J-1/MEHR-CP may provide technical advice and assistance in the administration of the following Leave and Excused Absence Program, as requested. Most features of the USMEPCOM Leave Programs, which are based on underlying OPM guidance, are found in Federal Government and DOD-wide and are basically generic in nature.

### 8-3. Applicability

The above mentioned programs apply to all full-time and part-time USMEPCOM civilian employees, as appropriate.

### 8-4. Annual Leave

a. An employee may use annual leave for vacations, rest and relaxation, and personal business or emergencies. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken. An employee will receive a lump-sum payment for accumulated and accrued annual leave when he or she separates from Federal service or enters on active duty in the Armed Forces and elects to receive a lump-sum payment.

b. Annual Leave Accrual rate:

| <b>Employee Type</b>     | <b><i>Less than 3 years of service*</i></b>  | <b><i>3 years but less than 15 years of service*</i></b>   | <b><i>15 or more years of service*</i></b>   |
|--------------------------|--|--|--|
| Full-time employees      | ½ day (4 hours) for each pay period  | ¾ day (6 hours) for each pay period, except 1¼ day (10 hours) in last pay period                                     | 1 day (8 hours) for each pay period  |
| Part-time employees**    | 1 hour of annual leave for each 20 hours in a pay status   | 1 hour of annual leave for each 13 hours in a pay status   | 1 hour of annual leave for each 10 hours in a pay status   |
| Uncommon tours of duty** | (4 hours) <b>times</b> (average # of hours per biweekly pay period) <b>divided by</b> 80 = biweekly accrual rate.*** | (6 hours) <b>times</b> (average # of hours per biweekly pay period) <b>divided by</b> 80 = biweekly accrual rate.*** | (8 hours) <b>times</b> (average # of hours per biweekly pay period) <b>divided by</b> 80 = biweekly accrual rate.*** |

\* See 8-4. c. Credible Service for Leave Accrual

\*\* Leave is prorated for part-time employees and employees on uncommon tours of duty.

\*\*\* In computing leave accrual for uncommon tours of duty, the accrual rate for the last full pay period in a calendar year must be adjusted to ensure the correct amount of leave is accrued.

c. **Creditable Service for Leave Accrual - Civilian Service.** All civilian service that is *potentially* creditable for Civil Service Retirement Service (CSRS) purposes, including service covered by the Federal Employee Retirement Service (FERS) is also creditable for annual leave accrual. Potentially creditable service includes service that *could* be credited if the employee made deposits to the retirement fund. Such deposits are *not required* before the employee gets credit for annual leave accrual purposes.

d. **Creditable Service - Uniformed Service.** For non-retired members, full credit for uniformed service (including active duty and active duty for training) performed under honorable conditions is given for annual leave accrual purposes.

- For retirees, annual leave accrual credit is given only for:

- Actual service during a war declared by Congress (includes World War II covering the period December 7, 1941, to April 28, 1952) or while participating in a campaign or expedition for which a campaign badge is authorized. (See [Vet Guide – Appendix A: Wars, Campaigns and Expeditions of the Armed Forces Since WWII Which Qualify for Veterans Preference](#) on the OPM website at: <http://ww.opm.gov/staffingportal/vetguide.asp>.)

**or**

- All active duty when retirement was based on a disability received as a direct result of armed conflict or caused by an instrumentality of war and incurred in the line of duty during a period of war as defined in 38 U.S.C. 101(11). “Period of war” includes World War II, the Korean conflict, Vietnam era, the Persian Gulf War, or the period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of the Congress.

e. **Creditable Service - Non-Federal Service or Uniformed Service.** A newly appointed or reappointed employee may receive service credit for prior non-Federal service or active duty uniformed service that otherwise would not be creditable for the purpose of determining his or her annual leave accrual under the conditions prescribed in 5 CFR 630.205. See [Creditable Service for Annual Leave Accrual for Non-Federal Work Experience and Experience in the Uniformed Service](#) on the OPM website at <http://www.opm.gov/oca/leave/HTML/CreditableService-forAnnualLeaveAccrual.asp>.

f. **Advanced Annual Leave.** Supervisors may grant advance annual leave consistent with agency policy. The amount of annual leave that may be advanced is limited to the amount of annual leave an employee would accrue in the remainder of the leave year. Employees do not have an entitlement to advance annual leave. In most cases, when an employee who is indebted for advance annual leave separates from Federal service, he or she is required to refund the amount of advance leave for which he or she is indebted.

## g. Annual Leave Ceilings

| <b>Table 8-2. Annual Leave Ceilings</b>   |         |
|---|---------|
| <b>Maximum Annual Leave that May Be Carried Over into the New Leave Year</b>                    |         |
| Federal Employees Stationed within the United States  | 30 days |
| Federal Employees Stationed Overseas  | 45 days |
| Members of the Senior Executive Service, Senior-Level and Scientific and Professional Employees | 90 days |

h. Any accrued annual leave in excess of the maximum allowed by law, will normally be forfeited at the end of a leave year. Forfeited annual leave may potentially be restored if it is lost based on an “exigency involving the completing of public business” (under 5 U.S.C. 6304(d), administrative error, or an intervening medical condition. Due to the importance of this issue, an annual message will be sent out by J-1/MEHR with specific detailed information and J-1/MEHR-CP POC to contact for further assistance and guidance.

**8-5. Absence in connection with serving as a bone-marrow or organ donor.**

a. Title 5 U.S.C. 6327 (reference (c)) authorizes up to 7 days of paid leave for employees who become bone-marrow donors and up to 30 days of paid leave for employees who become organ donors.

b. The authorized days of paid leave shall be converted to hours (i.e., 56 hours for an employee working 80 hours in a biweekly pay period and serving as a bone-marrow donor or 240 hours for an employee working 80 hours in a biweekly pay period and serving as an organ donor). The minimum charge for this type of paid leave is the same minimum charge that applies to sick leave. The “directly proportional rule” applies to an employee whose leave is administered on other than an 80-hour biweekly pay period (e.g., the 56 hours converts to 84 hours for bone marrow donations and the 240 hours converts to 360 hours for organ donations when an employee is on a 120-hour tour of duty).

**8-6. Court leave**

a. An employee is entitled to paid time off without a charge to leave for service as a juror or witness. An employee is responsible for informing his or her supervisor of the situation and for providing valid documentation of the matter.

b. An employee who is legitimately summoned to serve in an official judicial proceeding is entitled to the granting of “court leave,” in appropriate amounts. If a subsequent “break” in the proceedings occurs (that reasonably allows for it), the employee will return to duty or request an appropriate personal leave status.

c. An employee who is summoned as a witness in a judicial proceeding in which the Federal, State, or local government is a party is also entitled to “court leave.” Again, if a subsequent “break” in the proceeding occurs (that reasonably allows for it), the employee will return to duty or request an appropriate personal leave status.

**8-7. Excused absence**

a. Excused absence refers to an authorized absence from duty without loss of pay and without charge to other paid leave. They also result in a loss of productive work by the employee during this time period.

b. Periods of excused absence are considered part of an employee's basic workday even though the employee does not perform his or her regular duties (e.g., an employee who performed duty for 36 hours and was granted 4 hours of excused absence would be paid for 40-hours even though the employee only performed 36 hours of regular duty). Consequently, the authority to grant excused absence must be used sparingly.

**8-8. Comptroller general decisions**

a. Comptroller General decisions generally limit agency and thus, management “discretion” to grant excused absences to employees to situations involving brief absences.

b. Where absences are for other than brief periods of time, a grant of excused absence is not appropriate unless the absence is in connection with furthering a function of the DOD.

**8-9. Common situations in which excused absence can be granted:**

a. Voting. Excused absence may be granted to permit an employee to report to work 3 hours after the polls open or leave work 3 hours before the polls close, whichever involves less time away from work. For example, if polls are open 6:30 a.m. to 6:30 p.m., an employee with duty hours of 9:00 a.m. to 5:30 p.m. may report to work at 9:30 a.m. The 30 minutes of excused absence would permit the employee to report to work 3 hours after the polls open.

b. Blood donations. Employees who donate blood may be granted excused absence to cover travel to and from the donation site, the actual donation of blood, and recovery. This provision does not cover an employee who gives blood for his or her own use or receives compensation for giving blood. USMEPCOM employees, when the blood mobile is at the workplace, will normally return to duty after donating blood. Exception is when an employee becomes ill or otherwise incapacitated and requests additional time off in an excused absence status. Such decisions will be made by supervisory personnel, on a case-by-case-basis.

c. Permanent Change of Duty Station (PCS). Employees authorized PCS within DOD may be granted excused absence before departing the old duty station and following arrival at the new duty station to accomplish personal tasks resulting from the move (e.g., to close or open personal bank accounts; obtain State driver's license or car tags). In similar situations, employees coming to DOD from other Federal Agencies may also be granted excused absence after the employee is placed on DODs employment roll. This provision does not cover time involved in complying with PCS requirements such as obtaining passport and vaccinations, adhering to Government housing authority requirements, or being present for packing and receiving of household goods. Accomplishing tasks that are conditional to the PCS is considered to be an official duty.

d. Employment Interview. Employees under notice of separation or change to lower grade for any reason except personal cause may be granted excused absence for job searches and interviews. Employees competing for positions within DOD may also be granted excused absence for merit placement interviews. This provision does not cover travel time to job searches and interviews outside the commuting area.

e. **Counseling.** Excused absence may be granted to permit an employee to attend the initial counseling session (e.g., drug, alcohol, financial) resulting from a referral under the employee assistance program. This provision does not cover the official duty status of an employee is in during the initial referral to the employee assistance program.

f. **Certification.** An employee may be granted excused absence to take an examination (e.g., certified public accountant examination) in his or her functional area if securing the certification or license would enhance the employee's professional stature, thereby benefiting DOD. This provision does not cover time spent preparing for such examinations.

g. **Volunteer Activities.** Excused absence may be granted to employees participating in management-sponsored volunteer projects (e.g., adopt a school). This provision does not cover volunteerism in general. Such activity should be promoted through established leave programs and the flexibility offered through alternative work schedules.

h. **Emergency Situations.** Excused absence may be granted to employees to assist in emergency situations. This provision does not cover employees who respond to emergencies in National Guard/Reserve status.

i. **Physical Examination for Enlistment or Induction.** Excused absence may be granted to an employee to undergo medical examinations required by appropriate military authorities for enlistment or induction into the United States Armed Forces. This provision does not cover travel time outside the commuting area or situations in which the employee receives military compensation; can use military leave; or undergoes additional tests, examinations, treatments for conditions discovered or suspected as a result of the examinations.

j. **Congressional Medal of Honor Holders.** Invited Congressional Medal of Honor holders may be granted excused absence to attend or participate in events such as inauguration of the President of the United States; Congressional Medal of Honor Society conventions; and services on Memorial Day or Veterans Day.

k. **Funerals.** Excused absence may be granted to employees to attend funerals under the conditions established in 5 U.S.C. 6321 (reference (c)). This provision does not cover situations in which funeral leave is granted under 5 U.S.C. 6326 (reference (c)), and 5 CFR 630.801 (reference (b)), or the official duty status of an employee in connection with funerals of fellow Federal law enforcement officers or Federal firefighters under 5 U.S.C. 6327 (reference (c)).

#### **8-10. Sick leave**

a. An employee may use sick leave for-

(1) personal medical needs (additional information may be found on the OPM website at <http://www.opm.gov/oca/leave/html/perssklv.asp>);

(2) care of a family member (additional information may be found on the OPM website at <http://www.opm.gov/oca/leave/html/sickfam.asp>);

(3) care of a family member with a serious health condition (additional information may be found on the OPM website at <http://www.opm.gov/oca/leave/html/12week.asp>); and

(4) adoption related purposes (additional information may be found on the OPM website at <http://www.opm.gov/oca/leave/html/skadpt.asp>).

b. Sick leave accrual rate

| <b>Table 8-3. Sick Leave Accrual Rate</b>  |  |
|--|--|
| <b>Sick Leave Accrual</b>  |  |
| <b>Full-time Employees</b>   | 1/2 day (4 hours) for each biweekly pay period |
| <b>Part-time Employees</b>   | 1 hour for each 20 hours in a pay status       |
| There are no limits on the amount of sick leave that can be accumulated. Unused sick leave accumulated by employees covered by the Civil Service Retirement System will be used in the calculation of their annuities. |  |

c. Requesting Sick Leave. An employee must request sick leave within such time limits as the agency may require. An agency may require employees to request advance approval for sick leave for their own or a family member's medical, dental, or optical examination or treatment.

d. Granting Sick Leave. An agency may grant sick leave only when supported by evidence administratively acceptable by the agency. For absences in excess of 3 days, or for a lesser period when determined necessary by the agency, an agency may require a medical certificate or other administratively acceptable evidence.

e. Advance Sick Leave. At the discretion of the agency, a maximum of 30 days of sick leave may be advanced to an employee with a medical emergency for purposes related to the adoption of a child, for family care or bereavement purposes, or to care for a family member with a serious health condition.

### **8-11. Leave without pay**

Leave without pay (LWOP) is a temporary non-pay status and absence from duty that, in most cases, is granted at the employee's request. In most instances, granting LWOP is a matter of supervisory discretion but should be used sparingly and only as the need arises. Such determinations will be made by supervisory personnel on a case-by-case basis. Employees, however, have an entitlement to LWOP in the following situations:

a. The Family and Medical Leave Act of 1993 (Public Law 103-3, February 5, 1993) provides covered employees with an entitlement to a total of up to 12 weeks of unpaid leave (LWOP) during any 12-month period for certain family and medical needs. Additional information is available on the OPM website at <http://www.opm.gov/oca/leave/HTML/FMLAFACT.HTM>. (Also, see 5 CFR part 630, subpart L.)

b. The Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353) provides employees with an entitlement to LWOP when employment with an employer is interrupted by a period of service in the uniformed service. (See 5 CFR 353.106.)

[TOC](#)

c. Executive Order 5396, July 17, 1930, provides that disabled veterans are entitled to LWOP for necessary medical treatment.

d. Employees may not be in a pay status while receiving workers' compensation payments from the Department of Labor.

e. Employees should be aware that extended LWOP may affect their entitlement to or eligibility for certain Federal benefits.

## **Chapter 9**

### **Premium Pay and Compensatory Time**

#### **9-1. Purpose**

The purpose of this chapter is to provide guidance for the implementation and administration of the USMEPCOM Premium Pay Program and Compensatory Time as described herein. The Office of Personnel Management (OPM) in its 5 CFR Parts 550 and 551 (Fair Labor Standards Act (FLSA)), established the overarching policy governing the USMEPCOMs Premium Pay and Leave Programs. (Applicable 5 U.S.C. Statute Sections are referenced in the aforementioned individual OPM 5 CFRs.)

#### **9-2. Assistance**

Servicing CPACs and the J-1/MEHR-CP may provide technical advice and assistance in the administration of the following Premium Pay Program and Compensatory Time, as requested. Most features of the USMEPCOM Program, which is based on underlying OPM guidance, are found in Federal Government and DOD wide and are basically generic in nature.

#### **9-3. Applicability**

This above-mentioned program applies to all full-time and part-time USMEPCOM civilian employees, as appropriate.

#### **9-4. Approval of overtime**

a. Authority to approve overtime within the Sectors and at HQ USMEPCOM is delegated in writing to the Sector Commanders, Directors, and Special Staff Officers.

b. Sector Commanders may delegate the authority to approve overtime work to their MEPS Commanders. In the absence of the MEPS Commander, with the prior concurrence of the Sector Commander, the next senior officer present (as the acting MEPS Commander) may also approve the overtime work. The Sector Commander must delegate this specific authority in writing. All of the commanders involved must file a copy of the written designation in their retrievable files for potential audit purposes.

c. Directors may designate subordinate supervisors within their directorates to perform this function in their absence. This specific authority must be delegated in writing. All personnel so authorized must file a copy of the written designation in their retrievable files for potential audit purposes.

d. Individual subordinate supervisors, as necessary, will request prior approval of necessary and valid overtime work from the individual in their chain of command who has been delegated as the approving authority for it. Overtime will be requested and approved via ATAAPS. The use of a comprehensive memorandum format or USMEPCOM Form 690-13-1-R-E (Overtime Request and Authorization), at the approving authority's option (the form or the memorandum are subject to the same retention period, see 9-12 j.) may be used as supporting/justification document for the authorized approving authority and will not replace the use of ATAAPS.

e. The budget and accounting technician/analyst, or person responsible for overtime fund control will monitor and certify the availability of funds for overtime.

[TOC](#)

f. A supervisor will subsequently validate that the overtime authorized has actually been worked. A supervisor who was not available, at the time, to observe the overtime work being performed will still verify that the duties have actually been completed. One possible example/situation would be a subsequent review of the work that the involved employee had completed during the aforementioned overtime period. Other ways of verifying the situation will be left to the discretion of the supervisor involved. However, all methods will be subject to potential USMEPCOM IG audit should a reasonable need to do so arise. If the requesting supervisor has the authority, he/she will certify the employee's ATAAPS timecard reflecting this situation. If the supervisor does not have the authority to do this, he/she will either provide an explanatory memorandum to the actual approving authority, or complete and submit an optional USMEPCOM Form 690-13-1-R-E in lieu of, at the approving authority's option, documenting the situation. If a lesser or greater amount of overtime was worked, this will also be noted on the submitted Memorandum for Record (MFR) or corrected form.

#### **9-5. Requirements for overtime and other premium pay**

a. Commanders, Directors, Special Staff Officers and civilian employees must recognize that military and civilian managers and supervisors have the legal right to direct the accomplishment of appropriate and necessary overtime (as well as other premium pay situations). Except in emergent situations, military and civilian supervisory personnel will promptly inform involved employees of the need to perform the required overtime.

b. Overtime will be administered in a fair and equitable manner. Some options would be: asking for volunteers, use of an overtime roster which could be based on seniority, or reverse seniority (if overtime is not perceived as a desirable situation), or some other locally devised option.

c. In a unionized MEPS, the provisions of an existing Collective Bargaining Agreement or an Interim Agreement concerning the assignment of Bargaining Unit Employee overtime work will be adhered to. In a unionized MEPS with neither of these two documents in existence "past practice" on the assignment of overtime work will continue to be followed.

#### **9-6. Overtime**

a. Overtime pay provided under Title 5, U.S.C, is pay for hours of work officially ordered or approved in excess of 8 hours in a day or 40 hours in an administrative workweek. See 5 U.S.C. 5542, 5 U.S.C. 5547, and 5 CFR 550.101-113.

b. The Fair Labor Standards Act (FLSA) exempt employees, as defined in 5 U.S.C. 5541(2), who work full-time, part-time, or intermittent tours of duty are eligible for title 5 overtime pay. Employees in senior-level (SL) and scientific or professional (ST) positions who are paid under 5 U.S.C. 5376 are not excluded from the definition of "employee" in 5 U.S.C. 5541(2). Therefore, employees in SL and ST positions are covered by the premium pay provisions in subchapter V of chapter 55 of Title 5, U.S.C. (e.g., overtime pay provisions in 5 U.S.C. 5542, and the biweekly and annual premium pay limitations in 5 U.S.C. 5547).

c. For overtime pay purposes, *rate of basic pay* means the rate of pay fixed by law or administrative action for the position held by an employee including any applicable locality payment or special rate supplement. (See definition in 5 CFR 550.103.)

[TOC](#)

d. Overtime hourly rate. For employees with rates of basic pay equal to or less than the rate of basic pay for GS-10, step 1, the overtime hourly rate is the employee's hourly rate of basic pay multiplied by 1.5. **Note:** Section 1221 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-126) amended the overtime pay cap provisions that apply to employees covered by 5 U.S.C. 5542(a)(2). The new overtime pay cap became effective on November 24, 2003. Under the amended 5 U.S.C. 5542(a)(2), for employees with rates of basic pay greater than the basic pay for GS-10, step 1, the overtime hourly rate is the **greater** of –

- (1) the hourly rate of basic pay for GS-10, step 1, multiplied by 1.5, or
- (2) the employee's hourly rate of basic pay.

e. The hourly rate overtime pay limitations in 9-4.d., above, do not apply to prevailing rate (wage) employees, or to FLSA overtime pay.

f. Limitations. There is a biweekly pay limitation that limits the amount of premium pay that can be paid during a biweekly pay period. Under 5 U.S.C. 5547(a) and 5 CFR 550.105, premium pay cannot be paid to General Schedule employees (including law enforcement officers and other covered employees) to the extent that doing so would cause an employee's basic pay, overtime pay, the dollar value of compensatory time off, night pay, annual premium pay, Sunday premium pay, and holiday premium pay to exceed the **greater** of the biweekly rate for—

- (1) GS-15, step 10 (including any applicable special salary rate or locality rate of pay),

or

- (2) Level V of the Executive Schedule.

g. Exception: For employees performing emergency work (as determined by the agency head or OPM), or mission-critical work (as determined by the agency head), premium pay cannot be paid which causes the total of basic pay and premium pay to exceed the **greater** of the **annual** rate for—

- (1) GS-15, step 10 (including any applicable special salary rate or locality rate of pay);

or

- (2) level V of the Executive Schedule.

h. The "limitations" in 9-4.f. & g. do not apply to wage employees or to FLSA overtime pay.

i. The following types of premium pay remain subject to a biweekly limitation when other premium payments are subject to an annual limitation:

- (1) Standby duty pay under 5 U.S.C. 5545(c)(1);
- (2) Administratively uncontrollable overtime pay under 5 U.S.C. 5545(c)(2)

j. The biweekly pay limitation in 5 U.S.C. 5547 is also a ceiling on compensatory time off. Compensatory time off is merely an alternative form of payment for overtime work. As such, the value of an hour of compensatory time off is equal to the overtime hourly rate that is payable in dollars. Thus, the

[TOC](#)

number of hours for which an employee may receive monetary overtime pay is also the number of hours of compensatory time off that may be credited in a pay period.

k. An employee may not exceed the biweekly pay limitation by choosing compensatory time off as a substitute for monetary overtime pay.

l. In the rare event that an emergent situation occurs and an employee must be called back to a MEPS or HQ Office, after duty hours, the minimum “call-back” overtime entitlement is 2 work hours. (See 5 CFR 550.112 (h).)

m. At USMEPCOM, the minimum increment/charge for overtime will be a quarter hour (15 minutes). In order to arrive at an individual 15 minute overtime increment (per applicable Comptroller General case law), 8 minutes and above will be rounded upwards to provide a full 15 minute increment. Conversely, 7 minutes and below will not be rounded upwards to achieve this end. Use of this time keeping method should, on an overall basis, provide an involved employee with fair credit for the overtime that they have worked.

n. All periods of “regular overtime work,” such as MEPS “prescheduled” Saturday “openings” must be paid. In accordance with OPM guidance, such “regular” overtime basically means that work which was scheduled by the end of the preceding administrative work week. Conversely, “compensatory time” is for use, again per OPM, only with “irregular, and occasional,” overtime, (see paragraph 9-11 below).

## 9-7. Overtime and AWS programs

### a. FWS Program criteria:

(1) For employees under a FWS Program, overtime hours are all hours of work in excess of 8 hours in a day, or 40 hours in a week which are officially ordered in advance by appropriate supervisory personnel. (See 5 U.S.C. 6121(6).) This same requirement of overtime being officially ordered in advance also applies to nonexempt employees under FLSA. (See 5 CFR 551.501(6).)

(2) Nonexempt employees on FWS may not earn overtime pay based on the concept of “suffer and permit” work hours under FLSA because the “definition” of overtime in the two references in “9-7.a. (1)” do not provide for it. However, be advised this situation does not mean that this “concept” is to be ignored. USMEPCOM FLSA nonexempt employees *will continue to not be* “expected” nor allowed to work per the aforementioned FLSA criteria.

(3) An employee who is covered by flexitour may be ordered by management to work hours that are in excess of the number of hours that the employee planned to work on a specific day. As an example, an employee on flexitour submits the following schedule for a subsequent week to the supervisor for approval:

10 hours on Monday (8 + 2 credit hours)  
 10 hours on Tuesday (8 + 2 credit hours)  
 6 hours on Wednesday (6 + use 2 credit hours)  
 8 hours on Thursday  
 6 hours on Friday (6 + use 2 credit hours)

(a) On Wednesday, the supervisor decides the employee is needed for 2 additional hours on Friday and directs the employee to work the additional time. Although this is work officially ordered in advance, it is not in excess of 8 hours in a day or 40 hours in a week and is not necessarily overtime.

(b) In this situation, the employee may work out the balance of the schedule on Friday as directed and maintain the 2 credit hours or work out the balance of the schedule as directed planned and receive overtime pay for 2 hours (work hours 41 and 42 for the week).

(c) Supervisors will ensure that employees do not lose credit hours (a maximum of 24 credit hours may be carried over to a new biweekly pay period), based on additional overtime requirements.

b. CWS program criteria

(1) With respect to CWS programs, overtime hours refer to any work hours in excess of those specified for full-time employees that constitute the compressed work schedule.

(2) For part-time employees overtime hours are those work hours in excess of the work schedule for a day (but must be more than 8 work hours) or for a week (but must be of more than 40 work hours). Unless the designated situations exist, part-time employees will only receive their basic pay for the additional work hours.

### 9-8. Night pay for standard and AWSs

a. Night pay differential (10%) is an additional premium pay which is authorized for those employees who perform regularly scheduled night work which falls between the hours of 6 p.m. and 6 a.m., as part of their “*regularly scheduled*” standard administrative workweeks or approved AWS. As an example, this situation would apply to an employee whose work shift normally runs from 5 a.m. to 1:30 p.m. (including a 30-minute non-compensable lunch period falling near the midpoint of the work shift), on a daily and prescheduled basis.

b. “Regularly scheduled” work: In this application, the term normally refers to work which has been scheduled *prior* to the end of a preceding administrative workweek. However, per OPM guidance night pay differential is also appropriately paid for work that occurs when an employee is “temporarily assigned” *during* an administrative work week to a different daily tour of duty that subsequently falls between 6 p.m. and 6 a.m. As an example, this situation would apply to an employee whose previously established work schedule of 8 a.m. to 4:30 p.m. for the following Thursday is changed to 5 a.m. to 1:30 p.m. on the preceding Monday of the same workweek. This would provide for the appropriate payment of night pay for the work time falling between 5:00 a.m. to 6:00 a.m.

c. Night pay differential *would not apply* in situations where a last minute/emergent circumstance required an employee to stay on the job for an extended period of time, in order to complete an additional work project on the same work day. Instead, this situation would only entitle an involved employee to receive the payment of “irregular or occasional” overtime pay (or, as appropriate, compensatory time, see paragraph 9-11) for those hours worked that fell beyond and in addition to his or her normal 8-hour workday. This would hold true even if he or she was also required to remain at work past 6:00 p.m. to complete the project or report.

d. Employees with work schedules which include regularly scheduled work hours occurring between the hours of 6 p.m. and 6 a.m., will receive both their basic pay and the payment of night pay differential

for those hours. Additionally (and for information purposes), night pay differential is computed as a percentage of the employee's rate of basic pay (including any applicable locality payment or special rate supplement also being paid). It is paid in addition to any overtime, Sunday or holiday premium pay which might also be due. As an example, this situation would apply to an employee whose normal daily work shift runs from 12 a.m. to 7:30 p.m. (including a 30-minute non-compensable lunch period). If employee continued to work until 9:30 p.m. for the day (i.e., performed 2 hours of overtime as was scheduled prior to the beginning of their current administrative work week), he or she would properly be paid both types of premium pay, i.e., night differential and overtime pay for the required additional 2 hours of duty.

e. However, employees are not entitled to night pay differential for *voluntarily* working an 8 or more hours, AWS with duty hours that fall between 6 p.m. and 6 a.m. This includes while earning credit hours which are also granted per a participating employee's "request." However, if because of an operational need (such as the absence of an employee "night tester"), an employee's AWS must be temporarily changed to encompass the aforementioned night hours (and notification is made not later than the preceding work day), the payment of night pay would be appropriate.

f. If an emergent work situation were to arise whereby an employee on an AWS must have their work day extended into night hours on the same workday they would not receive night pay differential.

g. An employee on an FWS is entitled (which would appear unlikely at USMEPCOM) to receive night pay for any non-overtime work performed between 6:00 p.m. and 6:00 a.m. during designated "core hours."

h. Employees regularly scheduled to receive night pay differential would continue to receive it when excused from night work on a holiday or other non-workday, and for night hours of his or her tour of duty while on official travel status.

i. An employee is entitled to night pay differential for a period of paid leave only when the total amount of paid leave in a pay period, including both night and day hours, is less than 8 hours.

### **9-9. Holiday premium pay for standard and AWSs**

a. For each hour of holiday work, employees receive holiday premium pay. Holiday premium pay is equal to an employee's rate of basic pay. Employees who are required to work on a holiday receive their rate of basic pay, plus holiday premium pay, for each hour of holiday work.

b. Employees who are required to perform any work during basic (non-overtime) holiday hours are entitled to a minimum of 2 hours of holiday premium pay.

c. Standard (40-Hour/5-Day Week) Work Schedules. Employees are entitled to holiday premium pay if they are required to work on a holiday during their regularly scheduled non-overtime basic tours of duty, not to exceed 8 hours.

d. Flexible Work Schedules (FWS). Employees under FWS are entitled to holiday premium pay if they are required to work during the hours of their "basic work requirement" (i.e., non-overtime hours) on that day, not to exceed 8 hours.

e. In the event the President issues an Executive order granting a "half-day" holiday, part-time employees on a *flexible* work schedule are entitled to holiday premium pay if they are required to work during the last half of their "basic work requirement" (i.e., non-overtime hours) on that day, not to exceed 4 hours.

[TOC](#)

f. Compressed Work Schedules. Employees under CWSs are entitled to holiday premium pay if they are required to work during their “basic work requirement” on that day. The number of hours of holiday premium pay may not exceed the hours in an employee's compressed work schedule for that day (e.g., 8, 9, or 10 non-overtime hours).

g. In the event the President issues an Executive order granting a “half-day” holiday, part-time employees on a *compressed* work schedule are entitled to holiday premium pay if they are required to work during the last half of their “basic work requirement” (i.e., non-overtime hours) on that day.

h. Part-time employees do not receive holiday premium pay for working on an “in lieu of” holiday for full-time employees.

### **9-10. Sunday premium pay for standard and AWSs**

a. An employee is entitled to 25 percent of his or her basic pay for work performed during a regularly scheduled basic 8-hour tour of duty that begins or ends on a Sunday. For this purpose, Sunday work consists of only that non-overtime work performed during an employee's regularly scheduled basic tour of duty (not to exceed 8 hours) that begins or ends on a Sunday.

b. An employee under a FWS is entitled to Sunday premium pay (25%) for up to 8 hours of his or her basic work requirement based on electing to work flexible hours during a basic tour of duty that begins or ends on Sunday. However, an activity may preclude employees from working flexible hours during a basic tour of duty that begins or ends on Sunday. Employees may not earn Sunday premium pay when they earn or use credit hours.

c. Notwithstanding the normal 8-hour limit for an employee on a CWS, all non-overtime hours in the employee's regularly scheduled daily tour of duty beginning or ending on a Sunday constitutes Sunday work. Sunday premium pay is, again, equal to 25 percent of an employee's rate of basic pay.

### **9-11. Compensatory time**

a. Compensatory time off is:

(1) Time off with pay in lieu of overtime pay for irregular or occasional overtime work,

**or**

(2) Under an agency flexible work schedule programs, time off with pay in lieu of overtime pay for regularly scheduled or irregular or occasional overtime work.

b. Employee coverage:

(1) Compensatory time off may be approved, in lieu of overtime pay for irregular or occasional overtime work for both FLSA exempt and nonexempt employees.

(2) Compensatory time off may be approved, at an employee's request (i.e., not required) in lieu of regularly scheduled overtime work only for employees who are ordered to work overtime hours under FWSs. See 5 U.S.C. 6123(a)(1).

c. Requiring the use of compensatory time:

(1) Supervisors authorized to direct the use of overtime may also require that a FLSA exempt employee receive compensatory time off in lieu of overtime pay for irregular or occasional overtime work, but only for a FLSA exempt employee whose rate of basic pay is above the rate for GS-10, step 10.

(2) No mandatory compensatory time off is permitted for nonexempt employees in lieu of FLSA overtime pay.

d. Time limits for subsequent use of compensatory time:

(1) FLSA exempt employees:

(a) A FLSA-exempt employee will make every reasonable effort to schedule and use accrued compensatory time off by the end of the 26th pay period after the pay period during which it was earned.

(b) A FLSA exempt employee who, (1) is unable to schedule and use earned compensatory time off within 26 pay periods, or (2) transfers to another agency or separates from Federal service before the expiration of the 26 pay period time limit will receive payment for the unused compensatory time at the overtime rate in effect when earned.

(2) FLSA nonexempt employees:

(a) A FLSA-nonexempt employee will make every reasonable effort to schedule and use accrued compensatory time off by the end of the 26th pay period after the pay period during which it was earned.

(b) If accrued compensatory time off is not used by a FLSA-nonexempt employee within 26 pay periods or if the FLSA-nonexempt employee transfers to another agency or separates from Federal service before the expiration of the 26th pay period time limit, the employee must be paid for the earned compensatory time off at the overtime rate in effect when earned.

e. A FLSA-exempt or nonexempt employee must be paid for compensatory time off not used by the end of the 26th pay period after the pay period during which it was earned at the overtime rate in effect when earned if the employee is unable to use the compensatory time off because of separation or placement in a leave without pay status (1) to perform service in the uniformed services, or (2) because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C. chapter 81.

f. One (1) hour of compensatory time off is granted for each hour of overtime worked.

g. Supervisors who authorize an employee the use of compensatory time in lieu of the initial payment of overtime (or when appropriate, require its use) must continually monitor these employees work/leave situations, so they may assist them with the timely scheduling and subsequent use of their employee's earned compensatory time. The actual payment of overtime for unused compensatory time should be a rare occurrence rather than a standard operating procedure.

h. Supervisors will not approve employee requests for the use of compensatory time nor require it (as appropriate, see 9-10.c.) just to avoid the necessity of properly requesting the use of overtime when it is called for. In addition, supervisors in either of these situations must have a plan of when it may be voluntarily taken/use by the involved employees prior to authorizing it or requiring its acceptance.

**9-12. Completion of USMEPCOM Form 690-13-1-R-E**

a. If USMEPCOM Form 690-13-1-R-E is to be used as a supporting/justification document to request the use of overtime, compensatory time or holiday time in addition to ATAAPS, it must be prepared and submitted in advance in accordance with the local organizations time frame requirements to do so.

b. The amount of overtime initially requested by a supervisor on the form should be an “estimated” amount. The actual amount of overtime worked reflected on the final time and attendance/work report form given to the timekeeper may be less than requested, but, it may not exceed the initial approved amount unless the increase is authorized by the approving authority.

c. A separate form is required when requesting overtime, compensatory time or holiday pay. In block 7, Section II, enter the payroll Army Management Structure (AMS) and accounting processing code (APC) associated with the individual’s position.

d. Requesting supervisors may use one USMEPCOM Form 690-13-1-R-E to request overtime for multiple persons on the same day or one person on multiple days. However, the maximum period for the use of any one form is one 2 week pay period.

e. Vocal authority to execute overtime from a properly designated individual is acceptable. However, the necessity/explanation for the situation will be placed in the “justification” area in block 4. The information provided will also include the authorized approving authority and the date/time of the vocal order.

f. Justification for the overtime work will include a pertinent narrative description that explains the exact nature and estimated amount of work to be accomplished and why this must be done outside of normal duty hours. If the overtime is related to the completion of a specific work project, this information should be provided as well. If additional space is needed, beyond what is available in Section I, block 4, the back of the form may be used for this purpose.

g. An employee who desires to work compensatory time in lieu of the payment of overtime will inform their supervisor of the situation. The supervisor will complete USMEPCOM Form 690-13-1-R-E, Section I, block 3a, reflecting this situation. Upon this having occurred, the involved employee will initial, in black ink, the hours shown in the block. The supervisor will then submit the form via the same process as for an overtime situation.

h. In the very rare event that an employee is required to work on a holiday, he/she will receive holiday pay as set forth in paragraph 9-9. This amount will be entered on the USMEPCOM Form 690-13-1-R-E, in Section I, block 3c.

i. Timekeepers will file a copy of completed USMEPCOM Form(s) 690-13-1-R-E (or official overtime memorandums/Memorandum for Records (MFRs) used in lieu of) in employee’s time and attendance record, file number 1x3. They will be maintained for 6 years from the date of the event/use, and then may be destroyed by an appropriate means. The 6-year period meets the legal requirement to maintain financial pay records, in case an official dispute subsequent dispute/claim arises on the matter.

j. USMEPCOM Form(s) 690-13-1-R-E (or official memorandums/MFRs used in lieu of) is subject to USMEPCOM IG inspection/audit.

## **Chapter 10**

### **Travel Compensatory Time**

#### **10-1. Purpose**

The purpose of this chapter is to provide pertinent information concerning OPMs federal employee Travel Compensatory Time Program. The Office of Personnel Management (OPM) in its 5 CFR Part 550, Subpart N established the overarching policy and criteria governing the implementation of the Travel Compensatory Time Program. Legal citation: 5 U.S.C. 5550b.

#### **10-2. Assistance**

Servicing CPACs and the J-1/MEHR-CP may provide technical advice and assistance in the administration of the Travel Compensatory Time Program, as requested.

#### **10-3. Applicability**

This above mentioned program applies to all full-time and part-time USMEPCOM civilian employees while in an official travel status, as appropriate.

#### **10-4. Approval of travel compensatory time**

a. Authority to approve travel compensatory time within the Sectors and at HQ USMEPCOM is delegated to the Sector Commanders, Directors, and Special Staff Officers.

b. Sector Commanders may further delegate the authority to approve travel compensatory time to their MEPS Commanders. A MEPS Commander, in his/her absence, may further delegate this authority to an appropriate MEPS Official or may do so as they otherwise deem appropriate.

c. Directors may designate subordinate supervisors within their Directorates to perform this function in their absence or as they otherwise deem appropriate.

d. Individual subordinate supervisors (unless they have been granted such authority) will request prior approval of necessary and valid employee travel compensatory time from the individual in their chain of command who has been delegated approval authority for it.

e. An involved supervisor will subsequently verify that the employee claimed travel compensatory time occurred and is accurately depicted. Then, and if he/she has the authority, will certify the employees ATAAPS timecard reflecting this situation. If the supervisor does not have the authority to do this, he/she will contact the supervisor who does and ensure that the appropriate ATAAPS entry is made.

#### **10-5. Description of travel compensatory time**

Compensatory time off for travel 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.

#### **10-6. Employee coverage**

Compensatory time off for travel may be earned without regard to whether the employee is exempt from or covered by the overtime pay provisions of the Fair Labor Standards Act of 1938, as amended.

**10-7. Compensable time**

a. Compensatory time off for travel may only be earned for time in a travel status when such time is not otherwise “compensable”. Compensable refers to periods of time creditable as hours of work for the purpose of determining a specific pay entitlement.

b. However, in some specific cases, certain travel time may be creditable as hours of work under the overtime pay provisions in 5 CFR 550.112(g) or 551.422.

**10-8. Creditable travel for travel compensatory time**

a. To be creditable under this provision, travel must be officially authorized. In other words, travel must be for work purposes and must be approved by an authorized agency official or otherwise authorized under established agency policies.

b. For the purpose of compensatory time off for travel, time in a travel status includes:

- Time spent traveling between the official duty station and a temporary duty station;
- Time spent traveling between two temporary duty stations; and
- The “usual waiting time” preceding or interrupting such travel (e.g., waiting at an airport or train station prior to departure). The employing agency has the sole and exclusive discretion to determine what is creditable as “usual waiting time.” An “extended” waiting period, i.e., an unusually long wait during which the employee is free to rest, sleep, or otherwise use the time for his or her own purposes—is not considered time in a travel status.

**10-9. Deduction of normal commuting time**

a. Travel outside of regular working hours between an employee's home and a temporary duty station or transportation terminal outside the limits of his or her official duty station is considered creditable travel time. However, the agency must deduct the employee’s normal home-to-work/work-to-home commuting time from the creditable travel time.

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

c. 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.

**10-10. Crediting and use of accrued travel compensatory time**

a. At USMEPCOM, accrued compensatory time off for travel is credited and used in increments of a quarter hour (15 minutes).

b. Employees, with the assistance of their supervisors, should schedule their available accrued travel compensatory time so that they do not inadvertently lose it.

**10-11. Forfeiture of accrued travel compensatory time**

- a. Compensatory time off for travel is forfeited:
- Generally, if not used by the end of the 26th pay period after the pay period during which it was earned.
  - Upon voluntary transfer to another agency;
  - Upon movement to a non-covered position; or
  - Upon separation from the Federal Government.
- b. In some cases, as appropriate, and based on a situation involving an employee's return from military service; return from an injury covered by the OWCP program; or an "exigency of the service" beyond the employee's control, an additional 26 pay periods. If any of these situations occur, contact should be made with the servicing CPAC or J-1/MEHR-CP for further information.
- c. Under no circumstances may an employee receive payment for unused compensatory time off for travel.

**10-12. Travel compensatory time frequently asked questions (FAQs)**

For those supervisors or employees who may have questions on the application of travel compensatory time, some additional answers may be found on the OPM website at <http://www.opm.gov/oca/compmemo/2005/2005-03-att1.asp> under frequently asked questions (FAQs).

**10-13. Examples of compensatory time**

For those individuals who would like to review examples of employee travel compensatory time cases, several have been provided on the OPM website at <http://www.opm.gov/oca/compmemo/2005/2005-03-att2.asp>.

## **Chapter 11**

### **Voluntary Leave Transfer Program**

#### **11-1. Purpose**

The purpose of this chapter is to provide guidance for the implementation and administration of the USMEPCOM Voluntary Leave Transfer Program (VLTP). The Office of Personnel Management (OPM) in its 5 CFR Part 630-Absence and Leave, Subpart I, “Voluntary Leave Transfer Program,” established the overarching policy governing (Agency), the DOD and USMEPCOMs Voluntary Leave Transfer Programs as required by Public Law 100-566, “Federal Employees Leave Sharing Act of 1988” of October 31, 1988.

#### **11-2. Assistance**

Servicing CPACs and the J-1/MEHR-CP may provide technical advice and assistance in the administration of the USMEPCOM VLTP, as requested. Most features of the USMEPCOM Program, which is based on underlying OPM and DOD guidance, are found DOD wide and are basically generic in nature.

#### **11-3. Applicability**

This policy applies to all USMEPCOM civilian employees who either desire to request the use of donated accrued annual leave or desire to transfer unused accrued annual leave to an approved leave recipient.

#### **11-4. Background**

a. The USMEPCOM VLTP allows a USMEPCOM civilian employee who has a medical emergency to receive transferred annual leave directly from another USMEPCOM civilian employee or civilian employed by another agency (see 11-9. e.) to avoid being placed in a LWOP status. This will provide for an employee to continue to receive their normal pay while recuperating from a medical emergency. Only accrued annual leave may be donated. (USMEPCOM military members may not donate leave to a USMEPCOM civilian employee).

b. The transferred annual leave may be used either for the care of the employee or a qualifying family member.

#### **11-5. Family member defined**

a. Spouse and parents, thereof;

b. Children, including adopted children and spouses thereof;

c. Employee parents;

d. Brothers, sisters, and spouses, thereof; and;

e. Any individual related by blood or affinity, whose close relationship with the employee is the equivalent of a family relationship.

#### **11-6. Medical emergency**

A qualifying medical emergency means a medical condition of an employee or a family member of such employee that is likely to require an employee’s absence from duty for a prolonged period of time and so would result in a substantial loss of income to the employee because of the unavailability of paid leave.

**11-7. Application to become a leave recipient**

a. An employee must complete and submit a DD Form 2539 (Voluntary Leave Transfer Program Leave Recipient Application) in order to become a leave recipient.

b. If an employee is not capable of making application on his or her own behalf, a personal representative of the potential leave recipient may make written application on his or her behalf. Assistance from a servicing CPAC, and/or the J-1/MEHR-CP VLTP Representative may be requested.

c. Each application shall be accompanied by the following information concerning each potential leave recipient:

(1) The reasons transferred leave is needed, including a brief description the nature, severity, and anticipated duration of the medical emergency, and if it is a recurring one, the approximate frequency of the medical emergency affecting the potential leave recipient.

(2) Medical certification from a physician or other appropriate licensed medical expert, with respect to the medical emergency, acceptable to his or her supervisor, which validates the underlying medical situation. In the case of care for a family member, it must substantiate the need for an employee to be off in order to provide appropriate care for the ailing family member. Since medical emergencies may reoccur, legitimate additional requests for the use of transferred leave may be made. However, they will also need to be supported by medical documentation acceptable to the involved supervisor.

(3) Any additional information, and/or medical certification related to the medical emergency, that may be necessary to substantiate an employee's need to be off from work at the requested times.

**11-8. Approval of application to become a leave recipient**

a. Before approving an application to become a leave recipient, it shall be determined that the absence from duty without available paid leave because of the medical emergency is (or is expected to be) at least 24 hours in duration.

b. In making a determination as to whether a medical emergency is likely to result in a substantial loss of income, USMEPCOM shall not consider factors other than whether the absence from duty without available paid leave is (or is expected to be) at least 24 hours in duration.

c. An employee's completed request for the use of donated leave must receive approval from his or her first-level supervisor. Once this has occurred, the employee's supervisor will then submit the completed DD Form 2539 via their chain of command, to HQ USMEPCOM, J-1/MEHR-CP. Requests received will be evaluated for completeness and that they fully substantiate the employee's need to be absent from his or her duty station. The J-1/MEHR-CP VLTP Representative will forward/coordinate approved requests meeting the appropriate certification criteria to the appropriate J-8/MRM Civilian Pay Representative who will establish the necessary transferred annual leave account for the requestor with the Defense Finance and Accounting Service (DFAS) for approved recipients. Assistance from the servicing CPAC may be sought as necessary to ensure completion of the task.

d. Once the approval process has been accomplished and the account established, the J-1/MEHR-CP VLTP Representative will notify the employee's supervisor to insure the OPM requirement in e., directly below, may be completed.

e. If the application is adequate to support and validate the request, the leave recipient (or the personal representative who made application on behalf of the leave recipient) shall be so notified by his or her supervisor within 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) after the date the application was received. Additionally, other USMEPCOM civilian employees may request the transfer of their accrued annual leave to the account of the leave recipient. This information will also be provided to the servicing CPAC by the J-1/MEHR-CP VLTP Representative.

f. When the employee has been notified and the account has been established, the J-1/MEHR-CP VLTP Representative will prepare an e-mail to be sent to all USMEPCOM civilian employees which identifies the recipient and which also informs the other employees how they may transfer some amount of their unused accrued annual leave to the requestor.

g. If an application is not found to be adequate in J-1/MEHR-CP, the requesting employee's supervisor shall be notified of the matter and will be provided the reasons for the determination. The supervisor will then notify the employee (or the personal representative who made application on behalf of the potential leave recipient) of the situation within 10 calendar days (again, excluding Saturdays, Sundays, and legal public holidays) after the date that the application was received. The employee may then submit additional clarifying and supporting medical information to their supervisor should they so desire.

h. The involved supervisor and the J-1/MEHR-CP VLTP Representative will then consult on the matter. If subsequent approval is secured, the request will then be processed as set forth directly above.

#### **11-9. Transfer of annual leave**

a. As an inherent part of the VLTP but on a strictly voluntary basis, an employee may submit a written request that a specified number of his or her accrued annual leave be transferred from his or her annual leave account to the annual leave account of a specified leave recipient.

b. Employees who wish to donate annual leave may do so by submitting a DD Form 2538 (Voluntary Leave Transfer Program Leave Donor Application) to the J-1/MEHR-CP VLTP Representative who will review and evaluate it for technical correctness. Upon acceptance, the J-1/MEHR-CP Representative will forward request to the J-8/MRM POC for processing in DFAS. The J-1/MEHR-CP VLTP Representative will inform the CPAC of the situation and employee(s) involved. Assistance from servicing CPACs may be obtained as necessary.

c. An employee may not donate unused accrued annual leave to his or her immediate supervisor. This situation will be monitored and ensured by an employee's chain of command.

d. Annual leave transferred under this program may be substituted, retroactively, for period(s) of LWOP, or used to liquidate and indebtedness for advanced annual or sick leave granted as a result of the current medical emergency.

e. USMEPCOM shall accept the transfer of annual leave from leave donors employed by one or more other agencies when-

(1) A **family member** of a leave recipient is employed by another agency and requests the transfer of annual leave to the leave recipient;

[TOC](#)

(2) In the judgment of USMEPCOM, the amount of annual leave transferred from leave donors employed by USMEPCOM may not be sufficient to meet the needs of the leave recipient.

(3) USMEPCOM believes that the acceptance of the aforementioned family member annual leave will further the purpose of the VLTP.

(4) The employing agency of a family leave member who wishes to donate his or her accrued annual leave to a leave recipient in another agency shall verify the availability of annual leave in the prospective leave donor's account and determine that it does not exceed existing transfer program limitations.

#### **11-10. Accrual of annual and sick leave while in receipt of donated leave**

a. Except as otherwise provided by these requirements of the transferred leave program, while an employee is in a shared leave status, annual and sick leave shall accrue to the credit of the employee at the same rate as if the employee were in a normal paid leave status.

b. In that regard, the maximum amount of annual or sick leave that may be accrued by employee while in a share leave status in connection with any particular medical emergency may not exceed 40 hours.

c. The aforementioned accumulated annual and sick leave will be placed in separate leave accounts and made available for use by the employee:

(1) As of the beginning of the first pay period beginning on, or after the date on which the employee's medical emergency terminates; or;

(2) Once the employee has exhausted all transferred leave but before the medical emergency is terminated.

(3) If the medical emergency terminates because the employee separates from Federal service (i.e., resigns, retires, dies, or otherwise separates), no leave accrued during this period shall be credited to the employee.

d. Additional provisions pertaining to 11-10. b. and c., are found in 5 CFR 630.907.

#### **11-11. Limitations on donation of annual leave**

a. In any one leave year, a leave donor may donate (to one or more approved recipients), no more than a total of one-half of the amount of annual leave he, or she would be entitled to accrue during the leave year in which the donation is made.

b. In the case of a leave donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year (per 5 U.S.C. 6304(a)), the maximum amount of annual leave that may be donated during the leave year shall be the lesser of:

(1) One-half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the donation is made; or

[TOC](#)

(2) The number of hours remaining in the leave year (as of the date of the transfer) for which the leave donor is scheduled to work and receive pay.

c. In accordance with a determination by the Office of the Assistant Secretary Manpower and Reserve Affairs, in a Memorandum, subject: Army Civilian Voluntary Leave Transfer Program-Waiving the Limitation on Donating Annual Leave, dated March 23, 2006, the Commander USMEPCOM may “waive” limitations on donating annual leave under paragraphs (a) and (b) of 5 CFR 630.908. Employee “waiver” requests will be considered on a case-by-case basis as follows:

(1) The following is the criteria for granting a waiver:

(a) Waivers will only be granted when there are very compelling and/or exceptional circumstances;

(b) When the waiver is granted the donor must have at least sixteen (16) hours remaining after the proposed donation;

(c) Waivers will not be granted solely to avoid the forfeiture of annual leave.

(2) The following procedures must be followed when granting a waiver:

(a) Waiver requests must be submitted through the donor’s supervisor/chain-of-command. They must be in writing and must indicate the number of excess hours requested for donation.

(b) The intended leave recipient must be identified in the waiver request and must be an approved voluntary leave recipient.

(c) Upon receipt of the written request for waiver and with the assistance of J-1/MEHR-CP VLTP Representative, the donor’s supervisor will verify that the donor has sufficient leave to cover the proposed donation, and, will verify that the recipient is an approved voluntary leave recipient. Only unused accrued annual leave will be used for this purpose.

(d) Requests for such a waiver, reflecting the approval of the immediate supervisor, will be forwarded via the donor’s chain-of-command to the J-1/MEHR-CP VLTP Representative for review and evaluation. Those meeting the prescribed requirements will be presented to the USMEPCOM Commander or designee for consideration.

(3) The USMEPCOM Commander, or designee will:

(a) Approve the waiver request, in writing, and return it to the J-1/MEHR-CP VLTP Representative for processing.

(b) Disapprove the waiver request, in writing, and provide a reason(s) for its disapproval. It will then be returned to the J-1/MEHR-CP VLTP Representative who will consult with the employee’s supervisor. The supervisor will inform the employee of the outcome of the waiver request.

(c) Decisions, if made by the USMEPCOM Commander, will not be subject to further administrative internal review.

**11-12. Use of transferred annual leave**

a. A leave recipient may use annual leave transferred to his or her annual leave account only for the purpose of a medical emergency for which the leave recipient was approved. It may not be requested or used for bereavement situations.

b. During each biweekly pay period that a leave recipient is affected by a medical emergency, he or she shall use any accrued annual leave (and sick leave, if applicable), before using transferred annual leave.

c. Transferred annual leave may accumulate without regard to the regulatory limitation of a maximum of 30 days annual leave (for USMEPCOM employees).

d. Transferred annual leave may be substituted, retroactively, for any period of LWOP, or used to liquidate an indebtedness for any period of advanced leave that began on, or after the onset of the medical emergency.

e. Transferred annual leave may not be:

(1) Transferred to another leave recipient except as per paragraph 11-13.(3), below.

(2) Included in a lump-sum payment.

(3) Made available for re-credit upon reemployment by a Federal agency.

(4) Used for “bereavement” purposes.

**11-13. Termination of medical emergency**

a. The medical emergency affecting a leave recipient shall terminate:

(1) When the leave recipient’s Federal service is terminated in some manner.

(2) At the end of the biweekly pay period in which the USMEPCOM receives written notice from the leave recipient or from a personal representative of the leave recipient that the leave recipient is no longer affected by a medical emergency.

(3) At the end of the biweekly pay period in which the leave recipient’s supervisor determines, after advance written notice and a reasonable opportunity for the leave recipient (or a personal representative of the leave recipient), to answer orally, and/or in writing, that the leave recipient is no longer affected by a medical emergency.

(4) If applicable, at the end of the biweekly pay period in which USMEPCOM receives notice that a pending leave recipient’s application for disability retirement has been approved by OPM.

(5) It is the responsibility of a leave recipient to promptly notify his or her supervisor when they are no longer affected by a medical emergency.

(6) Additionally, it is the responsibility of a leave recipient’s supervisor to continuously monitor the status of the medical emergency affecting the leave recipient to ensure that the leave recipient remains

[TOC](#)

affected by a medical emergency and to immediately notify the J-1/MEHR-CP VLTP Representative when the medical emergency has been terminated.

(7) When an employee no longer qualifies to be a leave recipient, DD Form 2540 (Voluntary Leave Transfer Program Notice of Termination of Medical Emergency) shall be completed by the recipient's first-level supervisor to stop the allocation of transferred leave.

(8) The DD Form 2540 shall then be forwarded to J-1/MEHR-CP VLTP Representative for coordination with the J-8/MRM POC, who will process it through to the appropriate DFAS POC. Assistance from the servicing CPAC may be secured as necessary.

b. When the medical emergency affecting a leave recipient terminates, no further requests for transfer of annual leave to the leave recipient will be granted.

c. Additionally, any unused transferred annual leave remaining to the credit of the leave recipient will be restored to the leave donors.

d. The J-1/MEHR-CP VLTP Representative will inform the servicing CPAC of the termination of the medical emergency and that no further annual leave transfer to the leave recipient will occur.

#### **11-14. Restoration of transferred annual leave**

a. Upon receipt of notification to the J-1/MEHR-CP VLTP Representative from the leave recipient's supervisor that the employee's medical emergency has terminated the information will be provided to the J-8/MRM POC who will then ensure that any remaining transferred annual leave will be properly computed and restored (to the extent that this is possible), to the annual leave accounts of the donor(s) involved.

b. The amount of unused transferred annual leave to be restored to each leave donor shall be determined as follows:

(1) Divide the number of hours of unused transferred annual leave by the total number of hours of annual leave transferred to the recipient.

(2) Multiply the quotient by the number of hours of annual leave transferred by each leave donor.

(3) Round down the result obtained to the nearest increment of time that J-8/MRM is using to account for the use of annual leave at the time that this situation occurs.

c. If the total number of eligible leave donors exceeds the total number of hours of annual leave to be restored, no unused transferred annual leave shall be restored.

d. In no case, shall the amount of annual leave restored to a leave donor exceed the amount transferred to the leave recipient by the leave donor.

e. If the leave donor retires, dies, resigns, or otherwise separates from Federal service before the date unused transferred annual leave can be restored, no unused transferred annual leave will be restored to the leave donor.

[TOC](#)

f. At the election of a leave donor unused transferred annual leave restored to the leave donor may be restored by:

(1) Crediting the restored annual leave to the leave donor's annual leave account in the current leave year.

(2) Crediting the restored annual leave to the leave donor's annual leave account effective as of the first day of the first leave year beginning after the date of election.

(3) Donating such leave in whole or in part to another approve leave recipient. If only part of the restored leave is donated to another leave recipient the donor may elect to have the remaining leave credited to the leave donor's annual leave account.

g. Transferred annual leave restored to the account of a leave donor shall be subject to the regulatory limitation of a maximum accumulation of 30 days annual leave (for leave carryover purposes), at the end of the leave year in which the restored leave is credited to the leave donor's annual leave account.

#### **11-15. Prohibition of coercion**

a. An employee may not directly or indirectly intimidate, threaten or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using annual leave under this program.

b. The terms "intimidate, threaten, or coerce" include promising to confer, or conferring any benefit(s) (such as appointment, promotion, or compensation), or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation). Such actions are strictly forbidden.

#### **11-16. Records and reports**

a. Servicing CPACs with the assistance of the J-1/MEHR-CP VLTP Representative shall maintain any necessary records concerning the administration of the VLTP as may be required by OPM for Program reporting and evaluation purposes. The J-1/MEHR-CP VLTP Representative will ensure that this is accomplished, as required.

b. OPM guidance states that the following information shall be maintained:

(1) The number of applications approved for medical emergencies affecting our employees and the number of applications approved for medical emergencies affecting an employee's family member(s);

(2) The grade, or pay level of each leave recipient and leave donor, the sex of each leave recipient, and the total amount of transferred annual leave used by each leave recipient;

(3) Any additional information that OPM may require for the VLTP in ensuing years.

**11-17. Leave options for employees with medical emergencies**

a. Supervisors upon request, may grant advance sick leave to an employee with a valid medical emergency. The maximum amount of sick leave that may be advanced is 30 days. Thirty days is the maximum amount of advance sick leave that an employee may have to his or her credit at any one time.

b. Supervisors may also grant advance annual leave, in appropriate situations. The amount of annual leave that may be advanced is limited to the amount of annual leave an employee would accrue in the remainder of the leave year.

c. Employees do not have an entitlement to advanced annual or sick leave and may only request its use. While supervisors have the discretion to grant advance leave, it must not occur in a disparate manner. It is also not “additional leave” and so must be paid back as it is subsequently earned.

d. In most cases, when an employee who is indebted for advance leave separates from Federal service, he or she is required to refund the amount of advance leave for which he or she is indebted.

**11-18. Volunteer leave transfer program forms**

Volunteer Leave Transfer Program forms may be obtained through:

<http://www.dtic.mil/whs/directives/infomgt/forms/ddforms2500-2999.htm>.

**11-19. Union notification/coordination**

If the policies and/or provisions outlined above are different than those currently in place for unionized MEPS, the MEPS commander will contact his/her servicing CPAC for assistance in coordinating and providing the information to their local Union Bargaining Unit Representatives for their consideration. This action will take place prior to the implementation of the Policy at the unionized MEPS. Copies of any Union bargaining requests that might be forthcoming will be forwarded by the MEPS to their servicing CPAC for action, and an information copy provided to the J-1/MEHR-CP Labor Relations Representatives.

## **Chapter 12**

### **Telework**

#### **12-1. Purpose**

The purpose of this chapter is to provide guidance for the implementation of the USMEPCOM Telework Program and to establish specific levels of authority for its administration. The Department of Defense Instruction (DODI) 1035.1, dated April 3, 2007 established the overarching policy governing the DOD Telework Program as required by Public Law 106-346, Section 359, of October 23, 2000.

#### **12-2. Definition**

Telework, sometimes called “telecommuting” or “flexiplace” refers to an arrangement in which an authorized civilian employee performs officially assigned duties at an alternative worksite on a regular, recurring, or on an ad hoc basis.

#### **12-3. Assistance**

Servicing CPACs and the J-1/MEHR-CP may provide technical advice and assistance in the administration of the USMEPCOM Telework Program, as requested. Most features of the USMEPCOM Telework Program, which are based on underlying OPM and DOD guidance, are found DOD wide and are basically generic in nature.

#### **12-4. Applicability**

This above mentioned program applies to all full-time and part-time USMEPCOM civilian employees, as appropriate.

#### **12-5. Positions suitable for Telework**

a. It is important that the nature of the work performed by an employee be suitable for telework. In that regard, work that would be deemed suitable for telework depends on actual job content rather than job title, type of appointment, or a work schedule.

b. Positions that perform tasks that are evaluated by the quality of a deliverable product such as a report, or study, and/or are primarily project oriented (i.e., developing a field manual, or something similar) are among the best candidates for the use of telework.

c. In that regard, telework would also be feasible and recommended for work that requires thinking and writing (that is data analysis, reviewing grants, or cases, writing decisions, or reports); and for computer oriented tasks (that is programming, data entry, and word processing).

#### **12-6. Positions not suitable for Telework**

Positions that would be deemed not to be suitable for telework if performing work at another location would adversely affect the performance of other employees, place a burden on the staff remaining in the office, or result in a diminished level of service provided to USMEPCOM customers. It would also not be suitable if there was a requirement for the employee to have frequent interaction with other employees, their supervisor, or formal/informal work “teams”. Nor would it be suitable if the work that must be done required access to material, data, or equipment that could not be removed from the office.

### 12-7. Determinations of suitability

A technical evaluation of the duties of a requesting employee's position will be made by their supervisor with the assistance of the J-1/MEHR-CP Classification Representative. Only those positions deemed suitable for the completion of work at an alternate worksite will qualify an employee to partake in the USMEPCOM Telework Program.

### 12-8. Types of Telework

USMEPCOM, as appropriate, utilizes two types of telework arrangements, i.e., "**regular and recurring**" and "**ad hoc**" based on the recognition that organizational or employee "needs" may vary and should be considered on a case by case basis. Some situations may require occasional or infrequent working arrangements while others are more conducive to longer periods of regularly scheduled arrangements. The two types of telework arrangements are "intended" to provide supervisors, managers, and employees with maximum flexibility when establishing work arrangements, as appropriate, to meet the needs of the Command and its employees.

### 12-9. Regular and recurring Telework

a. **Regular and recurring** telework is defined as an approved work schedule where eligible employees regularly work at least one day per bi-weekly pay period at an alternative worksite.

b. **Headquarters Directors, Special Staff Officers (for their respective organizations), and Sector Commanders** ~~USMEPCOM Commander is~~ **are** the final approval authority for all regular and recurring telework requests at HQ USMEPCOM, HQ Eastern and Western Sectors, and the MEPS, **respectively**.

c. As indicated above, if an employee's daily tasks require regular face-to-face contact with a supervisor, military service applicants, recruiters, or service "liaisons" then he or she is not suited for the telework program. Telework is not a "right" and may be terminated at any time by the employee's immediate supervisor. It may also be terminated at the request of the employee involved. Participation may be terminated by an employee's supervisor if the employee's performance does not meet prescribed work standards, or if the telework arrangement does not continue to meet the needs of the organization

d. Employees who desire to take part in a telework program and feel that the duties of their positions would qualify for it, must initiate and complete an appropriate telework request and agreement. The necessary forms may be obtained by referring to the DOD Telework Policy and Guide which is located on the lower right hand side of the DOD Civilian Personnel Management Service (CPMS) website (see 12-14. b for link). As was mentioned above, they must also receive approval prior to commencing such a program.

e. For MEPS organizations, the original copy of the employee's telework request package must be forwarded via their chain of command to HQ USMEPCOM, ATTN: J-1/MEHR-CP for review and submission to the USMEPCOM Commander. HQ Directorates will submit the original of their employee's telework request packages to J-1/MEHR-CP for review and submission to the USMEPCOM Commander. If additional information is deemed necessary, the submitting organization will be contacted and asked to provide it. Approved or disapproved packages will be returned to the submitting authority by J-1/MEHR-CP.

f. Compilation of information for DA annual "reporting" requirements will be done by the J-1/MEHR-CP.

**12-10. Ad hoc Telework**

a. **Ad hoc** telework is defined as approved telework performed by an eligible employee at an alternative worksite on an occasional, one-time, or irregular basis. Telework of one day or less per bi-weekly pay period is considered ad hoc.

b. While ad hoc telework is recognized as having some application at the command, by definition it should be the exception rather than the policy. The approval authority for employee ad hoc telework requests is delegated to individual MEPS Commanders, HQ Eastern and Western Sector Commanders, HQ Directorate Directors and Special Staff Officers (for their respective organizations), and the Deputy Commander/Chief of Staff.

c. Employees desiring to make use of ad hoc telework will submit such requests in memorandum format to the appropriate designated approving authority. Upon approval, the approving authority will submit a copy of the request and approval to the J-1/MEHR-CP for compilation and annual reporting requirements.

d. Employees who will be working ad hoc telework at home will complete and turn into their supervisors the DOD Telework Safety Checklist found at Appendix B, to the DOD Telework Policy and Guide on the DOD CPMS website (see 12-14. b for link). This will be done prior to any work being performed at the employee's home.

**12-11. Additional considerations**

a. USMEPCOM assumes no responsibility for any operating costs associated with an employee using his or her personal equipment and residence as an alternate worksite. This would include (but is not limited to), home maintenance, insurance, and utilities.

b. If a situation arises at the alternate worksite that results in the teleworking employee being unable to complete his or her work (e.g., a power failure), the employee must notify the supervisor of the issue as soon as possible. The supervisor involved will determine a course of action on a case-by-case basis. If the direct supervisor is not available a higher level supervisor in the employee's "chain" will then be contacted.

c. Employees, while performing authorized telework duties, are covered by the Federal Employees Compensation Act (Office of Workers' Compensation). However, employees must designate their homes (if this is the telework site) as their official "workstation". The Government's exposure to liability is then limited to this official workstation for purposes of telework.

d. The Government is not liable for damages to an employee's personal or real property while the employee is working at the approved alternate worksite, except to the extent that the Government may be held liable under the Federal Tort Claims Act or the Military and Civilian Employee's Claims Act.

e. Time spent in a telework status must be accounted for and reported in an appropriate manner as if the employee had reported for duty at the traditional worksite.

f. An employee in an approved telework status must still satisfactorily complete all work according to the standards and objectives in the employee's performance plan.

[TOC](#)

g. An employee will only work in an overtime status when he or she has received prior supervisory approval to do so.

h. An employee in a telework status will continue to comply with and be bound by, all appropriate DOD/DA/Civil Service standards of employee conduct.

i. The employee's official duty station for such purposes as special salary rates; locality pay adjustments; travel; and the like, will be defined in the agreement as the actual official duty station (e.g., the MEPS, etc.). Pertinent OPM and DFAS pay and travel regulations will be controlling.

#### **12-12. Telework as a reasonable accommodation**

a. Telework may be permitted as a reasonable accommodation for an employee with a disability in accordance with the DOD Telework Policy, and, the Under Secretary of Defense for Personnel and Readiness, Memorandum, subject: Special Work Arrangements as Accommodations for Individuals with Disabilities, dated February 26, 1999.

b. For MEPS employees, the POC may be either the MEPS local servicing EEO Office or the HQ USMEPCOM EEO Office. For HQ USMEPCOM employees, the POC will be the HQ EEO Office. If clarification of which EEO Office would be involved is needed, the HQ USMEPCOM EEO Office may be contacted for assistance.

#### **12-13. Telework in emergent situations**

a. The use of telework may also be appropriate to address emergent situations such as; pandemic illness; floods; hurricanes/evacuations; tornados; utilities disruptions; etc.

b. Expedited procedures for processing of requests and securing approval for telework will be necessary in the type of situation envisioned in this paragraph. Approval of telework under these circumstances is only for organizational emergencies and will not provide a basis for approval of regular and recurring, or normal ad hoc telework.

c. Emergencies of a personal nature will be processed under normal telework procedures.

d. To expedite approval/disapproval of emergency telework arrangements it may be necessary to temporarily delegate this authority to a lower level than for normal telework requests.

e. Procedures to deal with the above situation will be established on a case-by-case basis and will be appropriate to deal with the situation(s) encountered.

#### **12-14. Special instructions**

a. Processing information regarding the USMEPCOM Telework Program may be obtained by contacting J-1/MEHR-CP Employee Relations.

b. Information on the DOD Telework Program, as well as copies of the pertinent forms, may be obtained from the DOD CPMS website: <http://www.cpms.osd.mil/telework.aspx>.

## Chapter 13 Civilian Personnel Adverse Actions

### 13-1. Purpose

The purpose of this chapter is to establish specific levels of authority for administering civilian adverse actions throughout USMEPCOM and to establish specific consultation and reporting procedures for the review of those actions which are considered to be formal, or adverse-in-nature in accordance with 5 C. F. R., Part 752-Adverse Actions.

### 13-2. Applicability

This policy applies to all USMEPCOM civilian employees regardless of grade levels, or supervisory status.

### 13-3. Administration

USMEPCOMs civilian workforce is one of its most important assets. Attracting and retaining the best workers is critical to our mission. Occasionally, appropriate disciplinary action may be required as part of the effective management of the civilian workforce.

### 13-4. Policy

a. **Coordination:** Before issuing adverse action proposals, or decision notices, supervisors and managers will inform the appropriate Employee Relations Specialist in J-1/MEHR-CP of the situation and will consult on the proposed action. As part of this process the proposing supervisor/manager will provide a copy of the proposed action notice and all supporting documentation in the case file for review and evaluation. Deciding Officials will also conduct prior consultation with J-1/MEHR-CP personnel and will provide a copy of the proposed decision notices and proposed MSPB provided Douglas Factors. This requirement is *in addition to* any prior consultation that the supervisor/manager may have had with their local CPAC Representative. J-1/MEHR-CP will ensure coordination of these proposed actions with the USMEPCOM ~~MJA~~ legal office.

b. **Proposing Officials:** For all adverse actions ~~which are appealable to the MSPB (i.e., removal; suspension for more than 14 days; reduction in grade or pay; and furlough for 30 days or less)~~ the Proposing Official is the 1<sup>st</sup> line supervisor. ~~will be:~~

| <b>Table 13-1. Proposing Officials for Adverse Actions Appealable to the Merit Systems Protection Board</b> |                                   |
|---|-----------------------------------|
| <b>Organization</b>   | <b>Proposing Official</b>         |
| <b>MEPS</b>   | <b>MEPS Commander</b>             |
| <b>MEPS Battalion (BN)</b>  | <b>BN Commander</b>               |
| <b>HQ Sector</b>  | <b>Deputy Commander/Commander</b> |

c. Only the **Battalion Commanders**, Sector Commanders, HQ Directors, or the Deputy Commander/Chief of Staff will be Deciding Officials ~~in the types of~~ for actions ~~which are appealable to the~~

[TOC](#)

MSPB (i.e., removal; suspension for more than 14 days; reduction in grade or pay; and furlough for 30 days or less). ~~described in b., above.~~

d. Those other matters for which MSPB exercises “appellate jurisdiction” will be examined and handled on a case-by-case basis as they arise. J-1/MEHR-CP will ensure coordination of these proposed actions with the USMEPCOM **Legal Office MJA**.

e. Adverse actions (or other Union matters) that are to be the subject of a Union Request for Arbitration will be provided to the J-1/MEHR-CP Labor Relations Specialist for review and evaluation, in addition to any prior CPAC action/consultation which might have occurred. This must occur in a timely manner because individual Collective Bargaining Agreements (CBA), or, Interim Agreements (IA), specify arbitration request timeframes which must be met. Supervisors/managers will refer to the CBA, or, IA involved for this information and be guided accordingly. J-1/MEHR-CP will ensure coordination of these actions with the USMEPCOM **Legal Office MJA**.

## **Chapter 14**

### **Administrative Dismissal**

#### **14-1. Purpose**

The purpose of this chapter is to provide guidance for the implementation and administration of the USMEPCOM Administrative Dismissal Program as described herein. The Office of Personnel Management (OPM) in its 5 CFR Part 610 established the overarching policy governing the DOD and USMEPCOMs Administrative Dismissal Program. (Applicable 5 U.S.C. Statute Sections are referenced in the aforementioned individual OPM 5 CFR.)

#### **14-2. Assistance**

Servicing CPACs and the J-1/MEHR-CP may provide technical advice and assistance in the administration of the USMEPCOM Administrative Dismissal Program, as requested. Most features of the USMEPCOM program, which is based on underlying OPM and DOD guidance, are found DOD wide and are basically generic in nature.

#### **14-3. Applicability**

This above mentioned program applies to all full-time and part-time USMEPCOM civilian employees, as appropriate.

#### **14-4. Administrative dismissals of employees**

a. This section covers situations in which a commander or head of an activity uses his or her authority to close all or part of an activity and, consistent with that closure, moves to administratively excuse the organizations non-emergency civilian workforce. This includes unanticipated curtailment of operations based on extreme weather, natural disasters, and unforeseen interruptions of transportation or building services (potential health or safety risk).

b. The Assistant Secretary of Defense for Force Management Policy has overall responsibility for DOD policy concerning administrative dismissal of DOD employees affected by emergency situations.

c. It is within the administrative authority of a commander or head of activity to close all or part of an activity and to excuse administratively non-emergency employees during such closure. 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, compensatory time earned, credit hours, or LWOP.

d. In geographical areas (defined as areas within which employees normally commute to work) where the conditions affect more than one Defense activity, the commander or head of activity employing the largest number of civilian employees shall make the determination if an emergency exists and assess the appropriateness of authorizing administrative dismissal of non-emergency employees.

e. Decisions by other commanders and heads of activities within the geographical area in question which are at variance with the decision of the major geographical area commander or head of activity must be coordinated with that commander or head of activity. As appropriate, coordination with non-Defense Federal installations in the area may be undertaken through Federal Executive Boards or similar organizations of Federal officials.

[TOC](#)

f. Criteria. 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 days and training days).

g. Group dismissal authority may be used to the extent warranted by good administration for short periods. Group dismissals will normally not exceed 3 consecutive workdays in a single period. When approving group dismissals, commanders or heads of activities must consider practices of private employers in the area, the use of unscheduled leave in individual cases, and the severity of working or commuting conditions.

h. Before group dismissal authority may exceed 3 consecutive workdays, the commander or head of activity must consider using options such as details to other activities, the use of unscheduled leave and 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.

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

j. Responsibilities. Annually, activities shall publicize written procedures for emergency situations that indicate the means of employee notification; reiterate early release and late arrival practices, including policies for approving absences; and identify “emergency employees” who are expected to report for or remain at, work in emergency situations unless otherwise notified.

#### **14-5. Charging leave in emergency situations**

a. Emergency employees. Emergency employees who do not report for work as required, may be charged annual leave, sick leave, credit hours, compensatory time earned, LWOP, or AWOL, if appropriate.

b. Employees in special situations. Employees on LWOP pending disability retirement; or while in receipt of Workers' Compensation; on military leave; suspension; or in another non-pay status for the workday before and after a closure, shall be continued in that status.

c. Emergency situations occurring before the start of the workday

(1) When an activity is open and employees are expected to report to work on time, employees may be authorized use of annual leave, credit hours, LWOP, compensatory time earned, or excused for reasonable tardiness when they experience commuting delays.

(2) When the activity is open but some employees might be prevented from reporting to work or returning home safely, an unscheduled leave policy may be instituted.

(3) When an activity is closed, all affected non-emergency employees should be excused (placed on administrative leave) without loss of pay, whether or not other leave was previously approved.

d. Emergency situations occurring during the workday

(1) When an activity remains open and employees are expected to complete the day's tour, they may be granted annual leave, credit hours, compensatory time earned, or LWOP as appropriate and requested should they not desire to remain at work.

(2) When an activity suspends operations, as much as practical, all non-emergency employees on duty at the time of the early dismissal should be excused (placed on administrative leave) without loss of pay, even if they were scheduled to take leave later in the day.

(3) Excused absence (administrative leave) may be granted to avoid hardship for employees who are authorized to leave after official notice of dismissal, but before official departure time, for the period remaining until official departure time. When an employee leaves after receiving official word of the pending dismissal but before the time set for dismissal (with supervisory approval) in a situation not involving a hardship, annual leave, credit hours, compensatory time earned, or LWOP may be charged as appropriate for the period remaining until the employee's official departure time, i.e., the authorized dismissal time.

(4) Annual leave, credit hours, compensatory time earned, or LWOP may be granted, or AWOL may be charged, if appropriate, to employees who leave before official notice of dismissal, for the period remaining until the end of the regular workday.

(5) When an employee was scheduled to return from leave during the dismissal period, the activity should continue to charge leave for the absence until the time set for dismissal, then charge any continuing absence due to the emergency in the same manner as absences of other employees who were on duty at the time of dismissal, i.e., as an excused absence.

(6) Non-emergency employees who are scheduled to report for work before the dismissal, but who don't report, should be granted leave, compensatory time earned, credit hours or charged AWOL, if appropriate, for the entire workday.

e. In the case of 14-5.c.(1), employees who report for work at the facility but arrive late due to an extreme emergent weather situation, may be granted excused absence for a "reasonable period of time" in which to do so in a safe manner. This may vary from location to location, so determinations will need to be made on a case-by-case basis by the local USMEPCOM Commander, or other USMEPCOM Official with the authority to close the facility. (See OPM Policy Memorandum, subject: Revised Washington, DC Area Emergency Dismissal or Closure Procedures – CPM 97-2, dated January 21, 1997.)

f. When USMEPCOM employees are prevented from working because of temporary local shut-downs of their facilities/organizations every effort must be made to assign them to other work with nearby DOD facilities that remain open. However, if there are no DOD facilities located in the general area then employees may also be assigned to any operating Federal facility/organization in the area which remains open.

## **Chapter 15**

### **Use of the Employee Wellness Program**

#### **15-1 Employee Wellness Program**

This chapter provides guidelines for employee participation in the Wellness Program. It prescribes the policies and procedures for participation.

#### **15-2 Approval of employee participation**

a. Each supervisor has the authority to approve or disapprove employee participation in the program based upon mission requirements and/or employee compliance with the provision of this chapter and AR 600-63 (Army Health Promotion), Chapter 5.

b. Employee participation may be temporarily suspended based on mission requirements.

c. The establishment of local fitness activities is supported; however, responsibility is generally placed upon the employee to use non-duty time including lunchtime, when participating in health and fitness activities to the extent possible personal health and fitness may be accommodated. Any physical fitness activities scheduled by the USMEPCOM activity for employees should be scheduled immediately before or after working hours or during lunchtime.

d. Short periods of excused absences (not charged to leave) may be granted in limited instances where the health and/or physical fitness activity is being officially sponsored and administered by the USMEPCOM activity such as Federal Fitness Day events, health screening activities conducted by a local Medical facility, or a smoking cessation program that might consist of several brief class sessions. In addition, commanders are authorized to approve up to three hours of excused absence per week, under very specific circumstances (see AR 600-63, Chapter 5) to allow employees to participate in command-sponsored formal physical exercise training. In order to qualify for the excused absence, the training program must include pre- and post-program participant evaluation, continuous monitoring during the program, exercise, and nutritional education. In addition, the physical fitness activities must be an integral part of a total fitness program and are time-limited (i.e., up to 6 months in duration) and not more than 3 hours per week. This period during which a commander may grant excused absence is intended to be limited to one time only, and employees will not be granted excused absence for physical exercise training once they have received such training.

e. Excused absence should not be granted for participating in an activity over an extended or indefinite period.

**Appendix A**  
**References**

*Section I*  
*Publications referenced in or related to this publication*

None

*Section II*  
*Forms referenced in or related to this publication*

**DA Form 11-2**  
Management Control Evaluation Certification Statement.

**DD 2538**  
Voluntary Leave Transfer Program Leave Donor Application.

**DD 2539**  
Voluntary Leave Transfer Program Leave Recipient Application.

**DD 2540**  
Voluntary Leave Transfer Program Notice of Termination of Medical Emergency.

**USMEPCOM Form 690-13-1-R-E**  
Overtime Request and Authorization.

**USMEPCOM Form 690-13-2-E**  
Request for Alternative Work Schedule (AWS).

**USMEPCOM Form 690-13-4-E**  
Personnel Processing Checklist.

**Appendix B****Management Control Evaluation Checklist – Civilian Personnel Management****B-1. Function**

This checklist pertains to the administration of the USMEPCOM Civilian Personnel Management Program.

**B-2. Purpose**

The purpose of this checklist is to assist commanders and supervisors in evaluating the key management controls outlined in paragraph B-4. It is not intended to cover all controls.

**B-3. Instructions**

Supervisors must base answers to the test questions (par. B-4) on actual testing of key management controls (e.g., document analysis, direct observation, sampling, simulation). Supervisors must propose and explain corrective actions in supporting documentation for answers that indicate deficiencies. Supervisors must evaluate these key management controls at least once every 5 years using DA Form 11-2 (Internal Control Evaluation Certification), see sample of a completed form at figure B-1.

**B-4. Test questions**

a. Do commanders and supervisors of civilian employees have a copy of USMEPCOM Reg 690-13 (Civilian Personnel Management Program)?

b. Are commanders and supervisors of civilian employees aware of their duties and responsibilities prescribed in USMEPCOM Reg 690-13?

c. Are USMEPCOM Forms 690-13-2-E (Request for Alternative Work Schedule (AWS)) correctly completed and signed by the employee and the appropriate commander/supervisor?

d. Are credit hours monitored to ensure no more than 24 hours are carried over from one pay period to the next?

e. Upon mobilization only, have commanders ensured that no employees are identified and reported as key employees?

f. Is overtime for exempt employees properly directed and approved in advance?

g. Are employees participating in the employee wellness program in excess of 3 hours per week for 6 months or more on official duty time?

h. Are managers/supervisors reviewing compensatory time reports to ensure employees are using compensatory time before it converts to a cash payment?

**B-5. Supersession**

This checklist replaces the Management Control Evaluation Checklist, Civilian Personnel Management, previously published in this regulation.

**B-6. Comments**

Commanders and supervisors may send comments evaluating these management controls to the Commander, HQ USMEPCOM, ATTN: J-1/MEHR-CP, 2834 Green Bay Road, North Chicago, IL 60064-3094.

Figure B-1. Sample of a completed DA Form 11-2

|  |  |   |
|--|--|---|
| <b>INTERNAL CONTROL EVALUATION CERTIFICATION</b><br>For use of this form, see AR 11-2; the proponent agency is ASA(FM&C).  |  | 1. REGULATION NUMBER<br>USMEPCOM Reg xxx-xx |
|  |  | 2. DATE OF REGULATION                       |
| 3. ASSESSABLE UNIT<br>Name of area being evaluated.  |  |   |
| 4. FUNCTION<br>Name the function being evaluated.  |  |   |
| 5. METHOD OF EVALUATION (Check one)  |  |   |
| <input checked="" type="checkbox"/> a. CHECKLIST<br>Checklist title (if used).<br>APPENDIX (Enter appropriate letter)  | <input type="checkbox"/> b. ALTERNATIVE METHOD (Indicate method) |   |
| 6. EVALUATION CONDUCTED BY   |  |   |
| a. NAME (Last, First, MI)<br>Name, rank, title of person(s) performing the evaluation.   | b. DATE OF EVALUATION  |   |
| 7. REMARKS (See Attached)<br>Use this block to describe the method used to test key controls, the internal control weakness(es) detected by the evaluation (if any) and the corrective action(s) taken. (THIS IS MANDATORY)  |  |   |
| a. METHOD OF TESTING KEY CONTROLS (Check all that apply)   |  |   |
| <input type="checkbox"/> Direct Observation  | <input type="checkbox"/> Review of Files or Other Documentation  | <input type="checkbox"/> Analysis           |
| <input type="checkbox"/> Other (Explain)   | <input type="checkbox"/> Sampling                                | <input type="checkbox"/> Simulation         |
| <input type="checkbox"/>   | <input type="checkbox"/> Interviews                              |   |
| b. EVALUATION RESULTS (Include specific items tested):<br>Commanders and managers will evaluate all tasks, as applicable, in their area of responsibility. A management control evaluation must: 1) be detailed, systematic, and comprehensive, 2) determine whether key management controls are in place, being used as intended, and are effective in achieving their purpose, and 3) be based on actual testing of the management controls, using one of the methods in 7. a.   |  |   |
| c. INTERNAL CONTROL DEFICIENCIES DETECTED, IF ANY. (Include potential material weaknesses):<br>All evaluations must be supported by documentation that clearly indicates: 1) who documented the evaluation, 2) when the evaluation was conducted - the date, 3) what methods were used to test key management controls, 4) what management control material weaknesses (MW) (if any) were detected, and 5) what corrective actions were taken.   |  |   |
| d. DESCRIBE CORRECTIVE ACTIONS TAKEN, IF APPLICABLE.<br>Organizations tracking MWs must maintain documentation on: 1) status of corrective action(s), 2) effectiveness of corrective action(s), and 3) validation of corrective action(s).<br>Reporting organizations (HQ, directorates, special staff offices, sectors, and MEPS) will maintain copies of their annual statements, along with complete supporting documentation.  |  |   |
| 8. CERTIFICATION   |  |   |
| I certify that the key internal controls in this function have been evaluated in accordance with provisions of AR 11-2, 'Army Managers' Internal Control Program. I also certify that corrective action has been initiated to resolve any deficiencies detected. These deficiencies and corrective actions (if any) are described above or on attached documentation. This certification statement and any supporting documentation will be retained on file subject to audit/inspection until superseded by a subsequent internal control evaluation. |  |   |
| a. ASSESSABLE UNIT MANAGER   |  | b. DATE CERTIFIED                           |
| (1) Typed Name and Title   |  |   |
| (2) Signature  |  |   |

DA FORM 11-2, MAR 2010

PREVIOUS EDITIONS ARE OBSOLETE

APD PE v1.00ES

Figure B-1. Sample of a completed DA Form 11-2

**Appendix C**  
**Glossary**

***Section I Abbreviations***

**ACDP**  
Accelerated compensation for developmental position

**AMS**  
Army Management Structure

**APC**  
Account processing code

**APF**  
Appropriate funding

**AR**  
Army Regulation

**ATAAPS**  
Automated Time Attendance and Production System

**AWOL**  
Absence without leave

**AWS(s)**  
Alternative work schedule(s)

**BN(s)**  
Battalion(s)

**CBA**  
Collective bargaining agreements

**CFR**  
Code of Federal Regulation

**CMO**  
Chief medical officer

**COB**  
Close of business

**CONUS**  
Continental United States Wide

**CPAC**

Civilian personnel advisory center

**CPO(s)**

Civilian personnel office(s)

**CPOL**

Civilian Personnel Online

**CPMS**

Civilian Personnel Management Service

**CSRS**

Civil Service Retirement Service

**CWS(s)**

Compressed work schedule(s)

**DA**

Department of the Army

**DAV**

Disabled American Veterans

**DCIPS**

Defense Civilian Intelligence Personnel System

**DFAS**

Defense Finance and Accounting Service

**DODI**

Department of Defense Instruction

**DOD**

Department of Defense

**EEO**

Equal Employment Opportunity

**ESS**

Education services specialist

**FERS**

Federal Employee Retirement Service

**FLSA**

Fair Labor Standards Act

**FWS**

Flexible Work Schedule

**GS**

General Schedule

**HQDA**

Headquarters, Department of the Army

**HQ USMEPCOM**

Headquarters, United States Military Entrance Processing Command

**HPR**

Highest previous rate

**ICTAP**

Interagency career transition assistance plan

**LWOP**

Leave without pay

**MEPS**

Military entrance processing station

**MFR(s)**

Memorandum for Record(s)

**MSPB**

Merit Systems Protection Board

**NAF**

Non-appropriated fund

**OPM**

Office of Personnel Management

**PCS**

Permanent Change of Duty Station

**PD**

Position Description

**POC**

Point of Contact

**RIF**

Reduction in Force

**RPA**

Requests for Personnel Actions

**QSI**

Quality Step Increase

**SJA**

Staff Judge Advocate

**SL**

Senior Level

**ST**

Scientific or Professional

**TOF**

Transfer of Function

**USMEPCOM**

United States Military Entrance Processing Command

**U.S.C.**

United States Code

**VEOA**

Veterans Employment Opportunity Act

**VLTP**

Volunteer Leave Transfer Program

**VRA**

Veteran's Recruitment Appointment

***Section II Terms***

**Alternative Work Schedule**

An alternative work schedule (AWS) allows an employee to alter basic work hours in accomplishing the 80-hour per pay-period requirement. An AWS includes flexible and compressed work schedules.

**Bargaining Unit Employees**

Employees in a recognized grouping certified by the Federal Labor Relations Authority for purposes of collective bargaining who are represented exclusively by a labor organization.

**Basic Work Requirement**

The number of hours, excluding overtime hours, which an employee is required to work or for which an accounting is required by leave or otherwise, equaling 80 hours in a pay period.

**Career Ladder**

A range of grades within an occupation or specialty which allows for a progressive increase of responsibility and employee competency. Career ladders may be limited to a single grade band or may cover multiple grade bands. Progression through a career ladder is dependent upon management discretion, the availability of funds, position management approvals, employee mobility, acquisition of competencies and job performance.

**Classification Standard**

Issued by OPM to relate the grade level definitions in Title 5 to specific work situations and thereby provide the basis for assigning each position the appropriate title, series, and grade level of a position.

**Compensatory Time**

A form of overtime where instead of actual dollars paid, one hour time off is granted for each hour overtime worked.

**Compressed Work Schedule**

A compressed work schedule is a schedule under which a full-time employee works a 2-week basic work requirement through a varied work schedule exceeding, or not, an 8-hour per day schedule and totaling 80 hours per pay period.

**Core Time**

Designated hours and days when an employee on an AWS must be at work unless on approved leave or excused absence.

**Credit Hours**

Credit hours are defined as approved hours of work within a FWS in excess of the basic work requirement and for which the employee elects to work to vary the length of a workday or workweek.

**Employee Wellness Program**

A program whereby an employee may be granted permission to use short periods of excused absence (limited to up to 3 hours per week for not more than a total of 6 months (26 weeks)) to participate in officially sponsored activities administered by the USMEPCOM activity for health and/or fitness activity.

**Fair Labor Standards Act of 1938**

The Fair Labor Standards Act of 1938, as amended, provides minimum standards for both wages and overtime entitlements, and administrative procedures by which covered worktime must be compensated. Included in the Act are provisions related to child labor, equal pay, and portal-to-portal activities. In addition, the Act exempts specified employees or groups of employees from the application of certain of its provisions and prescribes penalties for the commission of specifically prohibited acts. The U. S. Office of Personnel Management (OPM) administration of the Act must comply with the terms of the Act but the law does not require OPM's regulations to mirror the Department of Labor's FLSA regulations.

**Fair Labor Standards Act of 1938 exempt employee**

A civilian employee who is not covered by the required minimum wage and overtime pay provisions of the Fair Labor Standards Act of 1938, as amended.

**Fair Labor Standards Act of 1938 nonexempt employee**

A civilian employee who is mandatorily covered by the required minimum wage and overtime pay provisions of the Fair Labor Standards Act of 1938, as amended.

**Flexible Hours**

Flexible hours go together with core time and are designated as approved hours from which an employee on a flexible schedule may select an arrival and departure time for work and for a lunch period.

**Flexiglide**

A flexitime schedule in which an employee has a basic work requirement of 8 hours in a day and 40 hours in each week. The employee may select an arrival time daily as long as it is within the established flexible time band.

**Flexitime**

A system of scheduling hours of duty that splits the workday into two distinct kinds of time: core time and flexible time.

**Flexitour**

A flexitime schedule under which an employee's starting time varies yet the employee still works 8 hours per day.

**Interservice Support Agreement**

An agreement between USMEPCOM and supporting activity to provide various services including civilian personnel support.

**Maxiflex**

A flexible work schedule which contains core-time bands on fewer than 10 work days in a 2-week pay period and in which an employee has a basic work requirement of 80 hours for the 2-week pay period. An employee may vary the number of hours worked on a given workday or the number of hours each week within the limits established for the organization.

**Merit principles**

A set of principles guiding the overall Federal personnel management system, as delineated in Section 2301, Title 5, U.S.C.

**Overtime**

Overtime hours are normally hours worked in excess of 8 hours in a day or over 40 hours in a week that are officially ordered and approved in advance by management. They are in addition to completion of the 2-week work requirement.

**Part-Time Employment**

The basic work requirement equals the number of hours the employee must work each day in the administrative workweek and in a 2-week pay period (less than 40 hours in a week and 80 hours in a pay period).