

Change }
No. 1 }

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 20 May 1989

Civilian Personnel

HOURS OF DUTY, PAY, AND LEAVE, ANNOTATED

Effective upon receipt

This change is issued to (1) add new policy for administering the provisions for within-grade increases, (2) update grade and pay retention policy prescribed by the Deputy Assistant Secretary of Defense (Civilian Personnel Policy), (3) eliminate the requirement to send the overtime authorization form to the payroll office, and (4) remove the requirement for the civilian personnel officer to authorize the restoration of leave forfeited as a result of an exigency or illness.

1. AR 690-990-2 is changed as indicated below. The pages of this regulation are interfiled with the books of FPM Supplement 990-2 to which they relate.

<i>Book</i>	<i>Remove pages</i>	<i>Insert pages</i>
531	i	i
531	4-1	4-1 and 4-2
536	3-1 and 3-2	3-1 and 3-2
550	1-1 and 1-2	1-1 and 1-2
630	3-1 through 3-3	3-1 through 3-3

2. File this transmittal sheet in front of FPM Supplement 990-2.

3. The latest installment to FPM Supplement 990-2 at the time this change was forwarded for publication was number 86 dated 1 February 1989.

4. Army regulations in the 690 series that are interfiled with the FPM use the following mechanical aids to assist readers:

a. When revised pages are issued—

(1) New or changed material is indicated by a right-hand arrow (➡) at the beginning and a left-hand arrow (⬅) at the end.

(2) The deletion of text is indicated by two stars (★).

b. A row of asterisks (*) is used to alert the reader that, at that point, there is material in the FPM that HQDA is not supplementing.

c. A double dagger (‡) appearing before a major division (i.e., book, subchapter, paragraph, or subparagraph) means that there is no corresponding division in the FPM.

5. The pages transmitted with this change, together with the pages listed below, constitute AR 690-990-2.

<i>Book</i>	<i>Page</i>	<i>Change No.</i>
531	2-1	B*
531	3-1	B
536	i	B
550	i	B
550	7-1	B
550	8-1	B
552	i	B
552	1-1	B
610	i	B
610	1-1 through 1-5	B

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610	2-1	B
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630	i, ii	B
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630	6-1	B
630	7-1	B
630	9-1	B
630	10-1	B
630	11-1, 11-2	B
630	12-1	B

*The B in this column indicates the pages were issued by the basic AR dated 15 April 1985.

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAPE-CP), WASH DC 20310-0300.

By Order of the Secretary of the Army:

CARL E. VUONO
General, United States Army
Chief of Staff

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Secretary of the Army

DISTRIBUTION:

Distribution of this publication is made in accordance with the requirements on DA Form 12-09-E, block 3707, intended for command level B for Active Army, ARNG, and USAR.

May 20, 1989

C 1, AR 690-990-2
Book 531

Book 531
Pay Under the General Schedule
Contents

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S2-1. Scope	*	*	*	*	*
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S4-5. Notice of Determination					
S4-6. Reconsideration of a Negative Determination					
S4-7. Continuing Evaluation ◀					

*This subchapter doesnot follow the paragraphing of the FPM.

May 20, 1989

C 1, AR 690-990-2
Book 531

Subchapter S4. Within-Grade Increases*

S4-1. COVERAGE

This subchapter applies to GS employees covered by section 531.402 of title 5 of the Code of Federal Regulations (5 CFR 531.402).

S4-2. COMMUNICATION OF PERFORMANCE REQUIREMENTS

For an employee's performance to be determined at an acceptable level of competence, his or her current rating of record must be Fully Successful or better. Supervisors will ensure that their employees understand what constitutes an acceptable level of competence for their positions. Performance standards will be communicated to the employees in accordance with the provisions of AR 690-400, chapter 430.

S4-3. EARNING WITHIN-GRADE INCREASES

To receive a within-grade increase, an employee's rating of record must be Fully Successful or better (i.e., performance at an acceptable level of competence) for the employee's most recently completed rating period. When an acceptable level of competence determination is not consistent with the employee's most recent rating of record, a more current rating of record must be prepared (see table 3-1, AR 690-400, chapter 430). Also, the employee must have completed the required waiting period for advancement to the next higher step of the grade of his or her position and not have received an equivalent increase during the waiting period.

S4-4 ACCEPTABLE LEVEL OF COMPETENCE

An acceptable level of competence determination will be made in accordance with 5 CFR 531.409. For the purposes of section 531.409(c)(1), "minimum period of time" estab-

*This subchapter does not follow the paragraphing of the corresponding subchapter in FPM Supplement 990-2.

lished by the agency to demonstrate acceptable performance is 120 days. For the purposes of section 531.409(c)(2) and (d), "minimum appraisal period" is 120 days.

S4-5. NOTICE OF DETERMINATION

a. The CPO will ensure the following:

(1) That supervisors are informed of the requirement to determine whether or not an employee is performing at an acceptable level of competence.

(2) That advance notification of employees who are due to receive a within-grade increase is sent to supervisors approximately 90 days before the completion of the waiting period. If an employee's rating of record (for the most recently completed rating period) is fully successful or better, the within-grade increase will be granted automatically unless the following applies:

(a) The supervisor informs CPO (before completion of the waiting period) that an employee's performance has declined from fully successful or better to less than fully successful.

(b) The within-grade increase meets the conditions for postponement as described in 5 CFR 531.409(c)(1) and (2).

(3) That supervisors are informed of the requirement to prepare a new rating of record if the within-grade increase decision is not consistent with the employee's most recent rating of record.

b. If an acceptable level of competence has not been demonstrated, supervisors will do the following:

(1) Contact the civilian personnel office before completion of the waiting period and before issuance of a negative determination.

(2) Notify the employee, in writing, of his or her right to request reconsideration of the determination and the name of the person to whom he or she may submit the request.

S4-6. RECONSIDERATION OF A NEGATIVE DETERMINATION

When it has been determined that an employee is not performing at an acceptable level of competence, and is thus not awarded a within-

grade increase, the employee will be afforded access to the procedures established under 5 U.S.C. 5335(c) and 5 CFR 531.410 for reconsideration and appeal of a negative determination.

S4-7. CONTINUING EVALUATION

After a within-grade increase has been withheld, the supervisor may, after 120 days, pre-

pare a new rating of record and grant the within-grade increase if the employee has demonstrated sustained performance at an acceptable level of competence. However, the supervisor shall make a new acceptable level of competence determination after no more than 52 calendar weeks following the original eligibility date for the within-grade increase.

May 20, 1989

C 1, AR 690-990-2
Book 536**Subchapter S3. Actions Covered****S3-1. GRADE RETENTION**

* * * * *

b. Optional with agency.

(1) By memorandum dated 18 May 1981 (as amended 17 September 1981 and 13 February 1987), the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) (DASD (CPP)) extended grade retention DOD-wide to employees in the following situations:

(a) An employee who receives a reduction-in-force (RIF) notice proposing change to lower grade or separation accepts a lower graded position at the same or another DOD activity. If the position accepted is not at a grade lower than one that has been offered by his or her activity, grade retention will be granted. If the position accepted is at a lower grade than one that has been offered by the activity, grade retention may be granted, provided management determines that placement in the position is in the Government's interest. Where MACOMs feel that a question exists regarding the propriety of granting grade retention, all pertinent information will be submitted to the U.S. Total Army Personnel Command, ATTN: TAPC-CPF-O, Alexandria, VA 22332-0341, for a determination.

(b) An employee in an organization undergoing realignment or reduction, but who would not be affected personally, requests a change to lower grade. If management determines that the employee's change to lower grade would result in placement in a more suitable position for that employee and in a lessening or avoidance of the impact of the RIF on other employees, grade retention will be granted.

(c) In circumstances not covered above, but which the activity commander feels meet the intent of the statute and regulations, requests for grade retention may be submitted through command channels to the U.S. Total Army Personnel Command, ATTN: TAPC-CPF-O, Alexandria, VA 22332-0341, for determination. ★★ This requirement also applies to employees from other Federal agen-

cies (non-DOD) who are not already in receipt of grade retention and who are transferring to the Army.

(d) An employee of a non-DOD agency who while in receipt of grade retention transfers to DA is entitled to have the grade retention continued unless he or she meets the conditions for termination (see FPM Supplement 990-2, book 536, para S5-1a(2)).

S3-2. PAY RETENTION

* * * * *

b. Optional with agency.

(1) By memorandum cited in paragraph S3-1b(1), above, the DASD (CPP) also extended pay retention DOD-wide to employees who—

(a) Would otherwise be granted grade retention under S3-1b(1)(a) or (b), above, but do not meet the time requirement specified in 5 U.S.C. 5362.

(b) Accept lower graded positions designated in advance by the activity as being "hard to fill" under criteria similar to those used for extending special rates under FPM chapter 530, subchapter 3.

(c) Are reduced in grade upon return from overseas assignments in accordance with the terms of a preestablished agreement. This includes employees who are released from the period of service specified in their current transportation agreement because of management-initiated action, and employees who have completed more than 1 year under their current agreement and who are released from the specified period of service because of compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health, or circumstances over which the employee has no control. Also included are those nondisplaced overseas employees with no obligation to return who are covered by DOD 1400.20-1-M, chapter 6, paragraph C3c.

(d) Decline an offer to transfer with their functions to a location outside the commuting area, or are identified with such function but receive no offer at the gaining activity, and are placed in a lower graded position at the losing activity or any other DOD activity.

(e) Accept a lower graded position offered by the activity for nondisciplinary reasons such as ill health under criteria similar to those used in meeting the responsibilities for selective placement in lieu of disability retirement, as described in FPM chapter 306, subchapter 8. ➡ Also included are those employees on injury compensation who are still carried on the rolls (without a break in service) and accept a lower grade. ◀

(f) Occupy positions under a Schedule C appointment who are placed, other than for cause or at the employee's request, in a position at a lower grade in the competitive service or in another Schedule C position.

(g) Occupy an Army or Air Force reserve technician position, have or are scheduled to lose eligibility through no fault of their own (i.e., "status quo" employee), and accept placement in lower graded nonreserve technician positions.

➡(h) Occupy a National Guard technician position and lose military status through no fault of their own and accept placement in a lower graded competitive service position.

(i) Are not serving under a mobility agreement and whose jobs are abolished and decline an offer within the competitive area but outside the commuting area and are placed in a lower graded position in the commuting area.

(j) Apply through a formal recruitment

program and are selected for a position at an overseas location. In such cases, all potential applicants must be advised, in writing, that pay retention will be offered to successful applicants whose pay would otherwise be reduced if selected for the position. (For this provision to apply to employees already overseas, the selected individual would have to require a permanent change of station move and would have to be selected as a result of a recruitment effort that had been extended outside of the overseas command involved (e.g., appeared on an Army-wide referral list)).

(k) ◀ Come from non-DOD agencies who, while in receipt of pay retention transfer to DA, are entitled to have their pay retention continued unless they meet the conditions for termination. (See FPM Supplement 990-2, book 536, S5-1a(2).)

(2) In circumstances not covered above, but which the activity commander feels meet the intent of the statute and regulations, request for pay retention may be submitted through command channels to ➡ the U.S. Total Army Personnel Command, ATTN: TAPC-CPF-O, Alexandria, VA 22332-0341, for determination. ◀ This also applies to employees transferring to DA from non-DOD agencies who are not in receipt of pay retention.

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May 20, 1989

C 1, AR 690-990-2
Book 550

Subchapter S1. Premium Pay

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S1-2. COVERAGE

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c. Maximum limitations.

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‡(3) Compensatory time off may not be granted when payment of the extra work at overtime rates would be improper (see 26 Comp. Gen. 750). Since compensatory time off is a form of remuneration for overtime work, to receive it, an employee must have performed compensable overtime work. Therefore, the compensatory time off that may be earned by an employee in any one pay period is limited to the number of hours for which he or she would otherwise be entitled to receive overtime compensation before reaching the limitation on total pay period earnings (see 37 Comp. Gen. 362 and 58 Comp. Gen. 571). Compensatory time will be recorded as provided in AR 37-105.

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‡e. **Reemployed annuitants.** Computation of overtime, night, holiday, and Sunday pay, as appropriate, will be based on the full rate of basic compensation before reduction for annuity.

S1-3. OVERTIME PAY

a. Authorization.

(1) The authority to order or approve overtime is delegated to the commander of any activity that employs civilians. Commanders may designate other officials to act for them in ordering and approving overtime. ★ ★ A copy of overtime authorizations on which time and attendance certifications are based must be ■ retained for audit purposes. This requirement is ■ equally applicable to paid overtime work and to overtime work for which compensatory time is granted. ■ See AR 570-4 for Army policy on the use and control of overtime. ■

(2) The Court of Claims decision in *Baylor v. United States*, 198 Ct. Cl. 331 (1972), estab-

lished that when employees have been "induced" by their superiors to perform overtime in order to effectively complete their assignments, this overtime was held to have been "officially ordered or approved." It is necessary in this connection to determine whether or not an official with the authority to order or approve overtime work ordered or induced the work to be performed because, to be compensable, the official concerned must have this approval authority (see also 55 Comp. Gen. 55).

* * * * *

c. Overtime pay.

* * * * *

‡(3) *Fractions of hours.* Employees must be compensated for every minute of regularly scheduled overtime work. Irregular, unscheduled overtime work will be compensated for in multiples of a quarter hour. A negotiated agreement or an activity policy may provide that small amounts of irregular overtime will either be accumulated on a workweek basis with any remaining time that is 14 minutes or less being dropped or rounded on a daily basis to the nearest quarter hour.

‡(4) *Fair Labor Standards Act (FLSA).* Until the Office of Personnel Management (OPM) issues a new book 551 to FPM Supplement 990-2, information on computing overtime pay for nonexempt employees under the FLSA may be found in 5 CFR 551 and FPM Letters in the 551 series.

d. Compensatory time off.

* * * * *

(2) *Regulation.*

(a) Authority is delegated to commanders of activities employing civilian personnel to require that an employee whose rate of basic pay is in excess of the maximum rate for GS-10 may be directed to take compensatory time off in place of overtime pay. However, this does not apply if the employee is non-exempt under FLSA and the overtime is derived from FLSA provisions.

(b) When employees are required or have elected to take compensatory time off in place of overtime pay, definite time schedules should be established to allow them to take the time off within the limitations prescribed in (c) below.

(c) Compensatory time off should normally be granted during the same pay period it is worked, or within a reasonable period thereafter. When this is not possible, it may be taken on a date not later than the 13th pay period following that in which the overtime work was performed. Employees will be paid for such time based on the rate in effect at the time the work was performed if they cannot be permitted to take compensatory time off within the prescribed period or before separation, transfer, or reassignment from the activity in which the overtime was accrued, whichever comes first.

‡(3) *Authorizing compensatory time.* All employees in positions covered by chapter 51 of title 5, United States Code, who are eligible for overtime pay, may elect to take compensatory time off in place of payment for irregular or occasional overtime unless an activity policy requires payment for all such work. Federal Wage System employees are precluded from taking compensatory time off except as authorized in subpart J, part 550, Code of Federal Regulations; employees who have earned their overtime pay entitlement under the FLSA may be granted compensatory time off only in accordance with the rules contained in 5 CFR 551.531. See also instructions contained in FPM Letter 551-6, dated 12 June 1975.

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S1-4. NIGHT PAY

a. Authorization.

(1) Night differential is authorized for all regularly scheduled night work of 15 minutes or more that is actually performed between the hours designated as night work, except for work by employees receiving premium pay on an annual basis under 5 U.S.C. 5545(c)(1).

(2) Commanders of overseas commands may designate any time after 1800 hours and any

time before 0600 hours as the beginning and end, respectively, of night work in instances where local business customs require such action. Such designations must be in writing and will be made a part of the payroll records.

b. **Night work.** Employees who work on an intermittent (when-actually-employed (WAE)) basis and have no regularly scheduled tour of duty are ineligible to receive night differential. If, however, these employees are assigned temporarily to a regularly scheduled tour of duty that includes night work, they are eligible to receive night differential for the period of temporary assignment (33 Comp. Gen. 4)

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S1-5. HOLIDAY PAY

a. Authorization.

(1) *Part-time employees.* Part-time employees will receive holiday premium rates for work performed during regularly scheduled hours of duty on a holiday. Where work is required in excess of the regularly scheduled daily tour, payment for the excess hours will be made at straight time or overtime rates, as appropriate.

(2) *Intermittent WAE employees.* Holiday work performed by intermittent WAE employees is compensable only at straight time rates of pay.

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S1-8. GENERAL REQUIREMENTS FOR REGULARLY SCHEDULED STANDBY DUTY PAY AND PAY FOR ADMINISTRATIVELY UNCONTROLLABLE WORK

a. **Responsibilities of agencies.** Premium pay on an annual basis may be paid following establishment of standby or administratively uncontrollable tour of duty in accordance with book 610, paragraphs S1-4e and f.

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May 20, 1989

C 1, AR 690-990-2
Book 630

Subchapter S3. Annual Leave

S3-1. EARNING RATES

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b. Earning rates for part-time employees. Service performed by part-time employees that is not divisible by the leave accrual unit (20, 13,

or 10 hours) will be carried forward to succeeding pay periods.

* * * * *

†d. Earning rates for standby employees. Earning rates for employees working a 72-hour standby tour are as follows:

<i>Leave earning category</i>	<i>Leave earned each pay period except last full pay period in calendar year</i>	<i>Leave earned last full pay period in calendar year (as distinguished from leave year)</i>
Category 4	7	12
Category 6	11	13
Category 8	14	24

Note: Other standby employees will accrue annual leave at the rate of 1 hour for each 20, 13, or 10 hours in a pay status, depending upon whether the leave earning category is "4," "6," or "8." Hours not divisible by the leave accrual unit (20, 13, or 10 hours) will be carried forward and applied in the last pay period in the calendar year.

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S3-4. GRANTING ANNUAL LEAVE

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b. Agency authority.

(1) Legal basis.

* * * * *

(b) Taking of leave.

(i) When employees can be spared from their duties, annual leave will be granted freely for personal or emergency purposes. Large accumulations should be avoided. Normally, employees will not be denied the use of annual leave when otherwise they may be required to forfeit their accruals because of maximum accumulation or forfeiture rules. Denial of its use will be based upon factors that are reasonable, equitable, and nondiscriminatory against any employee or group of employees.

(ii) *Management responsibility.* Management will determine when and the extent to which annual leave is to be granted, as well as require annual leave to be taken when circumstances require such action. Each commander will, therefore, set and publish a local policy that will ensure that adequate planning is

undertaken to provide scheduled vacation periods and to otherwise grant or direct the use of annual leave. To the extent permitted by local work conditions, management will plan to allow each employee an annual extended period of leave for rest and relaxation to assist in maintaining maximum efficiency and productivity. This includes planned vacations for all employees, whether occupying supervisory or nonsupervisory positions. Authority for approving leaves of absence should be vested in the lowest practicable supervisory level within the activity. Determinations as to the time and amount of annual leave that is to be granted generally should be on the basis of mutual agreements between employee and supervisor. Supervisors should ensure that any unliquidated compensatory time is used before approval of annual leave, unless by so doing the employee would be compelled to forfeit annual leave. Leave policies should be reviewed from time to time and changed if local work requirements have changed.

(iii) *Employee's responsibility.* Employees should cooperate with management in scheduling vacation periods and requesting leave during periods when their services can best be spared. When emergencies require maxi-

mum attendance, employees should be requested to postpone scheduled vacations or other periods of annual leave until their services may be spared without detriment to the office.

(iv) *Request for an approval of annual leave.* Although annual leave is a right of an employee, management makes the final decision on when leave is to be used. For this reason, the use of annual leave is subject to prior approval. Retroactive approval may be given when the case warrants it. Employees may not assume, however, that a mere report of absence will always result in approval. Failure to secure the proper approval may result in the time being charged to absence without leave. Instructions for using an SF 71 (Application for Leave) and for recording leave to time and attendance reports are in AR 37-105.

* * * * *

(4) *Advancing annual leave.* Activity commanders may prescribe the conditions under which annual leave can be advanced. When an employee's separation is expected (such as employees on temporary appointments, or those whose retirement is planned), advanced leave may not exceed the amount that can be repaid by accrual before the separation.

‡(5) *Requiring annual leave to be taken.* When an employee's services are not needed for a short time, or when it is otherwise desirable, management may direct the use of annual leave. See also FPM chapter 751, paragraph 1-3 and book 610, subchapter S3, of this regulation to ensure that required notice is given and that enforced leave is nondisciplinary in nature.

S3-5. MAXIMUM ACCUMULATION

a. Thirty-day maximum.

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(2) *Determinations on basis of leave year.* See paragraph S2-5e for information on actions when leave is credited when it should not be.

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‡e. **Standby employees.** The maximum accumulation rules apply equally to standby employees. However, since the leave "day," as such, loses its identity for standby tours of duty,

the maximum accumulation figure should be set in hours rather than days.

(1) When the employee is reassigned to a standby tour of duty, the maximum accumulation figure for the previous tour will be converted per FPM Supplement 990-2, book 630, paragraph S2-9c(5). The number of hours resulting will be the maximum accumulation figure as long as the same standby tour remains in effect.

(2) For employees initially hired who have a 30-day maximum accumulation, the hourly equivalent will be determined by multiplying 240 hours times the number of hours in the standby workweek and dividing the result by 40. Using this formula, the maximum accumulation for a new employee in a 72-hour standby tour is 432 hours.

‡S3-6. RESTORATION OF FORFEITED ANNUAL LEAVE

a. Approval of exigencies.

(1) In accordance with 5 CFR 630.305, the Secretary of the Army has delegated authority to approve exigencies to the following officials:

(a) The Administrative Assistant for all departmental and field elements of the Office of the Secretary of the Army and joint DOD activities serviced by that office.

(b) The Director of the Army Staff for all elements of the Office of the Chief of Staff.

(c) The head of each Army Staff Agency. The head may redelegate no lower than to an official who reports directly to that agency.

(d) The commander of each major Army command and major Army subcommand who may redelegate no lower than an official who reports directly to that command.

(2) No officials with delegated authority may approve exigencies that affect employees for whom they are the leave-approving officials.

b. Request for restored leave.

(1) Action to restore leave forfeited as a result of an exigency or illness will be initiated by a written request submitted by the employee to the management official delegated authority to approve exigencies. Supporting documentation will be attached as specified on page 11 of the attachment to FPM Letter 630-22, 11 January 1974. The request will be reviewed and, upon determination that documentation is adequate, the official having authority to

approve exigencies will authorize the restoration of the leave. The authorization will be forwarded, together with the supporting documents, to the civilian payroll office.

(2) Leave lost as a result of administrative error will be reinstated by the payroll office.

c. **Use of restored leave.** Guidelines will be developed locally for the use of restored leave. In the case of small amounts of restored leave

(e.g., 5 days or less), employees may be required to use the restored leave before using current leave accruals. In the case of large amounts of restored leave, it may be well to prorate the use over the entire 2-year limit as warranted. When requested annual leave is to be charged to the restored leave account, the employee must submit an SF 71 clearly indicating the amount of leave to be charged to the restored leave account.

ARMY REGULATION }
 No. 690-990-2 }

HEADQUARTERS
 DEPARTMENT OF THE ARMY
 WASHINGTON, DC, 15 April 1985

CIVILIAN PERSONNEL

HOURS OF DUTY, PAY, AND LEAVE, ANNOTATED

Effective Upon Receipt

This regulation is a complete revision of CPR 990-2 and is published as a part of the ongoing conversion of CPRs to ARs. Significant changes are identified in paragraph 5 of the Executive Summary.

Supplementation of this regulation is permitted only where specifically authorized in the text or with prior approval from HQDA (DAPE-CP), WASH DC 20310-0300.

Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Except for retention of a reference copy (CPR 272, para 2-2a(5)), users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Executive Summary

1. Purpose. This regulation supplements corresponding material in FPM Supplement 990-2 (Hours of Duty, Pay, and Leave, Annotated) and must be used with that supplement.
2. Applicability. This regulation prescribes policies and procedures applicable to Army civilian employees, including USAR technicians, except where such policies and procedures are modified by AR 140-315. This regulation does not apply to Army National Guard technicians employed under the provisions of 32 USC 709 unless specifically made applicable by the NGB.
3. Filing instructions.
 - a. Remove all pages of CPR 990-2 and interfile the following new pages with the corresponding book and subchapter of FPM Supplement 990-2.

<i>Book No.</i>	<i>Pages</i>
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*This regulation supersedes CPR 990-2, 31 May 1966.

<i>Book No.</i>	<i>Pages</i>
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b. File this transmittal sheet in front of FPM Supplement 990-2.

4. The latest installment to FPM Supplement 990-2 at the time this change was forwarded for publication was number 74 dated 8 October 1984.

5. Significant changes.

a. *Pay adjustments for supervisors.* (book 531, para S3-3.) Adds information on responsibility for supervision.

b. *Within-grade increases.* (book 531, para S4-8b.) Deletes requirement for 60 days' advance written notice of deficiencies in performance that may result in the withholding of a within-grade increase. Requires acceptable level of competence determinations to be documented on the SF 50 in lieu of the DA Form 2515.

c. *Grade and pay retention.* Adds book 536, which includes DOD policy on extending grade and pay retention in situations not covered in regulations issued by the Office of Personnel Management.

d. *Fractions of hours.* (book 550, para 1-3c.) Updates Army policy regarding payment for fractional hours of overtime by allowing installations to round to the nearest quarter hour on a daily basis.

e. *Compensatory time off.* (book 550, para S1-3d(2)(a).) Clarifies that local activity policies, rather than HQDA policy, may provide that employees paid in excess of the maximum rate for GS-10 be required to take compensatory time off in lieu of overtime pay.

f. *Severance pay.* (book 550, para S7-3b.) Adds provision to the regulation which provides that questionable cases on comparable employment be referred through command channels to HQDA (PECC-FS) for a determination.

g. *Two-thirds rule.* (book 610, para S1-4e(4).) Adds policy with respect to the applicability of the two-thirds rule for firefighters or others on established 24-hour shifts outside their regularly scheduled tour of duty.

h. *Scheduling requirement for changes in tours of duty.* (book 610, para S1-4i.) Imposes the requirement to reschedule an employee's regularly scheduled administrative workweek to correspond to the specific days and/or hours which will actually be required in the ensuing administrative workweek if it is known in advance of that administrative workweek that the days and/or hours actually required will differ.

i. *Holidays for part-time employees.* (book 610, para S2-3e.) Clarifies information on holiday benefits for part-time employees.

j. *Holidays.* (book 610, app D.) Adds appendix for determining which day of the workweek is observed as a holiday when the holiday occurs on one of the two scheduled nonworkdays.

k. *Advancing annual leave.* (book 630, para S3-4b(4).) The statement encouraging activities to adopt a policy of making leave accruals available at the beginning

of the leave year has been replaced by a statement that commanders may prescribe the conditions under which annual leave will be advanced.

l. *Sick leave.* (book 630, para S4-2.) Provides new emphasis to encourage tighter controls on sick leave use. Provides sick leave policy for employees who participate in medically directed treatment programs as co-alcoholics.

m. *Home leave.* (book 630, subch S6.) Clarifies Army policy on granting home leave.

n. *Shore leave.* (book 630, subch S7.) Eliminates table 1, which is obsolete.

o. *Military leave.* (book 630, subch S9.) Reflects the changes in section 6323 of title 5, United States Code, resulting from the enactment of Public Law 96-431, 1 October 1980.

p. *Excused absence.* (book 630, para S11-5.) Adds paragraphs on improper use of excused absence and on house-hunting trips. Deletes material covered by DOD CPM 990-2 (DOD 1400.25-M).

q. *Leave without pay (LWOP).* (book 630, para S12-2b(5)(f).) Incorporates Army policy (now also in AR 690-300, chap 335) on granting LWOP to employees because of a move from one area to another.

6. Army regulations in the 690 series that are interfiled with the Federal Personnel Manual use the following mechanical aids to assist readers:

a. When revised pages are issued—

(1) New or changed material is indicated by a right-hand arrow (►) at the beginning and a left-hand arrow (◄) at the end.

(2) The deletion of part of a paragraph is indicated by 2 stars (★).

(3) The deletion of an entire paragraph is indicated by a line of stars.

b. A row of five asterisks (*) is used to alert the reader that, at that point, there is material in the FPM that HQDA is not supplementing.

c. A double dagger (‡) appearing before a major division (i.e., chapter, subchapter, paragraph, or subparagraph) means there is no corresponding division in the FPM.

The mechanical aids described in a(1) through (3) above are not used to indicate differences in textual material on pages that are being converted for the first time from CPR to AR.

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA(DAPE-CP), WASH DC 20310-0300.

By Order of the Secretary of the Army:

JOHN A. WICKHAM, JR.
General, United States Army
Chief of Staff

Official:

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Brigadier General, United States Army
The Adjutant General

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Book 531
Pay Under the General Schedule
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SUBCHAPTER S3. Pay Adjustments for Supervisors					
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Subchapter S2. Determining Rate of Basic Pay

S2-1. SCOPE

* * * * *

‡c. **Activity Policy.**

(1) Commanders of activities employing civilian personnel will—

(a) Set a local policy establishing how pay will be set in those instances where administrative discretion is permitted.

(b) Ensure that the pay policy is published in a form readily available for review by affected employees, potential employees, and supervisors.

(c) Ensure that the locally developed pay policy includes the following provision:

The specific rate of pay will be set in each individual case at the time the action is taken. If a decision is made to afford an employee the benefit of a former rate of pay but it is not possible to obtain proof of the former rate prior to taking the action, the action may be processed at the minimum step rate of the grade, subject to upward adjustment. In such cases, a statement to that effect will be recorded on the Standard Form (SF) 50 (Notification of Personnel Action) to serve as the basis for retroactive adjustment of the pay rate through issuance of a correction SF 50.

(2) Pay cannot be adjusted retroactively unless—

(a) The SF 50 or other antedated proof exists

that shows the appointing official's intent to pay the higher rate.

(b) The activity's written policy at the time of the initial action established the practice that all employees in like circumstances would be paid at the higher rate.

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S2-4. POSITION OR APPOINTMENT CHANGES

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b. **Computation* of highest previous rate.**

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(2) *Determining highest previous rate.*

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‡(e) If the highest previous rate was earned in an oversea teaching position subject to Public Law 86-91 (Defense Department Overseas Teachers Pay and Personnel Practices Act) on a school-year basis, the rate earned will be increased by 20 percent to determine the equivalent annual rate.

‡(f) When an employee is changed from a Wage System position to a General Schedule (GS) position in a nonforeign area, the nonforeign cost of living allowance may be added to the GS rate for the purpose of establishing the employee's rate of pay under the new pay system (45 Comp. Gen. 88; 52 *id* 695).

* * * * *

*Pending revision of book 531 of FPM Supplement 990-2, the new formula for computing the highest previous rate (now maximum-payable rate rules) is contained in 5 CFR 531.203(c).

Subchapter S3. Pay Adjustments for Supervisors

S3-1. LEGAL AUTHORITY

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‡d. **Activity policy.** Commanders of activities employing civilian personnel may establish a local policy providing for a special adjustment in the pay of a supervisor in a GS position who regularly has responsibility for supervising one or more Wage Grade (WG) employees. In establishing such a policy, commanders will consider the following:

(1) Where practicable and consistent with good management, work assignments should be made so as to avoid situations where GS employees supervise WG employees receiving a higher rate of basic pay. Therefore, before adjusting the pay of a GS employee under this authority, consider changes in organization or assignment that would eliminate the necessity for such adjustment.

(2) An appropriate time period(s) for reviewing work situations of this type should be established

(e.g., once a year, when position incumbents changes, or as requested by management.)

* * * * *

S3-3. REQUIREMENTS

* * * * *

‡c. **Army implementing instructions.**

(1) The definition of supervisor is as set forth in the Supervisory Grade Evaluation Guide.

(2) Supervision over technical aspects of the work concerned is dependent on the skills involved in that type of work. Pay adjustments can be made for supervision of Wage Grade supervisors, but it is expected that this would be rare, especially when the employee supervised is a General Foreman.

(3) Supervision of WG employees on retained grade but assigned to GS positions does not warrant adjustment of the GS supervisor's pay.

* * * * *

Subchapter S4. Within-Grade Increases

* * * * *

S4-8. ACCEPTABLE LEVEL OF COMPETENCE

a. **Linkage of acceptable level of competence determination with performance appraisal system.** The supervisor responsible for the employee's performance evaluation will determine the acceptable level of competence.

b. **Communication of performance requirements.**

(1) Supervisors—

(a) Must assure that their employees understand what constitutes an acceptable level of competence for their positions.

(b) Will provide performance standards in writing to employees covered under the General Performance Appraisal System (GPAS) (AR 690-400, chap 430).

(c) Will advise employees who are not covered under GPAS orally or in writing of performance requirements.

(d) Will take corrective action when an employee's performance falls below an acceptable level of competence.

(e) Will formalize the granting of within-grade increases (WGIs) by signing certifications provided on SFs 50. (See (2) below.)

(f) Will, if an acceptable level of competence has not been demonstrated—

(i) So notify the employee, in writing, and inform employee (in writing) of his or her right to request reconsideration and the person whom he or she may contact to submit the request.

(ii) Contact their civilian personnel office prior to issuance of a negative determination.

(2) The CPO will ensure that—

(a) Supervisors are informed of the requirement to determine whether or not an employee is performing at an acceptable level of competence.

(b) An SF 50 is sent to the supervisor approximately 90 days before completion of the waiting period to record this determination.

(3) An employee who has not been informed of the performance standards at least 30 days before the end of the waiting period, and who is not performing at an acceptable level of competence, will have his or her acceptable level of competence determination postponed for 120 calendar days (minimum performance evaluation period designated in AR 690-400, chap 430). At such time as the employee is advised of the postponement, he or she will also be advised of the performance standards required in order to perform at an acceptable level of competence. If, at the end of the 120-day period, the employee is performing at an acceptable level of competence, the WGI becomes effective retroactively to the original due date.

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Subchapter S5. Quality Step Increases

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S5-8. AGENCY PLANS FOR GRANTING QUALITY STEP INCREASES

Policy and regulations for administering the provisions for quality increases within DA are set forth in AR 672-20, chapter 6.

15 April 1985

AR 690-990-2

Book 536
Grade and Pay Retention
Contents

	*	*	*	*	*
SUBCHAPTER S3. Actions Covered					
S3-1. Grade Retention					
S3-2. Pay Retention	*	*	*	*	*

Subchapter S3. Actions Covered

S3-1. GRADE RETENTION

* * * * *

b. Optional with agency.

(1) By memorandum dated 18 May 1981, as amended, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) (DASD(CPP)) extended grade retention DOD-wide to employees in the following situations:

(a) An employee who receives a reduction-in-force (RIF) notice proposing change to lower grade or separation accepts a lower-graded position at the same or another DOD activity. If the position accepted is not at a grade lower than one that has been offered by his or her activity, grade retention will be granted. If the position accepted is at a lower grade than one that has been offered by the activity, grade retention may be granted provided management determines that placement in the position is in the Government's interest. Where MACOMs feel that a question exists regarding the propriety of granting grade retention, all pertinent information will be submitted to HQDA(PECC-FSS), 200 Stovall Street, Alexandria, VA 22332-0300, for a determination.

(b) An employee who is in an organization undergoing realignment or reduction but who would not be affected personally requests a change to lower grade. If management determines that the employee's change to lower grade would result in placement in a more suitable position for that employee and in a lessening or avoidance of the impact of the RIF on other employees, grade retention will be granted.

(c) In circumstances not covered above, but which the activity commander feels meets the intent of the statute and regulations, requests for grade retention may be submitted through command channels to HQDA(PECC-FS), 200 Stovall Street, Alexandria, VA 22332-0300. These requests may then be forwarded to the DASD(CPP) for consideration on an individual basis. This requirement also applies to employees from other Federal agencies (non-DOD) who are not already in

receipt of grade retention and who are transferring to Army.

(d) An employee of a non-DOD agency who while in receipt of grade retention transfers to DA is entitled to have the grade retention continued unless he or she meets the conditions for termination. (See FPM Supp 990-2, book 536, S5-la(2).)

S3-2. PAY RETENTION

* * * * *

b. Optional with agency.

(1) By memorandum cited in paragraph S3-1b(1) above, the DASD(CPP) also extended pay retention DOD-wide to employees who—

(a) Would otherwise be granted grade retention under S3-1b(1)(a) or (b) above, but do not meet the time requirement specified in 5 USC 5362.

(b) Accept lower-graded positions designated in advance by the activity as being hard-to-fill under criteria similar to those used for extending special rates under FPM chapter 530, subchapter 3.

(c) Are reduced in grade upon return from oversea assignments in accordance with the terms of a preestablished agreement. This includes employees who are released from the period of service specified in their current transportation agreement due to a management-initiated action. Also included are those nondisplaced oversea employees with no obligation to return who are covered by DOD 1400.20-1-M, part I, chapter 4, paragraph IB2(h).

(d) Decline an offer to transfer with their functions to a location outside the commuting area and are placed in lower-grade positions at the losing activity.

(e) Accept a lower-graded position offered by the activity for nondisciplinary reasons such as ill health under criteria similar to those used in meeting the responsibilities for selective placement in lieu of disability retirement, as described in FPM chapter 306, subchapter 8.

(f) Occupy positions under a Schedule C appointment and who are placed, other than for cause or at the employee's request, in a position at a lower grade in the competitive service or in another Schedule C position.

Book 536

(g) Occupy an Army or Air Force reserve technician position, who have lost or are scheduled to lose eligibility through no fault of their own (i.e., "status quo" employee), and who accept placement in lower-graded nonreserve technician positions.

(h) Come from non-DOD agencies and who, while in receipt of pay retention transfer to DA, are entitled to have their pay retention continued unless they meet the conditions for termination. (See FPM Supp 990-2, book 536, S5-1a(2).)

(2) In circumstances not covered above, but which the activity commander feels meets the intent of the statute and regulations, request for pay retention may be submitted through command channels to HQDA(PECC-FS), 200 Stovall Street, Alexandria, VA 22332-0300, for determination. This also applies to employees transferring to DA from non-DOD agencies who are not in receipt of pay retention.

Book 550
Pay Administration (General)
Contents

SUBCHAPTER S1. Premium Pay

S1-2. Coverage

S1-3. Overtime Pay

S1-4. Night Pay

S1-5. Holiday Pay

S1-8. General Requirements for Regularly Scheduled Standby Duty Pay and
Pay for Administratively Uncontrollable Work

SUBCHAPTER S7. Severance Pay

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SUBCHAPTER S8. Backpay

S8-4. Determining Entitlement to Backpay

S8-5. Methods of Correcting Unjustified or Unwarranted Personnel Actions

S8-6. Claims for Backpay

Subchapter S1. Premium Pay

S1-2. COVERAGE

c. Maximum limitations.

‡(3) Compensatory time off may not be granted where payment of the extra work at overtime rates would be improper (see 26 Comp. Gen. 750). Since compensatory time off is a form of remuneration for overtime work, an employee must have performed compensable overtime work to receive it. Therefore, compensatory time off that may be earned by an employee in any one pay period is limited to the number of hours for which he or she would otherwise be entitled to receive overtime compensation before reaching the limitation on total pay period earnings (see 37 Comp. Gen. 362 and 58 Comp. Gen. 571). Compensatory time will be recorded as provided in AR 37-105.

‡e. **Reemployed annuitants.** Computation of overtime, night, holiday, and Sunday pay, as appropriate, will be based on the full rate of basic compensation prior to reduction for annuity.

S1-3. OVERTIME PAY

a. Authorization.

(1) The authority to order or approve overtime is delegated to the commander of any activity that employs civilians. Commanders may designate other officials to act for them in ordering and approving overtime. A listing of such designees will be furnished to the payroll office. A copy of overtime authorizations on which time and attendance certifications are based must be made available to the payroll office for retention for audit purposes. These requirements are equally applicable to paid overtime work and to overtime work for which compensatory time is granted.

(2) The Court of Claims decision in *Baylor v. United States*, 198 Ct. Cl. 331 (1972), established that where employees have been "induced" by their superiors to perform overtime in order to effectively complete their assignments, this overtime was held to have been "officially ordered or approved." It is necessary in this connection to determine

whether an official with the authority to order or approve overtime work ordered or induced the work to be performed because, to be compensable, the official concerned must have this approval authority (see also 55 Comp. Gen. 55).

c. Overtime pay.

‡(3) *Fractions of hours.* Employees must be compensated for every minute of regulatory scheduled overtime work. Irregular, unscheduled overtime work will be compensated for in multiples of a quarter hour. A negotiated agreement or an activity policy may provide that small amounts of irregular overtime will either be accumulated on a workweek basis with any remaining time that is 14 minutes or less being dropped or rounded on a daily basis to the nearest quarter hour.

‡(4) *Fair Labor Standards Act (FLSA).* Until the Office of Personnel Management (OPM) issues a new book 551 to FPM Supplement 990-2, information on computing overtime pay for nonexempt employees under the FLSA may be found in 5 CFR Part 551 and FPM Letters in the 551 series.

d. Compensatory time off.

(2) *Regulation.* (a) Authority is delegated to commanders of activities employing civilian personnel to require that an employee whose rate of basic pay is in excess of the maximum rate for GS-10 may be directed to take compensatory time off in lieu of overtime pay. However, this does not apply if the employee is nonexempt under FLSA and the overtime is derived from FLSA provisions.

(b) When employees are required or have elected to take compensatory time off in lieu of overtime pay, definite time schedules should be established to allow them to take the time off within the limitations prescribed in (c) below.

(c) Compensatory time off should normally be granted during the same pay period it is worked, or within a reasonable period thereafter. When this is not possible, it may be taken on a date not later than the 13th pay period following that in which

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the overtime work was performed. Employees will be paid for such time based on the rate in effect at the time the work was performed if they cannot be permitted to take compensatory time off within the prescribed period or before separation, transfer, or reassignment from the activity in which the overtime was accrued, whichever comes first.

‡(3) *Authorizing compensatory time.* All employees in positions covered by chapter 51 of title 5, United States Code, who are eligible for overtime pay may elect to take compensatory time off in lieu of payment for irregular or occasional overtime unless an activity policy requires payment for all such work. Federal Wage System employees are precluded from taking compensatory time off except as authorized in subpart J, Part 550, Code of Federal Regulations; employees who have earned their overtime pay entitlement under the FLSA may be granted compensatory time off only in accordance with the rules contained in 5 CFR 551.531. See also instructions contained in FPM Letter 551-6 dated 12 June 1975.

S1-4. NIGHT PAY

a. **Authorization.** (1) Night differential is authorized for all regularly scheduled night work of 15 minutes or more which is actually performed between the hours designated as night work, except for work by employees receiving premium pay on an annual basis under 5 USC 5545(c)(1).

(2) Commanders of oversea commands may designate any time after 1800 hours and any time before 0600 hours as the beginning and end, respectively, of night work in instances where local business customs require such action. Such designations

must be in writing and will be made a part of the payroll records.

b. **Night work.** Employees who work on an intermittent (when-actually-employed (WAE)) basis and have no regularly scheduled tour of duty are ineligible to receive night differential. If, however, these employees are assigned temporarily to a regularly scheduled tour of duty that includes nightwork, they are eligible to receive night differential for the period of temporary assignment (33 Comp. Gen. 4).

S1-5. HOLIDAY PAYa. **Authorization.**

(1) *Part-time employees.* Part-time employees will receive holiday premium rates for work performed during regularly scheduled hours of duty on a holiday. Where work is required in excess of the regularly scheduled daily tour, payment for the excess hours will be made at straight time or overtime rates, as appropriate.

(2) *Intermittent (WAE) employees.* Holiday work performed by intermittent (WAE) employees is compensable only at straight time rates of pay.

S1-8. GENERAL REQUIREMENTS FOR REGULARLY SCHEDULED STANDBY DUTY PAY AND PAY FOR ADMINISTRATIVELY UNCONTROLLABLE WORK

a. **Responsibilities of agencies.** Premium pay on an annual basis may be paid following establishment of standby or administratively uncontrollable tour of duty in accordance with book 610, paragraphs S1-4e and f.

15 April 1985

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Book 550

Subchapter S7. Severance Pay

* * * * *
S7-3. COVERAGE
* * * * *
b. Employees.
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(2) *Exclusions.* Installations will not deny severance pay on the basis of comparable job offers

without HQDA approval. Where a question exists on the comparability of an offer under exclusions (5), (6), and (7), all pertinent information will be submitted as soon as possible through command channels to HQDA(PECC-FS), 200 Stovall Street, Alexandria, VA 22332-0300, for a determination.

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Subchapter S8. Back Pay

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S8-4. DETERMINING ENTITLEMENT TO BACK PAY

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b. **Exercise of agency authority.** Commanders of activities employing civilian personnel are delegated authority to determine when a personnel action is unjustified or unwarranted and the provisions of 5 USC 5596 are applicable.

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S8-5. METHODS OF CORRECTING UNJUSTIFIED OR UNWARRANTED PERSONNEL ACTIONS

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c. **Exclusion of reclassification actions.** DA requirements for establishing positions are found in AR 690-500, chapter 501, subchapter 6.

* * * * *

S8-6. CLAIMS FOR BACK PAY

a. **Filing a claim.** A claim must be in writing and addressed to the commander of the activity where the unjustified or unwarranted personnel action took place (or appropriate successor installation). The claim must provide appropriate identifying information, such as title, series, and grade, the claim period, and such offer of proof and pertinent documents as the employee possesses to substantiate the claim. Statements from management officials hav-

ing knowledge pertinent to the claim may be accepted. The claim must contain the claimant's original signature and address (or that of the employee's properly designated agent).

* * * * *

c. Disposition of the claim.

(1) The commander must designate a management representative to review the claim and prepare a report of findings and recommendations. Employee's claims for back pay that satisfy the criteria set forth in this regulation may be settled by the appropriate employing activity. However, where doubt exists that a claim satisfies the criteria, the original and two copies of the complete claim, including the report of findings and recommendations, will be sent to Commander, US Army Finance and Accounting Center (USAFAC), Field Services Division, Entitlements Branch, Indianapolis, IN 46249, for forwarding to GAO. Back pay claims against civil funds, US Army Corps of Engineers, will be forwarded to CDRUSACE, ATTN: DAEN-PEC-R, WASH DC 20314. The transmittal letter will state the reason the claim is considered doubtful; advise if funds are available to pay the claim; and provide a fund citation to be used for payment.

(2) Claim files will be maintained by the payroll office in accordance with AR 340-18, appendix D, file designation 306-20.

* * * * *

15 April 1985

‡Book 552
Pay Administration (General)—Consultants and Experts
Contents

SUBCHAPTER S1. Pay Entitlement

- S1-1. Straight Time Pay
- S1-2. Overtime
- S1-3. Night Work
- S1-4. Holiday Pay
- S1-5. Pay When Traveling

Subchapter S1. Pay Entitlement

S1-1. STRAIGHT TIME PAY

a. **Consultants.** (1) A day's service for a consultant serving on a when-actually-employed basis will consist of any consultative services rendered in a given day, regardless of whether the time is less or greater than 8 hours. Pay will be computed by multiplying the number of days on which services are performed by the daily rate prescribed in the instrument of appointment. For example: A consultant serving on an intermittent (when-actually-employed) basis at a rate of \$100 a day renders services for 12 consecutive days, spending from 2 to 10 hours per day actual time. Total compensation will be 12 times \$100 or \$1,200.

(2) Consultants for whom regular tours of duty (full-time or part-time) have been established will be paid on a time basis under the rules that apply to experts (b below).

b. **Experts.** A day's service for an expert will consist of 8 hours of service in any day on which work is required. Since experts are appointed to perform regular services, the per diem rate for an expert is considered to be compensation for a normal workday. Therefore, pay for less than 8 hours on a given day will be computed by multiplying the hourly rate (one-eighth of the daily rate) by the number of hours worked. However, no compensation will be paid for any hours in excess of 8 on any day, regardless of the number worked.

(1) *Example 1.* An expert (\$100 a day) works 12 consecutive days, 8 hours a day. Total compensation will be 12 times \$100 or \$1,200.

(2) *Example 2.* An expert (\$100 a day) works 12 consecutive days, working 12 hours a day for the first 10 days, and 2 hours a day the last 2 days. Total compensation will be 10 times \$100 plus 2 times \$25 or \$,1500.

S1-2. OVERTIME

Consultants and experts are not eligible for overtime compensation.

S1-3. NIGHT WORK

Consultants and experts are not eligible for premium pay for night work.

S1-4. HOLIDAY PAY

a. **Holiday work.** Holiday work performed by consultants and experts is compensable only at straight time rates of pay.

b. **Pay for holidays—no work performed.** Consultants and experts are not entitled to pay for a holiday on which no work is performed.

S1-5. PAY WHEN TRAVELING

a. **Consultants.** For WAE consultants, official travel performed on any day is considered to be services for which compensation is payable at the specified per diem rate, provided the consultant's travel is during the normal hours of duty established at the employing activity, including normal nonworkdays. Travel from home to duty station, or any travel away from home, where the consultant's home is considered his duty station, is likewise compensable. In the case of consultants for whom regular tours of duty (full-time or part-time) have been established, payment for official travel will be made on a time basis under the same rules applicable to experts (b below).

b. **Experts.** Official travel performed during the normally scheduled hours of duty will be counted as service and paid at straight time rates (one-eighth of the daily rate) for each hour or fraction thereof, up to the maximum of 8 hours in 1 day. Travel performed on normal nonworkdays will be compensated for in the same manner. Travel performed outside the normal duty hours is not compensable. Travel from home to the first duty station is to be considered as service rendered and will be paid for in the same manner.

Book 610
Hours of Duty
Contents

SUBCHAPTER S1. Weekly and Daily Scheduling of Work

- S1-1. General Provisions
- S1-2. Definitions
- S1-3. Establishment of Workweeks
- S1-4. Establishment of Work Schedules

* * * * *

S1-7. Special considerations Relating to Fixing Hours of Duty

- ‡S1-8. Daylight Saving Time
- ‡S1-9. Rest Periods
- ‡S1-10. Lunch Periods
- ‡S1-11. Incidental Duties

SUBCHAPTER S2. Holidays

* * * * *

S2-2. Determining Holidays

S2-3. Effect of Holidays

SUBCHAPTER S3. Administrative Dismissals of Employees

- S3-1. General Authority
- S3-2. Relieving Daily, Hourly, or Piecework Employees from Duty
- S3-3. Effect of Dismissal

* * * * *

‡APPENDIX D. Determining Days on Which Holiday Benefits Accrue

Subchapter S1. Weekly and Daily Scheduling of Work

S1-1. GENERAL PROVISIONS

a. **Authority of agencies.** Authority for establishing and changing the tours of duty of civilian employees is delegated to the commander of any activity employing civilian personnel. This includes the authority to approve overtime and to establish flexitime schedules. However, exceptions to this general rule are listed in paragraphs S1-4e(3)(d), S1-4f, and in AR 1-3.

* * * * *

‡f. **Non-US citizens.** Non-US citizens paid in accordance with rates prevailing in a foreign area are excepted from the statutes on which the regulation is based and are excluded from this regulation. However, where such action is consistent with management considerations, local customs, existing treaties, or international agreements, oversea commanders may apply this regulation, in whole or in part, to either direct or indirect non-US citizen personnel.

S1-2. DEFINITIONS

a. **Regulation.** Generally, the Department of the Army administrative workweek is identical to the calendar week, beginning at 0001 hours on Sunday and ending at 2400 hours the following Saturday. For employees on standby tours, the administrative workweek normally begins and ends on the hour of the day when shifts change.

‡b. Additional definitions.

(1) *Rotating tours of duty* are those regularly scheduled tours that periodically require service on a different shift.

(2) *Part-time tour of duty* is explained in AR 690-300, chapter 340.

(3) *Intermittent services* are services rendered by employees—

(a) For whom no tour of duty can feasibly be established on a continuing basis; or

(b) Who are expected to respond to requests for duty in connection with some unscheduled activity (for example, a consultant called in to render advice on some special problem or an employee called in to assist with an emergency workload).

(4) *Irregular or occasional overtime work.*

Overtime work that is not part of an employee's regularly scheduled administrative workweek.

(5) *Regular overtime work.* Overtime work that is part of an employee's regularly scheduled administrative workweek.

(6) *Flexitime, core time, flexible time, and working hours* are defined in FPM Supplement 990-2, book 610, appendix C.

S1-3. ESTABLISHMENT OF WORKWEEKS

a. **General.** Generally, the DA administrative workweek is identical to the calendar week, beginning at 0001 hours on Sunday and ending at 2400 hours the following Saturday. For employees on standby tours, the administrative workweek normally begins and ends on the hour of the day when the shifts change.

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d. **Standby duty.** See paragraph S1-4e.

e. **Uncontrollable overtime.** See paragraph S1-4f.

S1-4. ESTABLISHMENT OF WORK SCHEDULES

a. **Law.** The occurrence of holidays may not affect the designation of the basic workweek, except that when a holiday occurs on a Monday such holiday may be scheduled as a day within the basic workweek for DA employees who have a normal basic workweek of Tuesday through Saturday. The succeeding Tuesday will be a nonworkday. This means that Sunday and Tuesday will be nonworkdays and Monday, a workday, will be treated in the usual manner applicable to a holiday that falls on a workday.

b. **Regulation.** (1) *Establishment of work schedules.* A flexible work schedule requires that each commander establish for the organizational unit (or for an employee as warranted) a fixed core time band(s) within fixed working hours. The employee, unless otherwise in an approved leave or excused absence status, must work during core time and must account for the total number of hours scheduled to be worked each day.

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‡d. **Unusual circumstances.** In cases where a regular tour of duty would seriously handicap the performance of a function or would result in substantially increased costs, other tours may be established. In establishing such tours, the following requirements will be observed:

(1) Wherever possible, 2 consecutive days off will be provided in each administrative workweek. Nonworkdays should be staggered when it is necessary to provide 6- or 7-day coverage for a particular activity.

(2) The tour will cover a minimum of 40 hours for all full-time employees.

(3) In very unusual circumstances, an off-duty period may have to be scheduled between two portions of a daily shift. If such a tour is established, care should be taken to ensure that employees are completely free to pursue their own pleasures during such off-duty periods. Any work required during such off-duty periods must be treated as overtime.

(4) So far as practicable, the daily tour of duty should be established in terms of full hours. When fractional hours are required, the daily tour will be expressed in full-hour and quarter-hour multiples.

(5) The necessity for an irregular tour should be explained to the employees affected and where suitable (or feasible) the views of labor organizations and employees should be obtained as to the exact tours to be established.

‡ e. **Standby tours** (not applicable to Wage Grade employees).

(1) *Conditions to be met.* Conditions that must exist for establishing a standby tour are set forth in 5 CFR 550.143.

(2) *Determining time worked.* In order to provide a basis for computing the premium compensation payable, the amount of time actually worked by employees having standby hours of duty must be determined. The amount of time actually worked must be based on the average amount of time spent in the performance of actual work over a sufficient period of time to reflect the normal requirements of the position and should be reviewed at least annually. Assignments of work to employees having the same standby tour will be so made that the same overall average of time worked will apply to all employees similarly situated.

(3) *Authority to establish.* (a) A standby tour of

duty of 72 hours a week, or 144 hours in a biweekly pay period, is the normal tour for firefighters in all DA activities. (This tour was established with the beginning of the first pay period starting after 31 October 1954.)

(b) Commanders of activities may establish tours including standby time for employees occupying the position of fire chief provided the conditions set forth in 5 CFR 550.143 and (i), (ii), and (iii) below are met.

(i) The employee must be required to spend the standby period at the location prescribed for firefighting personnel on a standby tour.

(ii) The standby period is from 14 to 18 hours a week on a regular workday or extends into a nonworkday in continuation of a period of duty within the basic workweek.

(iii) The payment of premium compensation at the rate of 15 percent does not result in a decrease in existing compensation, including payment for overtime, night, and holiday pay. For this purpose, the employee's existing aggregate rate will be determined on the basis of what he or she would have earned over the period of a year if the change in tour had not occurred.

(c) Commanders of activities in an inactive or caretaker status may establish a 72-hour standby tour for employees performing a combination of firefighter-guard duties.

(d) Standby tours of duty may be established for other groups of employees only with the prior approval of HQDA(PECC-FS), 200 Stovall Street, Alexandria, VA 22332-0300. Forward requests for such approval through channels. Requests need not be resubmitted for tours that were properly approved under previous regulations. Include the following information in the request:

(i) The number of employees affected.

(ii) Duties to be performed.

(iii) Length of tour and time spent on actual work.

(iv) A showing that there will or will not be a reduction in existing aggregate compensation.

(v) The manner in which the conditions set forth in 5 CFR 550.143 are met.

(4) *Work in excess of standby tour.* When emergencies cause such action, work may be required on an irregular or occasional basis beyond the regularly scheduled standby tour. Such additional work will

be considered overtime. For firefighters or others on established standby tours who work an additional 24-hour shift outside their regularly scheduled tour of duty, the two-thirds rule shall apply, unless it can be demonstrated that less than 8 hours of eating/sleeping time was provided during the additional shift. In such cases, the employee will be paid for all hours exclusive of those actually set aside for sleep and mealtime.

‡f. **Tours of duty that cannot be controlled administratively.** Certain GS positions exist where the employees are responsible for recognizing, without supervision, circumstances that require them to remain on duty. Conditions that must exist for establishment of tours of this nature are set forth in 5 CFR 550.153. When a position involves duty such as that described in 5 CFR 550.153, prior approval may be requested through command channels from HQDA(PECC-FS), 200 Stovall Street, Alexandria, VA 22332-0300 for the establishment of an administratively uncontrollable tour. Approval of such a request will be the basis for payment of premium pay on an annual basis. In submitting a request for prior approval, include the specific manner in which each of the factors set forth in 5 CFR 550.153 is involved and a recommended rate of premium compensation.

‡g. **Night duty.** Hours of work involving night duty should be kept to an absolute minimum but may be authorized where circumstances so require. Night duty is defined as work falling between 1800 and 0600, except that where local business customs require such action, oversea commanders may designate other inclusive hours as periods of night work.

‡h. **Overtime hours.** Overtime services beyond the regularly established basic tour will be approved per AR 570-4, paragraph 4-10. When establishing tours of duty that will include regular overtime, observe the following principles:

(1) Except under extraordinary circumstances, a tour of duty that includes regular overtime will not extend beyond 48 hours in an administrative workweek.

(2) Before approving an overtime schedule, try to obtain the necessary services through reassignment or detail of personnel or through recruitment of added personnel within prescribed personnel authorizations.

(3) Regular overtime should be approved for the shortest possible period and the approval should be renewed as the need may require.

(4) Where regular workweek schedules are involved, the overtime hours should be scheduled on Saturday, if possible.

‡i. **Scheduling requirement.** (1) Except as provided in (2) below, commanders or their designees will schedule an employee's regularly scheduled administrative workweek so that it corresponds with the employee's actual work requirements. (See 5 CFR 610.121.) As a minimum, tours of duty must be scheduled or rescheduled in advance of the administrative workweek to correspond with known work requirements and cover a period of at least 1 workweek.

(2) Exceptions to the foregoing requirement may be made when events preclude compliance; for example, where a change in shifts by a construction contractor requires an immediate corresponding change in the tours of construction inspectors.

‡j. **Recording tours.** The announcement of the tour will identify the calendar days and the hours of each day comprising each tour. Copies of the announcement will be posted in conspicuous places, readily accessible to all affected employees. Where an exception is made to the requirement set forth in h(1) above, the reasons for the exception will be made a matter of record. In cases where other than regular tours are established for individual employees or special groups of employees, written notification will be given to affected employees, supervisors, time and attendance clerks, and the payroll office.

* * * * *

S1-7. SPECIAL CONSIDERATIONS RELATING TO FIXING HOURS OF DUTY

a. **Tours of duty of minors.** (1) Where regulations permit the employment of minors, State labor standards regarding the employment of minors will be observed if they are more restrictive than the following standards (FPM chap 338 and AR 690-300, chap 338, contain added guidance on defining minors and their performance of hazardous duty.)

(a) No employment will be permitted between 2200 and 0600. Adequate provision will be made for the safety, health, and welfare of minors working night shifts.

(b) Lunch periods will be free time.

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(c) Tours of duty for minors will be limited to 8 hours each day and 48 hours each week, covering not more than 6 days of the administrative work-week.

(2) Where minors are attending high school, the following added requirements represent the minimum standards to be observed. These standards may not be lowered or otherwise relaxed.

(a) The maximum weekly tour of duty will be 28 hours, limited to 4 hours each day on school days and 8 hours on Saturday.

(b) The combined hours of school sessions and work will not exceed 9 hours each day.

(c) Where transportation facilities are such as to require unusually long periods in traveling to and from work, the daily tour of duty will be reduced accordingly.

(d) The employment of minors will be coordinated with and approved by the school principal or other school official (such as guidance counselor) to ensure that it does not conflict with the school's study program.

b. Variation of hours in metropolitan Washington. See AR 1-3.

‡c. **Religious holidays.** (1) Where possible, work schedules should be rearranged to accommodate employee absence on religious holidays. See also 5 CFR Part 550, Subpart J, and 5 USC 5550a.

(2) Compensatory time off for religious observances is not premium pay under title 5, USC, and, therefore, is not subject to the aggregate salary entitlements imposed by 5 USC 5547.

‡d. **Designating employees for duty outside the normal workday (on-call duty).** (1) *Requirements.* When the nature of operation is such that it may become necessary at any time to call back employees because of emergencies or administrative requirements that may occur outside the normal workhours of an activity, commanders may designate employees to be available for such a call during weekends or other off-duty time. Designation of employees for this purpose will be subject to the following conditions:

(a) There should be a definite possibility that the services of the designated employees might be required.

(b) On-call duties required of the employee will be brought to the attention of all employees concerned.

(c) If more than one employee could be used for on-call services, designations should be made on a rotating basis.

(d) Employees who are designated for on-call duty may not have their freedom of movement unduly restricted. Normally, the requirement that they hold themselves available will not extend beyond a requirement that they leave word where they may be reached.

(2) *Compensation.* The designation of employees to be available for call cannot, in itself, serve as a basis for additional compensation. Similarly, equipping an on-call employee with an electronic device ("beeper") does not constitute a basis for compensation (Comp. Gen. B-173783.116, 1 April 1975). Only in those cases where the employees are required to remain at their post of duty (including those rare instances where their homes are designated as their post of duty) with their time and activities completely under the control of the employing activity can additional compensation be paid. However, employees who are called back to duty would be entitled to at least 2 hours of overtime compensation. Where a return to duty is not required and services are provided by telephone, overtime pay or compensatory time, as appropriate, will be granted unless the time spent performing the service is less than 15 minutes. (See book 550, para S1-3b.)

‡S1-8. DAYLIGHT SAVING TIME

a. **Adopting daylight saving time.** When daylight saving time goes into effect, employees working shifts during the change are considered on duty for the normal number of hours of that shift, provided the hour lost is charged to annual (or sick leave, if applicable). If no charge is made to leave, pay may be allowed only for the actual number of hours worked.

b. **Return to standard time.** Similarly, when a change to standard time goes into effect, the employees working shifts during the change will be credited and pay allowed for the actual number of hours worked.

‡S1-9. REST PERIODS

Activity commanders may permit short rest periods during the daily tour when such periods are beneficial or necessary to the activity. The policy adopted by each commander will be stated in writing and employees will be advised accordingly. Rest periods

are considered duty time and are included in the daily tour of duty.

a. **Criteria to be used.** Criteria for determining the activity's policy are as follows:

(1) Protection of employee's health by relief from hazardous work or work that requires continual or considerable physical exertion.

(2) Reduction of accident rate by removal of fatigue potential.

(3) Working in confined spaces or in areas where normal personal activities are restricted.

(4) Increase in, or maintenance of, high quality or quantity production traceable to the rest period.

b. **Limitations.** (1) Rest periods other than those provided herein may not be considered a part of the daily tour of duty; such periods must be charged to the appropriate type of leave.

(2) The rest period may not exceed 15 minutes during the 4 hours of continuous work.

(3) If the period from the beginning of the daily tour to the luncheon period is less than 4 hours, a rest period should be granted only in unusual circumstances.

(4) The rest period may neither immediately precede nor be a continuation of the lunch period.

(5) A rest period may not be granted where none of the criteria stated in a above apply.

§S1-10. LUNCH PERIODS

Lunch periods during which the employee is entirely free of duty may not be considered duty time and must be scheduled outside the hours established for the daily tours of duty. Where three 8-hour shifts are in operation, however, and an overlapping of shifts to permit time off for lunch is not possible, a lunch period of 20 minutes or less may be counted as time worked for which compensation is allowed. Where the on-the-job lunch period is in effect, employees must spend the time close to their work stations. Where the lunch period is free time, or is longer than 20 minutes, the entire period may not

be included in the daily schedule of working hours so that the employees are paid for the lunch period.

§S1-11. INCIDENTAL DUTIES

Incidental duties directly connected with the performance of a given job are considered assigned duties, and time spent in their performance is to be included in the daily schedule of working hours. This includes time spent in travel that is an inherent part of, and inseparable from, the work itself. However, travel from home or lodging place to work is not considered as worktime. Examples of situations involving incidental duties are outlined below:

a. **Guards.** Where civilian guards must report at a central location to check in, receive instructions, undergo inspection, and then proceed to their posts of duty, the daily tour of duty is considered to begin at the time they are required to check in. Similarly, where guards must check out at a central location, the daily tour will end at that time. Generally, such duties should not require more than one half-hour each day.

b. **Maintenance workers.** Time required by maintenance workers to obtain working implements in the morning and to return them to the proper place at the end of the day also is included in the established tour of duty.

c. **Survey personnel.** The day-to-day activities of a topographic survey party involve travel between an assembly point and a survey site, and between survey sites, as a matter of course. Time spent in such travel is included in the established tour of duty.

d. **Patient care personnel.** Where medical personnel must report to a central location to check in, to receive instructions, and to receive information such as prescribed treatment and conditions of patients, the daily tour of duty is considered to begin at the time medical personnel are required to report.

Subchapter S2. Holidays

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S2-2. DETERMINING HOLIDAYS

a. **Regulation.** See paragraph S1-4a for an exception to the rule that the occurrence of a holiday may not affect the designation of the basic work-week.

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c. **Executive Order 11582 of February 11, 1971. Observance of holidays by Government agencies.** (1) With regard to section 3(b) of the EO, within DA the first nonworkday in an employee's administrative workweek is designated as the "regular" weekly nonworkday in lieu of Sunday. See Appendix D for assistance in determining the day on which holiday benefits accrue.

(2) With regard to section 4 of the EO, for employees serving under "first 40 hours," the following Monday is designated for observance whenever a holiday falls on Sunday; and the preceding Friday is designated for observance whenever a holiday occurs on Saturday.

* * * * *

e. **Two work shifts beginning within the same 24-hour period.**

(1) When a full-time employee has two daily tours of duty that start on the holiday, the activity commander will determine which tour will be regarded as the holiday tour. The employee will be required to perform services or be in a leave status for the other tour.

(2) In situations comparable to inspectors on 24-hour construction projects where normally the first and second 8-hour shifts would begin at 0800 and 1600 each Monday through Friday and the

third 8-hour shift at 0001 each Tuesday through Saturday, the third shift may be established to begin at 2359 Monday through Friday, in order that identical holiday benefits may be extended to employees of all three shifts. (See 38 Comp Gen. 499.)

S2-3. EFFECT OF HOLIDAYS

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c. **Authority to require work on holidays.** When, by administrative order, work is required on a holiday, an employee who fails to perform such services may be deprived of the straight time pay otherwise due for that one day because the absence was not authorized. However, if it is administratively determined that the employee had a valid and acceptable reason for being absent, the absence may be considered to have been authorized and the employee may receive his or her normal pay. (See 44 Comp. Gen. 274.)

¶e. **Part-time employees.** Part-time employees who have regularly scheduled tours of duty will be paid for excused absence on holidays that fall within their tours of duty. This holiday treatment applies only to the actual calendar days on which the holiday falls, since no entitlement to a day in lieu of a holiday exists. (See 32 Comp. Gen. 378.) However, when an activity is closed on an "in-lieu-of" holiday that falls on a part-time employee's regularly scheduled workday, the employee, if prevented from working that day, will be granted the day off administratively with no charge to leave.

¶f. **Intermittent (WAE) employees.** Employees working on an intermittent (WAE) basis may not be paid for holidays on which no work is performed.

Subchapter S3. Administrative Dismissals of Employees

S3-1. GENERAL AUTHORITY

a. **Closing an activity.** It is within the administrative discretion of the commander to close all or part of an activity. (For activities in the National Capital Region, DC, see AR 1-13.)

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‡c. **Coordination between activities.** In order to assure consistent treatment of employees similarly affected in each geographical area (defined as the area within which employees normally commute), or where the conditions affect more than one Defense installation, commanding officers concerned will consult with one another before arriving at a decision to close an activity. As appropriate, coordination with non-Defense Federal installations in the area that may be similarly affected will be undertaken through Federal Executive boards, Federal business associations, field personnel councils, or similar local organizations designed to coordinate action on common problems.

‡d. **Issuance of administrative order.** All decisions to excuse employees under this subchapter will be made a matter of record at the activity.

S3-2. RELIEVING DAILY, HOURLY, OR PIECEWORK EMPLOYEES FROM DUTY

For eligibility of hourly, per diem, and piecework employees, see paragraph S3-3a.

S3-3. EFFECT OF DISMISSAL

‡a. **Employees eligible for excused absence.** All employees paid on a per annum basis irrespective of their tenure of appointment, and those hourly, per diem, and piecework employees (other than consultants and experts) who have appointments not limited to 90 days or less or who have been currently employed for a continuous period of 90 days under one or more appointments without a break in service may be excused without charge to leave or loss of basic pay. For special regulations pertaining to excusing non-US citizen employees of overseas commands, see f(2)(b) below. Employees who are ineligible for excused absence will be placed on annual leave or, if they have no leave to their credit, in a nonpay status. This is an exception to the normal rule that employees will not be placed on leave with-

out pay without their consent. When employees eligible to be excused are required to take annual leave during a period of disruption or suspension of activities, employees with no annual leave to their credit may be furloughed without pay.

‡b. **Duration of excused absence.** Normally the period of excused time will not exceed 2 consecutive workdays for any single period of excused absence. When the unusual circumstances continue so that employees are prevented from returning to work at the end of 2 workdays, activity commanders may authorize excused absence not to exceed 3 additional workdays.

‡c. **When advance notice can be given.** The authority to excuse employees administratively is not to be used in instances when the period of interrupted or suspended operations can be anticipated far enough in advance to permit arranging for assignment to other work or the scheduling of annual leave. Normally, when 24 hours advance notice can be given, employees who cannot be assigned to other work must be placed on annual leave with or without their consent. When unavoidable circumstances make a 24-hour notice impractical, employees may be placed on annual leave with or without their consent if notice is given before the end of the work period immediately preceding the one in which they are to be placed on leave. When such notice is not possible, employees will be administratively dismissed for not to exceed 8 hours and will then be placed on enforced annual leave for any subsequent continuous absence required beyond 8 hours, provided 24 hours advance notice can be given. Effort will be made to keep to a minimum the occasions on which an employee is required to take leave with less than 24 hours' notice, and such leave will not exceed 5 days in any 1 leave year.

‡d. **Interruption of normal operations.** When operations are interrupted by events beyond the control of management or employees, the employee will, except as noted in (1) below, be excused from duty without charge to leave or loss of pay.

(1) The practice of excusing employees on construction projects because of inclement weather

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should follow closely the prevailing practice of the construction industry. Normally, such employees will not be excused where they are advised that work is shut down prior to the time they ordinarily leave home to report to the work site. Where employees are required to stand by for 1 or 2 hours pending the beginning or resumption of work, and then are released, the standby time will be considered work time.

(2) Employees who are required to perform considerable travel to isolated projects and employees (such as survey parties) who are in a travel status will be excused when climatic conditions prevent actual work.

(3) When all or part of an activity is not closed, but because of climatic conditions or the breakdown of transportation facilities some employees are unable to report for work, activity commanders may excuse such absences without loss of basic pay or charge to annual leave or require the use of annual leave. Where this situation exists, the same policy will be followed with respect to all employees similarly affected.

(4) Under conditions of extremely hot weather, employees may be excused as provided herein. Local commanders are responsible for determining whether heat justifies excusing employees. In setting a standard for releasing employees due to heat, local commanders will—

(a) Consult with others as set forth in paragraph S3-1c and consider the practice of private employers in the community.

(c) Provide for liberal use of annual and sick leave in individual cases.

(d) Ensure that group dismissals of employees are authorized only in exceptional instances where conditions are extreme enough to make working conditions intolerable and to endanger the health of employees.

‡e. **For managerial reasons.** Commanders may release employees without loss of pay or change to leave when employees are prevented from working because of—

- (1) Retooling.
- (2) Breakdown of machines or of essential services or facilities.
- (3) Unanticipated delays in the flow of work or in the receipt of materials.
- (4) Power failure.
- (5) Other administrative problems. Employees may be administratively dismissed at the discretion of the commanding officer.

‡f. **For a local holiday.**

(1) State or local holidays. Employees may not be excused without charge to leave or loss of pay solely because of the occurrence of a State or local holiday.

(2) Holidays in foreign countries.

(a) *US citizen personnel.* When all or part of an activity in a foreign country is closed in observance of a local holiday, thus preventing US citizen employees from performing their regular duties, every effort will be made to assign them to other work. Where assignment to other work is not possible, employees may be excused without charge to leave or loss of basic pay.

(b) *Non-US citizen personnel.* Non-US citizen personnel employed outside the United States are not entitled to the holiday benefits and excused leave provided for citizen employees. When consistent with local prevailing employment custom, however, locally developed regulations may provide for excusing such personnel with pay at straight time rates whenever they are prevented from working because of the closing of an activity for the observance of legal US holidays or because of emergency conditions.

‡g. **Strikes in private plants.** When employees assigned to private plants are prevented from working because of shutdown due to labor disputes at the plant to which assigned, every effort will be made to assign them to other work. If this is not possible, such employees may be excused without charge to leave or loss of basic pay. This authority is limited to one grant per year.

‡Appendix D. Determining Days on Which Holiday Benefits Accrue

D-1. Holidays falling on nonworkdays, with the exception of holidays falling on Sunday or other day designated as "in lieu of Sunday" (the first nonworkday of the administrative workweek for Army), are observed on the workday immediately preceding the holiday. Holidays that fall on Sunday or the day in lieu of Sunday are observed on the workday immediately following the holiday. The table below is useful in determining on which day of the workweek the holiday is observed when the holiday occurs on one of the two nonworkdays in column 1.

D-2. To use the table, first find the correct combination of nonworkdays in column 1 and then find the corresponding day (letter A or B) in column 2. This is the day on which holiday benefits are observed.

Column 1 Nonworkdays		Column 2 Days of the Week								
A	B	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Sunday	Monday	B			A					
Sunday	Tuesday			AB						
Sunday	Wednesday			A	B					
Sunday	Thursday			A		B				
Sunday	Friday			A			B			
Sunday	Saturday			A				B		
Monday	Tuesday		B			A				
Monday	Wednesday				AB					
Monday	Thursday			A	A	B				
Monday	Friday			A	A		B			
Monday	Saturday			A				B		
Tuesday	Wednesday			B			A			
Tuesday	Thursday					AB				
Tuesday	Friday					A	B			
Tuesday	Saturday					A		B		
Wednesday	Thursday				B			A		
Wednesday	Friday						AB			
Wednesday	Saturday						A	B		
Thursday	Friday					B			A	
Thursday	Saturday							AB		
Friday	Saturday						B			A

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Subchapter S1. General Provisions

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S1-3. LEAVE ADMINISTRATION

a. Agency.

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(2) Agency responsibility.

(a) Activity commanders are responsible for the proper administration of this regulation and for prescribing added instructions as needed.

(b) In addition to (a) above, commands outside the United States will establish leave benefits for non-US citizens employed by DA in their respective areas.

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S1-6. ABSENCE WITHOUT LEAVE

Periods of absence without leave are changed in multiples of 15 minutes. Only absences during the regularly scheduled basic tour of duty are absences without leave.

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Subchapter S2. General Provisions for Annual and Sick Leave

S2-1. COVERAGE AND EXCLUSIONS

a. Employees.

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‡(5) Department of the Army employees who work less than full time and have no regular tour of duty established one pay period in advance for each administrative workweek are generally classes as intermittent (when-actually-employed) employees and are not entitled to accrual of annual or sick leave. A regular tour of duty is considered to have been established and the benefits of annual and sick leave are applicable when employees are scheduled to perform duties during each week of a pay period (32 Comp. Gen. 206).

d. Leave for alien employees.

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(2) *Limitations.* Leave benefits for non-US citizens employed outside the United States will conform as closely as practicable to the local prevailing practices established by law and customs. Where the US Government has more than one department or agency represented in the locality, Army agencies will coordinate with other agencies so that reasonably consistent policies and procedures will be observed.

S2-3. ACCRUAL OF LEAVE DURING PAY PERIODS

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c. Fractional pay periods.

(1) *Regulation.* If employment is continuous but is interrupted by a nonleave-earning period, credit for leave may be given on a pro rata basis for that fraction of a pay period in which leave was earned. This situation occurs, for example, when an employee is carried in a leave without pay (LWOP) status while in receipt of disability compensation from the Office of Workers' Compensation Programs (OWCP) or when an employee's tour of duty changes from full-time to intermittent.

‡(3) *Pro rata table for 72-hour-a-week standby employees.* The following table will be used as a guide in determining the amount of pro rata credit for leave in the case of 72-hour-a-week standby employees.

d. Accrual reduction because of nonpay absence. Employees who are in leave category "6" and who earn 10 hours during the last pay period of the year will have their leave credit reduced by 6 hours if a reduction in leave credits is required during the last pay period of the year.

Pro Rata Table

<i>Each 12-hour period of duty for 72-hour-a-week employees</i>	<i>Category 4 72-hour tours</i>	<i>Category 6 72-hour tours</i>	<i>Category 8 72-hour tours</i>
1	1	1	1
2	1	2	2
3	2	3	3
4	2	4	5
5	3	5	6
6	3	5	7
7	4	6	8
8	5	7	9
9	5	8	10
10	6	9	12
11	6	10	13

Note: For standby employees working on other than 72-hour tours, partial accruals will be computed by multiplying the hours in a base pay status over the hours scheduled in a biweekly period by the appropriate leave accrual for a full pay period. Any resulting fraction over one-half will be rounded to the next hour.

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S2-4. LEAVE CHARGES

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‡c. **Accumulating absences.** Commanders may allow employees to accumulate absences within a single day for leave charge purposes.

‡d. **Correction of administrative error in charging leave.** When through administrative error or oversight an absence is charged as nonpay status, the error may be corrected by retroactively granting annual or sick leave. Leave may be granted for the period, or any portion thereof, if—

(1) The employee is still on the rolls at the time of correction.

(2) Accrued leave credit existed at the time of the absence.

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S2-5. REFUND FOR UNEARNED LEAVE

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‡c. **Refund at end of leave year.** A refund will be required for any negative annual leave balance remaining at the end of the leave year. However, activity policy may provide that any negative balance at the end of the leave year that results from leave credit reductions because of nonpay status may be carried forward to the next leave year.

‡d. **Certifying officer's responsibilities.** The civilian payroll certifying officer—

(1) Is not held financially responsible for overpayments resulting from an employees' separation prior to liquidation of advanced annual leave.

(2) Is responsible for trying to obtain refund of the overpayment under FPM Supplement 831-1, subchapter S19.

(3) Is responsible for unliquidated balances of leave that are incurred contrary to these regulations.

e. **Erroneous leave credit.** An employee who uses excess annual leave that was credited because of an administrative error may refund the amount received by lump-sum or installment payment or have the excess leave carried forward as a charge against future accruals of annual leave. In some instances, repayment may be waived under regulations governing overpayments of pay and allowances. (See 5 USC 6302(f) and AR 37-10.)

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S2-6. UNCOMMON TOURS OF DUTY

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b. **Agency authority.** For leave accrual and use purposes, the regular tour of duty for standby DA employees consists of the scheduled hours of duty within each administrative workweek, including hours of regularly scheduled standby time.

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S2-7. TRAVEL TIME

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c. **Free travel time.** Leave-free travel time may not exceed the time required for completion of the travel by common carrier over the most direct, usually traveled route.

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S2-9. PROCEDURES

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b. **Procedure in applying for leave.** (1) *Time and attendance report.* Instructions for DA time and attendance reporting and leave accounting are in AR 37-105.

c. **Procedure for transfer of leave.**

(4) *Delayed receipt of Standard Form 1150.* Civilian payroll offices are authorized to accept the employee's personal certification as to the amount of leave to his or her credit. The employee then may be granted an amount of paid leave not to exceed the amount personally certified, plus leave to be earned through the end of the leave year. SF 71 (Application for Leave) may be used for certifying and requesting leave. The employee may also be requested to produce some record evidence, if available, such as "Earnings and Leave Statement" or a personally maintained record of leave earned and taken. See also FPM Supplement 293-31, subchapter S5.

‡(5) *Conversion of balances for standby employees.* In the case of standby employees, all leave balances to be transferred will be converted to an 8-hour-a-day basis, prior to certification of balances and transmittal of SF 1150, unless it is definitely known that the employee will have an identical standby tour in the new position. In such cases, the tour upon which the leave balances are credited will be specifically noted on SF 1150.

Subchapter S3. Annual Leave

S3-1. EARNING RATES

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b. Earning rates for part-time employees. Service performed by part-time employees that is not divisible by the leave accrual unit (20, 13, or 10

hours) will be carried forward to succeeding pay periods.

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‡d. Earning rates for standby employees. Earning rates for employees working a 72-hour standby tour are as follows:

Leave earning category	Leave earned each pay period except last full pay period in calendar year	Leave earned last full pay period in calendar year (as distin- guished from leave year)
Category 4.....	7	12
Category 6.....	11	13
Category 8.....	14	24

Note: Other standby employees will accrue annual leave at the rate of 1 hour for each 20, 13, or 10 hours in a pay status depending upon whether the leave earning category is "4," "6," or "8." Hours not divisible by the leave accrual unit (20, 13, or 10 hours) will be carried forward and applied in the last pay period in the calendar year.

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S3-4. GRANTING ANNUAL LEAVE

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b. Agency authority.

(1) Legal basis.

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(b) Taking of leave.

(i) When employees can be spared from their duties, annual leave will be granted freely for personal or emergency purposes. Large accumulations should be avoided. Normally, employees will not be denied the use of annual leave when otherwise they may be required to forfeit their accruals because of maximum accumulation or forfeiture rules. Denial of its use will be based upon factors that are reasonable, equitable, and which do not discriminate against any employee or group of employees.

(ii) Management responsibility. Management will determine when and the extent to which annual leave is to be granted, as well as require annual leave to be taken when circumstances require such action. Each commander will, therefore, set and publish a local policy that will assure that adequate planning is undertaken to provide scheduled vacation periods and to otherwise grant or direct

the use of annual leave. To the extent permitted by local work conditions, management will plan to allow each employee annually an extended period of leave for rest and relaxation to assist in maintaining maximum efficiency and productivity. This includes planned vacations for all employees, whether occupying supervisory or nonsupervisory positions. Authority for approving leaves of absence should be vested in the lowest practicable supervisory level within the activity. Determinations as to the time and amount of annual leave that is to be granted generally should be on the basis of mutual agreements between employee and supervisor. Supervisors should ensure that an unliquidated compensatory time is used before approval of annual leave, unless by so doing the employee would be compelled to forfeit annual leave. Leave policies should be reviewed from time to time and be changed if local work requirements have changed.

(iii) Employee's responsibility. Employees should cooperate with management in scheduling vacation periods and requesting leave during periods when their services can best be spared. Where emergencies require maximum attendance, employees should be requested to postpone scheduled vacations or other periods of annual leave until their

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services may be spared without detriment to the office.

(iv) Request for an approval of annual leave. Although annual leave is a right of an employee, management makes the final decision on when leave is to be used. For this reason, the use of annual leave is subject to prior approval. Retroactive approval may be given where the case warrants it. Employees may not assume, however, that a mere report of absence will always result in approval. Failure to secure the proper approval may result in the time being charged to absence without leave. Instructions for using SF 71 (Application for Leave) and for recording leave to time and attendance reports are in AR 37-105.

(4) *Advancing annual leave.* Activity commanders may prescribe the conditions under which annual leave can be advanced. Where an employee's separation is expected (such as employees on temporary appointments or those whose retirement is planned), advanced leave may not exceed the amount that can be repaid by accrual before the separation.

‡(5) *Requiring annual leave to be taken.* When an employee's services are not needed for a short time, or when it is otherwise desirable, management may direct the use of annual leave. See also FPM chapter 751, paragraph 1-3, and book 610, subchapter S3, of this regulation to ensure that required notice is given and that enforced leave is nondisciplinary in nature.

S3-5. MAXIMUM ACCUMULATION**a. Thirty-day maximum.**

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(2) *Determinations on basis of leave year.* See paragraph S2-5e for information on actions when leave is credited when it should not be.

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‡e. **Standby employees.** The maximum accumulation rules apply equally to standby employees. However, since the leave "day," as such, loses its identity for standby tours of duty, the maximum accumulation figure should be set in hours rather than days.

(1) Where the employee is reassigned to a standby tour of duty, the maximum accumulation figure for the previous tour will be converted per FPM Supplement 990-2, Book 630, paragraph S2-9c(5). The number of hours resulting then will

be the maximum accumulation figures as long as the same standby tour remains in effect.

(2) For employees initially hired who have a 30-day maximum accumulation, the hourly equivalent will be determined by multiplying 240 hours times the number of hours in the standby workweek and dividing the result by 40. Using this formula the maximum accumulation for a new employee in a 72-hour standby tour is 432 hours.

‡S3-6. RESTORATION OF FORFEITED ANNUAL LEAVE

a. **Approval of exigencies.** (1) In accordance with 5 CFR 630.305, the Secretary of the Army has delegated authority to approve exigencies to the following officials:

(a) To the Administrative Assistant for all departmental and field elements of the Office of the Secretary of the Army and joint DOD activities serviced by that office.

(b) To the Director of the Army Staff for all elements of the Office of the Chief of Staff.

(c) To the head of each Army Staff Agency. The head may redelegate no lower than to an official who reports directly to that agency.

(d) To the commander of each major Army command and major Army subcommand who may redelegate no lower than an official who reports directly to that command.

(2) No officials with delegated authority may approve exigencies that affect employees for whom they are the leave-approving officials.

b. **Request for restored leave.** (1) Action to restore leave forfeited as a result of an *exigency or illness* will be initiated by a written request submitted by the employee to the civilian personnel office. Supporting documentation will be attached as specified on page 11 of the attachment to FPM Letter 630-22, 11 January 1974. The request will be reviewed and upon determination that documentation is adequate, the Civilian Personnel Officer (or designee) will authorize the restoration of the leave. The authorization will be forwarded, together with the supporting documents, to the civilian payroll office.

(2) Leave lost as a result of administrative error will be reinstated by the payroll office.

c. **Use of restored leave.** Guidelines will be developed locally for the use of restored leave. In the case of small amounts (e.g., 5 days or less), employees may be required to use the restored leave before

using current leave accruals. In case of large amounts of restored leave, it may be well to prorate the use over the entire 2-year limit as warranted. Where requested annual leave is to be charged to

the restored leave account, the employee must submit a SF 71 clearly indicating the amount of leave to be charged to the restored leave account.

Subchapter S4. Sick Leave

S4-1. EARNING RATES

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‡c. **Standby employees.** Standby employees accrue sick leave at the same rate as annual leave is accrued by category "4" employees having the same tour of duty (para S3-1d).

S4-2. GRANTING SICK LEAVE

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b. **Agency authority.** (1) *Administrative authority.* Department of the Army policy is to grant sick leave whenever it is warranted.

(a) Activity commanders are responsible for providing means to ensure the proper controls and use of sick leave and for prescribing the kinds of proof to be furnished to support sick leave charges. Persons authorized to approve sick leave are—

(i) Responsible for determining whether the reasons for absence warrant granting sick leave. Particular emphasis should be placed on the use of extended sick leave by all employees, especially those nearing optional retirement. When warranted and feasible, medical officers should evaluate medical evidence in terms of the specific requirements of the work to be performed. Such evaluations should be the basis for approving or denying sick leave requests.

(ii) Encouraged to make use of their authority to require employees suspected of abuse to submit administratively acceptable evidence for each absence, regardless of length.

(b) Sick leave is available for use immediately prior to separation for disability or disability retirement, provided there is evidence and certification thereof that the employee actually is incapacitated for work. (See FPM Letter 831-64, para 5 and attachment 4, regarding counseling employees who become eligible for voluntary retirement.)

(c) Sick leave will be granted for an employee undergoing physician-directed treatment or counseling for a condition personal to the employee, including a condition related to the spouse's alcoholism. While in many instances, alcoholism in one spouse will not bring on sickness requiring medical

treatment in the other spouse, it is recognized that there are cases where this does occur.

(d) As an optional exception to regular retention order in reduction-in-force (RIF), 5 CFR 351.608 authorizes the temporary retention of a lower standing employee on sick leave for a period not to exceed the exhaustion of the sick leave. This optional authority may be used only under the following conditions:

(i) When an employee has applied for and the Office of Personnel Management has approved the employee's retirement for disability. Such employees will be separated in accordance with FPM Supplement 831-1.

(ii) When an employee is incapacitated for duty in his or her present position due to illness or disability that can reasonably be expected to continue for 30 days or more after the effective RIF date. The activity concerned will determine if this requirement is met and may require the employee to obtain documentation or examination by a Federal medical officer. Employees who meet this requirement will be separated when all their sick leave is used or their incapacity ends, whichever is earlier.

(iii) The grant of an exception to retention standing will include a date when retention will end.

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(3) *Leave substitution.*

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‡(d) Sick leave accrued after a period of absence may not be retroactively substituted for such absence.

‡(e) When an employee is carried on annual leave or in a nonpay status pending return to duty and determination of the appropriate leave to be charged, the period of absence may be converted to sick leave, provided the absence is properly substantiated by acceptable evidence of illness.

c. **Employee responsibility.**

(1) *Regulation.* An employee who is absent because of illness should notify the supervisor as early as practicable on the first day of the absence (generally within 2 hours after the start of the workday

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or any other reasonable time limit administratively fixed by the approving authority). Failure to give such notice may result in a charge of annual leave, leave without pay, or AWOL, as the circumstances may justify. Unless there is reason to doubt that the absence may not be a proper charge to sick leave, approval of the absence should be given at the time of notification. Requests for sick leave for non-emergency medical, dental, or optical examination or treatment must be made prior to the beginning of the absence. The requests, however, need not be submitted on SF 71 or other written forms, unless administratively required. Employees should be requested to schedule such examinations outside of normal workhours, if possible.

(2) *Regulation.* (a) Normally the employee's certification will be sufficient to support a charge to leave for absences of 3 working days or less. The certification is accomplished by having the employee initial the period of absence on the time and attendance report.

(b) Absence resulting in a charge to sick leave in excess of 3 working days may be supported by the employee's certification on the time and attendance report or by a medical certificate, whichever is required by activity policy. If the employee's absence is due to exposure to a contagious disease, the medical certificate should include the date of exposure and the period of time that the employee's exposure would present a hazard to the health of others.

(c) When there is reason to believe that the sick leave privilege has been abused, a medical certificate should be required to justify the grant of sick leave thereafter. In such cases, the employee will be advised in writing that a medical certificate will be required to support a future grant of sick leave, regardless of duration.

(d) Where there is definite evidence of an employee job action such as a "sickout," the leave-approving official may require a medical certificate of employees on sick leave during the days the job action is known to take place if there is reason to believe that the sick leave privilege has been abused. This action will serve to protect an employee on

bona fide sick leave from possible disciplinary action.

(e) Each activity policy will specify a limit on the time during which an employee may furnish required evidence to support a charge to sick leave. Generally, the time limit should not extend beyond one full pay period following return to duty. In cases of prolonged absence because of illness, the activity may require the employee to furnish support evidence at reasonable intervals in order to avoid overpayment resulting from failure to obtain such evidence because of nonreturn to duty.

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S4-3. ADVANCING SICK LEAVE

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b. Agency authority.

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‡(2) *Department of the Army policy.* Subject to the provisions set forth below, activity commanders may prescribe the conditions under which sick leave is to be advanced. Local policies, however, may not entirely prohibit advances, regardless of conditions or circumstances. Advances are to be limited to deserving cases of serious disability or ailments.

(a) All available accumulated sick leave to the employee's credit must be exhausted. Consideration should also be given to requiring the employee to use any annual leave that might otherwise be forfeited.

(b) In the case of employees serving under temporary appointments, or under probationary or trial periods, advanced sick leave should not exceed an amount which it is reasonably assured will be earned later.

(c) The amount of sick leave advanced to an employee's account may never exceed 30 days at any time. Where it is anticipated that the employee will retire or be separated, the total advance may not exceed an amount that can be repaid by accrual prior to the separation.

(d) There must be a reasonable assurance that the employee will return to duty.

(e) Application for advanced sick leave will normally be supported by a medical certificate.

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Subchapter S6. Home Leave

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S6-5. EARNING RATES

MACOM commanders will determine which employees or classes of employees will earn 15 days of home leave for each 12 months of service abroad. For activities reporting directly to HQDA, the US Army Civilian Personnel Center will make the determination. A written record of each approval will be maintained and will include a representative job description and the method used to commit the employee to accept assignments anywhere in the world. A copy of the record will be forwarded to the US Army Civilian Personnel Center.

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S6-7. GRANTING HOME LEAVE

a. Requirement.

(1) Regulation.

(a) *Entitlement.* The basic service period of 24 months need only be served once. An employee is also entitled to home leave after a shorter period of service abroad if the employee's assignment in one foreign area is terminated for the convenience of the Government, and he is reassigned to another foreign area without an intervening assignment (other than temporary duty) in the United States (5 USC 6305).

(b) Agency authority.

(i) Eligible employees may be authorized home leave in conjunction with renewal agreement travel as provided in the Joint Travel Regulations, Volume 2; after returning to the United States from service abroad, when it is contemplated that they will return overseas immediately or upon completion of an assignment in the United States; and during a period of service abroad after completing a substantial period of service abroad as determined by major Army commanders or HQDA (PECC-FS), in accordance with (c)(2)(ii) below.

(This provision refers to an employee with previously earned home leave who is returning on a subsequent assignment overseas from a permanent assignment in the United States.)

(ii) Employees in (i) above who return to the United States for leave or temporary duty during a renewal tour of oversea duty will be required to use accrued home leave before they will be authorized to use annual leave, unless this requirement would result in forfeiture of annual leave. Such use of home leave does not obligate the employee to an additional extension of the renewal tour.

(c) Limitations.

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(2)(i) Employees may take home leave more than one time during a continuous period of service abroad.

(ii) During periods of service abroad that follow permanent assignments in the United States, MACOMs having employees overseas are authorized to make individual determinations that an early grant of previously earned home leave is warranted. For activities reporting directly to HQDA, such determinations will be made by the US Army Civilian Personnel Center.

(iii) A written record of exceptions approved and denied will be maintained to assure policy consistency. The following are some examples of cases for which approval would be proper, all other factors being favorable: the employee has more service overseas than in CONUS during the past 10 years, as of the date the exception is requested; a family emergency occurs in CONUS; the employee is returning to CONUS for TDY or training and has completed at least half of the current tour of duty for the post of assignment.

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Subchapter S7. Shore Leave

S7-3. DEFINITIONS

a. Regulation.

(a) *Oceangoing vessel* includes a DA hopper or sidelaying dredge when it—

(i) Is operating in foreign, territorial, Hawaiian, or Alaskan waters;

(ii) Is operating outside its normal area of operations, or is enroute to or from such operations; or

(iii) Is undergoing repairs outside its normal area of operations or is enroute to or from this repair status.

(c) An *extended voyage* for a hopper or sidelaying dredge means operating for 7 consecutive calendar days or more either beyond the normal area of operations or partly within and partly beyond the normal area of operations.

‡(e) *Normal area of operations* means that area of operations for dredges that has been established by the US Army Corps of Engineers.

S7-4. COMPUTATION OF SHORE LEAVE

b. **Duration of a voyage.** (1) *Regulation.* For hopper or sidelaying dredge employees, the voyage will be considered to—

(a) Begin 24 hours prior to the sailing of the dredge from its last dredging assignment or last port of call within the normal area of operation,

(b) End 24 hours after the time of return to

the first dredging assignment or first port of call within the normal area of operation, whichever is earlier.

S7-5. GRANTING SHORE LEAVE

a. Regulation.

(f) *Forfeiture of shore leave.* When an employee is to be reassigned to a position in which shore leave is not earned, the employee will be given as much time as possible to use the accumulated shore leave before reassignment. If the shore leave is not used prior to reassignment, the gaining Army activity will permit use of accumulated shore leave for a period of up to 6 months after reassignment. Shore leave not used by that date will be forfeited.

†c. **Procedure.** (1) SF 71 may be used for the request and approval of shore leave. Use of shore leave will be encouraged unless it appears that annual leave will be forfeited. In the latter case, the employee will be contacted to determine whether he or she desires a charge to annual leave instead of shore leave. Conversely, if an employee requests annual leave and it appears that this would reduce a maximum permissible accumulation limit, a charge to shore leave may be more desirable.

(2) Use of shore leave may be directed while the dredge is operating within its normal area of operations.

(3) Any denial of requested shore leave will be in writing by the master of the dredge, with a copy for the employee's official personnel folder.

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Subchapter S9. Military Leave

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S9-2. LEGAL BASIS

a. **Basic statute.** (1) Effective 1 October 1980, Public Law 96-431 amended 5 USC 6323 to provide accrual of military leave on a fiscal year basis, carry-over of unused military leave up to a maximum of 15 days, and entitlement to military leave for part-time employees. Part-time employees are only eligible for a prorated share of 15 days based on the number of hours in the regularly scheduled workweek. The accrual rate is determined by dividing 40 into the number of hours in the regularly scheduled workweek of the employee. The resulting fraction is applied to 15 days. This sometimes results in entitlement to a fraction of a day of military leave, even though military leave is charged only in increments of 1 full day. However, these fractions of days can be accumulated until they total a whole day. (See FPM Letter 630-30, 23 April 1982.)

(2) Eligible employees must be engaged in active duty or active duty for training before they can use military leave. Military leave is not authorized for periods of inactive duty training (usually weekend drills).

(3) Employees with temporary appointments in excess of 1 year are entitled to military leave, if otherwise eligible. Employees with temporary ap-

pointments not to exceed 1 year are not entitled to military leave.

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S9-6. GRANTING MILITARY LEAVE

a. **Maximum amount.** Members of reserve units or the National Guard who are called to active duty to provide military aid to enforce the law are entitled to 22 workdays in a calendar year. See 5 USC 6323(c) and 49 Comp. Gen. 233.

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¶f. **Leave for injured reservists.** A reservist who is injured while on authorized training duty is entitled to active duty pay and allowances plus the compensation of his or her civilian position while on annual or sick leave during periods of hospitalization resulting from such injury. For periods not actually confined to the hospital, determination is required that the injury has resulted in an inability to perform duties of the civilian position. See 30 Comp. Gen. 476.

†S9-8. EVIDENCE TO BE SUBMITTED

The military order calling the employee to active military duty is sufficient evidence for the initial authorization of military leave. Upon return to civilian duty, each employee will be required to furnish official proof of performance of the military duty.

Subchapter S10. Court Leave

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S10-2. JURY SERVICE

a. **Recommended agency policy.** DA considers it the civic responsibility of all its employees to respond to calls for jury and other court services. To this end, activity commanders should request that employees be excused from jury duty only when their services are required to meet essential work schedules and when public interests are better served by the employees remaining on duty.

* * * * *

f. **Interim excuse from jury duty.** An employee excused or released by the court for a day or a substantial portion of a day is expected to return to duty, provided the return would not cause the employee hardship because of the distance between home, duty station, and the court. Local rules will be established depending upon the circumstances of each case. When only an hour or two remains in the daily tour, the employee should not be expected to return to duty. Failure to return to duty when directed may result in a charge of annual leave, leave without pay, or absence without leave.

g. **Jury fees.** When an absence for jury service is charged to court leave, the employee will be instructed to accept the court fees and to contact the payroll office at the activity for instructions as to their disposition. The payroll officer will determine the amount of the fees to be collected from the employee and will give instructions for returning the

proper amount for disposition. In certain instances, money designated as expense money, rather than jury fees, may be retained as not within the purview of 5 USC 5515. (See 52 Comp. Gen. 325 concerning service in several counties in Maryland.)

‡h. **Basic workweek including Saturday or Sunday.** Payment of premium pay otherwise payable to employees with scheduled tours which include weekends will be made when they are on jury duty from Monday through Friday. Fees for jury duty covering workdays usually not worked will be credited against pay for the substituted days of court leave on weekends. If such an employee is excused from jury service on a weekday, a weekend day should be worked in place of the excused jury service provided no hardship is involved. (See 54 Comp. Gen. 147.)

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‡S10-5. EVIDENCE TO BE SUBMITTED

When an employee is called for court services, either as a witness or a juror, the court order, subpoena, or summons, if one was issued, must be presented as far in advance as possible. Upon return to duty, written evidence of attendance at court is required, showing the dates (and hours if possible) of the service. Generally, such statements may be obtained from the clerk of the court. The court order, subpoena, or summons is not required as a permanent record and should be disposed of in the same manner as other leave records.

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Subchapter S11. Excused Absence

S11-1. DEFINITION

Generally, there must be legal or regulatory authority for an absence from duty during the basic workweek to be excused without charge to leave. Activity commanders and their supervisory officials are responsible for seeing that all absences from duty that may not be properly excused under the following provisions or that do not clearly serve the best interests of the employer are charged to the appropriate type of leave. Excused absences are authorized on an individual basis, except where an activity or component thereof is closed or a group of employees on a specific project are excused from work. (See book 610.S3.) While employees may be administratively excused from duty on scheduled overtime days that fall outside the basic 40-hour workweek, such absences are not within the term defined herein and pay may not be allowed therefor.

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S11-5. ADMINISTRATIVE DISCRETION

a. **General.** To the extent that administrative dismissal or paid leave policies are designed to cover the stated purpose for a particular absence, excused absence is not appropriate.

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‡g. **House hunting trip.** When a DOD component has authorized a house hunting trip for an employee, the employee's spouse (if an Army employee) may also be excused from duty for the trip.

‡h. **Adverse actions, appeals, and discrimination complaints.**

(1) DA employees, if otherwise in an active duty status, may use reasonable amounts of official time under the following circumstances. (Locally negotiated agreements should be referred to for specific requirements, if any.)

(a) Affected employee.

(i) To prepare a written reply or make oral reply to a notice of proposed adverse action.

(ii) To prepare an appeal or discrimination complaint.

(iii) To present an appeal or discrimination complaint at a hearing.

(b) Representative.

(i) To assist in the preparation of an appeal or discrimination complaint.

(ii) To assist in the presentation of an appeal or discrimination complaint at a hearing.

(c) Witness. To participate in an appeal or discrimination complaint hearing.

(2) Employees are considered to be in a duty status during appeal hearings. Generally such hearings are held during the day even though night shift employees may be involved.

Therefore—

(a) When a night-shift employee participates in a day-time hearing, any hours in a duty status that exceed 8 hours a day or 40 hours a week constitute overtime work for which overtime rates (or, when otherwise appropriate, compensatory time in lieu thereof) are payable.

(b) In any case where a night-shift employee so elects, arrangements may be made to substitute this day-time attendance for his night-shift hours. Such action must be at the request of the employee.

(2) See AR 690-700, chapters 711 and 771, for use of official time for filing grievances or changes of unfair labor practices as provided for in locally negotiated agreements.

‡i. **Armed Forces medical evaluations.** Time spent in reporting for an undergoing a physical examination to determine an employee's eligibility for enlistment or induction into the Armed Forces will be excused without charge to leave or loss of pay, provided the request for absence is supported by official notice from the appropriate military authority. If the absence extends beyond 1 workday, the employee will be required to submit a statement from the induction station showing the need for the additional absence. If, through choice on the part of the employee, he or she is ordered to report to other than the nearest induction station and as a result he or she is away from duty more than 1 day, the absence in excess of 1 day will be charged to annual leave or leave without pay. Medical examinations for reservists for the purpose of recall to active duty, military training duty, or to determine eligibility for retention in the Reserve Component are to

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be charged to sick leave, except where the reservists is ordered to active duty for the purpose. In the latter case, the medical examination is charged to military leave or annual leave, as appropriate. Medical and dental examinations taken at the option of the employee and medical examinations directed by the Armed Services in connection with periodic physical examinations of retired military personnel serving as civilian employees are chargeable to sick leave.

‡j. **Medical examinations.** When directed by appropriate authorities, time spent for medical and X-ray examinations will be considered duty time.

‡k. **On-the-job injuries.** An employee injured in the performance of his duties will be considered on a duty status and will receive pay without charge to leave for the time required to obtain emergency treatment to the extent that the time falls within his prescribed hours of work for that day.

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Subchapter S12. Leave Without Pay

S12-2. GRANTING LEAVE WITHOUT PAY

a. **Administrative discretion.** Employees entering on active military duty for training for a period of less than 3 months will be given LWOP for the period. If the training is later extended for a period in excess of 3 months, consideration will be given to separating the employee and granting restoration rights under FPM chapter 353. Brief extensions may only require extension of LWOP.

b. Standards.

(5) *Examples of proper cases for extended leave without pay.*

(e)(ii) Employing activities have the responsibility for maintaining contact with the employee and/or the Office of Workers' Compensation Programs to ensure that employees are returned to duty as soon as practicable or are separated upon determination that return is unlikely. In all such cases, consideration will be given to the employee's eligibility for separation for disability or disability retirement.

(f) It is DA policy to grant 90 calendar days' leave without pay to career and career conditional employees or excepted employees with competitive status who are relinquishing their positions because the family or the head of household is moving from one area to another and who intend to seek Federal employment in the new area. This initial grant of 90 days may be extended upon the request of the employee. Each request for extension should be judged on its own merits, using the guidance in the FPM and in paragraph S12-3. The employee will be provided a completed SF 75 (Request for Preliminary Employment Data) by the losing activity. The grant of leave without pay will not be denied solely because of sex or marital status.

‡c. **Conversion of leave without pay.** If an employee applies for and is granted leave without pay,

the period of leave may not be retroactively converted to annual or sick leave, except for disability retirement and employee compensation cases when claims are disallowed.

‡d. **Leave without pay pending transfer of leave balances.** No employee will be charged LWOP pending receipt of SF 1150 (Record of Leave Data) unless and until the gaining office verifies that the employee does not have leave. See also book 630, paragraph S2-9c(4).

S12-3. DURATION

b. Suggested limitation.

(1) Normally, the initial grant of leave without pay will not exceed 1 year.

(2) Requests for LWOP extensions will be reviewed even more carefully than the original request. Extensions should be approved only when the interests of the Government are best served thereby, or when unusual circumstances indicate it would be harsh or unfair to deny the extension. For example, extensions are encouraged for these employees in the situation described in paragraph b(5)(f) above who have not been able to find employment during the initial 90 day period of leave without pay. Extensions should be considered an exception to locally established policy. If an extension would cause an absence beyond 2 years, employees should be separated and reemployed when they become available for duty. However, if an employee is receiving compensation from OWCP and a review establishes that the employee cannot return to work, action should be taken to separate the employee. (See AR 690-800, chapter 810, subchapter 5.)

‡d. **Minimum periods of LWOP.** LWOP is chargeable in multiples of 15 minutes. Only absences during the regularly scheduled basic tour of duty may be considered as LWOP.