

U.S. Department of Energy
Washington, D.C.

ORDER

DOE O 322.1A

Approved: 5-8-98

This directive was reviewed and certified as current and necessary by (Enter Name), (Enter Title) Director, Office of Management, Budget and Evaluation/Chief Financial Officer, XX-XX-XXXX.

SUBJECT: PAY AND LEAVE ADMINISTRATION AND HOURS OF DUTY

1. OBJECTIVES: To establish policy, requirements and responsibilities for the management of pay, including overtime and compensatory time, leave administration, and hours of duty. This directive should be read in conjunction with applicable laws and regulations, and applicable provisions of local collective bargaining agreements.
2. CANCELLATION. DOE O 322.1, PAY AND LEAVE ADMINISTRATION AND HOURS OF DUTY, dated 9-30-96.
3. APPLICABILITY.
 - a. DOE Elements. Except for the exclusions in paragraph 3c, this Order applies to all DOE Elements.
 - b. This Order does not apply to contractors.
 - c. Exclusions.
 - (1) Except for paragraph 5e(5), the provisions of this Order do not apply to Presidential appointees; Senior Executive Service employees, Senior Level employees, and equivalent levels in the Excepted Service; experts; and consultants.
 - (2) The pay provisions do not apply to employees whose compensation is determined through collective bargaining agreements.
4. REQUIREMENTS.
 - a. Pay Administration. Personnel actions shall be processed to give the employee the maximum pay benefit.

DISTRIBUTION:
All Departmental Elements

INITIATED BY:
Office of Personnel Policy,
Programs and Assistance

- (1) Highest Previous Rate. Its use is discretionary, but must be based on one or more of the following considerations:
 - (a) The degree of similarity between the duties and responsibilities of the previous and current positions.
 - (b) The recency of experience upon which the rate is based.
 - (c) Rates of pay of other employees with similar qualifications and in similar positions in the organization.
 - (d) The need to ease recruitment and retention problems.
 - (e) With respect to a voluntary change to lower grade, the likelihood of future promotion and the probable date of such promotion.
- (2) Step Increase. If a quality step increase (QSI) is granted effective the same date as a within-grade step increase, the within-grade step increase must be processed first.
- (3) Overtime.
 - (a) Overtime shall be ordered and approved (or permitted for nonexempt employees) only when essential work cannot be accomplished during an employee's normal work hours by careful planning of work and scheduling of leave and other absences.
 - (b) Overtime for exempt employees must be authorized and approved in advance in writing.
 - (c) Supervisors must verify that overtime is worked.
- (4) Compensatory Time.
 - (a) When requested and permitted under applicable laws and regulations, compensatory time off shall be approved for exempt and non-exempt employees in lieu of payment for irregular or occasional overtime worked to the maximum extent possible.

- (b) No more than 80 hours of compensatory time shall be accumulated by an employee; i.e., no more than 80 hours shall be carried over from one bi-weekly pay period to the next. An exception to the 80-hour limit may be granted based on the following criteria:
 - (1) The work is essential and cannot be performed by another employee who is under the 80-hour limit;
 - (2) Funds are not available to pay overtime as a result of established budget-driven restrictions;
 - (3) The work was not anticipated; i.e., it could not be scheduled for the specific employee(s) involved during the previous workweek; and
 - (4) If a flexible work schedule is available, an employee expected to exceed the 80-hour limit has been placed on a flexible work schedule and is carrying the maximum 24 credit hours.
- (c) For non-exempt employees and those employees covered by a bargaining agreement that provides for payment of unused compensatory time, accrued time shall be used within 26 pay periods from the date earned to avoid payment of overtime.
- (d) For exempt employees, unless precluded by an existing provision in a negotiated bargaining agreement or a written justification authorizing extension of the time period due to exigent circumstances, compensatory time not taken within 26 pay periods will be forfeited.
- (e) Compensatory time shall be taken before annual leave is scheduled, unless "use or lose" annual leave is available.
- (f) When employees do not work sufficient compensatory time to make up for the time away from work for religious observances, the time remaining must be charged to annual leave or leave without pay (LWOP) at the end of the 26th pay period following the absence.

b. Leave Administration.

- (1) Absence Without Leave (AWOL). Unapproved employee absences must be recorded as AWOL.
- (2) Annual Leave. Annual leave shall not be used as follows:
 - (a) Advanced from a future leave year.
 - (b) Substituted retroactively for sick leave to avoid forfeiture of annual leave.
 - (c) Approved immediately prior to separation (also called terminal leave), except when exigencies of the service require such action.
- (3) Court Leave.
 - (a) DOE shall support the judicial process to the maximum extent possible by making its employees available for jury service or as a witness when one party in the proceeding is either the United States, the District of Columbia, or a State or local government.
 - (b) Employees who are excused by a court so that 2 or more work hours are available in the work day shall return to duty or request annual leave, unless returning to duty creates a hardship.
- (4) Excused Absence (Administrative Leave).
 - (a) Excused absence, which is also referred to as administrative leave, is intended to be used for brief periods of time without charge to leave or loss of pay. At supervisors' discretion, employees shall be excused for extended periods when the absence is in the best interest of DOE or the Federal Government, or when it would be inequitable to charge leave.
 - (b) When the Department is paying for a permanent change of station move or to move a new hire to an initial duty station, current and newly-hired employees may be excused up to 3 work days when they are unavoidably detained while awaiting or arranging the transportation of household goods or other activities necessary for the move.

- (c) An employee may be authorized up to 10 days for a house-hunting trip, including travel time.
 - (d) An employee may be authorized sufficient time for career transition services, including travel time (see the Departmental Career Transition Assistance Plan).
- (5) Family and Medical Leave. The definition of family member shall be consistent with the definition in 5 Code of Federal Regulation (CFR), section 630.201, which is used for family friendly and leave sharing programs.
- (6) Leave Without Pay (LWOP).
- (a) LWOP must be documented via a Standard Form 50, "Notification of Personnel Action," when the LWOP period exceeds 30 calendar days.
 - (b) LWOP shall be granted when the value to DOE or the needs of the employee are sufficient to offset the costs and administrative inconvenience that may result and when one of the following benefits is expected:
 - 1 Protection or improvement of the employee's health.
 - 2 Increase in the employee's knowledge, skills, and/or abilities that will benefit DOE.
 - 3 Retention of an employee with a critical skill or in a shortage category occupation.
 - 4 Furtherance of a program of interest to the Federal Government.
 - (c) As a minimum, LWOP shall be granted when:
 - 1 A disabled veteran needs medical treatment.
 - 2 A Reservist or National Guardsman or woman has been ordered to active duty for training or law enforcement and other appropriate leave has been expended.

- 3 An injured employee elects to use LWOP under the Federal Employees Compensation Act.
 - 4 A disability retirement application is pending approval and the employee/applicant has no accumulated leave.
 - 5 An employee needing to retain cooperative education status returns to school between periods of employment with DOE.
 - 6 An employee represents a recognized labor organization; such LWOP must not exceed 104 weeks in any one period of 5 years.
- (d) Periods of paid leave and LWOP shall not be alternated to obtain the benefit of holiday pay.
- (7) Leave Transfer Program. Limits of the amount of leave that an employee may donate may be waived if, at the time the donation is received by the payroll office, the recipient has an insufficient amount of leave available from other sources to cover the absence of at least one pay period and acceptance of the donation is necessary to avoid a period of LWOP. Each waiver of a limit of donated leave must be documented by the payroll office.
- (8) Sick Leave. A medical certificate is required to approve (advance) sick leave in excess of 3 work days when sufficient sick leave is not available to cover the leave period.

c. Hours of Duty.

- (1) The DOE administrative workweek shall begin at 12:01 a.m. Sunday and end at 12:00 midnight the following Saturday.
- (2) The tour of duty for part-time employees may not be changed solely to grant or deny a holiday.
- (3) Daily tours of duty for part-time employees shall be in whole-hour increments.

- (4) Tours of duty for employees assigned to full-time training shall be considered to be 40 hours per week, unless other specific hours are more beneficial to the Department.
 - (5) The temporary closing of a DOE office in a location where there is a functioning Federal Executive Board shall be in accordance with procedures developed jointly by the Board's participating agencies. In other locations, such closing shall be coordinated with local authorities and nearby Federal agencies or Federal Executive Associations.
- d. Redelegations. Redelegations of authority must be in writing and a copy provided servicing personnel and payroll offices.

5. RESPONSIBILITIES.

- a. Office of the Secretary. Requests approval from the Office of Personnel Management and Office of Management and Budget for designation of a critical pay position(s).
- b. Office of Assistant Secretary for Human Resources and Administration.
 - (1) Establishes the Departmental administrative workweek and the basic workweek for Headquarters employees.
 - (2) Authorizes the use of alternative work schedules for Headquarters employees.
 - (3) Determines administrative dismissals of Headquarters employees.
- c. Office of Deputy Assistant Secretary for Human Resources.
 - (1) Develops Departmental policy and requirements for pay administration, leave administration, and hours of duty.
 - (2) Except for continuous shift operations, establishes tours of duty (other than alternative work schedules) which deviate from 5 CFR §610.121 and §610.122.
 - (3) Approves premium pay on an annual basis.
 - (4) Certifies special rate authorizations.

- (5) Restore annual leave for public exigency circumstances for Headquarters employees.

d. Office of the Chief Financial Officer.

- (1) Pays employees based on documented authorizations.
- (2) Maintains records which support each payment and leave usage and identifies the officials authorized to approve pay and leave.

e. Heads of Departmental Elements.

- (1) Approve overtime; compensatory time; premium pay; recruitment and relocation bonuses; retention allowance; optional grade and pay retention; and quality step increases.
- (2) Establish procedures to insure that overtime, compensatory time, and premium pay are controlled in a cost-effective manner, including designating officials who are authorized to approve overtime.
- (3) Approve the use of annual and sick leave, including advance sick leave, excused absence (administrative leave), and LWOP.
- (4) Determine that an exigency of public business exists for restoration of annual leave purposes.
- (5) Approve payment for professional liability insurance for qualified employees.

f. Heads of Departmental Elements With Delegated Personnel Authority.

- (1) Establish the basic workweek and authorize the use of alternative work schedules.
- (2) Determine administrative dismissals of employees.
- (3) Approve basic rates of pay and advances in pay.
- (4) Restore annual leave for public exigency circumstances.
- (5) Determine the minimal charge for leave (in 15-minute increments up to a maximum of one hour).

- (6) Approve an exception to the 80-hour limit on compensatory time. This may not be redelegated to more than one level below the Head of the Departmental Element.

6. REFERENCES.

- a. Title 5, United States Code, Chapter 53 (Pay Rates and Systems), 55 (Pay Administration), 61 (Hours of Work), and 63 (Leave).
- b. Title 5, Code of Federal Regulations, Parts 550 (Pay Rates and Systems), 531 (Pay Under the General Schedule), 532 (Prevailing Rate Systems), 534 (Pay Under Other Systems), 536 (Grade and Pay Retention), 550 (Pay Administration - General), 551 (Pay Administration Under the Fair Labor Standards Act), 610 (Hours of Duty), and 630 (Absence and Leave).

- 7. CONTACT.** Questions concerning this Order should be addressed to the Office of Personnel Policy, Programs and Assistance at (202) 586-8503.

BY ORDER OF THE SECRETARY OF ENERGY:



THOMAS T. TAMURA
Acting Assistant Secretary for
Human Resources and Administration