

**ORDER**

**DOE O 322.1C**

Approved: 1-19-2011

# **PAY AND LEAVE ADMINISTRATION AND HOURS OF DUTY**

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**U.S. DEPARTMENT OF ENERGY**  
Office of Human Capital Management



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## PAY AND LEAVE ADMINISTRATION AND HOURS OF DUTY

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1. OBJECTIVES. To establish requirements and responsibilities for the management of pay, including overtime pay and compensatory time, leave administration, time and attendance reporting, 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 322.1B, *Pay and Leave Administration and Hours of Duty*, dated 1-14-05 and DOE O 535.1, *Time and Attendance Reporting*, dated 10-22-04. Cancellation of an Order does not, by itself, modify or otherwise affect any contractual obligation to comply with the Order.
3. APPLICABILITY.
  - a. Departmental Applicability. Except for the exemptions in paragraph 3.c., this Order applies to all Departmental elements.

The Administrator of the National Nuclear Security Administration (NNSA) shall assure that NNSA employees and contractors comply with their respective responsibilities under this Order. Nothing in this Order will be construed to interfere with the NNSA Administrator's authority under section 3212(d) of Public Law (P.L.) 106-65 to establish Administration-specific policies, unless disapproved by the Secretary.

In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at Title 50 United States Code (U.S.C.) sections 2406 and 2511 and to ensure consistency through the joint Navy/DOE Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors (Director) will implement and oversee requirements and practices pertaining to this Directive for activities under the Director's cognizance, as deemed appropriate.

- b. DOE Contractors. This Order does not apply to contractors.
- c. Equivalencies/Exemptions for DOE O 322.1C.
  - (1) The following are exempt from the pay provisions, but not the time and attendance reporting provisions:
    - (a) Exemption. Presidential appointees, Senior Executive Service (SES) employees, senior level (ST and SL) employees, equivalent level employees in the excepted service pay plans, experts, and consultants.
    - (b) Exemption. Employees whose compensation is negotiated in accordance with Section 9(b) of Public Law 92-392.
    - (c) Exemption. The NNSA Demonstration Project.

- (2) Exemption. The Bonneville Power Administration is exempt from all provisions of this Order.

#### 4. REQUIREMENTS.

##### a. Pay Administration.

- (1) General. Personnel actions will be processed to give the employee the maximum pay benefit.
- (2) Highest Previous Rate. Its use is discretionary but must be based on one or more of the following considerations.
  - (a) Degree of similarity between the duties and responsibilities of the previous and current positions.
  - (b) 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) Need to ease recruitment and retention problems.
  - (e) With respect to a voluntary change to lower grade, likelihood of future promotion and probable date of such promotion.
- (3) Quality Increases. If a quality increase is granted effective the same date as a within-grade step increase or, for a pay band, within-range pay adjustment, the within-grade step increase or pay adjustment must be processed first.
- (4) Overtime.
  - (a) Overtime will be ordered and approved [or permitted for Fair Labor Standards Act (FLSA) 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 and in writing.
  - (c) Supervisors must verify that overtime is worked.
- (5) Compensatory Time. (This is one form of compensation for overtime; except for a flexible work schedule, it is only available for irregularly scheduled overtime. This section does not apply to compensatory time for travel.)

- (a) Heads of Departmental elements may authorize an exempt employee above the GS-10 step 10 or equivalent pay level to choose whether to take compensatory time in lieu of a payment, require that only compensatory time be taken, or a combination of the 2 options.
  - (b) Compensatory time must be used prior to using annual leave, unless “use or lose” annual leave is available.
  - (c) Accrued time is to be used within 26 pay periods after the pay period in which earned to avoid payment of overtime at the rate at the time that it was earned.
  - (d) Employees with accrued time who are promoted to senior-level positions (SES, SL/ST, or equivalent) will be paid for their balances at the time of their promotions rather than carry a balance forward. Employees with accrued time who leave DOE will be paid for their balances.
  - (e) When employees do not work sufficient compensatory time to make up for the time away from work for religious observances in accordance with Title 5 Code of Federal Regulations (CFR) Section 550.1002(c), the time remaining must be charged to annual leave or leave without pay (LWOP) at the end of the 26th pay period following the pay period in which the absence occurred.
- (6) Student Loan Repayment Program. If an employee has been approved by a Departmental element for participation in the Student Loan Repayment Program (SLRP) and the lender/note holder approves, an employee may request to have loan payments made on the effective date in the SF-50 Personnel Action and service agreement-
- (a) as a lump sum amount and annually thereafter, in which case the applicable income taxes will be deducted from the gross loan amount and a net payment made to the lender/note holder or
  - (b) on a biweekly basis, in which case the applicable income taxes will be deducted from the employee’s gross pay.
- (7) Service Agreements. When an employee who has a service agreement for a recruitment, relocation, retention, and/or SLRP incentive changes Departmental elements, the gaining organization is not obligated to adhere to the financial arrangements made by the losing organization unless the change is attributed to an action initiated by management, such as a directed reassignment or announced major reorganization that may adversely affect the employee.

b. Leave Administration.

- (1) Absence Without Leave (AWOL). Unapproved employee absences must be recorded as AWOL. When employees fail to request or obtain approval for appropriate leave on a timely basis, certifying officials must record the absences as AWOL. A recorded AWOL may be changed at a later date if the certifying official approves the absence as a type of paid leave or LWOP.
- (2) Annual Leave. Annual leave shall not be—
  - (a) advanced from a future leave year; however, annual leave that is projected to be earned during the current leave year will be made available even though it creates a negative leave balance during the leave year or
  - (b) substituted retroactively for sick leave.
- (3) Court Leave.
  - (a) DOE will support the judicial process to the maximum extent possible by making employees available to serve—
    - 1 jury service or
    - 2 as witnesses when one party in the proceeding is 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 must 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 management's discretion, an employee may 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 relocating an employee, including a temporary or permanent change of station move or detail outside the local commuting area, or to move a new hire to an initial duty station, current and newly hired employees may be excused up to 3 work days (24 hours) when they are unavoidably detained while awaiting or arranging the transportation of household goods or for

other activities necessary for the move, including getting settled in a new location. This situation is also referred to as “transient leave.”

- (c) An employee may be excused up to 10 calendar days (80 consecutive hours) for a house-hunting trip, including travel time.
  - (d) An employee may be excused for career transition services, including travel time (see Chapter VI of DOE O 320.1 Chg 1, *Acquiring and Positioning Human Resources*, dated 9-6-02).
  - (e) An employee may take up to 4 hours of excused absence each leave year for health screenings.
  - (f) An employee returning from active duty with the reserves or National Guard in the Global War on Terrorism may take 5 days (40 hours) of excused absence before reporting for duty if s/he was on active duty for at least 42 consecutive days.
  - (g) An employee who returns from official travel from a location that the Centers for Disease Control or Department of State has issued a travel advisory due to a contagious disease may be authorized up to 3 days (24 hours) of excused absence if they are not able to telework.
- (5) Family and Medical Leave. Coverage of a family member under 5 CFR Part 630, Subpart L, Family and Medical Leave, is expanded to be consistent with the definition of a family member in 5 CFR 630.201, which is used for other leave sharing programs.
- (6) Leave Without Pay.
- (a) LWOP must be documented via an Office of Personnel Management (OPM) Standard Form (SF) 50, “Notification of Personnel Action,” when the LWOP period exceeds 30 calendar days, unless the absence is to perform military duty, in which case an SF 50 is needed to document the entire period covered for military duty.
  - (b) At a minimum, LWOP will be granted when—
    - 1 a disabled veteran needs medical treatment;
    - 2 a member of the military reserves or National Guard has been ordered to active or inactive duty for training;
    - 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 Student Educational Employment Program status returns to school between periods of employment with DOE;
    - 6      an employee represents a recognized labor organization; however, such LWOP must not exceed 104 weeks in any 5-year period; or
    - 7      an employee has been approved for up to 12 weeks of LWOP under the Family and Medical Leave Act.
  - (c)     LWOP may 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; or
    - 4          furtherance of a program of interest to the Federal Government.
  - (d)     Periods of paid leave and LWOP shall not be alternated to obtain the benefit of pay for a holiday unless the employee is in a pay status for the workday immediately before or after the holiday or the employee is on Absent – Uniformed Service (previously LWOP-US).
- (7)     Leave Transfer Program. Limits on the amount of leave that an employee may donate in accordance with 5 CFR 630.908 may be waived if, at the time the donation is received by the payroll service provider, the recipient has an insufficient amount of leave available from other sources to cover the absence of at least one pay period. 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 service provider.
- (8)     Sick Leave.
  - (a)       Except for emergency situations, including a pandemic event, a medical certificate is required to approve (advance) sick leave in



excess of 3 consecutive work days (24 consecutive hours) when sufficient sick leave is not available to cover the leave period.

- (b) When an employee has been placed on leave restriction and notified that s/he must provide a medical certificate to document every time s/he requests sick leave, no further notification is necessary until such time as the employee's leave restriction notice is terminated.

c. Hours of Duty.

- (1) The DOE administrative workweek will 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 unless the change is needed to accommodate or balance holidays for employees in job-sharing situations.
- (3) Tours of duty for employees assigned to full-time training will be considered to be 40 hours per week, unless other specific hours are more beneficial to the Department.
- (4) The temporary closing of a DOE office in a location where there is a functioning Federal Executive Board will 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.
- (5) Travel to and from an employee's designated alternative workplace (e.g., the employee's home or a satellite office) to conduct DOE business during an authorized work schedule is included in an employee's hours of duty for that day.
- (6) Employees on military furlough, i.e., Absent – Uniformed Service (previously LWOP-US) status, are to be on a regular 5-day 8-hour per day work schedule.

d. Time and Attendance (T&A) Reporting.

- (1) Recording T&A. T&A is recorded by the employee, a timekeeper, or supervisor based on the hours that the employee has worked.
- (2) T&A Data.
  - (a) T&A data must be maintained in a system approved by the Chief Financial Officer.

- (b) The T&A report must cover a time period equal to the length of the biweekly pay period.
- (3) Recording T&A Data. Daily recording must comply with the following.
- (a) The number of hours worked must be recorded.
  - (b) The number of credit hours, compensatory time off, compensatory time for travel, time-off award, and flexiplace/telework hours must be recorded for the days they are earned or used.
  - (c) The number of hours of absence must be recorded based on the type of absence for the day or days that an employee is absent.
  - (d) An employee's request for an absence of one hour or more must be supported by a completed "Request for Leave or Approved Absence," OPM Form 71, or other method approved by the employee's organization; if the employee is unavailable to submit a request prior to an absence, he/she must submit one upon returning to duty.
  - (e) For each request for advance sick leave, a memorandum approving it must be provided the DOE Payroll Team prior to the certification of the leave in the Automated Time Attendance and Production System (ATAAPS).
  - (f) The number of hours compensated at premium rates (overtime, night, holiday or Sunday work, standby duty, and availability pay) must be recorded for the days on which the premium hours were actually worked.
- 1 Except for the provision in 2 of this section, requests for overtime must be certified and approved by the appropriate approving official before the overtime is worked.
  - 2 When an emergency precludes prior authorization, overtime must be approved as soon as possible and include a statement as to why it could not be approved in advance.
  - 3 Only overtime/holiday hours actually worked or entitled to under "call back overtime" rules will be certified.
  - 4 When the number of overtime hours worked is more than the number of previously approved overtime hours, the additional hours must be approved immediately after the work is performed and before it is recorded in ATAAPS.

- 5 Documentation of authorization for premium pay, compensatory time off, and compensatory time off for travel must be retained by the timekeeper.

(4) Retroactive T&A Data.

- (a) The T&A clerk will transmit retroactive T&A data when leave usage or other hours were not included with the original T&A data.
- (b) Retroactive T&A data must be corrected in the T&A system as soon as possible, but not later than one year following the submission of the original T&A data.

- (5) Certification of T&A Data. Except for Heads of Departmental elements who may certify their own time and attendance, employees may not certify their own T&A data; T&A data must be certified no later than the dates and times specified by the payroll customer service representative to allow adequate time to prepare the payroll.

5. RESPONSIBILITIES.

- a. Office of the Secretary. Requests approval from OPM for designation of critical pay positions.

b. Administrator, National Nuclear Security Administration/Inspector General (IG).

- (1) Establishes the basic workweek for NNSA/IG employees, respectively.
- (2) Authorizes the use of alternative work schedules.
- (3) Determines administrative dismissals.
- (4) Develops NNSA/IG policy and requirements, respectively, for pay administration, leave administration, and hours of duty.
- (5) Except for continuous shift operations, establishes tours of duty (other than alternative work schedules) which deviate from 5 CFR 610.121 and 610.122.
- (6) Approves premium pay authorized on an annual basis, such as Administratively Uncontrollable Overtime (AUO) pay and Law Enforcement Availability Pay (LEAP), unless delegated to a specific Head of a Departmental element.

c. Chief Human Capital Officer.

- (1) Establishes the basic workweek for Headquarters employees other than NNSA and IG employees.

- (2) Authorizes the use of alternative work schedules for Headquarters employees other than NNSA and IG employees.
- (3) Determines administrative dismissals for Headquarters employees other than NNSA and IG employees.
- (4) Develops Departmental policy and requirements, respectively, for pay administration, leave administration, and hours of duty.
- (5) Approves waivers of the annual limitation on premium pay.
- (6) Approves waivers of the biweekly limitation on premium pay, unless delegated to a specific Head of a Departmental element.
- (7) Approves crediting new hires with directly-related experience for annual leave, unless delegated to a specific Head of a Departmental element with delegated personnel authority.

d. Director, Office of Human Capital Management.

- (1) Certifies special rate authorizations to OPM.
- (2) Approves waivers of dual compensation reductions when delegated by OPM for specific occupations; otherwise, recommends approval of such waivers to OPM.
- (3) Makes recommendations to OPM to waive repayment of voluntary separation incentive payments.
- (4) Prepares the Department's reports on the use of incentives to OPM and OMB.
- (5) Periodically evaluates the programs covered by this Order.
- (6) Maintains the Department's Corporate Human Resources Information System, the official system of personnel and training records for the Department, which provides the accurate information required for the compensation of employees and through which employees can obtain their leave and earnings statements and make changes to payroll deductions.

e. Chief Financial Officer.

- (1) Coordinates all pay and time and attendance issues with the Department's designated payroll service provider.
- (2) Maintains records that identify the officials authorized to approve pay and leave.

- (3) Provides ATAAPS training and/or guidance for new supervisors, timekeepers, and payroll liaisons.
- (4) Enters T&A data when timekeepers do not have access during an emergency or other event.
- (5) Ensures that T&A records are properly secured and access to data is restricted in accordance with the Privacy Act.
- (6) Provides pay and leave information, including ad hoc reports, to payroll liaisons, supervisors, and the public.
- (7) Administers the DOE debt collection procedures.

f. Payroll Service Provider.

- (1) Pays employees based on documented authorizations.
- (2) Maintains an effective automated T&A system that provides records that support each payment and leave usage; provides instructions on the use of the system.
- (3) Provides pay and leave information electronically to employees.

g. Heads of Departmental Elements.

- (1) With the concurrence of the applicable servicing human resources staffs, approve—
  - (a) basic rates (steps) of pay, including rates above the minimum rate of the applicable pay schedule or pay band, which are referred to as superior qualifications appointments or “advanced in-hires,” and advances in pay;
  - (b) overtime, including compensatory time;
  - (c) premium pay, other than on an annual basis;
  - (d) recruitment, relocation, and retention incentives;
  - (e) repayment of student loans;
  - (f) optional grade and pay retention; and
  - (g) performance awards, including quality increases, in accordance with DOE O 331.1C, *Employee Performance Management and Recognition Program*, dated 10-15-2010.

- (2) Designate primary and alternate certifying officials and primary and alternate timekeepers and ensure that they know the employees for which they are responsible for maintaining their T&A data.
    - (a) Certifying officials are responsible for their employees' attendance, including those assigned to official workstations away from the supervisor's immediate area.
    - (b) Heads of Departmental elements may certify their own T&A data.
  - (3) Establish procedures to ensure overtime, including compensatory time, and other premium pay, along with compensatory time off for travel, are controlled in a cost-effective manner, including designating officials who are authorized to approve overtime.
  - (4) Approve the use of all types of leave, including LWOP.
  - (5) Determine that an exigency of public business exists for restoration of annual leave purposes and approve restored leave.
  - (6) Approve payment for professional liability insurance for qualified employees.
  - (7) Approve payment of travel and transportation expenses for new appointees and interviews of prospective employees.
  - (8) Approve service agreements involving financial incentives in conjunction with the servicing human resources, finance, and, if applicable, travel and transportation staffs.
  - (9) Approve payment of expenses for professional credentials for employees other than those on a Schedule C appointment in conjunction with the servicing human resources and/or finance staffs based on Departmental guidance.
  - (10) Waive service obligations, as appropriate.
  - (11) Approve requests from eligible employees who are reservists to pay, up to 24 months, both the employee and Government health benefit contributions (and any additional administrative expenses related to health care coverage) when such employees are not in a paid leave status.
- h. Heads of Departmental Elements with Delegated Personnel Authority. In addition to the authorities specified in paragraph 5g, these officials have the following authorities.
- (1) Establish the basic workweek and authorize the use of alternative work schedules.

- (2) Determine administrative dismissals of employees.
  - (3) Determine the minimal charge for time (in 15-minute increments up to a maximum of 1 hour).
  - (4) Establish, implement, and/or maintain local plans financial incentives in accordance with the applicable sections of 5 CFR.
  - (5) Provide timely personnel actions via the Corporate Human Resources Information System (CHRIS) to the payroll service provider for actions involving compensation.
- i. Overtime Approving Officials.
  - (1) Ensure that overtime hours are scheduled and approved in advance of the work to be performed whenever possible.
  - (2) Approve/disapprove requests for overtime hours.
- j. T&A Certifying Officials (Supervisors).
  - (1) Submit requests for approval of overtime to the appropriate overtime approving official in advance of work to be performed.
  - (2) Ensure that T&A data for employees under their cognizance are prepared according to the requirements of this Order.
  - (3) Certify as correct the T&A data for each employee for which responsible on a timely basis following the end of the pay period; certify retroactive T&A data as soon as possible, but not later than one year after the applicable pay period.
  - (4) Approve or recommend for approval work schedules for subordinate employees; document a change in an employee's tour of duty.
  - (5) Maintain documentation pertaining to the approval or disapproval of employee absences and flexiplace/telework hours and ensure that all flexiplace/telework hours are properly recorded in ATAAPS each pay period.
  - (6) Keep informed of leave balances, particularly negative and use or lose balances, of employees under their supervision.
- k. Timekeepers.
  - (1) Maintain current files of designated certifying officials and their alternates.

- (2) Record data in ATAAPS for employees who do not enter their own data in the timekeeper's designated area(s) with a breakdown of leave hours taken on each day in accordance with this Order.
- (3) Maintain documentation supporting all absences; for military leave and court leave, supporting documentation should include copies of military orders/court orders before the leave is taken and must include military/court certification of actual attendance upon return to work; all documentation, including OPM Form 71, medical certificates, and approved overtime requests must be retained for six years, in accordance with the National Archives and Records Administration General Records Schedule.
- (4) Ensure that T&A data and corrections are certified in a timely manner and all retroactive transactions initiated after the biweekly payroll completion date are made via corrected retroactive T&A reports.
- (5) Ensure that T&A records are properly secured and access to data is restricted in accordance with the Privacy Act.
- (6) Request the addition and/or deletion of T&A records for employees in the timekeeper's designated area(s); such requests are made through the Payroll Helpdesk.

1. Employees.

- (1) Submit requests for absences, changes in work schedules, and flexiplace/telework to their respective supervisor on a timely basis.
- (2) If authorized to enter T&A data, provide information in accordance with the local procedures.

6. REFERENCES.

- a. Title 5, United States Code, Chapters 53 (Pay Rates and Systems); 55 (Pay Administration); 61 (Hours of Work); and 63 (Leave) (<http://uscode.house.gov/search/criteria.shtml>).
- b. Title 5 CFR Parts 530 [Pay Rates and Systems (General)]; 531 (Pay Under the General Schedule); 532 (Prevailing Rate Systems); 534 (Pay Under Other Systems); 536 (Grade and Pay Retention); 537 (Repayment of Student Loans); 550 [Pay Administration (General)]; 551 (Pay Administration Under the Fair Labor Standards Act); 553 (Reemployment of Civilian Retirees to Meet Exceptional Needs); 572 (Travel and Transportation Expenses; New Appointees and Interviews); 575 (Recruitment, Relocation, and Retention Incentives; Supervisory Differentials; and Extended Assignment Incentives); 576 (Voluntary Separation Incentive Payments); 591 (Allowances and Differentials); 610 (Hours



of Duty); and 630 (Absence and Leave)  
(<http://www.gpoaccess.gov/cfr/retrieve.html>).

- c. DOE O 320.1, *Acquiring and Positioning Human Resources*, Chapter VI, paragraph 5.m.(2), provides a minimum of 40 hours of excused absence for surplus or displaced employees for career transition services or facilities ([www.directives.doe.gov](http://www.directives.doe.gov)).
  - d. DOE Handbook on Leave and Absence  
([http://humancapital.doe.gov/resources\\_payleave.htm](http://humancapital.doe.gov/resources_payleave.htm)).
  - e. GAO-03-352G, *Maintaining Effective Control over Employee Time and Attendance Reporting*, dated January 2003, prescribes the internal controls that govern time and attendance reporting  
(<http://www.gao.gov/new.items/d03352g.pdf>).
  - f. ATAAPS Training Guides (<http://chris.doe.gov/payroll/>) or  
(<http://chris.doe.gov/payroll/index.cfm?fuse=trainingguides>).
  - g. National Archives and Records Administration General Records Schedule which specifies the timeframe for retention of records  
([http://www.archives.gov/research\\_room/index.html](http://www.archives.gov/research_room/index.html)).
7. **CONTACT.** Questions concerning this Order should be addressed to the Office of the Chief Human Capital Officer, Office of Strategic Planning and Policy at 202-586-3372, or, for time and attendance processing issues, the Office of the Chief Financial Officer, Payroll Help Desk, at 301-903-2500, option 4 (Enterprise Application Support), option 4 (Payroll Support).

BY ORDER OF THE SECRETARY OF ENERGY:



DANIEL B. PONEMAN  
Deputy Secretary