

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

ORDER

DOE 3550.1A

12-22-87

SUBJECT: PAY ADMINISTRATION AND HOURS OF DUTY

1. PURPOSE. To establish Department of Energy (DOE) responsibilities and procedures administering civil service laws, Office of Personnel Management (OPM) regulations, and decisions of the Comptroller General concerning pay and hours of duty.
2. CANCELLATION. DOE 3550.1, PAY ADMINISTRATION AND HOURS OF DUTY, of 5-9-80.
3. EXCLUSIONS: The provisions of this Order do not apply to the following employees:
  - a. Officials in Executive Levels I through V;
  - b. Employees in the Senior Executive Service (SES);
  - c. Those employed as experts or consultants; and
  - d. Hourly rate employees of the power administrations, to the extent that their compensation is determined through collective bargaining agreements.
4. REFERENCES.
  - a. DOE 3000.1, ADMINISTRATION OF GENERAL PERSONNEL AUTHORITIES, of 12-31-85, which provides guidelines for the administration of personnel authorities.
  - b. DOE 3430.3A, DEPARTMENTAL PERFORMANCE APPRAISAL SYSTEM, of 8-14-86, which provides guidance on appraising the performance of non-SES employees.
  - c. DOE 3540.1A, PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM, of 8-14-86, which provides guidance on salary increases for the subject employees.
  - d. Comptroller General decisions which apply governing law and regulations to specific problems in pay administration.
  - e. Federal Personnel Manual (FPM) chapters 530, 531, 536, 550, 551, 591 and 610, and FPM supplements 532-1 and 990-2, which contain guidance on pay administration and hours of duty.
  - f. Title 5, Code of Federal Regulations (CFR), which contains regulations issued by OPM.

- g. Title 5, United States Code (U.S.C.), and Public Law 93-259, the Fair Labor Standards Amendments of 1974, which provide the basis for Federal pay and hours of duty.

5. GENERAL POLICY.

- a. Salaries and wages for employees to whom this Order is applicable are determined by the grade of their position, their performance in that position, and related laws and OPM regulations concerning the General Schedule (GS) and the Federal Wage System (FWS).
- b. Overtime, night, Sunday, or holiday work shall be held to a minimum consistent with essential work requirements.
- c. Days and hours of work shall be established, subject to the requirements of law and regulations, to meet operating needs in the most effective and economical manner.

6. AUTHORITIES AND RESPONSIBILITIES.

- a. Director of Administration (MA-2) establishes the Department's administrative workweek and the basic workweek (the 40-hour workweek for full-time employees) for Headquarters.
- b. Director of Personnel (MA-20).
  - (1) Determines rates of basic pay for Headquarters employees, including application of the highest previous rate rule, under applicable law and OPM regulations and after due consideration of the recommendations of appropriate supervisors.
  - (2) Advises on application of pay administration laws, regulations, policies, and standards.
  - (3) Reviews and, if appropriate, concurs in establishing daily work schedules for individual employees which deviate by more than 1 hour (1 hour earlier or 1 hour later) from the work schedule established for Headquarters by the Director of Administration.
  - (4) Reviews and, if appropriate, concurs with Heads of Field Elements in their establishment of uncommon tours of duty as described on page 5, paragraph 6d(2).
  - (5) May approve the appointment of an employee to a position in grade GS-11 or above at a rate above the minimum rate of the grade because of the superior qualifications of the candidate in relation to the special needs of the Department.

- (6) Authorizes premium pay on an annual basis instead of other premium pay, as appropriate.
- (7) Reviews recommendations for quality step Increases or the withholding of within-grade increases for Headquarters employees, including those with duty stations outside Headquarters, for regulatory and procedural correctness, consistency across organizational lines, and sufficiency of justification.
- (8) Approves optional grade retention as described on page 15, paragraph 11.
- (9) Approves the establishment of flexible or compressed work schedules under the provisions of 5 CFR 610.
- (10) Concurs in designating a convalescing Headquarters employee's home as the official duty station in emergency situations.
- (11 ) Approves recommendations for exceptions to the reduction in military retirement pay of a retired officer of any regular military component in the recruitment of employees.
- (12) Approves recommendations from Secretarial Officers and DOE Staff Officers to except employees from the restriction on pay from more than one position (5 U.S.C. 5533 and 5 CFR 550.504).

c. Secretarial Officers and DOE Staff Officers.

- (1) Recommend to the Director of Personnel payment of a rate in excess of the minimum for grade GS-11 or above to a candidate for employment who possesses superior qualifications, and the appropriate degree of application of the highest previous rate rule.
- (2) Approve for individual employees deviations of not more than 1 hour (1 hour earlier or 1 hour later) from the daily work schedule established by the Director of Administration for Headquarters employees. Deviations of more than 1 hour require the concurrence of the Director of Personnel.
- (3) Authorize or approve overtime, premium pay (except premium pay on an annual basis), and compensatory time off in accordance with law, regulations, and this Order. Any redelegation of this authority must be in writing and a Copy provided to the servicing payroll office.
- (4) Reconsider and make the final Departmental decision on employee requests for review of any determinations to withhold within-grade increases. This authority may not be redelegate to any official who took part in the original decision, nor to any person subordinate to such an official.

- (5) Approve quality step increases for employees under their jurisdiction in grades GS-1 through GS-15, including those under their cognizance who are attached to field elements for personnel administration support. To ensure regulatory and procedural compliance, consistency across organizational lines, and sufficiency of justification, quality step increases for Headquarters employees must have the concurrence of the servicing personnel officer prior to approval. Authority to approve quality step Increases may not be redelegate below the level of office director or the equivalent.
- (6) Recommend to the Executive Personnel Board quality step increases and the withholding of within-grade increases for employees in grade GS-16 and above.
- (7) Advise their servicing personnel office of any redelegations of authority.
- (8) Recommend to the Director of Personnel an exception to the reduction in military retirement pay. (This applies only in emergency recruitment when the candidate meets the grandfather provisions of 5 CFR 550.603.)
- (9) Recommend to the Director of Personnel exceptions to the restriction on pay from more than one position (5 U.S.C. 5533 and 5 CFR 550.504).
- (10) Approve rest periods for situations described on page 17, paragraph 12i.
- (11) Approve, with the concurrence of the Director of Personnel, the designation of a convalescing employee's home as the official duty station in accordance with page 18, paragraph 12j.

d. Heads of Field Elements With Delegated Personnel Authority. Where the Head of a Field Element provides personnel administration support but not line supervision over attached units, his or her authority and responsibility in these matters regarding such units is limited to ensuring that such actions comply with civil service laws, OPM regulations, and Departmental policies. Heads of such attached units are responsible for obtaining any clearances and approvals required by higher line management in their respective organizations. Heads of Field Elements shall:

- (1) Determine rate of basic pay, including application of the highest previous rate rule and the granting of optional grade and pay retention as permitted on page 15, paragraph 11, as prescribed by law and OPM regulations and after due consideration of the recommendations of appropriate supervisors. While the authority

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to grant highest previous rate may be redelegated to any employee authorized to approve SF-50, "Notification of Personnel Action," the authority to grant optional grade or pay retention must be retained by the personnel officer.

- (2) Establish the basic workweek for the field element. Obtain the concurrence of the Director of Personnel in establishing tours of duty which are not in accordance with 5 CFR 610.121 and 610.122, unless such deviations are essential for continuous shift operations. Authority to approve daily work schedules for individual employees which deviate from the established work schedule by no more than 1 hour may be redelegate.
- (3) Determine administrative dismissals in accordance with applicable laws, regulations, OPM guidelines, and this Order. This authority may only be redelegate to Heads of subordinate Field Organizations located in other commuting areas. The Director of Personnel must be notified whenever administrative dismissals occur.
- (4) Authorize and approve overtime and premium pay (except premium pay on an annual basis) in accordance with law, regulations, and this Order. Any redelegation of this authority must be in writing and a copy provided to the servicing payroll office.
- (5) Recommend to the Director of Personnel the establishment of premium pay on an annual basis instead of other premium pay, as appropriate.
- (6) Recommend to the Director of Personnel payment of a rate in excess of the minimum for grade GS-11 or above, to a candidate for employment who possesses superior qualifications in relation to the special needs of the Department.
- (7) Reconsider and make the final Departmental decision on employee requests for review of determinations to withhold within-grade increases. This authority may not be redelegate to any official who took part in the original decision, nor to any person subordinate to such an official.
- (8) Approve quality step increases for employees under their jurisdiction in grades GS-1 through GS-15. This authority may be redelegate one level down in the organization. Field personnel officers must review for regulatory and procedural correctness, Consistency across organizational lines, and sufficiency of justification, quality step increases for employees in organizations serviced by them, including units attached for personnel support.
- (9) Recommend to the Executive Personnel Board, through appropriate supervisory channels, quality step increases and the withholding of within-grade increases for employees in grades GS-16 and above.

- (10) Recommend to the Director of Personnel an exception to the reduction in military retirement pay. (This applies only in emergency recruitment when the candidate meets the grandfather provisions of 5 CFR 550.603. )
  - (11 ) In accordance with 5 U.S. C. 5533, 5 CFR 550.504, and pertinent FPM issuances, approve exceptions to the restriction on pay from more than one position.
  - (12) Approve rest periods for situations described on page 17, paragraph 12i.
  - (13) Approve the designation of a convalescing employee's home as the official duty station in accordance with page 18, paragraph 12j.
- e. Heads of Other Field Elements shall exercise the authorities described in subparagraphs 6d(3), (4), (6), (7), and (8).
- f. Supervisors.
- (1) Apply the provisions of this Order in performing their supervisory duties, particularly the provisions relating to within-grade and quality step increases, overtime, and hours of duty.
  - (2) Recommend the application of the highest previous rate rule.
  - (3) Assure that any deviations in work schedules for employees under their supervision are approved in accordance with page 3, paragraph 6c(2) or page 5, paragraph 6d(2), as appropriate.
  - (4) Certify that subordinate employees have performed at an acceptable level of competence for within-grade increases; prepare recommendations for quality step increases or the withholding of within-grade increases.
- g. Executive Personnel Board approves all pay recommendations for employees in grades GS-16 and above.

7. SETTING RATES OF BASIC PAY ABOVE THE MINIMUM.

- a. Superior Qualification Appointments. When a candidate for employment in a position in grade GS-11 or above possesses a certain educational or experience background that the Department requires, i.e. possesses superior qualifications for a particular position, an appointment at a rate above the minimum rate of the appropriate grade can be considered (5 U.S. C. 5333 and 5 CFR 531.203). See Attachment 2 to DOE 3000.1 for requirements.

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b. Highest Previous Rate.

- (1) When an employee is reemployed, transferred, Reassigned, Or demoted, or when the type of appointment is changed, the employee may be paid at any rate which does not exceed his or her highest previous rate. The highest previous rate rule may also be applied in promotion actions if the resulting rate is higher than the rate provided by the two-step rule. The method of determining the highest previous rate is explained at 5 CFR 531.203(c) for General Schedule employees and 5 CFR 532.405 for Federal Wage System employees. Additional guidance is found in FPM supplements 531-1 and 990-2.
- (2) Use of the highest previous rate is discretionary, not mandatory. It is recommended and approved in accordance with paragraph 6 of this Order and 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 the experience upon which the rate is based;
  - (c) The rates of pay of other employees with similar qualifications and in similar positions in the organization; and
  - (d) The need for the rate in order 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. (Employees placed in a lower grade position under a formal upward mobility, apprenticeship, or career intern program are entitled to pay retention in accordance with 5 CFR 536.104.)

a. WITHIN-GRADE INCREASES.

- a. Within-grade increases for GS employees are determined under provisions of 5 U.S.C. 5335 and 5304, and 5 CFR 531, subpart D, and related parts of the FPM, and by Comptroller General decisions. (In determining the date of the last equivalent increase, it should be noted that a merit increase of any amount, including a zero merit increase, received by an employee while covered by the Performance Management and Recognition System is considered an equivalent increase.) Within-grade increases are granted only upon completion of the required waiting period and certification by the appropriate supervisor that the employee has performed the duties of the position at an acceptable level of competence. Employees not performing at an acceptable level of competence (the "fully successful" or higher level under the DOE performance appraisal system) must have their within-grade increases withheld. Supervisors should consult their personnel office when an employee's performance is such that denial of a within-grade increase is contemplated.

- b. GS employees must be informed of the specific performance requirements that constitute an acceptable level of competence. These requirements are communicated to the employee in the form of written performance standards. An acceptable level of competence is a level of performance which is at least fully successful as described in DOE 3430.3A.
- c. An acceptable level of competence determination must be based on an employee's performance of the duties and responsibilities of his or her assigned position or positions during the waiting period. The determination must be delayed when a rating of record cannot be given based on 90 calendar days of performance in accordance with DOE 3430.3A and the employee has not received a rating in any position within 90 days before the end of the waiting period, or when the employee has been reduced in grade because of unacceptable performance. (See 5 CFR 531.409(c)). Under these conditions, the employee must be informed that his or her determination has been postponed and of the specific requirements for performance at an acceptable level of competence. The determination must be based on a performance period of at least 90 days, and if the delayed determination is favorable, the within-grade increase is granted retroactive to the date it was originally due.
- d. An acceptable level of competence determination shall be waived and a within-grade increase granted to an employee who has not served in any position for at least 90 days during the final 52 calendar weeks of the waiting period for one or more of the following reasons:
  - (1) Absences that are creditable service in the computation of waiting periods under 5 CFR 531.406;
  - (2) Because of paid leave;
  - (3) Because the employee received service credit under the back pay provisions of 5 CFR, part 550; subpart H;
  - (4) Because of details to another agency or employer for which no rating has been prepared; or
  - (5) Because of long-term training.
- e. All acceptable level of competence determinations must be supported by the employee's most recent performance appraisal. When a within-grade increase decision is not consistent with the employee's most recent rating of record, a more current rating of record consistent with the decision must be prepared.
- f. Supervisors should discuss demonstrated poor performance with employees at the time it occurs in an attempt to secure timely improvement, particularly when that performance is below the level required for a within-grade increase. If possible, the employee should be informed of the possibility that the within-grade increase may be denied and of



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specific deficiencies requiring correction in sufficient time to improve his or her performance before the requiring correction within-grade increase determination is due. Any questions on necessary procedures should be referred to the local operating personnel office. At a minimum, a level of competence determination must be communicated to an employee in writing as soon as possible after completion of the within-grade increase waiting period. An SF-50, "Notification of Personnel Action," which effects the increase, will suffice for employees determined to be performing at an acceptable level of competence. When the supervisor determines that an employee's performance is not at an acceptable level of competence, he or she shall notify the employee in writing of the following:

- (1) The reasons for the negative determination and the specific performance standards on which the employee must improve to be granted a within-grade increase; and
  - (2) The employee's right to request reconsideration of the negative determination.
- g. An employee who wishes to request reconsideration of a negative determination must do so in writing within 15 calendar days after receipt of the notice that the within-grade increase will be withheld. (See 5 CFR 531.410 for complete requirements, and consult the servicing personnel office.)
  - h. If a within-grade increase is withheld, a new determination may be made at any time that the supervisor determines that the employee has demonstrated sustained performance at an acceptable level of competence, but not later than 52 weeks after the end of the waiting period to which the negative determination applied.
  - i. The foregoing provisions concerning acceptable level of competence determinations do not apply to Federal Wage System (FWS) employees. FWS employees whose performance under the DOE performance appraisal system is rated "Fully Successful" or better are automatically advanced to the next within-grade step at the end of the required waiting period.
  - j. Training in the procedures for granting or withholding within-grade increases are to be included in courses on personnel management for supervisors.

#### 9. STANDARDS AND GUIDELINES FOR APPROVING QUALITY STEP INCREASES.

- a. Quality step increases for employees are determined under provisions of 5 U.S.C. 5336, 5 CFR Part 531, subpart E, and related parts of the FPM. Quality step increases are granted to reward continuing outstanding performance and to motivate employees toward increased productivity.

- b. Quality step increases may be granted only to GS employees who have permanent or Indefinite appointments, whose current rate of pay is less than the maximum for their grade, whose current rating of record is "Outstanding," and who are expected to continue to serve in their current position, or in a similar position at the same grade, and at the same level of performance, for at least 60 days.
- c. Only one quality step increase may be granted during any 52-calendar-week period.
- d. An employee may not receive both a quality step increase and a performance award for the same performance period. However, receipt of a quality step increase does not preclude consideration for a superior accomplishment award when criteria for both types of recognition are met.
- e. Quality step increases shall be effective as soon as possible after approval of the annual performance appraisal.
- f. Although otherwise merited, a quality step increase is not appropriate when:
  - (1) It is known that the employee is about to receive a career promotion, since the promotion itself is a very substantial form of recognition.
  - (2) The employee was detailed to another position for a substantial part of the period of service being considered for recognition. (An incentive award may be appropriate for exceptional performance in the position to which the employee was detailed.)
- g. Quality step increases are intended to reward employees for continuing high-quality performance usually extending over more than one rating period, and are not to be used to solve difficult personnel situations where such continuing high-level performance is not evident. For example, inability to promote an employee to a higher grade, inducing an employee to move from one location to another or to accept adverse working conditions, or the desire to retain an employee in a particular position are not appropriate reasons for granting quality step increases.
- h. A quality step increase approved prior to the transfer of an employee from another agency to DOE, but not made effective at the time of the transfer, will not be effected by DOE. Similarly, It is not appropriate to recommend a quality step increase for an employee who is about to separate from DOE.
- i. Relation to Other Awards.
  - (1) Quality step Increases permanently increase the employee's base pay. Incentive awards are a more appropriate form of recognition in cases such as the following:

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- (a) In special work situations of limited duration or where achievements are otherwise nonrecurring;
  - (b) In recognition of group achievement;
  - (c) When an employee's level of performance of regular duties merits some form of cash recognition, but his or her length of service in the position is insufficient to clearly indicate that such performance is typical of the employee and, therefore, likely to continue; and
  - (d) Where the conditions for a quality increase are met but the employee would enjoy the benefits of an additional step increase for an insufficient length of time, such as when nearing retirement. A performance award is never appropriate for mere length of service; high-level performance is the only acceptable basis for such awards.
- (2) Only an incentive award (not a quality step increase) can be granted:
- (a) When the employee is not subject to the 'General Schedule; or
  - (b) When the employee's salary is already at the top step of the grade, or at the statutory ceiling.

j. Procedures.

- (1) The employee's immediate supervisor, who has a detailed working knowledge of position requirements and the manner of work performance, must originate the recommendation for a quality step increase.
- (2) The recommendation must be made on DOE F 3550.2, "Nomination for Quality Increase" (See Attachment 1), accompanied by SF-52, 'Request for Personnel Action.' A copy of the employee's current rating of record must be attached. If the rating is more than 60 days old, additional written justification for the nomination must also be submitted.
- (3) The recommendation must be forwarded to the Servicing personnel office for review of regulatory and procedural correctness and consistency across organizational lines. The personnel office will then forward the recommendation to the appropriate management official for final approval (see pages 3-6, paragraphs 6c, d, and e). When the increase is approved, the servicing personnel office issues an SF-50 to document the action. A quality step increase becomes effective at the beginning of the first pay period following the regulatory review and the date it is approved by the approving official.

k. Relation to Regular Step Increases.

- (1) For the purpose of calculating the waiting period for a regular within-grade increase, a quality Increase is not considered an equivalent increase in pay. An employee retains credit for the time served since his or her last equivalent increase and does not start a new within-grade waiting period by virtue of having received a quality increase. However, the length of the waiting period which the employee must complete for the next regular within-grade Increase is determined by the step received through the quality step Increase, and may change from 1 to 2 or 2 to 3 years, depending on the employee's new step in the pay range.
- (2) A quality increase may be granted effective the same date as a regular step increase, in which case the regular step Increase is processed first in order to give the employee the maximum pay benefit. (If the quality step increase is processed first, it could extend the waiting period for the next regular step increase.)

10. OVERTIMEa. Ordering and Approving Overtime.

- (1) Overtime will be held to a minimum consistent with operational requirements of the organization; it will be ordered or approved (or permitted for nonexempt employees) only when essential work cannot be accomplished during regular work hours by careful planning of work and scheduling of leave and other absence.
- (2) Although an employee may request not to work overtime when it would cause severe hardship, the final decision is the supervisor's. Failure to work properly ordered overtime may subject the employee to disciplinary action.
- (3) Overtime for exempt employees must be officially authorized and approved in writing on the form required by the payroll office before the employee can be compensated for it. It should normally be approved in advance. Retroactive approval may be permitted when operational emergencies make it impractical to obtain prior approval. Overtime also should be authorized or approved for nonexempt employees, but failure to order or approve overtime when the supervisor permits the nonexempt employee to work does not diminish the employee's right to overtime compensation.
- (4) Employees must be given reasonable prior notice when they are expected to work overtime, unless emergency demands make advance notice impossible. When it is known in advance of an administrative workweek that an employee will be required to work overtime on specific days and hours of the workweek, the employee must be so advised

and the overtime scheduled in writing prior to the administrative workweek (the typical workweek begins Sunday). The overtime authorization form must state that the overtime was scheduled in advance. Fulfillment of this requirement means the overtime was regularly scheduled. All regularly scheduled overtime (except that worked under a flexible work schedule) must be paid at the applicable overtime rate; compensatory time off is not an option under these circumstances.

(5) Overtime may not normally be approved for work an employee performs at here. Requests for exceptions to this policy require written approval by the Director of Personnel.

(6) No employee may authorize or approve his or her own overtime work.

b. Entitlement to Overtime Compensation. Employees' entitlement to overtime compensation depends on whether they are "exempt" or "nonexempt" from the Fair Labor Standards Act (FLSA) (see paragraph 10c below). Exempt employees are entitled to overtime compensation only under the provisions of 5 U.S.C., and implementing OPM regulations. Nonexempt employees are entitled to compensation under either 5 U.S.C. or the FLSA, whichever provides the greater pay benefit during the workweek in which the overtime occurs. There are very significant differences in the provisions of the two laws, some of which are summarized for quick reference in Attachment 2. Further information is contained in FPM chapter 551 and FPM supplements 990-2 and 532-1.

c. Employee Coverage Under the Fair Labor Standards Act. Following is a summary of coverage by, and exclusions from, the Fair Labor Standards Act. (See 5 CFR, Part 551 for more detailed definitions.) FLSA status is determined by the personnel office as a part of the position classification process. Each position, upon establishment, shall be designated as "exempt" or "nonexempt" for purposes of the FLSA.

(1) Nonexempt Employees are those employees who are covered by the overtime provisions of the FLSA. Generally included are nonsupervisory employees in clerical, equipment operating, protective, and trades and labor occupations, and nonsupervisory employees in occupations requiring highly specialized technical skills and knowledge that are acquired through prolonged technical training and experience, rather than through formal education. All employees properly classified at GS-4 or below are nonexempt.

(2) Exempt Employees are exempt only if they meet one of the following definitions:

(a) Executive Employee is a supervisor, foreman, or manager who directs the work of at least three subordinates and for whom management or supervision is the primary duty. It is the

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primary duty if the position is determined to be supervisory or managerial under the Supervisory Grade Evaluation Guide. White collar employees must be GS-5 or higher. Prevailing rate employees must meet the FWS definition of foreman. Supervisory firefighters below GS-10, other GS supervisors below GS-7, and prevailing rate foreman must spend at least 80 percent of their time in a representative workweek on supervision and closely related work.

(b) Administrative Employee is an advisor, assistant to or representative of management, or a specialist in a management function whose primary duty significantly affects the formulation or execution of management policies or programs. (See 5 CFR 551.205 for full requirements.) Among the many employees covered by this exemption are certain secretaries, administrative or executive assistants, or other aides to high level officials. In addition to the primary duty criterion, employees in positions at grade GS-5 or GS-6 must spend at least 80 percent of their worktime in a representative workweek on administrative functions.

(c) Professional Employee designates the occupant of a position in a professional series under the General Schedule; an employee performing work comparable to that of a professional employee; or an employee performing work in a recognized field of original or creative artistic endeavor. (See 5 CFR 551.206 for full requirements.) The employee's position is no lower than GS-5. In addition to the primary duty criterion, an employee in a position at GS-5 or GS-6 must spend at least 80 percent of the worktime in a representative workweek on professional functions.

d. Compliance and Complaints. An employee alleging an FLSA violation has a right to file a complaint directly with the appropriate OPM regional office (central office for Washington metropolitan area employees). There is a statute of limitations on claims against the United States; the claim must be filed with the General Accounting Office within 6 years of the date it first accrued. Any portion of an award which accrued more than 6 years prior to filing of the claim with GAO may not be paid. (See FPM letter 551-18 for full details.)

e. Compensatory Time Off. Normally, employees are paid for authorized overtime. In certain situations, they may request and be granted time off from a subsequent regular tour of duty instead of receiving premium pay. Compensatory time accrues in an amount equal to the overtime work and is simply an alternative form of compensation for overtime. Consequently, its accrual is subject to most conditions and requirements that apply to overtime. (Exception: Compensatory time for religious observances,

discussed on page 18, paragraph 12K, is actually a temporary rearrangement in an employee's work schedule and it entails no entitlement whatsoever to premium pay.) Compensatory time, in lieu of premium pay, is authorized under one of two statutory provisions: 5 U.S.C. 6123, which applies only to flexible work schedules, or 5 U.S.C. 5542, which applies to any other work schedule. If authorized under one of these provisions, employees who want compensatory time instead of premium pay may request it at the time when the overtime is ordered or approved. Supervisors should normally approve requests for compensatory time in lieu of overtime pay; they later approve requests for compensatory time off just as they do requests for annual leave. Attachment 3 summarizes the conditions under which compensatory time may be earned.

- (1) Payment for Unused Compensatory Time Off. Employees are required to use compensatory time to their credit by no later than 26 pay periods after it is earned. If an employee is precluded from taking compensatory time off before the end of the 26th pay period following the pay period in which it was earned, the employee shall be paid for it (25 Comp. Gen. 62). Employees who are separated from DOE or transferred to another Federal agency must be paid for unused compensatory time to their credit.
  - (2) Scheduling the Use of Compensatory Time Off. Compensatory time off to an employee's credit should normally be taken before annual leave is scheduled, except that care should be taken to assure that this will not cause the forfeiture of annual leave at the end of the leave year. Supervisors and employees have joint responsibility for the careful scheduling of both annual leave and compensatory time off so as to avoid the forfeiture of annual leave.
  - (3) Statutory Limit on Overtime Earnings. Overtime compensation under 5 U.S.C., whether in the form of premium pay or compensatory time off, may be granted only to the extent that it does not cause a GS or GR employee's aggregate rate of pay (straighttime base pay plus overtime, Sunday, holiday, standby pay, or night differential) for any pay period to exceed the maximum payable rate for GS-15. To apply this limit, compensatory time is treated as if it were paid at the overtime rate applicable to the employee; that is, one and one-half times the employee's basic rate of pay up to the overtime rate for GS-10, step 1 (37 Comp. Gen. 326). There is no maximum earning limitation on premium pay under FLSA or the FWS.
  - (4) Requesting Use of Compensatory Time Off. Compensatory time off is requested, approved, and reported like annual leave on SF-71, "Application for Leave," and on time and attendance reports.
11. GRADE AND PAY RETENTION. The administration of grade and pay retention is governed by FPM chapter 536 and FPM supplement 990-2, book 536. Heads of Field Elements with delegated personnel authority may grant optional pay

retention in accordance with those requirements. They may grant grade retention benefits to DOE employees affected by reductions in force in situations where the benefits are optional with the Department, as described in FPM supplement 990-2, book 536, subchapter S3-1, and in accordance with the following guidelines:

- a. Grade retention may be granted when such action will facilitate the placement of an employee in a position for which an advance in-hire rate is payable, or in a position which the employing office can document as one it has had difficulty filling, or when granting grade retention would avoid the significant disruption to mission accomplishment which would otherwise result from bumping or retreating.
- b. Where there are other equally significant benefits to the Department through the granting of optional grade retention, approval to grant it may be authorized by the Director of Personnel on a case-by-case basis.
- c. Employees who transfer to DOE without a break in service are entitled to continue receiving grade or pay retention benefits granted by their former agency unless their DOE position is of a lower grade than the one held immediately prior to the transfer.

## 12. HOURS OF DUTY.

- a. The Department's administrative workweek begins at 12:01 a. m. Sunday and ends at 12:00 midnight the following Saturday. The Director of Administration or the Head of a Field Element with delegated personnel authority may establish other administrative workweeks for specific groups of employees who work uncommon tours of duty.
- b. The normal tour of duty (i.e., regularly scheduled administrative workweek) for full-time DOE employees is five 8-hour days, Monday through Friday. The workday is extended by the length of the lunch period. Specific hours of the tour of duty are established by the Director of Administration for Headquarters and by the Heads of Field Elements with delegated personnel authority for their organization. A full-time employee's tour of duty consists of the basic 40-hour workweek and any regularly scheduled overtime. Regularly scheduled overtime is overtime which is, or which should have been, scheduled as part of the employee's tour of duty in accordance with 5 CFR 610.121.
- c. Except as provided on page 17, paragraphs 12d and e. the following applies:
  - (1) Changes in tours of duty shall be made before the beginning of the administrative workweek and shall be in effect for at least 1 week;



- (2) The basic 40-hour workweek shall be scheduled over 5 days, Monday through Friday when practicable, and the 2 days outside the basic workweek shall be consecutive;
  - (3) The working hours in each day in the basic workweek shall be the same;
  - (4) The basic nonovertime workday may not exceed 8 hours;
  - (5) The occurrence of holidays may not affect the designation of the basic workweek; and
  - (6) Breaks in working hours of more than 1 hour may not be scheduled in the basic workday.
- d. In Headquarters, approval of the appropriate official named on page 3, paragraph 6c, and concurrence of the Director of Personnel are required to establish basic workweeks which differ from the basic workweek established by the Director of Administration. Basic workweeks not in accordance with subparagraph 12c will be approved only if they are justified for educational purposes under 5 CFR 610.122; if they are necessary to avoid either a serious handicap to operations or a substantial increase in costs; or if they are part of an approved Alternative Work Schedule.
- e. In field elements with delegated personnel authority, exceptions to subparagraph 12c are authorized for:
  - (1) Continuous shift operations or similar operating necessities;
  - (2) Other situations where the Head of a Field Element determines and the Director of Personnel concurs that without the proposed tour of duty the organization would be seriously handicapped in carrying out its functions or that costs would be substantially increased;
  - (3) Educational purposes, as provided in 5 CFR 610.122; and
  - (4) Employees for whom the Director of Personnel has authorized annual premium pay for standby duty.
- f. Supervisors may be authorized by the officials named On page 3, paragraph 6c, or Heads of Field Elements, as appropriate, to approve deviations of not more than an hour from the normal tour of duty for individual full-time employees, so long as the employee continues to work 8 hours each day.
- g. The tour of duty of part-time employees may not be changed solely to grant or deny them the benefit of a holiday. Daily tours of duty for part-time employees must be in whole-hour increments; fractions of hours are not permitted.

- h. The foregoing authorizations do not include the establishment of Alternative Work Schedules (flexible or compressed working hours) or similar major deviations from normal tours of duty. Proposals to establish such tours within the Department require the prior approval of the Director of Personnel. Pay and hours of work provisions for employees using flexible or compressed schedules are provided in Book 610, FPN Supplement 990-2.
- i. Rest Periods. There is no official provision for rest periods. Federal salaries anticipate employees working a 40-hour week. Most office situations afford employees the opportunity to move about and be away from their worksites briefly during the course of the workday. However, there may be situations in which the flow of work cannot be interrupted at the discretion of the employee, thereby requiring employees to remain at their worksites. In those situations short rest periods may be granted, not exceeding 15 minutes during each 4 hours of continuous work. Authority to grant such rest periods must be approved in advance by the Head of a Field Element with delegated personnel authority or by an official named on page 3, paragraph 6c, as appropriate.
- j. Designation of an Employee's Home as Official Duty Station. In emergencies where urgent work must be performed, a convalescing employee's home may be designated by memorandum as a temporary duty station if the following additional conditions are met:
  - (1) The employee must be willing and able to perform work at home, but unable to report to the work location. A medical certificate to this effect is required whenever both conditions are not self-evident from the facts of the case.
  - (2) The work must be such that the amount performed can reasonably be correlated with the time required to perform it, and the work must be of a kind that it can be satisfactorily performed away from the work location.
  - (3) Approval of the appropriate Head of a Field Element with delegated personnel authority or of an official named on page 3, paragraph 6c, as appropriate, must be obtained prior to such designation. In addition, concurrence of the Director of Personnel must be obtained for Headquarters employees.
  - (4) Proper time and attendance records must be kept. If less than a full day's work is performed on any day, the day must be prorated between duty status and annual leave, sick leave, or leave without pay, as appropriate.

12-22-87

- K. Compensatory Time for Religious Observances. Employees may elect to work compensatory overtime for the purpose of taking time off without charge to leave when their personal religious beliefs require them to abstain from work during certain periods of the workday or workweek. Supervisors should approve an employee's request for time off for such purposes unless modifications in the work schedule to accommodate the employee would interfere with the accomplishment of the Departmental mission. If the request is denied, the supervisor shall notify the employee of the decision in writing. Employees must work compensatory time (hour for hour) to make up for time off for religious observances by the end of the third biweekly pay period following the time taken off. The compensatory time may, however, be worked before the time taken off. Any overtime worked after an employee's absence for religious reasons shall be reduced by the amount of the absence before any entitlement to overtime compensation accrues; if the employee's obligation has not been satisfied by the end of the third biweekly pay period following the absence, the time shall be charged to annual leave or leave without pay, as appropriate. (See 5 CFR, Part 550, Subpart J, "Adjustment of Work Schedules for Religious Observances.")

BY ORDER OF THE SECRETARY OF ENERGY:



LAWRENCE F. DAVENPORT  
Assistant Secretary  
Management and Administration



NOMINATION FOR QUALITY INCREASE

DOE F 3550.2 10-86 REG. 3550.1A B1: 01001 001010 B10 0000010			U.S. DEPARTMENT OF ENERGY NOMINATION FOR QUALITY INCREASE	
1. NAME OF NOMINEE Jo Lee Biong		2. POSITION TITLE, GRADE AND STEP Clerk-Typist GS-3-5		
3. ORGANIZATION, LOCATION OF POSITION Quality Control Division, Denver Operations Office				
4. RECOMMENDATION COVERS SERVICE FROM DATE TO 6-20-85 10-1-86		5. HOW LONG IN PRESENT POSITION GRADE 3 years 5 years 6 months		
6. DATE NEXT REGULAR STEP INCREASE SCHEDULE 6-18-87		7. ANY AWARDS OR QUALITY INCREASES RECEIVED IN LAST 5 YEARS (Date and name of award) 5-84 Superior Performance Award		
ATTACH A COMPLETED STANDARD FORM 52 SF 52 REQUEST FOR PERSONNEL ACTION AND A COPY OF THE EMPLOYEE'S CURRENT RATING OF RECORD AS DOCUMENTATION THAT PERFORMANCE WAS MET ALL THE REQUIREMENTS FOR AN OUTSTANDING RATING				
NAME AND TITLE OF NOMINATING OFFICIAL (Employer's Representative) William Hill, Chief, Inspection Branch				
SIGNATURE William Hill			DATE 10-10-86	
NAME AND TITLE OF REVIEWING OFFICIAL (Recommended by) Antonio Garcia, Director, Quality Control Division				
SIGNATURE Antonio Garcia			DATE 10-20-86	
SERVICING PERSONNEL OFFICE				
Recommendation complies with all regulations policies <input checked="" type="checkbox"/> Recommendation does not comply with all regulations policies <input type="checkbox"/> Explanation attached <input type="checkbox"/>				
NAME AND TITLE OF AUTHORIZING PERSONNEL OFFICIAL C. T. McGee, Personnel Officer				
SIGNATURE C.T. McGee			DATE 11-14-86	
APPROVAL				
NAME AND TITLE OF APPROVING OFFICIAL Alice Alacque, Manager				
SIGNATURE Alice Alacque			DATE 11-21-86	

COMPARISON OF OVERTIME ENTITLEMENTS

BASIS FOR OVERTIME COMPENSATION

Title 5

Regular Work Schedules. Work officially ordered or approved which causes hours in a pay status (including paid leave, holidays, and compensatory time) to exceed 8 hours in a day or 40 hours in a week.

Flexible Work Schedules. Same as regular work schedules, except overtime must be ordered in advance. Optionally worked credit hours are not overtime.

Compressed Work Schedules. Same as regular work schedules, except that only work in excess of the scheduled daily tour, or in excess of 40 hours in a week, is overtime.

FLSA

Regular Work Schedules. Actual work (excluding leave, holidays, or any other absence, paid or unpaid) which exceeds 40 hours in a week, even if not officially ordered or approved.

Flexible Work Schedules. Same as regular work schedules, except overtime must be ordered in advance. Optionally worked credit hours are not overtime.

Compressed Work Schedules. Same as regular work schedules.

HOURLY RATE OF OVERTIME PAY

Title 5

General Schedule Employees. One and one-half times employee's hourly rate, or one and one-half times the hourly rate for GS-10, step 1, whichever is less.

Federal Wage System Employees. One and one-half times employee's hourly rate.

FLSA

All Employees. One and one-half times the employee's regular rate. (See FPM chapter 551 for calculation of "regular rate".)

MAXIMUM EARNING LIMITATION

Title 5

General Schedule Employees. Total earnings (base pay plus most other premium pay) in a pay period is limited to maximum biweekly pay for GS-15. Limit also applies to compensatory time accrual.

Federal Wage System Employees. Limit does not apply.

FLSA

All Employees. Limit does not apply.

TRAVEL TIME

Title 5

Travel to, from, or between temporary duty station(s) is overtime only if it:

1. Involves the performance of work while traveling;

2. Is incident to such travel;

3. Is performed under arduous conditions; or

4. Results from an event which could not be scheduled or controlled within Government.

FLSA

Travel to, from, or between temporary duty station(s) is overtime only if it occurs during the hours of a nonworkday which correspond to the employee's duty hours on a workday.

COMPENSATORY TIME OFF

Title 5

See Attachment 3.

FLSA

See Attachment 3.

**NOTE:** The above summary is for quick reference only. For full requirements, see FPM chapter 551, FPM bulletins and letters in the 551 series, and book 550 of FPM supplement 990-2.

CONDITIONS UNDER WHICH COMPENSATORY TIME MAY BE EARNED

	FWS Employees	GS/GM Employees		Regularly Scheduled Overtime <u>3/</u>	Irregular or Occasional Overtime
		Exempt	Nonexempt		
Flexible Work Schedules (5 U.S.C. 6123)	YES	YES <u>1/</u>	YES	YES	YES
Any Other Work Schedule	NO	YES <u>1/</u>	In some cases <u>2/</u>	NO	YES

- 1/ Statutory limit on overtime earnings applies. (See page 15, paragraph 10(e) (3)).
- 2/ Compensatory time off is permitted if it is taken in the same workweek it was earned but it is permitted in a subsequent workweek only if 5 U.S.C. entitlement when earned was at least equal to FLSA entitlement.
- 3/ Regularly scheduled overtime is written approval of overtime scheduled before the beginning of the administrative workweek in which it was worked.





US. Department of Energy  
Washington, D.C.

PAGE CHANGE

DOE 3550.1A Chg 1

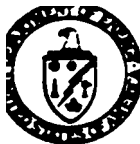
7-16-90

SUBJECT: PAY ADMINISTRATION AND HOURS OF DUTY

- 
1. PURPOSE. To transmit revised pages to DOE 3550.1A, PAY ADMINISTRATION AND HOURS OF DUTY, of 12-22-87.
  2. EXPLANATION OF CHANGE. To suggest ways that supervisors can verify overtime worked by their staff when direct observation is not possible.
  3. FILING INSTRUCTIONS.

- | a. | <u>Remove Pages</u> | <u>Dated</u> | <u>Insert Pages</u> | <u>Dated</u> |
|----|---------------------|--------------|---------------------|--------------|
|    | 11 and 12           | 12-22-87     | 11                  | 12-22-87     |
|    |                     |              | 12                  | 7-16-90      |
|    |                     |              | 12a (and 12b)       | 12-22-87     |
- b. After filing the attached pages, this transmittal may be discarded.

BY ORDER OF THE SECRETARY OF ENERGY:



JIM E. TARRO  
Director of Administration and  
Human Resource Management

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DISTRIBUTION:

All Departmental Elements

INITIATED BY:

Office of Personnel  
and Career Development



12-22-87

- (a) In special work situations of limited duration or where achievements are otherwise nonrecurring;
  - (b) In recognition of group achievement;
  - (c) When an employee's level of performance of regular duties merits some form of cash recognition, but his or her length of service in the position is insufficient to clearly indicate that such performance is typical of the employee and, therefore, likely to continue; and
  - (d) Where the conditions for a quality Increase are met but the employee would enjoy the benefits of an additional step increase for an insufficient length of time, such as when nearing retirement. A performance award is never appropriate for mere length of service; high-level performance is the only acceptable basis for such awards.
- (2) Only an incentive award (not a quality step Increase) can be granted:
- (a) When the employee is not subject to the General Schedule; or
  - (b) When the employee's salary is already at the top step of the grade, or at the statutory ceiling.

j. Procedures.

- (1) The employee's immediate supervisor, who has a detailed working knowledge of position requirements and the manner of work performance, must originate the recommendation for a quality step Increase.
- (2) The recommendation must be made on DOE F 3550.2, "Nomination for Quality Increase" (See Attachment 1), accompanied by SF-52, "Request for Personnel Action." A copy of the employee's current rating of record must be attached. If the rating is more than 60 days old, additional written justification for the nomination must also be submitted.
- (3) The recommendation must be forwarded to the servicing personnel office for review of regulatory and procedural correctness and consistency across organizational lines. The personnel office will then forward the recommendation to the appropriate management official for final approval (see pages 3-6, paragraphs 6c, d, and e). When the increase is approved, the servicing personnel office issues an SF-50 to document the action. A quality step increase becomes effective at the beginning of the first pay period following the regulatory review and the date it is approved by the approving official.

k. Relation to Regular Step Increases.

- (1) For the purpose of calculating the waiting period for a regular within-grade increase a quality increase is not considered an equivalent increase in pay. An employee retains credit for the time served since his or her last equivalent increase and does not start a new within-grade waiting period by virtue of having received a quality increase. However, the length of the waiting period which the employee must complete for the next regular within-grade increase is determined by the step received through the quality step increase, and may change from 1 to 2 or 2 to 3 years, depending on the employee's new step in the pay range.
- (2) A quality Increase may be granted effective the same date as a regular step increase, in which case the regular step increase is processed first in order to give the employee the maximum pay benefit. (If the quality step increase is processed first, it could extend the waiting period for the next regular step increase.)

10. OVERTIME.a. Ordering and Approving Overtime.

- (1) Overtime will be held to a minimum consistent with operational requirements of the organization; it will be ordered" or approved (or permitted for nonexempt employees) only when essential work cannot be accomplished during regular work hours by careful planning of work and scheduling of leave and other absence. Supervisors are responsible for verifying that overtime is worked as scheduled, just as they are responsible for verifying attendance during the regular workday. When they are not present at the work site, a reasonable amount of verification can be provided by arranging with other supervisors or timekeepers to observe attendance, by making occasional telephone calls or other spot checks, and by correlating the amount of overtime claimed with the amount of work produced. This should be done as tactfully as possible to avoid any suggestion that the employees, either individually or collectively, are under any kind of unwarranted suspicion.
- (2) Although an employee may request not to work overtime when it would cause severe hardship, the final decision is the supervisor's. Failure to work properly ordered overtime may subject the employee to disciplinary action.
- (3) Overtime for exempt employees must be officially authorized and approved in writing on the form required by the payroll office before the employee can be compensated for it. It should normally be approved in advance. Retroactive approval may be permitted when operational emergencies make it impractical to obtain prior approval. Overtime also should be authorized or approved for nonexempt

employees, but failure to order or approve overtime when the supervisor permits the nonexempt employee to work does not diminish the employee's right to overtime compensation.

- (4) Employees must be given reasonable prior notice when they are expected to work overtime, unless emergency demands make advance notice impossible. When it is known in advance of an administrative workweek that an employee will be required to work overtime on specific days and hours of the workweek, the employee must be so advised



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

PAGE CHANGE

DOE 3550.1A Chg 2

8-21-92

SUBJECT: PAY ADMINISTRATION AND HOURS OF DUTY

- 
1. PURPOSE. To transmit revised pages to DOE 3550.1A, PAY ADMINISTRATION AND HOURS OF DUTY, of 12-22-87.
  2. EXPLANATION OF CHANGE. To make editorial revisions to reflect only organizational title and routing symbol changes required by Notices in the SEN-6 series. No substantive changes have been made at this time. However, this Order will undergo substantive changes in the near future. If you have any questions about specific provisions of the Order, please consult appropriate staff members in the Office of Personnel.

3. FILING INSTRUCTIONS.

<u>a.</u>	<u>Remove Page</u>	<u>Dated</u>	<u>Insert Page</u>	<u>Dated</u>
	1 thru 6	12-22-87	1 thru 4	8-21-92
			<b>5</b>	12-22-87
			<b>6</b>	8-21-92
	15 thru 18	12-22-87	15 and 16	8-21-92
			17	8-21-92
			18	12-22-87
	Atch 1, page 1 (and 2)	12-22-87	Atch 1, page 1 (and 2)	8-21-92
	Atch 2, page 1 (and 2)	12-22-87	Atch 2, page 1 (and 2)	12-22-87

- b. After filing the attached pages, this transmittal may be discarded.

BY ORDER OF THE SECRETARY OF ENERGY:



DOLORES L. ROZZI  
Director of Administration  
and Human Resource Management

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DISTRIBUTION:

All Departmental Elements

INITIATED BY:

Office of Personnel





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

ORDER

DOE 3550.1A

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Change 2: 12-22-87  
8-21-92

SUBJECT: PAY ADMINISTRATION AND HOURS OF DUTY

- 
1. PURPOSE. To establish Department of Energy (DOE) responsibilities and procedures for administering civil service laws, Office of Personnel Management (OPM) regulations, and decisions of the Comptroller General concerning pay and hours of duty.
  2. CANCELLATION. DOE 3550.1, PAY ADMINISTRATION AND HOURS OF DUTY, of 5-9-80.
  3. EXCLUSIONS: The provisions of this Order do not apply to the following employees:
    - a. Officials in Executive Levels I through V;
    - b. Employees in the Senior Executive Service (SES);
    - c. Those employed as experts or consultants; and
    - d. Hourly rate employees of the power administrations, to the extent that their compensation is determined through collective bargaining agreements.
  4. REFERENCES.
    - a. DOE 3430.3A, DEPARTMENTAL PERFORMANCE APPRAISAL SYSTEM, of 8-14-86, which provides guidance on appraising the performance of non-SES employees.
    - b. DOE 3540.1A, PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM, of 8-14-86, which provides guidance on salary increases for the subject employees.
    - c. Comptroller General decisions which apply governing law and regulations to specific problems in pay administration.
    - d. Federal Personnel Manual (FPM) chapters 530, 531, 536, 550, 551, 591 and 610, and FPM-supplements 532-1 and 990-2, which contain guidance on pay administration and hours of duty.
    - e. Title 5, Code of Federal Regulations (CFR), which contains regulations issued by OPM.

Vertical line denotes change.

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Office of Personnel

- f. Title 5, United States Code (U.S.C.), and Public Law 93-259, the Fair Labor Standards Amendments of 1974, which provide the basis for Federal pay and hours of duty.

5. GENERAL POLICY.

- a. Salaries and wages for employees to whom this Order is applicable are determined by the grade of their position, their performance in that position, and related laws and OPM regulations concerning the General Schedule (GS) and the Federal Wage System (FWS).
- b. Overtime, night, Sunday, or holiday work shall be held to a minimum consistent with essential work requirements.
- c. Days and hours of work shall be established, subject to the requirements of law and regulations, to meet operating needs in the most effective and economical manner.

6. AUTHORITIES AND RESPONSIBILITIES.

- I a. Director of Administration and Human Resource Management (AD-1) establishes the Department's administrative workweek and the basic workweek (the 40-hour workweek for full-time employees) for Headquarters.
- I b. Director of Personnel (AD-50).
- (1) Determines rates of basic pay for Headquarters employees, including application of the highest previous rate rule, under applicable law and OPM regulations and after due consideration of the recommendations of appropriate supervisors.
  - (2) Advises on application of pay administration laws, regulations, policies, and standards.
  - (3) Reviews and, if appropriate, concurs in establishing daily work schedules for individual employees which deviate by more than 1 hour (1 hour earlier or 1 hour later) from the work schedule established for Headquarters by the Director of Administration and Human Resource Management.
  - (4) Reviews and, if appropriate, concurs with Heads of Field Elements in their establishment of uncommon tours of duty as described on page 5, paragraph 6d(2).
  - (5) May approve the appointment of an employee to a position in grade GS-11 or above at a rate above the minimum rate of the grade because of the superior qualifications of the candidate in relation to the special needs of the Department.

Vertical line denotes change.

- (6) Authorizes premium pay on an annual basis instead of other premium pay, as appropriate.
- (7) Reviews recommendations for quality step increases or the withholding of within-grade increases for Headquarters employees, including those with duty stations outside Headquarters, for regulatory and procedural correctness, consistency across organizational lines, and sufficiency of justification.
- (8) Approves optional grade retention as described on page 15, paragraph 11.
- (9) Approves the establishment of flexible or compressed work schedules under the provisions of 5 CFR 610.
- (10) Concurs in designating a convalescing Headquarters employee's home as the official duty station in emergency situations.
- (11) Approves recommendations for exceptions to the reduction in military retirement pay of a retired officer of any regular military component in the recruitment of employees.
- (12) Approves recommendations from Heads of Departmental Elements to except employees from the restriction on pay from more than one position (5 U.S. C. 5533 and 5 CFR 550.504).

c. Heads of Headquarters Elements.

- (1) Recommend to the Director of Personnel payment of a rate in excess of the minimum for grade GS-11 or above to a candidate for employment who possesses superior qualifications, and the appropriate degree of application of the highest previous rate rule.
- (2) Approve for individual employees deviations of not more than 1 hour (1 hour earlier or 1 hour later) from the daily work schedule established by the Director of Administration and Human Resource Management for Headquarters employees. Deviations of more than 1 hour require the concurrence of the Director of Personnel.
- (3) Authorize or approve overtime, premium pay (except premium pay on an annual basis), and compensatory time off in accordance with law, regulations and this Order. Any redelegation of this authority must be in writing and a copy provided to the servicing payroll office.
- (4) Reconsider and make the final Departmental decision on employee requests for review of any determinations to withhold within-grade increases. This authority may not be redelegated to any official who took part in the original decision, nor to any person subordinate to such an official.

- (5) Approve quality step increases for employees under their jurisdiction in grades GS-1 through GS-15, including those under their cognizance who are attached to field elements for personnel administration support. To ensure regulatory and procedural compliance, consistency across organizational lines, and sufficiency of justification, quality step, increases for Headquarters employees must have the concurrence of the servicing personnel officer prior to approval. Authority to approve quality step increases may not be redelegated below the level of office director or the equivalent.
- (6) Recommend to the Executive Personnel Board quality step increases and the withholding of within-grade increases for employees in grade GS-16 and above.
- (7) Advise their servicing personnel office of any redelegations of authority.
- (8) Recommend to the Director of Personnel an exception to the reduction in military retirement pay. (This applies only in emergency recruitment when the candidate meets the grandfather provisions of 5 CFR 550.603. )
- (9) Recommend to the Director of Personnel exceptions to the restriction on pay from more than one position (5 U.S.C. 5533 and 5 CFR 550.504).
- (10) Approve rest periods for situations described on page 18, paragraph 12i.
- (11) Approve, with the concurrence of the Director of Personnel, the designation of a convalescing employee's home as the official duty station in accordance with page 18, paragraph 12j.

d. Heads of Field Elements With Delegated Personnel Authority Where the Head of a Field Element provides personnel administration support but not line supervision over attached units, his or her authority and responsibility in these matters regarding such units is limited to ensuring that such actions comply with civil service laws, OPM regulations, and Departmental policies. Heads of such attached units are responsible for obtaining any clearances and approvals required by higher line management in their respective organizations. Heads of Field Elements shall:

- (1) Determine rate of basic pay, including application of the highest previous rate rule and the granting of optional grade and pay retention as permitted on page 15, paragraph 11, as prescribed by law and OPM regulations and after due consideration of the recommendations of appropriate supervisors. While the authority

to grant highest previous rate may be redelegate to any employee authorized to approve SF-50, "Notification of Personnel Action," the authority to grant optional grade or pay retention must be retained by the personnel officer.

- (2) Establish the basic workweek for the field element. Obtain the concurrence of the Director of Personnel in establishing tours of duty which are not in accordance with 5 CFR 610.121 and 610.122, unless such deviations are essential for continuous shift operations. Authority to approve daily work schedules for individual employees which deviate from the established work schedule by no more than 1 hour may be redelegate.
- (3) Determine administrative dismissals in accordance with applicable laws, regulations, OPM guidelines, and this Order. This authority may only be redelegate to Heads of subordinate Field Organizations located in other commuting areas. The Director of Personnel must be notified whenever administrative dismissals occur.
- (4) Authorize and approve overtime and premium pay (except premium pay on an annual basis) in accordance with law, regulations, and this Order. Any redelegation of this authority must be in writing and a copy provided to the servicing payroll office.
- (5) Recommend to the Director of Personnel the establishment of premium pay on an annual basis instead of other premium pay, as appropriate.
- (6) Recommend to the Director of Personnel payment of a rate in excess of the minimum for grade GS-11 or above, to a candidate for employment who possesses superior qualifications in relation to the special needs of the Department.
- (7) Reconsider and make the final Departmental decision on employee requests for review of determinations to withhold within-grade increases. This authority may not be redelegate to any official who took part in the original decision, nor to any person subordinate to such an official.
- (8) Approve quality step increases for employees under their jurisdiction in grades GS-1 through GS-15. This authority may be redelegate one level down in the organization. Field personnel officers must review for regulatory and procedural correctness, consistency across organizational lines, and sufficiency of justification, quality step increases for employees in organizations serviced by them, including units attached for personnel support.
- (9) Recommend to the Executive Personnel Board, through appropriate supervisory channels, quality step increases and the withholding of within-grade increases for employees in grades GS-16 and above.

- (10) Recommend to the Director of Personnel an exception to the reduction in military retirement pay. (This applies only in emergency recruitment when the candidate meets the grandfather provisions of 5 CFR 550.603. )
- (11) In accordance with 5 U.S.C. 5533, 5 CFR 550.504, and pertinent FPM issuances, approve exceptions to the restriction on pay from more than one position.
- (12) Approve rest periods for situations described on page 18, paragraph 12i.
- (13) Approve the designation of a convalescing employee's home as the official duty station in accordance with page 18, paragraph 12j.
- e. Heads of Other Field Elements shall exercise the authorities described in subparagraphs 6d(3), (4), (6), (7), and (8).
- f. Supervisors.
  - (1) Apply the provisions of this Order in performing their supervisory duties, particularly the provisions relating to within-grade and quality step increases, overtime, and hours of duty.
  - (2) Recommend the application of the highest previous rate rule.
  - (3) Assure that any deviations in work schedules for employees under their supervision are approved in accordance with page 3, paragraph 6c(2) or page 5, paragraph 6d(2), as appropriate.
  - (4) Certify that subordinate employees have performed at an acceptable level of competence for within-grade increases; prepare recommendations for quality step increases or the withholding of within-grade increases.
- g. Executive Personnel Board approves all pay recommendations for employees in grades GS-16 and above.

7. SETTING RATES OF BASIC PAY ABOVE THE MINIMUM.

- a. Superior (Qualification Appointments. When a candidate for employment in a position in grade GS-11 or above possesses a certain educational or experience background that the Department requires, i.e. possesses superior qualifications for a particular position, an appointment at a rate above the minimum rate of the appropriate grade can be considered (5 U.S.C. 5333 and 5 CFR 531.203).

discussed on page 19, paragraph 12K, is actually a temporary rearrangement in an employee's work schedule and it entails no entitlement whatsoever to premium pay.) Compensatory time, in lieu of premium pay, is authorized under one of two statutory provisions: 5 U.S.C. 6123, which applies only to flexible work schedules, or 5 U.S.C. 5542, which applies to any other work schedule. If authorized under one of these provisions, employees who want compensatory time instead of premium pay may request it at the time when the overtime is ordered or approved. Supervisors should normally approve requests for compensatory time in lieu of overtime pay; they later approve requests for compensatory time off just as they do requests for annual leave. Attachment 3 summarizes the conditions under which compensatory time may be earned.

- (1) Payment for Unused Compensatory Time Off. Employees are required to use compensatory time to their credit by no later than 26th pay period following the pay period in which it was earned, the employee shall be paid for it (25 Comp. Gen. 62). Employees who are separated from DOE or transferred to another Federal agency must be paid for unused compensatory time to their credit.
  - (2) Scheduling the Use of Compensatory Time Off. Compensatory time off to an employee's credit should normally be taken before annual leave is scheduled, except that care should be taken to assure that this will not cause the forfeiture of annual leave at the end of the leave year. Supervisors and employees have joint responsibility for the careful scheduling of both annual leave and compensatory time off so as to avoid the forfeiture of annual leave.
  - (3) Statutory Limit on Overtime Earnings. Overtime compensation under 5 U.S.C., whether in the form of premium pay or compensatory time off, may be granted only to the extent that it does not cause a GS or GM employee's aggregate rate of pay (straighttime base pay plus overtime, Sunday, holiday, standby pay, or night differential) for any pay period to exceed the maximum payable rate for GS-15. To apply this limit, compensatory time is treated as if it were paid at the overtime rate applicable to the employee; that is, one and one-half times the employee's basic rate of pay up to the overtime rate for GS-10, step 1 (37 Comp. Gen. 326). There is no maximum earning limitation on premium pay under FLSA or the FWS.
  - (4) Requesting Use of Compensatory Time Off. Compensatory time off is requested, approved, and reported like annual leave on SF-71, "Application for Leave," and on time and attendance reports.
11. GRADE AND PAY RETENTION. The administration of grade and pay retention is governed by FPM chapter 536 and FPM supplement 990-2, book 536. Heads of Field Elements with delegated personnel authority may grant optional pay

retention in accordance with those requirements. They may grant grade retention benefits to DOE employees affected by reductions in force in situations where the benefits are optional with the Department, as described in FPM supplement 990-2, book 536, subchapter 53-1, and in accordance with the following guidelines:

- a. Grade retention may be granted when such action will facilitate the placement of an employee in a position for which an advance in-hire rate is payable, or in a position which the employing office can document as one it has had difficulty filling, or when granting grade retention would avoid the significant disruption to mission accomplishment which would otherwise result from bumping or retreating.
- b. Where there are other equally significant benefits to the Department through the granting of optional grade retention, approval to grant it may be authorized by the Director of Personnel on a case-by-case basis.
- c. Employees who transfer to DOE without a break in service are entitled to continue receiving grade or pay retention benefits granted by their former agency unless their DOE position is of a lower grade than the one held immediately prior to the transfer.

## 12. HOURS OF DUTY.

- a. The Department's administrative workweek begins at 12:01 a. m. Sunday and ends at 12:00 midnight the following Saturday. The Director of Administration and Human Resource Management or the Head of a Field Element with delegated personnel authority may establish other administrative workweeks for specific groups of employees who work uncommon tours of duty.
- b. The normal tour of duty (i.e., regularly scheduled administrative workweek) for full-time DOE employees is five 8-hour days, Monday through Friday. The workday is extended by the length of the lunch period. Specific hours of the tour of duty are established by the Director of Administration and Human Resource Management for Headquarters and by the Heads of Field Elements with delegated personnel authority for their organization. A full-time employee's tour of duty consists of the basic 40-hour workweek and any regularly scheduled overtime. Regularly scheduled overtime is overtime which is, or which should have been, scheduled as part of the employee's tour of duty in accordance with 5 CFR 610.121.
- c. Except as provided on page 17, paragraphs 12d and e, the following applies:
  - (1) Changes in tours of duty shall be made before the beginning of the administrative workweek and shall be in effect for at least 1 week;



- (2) The basic 40-hour workweek shall be scheduled over 5 days, Monday through Friday when practicable, and the 2 days outside the basic workweek shall be consecutive;
  - (3) The working hours in each day in the basic workweek shall be the same;
  - (4) The basic nonovertime workday may not exceed 8 hours;
  - (5) The occurrence of holidays may not affect the designation of the basic workweek; and
  - (6) Breaks in working hours of more than 1 hour may not be scheduled in the basic workday.
- d. In Headquarters, approval of the appropriate official named on page 3, paragraph 6c, and concurrence of the Director of Personnel are required to establish basic workweeks which differ from the basic workweek established by the Director of Administration and Human Resource Management. Basic workweeks not in accordance with subparagraph 12c will be approved only if they are justified for educational purposes under 5 CFR 610.122; if they are necessary to avoid either a serious handicap to operations or a substantial increase in costs; or if they are part of an approved Alternative Work Schedule.
- e. In field elements with delegated personnel authority, exceptions to subparagraph 12c are authorized for:
  - (1) Continuous shift operations or similar operating necessities;
  - (2) Other situations where the Head of a Field Element determines and the Director of Personnel concurs that without the proposed tour of duty the organization would be seriously handicapped in carrying out its functions or that costs would be substantially increased;
  - (3) Educational purposes, as provided in 5 CFR 610.122; and
  - (4) Employees for whom the Director of Personnel has authorized annual premium pay for standby duty.
- f. Supervisors may be authorized by the officials named on page 3, paragraph 6c, or Heads of Field Elements, as appropriate, to approve deviations of not more than an hour from the normal tour of duty for individual full-time employees, so long as the employee continues to work 8 hours each day.
- g. The tour of duty of part-time employees may not be changed solely to grant or deny them the benefit of a holiday. Daily tours of duty for part-time employees must be in whole-hour increments; fractions of hours are not permitted.

- h. The foregoing authorizations do not include the establishment of Alternative Work Schedules (flexible or compressed working hours) or similar major deviations from normal tours of duty. Proposals to establish such tours within the Department require the prior approval of the Director of Personnel. Pay and hours of work provisions for employees using flexible or compressed schedules are provided in Book 610, FPM Supplement 990-2.
- i. Rest Periods. There is no official provision for rest periods. Federal salaries anticipate employees working a 40-hour week. Most office situations afford employees the opportunity to move about and be away from their workshits briefly during the course of the workday. However, there may be situations in which the flow of work cannot be interrupted at the discretion of the employee, thereby requiring employees to remain at their worksites. In those situations short rest periods may be granted, not exceeding 15 minutes during each 4 hours of continuous work. Authority to grant such rest periods must be approved in advance by the Head of a Field Element with delegated personnel authority or by an official named on page 3, paragraph 6c, as appropriate.
- j. Desiccation of an Employee's Home as Official Duty Station. In emergencies where urgent work must be performed, a convalescing employee's home may be designated by memorandum as a temporary duty station if the following additional conditions are met:
  - (1) The employee must be willing and able to perform work at home, but unable to report to the work location. A medical certificate to this effect is required whenever both conditions are not self-evident from the facts of the case.
  - (2) The work must be such that the amount performed can reasonably be correlated with the time required to perform it, and the work must be of a kind that it can be satisfactorily performed away from the work location.
  - (3) Approval of the appropriate Head of a Field Element with delegated personnel authority or of an official named on page 3, paragraph 6c, as appropriate, must be obtained prior to such designation. In addition, concurrence of the Director of Personnel must be obtained for Headquarters employees.
  - (4) Proper time and attendance records must be kept. If less than a full day's work is performed on any day, the day must be prorated between duty status and annual leave, sick leave, or leave without pay, as appropriate.

DOE F 3550.2 (9-86) Replaces DOE F 3550.1 All other editions are obsolete		U.S. DEPARTMENT OF ENERGY NOMINATION FOR QUALITY INCREASE	
1 NAME OF NOMINEE Jo Lee Blond		2 POSITION TITLE GRADE AND STEP Clerk-Typist GS-3-5	
3 ORGANIZATION LOCATION OF POSITION Quality Control Division, DOE Denver Field Office			
4 RECOMMENDATION COVERS SERVICE FROM (DATE) TO 6-20-85 10-1-86		5 HOW LONG IN PRESENT POSITION GRADE 3 years 5 years 6 months	
6 DATE NEXT REGULAR STEP INCREASE IS DUE 6-18-87		7 LIST ANY AWARDS OR QUALITY INCREASES RECEIVED IN LAST 5 YEARS (Date and kind of award) 5-84 Superior Performance Award	
ATTACH A COMPLETED STANDARD FORM 52 (SF-52) REQUEST FOR PERSONNEL ACTION AND A COPY OF THE EMPLOYEE'S CURRENT RATING OF RECORD AS DOCUMENTATION THAT PERFORMANCE HAS MET ALL THE REQUIREMENTS FOR AN OUTSTANDING RATING			
NAME AND TITLE OF NOMINATING OFFICIAL (Employee's immediate supervisor) William Hill, Chief, Inspection Branch			
SIGNATURE <i>William Hill</i>		DATE 10-10-86	
NAME AND TITLE OF REVIEWING OFFICIAL (if required by organization) Antonio Garcia, Director, Quality Control Division			
SIGNATURE <i>Antonio Garcia</i>		DATE 10-20-86	
SERVICING PERSONNEL OFFICE			
Recommendation complies with law regulations, policies <input checked="" type="checkbox"/>		Recommendation does not comply with law regulations, policies <input type="checkbox"/> Explanation attached.	
NAME AND TITLE OF AUTHORIZING PERSONNEL OFFICIAL C. T. McGee, Personnel Officer			
SIGNATURE <i>C.T. McGee</i>		DATE 11-14-86	
APPROVAL			
NAME AND TITLE OF APPROVING OFFICIAL Alice Alacque, Manager			
SIGNATURE <i>Alice Alacque</i>		DATE 11-21-86	



COMPARISON OF OVERTIME ENTITLEMENTS

<u>BASIS FOR OVERTIME COMPENSATION</u>	
<u>Title 5</u>	FLSA
<u>Regular Work Schedules.</u> Work officially ordered or approved which causes hours in a pay status (including paid leave, holidays, and compensatory time) to exceed 8 hours in a day or 40 hours in a week.	<u>Regular Work Schedules.</u> Actual work (excluding leave, holidays, or any other absence, paid or unpaid) which exceeds 40 hours in a week, even if not officially ordered or approved.
<u>Flexible Work Schedules.</u> Same as regular work schedules, except overtime must be <u>ordered in advance</u> . Optionally worked credit hours are <u>not</u> overtime.	<u>Flexible Work Schedules.</u> Same as regular work schedules, except overtime must be <u>ordered in advance</u> . Optionally worked credit hours are <u>not</u> overtime.
<u>Compressed Work Schedules.</u> Same as regular work schedules, except that only work in excess of the scheduled daily tour, or in excess of 40 hours in a week, is overtime.	<u>Compressed Work Schedules.</u> Same as regular work schedules.
<u>HOURLY RATE OF OVERTIME PAY</u>	
<u>Title 5</u>	FLSA
<u>General Schedule Employees.</u> One and one-half times employee's hourly rate, or one and one-half times the hourly rate for GS-10, step 1, whichever is less.	<u>All Employees.</u> One and one-half times the employee's regular rate. (See FPM chapter 551 for calculation of "regular rate".)
<u>Federal Wage System Employees.</u> One and one-half times employee's hourly rate.	
<u>MAXIMUM EARNING LIMITATION</u>	
<u>Title 5</u>	FLSA
<u>General Schedule Employees.</u> Total earnings (base pay plus most other premium pay) in a pay period is limited to maximum biweekly pay for GS-15. Limit also applies to compensatory time accrual.	<u>All Employees.</u> Limit does not apply.
<u>Federal Wage System Employees.</u> Limit does not apply.	
<u>TRAVEL TIME</u>	
<u>Title 5</u>	FLSA
Travel to, from, or between temporary duty station(s) is overtime only if it:	Travel to, from, or between temporary duty station(s) is overtime only if it occurs during the hours of a nonworkday which correspond to the employee's duty hours on a workday.
Involves the performance of work while traveling;	
Is incident to such travel;	
Is performed under arduous conditions; or	
Results from an event which could not be scheduled or controlled within Government.	
<u>COMPENSATORY TIME OFF</u>	
<u>Title 5</u>	<u>FLSA</u>
See Attachment 3.	See Attachment 3.
NOTE: The above summary is for quick reference only. For full requirements, see FPM chapter 551, FPM bulletins and letters in the 551 series, and book 550 of FPM supplement 990-2.	

