November 29, 2005

COMPENSATORY TIME OFF FOR TRAVEL GUIDANCE AND PROCEDURES

References: (a) Sections 5307, 5541, and 5547; and Chapter 81 of title 5, United States Code
(b) Federal Register, Volume 70, pages 3855-3858, January 27, 2005
(c) Title 5, Code of Federal Regulations, Parts 353, 530, 550, 551, 610, and 630, current edition
(d) DoDEA Regulation 5630.9, "Leave Administration," April 2, 1999, as amended
(e) Section 4303 of title 38, United States Code
(f) Section 203 of Public Law 108-411, "The Workforce Flexibility Act of 2004," October 30, 2004

I. Coverage

This guidance applies to all individuals employed in the General Schedule and Administratively Determined pay systems who have a regular tour of duty for leave purposes. This policy does not apply to employees in the Federal Wage System, Teaching Position, or Senior Executive Service pay systems, or other employees specifically excluded by the provisions of section 5541(2) of title 5 of the United States Code (U.S.C.) (reference (a)).

II. Definitions

Compensable refers to periods of time that are creditable as hours of work for the purpose of determining a specific pay entitlement, even when that work time may not actually generate additional compensation because of applicable pay limitations.

Compensatory time off means compensatory time off for travel that is credited in accordance with sections 550.1401 through 550.1409 of title 5 of the Code of Federal Regulations (CFR), as published in volume 70 of the Federal Register (FR) (reference (b)).

Official duty station means the geographic area surrounding an employee's regular work site that is the same as the area designated by the employing agency for the purpose of determining whether travel time is compensable for the purpose of determining overtime pay, consistent with the regulations in 5 CFR 550.112(j) and 551.422(d) (reference (c)).

Regular working hours mean the days and hours of an employee's regularly scheduled administrative workweek established under 5 CFR part 610 (reference (c)). It includes the appropriate tour of duty established by the supervisor for the temporary duty (TDY) period. The employee is expected to adjust their tour of duty, as required, to accomplish the TDY assignment. The new tour of duty for TDY takes effect on the day of departure.

Scheduled tour of duty for leave purposes means an employee's regular hours for which he or she may be charged leave under 5 CFR part 630 (reference (c)) when absent. For full-time employees, it is the 40-hour basic workweek as defined in 5 CFR 610.102 (reference (c)). For employees with an uncommon tour of duty as defined in 5 CFR 630.201 (reference (c)), it is the uncommon tour of duty.

Travel means officially authorized travel--i.e., travel for work purposes that is approved by an authorized DoDEA official or otherwise authorized under established DoDEA policies.

Travel status means travel time as described in 5 CFR 550.1404, as published in 70 FR 3857 (reference (b)), that is creditable in accruing compensatory time off for travel, excluding travel time that is otherwise compensable under another legal authority.

III. Creditable Travel Time

(A) General. Subject to the conditions specified in this guidance, an employee will be credited with compensatory time off for time in a travel status if—

(1) The employee is required to travel away from the official duty station; and

(2) The travel time is not otherwise compensable hours of work under another legal authority.

(B) Travel status. (1) Time in a travel status includes the time an employee actually spends traveling between the official duty station and a temporary duty station, or between two temporary duty stations, and the usual waiting time that precedes or interrupts such travel, subject to the exclusions specified in paragraphs (B)(2) and (B)(3) of this section and the requirements in paragraphs (C) and (D) of this section. Time spent at a temporary duty station between arrival and departure is not time in a travel status.

(2) Bona fide meal periods during actual travel time or waiting time are not creditable as time in a travel status. Supervisors and managers will automatically deduct ½ hour as a bona fide meal period for every 8½ hours of creditable compensatory time off claimed by the employee for each leg of travel, or any bona fide meal period(s) reported by the employee, whichever is greater. The bona fide meal period deduction does not apply to a situation in which the employee is continuously traveling in a conveyance (e.g., aircraft, train, automobile, etc.).

(3) If an employee experiences an extended (i.e., not usual) waiting time between actual periods of travel during which the employee is free to rest, sleep, or otherwise use the time for his or her own purposes, the extended waiting time is not creditable as time in a travel status.

(4) An employee will not be eligible to earn compensatory time off for travel if travel, which can be accomplished during normal duty hours, is scheduled outside normal duty hours for personal convenience.

(C) Travel between home and a temporary duty station. (1) If an employee is required to travel directly between his or her home and a temporary duty station outside the limits of the employee's official duty station, the travel time is creditable as time in a travel status if otherwise qualifying under the DoDEA policy. However, the time the employee would have spent in normal home-to-work or work-to-home commute will be deducted from the travel hours.

(2) In the case of an employee who is offered one mode of transportation and who is permitted to use an alternative mode of transportation, or who travels at a time or by a route other than that selected by the agency, the agency must determine the estimated amount of time in a travel status the employee would have had if the employee had used the mode of transportation offered by the agency or traveled at the time and by the route selected by the agency. In determining time in a travel status under the DoDEA policy, the agency must credit the employee with the lesser of the estimated time in a travel status or the actual time in a travel status.

(3) In the case of an employee who is on a multiple-day travel assignment and who chooses, for personal reasons, not to use temporary lodgings at the temporary duty station, but to return home at night or on a weekend, only travel from home to the temporary duty station on the 1st day and travel from the temporary duty station to home on the last day that is otherwise qualifying as time in a travel status under the DoDEA policy is mandatorily creditable (subject to the deduction of normal commuting time). Travel to and from home on other days is not creditable travel time unless the agency, at its discretion, determines that credit should be given based on the net savings to the Government from reduced lodging costs, considering the value of lost labor time attributable to compensatory time off. The dollar value of an hour of compensatory time off for this purpose is equal to the employee's hourly rate of basic pay as defined in 5 CFR 550.103 (reference (c)).

(D) Time spent traveling to or from a transportation terminal as part of travel away from the official duty station. If an employee is required to travel between home and a transportation terminal (e.g., airport or train station) within the limits of his or her official duty station as part of travel away from that duty station, the travel time outside regular working hours to or from the terminal is considered to be equivalent to commuting time and is not creditable time in a travel status. If the transportation terminal is outside the limits of the employee's official duty station, the travel time to or from the terminal outside regular working hours is creditable as time in a travel status, but is subject to an offset for the time the employee would have spent in normal home-to-work or work-to-home commuting. If the employee travels between a worksite and a transportation terminal, the travel time outside regular working hours is creditable as time in a travel status, and no commuting time offset applies.

IV. Crediting Compensatory Time Off

(A) Supervisors and managers within DoDEA who are authorized to direct travel or approve time and attendance may also approve the crediting and usage of compensatory time off for travel. Upon a request filed in accordance with the procedures established under paragraph (B) of this section, an employee is entitled to credit for compensatory time off for travel under the conditions specified in the DoDEA policy and guidance. The employee may be credited with

compensatory time off for creditable time in a travel status as provided in 5 CFR 550.1404, as published in 70 FR 3857 (reference (b)). The time will be credited in increments of one-quarter of an hour (15 minutes). There is no limitation on the amount of compensatory time an employee may earn. Compensatory time off granted under the DoDEA policy will be tracked and managed separately from other forms of compensatory time off.

(B) An employee will comply with DoDEA's procedures for requesting credit of compensatory time off under this section. The attached form, DoDEA Policy Memorandum 05-HRC-008, "Request for Compensatory Time Off for Travel," should be completed upon conclusion of the travel and submitted to the supervisor for approval within 5 workdays after returning to the official duty station. Employees must file such requests at the same time the travel voucher, or any other documentation the supervisor deems acceptable, is submitted to the supervisor.

V. Usage of Accrued Compensatory Time Off

(A) An employee must request approval from his or her supervisor to schedule the use of his or her accrued compensatory time off in accordance with DoDEA's policies and procedures on requesting and using annual leave, as prescribed in DoDEA Regulation 5630.9 (reference (d)).

(B) Compensatory time off may be used when the employee is granted time off from his or her scheduled tour of duty established for leave purposes. An employee must use earned compensatory time off under the DoDEA policy in increments of one-quarter of an hour (15 minutes).

VI. Forfeiture of Unused Compensatory Time Off

(A) After 26 pay periods. (1) Except as provided in paragraph (A)(2) of this section, an employee must use accrued compensatory time off by the end of the 26th pay period after the pay period for which it was credited. If an employee fails to use the compensatory time off within 26 pay periods, he or she must forfeit such compensatory time off.

(2) If an employee with unused compensatory time off separates from Federal service or is placed in a leave without pay status in the following circumstances and later returns to service with the same (or successor) agency, the employee must use all of the compensatory time off by the end of the 26th pay period following the pay period in which the employee returns to duty, or such compensatory time off will be forfeited:

(i) The employee separates or is placed in a leave without pay status to perform service in the uniformed services (as defined in 38 U.S.C. 4303 (reference (e) and 5 CFR 353.102 (reference (c)) and later returns to service through the exercise of a reemployment right provided by law, Executive order, or regulation; or

(ii) The employee separates or is placed in a leave without pay status because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C. chapter 81 (reference (a)) and later recovers sufficiently to return to work.

(B) Upon transfer to another agency. When an employee voluntarily transfers to another agency (including a promotion or change to lower grade action), he or she must forfeit his or her unused compensatory time off.

(C) Upon separation. (1) When an employee separates from Federal service, any unused compensatory time off is forfeited, except as provided in paragraph (C)(2) of this section.

(2) Unused compensatory time off will not be forfeited but will be held in abeyance in the case of an employee who separates from Federal service and later returns to service with the same (or successor) agency under the circumstances described in paragraph (A)(2) of this section.

(D) Upon movement to a noncovered position. When an employee moves to a Federal position not covered by this subpart, he or she forfeits any unused compensatory time off.

VII. Prohibition Against Payment for Unused Compensatory Time Off

In accordance with Section 203 of Public Law 108-411 (reference (f)), an individual may not receive payment under any circumstances for any unused compensatory time off he or she earned under the DoDEA policy. This prohibition against payment applies to surviving beneficiaries in the event of the individual's death.

VIII. Inapplicability of Premium Pay and Aggregate Pay Caps

Accrued compensatory time off under the DoDEA policy is not considered in applying the premium pay limitations established under 5 U.S.C. 5547 (reference (a)) and 5 CFR 550.105 through 550.107 (reference (c)) or the aggregate limitation on pay established under 5 U.S.C. 5307 (reference (a)) and 5 CFR part 530, subpart B (reference (c)).

IX. Effective Date

The DoDEA policy and resulting implementing guidance and procedures apply to officially authorized travel on or after January 28, 2005.

Paul Wolfe
Human Resources Director

Attachment:
As Stated