

DoD 7000.14 - R



DEPARTMENT OF DEFENSE

FINANCIAL MANAGEMENT REGULATION

VOLUME 8: “CIVILIAN PAY POLICY”

**UNDER SECRETARY OF DEFENSE
(COMPTROLLER)**

VOLUME 8, CHAPTER 1: “INTRODUCTION AND OVERALL REQUIREMENTS”**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [***bold, italic, blue and underlined font***](#).

The previous version dated [November 2017](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
010303	Updated reference.	Revision

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CHAPTER 1

INTRODUCTION AND OVERALL REQUIREMENTS

0101 GENERAL

010101. Purpose

This chapter prescribes the principles, objectives, and related requirements for Department of Defense (DoD) employee pay operations and systems. The regulations provided in this chapter apply to payments made by the Defense Civilian Pay System (DCPS) to employees who are paid from appropriated, revolving, or trust funds. The Under Secretary of Defense (Comptroller)/Chief Financial Officer has determined DCPS is DoD's only approved standard payroll system. These requirements apply to the processes related to computing payments, leave, deductions, and maintaining records for permanent, temporary, full-time, part-time, irregular, and special category employees.

010102. Authoritative Guidance

The authority of DoD to establish payroll procedures is derived from Title 5, United States Code (U.S.C.), [Chapters 53](#), [55](#), and [81](#). Other responsibilities, duties, and liabilities are established under 31 U.S.C., sections [3527](#), [3528](#), [3529](#), and [3541](#). Specific statutes, regulations, and other guidance are referenced under each section of this chapter.

010103. Additional Guidance

Additional guidance referenced in this volume includes, but is not limited to, the following:

A. [Title 5, Code of Federal Regulations \(CFR\)](#). Final rules pertaining to civilian pay operations are typically published in Title 5 of the CFR. Title 5 may be updated by interim changes published in the [Federal Register](#) (FR). Both publications must be read together to determine the latest version of any rule.

B. [FR](#). The FR is the official journal of the Federal Government that makes publically available all government agency rules, proposed rules, and public notices. The FR is published daily, except on Federal holidays. The final rules posted by a Federal agency and published in the FR are then organized by topic or subject matter and codified in the CFR. See [1 CFR, part 2](#).

C. [Executive Order](#). An executive order is an order or regulation issued by the President in order to implement, interpret, or give effect to a Federal law, treaty or provision of the Constitution. To have the effect of law, an executive order must be published in the FR.

D. [Public Laws](#). After the President signs a bill into law, it is delivered to the Office of the FR where it is assigned a public law number. The public laws are compiled, indexed

and published in the United States Statutes at Large, the permanent bound volume of the laws for each session of Congress.

E. [DoD Instruction \(DoDI\) 1400.25](#). The DoDI 1400.25, Civilian Personnel Management, is **comprised** of several volumes. The purpose of the Instruction is to establish and implement policy, establish uniform procedures, provide guidelines, provide model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the DoD.

F. [Policy and Guidance from the Office of Personnel Management \(OPM\)](#). OPM provides leadership to other agencies on pay and leave administration policies and programs. OPM maintains pay tables for General Schedule employees, manages the Federal Wage System, and develops and provides government-wide regulations and policies on other pay and leave authorities. Each agency is responsible for complying with the law and regulations and following OPM's policies and guidance to administer pay policies and programs for its own employees. OPM issues policies and guidance in the following publications:

1. [Benefits Administrative Letters \(BALs\)](#) provide guidance to agencies on various aspects of benefits administration;
2. [Handbooks](#) provide information on various topics pertaining to employee pay, leave, and work schedules; **and**
3. [Memoranda](#) are provided by the Chief Human Capital Officers Council (CHCOC), a forum of senior agency management officials who support OPM. The CHCOC memoranda are issued to agencies to advise and coordinate on matters such as legislation affecting human resources operations and organizations.

0102 OVERALL REQUIREMENTS

010201. Overview

A. The Defense Finance and Accounting Service (DFAS) is responsible for maintaining system requirements in compliance with all applicable laws and regulations, guidance issued by OPM, the Department of the Treasury (Treasury), the Department of State, the Department of Labor, and taxing authorities (federal, state, and/or local).

1. Any approved unique payroll system must be integrated or interfaced with other applicable systems, such as DCPS, general ledger systems, or installation-level general accounting systems.
2. The Director, DFAS must approve continued operation of any such unique payroll system.

B. DoD payroll operations and systems must meet the following objectives:

1. Make timely and accurate payments to employees entitled to be paid, in compliance with appropriate statutes and regulations, with consideration being given to all authorized deductions from gross pay;
2. Account for and disposition of all authorized deductions from gross pay;
3. Control, retention, and disposition of all payroll related documents;
4. Prepare adequate and reliable payroll records to support managerial responsibilities;
5. Plan, prepare, execute, and review the budget;
6. Prepare required internal and external reporting;
7. Support effective communication between employing activities and employees on payroll matters in addition to timely, accurate, and responsive customer service action to resolve payroll related inquiries from employees;
8. Control all phases of processing pay, leave, entitlements, and allowances;
9. Interface the payroll function with general ledger, cost accounting, and personnel functions, with provisions for reconciling common data elements in DCPS and these interrelated systems;
10. Provide capability to query current, historical, and/or archived data;
11. Provide audit trails to permit the tracing of transactions through DCPS;
12. Comply with accounting system development criteria specified in Volume 1;
13. Comply with internal control requirements, including data security and prevention of data disclosure, as specified in Volume 1; and
14. Comply with DoD direction to standardize data elements to promote cross-functionality and integration efforts.

010202. Funds Control

A. Funds used to pay DoD employees are appropriated by Congress and apportioned to the Department by the Office of Management and Budget. At least monthly, an

estimate of obligations must be made for the payroll. As the payments are made, estimates must be adjusted to reflect actual payment data.

B. DCPS must be integrated, or interfaced with, and support the accounting systems. DCPS must consist of detailed accounts and records that are kept as a subsidiary to, or support for, controlling or summary accounts in the general ledger of the accounting systems. DCPS must produce required obligation and accrual data needed by accounting systems.

010203. Requirements

The Director, DFAS, is responsible for the overall planning and general direction of the pay, leave, and allowance functions along with system requirements. This responsibility necessitates that adequate written procedures are established and implemented, that all personnel are adequately trained in their functions, and that sufficient internal controls are installed and management oversight is established and implemented to ensure compliance with DCPS objectives. See [*DoD Directive 5118.05*](#). The Director, DFAS must also ensure that DCPS meets legal criteria and the following requirements.

A. Payroll procedures must be:

1. Clearly written and be in accordance with applicable laws, regulations, and legal decisions;
2. Amended to reflect changes in applicable laws, regulations, and legal decisions;
3. As uniform as possible throughout DoD;
4. Distributed to payroll staff and be available to individual employees as needed to ensure efficient and effective operations; and
5. Reflective of clear assignments of responsibility, delegation of authority, and separation of duties for personnel who compute the payroll, certify payments, record payroll data in the accounts, distribute pay, review payroll transactions, and develop, test and maintain supporting computer systems.

B. Personnel engaged in pay, leave, and allowance activities must:

1. Be adequately trained and kept informed about the requirements of laws, regulations, and legal decisions;
2. Be adequately supervised to help prevent any unauthorized, fraudulent, or other irregular act;
3. Perform operations effectively, efficiently, and economically in accordance with laws, regulations, and legal decisions;

4. Review the operations, including internal controls, on an ongoing basis to ensure such performance; and

5. Identify and resolve inconsistencies in information submitted, processed, and reported during the various payroll cycles.

C. DCPS must be integrated or interfaced with:

1. Personnel systems to obtain current information on which to process pay entitlements, leave, and allowances. Timely information is needed to minimize the possibility of fraud, waste, and mismanagement and maximize the accuracy of employee payments;

2. The general ledger systems to provide information to prepare various financial statements;

3. Cost accounting systems to distribute and charge payroll labor cost data to appropriations, jobs, projects, programs, and departments. This also helps in properly evaluating operations and management; and to support budget formulation and execution; and

4. Other financial management systems to meet reporting and management objectives.

D. The interfaces discussed in subparagraph 010203.C must be used to assist in timely reconciliation of data elements and discrepancies noted between systems.

E. Transactions recorded in the pay, leave, and allowance records must be adequately supported by properly authorized documents.

F. Continuity of Operations Plans and associated procedures will be established and maintained to back-up data properly in the event of power failure, equipment malfunction, terrorist threat, natural disasters, or other hazards.

G. External audits and internal examinations of payroll operations must be made by persons not engaged in those operations to determine whether such operations are efficient, effective, economical, and are in accordance with laws, regulations, and legal decisions.

H. The frequency with which payrolls must be prepared has considerable bearing upon the cost of carrying out the payroll functions. So that payroll operations are performed without incurring undue cost, payroll must be computed on a biweekly basis, unless the law requires a different timeframe. Special payments are prohibited except as addressed in Chapter 8, paragraph 080202. Advances of pay are covered in Chapter 3, section 0309. All employees will be informed of the designated payday. Pay should be made available to the employees on the day designated as the payday. The payday lag between the close of the pay period and payday must not exceed 12 calendar days. When a payday falls on a holiday or an "in lieu of" holiday, the payday will be on the first preceding business day.

010204. Privacy Act Requirements

A. Privacy Act Statements. All forms used to collect personal information covered by the Privacy Act of 1974 (codified at [5 U.S.C. § 552a](#)), must have a Privacy Act statement either incorporated in the body of the document, at the top of the form, or in a separate statement accompanying each form. See [DoD 5400.11-R](#) for information on what is included in the Privacy Act statement. A Privacy Act statement must be provided to an employee when they are required to furnish personal information such as name, date of birth, or Social Security Number (SSN) for inclusion in a system of records. Refer to the Office of the Secretary of Defense and Joint Staff [Privacy Program](#) or the [Defense Privacy, Civil Liberties, and Transparency Division](#) for the Privacy Act system of records information pertaining to DCPS.

B. Access and Accountability. Refer to DoD 5400.11-R for guidance on employee access to records in accordance with the Privacy Act. Agencies responsible for maintaining Privacy Act information must maintain records of information released and process requests for correction of records in accordance with the DoD 5400.11-R.

0103 ELECTRONIC FUNDS TRANSFER (EFT) FOR FEDERAL CIVILIAN SALARY PAYMENTS

010301. General

A. Authority. All Federal payments must be made by EFT, with the exception of tax refunds. See [31 U.S.C. § 3332](#) and corresponding regulations published by Treasury, Financial Management Service at [31 CFR 208](#).

B. Policy. The [Treasury Financial Manual, Part 4A, section 2035](#) requires participation in EFT unless a waiver applies. The policy covers all categories of DoD personnel including civilians, military, military retirees, non-appropriated fund (NAF) personnel, and annuitants. See Volume 5, Chapter 7, subparagraph 070204.A.

C. Agency Responsibilities. An agency must put into place procedures that allow recipients to provide the information necessary for the delivery of payments to the recipient by EFT to an account at the recipient's financial institution. See 31 CFR 208.7.

1. The Director, DFAS, in conjunction with the Office of the Deputy Chief Financial Officer, must:

a. Publish EFT payment policy and implementation procedures for payment of all DoD civilian personnel,

b. Coordinate the presentation of issues and proposed exceptions in DoD's mandatory EFT policy to Treasury for approval,

c. Prepare appropriate reports for submission to Treasury,

d. Provide quarterly reports that reflect the level of EFT participation to DoD and non-DoD agencies serviced by DFAS (hereinafter referred to as “serviced agencies”), and

e. Furnish a report of employees paid by DFAS, who do not participate in EFT, to employing agencies at the end of each quarter.

2. DoD Component Personnel Directors must:

a. Ensure all employees are informed of the conditions under which participation in the EFT program is required, and

b. Promote EFT enrollment by providing a report containing a list of employees that are not enrolled in EFT to the employing activity after the end of each fiscal year quarter.

3. Directors or Commanders of all DoD Activities must:

a. Ensure that all personnel are made aware of, and comply with, the mandatory EFT provisions;

b. Monitor EFT participation;

c. Ensure that waivers for all eligible employees are on file;

d. Ensure reimbursements are made to employees who incur charges due to the government's failure to accurately and timely deposit pay in their EFT accounts; and

e. Provide information for reporting purposes to DFAS sites when so requested including NAF personnel.

D. Waivers

1. Authorized Waivers. Payment by EFT is not required in all cases and may be waived under certain circumstances. See 31 CFR 208.4.

2. Waiver Submission. An employee who requests a waiver must provide Treasury with a certification supporting that request, in such form that the Treasury may prescribe. The employee must attest to the certification before a notary public or otherwise file the certification in such form that Treasury may prescribe. See 31 CFR 208.4.

010302. Reimbursement of Financial Institution Charges

Charges by financial institutions resulting from erroneous information provided by the individual or the financial institution to the civilian payroll office (PRO) are not the liability of

the government and will not be reimbursed. Reimbursement is authorized and limited to overdraft charges or minimum balance or average balance charges levied by the financial institution because of an administrative or mechanical error on the part of the government that causes pay to be deposited late, or in an incorrect manner or amount. See [10 U.S.C. § 1594](#).

*010303. Reporting Requirements

Each quarter, the PROs will provide EFT participation and non-participation reports to the serviced agencies for managing EFT participation. See Chapter 9, subparagraph 090304.F.

010304. Payments Other than EFT

A. The disbursing officer mails checks to the non-work address provided by the employee. On an exception basis, checks may be delivered to designated agents in the employing offices for delivery to the employees at the work locations.

B. In those situations when delivery of paychecks to individuals by designated agents is authorized, persons designated to deliver these paychecks must not participate in the following activities: preparing, approving, or certifying vouchers and personnel action documents; maintaining the payroll; time and attendance (T&A) records; and leave records. Each employee must be known by, or identified by, the person who delivers the employee's paycheck. Checks not delivered within the time specified by the disbursing officer must be returned to the disbursing or issuing officer. All checks must be kept in a safe or locked fireproof cabinet, pending distribution to the employee or return to the disbursing or issuing officer. See Volume 5, Chapter 7.

C. If, under extraordinary circumstances, payments must be made in cash, then employees must properly identify themselves and must acknowledge payment by signing a receipt form when payments are received. Requiring receipts in advance of actual cash payments are prohibited. All payments must be made only by persons who have been authorized to perform disbursing functions and who are not part of the pay computation process. See Volume 5, Chapter 9, section 0904.

0104 ESTABLISHMENT AND CONTROL OF EMPLOYEES' PAY RECORDS

010401. Use of the SSN for Identification

A. The SSN will be used to identify all employees paid by DFAS.

B. The SSN has nine digits, with hyphens as separators before the fourth and sixth digits. The Social Security Administration (SSA) does not issue SSNs containing alpha characters. Therefore, adding a prefix or suffix is not authorized for reporting purposes. Only the nine digits are used in internal computer processing; however, the hyphens may or may not be printed on output documents.

C. Employees who do not have and are not eligible to obtain a SSN from the SSA are issued an [Individual Taxpayer Identification Number \(ITIN\)](#).

D. Civilians who are concurrently employed in more than one position must use the same identifier (SSN or ITIN) across every position. Person identifier data will support the capability to correct and update a person's identity information. See [DoDI 1444.02, Volume 1](#).

010402. Individual Employee Pay Records

A. Each employee must have an individual pay record maintained as part of the master pay record. Except in the case of multiple appointments, only one pay record must be active at any given time for each authorized position. If more than one pay record is maintained, then the rationale must be thoroughly documented and an audit trail maintained. Sufficient information on active pay records must be retained or be accessible at the [servicing PRO](#) to facilitate manual input, payment, and/or performance of other required administrative functions.

B. The pay record must contain all transaction information related to payments and deductions with an audit trail to the authorizing source document, subject to paragraph 010405. The pay record must contain information on rates of pay pertaining to:

1. All earnings separately identified by type (e.g., overtime, night differential, [or](#) danger pay);
2. All deductions separately identified by type (e.g., charity, union, Federal Employees Health Benefits (FEHB), Federal Employees' Group Life Insurance (FEGLI), income taxes, payroll taxes, or retirement);
3. Subject-to amounts for computation of applicable deductions (e.g., subject-to income taxes, subject-to payroll taxes, subject-to Thrift Savings Plan (TSP), or subject-to retirement);
4. All government contribution amounts separately identified by type (e.g., FEHB, basic FEGLI, [or](#) TSP matching); and
5. Gross and net pay amounts.

C. The pay records must be supported by T&A, leave records, and personnel records. T&A records contain all hours for a pay period based on the effective work schedule. All hours worked (regular and premium) and leave taken (paid and unpaid) are used in the computation of pay. Leave records include annual, sick, and any other leave earned, taken, lost, forfeited, restored, or advanced, including appropriate unused leave balances. The pay record must contain other information, such as year-to-date and quarter-to-date totals, as necessary, for computing pay and preparing reports.

D. Year-to-date information must be maintained for the current and prior pay years. Disposition of pay records must be in accordance with the National Archives and Records Administration ([NARA](#)), [General Records Schedule \(GRS\) 2.4](#).

010403. Payroll Substantiating Document File

A. With a centralized civilian payroll function, separate document files are required and maintained for each employee. The [servicing](#) PRO must maintain those documents applicable to the PRO functions and responsibilities. The Customer Service Representative (CSR)/employing activity must maintain those documents applicable to CSR responsibilities.

B. All source documents that substantiate the employee's entitlement to compensation, leave, benefits, and authorizations or support deductions, whether maintained in hardcopy or electronic format, must be safeguarded from improper, unauthorized access or use. Disposition of payroll related documents, whether maintained by the PRO or the CSR, must be in accordance with the NARA, GRS 2.4. Each agency may establish a specific document retention policy, however, the policy must not impose a lesser retention requirement than the NARA requirements.

C. Other records incidental to the payroll process, such as employee requests for tax withholding, TSP deductions, savings bond records, and other records not pertaining to individuals, but rather to the general administration of the PRO and the payroll function, are addressed in the NARA, GRS 2.4. Employee separation records are addressed in the [NARA, GRS 2.5](#).

D. All source documents must be readily available for research. The disposition of active and inactive files must be in accordance with NARA, GRS 2.4 for current employees and the NARA, GRS 2.5 in the case of separated employees.

E. All documents, manual and electronic, must be protected in accordance with Privacy Act requirements.

010404. Document Control

Retention sites control source documents in order to ensure timely processing of payroll documents, auditing, and reconciling individual pay accounts. Local document control procedures may be used as long as appropriate control and access are maintained.

010405. Personnel Actions

A. DCPS is integrated or interfaced with the personnel system used by the employee's agency. DCPS must use the information authorized by the personnel system as the basis for pay, leave entitlements, and some deduction calculations.

B. Source documentation for actions originating with the Human Resources Office (HRO) must be maintained by the [servicing](#) HRO. For those instances where the systems do not permit interface of the actions, the [servicing](#) HRO must provide the [servicing](#) PRO a hardcopy or electronic copy of the document, which also must be maintained by the [servicing](#) PRO.

010406. Payroll Controls

Appropriate controls must be established for all payroll functions.

A. The controls must ensure the timely, correct, complete, accurate, and properly authorized processing of payroll documents, which include, but are not limited to, the following:

1. Corrections and Adjustments. An authorized official must approve in writing or through electronic signature (made by entering designated codes into an automated system under safeguards to prevent unauthorized use) corrections and other adjustments to data in official records, as follows:

a. Records of all changes made after records have been approved or certified must be generated and maintained,

b. Manual corrections to documents made after the documents have been approved or certified must be made in a way that does not obliterate the original entries. Corrections must be approved by a designated authorizing official, and

c. Automated system changes to data must be made in such a way that an audit trail is maintained to show or provide a reference to documents which show the original and new data and the authorization for the change. Such changes may be made only based on properly approved documents authorizing the changes.

2. Separation of Duties. Separation of duties refers to the PRO and system development personnel. In order to minimize opportunities for unauthorized, fraudulent, or otherwise irregular acts, the following list of payroll duties must be separated to ensure that no one person performs all phases of a transaction without the possibility of intervention or review by some other person or persons:

a. Certification of payments,

b. Payroll computation,

c. Recording of data to the employee's payroll account,

d. Distribution of pay,

e. Review of payroll transactions,

f. Automated system development,

g. System testing,

h. System implementation, and

- i. System maintenance.
 3. Access Restrictions. The following access must be restricted to authorized personnel:
 - a. Personnel, payroll, and disbursement records or data files;
 - b. Forms used in authorizing special entitlements, allowances, and pay rates; and
 - c. Payroll processing equipment and related software.
 4. Employee Access. Employees must not maintain or service their own payroll and/or personnel records. This internal control must be incorporated into security system software that governs access to DCPS records. Employees may provide authorizing source documentation to the servicing CSR or input data using an electronic self-service application. Types of employee transactions maintained by the CSR or input by the employee through such an application are:
 - a. Distribution of net pay election and voluntary allotments;
 - b. Routine deductions, such as withholding elections for federal, state, and local tax purposes; and
 - c. T&A as provided for in Chapter 2.
 5. CSR Access. Examples of transactions that the servicing CSRs have access to are:
 - a. Authorizations for charity contributions,
 - b. Authorizations for employee organization dues withholding,
 - c. Leave transferred-in for a new employee based on the employee's latest Leave and Earnings Statement, and
 - d. Restored annual leave.
 6. Computerized Access. To detect inappropriate data at the earliest time and to the extent practical, data entered into DCPS must be subjected to computerized edits at the time of entry.
- B. Controls that help ensure that computerized payroll operations process transactions and produce reports accurately include but are not limited to the following techniques:

1. Employing generally accepted testing procedures for computer programs and changes to programs prior to placing them in the production/operation environment. Testing procedures must include testing the various data elements and computational procedures as needed to ensure that all are operating as intended;
2. Certifying acceptance of software changes by the DCPS acceptance team;
3. Performing periodic preventive maintenance on hardware, noting and promptly resolving problems;
4. Including the following techniques in the tests performed:
 - a. Ensure that the most current personnel data is available for verification and pay computations,
 - b. Use proper security authorization protocol by all authorized system users,
 - c. Accept data entry from authorized sources only,
 - d. Verify data entry using batch control procedures, when applicable, and
 - e. Provide system-generated research tools useful in the resolution of any detected anomalies.
5. Providing audit trails for the detection and systematic correction of errors by enabling the system to trace or replicate transactions (including system-generated transactions) from the source to the resulting record or report and from the record or report back to the source.

010407. Reconciliation with the HRO

The PROs must ensure that payroll data is complete and accurate. DCPS and the HRO must each perform a reconciliation of employee records to ensure that shared data matches.

A. Reconciliation of common data (for example, work schedule, salary, and date of birth) between the human resources system and DCPS must be accomplished at least every 4 months. The [servicing](#) HRO reviews the reconciliation and annotates any mismatches. The [servicing](#) HRO resolves mismatches where possible and provides supporting documentation to the [servicing](#) PRO for resolution in the cases of payroll record errors. The [servicing](#) PRO must ensure thorough reviews of and necessary corrections to the DCPS database. The [servicing](#) PRO must accomplish the payroll portion of the reconciliation within 10 workdays after receipt of the annotated reconciliation documentation from the [servicing](#) HRO. The [servicing](#) PRO must maintain historic records to ensure timely compliance with this reconciliation requirement.

B. Based on the predetermined schedule, DCPS will generate and transmit reconciliation files to the appropriate personnel system host. The schedule is established and published by the DCPS manager in conjunction with the personnel system manager.

VOLUME 8, CHAPTER 2: “TIME AND ATTENDANCE (T&A)”**SUMMARY OF MAJOR CHANGES**

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PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with current administrative instruction.	Revision
All	Revised numbering to accommodate restructuring of sections.	Revision
All	Removed procedural information to comply with current administrative modernization efforts.	Deletion
All	Updated information to reflect guidance found in the General Accounting Office (GAO)-03-352G, Maintaining Effective Control over Employee Time and Attendance Reporting.	Revision
020309	Removed information for Continuation of Pay, this information has been moved to Chapter 6.	Deletion
0209	Updated information for consistency with the GAO guidance.	Revision

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CHAPTER 2

TIME AND ATTENDANCE (T&A)

0201 GENERAL

020101. Overview

This chapter sets out T&A policy and requirements for the Department of Defense (DoD) agencies. It contains established policies, defines responsibilities, and prescribes internal controls in support of T&A recording and reporting requirements for the Defense Civilian Pay System (DCPS).

020102. Purpose

This chapter provides guidance on DoD civilian employee T&A policy and requirements.

020103. Authoritative Guidance

Statutes, regulations, and other guidance are referenced [throughout](#) each section of this chapter. For additional guidance, see General Accounting Office [\(GAO\)-03-352G](#), Maintaining Effective Control over Employee Time and Attendance Reporting.

***0202 RESPONSIBILITIES OF EMPLOYING AGENCY, APPROVING OFFICIALS, AND TIMEKEEPERS**020201. Employing [Agency Responsibilities](#)

A. [Administration of Absence and Leave](#). The head of an agency is responsible for the proper administration of absence and leave as it pertains to employees under his or her jurisdiction, and for maintaining an account of leave for each employee in accordance with methods prescribed by the GAO. See Title 5, Code of Federal Regulations, [section 630.101](#). An employing activity must ensure compliance with T&A functions as prescribed by the agency policies.

B. [Internal Controls](#). It is important that agencies implement and maintain well-defined internal control activities that provide management with the confidence that the system is working as designed. Consistent with the internal control standards set forth within [GAO-03-352G](#), agency development of control activities over T&A information should:

1. Have a well-defined organizational structure and flow of T&A information with clearly written and communicated policies and procedures,

2. Apply available technology and concepts to achieve efficient and effective T&A system processes and controls in accordance with applicable legal and other requirements, and

3. Review and test all aspects of the T&A systems' processing procedures and controls.

020202. Approving Official's Responsibilities

An approving official, usually the employee's supervisor, maintains the primary responsibility for authorizing and approving T&A transactions.

A. Certifying. When approving T&A, all supervisors, other equivalent officials, or higher-level managers must certify, to the best of their knowledge, that work schedules are accurately recorded. An employee's supervisor should be aware of an employee's work schedule, leave taken, and any absence from duty and must review and approve the T&A to ensure its accuracy. Supervisors must ensure that exceptions to the employee's normal tour of duty are recorded in a timely and accurate manner.

B. Recording and Reporting T&A. The supervisor may assign responsibility for observing daily attendance or accurately recording T&A data to a timekeeper (if applicable) or, in limited circumstances, to the individual employee. However, the supervisor is still ultimately responsible for the timely and accurate reporting of the T&A in accordance with applicable policies, regulations, instructions, and bargaining agreements. The supervisor must inform the timekeeper when an employee is on leave or has worked any type of premium work. The supervisor may assign an alternate timekeeper to maintain T&A during the absence of the primary timekeeper.

020203. Timekeeper Responsibilities

The traditional T&A system normally involved a timekeeper who is/was responsible for assisting supervisors in recording and verifying employees' work time and absences. However, new T&A systems have reduced or even eliminated timekeepers' duties and shifted the responsibilities to the employees or supervisors. Regardless of the changes made, the internal control objectives in the GAO guidance remain the same.

*0203 GENERAL T&A REQUIREMENTS

020301. Recording Time

A proper record of the time an employee works should be retained as an official agency record available for review or inspection. Traditionally, daily arrival and departure times were required to be recorded. Although it is not required that daily records be maintained, agency management may choose to do so by using sign-in/sign-out sheets or other means.

020302. Time Period

The time period shown on the T&A must correspond to the length of a pay period. For example, if payment is made for a 2-week period, then the T&A must cover a 2-week period.

020303. T&A Information

Controls over T&A information should provide reasonable assurance that such information:

- A. Is recorded completely, accurately, and as promptly as practicable;
- B. Relates to authorized individuals; and
- C. Reflects actual work performed and leave taken or other absences during authorized work-hours and periods.

020304. Accounting for Time and Leave

Where T&A information supports amounts appearing in financial reports, an audit trail should exist between the T&A information and the accounting records underlying the financial reports to allow for verification of reported amounts.

020305. Work Schedules and Alternate Work Schedules (AWS)

A. Work Schedules. The work schedule defines the basic work requirement as the number of hours, excluding overtime hours, an employee is required to work or to account for by charging leave. Generally, a full-time employee's basic work requirement is 80 hours in a pay period. Attendance and absence must be consistent with the employment status for the individual. An approved work schedule for each employee will be maintained showing the planned arrival and departure for each day. When an employee's work schedule differs from the agency-wide schedule established by management or reflects an AWS, the supervisor, or the official most knowledgeable of the employee's schedule in advance of the period when the plan takes effect should approve the employee's work schedule. If the schedule is not approved in advance, the plan should be approved as soon after the start of the pay period as possible.

B. AWS. An AWS includes both flexible work schedules (FWS) and compressed work schedules. Although the decision to establish an AWS program is at the discretion of the agency head, this discretion is subject to the obligation to negotiate with the exclusive representative(s) of bargaining unit employees. For additional guidance on AWS, refer to the Office of Personnel Management (OPM) Handbook on Alternative Work Schedules. Refer also to DoD Instruction (DoDI) 1400.25-V610.

C. Flexible Work Schedule (FWS)

Under certain FWS, DoD civilian employees may work longer or shorter hours, including credit hours on any given workday, without taking leave or being paid overtime, so long as their basic biweekly work requirements are met. See Title 5, United States Code (U.S.C.), section 6121, DoDI 1400.25-V610 and OPM's FWS Fact Sheet. By electing to work hours in excess of their tour of duty, employees may also complete the biweekly basic work requirements in fewer than 10 workdays without being paid overtime or being charged leave for the non-workdays.

1. Material Variances or Deviations. Material variances or deviations, as determined by the FWS, must be approved by the supervisor before the change occurs, or promptly after occurring, if not feasible prior to the change. Supervisors must verify that the dates and the material variances or deviations have been recorded in the T&A.

2. Types of FWS. Full-time employees with an 80-hour biweekly work requirement may determine their own schedule within the limits set by the employing activity. A part-time employee may determine his or her own schedule for a biweekly work requirement of less than 80 hours. According to the OPM Handbook of Alternative Work Schedules, the [FWSs](#) include the following:

a. Flexitour. Flexitour is a work schedule in which an employee is allowed to select starting and stopping times within the flexible hours. Once starting and stopping times are selected, the employee continues to adhere to these times until the employing activity provides further opportunities to select different starting and stopping times.

b. Gliding Schedule. Gliding schedule is a [FWS](#) in which an employee has a basic work requirement of 8 hours in each day and 40 hours in each week. Employees may select an arrival time each day and may change that arrival time daily as long as it is within the established flexible hours.

c. Maxiflex. Maxiflex is a [FWS](#) that contains core hours on fewer than 10 workdays in the biweekly pay period and in which an employee has a basic work requirement of 80 hours for the biweekly pay period. The employee may vary the number of hours worked on a given workday or the number of hours each week, within the limits established for the organization.

d. Variable Day Schedule. Variable day schedule is a [FWS](#) that contains core hours on each workday in the week. Under the variable day schedule, a full-time employee has a basic work requirement of 40 hours in each week of the biweekly pay period. The employee may vary the number of hours worked on a given workday within the week as long as the variation remains within the limits established for the organization.

e. Variable Week Schedule. Variable week schedule is a [FWS](#) that contains core hours on each workday in the biweekly pay period. Under the variable week schedule, a full-time employee has a basic work requirement of 80 hours for the biweekly pay period. The employee may vary the number of hours worked on a given workday or the number of hours each week, as long as the variation remains within the limits established for the organization.

D. Compressed Work Schedule. A compressed schedule is a fixed schedule that enables a full-time employee to complete the basic work requirements of 80 hours in fewer than 10 full workdays in each biweekly pay period by increasing the number of hours in the workday. See 5 U.S.C. § 6121 and OPM's Fact Sheet on [Compressed Work Schedules](#).

1. Set Time and Days of Work. There is no flexibility in a compressed schedule. An employee's time of arrival and departure from work is set, as are the days on which the employee is to complete the basic work requirement.

2. Overtime. For employees working under compressed schedules, overtime pay will continue to be paid for work in excess of the compressed schedule. See [5 U.S.C. § 6128](#).

3. Absences. For employees working under compressed schedules, the recording of absences is treated in the same manner as for employees working a regular or alternative work schedule. Employees working a compressed work schedule must be charged leave in accordance with their basic work schedule.

4. Variations of the Compressed Work Schedule. Compressed work schedules are determined either by management or through negotiations with exclusive employee representatives. The following are variations of the compressed work schedule:

a. 4-10 Schedule. On the 4-10 schedule, employees work 10 hours a day for 4 days each workweek;

b. 5-4/9 Schedule. On the 5-4/9 schedule, employees work 9 hours a day for 8 days, 8 hours for 1 day, and record 1 non-working day each pay period; and

c. 3-day Workweek Schedule. On the 3-day workweek schedule, employees work 13 hours and 20 minutes a day for 3 days each workweek.

*020306. Approval of Leave

Approval of leave should be made by the employee's supervisor, or other designated approving official, before the leave is taken. If leave is not approved in advance, because of an unusual or emergency situation, it should be reviewed for approval or disapproval as soon as reasonably possible after the leave is taken.

020307. Overtime, Compensatory Time Earned, and Credit Hours Authorizations

A. Overtime or Compensatory Time Earned. Approval should be obtained from the employee's supervisor for overtime before the work has been performed when feasible and, when not feasible, then as soon as possible after the work has been performed. T&A codes should distinguish between regular overtime and irregular overtime or occasional overtime (or compensatory time in lieu of overtime, where allowed) in order for the agency to properly document and calculate an employee's overtime pay entitlements.

B. Credit Hours. When agency work schedule programs allow for credit hours to be earned, employee requests to work such hours should be reviewed by the supervisor to determine if work demands warrant the employee working the additional hours and, if so, approved before the work has been performed when feasible.

020308. Temporary [Assignment \(TDY\)](#)

A. [Recording T&A](#). When an employee is on TDY, the hours worked and hours of leave must be recorded on the T&A. All time actually spent away from the permanent duty station during the basic workweek must be recorded at the employee's permanent duty station as time worked or leave taken. The travel order must support entries on the T&A for regular time.

B. [Extended TDY](#). When an employee is on extended TDY (official Government-directed travel exceeding three weeks), the supervisor may require the employee to submit the T&A. Overnight mail, electronic mail, facsimile machine, or other acceptable means of communication may be used.

*020309. Data [Integrity](#)

Agencies using an electronic signature system to input T&A data should identify and document the criteria used in the selection of the signature system and how the criteria and the selected system comply with the Government Paper Elimination Act definition of an electronic signature. See GAO-03-352G, footnote 9.

*0204 T&A RECORDING

020401. Requirements

Scheduled starting and ending times of the day for each employee or for groups of employees must be established and recorded. The day that an employee's shift begins is designated as the day of work for night and shift differential purposes. These requirements are modified for employees working a flexible or compressed work schedule under the AWS plans. See [paragraph 020305](#).

A. [Control Objectives](#). Information in T&A records should be promptly and properly recorded to meet control objectives. It should be complete, accurate, valid, and comply with legal requirements.

B. [Accountability](#). Agency policy should establish accountability for recording T&A information and for the maintenance of and access to T&A and supplementary records.

C. [Audit Ready](#). T&A information that supports financial reporting or cost reporting should be auditable.

020402. [Certification and Approval of Absences](#)

T&A approvals should be such that management has assurance that supervisors or other authorized officials know they are accountable for the approval of an employee's work time and absences. Employees either must initial or sign for indicated absences, or submit an approved application for leave. A supervisor may require a medical certificate or other evidence of illness from an employee when granting sick leave. Such certification will be retained by the employing activity in accordance with section 0208.

020403. [Attestation and/or Verification](#)

A. [Attestation](#). Attestation refers to an employee affirming T&A information to be proper. Employees should affirm each leave charge, except for administrative leave, absent without leave charges, suspension, or holiday absences.

B. [Verification](#). Verification is a confirmation, usually by the timekeeper or supervisor that, to the best of his or her knowledge recorded information is proper.

NOTE: GAO guidance does not require such attestations and/or verifications. However, if management requires such attestations and/or verifications, they should be performed as close to the end of the pay period as possible.

020404. [Leave Charges](#)

All leave types are charged to the employee by days, hours, or fractions of hours.

NOTE: Timecards must clearly indicate whether annual leave taken is to be charged against the employee's current leave account or to a separate leave account established for restored leave. The employee's regular leave account will be charged unless the annual leave taken is identified as being charged to the employee's restored leave account.

020405. [Recording Daylight Savings Time](#)

A. [Hour Lost](#). Civilian employees working on a tour of duty when [Daylight Savings Time](#) goes into effect are credited with the actual number of hours worked on the tour of duty. The hour lost because of the change is charged to annual leave, compensatory time used, credit hours used, or [leave without pay](#), as requested by the employee. Employees may also be allowed to work 1 hour beyond the end of their shift.

B. [Hour Gained](#). Civilian employees working on a tour of duty when standard time goes into effect are credited with the actual number of hours worked. Time worked in excess of 8 hours, or the regular tour of duty hours, must be paid as overtime, compensatory time earned, or recorded as credit hours.

020406. [Recording Clock](#)

A recording clock may not be used to record time of an employee of an executive department in the District of Columbia. See [Title 5, United States Code \(U.S.C.\), section 6106](#).

0205 T&A CERTIFICATION

020501. [Responsibility](#)

All T&A and supporting documents must be reviewed and approved by the supervisor or designated alternate certifier. The supervisor or designated alternate certifier must be aware of his

or her responsibilities for ensuring accuracy of the reports and must have knowledge of the time worked and absence of employees for whom approval is given.

020502. Certification, Controls and Approval of T&A

A. Certification. The certification of T&A constitutes authorization for the expenditure of government funds. Each employee's T&A must be certified correct by the employee's supervisor, acting supervisor, other equivalent official, or a higher-level manager authorized to act as an alternate certifier at the end of the pay period. Certification ordinarily must not be made earlier than the last workday of a pay period. In some circumstances, such as when a legal holiday falls on a Friday or Monday, it is not practical to operate without an early cutoff. In such cases, additional controls, which must be demonstrated in the system design, must be in place and operating. The supervisor or designated alternate certifier must have a reasonable basis for relying on systems of internal control to ensure accuracy and legal compliance if he or she does not have personal knowledge of the presence and absence of, or other information concerning employees whose T&A are being approved. This basis must involve periodic testing of internal controls to ensure they are working as intended. Certification of T&A documents must be based on:

1. Knowledge from personal observation, work output, or timekeeper verification;
2. Checking data against other independent sources such as validating starting and ending times of work, using sign-in and sign-out sheets or time clock entries;
3. Reliance on other internal controls; or
4. A combination of controls.

B. Controls. In some circumstances the additional controls must ensure that any change in attendance or absence certified by a supervisor that occurs after the cutoff date is identified and reported before pay computation, or is reported for the next pay computation. The employee may initial the corrected entry(ies) or submit an OPM Form 71, Request for Leave or Approved Absence, or locally approved electronic leave request, for such absence, as appropriate.

020503. Approval

A. Approval of T&A. Approvals must be made individually for each employee, and a handwritten or automated signature must be provided for each T&A.

B. Approval of Multiple T&As. A single supervisory or designated alternate certifier signature for a multiple employee T&A report may be made to approve the information recorded for all employees listed on the report. There are three prerequisites for a single signature:

1. The data elements required by the agency must appear on the report for each employee listed on the report,

2. Supporting documents required for the information on the report must be reviewed by the supervisor or designated alternate certifier, and

3. The supervisor or designated alternate must initial or sign each page of the report and either sign the last page of the report or enter an approval code into an automated system.

C. Electronic Approval. When a computerized (“paperless”) T&A system is used and T&A data is contained in a computer file and displayed on a terminal, a single automated code may be entered by the supervisor to approve the information contained in the file. Prior to approving the T&A, the supervisor or designated alternate certifier must review supporting documents or computerized files. A record of changes made to a file, once approved by someone other than the original approving official, must be generated and sent to either the original approving official, or a designated person other than the one who made the changes.

020504. Delay of Certification

Certification of the T&A may not be delayed for obtaining the employee’s initials or signature for requested leave when the employee is not available. The employee must submit a request for leave (OPM Form 71 [when required](#)) upon return to duty to confirm the requested leave.

020505. Maintenance [and Approval](#) of T&A by Employee

A. When Maintenance of T&A by Employee is Appropriate. Situations in which employees may maintain their own official T&A are as follows:

1. The employee is the timekeeper,
2. Employees work flexible hours outside the hours of the timekeeper and supervisor,
3. An employee is working alone at a remote site,
4. Employees are based at the same location as their supervisors and timekeepers but are frequently away during working hours, or
5. The employing organization determines that individual timekeeping by all employees is warranted. The employing organization must maintain documentation demonstrating that the T&A reporting system has sufficient capacity and internal controls to ensure timely and accurate recording of T&A by these individual employees.

B. When Approval of T&A by Employee is Appropriate. Employees are generally prohibited from approving their own T&A. Exceptions to this general prohibition apply only when it is not feasible for employees to have their T&A approved by a supervisor. In such instances, the Component head, or his or her designee, must grant an official authorization in writing

in order for the employee to approve his or her own T&A. An employee may be authorized to approve his or her own T&A under the following circumstances:

1. The employee works alone at a remote site for long periods;
2. The employee is based at, but frequently away from, the location of their supervisor and timekeeper during working hours; or
3. The employee is the head of an organization within an agency that has no supervisor on site.

C. Controls. To provide reasonable assurance that employees are working when scheduled, supervisors must take reasonable measures, such as occasional telephone calls during [employees](#) scheduled work times, or an assessment of the reasonableness of output for the time spent, to determine the accuracy of T&A [data](#) submitted by individuals who maintain their own T&A. The supervisor is responsible for the accuracy of the T&A data submitted by the individual.

020506. Prior Approval

When it is not practical for the supervisor to approve a T&A prior to the receipt of supporting documents, the employee may be paid and a subsequent review performed of the documents by the supervisor.

0206 T&A REPORTING

020601. Methods

T&A data must be transmitted to the payroll system, as required, by using positive (100 percent) reporting or exception reporting. Under positive reporting, all T&A data is reported to the payroll system for each employee. Under exception reporting, only exceptions to the employee's scheduled tour of duty are reported to the payroll system. When reporting to the payroll system by source data automation, positive reporting must be required for each employee.

020602. Controls

Regardless of the reporting method, controls must ensure that all required T&A data, including current period corrections and prior period adjustments, are properly reviewed and approved by the supervisor and reported in a timely and accurate manner.

020603. Generating a Charge to Annual Leave

If any required T&A data is missing for an employee, then the civilian PRO [will](#) generate a charge against the employee's annual leave balance. If the annual leave balance is not sufficient to support the employee's regularly scheduled tour of duty, any remainder must be charged to another leave category in order to fulfill the employee's [scheduled](#) tour of duty. The employee's pay and leave record must be corrected upon submission of the certified T&A data.

0207 ADJUSTMENTS OR CORRECTIONS

020701. Adjustments After T&A Approval

Adjustments or corrections required because of changes after T&A information was approved should be processed promptly and be traceable to the pay period for which the correction applies. Electronic corrections for current period corrections and prior period adjustments must be made in accordance with the DCPS user manual. T&A corrections for pay periods no longer held in DCPS (offline records) require a hard copy of the certified T&A signed by the supervisor and forwarded to the PRO. The PRO will process the manual correction within DCPS in accordance with established procedural guidance. An authorizing official should approve all changes.

020702. Corrected Time Cards [When Awarding](#) Back Pay

If an appropriate authority corrects or directs the correction of an unjustified or unwarranted personnel action under the provisions of the Back Pay Act at [5 U.S.C. § 5596](#), time card corrections may be requested by the [servicing payroll office](#) for the period covered by the corrective action. Corrected time cards ensure the proper award of any pay, allowances, and differentials owed to the employee, including leave or other monetary employment benefits to which an employee is entitled by statute or regulation.

0208 RETENTION OF RECORDS

020801. Storage Location

Management may require employees and timekeepers, if any, to attest or verify T&A information. T&A information that supports financial reporting or cost reporting should be auditable. Employing activities must establish a uniform practice to be followed as to the locations at which the T&A reports and related supporting documentation are to be maintained. T&A reports, together with approved applications for leave, overtime approvals, military orders, jury duty certification, or other supporting documents, may be retained by the timekeeper, supervisor, or sent to a designated storage location.

020802. Internal Controls for Records

Sufficient internal controls must be established to prevent unauthorized changes to completed T&A, regardless of where they are retained.

020803. Retention Period

T&A records, to include leave application files, source records, input records, and leave records, must be retained by the employee's supervisor or activity in accordance with records retention requirements as set forth in the [National Archives, General Records Schedule 2](#).

NOTE: There are different retention requirements for these four types of records.

*0209 COST REPORTING

020901. Controls Over T&A. Information that is used to support cost reporting should ensure the information is captured in sufficient detail, such as by appropriation, organizational code, work activity, or other unit as necessary to meet the cost reporting objectives and be auditable.

020902. Accounting and Internal Controls. The head of each executive agency should establish and maintain systems of accounting and internal controls that provide:

- A. Complete disclosure of the financial results of the activities of the agency;
- B. Adequate financial information the agency needs for management purposes;
- C. Effective control over, and accountability for, assets for which the agency is responsible, including internal audit;
- D. Reliable accounting results that will be the basis for:
 - 1. Preparing and supporting the budget requests of the agency;
 - 2. Controlling the carrying out of the agency budget; and
 - 3. Providing financial information the President requires under 31 U.S.C. § 1104(e) of this title; and
- E. Suitable integration of the accounting of the agency with the central accounting and reporting responsibilities of the Secretary of the Treasury under 31 U.S.C. § 3513. See the Federal Financial Management Improvement Act of 1996, Public Law 104-208, which is set out as a note under 31 U.S.C. § 3512.

VOLUME 8, CHAPTER 3: “PAY ADMINISTRATION”**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue and underlined font**.

The previous version dated **May 2020** is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Revised hyperlinks and formatted chapter to comply with current administrative instructions.	Revision
030102	Updated the “Authoritative Guidance” paragraph in accordance with current guidance.	Revision
030506.B	Removed procedural guidance from paragraph of December 1 deadline for employers to submit home to work transportation information to the Payroll Office.	Deletion
030604	Added new section for the Student Loan Repayment Program.	Addition
030901	Updated information on advance of pays for consistency with the United States Code and Department of Defense Instructions.	Revision
031101.B.1	Added information concerning time limits to use time off awards.	Addition
References	Added References section.	Addition

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CHAPTER 3

PAY ADMINISTRATION

0301 GENERAL

030101. Purpose

This chapter provides guidance on Department of Defense (DoD) civilian employee pay and entitlements.

*030102. Authoritative Guidance

The pay policies and requirements established by the DoD in this chapter are derived primarily from, and prepared in accordance with the Office of Personnel Management's (OPM) Pay and Leave, Title 5, United States Code (U.S.C.), Title 5, Code of Federal Regulations (CFR), and the DoD Instruction (DoDI) 1400.25, Civilian Personnel Management. Due to the subject matter in the chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each section are listed in a reference section at the end of this chapter.

0302 GENERAL PROVISIONS ON PAY

This section provides general information on computing pay and transmitting pay data to the servicing payroll office (PRO). This section also provides guidance on statutory limits on pay ("pay caps") and general information on computing pay for General Schedule (GS), Senior Executive Service (SES) and other categories of employees.

030201. Pay and Payroll Data

A. Computing Pay. Payroll computations must be based on statutorily authorized entitlements in accordance with Title 5, U.S.C. and 5 CFR, Parts 530, 531, 532, 534, 550, 551, 575, 581, 591, 595, 610, and 630 and other statutory or regulatory requirements as stated herein. The payment of any entitlement must be supported by one or more of the following source documents, as appropriate:

1. Standard Form (SF) 50, Notification of Personnel Action and/or other similar personnel documents;
2. Certified copies of travel orders;
3. Time and attendance reports, including any necessary supporting documents such as sign-in and sign-out registers or the OPM Form 71, Request for Leave or Approved Absence; and

4. Authorizations or approvals of overtime and compensatory time worked.

B. Transmitting Documents to the Servicing PRO. If the servicing Human Resources Office (HRO) electronically transmits the pay entitlement data from source documents to the servicing PRO, the servicing HRO is not also required to send the source documents to the servicing PRO unless requested to do so. The servicing HRO must monitor feedback to ensure the integrity and accuracy of the data used in the pay computation process and must establish effective controls to ensure that all data transmits successfully. The servicing HRO must retain source documents, along with transmittal and control data, for audit purposes in accordance with the National Archives General Records [Schedule 2.4](#).

C. PROs Must Ensure Payroll Data is Accurate. The PROs must ensure that payroll data is complete and accurate. Specifically, the PROs must ensure that an employee's compensation is consistent with his or her grade, position classification, other entitlements, and employment location. For example, an agency may not pay any foreign area allowances, regardless of authorizing documents, to an employee assigned to stateside duties. In this example, the servicing PRO must request the servicing HRO that issued such entitlement documents clarify and/or correct the documents.

D. Time and Attendance Records. The servicing PRO must ensure pay computations are based on the completed time and attendance records maintained for each employee. The servicing PROs must complete computations as soon as possible after the close of the pay period.

E. Reconciliation. The servicing PRO, the servicing HRO, and the customer service representative (CSR) must communicate to ensure that all appropriate entitlement information is considered for each pay computation and that the computations are supported by the appropriate documentation. At least every 4 months, personnel and pay data must be reconciled and discrepancies corrected. The functional area that entered the incorrect data has primary responsibility for reconciling discrepancies in common data. For additional information, see Chapter 1.

030202. Notification of Changes to Pay

The servicing HRO is responsible for notifying the servicing PRO of changes to an employee's pay. The servicing PRO must adequately inform each employee in writing as to the nature and amount of the changes in gross pay from one pay period to the next. This information may be included on the employee's Leave and Earnings Statement (LES) rather than a separate written advisory. The notification must be in sufficient detail to show total pay, allowances, deductions, and net pay.

030203. Statutory Limits on Compensation ("Pay Caps")

A. Premium Pay Limits

1. Biweekly Premium Pay Cap. Premium pay includes night pay, the dollar value of compensatory pay, overtime pay, premium pay on an annual basis, and pay for Sunday and holiday work. See 5 CFR 550.103. Except as explained in subparagraphs 030203.A.2 and 3, the sum of an employee's basic pay and premium pay for any pay period may not exceed the greater of the biweekly rate of basic pay payable for: GS-15, step 10 (including any applicable locality pay under [5 U.S.C. § 5304](#) or special rate of pay under [5 U.S.C. § 5305](#)); or Level V of the Executive Schedule. See [5 U.S.C. § 5547\(a\)](#), 5 CFR 550.105, and the OPM Pay and Leave. When GS employees are receiving a locality-based comparability payment, the OPM GS Locality Pay Tables should be used to determine the maximum GS-15, step 10 rate payable for the employee's locality. Employees in established special rate occupations and/or locations may have a higher biweekly limitation equal to the special rate for GS-15, step 10. The biweekly limitation does not apply to the following:

a. Overtime pay earned by employees who are nonexempt from (covered by) the Fair Labor Standards Act (FLSA);

b. Hazardous duty pay (HDP);

c. Pay earned by Federal Wage System (FWS) employees, who are excluded from coverage under 5 U.S.C. § 5547; or

d. Compensatory Time for National Guard Technicians. National Guard technicians are not paid for overtime work pursuant to [32 U.S.C. § 709\(h\)](#). Therefore, compensatory time earned by National Guard technicians will not be paid and computation of the biweekly statutory pay limits for the technicians should not include compensatory time worked.

2. Types of Pay Subject to Biweekly Cap When an Annual Premium Pay Cap Applies. In certain emergency or mission critical situations, an agency may apply an annual premium pay cap in lieu of a biweekly premium pay cap, subject to the conditions provided in law and regulation. See 5 U.S.C. § 5547(b) and 5 CFR 550.106-550.107. However, the following types of premium pay, as listed in 5 CFR 550.107, remain subject to the biweekly limitation while other premium payments are subject to an annual limit under 5 CFR 550.106:

a. Standby duty pay under 5 U.S.C. § 5545(c)(1);

b. Administratively uncontrollable overtime (AUO) pay under 5 U.S.C. § 5545(c)(2);

c. Availability pay for criminal investigators under 5 U.S.C. § 5545(a);

d. Overtime pay for hours in the regular tour of duty of a firefighter under 5 U.S.C. § 5545(b); and

e. An overtime supplement for regularly scheduled overtime hours within a border patrol agent's regular tour of duty under 5 U.S.C. § 5550.

3. Annual Premium Pay Cap. When the head of an agency, his or her designee, or OPM determines that an emergency exists, the biweekly caps on premium pay described in subparagraph 030203.A.1 will not apply to employees who are paid premium pay for work in connection with that emergency. However, such employees remain subject to an annual maximum earnings limitation. In these circumstances, the total basic pay and premium pay for most GS employees is limited to the annual rate for GS-15, step 10 (including locality-based comparability or special salary rates) or a Level V of the Executive Schedule for the calendar year. Pay exceeding the cap is forfeited and is not deferred for payment in the next calendar year. The cap does not apply to overtime earned by FLSA nonexempt (FLSA covered) employees. For more information on the annual maximum pay limits, refer to 5 U.S.C. § 5547(b) and 5 CFR 550.106.

4. Increased Annual Premium Pay Limitation

a. In 2005, Congress authorized the Secretary of Defense to waive the annual premium pay limitation under certain circumstances. Eligible DoD employees are authorized an increase to the annual premium pay limitation under 5 U.S.C. § 5547, not to exceed the annual rate of salary payable to the Vice President under [3 U.S.C. § 104](#). To be eligible, employees must perform work in response to an emergency declared by the President or in direct support of, or directly related to, a military operation. Waiver authority applies to eligible employees who perform work while in an overseas area of responsibility of the Commander of the U.S. Central Command (CENTCOM) or an overseas location that has been moved from the U.S. CENTCOM area of responsibility to the area of responsibility of the Commander of the U.S. Africa Command.

b. Eligible DoD employees who are granted a waiver of the annual premium pay limitation are entitled to premium payments as provided in yearly guidance published by the Office of the Under Secretary of Defense (OUSD), Personnel and Readiness (P&R) based on [Public Law \(P.L.\)](#):

- (1) Calendar Year 2005 authorized by [P.L. 109-13](#);
- (2) Calendar Year 2006 authorized by [P.L. 109-163](#);
- (3) Calendar Year 2007 authorized by [P.L. 109-364](#);
- (4) Calendar Year 2008 authorized by [P.L.110-181](#);
- (5) Calendar Year 2009 authorized by [P.L.110-417](#);
- (6) Calendar Year 2010 authorized by [P.L. 111-84](#);
- (7) Calendar Year 2011 authorized by [P.L. 111-383](#);

- (8) Calendar Year 2012 authorized by [P.L. 112-81](#);
- (9) Calendar Year 2013 authorized by [P.L. 112-239](#);
- (10) Calendar Year 2014 authorized by [P.L. 113-66](#);
- (11) Calendar Year 2015 authorized by [P.L. 113-291](#);
- (12) Calendar Year 2016 authorized by [P.L. 114-92](#);
- (13) Calendar Year 2017 authorized by [P.L. 114-328](#);
- (14) Calendar Year 2018 authorized by [P.L. 115-91](#);
- (15) Calendar Year 2019 authorized by [P.L. 115-232](#); and
- (16) Calendar Year 2020 authorized by [P.L. 116-92](#).

B. Aggregate Limitation on Pay

1. Aggregate Limitation. The Federal Employees Pay Comparability Act ([FEPCA](#)) of 1990 and 5 CFR 530, Subpart B established an aggregate limitation on pay. The aggregate limitation applies to most federal employees, including most members of the SES who were previously covered by an aggregate limitation applied on a fiscal year basis under [5 U.S.C. § 5383\(b\)](#). Under [5 U.S.C. § 5307](#), a covered employee may not receive any allowance, differential, bonus, award, or other payment in any calendar year to the extent that such payment, in combination with the employee's basic pay, would cause the employee's aggregate compensation to exceed the rate payable for Level I of the Executive Schedule at the end of that calendar year.

2. Aggregate Compensation. Aggregate compensation is the total of basic pay, premium pay, allowances, differentials, bonuses, awards, incentives, and other similar cash payments. Certain payments are excluded from aggregate compensation such as overtime pay under FLSA, severance pay, lump-sum payment for accrued annual leave, back pay awards, student loan repayments, and nonforeign area cost-of-living allowances (COLAs). See 5 CFR 530.202.

3. Payments of Excess Amounts. Amounts in excess of the aggregate limitation must be deferred and are generally paid in a lump-sum payment at the beginning of the next calendar year. See 5 CFR 530.204. If an employee transfers to another agency, the gaining agency is responsible for this payment. If an employee separates from federal service, the entire excess amount is payable following a 30-day break in service. If an employee dies, the agency must pay the entire excess amount as part of the deceased employee's unpaid compensation. See [5 U.S.C. § 5582](#) and 5 CFR 530.204.

4. Deferring Payments. An agency must defer payment of any portion of a discretionary payment that would cause an employee's aggregate compensation to exceed the aggregate limitation. After deferring discretionary payments, all nondiscretionary payments (other than basic pay) must be deferred if continuing to pay the nondiscretionary payments would cause the employee's aggregate compensation to exceed the aggregate limitation for the calendar year. See 5 CFR 530.203(d) and (e) and 5 CFR 530.204.

a. Discretionary Payments. A discretionary payment is an optional payment that an agency has discretion to pay an employee (e.g., retention allowances, supervisory differentials, and physicians' comparability). See 5 CFR 550.202.

b. Nondiscretionary Payments. Nondiscretionary payments are payments made to an employee under the terms of a service agreement or preauthorized to be paid at a regular fixed rate each pay period (e.g., basic pay, locality-based comparability payments, COLAs, post differentials, and remote worksite allowances). An agency may not defer a nondiscretionary payment to make a discretionary payment. Basic pay may not be deferred or discontinued under any circumstances.

030204. Multiple Appointments

An employee is not entitled to receive pay from more than one position for more than an aggregate of 40 hours of work in one calendar week (Sunday through Saturday). See [5 U.S.C. § 5533\(a\)](#). Generally, there is no restriction on the number of appointments, only the number of hours, for which an employee may be paid. An employee may hold more than one simultaneous part-time or intermittent appointment, or an employee on leave without pay may accept another federal appointment. However, the employee may not receive pay for more than 40 hours a week, unless the employee's regular tour of duty is for more than 40 hours a week under an authorized alternative work schedule (AWS) or from two sources for the same hours. The HRO will notify the servicing PRO of multiple appointments via SF 50 data.

030205. General Schedule (GS) Employees

A. Basic Pay. Basic pay for GS employees is defined in 5 CFR 531.203 as the rate of pay fixed by law or by administrative action for the position held by a GS employee prior to withholding any deductions and excludes additional pay of any kind.

B. Pay Computation. Computations of salaries are based on the rates contained in the OPM, Pay and Leave, [OPM Salary Table](#).

C. Determining Basic Rates

1. The hourly basic rate is determined by dividing the annual rate by 2,087 hours, with the result adjusted to the nearest cent, counting one-half cent and over as a whole cent. See [5 U.S.C. § 5504](#).

2. The biweekly rate is determined by multiplying the hourly rate by 80 hours for full-time employees.

3. A daily rate is determined by multiplying the hourly basic rate by the number of daily hours of service.

4. For any employee whose pay is monthly or covers one calendar month, rules for division of time and computation of pay are governed by [5 U.S.C. § 5505](#).

D. Interim Geographic Adjustment (IGA). On February 1, 1996, OPM issued final regulations at [61 Federal Register 3539](#) to address the termination of IGAs. Locality-based comparability payments replaced the IGAs effective August 2, 1996.

E. Special Higher Minimum Base Rates for Law Enforcement Officers (LEO) at Grades GS-3 Through GS-10. Special base rates for LEOs at grades GS-3 through GS-10 are authorized under section 403 of the FEPCA of 1990 and 5 CFR 531.204 and are used in lieu of a GS rate. OPM publishes the special base rates for LEOs in a special salary table. These rates are the basis for computing locality payments under 5 CFR 531, Subpart F. Special geographic adjustments for LEOs under section 404 of the FEPCA of 1990 have been eliminated because they have been surpassed by regular locality payments under 5 U.S.C. § 5304.

F. Locality-Based Comparability Payments. Title 5, CFR 531, Subpart F and 5 U.S.C. § 5304 govern locality payments for GS employees and other employment positions in locality pay areas. Locality pay is considered as basic pay for retirement, Federal Employees' Group Life Insurance (FEGLI), premium pay, advance pay, severance pay, lump-sum leave, and workers' compensation purposes. The HRO bases locality pay eligibility on where an employee's official duty station is, and not where he or she lives. Locality pay does not transfer with an employee from one pay locality to another. Employees must receive whatever rate of pay applies at his or her new duty station. Employees on temporary assignment in a different pay locality must continue receiving their current salary. Locality pay does not apply overseas. The official worksite for an employee covered by a telework agreement must be determined on a case-by-case basis using criteria established by the OPM.

030206. Employees in Performance Management and Recognition System (PMRS)

A. General. The PMRS Termination Act of 1993 terminated the PMRS effective November 1, 1993. The provisions of this law applied to any employee covered by a PMRS position on October 31, 1993, and provided for the transition of former PMRS employees into their agency's Performance Management System and the GS pay plan. See OPM Performance Reference Materials, [Instructions: How to Comply with P.L. 103-89](#).

B. Identification of PMRS Employees. In order to identify all employees covered by the provisions of this law, OPM retained the General Merit (GM) pay plan code. The step for all employees using the GM pay plan code will continue to be zeros ("00").

C. Within-Grade Increases. All GS employees, including those still designated GM after October 31, 1993, will be eligible for within-grade increases according to the waiting periods established in the statute. The last PMRS merit increase received, including one for zero dollars, is an equivalent increase for the purpose of calculating and completing the prescribed waiting periods. Within-grade increases have the dollar value of one-ninth of the pay range. Employees will have the within-grade increase added to their basic pay rate, including an off-step rate, upon completion of the appropriate waiting period, provided performance has been at an acceptable level of competence.

D. Termination. An employee's coverage under the PMRS will end and his or her rate of basic pay will be adjusted to the designated GS step rate that meets or exceeds the current rate of pay, not to exceed step 10, if any of the following actions occur:

1. Promotion;
2. Change to a lower grade;
3. Break in service of more than 3 days;
4. Transfer to another non-DoD agency; or
5. Reassignment to a non-supervisory or non-management position.

030207. Senior Executive Service Positions

A. Definition. In accordance with [5 U.S.C. § 3132\(a\)\(2\)](#) and [5 CFR 317](#), an SES position is any position within an agency above a GS-15 grade level under [5 U.S.C. § 5108](#), or in Level IV or V of the Executive Schedule, or an equivalent position, which is not required to be filled by an appointment by the President with Senate confirmation. The SES includes managerial, supervisory, and policy positions classified above a GS-15 or equivalent in the Executive Branch. Non-supervisory positions are not covered unless they carry significant policymaking responsibilities.

B. Rate of Pay. The SES pay range has a minimum rate of basic pay equal to 120 percent of GS-15, step 1, and a maximum rate equal to that of a Level III of the Executive Schedule. See [5 U.S.C. § 5382](#) and 5 CFR 534.403. The maximum rate of basic pay for an SES employee covered by a performance appraisal system is set at the rate for Level II of the Executive Schedule. Minimum rates of basic pay for the SES rate range are adjusted by Executive Order issued by the President to allow for consistency with any increase in the minimum rate of basic pay for these positions. See [5 U.S.C. § 5376](#).

030208. Senior Level (SL) Positions

A. Definition. SL positions are non-SES positions classified above GS-15 pursuant to 5 U.S.C. § 5108 and [5 CFR 319.102](#). These positions do not include administrative law judges or board of contract appeals positions that have their own pay schedules.

B. Rate of Pay. Title 5, U.S.C. § 5376 and 5 CFR 534, Subpart E govern the rates of pay for SL positions and are located in the OPM Pay Tables, see section 030205.B. The Senior Professional Performance Act of 2008 established a new pay system for SL employees, effective April 12, 2009, providing pay ranges comparable to those available under the SES pay system. See 5 U.S.C. § 5304. The minimum rate of basic pay is set at 120 percent of GS-15, step 1, and the maximum rate equal to Level III of the Executive Schedule. The maximum rate of basic pay for an SL employee covered by a performance appraisal system is set at the rate for Level II of the Executive Schedule. Under the new pay system, locality pay is no longer paid in addition to the basic rate. There are no grades or steps under 5 U.S.C. § 5376; therefore, employees may be paid at any rate between the minimum and maximum rates.

030209. Scientific or Professional (ST) Positions

A. Definition. ST employees are those in non-executive positions classified above GS-15 who are engaged in high-level research and development in the physical, biological, medical or engineering sciences established under [5 U.S.C. § 3104](#) and 5 CFR 319.103.

B. Rate of Pay. The rates of pay for ST level positions are governed by 5 U.S.C. § 5376 and 5 CFR 534, Subpart E, and are located in the OPM Pay Tables, see section 030205 B. The Senior Professional Performance Act of 2008 established a new pay system for ST level employees, effective April 12, 2009, providing pay ranges comparable to those available under the SES pay system. The minimum rate of basic pay is set at 120 percent of GS-15, step 1, and the maximum rate equal to Level III of the Executive Schedule. The maximum rate of basic pay for a ST position employee covered by a performance appraisal system is set at the rate for Level II of the Executive Schedule. Under the new pay system, locality pay is no longer paid in addition to the basic rate. There are no grades or steps under 5 U.S.C. § 5376; therefore, employees may be paid at any rate between the minimum and maximum.

030210. Executive Schedule Positions

A. Definition. The Executive Schedule is, as defined in [5 U.S.C. § 5311](#), divided into five pay levels (Level I through Level V) and is the basic pay schedule for senior management positions described at [5 U.S.C. §§ 5312 to 5316](#). SES positions are not included.

B. Rate of Pay. The rate of pay for Executive Schedule positions is contained in the OPM Salary Table.

030211. Federal Wage System (FWS) Positions

A. Definition. The FWS was established for federal trade, craft, and laboring employees to allow for the payment of wages comparable to prevailing private sector rates in each local wage area. These positions are also referred to “wage grade” or “wage board” positions. [Title 5, U.S.C. § 5342](#) defines an FWS employee as a prevailing rate employee who is in a recognized trade or craft, other skilled mechanical craft, or in an unskilled, semi-skilled, or skilled manual labor occupation. Individuals in positions having trade, craft or laboring experience and knowledge as a paramount requirement, such as a supervisor or foreman, may be FWS employees.

See the OPM Fact Sheet: [FWS Overview](#) and 5 CFR 532. FWS employees are hourly rate employees who receive annual wage adjustments based on a review of comparability pay by wage area. Each area pay scale is divided into the following five parts or classes: wage grade, wage leader, wage supervisor, non-supervisory and supervisory employees covered by the production facilitating pay plan.

B. Rate of Pay. OPM adjusts the rates from time to time for comparable work within a local wage area. Basic pay for FWS employees means the scheduled rate of pay plus any night shift or environmental differential.

030212. Administratively Determined (AD) Pay Plans

Pay rates may be established under an AD pay system that was created under a separate statutory authority. An agency must have independent authority to administratively determine the rates of pay for any group or category of employees. See the OPM Pay and Leave, Pay Administration, Fact Sheet: [Pay Plans](#).

0303 PREMIUM PAY

030301. General

Premium pay consists of certain types of pay, such as overtime, night, and holiday pay for employees not in receipt of annual premium pay for standby duty, Sunday pay, annual premium pay for regularly scheduled standby duty, annual premium pay for administratively uncontrollable work, availability pay for LEOs, environmental pay for FWS employees, and hazard pay for GS employees. Rates and authorization for these various types of pay are contained in [5 U.S.C. §§ 5542, 5543, 5544, 5545, 5545a, 5545b, 5546a, 5547, 5549](#), and 5 CFR 550, [Subpart A](#). SES employees, Teaching Position (TP) Pay Plan employees, and other employees identified under 5 CFR 550.101 are not entitled to premium pay under any circumstances. However, the premium pay provisions apply to SL and ST positions. For information on statutory limits on premium pay, also referred to as biweekly and annual premium pay caps, see paragraph 030203.

030302. Overtime

Each employing activity is responsible for controlling overtime. Supervisors must ensure funds targeted for their employing activity will cover overtime worked. Approval or disapproval of overtime must be consistent with direction from the Deputy Secretary of Defense. The employee is only paid approved overtime as certified on the employee's time and attendance report. Normally, employees must request approval to work overtime in writing in advance of performing the work. See 5 U.S.C. § 5542.

A. Overtime Pay

1. Regularly Scheduled. Title 5, CFR 550, Subpart A sets out regulations on premium pay for overtime. Regular overtime work is overtime work that has been

scheduled prior to the beginning of an employee's regularly scheduled administrative workweek. For a GS employee whose rate of pay does not exceed a minimum applicable rate for a GS-10, the overtime-hourly rate is one and one-half times the employee's hourly rate of pay. For an employee whose rate of basic pay exceeds the minimum rate for a GS-10, the overtime-hourly rate is equal to the greater of one and one-half times the applicable minimum hourly rate of basic pay for a GS-10 or the employee's hourly rate of basic pay. Agencies may authorize regular overtime for full-time, part-time, and intermittent GS employees. An intermittent work schedule is appropriate when work is unpredictable and sporadic and therefore, repetitive regularly scheduled overtime should seldom occur. See [5 CFR 340.403](#).

2. Irregular/Occasional. Irregular or occasional overtime work is overtime work that is not part of an employee's regularly scheduled administrative workweek.

B. Overtime Pay for FLSA Nonexempt (Covered) Employees

1. General. Generally, the servicing PRO must compensate a nonexempt FLSA employee pursuant to the provisions of 29 U.S.C. § 207 and 5 CFR 551, Subpart E for all hours of work in excess of 8 hours a day or 40 hours in a workweek at a rate equal to one and one-half times the employee's hourly regular rate of pay. The "hourly regular rate" of pay for all nonexempt employees is computed by adding all includible payments for the week, then dividing by the total hours of work and paid leave. See 5 CFR 551.511 and 551.512 for complete instruction on overtime pay computation. The biweekly and annual premium pay caps discussed in paragraph 030203 do not apply to FLSA nonexempt employees.

a. Flexible Work Schedule. Overtime, when worked under a flexible work schedule pursuant to [5 U.S.C. §§ 6122-6126](#), consists of hours officially ordered in advance and in excess of 8 hours per day or 40 hours per week. Pursuant to [5 U.S.C. § 6121\(6\)](#), overtime hours do not include credit hours worked voluntarily under a flexible work schedule.

b. Compressed Work Schedule. For a full-time employee, overtime work consists of all hours of work in excess of the established compressed work schedule. For a part-time employee, overtime work consists of hours in excess of the compressed work schedule for the day (more than at least 8 hours) or for the week (more than at least 40 hours).

2. Calculation of Overtime After FEPCA. Under section 210 of the FEPCA, effective May 4, 1991, overtime pay computations for FLSA nonexempt (covered) employees must be made solely in accordance with FLSA regulations at 5 CFR 551, as amended. Agencies are no longer required to compare overtime pay entitlements for nonexempt employees under 5 CFR 550 and 551 and pay whichever amount is greater. Entitlements prior to May 3, 1991, must be calculated using the previous rules. FLSA nonexempt employees continue to be covered by other premium pay provisions of 5 U.S.C., Chapter 55, Subchapter V for night, Sunday, or holiday and annual premium pay for regularly scheduled standby duty or AUO work.

3. Other. According to 5 U.S.C. § 5544(a), hours of work, as defined under 5 U.S.C. § 5542, in excess of 8 hours in a day are deemed to be overtime hours for the purposes of Section 7 of FLSA. See [29 U.S.C. § 207\(e\)\(7\)](#). The excess hours are considered

overtime only if an employee is not receiving annual premium pay for regularly scheduled standby duty 5 U.S.C. § 5545(c)(1) or annual premium pay for AUO work under 5 U.S.C. § 5545(c)(2), or 5 U.S.C. § 5544(a) for FWS employees. Under FLSA, such hours are overtime hours regardless of the total number of hours of work in the workweek. For example, an employee on a flexible work schedule who works 10 hours on the first day of the workweek and is on Leave Without Pay (LWOP) for the remainder of the workweek is entitled to 2 hours of overtime pay under FLSA, even though the employee has worked a total of only 10 hours in the workweek. However, an employee working a compressed work schedule of eight 10-hour days would not receive overtime pay until they work in excess of 10 hours on a scheduled day.

C. Callback Overtime. Pursuant to 5 CFR 550.112(h), a minimum of two hours of overtime will be paid if an employee is required to return to the place of employment for unscheduled overtime work or to work unscheduled overtime on a nonscheduled workday. If the callback occurs on a holiday during the employee's regular schedule, then a minimum of two hours holiday premium pay is paid. Pursuant to 5 CFR 551.401(e), when an FLSA nonexempt employee performs unscheduled overtime work on a day when work was not scheduled for the employee, or for which the employee is required to return to the place of employment, the employee is paid for two hours of work or the actual number of hours worked, whichever is greater. In all cases, the employee must record the actual time worked.

D. Excluded Employees. The provisions of [5 U.S.C. § 5541](#) exclude SES employees from premium pay. See 5 CFR 534.408 and 5 CFR 550.101. Certain GS and all Executive Schedule employees are also excluded because premium pay may be paid only to the extent that aggregate pay does not exceed the maximum rate of pay for a GS-15 employee. See 5 U.S.C. § 5547. National Guard technicians are not entitled to premium pay for overtime; instead, they may earn compensatory time.

E. Compensatory Time Off

1. Eligibility. Under 5 U.S.C. § 5543 and 5 CFR 550.114, eligible employees, including FWS and FLSA nonexempt employees, may request compensatory time off from their scheduled tour of duty instead of payment for an equal amount of time spent in irregular or occasional overtime work. Mandatory compensatory time off is required only for FLSA exempt employees (who are not prevailing rate employees) whose rate of basic pay is greater than the rate for GS-10, step 10. See 5 CFR 550.114(c). An agency may not require FWS and FLSA nonexempt employees to take compensatory time off instead of being paid overtime pay, unless the employee requests compensatory time. See 5 CFR 532.504 and 551.531.

2. Dollar Value of Compensatory Time Off and Premium Pay Cap Limitations. An employee must receive advanced written approval for compensatory time worked. Such approval must be made in accordance with Chapter 2. Compensatory time off is an alternative form of payment for overtime work. For the purpose of applying pay cap limitations or liquidating compensatory time, the dollar value of the compensatory time equals the amount of overtime pay the employee would otherwise have received for performing the same number of hours of overtime work. Pay limitations apply as follows:

a. Biweekly Premium Pay Cap. If invoking the biweekly cap, an employee cannot receive credit for compensatory time worked if the basic rate of pay equals or exceeds the maximum rate for grade GS-15, step 10, or Level V of the Executive Schedule. An employee whose basic rate is less than the maximum rate of GS-15, step 10, or Level V of the Executive Schedule, may earn compensatory time. However, it may only be credited to the extent that the monetary value of the compensatory time does not cause the total rate of pay to exceed the maximum earnings limitations under 5 CFR 550.106(c).

b. Annual Premium Pay Cap. If invoking an annual premium pay cap, an employee may only receive credit for compensatory time to the extent that the monetary value of the compensatory time does not cause the total rate of pay to exceed the maximum earnings limitations. See 5 CFR 550.106(c).

c. FLSA Considerations. The granting of compensatory time off in lieu of overtime pay under 5 U.S.C. § 5542 must not violate the overtime pay requirements of FLSA. For instructions on compensatory time off for nonexempt employees, refer to 5 CFR 551.531. For FLSA exempt employees, refer to 5 CFR 550.114.

3. Occasional or Irregular Overtime Work. FWS, FLSA nonexempt and FLSA exempt GS employees may choose to earn compensatory time in place of payment for an equal amount of time spent in occasional or irregular overtime work, i.e., overtime work not scheduled in advance of the employee's workweek. Compensatory time off may be approved in lieu of regularly scheduled overtime work for FLSA exempt employees who are ordered to work overtime hours under a flexible work schedule under 5 U.S.C. § 6122. Additionally, an FWS or FLSA nonexempt employee may request compensatory time off if the employee is on a flexible work schedule under 5 U.S.C. § 6122. In this situation, the compensatory time off is granted instead of payment under 5 CFR 532.504 and 5 CFR 551.501 for an equal amount of time spent in overtime work, without regard to whether the overtime work was irregular or occasional in nature.

4. Time Limits. Pursuant to 5 CFR 550.114 and 551.531, the limit for the use of compensatory time off is the end of the 26th pay period after that in which the overtime was worked.

a. FLSA/FWS Employees. Compensatory time off must be granted to an FLSA exempt or non-exempt employee within a reasonable time after the overtime is worked. If an FLSA exempt employee fails to take earned compensatory time off within 26 pay periods, the unused compensatory time worked pays out at the overtime rate earned or is forfeited based off the employing agency's discretion. See the [OPM Fact Sheet: Compensatory Time Off](#). If an FWS or FLSA nonexempt employee fails to use compensatory time before the expiration of the established period, the employee is entitled to receive payment for the overtime work at FLSA overtime rate in effect at the time it was earned. See 5 CFR 532.504 and 5 CFR 551.531.

b. National Guard Employees. National Guard employees are not entitled to overtime and may not receive payment for unused compensatory time worked.

National Guard employees must use their compensatory time by the end of the 26th pay period after it is earned or the compensatory time will be forfeited.

5. AWS. Employees on a flexible work schedule or compressed work schedule may earn compensatory time off in lieu of overtime pay.

a. Flexible Work Schedule. An agency may approve compensatory time off in lieu of overtime pay for non-SES employees under a flexible work schedule at the employee's request. See 5 U.S.C. § 6123(a)(1).

b. Compressed Work Schedule. Compensatory time off may be approved in lieu of overtime pay only for irregular or occasional overtime work by an employee as defined in 5 U.S.C. § 5541(2) or by an FWS prevailing rate employee as defined in 5 U.S.C. § 5342(a)(2), but may not be approved for an SES member. Mandatory compensatory time off is limited to FLSA exempt employees, who are not prevailing rate employees, whose rate of basic pay is greater than the rate for GS-10, step 10.

6. Compensatory Time Off in Relation to Night Pay. When a GS employee takes compensatory time off during his or her scheduled tour of duty that includes night pay, the employee is still entitled to night pay for that time only if the scheduled tour of duty is between 6 p.m. and 6 a.m. and the employee's leave total is less than 8 hours in a pay period. See 5 CFR 550.122.

7. Compensatory Time Off in Relation to Annual Leave. Compensatory time off may be granted before annual leave is approved except when annual leave would otherwise be forfeited. If the use of earned compensatory time off or credit hours that are about to expire results in the forfeiture of excess annual leave, the forfeited leave cannot be restored. See the OPM Pay and Leave, Pay and Leave Administration, Fact Sheet: [Restoration of Annual Leave](#).

8. Payment for Unused Compensatory Time

a. Separation or Transfers. When an FLSA exempt or nonexempt employee separates, dies, or transfers to another DoD Component (e.g., from Army to Navy, or Air Force to the Defense Logistics Agency) or the employee moves to a non-DoD agency (e.g., Army to Department of the Treasury), the losing Component must pay for any unused compensatory time balances. The agency must pay the balance at the overtime rate in effect when the employee earned the compensatory time. National Guard employees are not paid for unused compensatory time. See the DoD Instruction (DoDI) [1400.25, Volume \(V\)550](#), 5 CFR 550.114 and 551.531.

b. Uniformed Service or Injury-on-the-Job. Agencies must pay an FLSA exempt or nonexempt employee for compensatory time off not used by the end of the 26th pay period after the pay period earned. Payment is at the overtime rate in effect when earned when the employee is unable to use the compensatory time off because of separation or placement in a leave without pay status because of:

550.114(f) or

- (1) Performing service in the uniformed services (5 CFR

- (2) An on-the-job injury with an entitlement to injury compensation under [5 U.S.C., Chapter 81](#).

F. Time Off for Religious Observances. Employees may earn compensatory time off for religious observances under provisions of [5 U.S.C. § 5550a](#) and [5 CFR 550, Subpart J](#). Time off for religious reasons is recorded in a special leave account. Religious compensatory time off may be earned within 13 pay periods in advance of the pay period in which it is intended to be used, or within 13 pay periods following the pay period in which it was used. Time off balances do not transfer. When an employee separates, dies, or transfers to another Federal agency, any unused time off balance must be paid by the losing activity at the basic hourly rate in effect when the time was worked. If the employee has an advanced time off balance at the time of separation, death, or transfer, a debt must be created. Compensatory overtime worked in this manner is exempt from maximum pay limitations and all other provisions of overtime and premium pay contained in 5 CFR 550.1001-1002, 5 U.S.C., Chapter 55, Subchapter V, and 29 U.S.C. § 207. For additional information, see Chapter 5.

030303. Night Pay Differential (GS) and Night Shift Differential (FWS)

A. GS Employees. Under 5 U.S.C. § 5545(a), night pay differential, at the rate of 10 percent of the hourly basic rate, is payable to employees for regularly scheduled work performed between 6 p.m. and 6 a.m. Accordingly, the hourly basic rate is multiplied by 10 percent, with the result adjusted to the nearest cent, counting one-half cent and over as a whole cent. Night pay differential is not included in the rate of basic pay used to calculate overtime, Sunday, or holiday pay. Night pay differential is in addition to overtime, Sunday, or holiday pay. The head of a department may designate another time between 6 p.m. and 6 a.m., as the beginning and end of the night work for activities outside of the U.S. See 5 CFR 550.121. Employees are not entitled to night pay differential while engaged in training, except where the situation they are learning to handle occurs only at night. An employee is entitled to night pay differential under the following circumstances:

1. For the hours actually worked between 6 p.m. and 6 a.m. when such hours are part of the employee's regularly scheduled work;
2. For overtime work performed between the hours of 6 p.m. and 6 a.m. if the overtime is regularly scheduled in advance of the administrative workweek;
3. For a period of paid leave during night work hours, only when the total amount of leave in a pay period, including both night and day hours, is less than 8 hours. Exceptions to this rule are employees on court leave; military leave; including leave for law enforcement and encampment purposes; time off with pay for a holiday; official travel status; administrative leave; compensatory time used; credit hours used; continuation of pay (COP) and time off awards;

4. When excused from night work during a tour of duty while on official travel status, whether performing actual duty or not. See 5 CFR 550.122(a);

5. When temporarily assigned during the administrative workweek to a daily tour of duty that includes night work. See 5 CFR 550.122(d); or

6. When excused from night work on a holiday or other non-workday. See 5 CFR 550.122(a).

B. Part-Time Employees. Part-time GS employees are eligible for night pay differential for work performed between 6 p.m. and 6 a.m. as part of their regularly scheduled administrative workweek.

C. Intermittent Employees. Intermittent GS employees who have no regularly scheduled tour of duty are not eligible for night pay differential. These employees are eligible for night pay differential during temporary assignment to a regular tour of duty with night work.

D. FWS Employees. Under 5 U.S.C. § 5343(f), FWS employees receive night shift differential at one of the two following rates: the rate of 7.5 percent of their hourly rate for non-overtime work when a majority of their scheduled hours occur between 3 p.m. and midnight; or 10 percent of their hourly rate for non-overtime work when the majority of scheduled hours occur between 11 p.m. and 8 a.m. For additional information, see 5 CFR 532.505. Night shift differential is considered as part of basic pay in the calculation of overtime pay, Sunday pay, holiday pay, and deductions for retirement and FEGLI. An employee regularly assigned to a night shift is entitled to night shift differential under the following circumstances:

1. For all non-overtime hours worked during an entire shift when the majority of hours fall within the specified periods;

2. On paid leave, such as court leave, holiday leave, compensatory time used, and administrative leave. See 5 CFR 532.505(e);

3. During a tour of duty while on official travel status, whether performing actual duty or not. See 5 CFR 532.505(c);

4. When temporarily assigned to a different tour of duty. See 5 CFR 532.505(d); or

5. When excused from night work on a holiday or other non-workday. See 5 CFR 532.505(b).

E. National Guard Technicians. Army and Air National Guard technicians are not entitled to payment of night differential or premium pay for overtime pay during periods of overtime worked. National Guard technicians earn compensatory time.

030304. Sunday Premium Pay

Additional pay at a rate of 25 percent of the hourly basic rate is payable to full and part-time employees whose regularly scheduled workweek, which does not include overtime hours, includes Sunday. Part-time employees are eligible for Sunday premium pay. See [December 8, 2009, OPM Memorandum: Fathauer v. U.S. 566 F.3d 1352 \(Fed. Cir. 2009\)](#). Sunday premium pay is payable for the entire period of non-overtime work during an employee's regularly scheduled daily tour of duty, not to exceed 8 hours, that begins or ends on a Sunday. Employees who do not actually perform work on Sunday do not earn Sunday premium pay. See 5 U.S.C. § 5546. Therefore, employees who are regularly scheduled to work on Sunday and who are on paid leave, excused absence, taking compensatory time off, using credit hours, or not working because Sunday is a holiday, are not entitled to Sunday premium pay. Intermittent employees are not entitled to Sunday premium pay. See 5 U.S.C. §§ 5544 and [5546](#). FWS employees are entitled to Sunday premium pay under 5 U.S.C. § 5544(a).

A. [Flexible Work Schedule](#). A full-time or part-time employee on a flexible work schedule who performs regularly scheduled non-overtime work during a period of duty, a part of which is performed on Sunday, is entitled to Sunday pay for the entire period of duty, not to exceed 8 hours.

B. [Compressed Work Schedule](#). A full-time or part-time employee on a compressed work schedule who performs non-overtime work during a period of duty, a part of which is on Sunday, is entitled to Sunday pay for the entire period of duty on that day, even if the hours worked exceeded 8 hours. See [5 U.S.C. § 6128](#).

C. [First 40-Hour Tour of Duty](#). A first 40-hour tour of duty is regularly scheduled work. An employee under a first 40-hour schedule is entitled to up to 8 hours of Sunday premium pay when performing non-overtime work on a Sunday. See 5 CFR 610.111 and OPM, Pay and Leave, [Work Schedules](#). Any additional hours over 8 hours in a day are paid as overtime unless the employee is: engaged in professional or technical engineering or scientific activities for whom the first 40 hours of duty in an administrative workweek is the basic workweek; or the employee's basic pay exceeds the minimum rate for GS-10, step 1 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law) for whom the first 40 hours of duty in an administrative workweek is the basic workweek. An employee on a first-40 tour who does not fall under one of these two exceptions is entitled to overtime pay for hours worked in excess of 8 hours in a day or 40 hours in an administrative workweek. See 5 U.S.C. § 5542 and 5 CFR 550.111(d)(2).

D. [Maximum Hours](#). The maximum number of hours of Sunday premium pay that an employee is paid for one Sunday is 16 hours. The 16 hours would include two 8-hour tours: one starting on Saturday night and ending on Sunday morning, and the next tour starting Sunday night and ending on Monday morning.

E. Rate of Payment. The hourly basic rate is multiplied by 25 percent with the result adjusted to the nearest cent, counting one-half cent and over as a whole cent. See OPM Operating Manual, Federal Wage System - Appropriated Fund, [Subchapter S8-4e](#).

030305. Holiday Premium Pay

In accordance with 5 U.S.C. § 5546 and 5 CFR 550.131, an employee who performs non-overtime work on a holiday designated by federal statute or executive order is entitled to holiday premium pay. Holiday premium pay is equal to the employee's rate of basic pay. An employee receives basic pay, plus holiday premium pay, for each hour of holiday work that is not in excess of their regularly scheduled non-overtime basic tour of duty, not to exceed 8 hours. Overtime work on a holiday is paid in accordance with paragraph 030302. An employee required to perform any work on a designated holiday is entitled to pay for at least 2 hours of holiday work. Holiday premium pay is in addition to overtime pay, night pay differential, or Sunday pay. See also OPM [Fact Sheet: Federal Holidays – Work Schedules and Pay](#).

A. Flexible Work Schedule. For an employee working a flexible work schedule, holiday pay for non-overtime work is limited to 8 hours in a day. A part-time employee, scheduled to work on a day designated as an “in lieu of” holiday for full-time employees, is not entitled to a premium for work performed on that day. See 5 U.S.C. § 6123.

B. Compressed Work Schedule. For an employee working a compressed work schedule, holiday pay for non-overtime work is limited to the number of hours normally scheduled for that day. A part-time employee, scheduled to work on a day designated as an “in lieu of” holiday for full-time employees, is not entitled to a premium for work performed on that day. See 5 U.S.C. § 6128.

C. GS Employees. GS employees receive their basic pay, including any night differential, for holidays on which they are not required to work. Employees are entitled to additional holiday premium pay for work performed on a holiday not to exceed 8 hours, during the hours of their regularly scheduled tour of duty.

D. FWS Employees. FWS employees who have a regular tour of duty and are not required to work due to a holiday are entitled to the same rate of pay for that day as if they had worked. For work performed on a holiday, FWS employees are entitled to their basic rate plus premium pay at a rate equal to their basic pay for holiday work that is not more than 8 hours or is not overtime work. For additional information, see 5 CFR 532.507.

E. Callback. Unscheduled overtime work performed by an employee on a day when work was not scheduled, or for which the employee is required to return to the place of employment is deemed to be at least 2 hours in duration. See 5 U.S.C. § 5542. If the callback occurs on a holiday during the employee's regular schedule, an agency must pay a minimum of 2 hours holiday premium. The employee must record the actual time worked for time and attendance purposes. Employees working more than 2 hours are entitled to pay for the actual number of hours worked.

F. Training. An employee is not entitled to holiday premium pay while engaged in training, except under limited circumstances set out at [5 CFR 410.402](#).

030306. Annual Premium Pay for Standby Duty

Employees may receive premium pay on an annual basis when working in a position regularly requiring them to remain at, or within the confines of, their station during longer than ordinary periods of duty, and a substantial part of which consists of remaining in a standby status rather than performing work. See 5 U.S.C. § 5545(c) and 5 CFR 550.141-550.144. Annual premium pay for standby duty is in lieu of premiums for regularly scheduled overtime, night, holiday, and Sunday work.

A. Irregular or Unscheduled Overtime. Additional hours of irregular or unscheduled overtime duty in excess of the regularly scheduled weekly tour are not compensated by standby premium pay, but are eligible for overtime pay consideration under 5 U.S.C. § 5542 or the FLSA overtime provisions at 29 U.S.C. § 207.

B. Rate of Payment. Premium pay is determined as an appropriate percentage, not in excess of 25 percent, of the rate of basic pay for the position not exceeding the minimum applicable rate of basic pay for GS-10, including any applicable locality-based comparability payment or similar provision of law, and any applicable special rate of or similar provisions of law. See 5 CFR 550.141 and 5 U.S.C. § 5304.

030307. Annual Premium Pay for Administratively Uncontrollable Overtime (AUO)

A. Eligibility Criteria. Premium pay may be paid on an annual basis instead of other premium pay (except premium pay for regular overtime work and work at night, on Sundays, and on holidays) when an employee is in a position in which the hours of duty cannot be controlled administratively. The position must require substantial amounts of irregular, unscheduled overtime work, with the employee generally responsible for recognizing, without supervision, circumstances that require an employee to remain on duty. The circumstances under which payment of AUO is appropriate are extremely limited; in particular, AUO is not appropriate for FLSA nonexempt employees.

B. Rate of Payment. Title 5, U.S.C. § 5545(c)(2) provides that premium pay for AUO is an appropriate percentage, not less than 10 percent nor more than 25 percent, of the employee's rate of basic pay. This includes any special rate of pay for LEOs, or special pay adjustment for LEOs under section 302 and 403 of the FEPCA, a locality-based comparability payment under 5 U.S.C. § 5304, and any applicable special rate of pay under 5 U.S.C. § 5305, or similar provision of law. See 5 CFR 550.151. The servicing PRO pays AUO according to the rate information provided by the servicing HRO via SF 50 data. AUO for law enforcement personnel, which includes the office of special investigations agents, is subject to retirement and FEGLI deductions. See [5 U.S.C. §§ 8331\(3\)\(D\)](#) and [8704\(c\)\(2\)](#). The AUO for Open Mess/Club Managers is not subject to retirement or FEGLI deductions. See 5 U.S.C. § 8331(3)(C) and (D), and 5 U.S.C. § 8704(c)(1) and (2). For additional information, see Civilian Personnel Manual (CPM) Guidance on AUO ([CPM 97-5](#)).

030308. Hazardous Duty Pay (HDP) and Environmental Differential Pay (EDP)

A. HDP

1. General. Under 5 U.S.C. § 5545(d) and 5 CFR 550.901-907, GS employees who are assigned hazardous duty or duty involving physical hardship may be entitled to premium pay in the form of HDP. The servicing PRO pays HDP according to information provided by the servicing HRO. Hazardous duty means duty performed under conditions in which an accident could result in serious injury or death. Duty involving physical hardship means duty that may not be hazardous, but may cause extreme physical discomfort or distress that is not adequately alleviated by protective or mechanical devices. Some examples of duty involving physical hardship include duties involving exposure to extreme temperatures for a long period, arduous physical exertion, or exposure to fumes, dust, or noise that causes nausea, skin, eye, ear, or nose irritation.

2. Rate of Pay. The amount of HDP is determined by multiplying the percentage rate authorized for the exposure, found in 5 CFR 550, Subpart I, by the employee's hourly rate of pay. That amount is multiplied by the number of HDP hours to be paid. HDP is paid for overtime hours based on the employee's hourly rate of basic pay, not the hourly overtime rate.

3. Other

a. HDP is not included as part of the employee's basic rate of pay for computation of overtime, holiday pay, Sunday premium, or the amount of retirement, Thrift Savings Plan (TSP), and FEGLI deductions.

b. HDP is paid for all hours in a pay status the day on which the exposure occurs.

c. Payment of HDP is not subject to the biweekly pay cap placed on other premium pay as discussed in subparagraph 030203.A. However, HDP is included in the aggregate limitation on pay as discussed in subparagraph 030203.B.

d. HDP may not be more than 25 percent of the employee's rate of basic pay.

e. TP Pay Plan employees are not authorized HDP.

f. Agencies may not pay HDP for hours of work during which an employee is paid annual premium pay for standby duty, AUO work, or availability pay.

B. Environmental Differential Pay

1. General. Under 5 U.S.C. § 5343(c)(4), an FWS employee is entitled to an environmental differential when exposed to a working condition or hazard that falls within

one of the categories approved by OPM. Pursuant to 5 CFR 532.511, EDP is included as part of an FWS employee's basic rate of pay for computation of overtime, holiday pay, Sunday premium, and the amount of retirement, TSP, and FEGLI deductions. It is not part of basic pay for purposes of lump-sum leave payments and severance pay. The servicing HRO determines when EDP is payable and obtains approval from OPM for additional categories not listed in Appropriated Fund Operating Manual, [Appendix J](#), Federal Wage System. TP pay plan employees are not authorized EDP.

2. Pay Rate. EDP is payable on an actual exposure basis and is payable for all hours the employee is in a pay status on the day on which exposure to the situation occurs, including overtime hours. The amount that is payable is determined by multiplying the percentage rate authorized for the exposure by the basic hourly rate of a Wage Grade 10, step 2, then multiplying that amount by the number of EDP hours to be paid. When EDP is payable for actual exposure, each exposure is separately considered. Hours posted must not exceed the hours of active duty on the day of exposure. If the exposure is less than 1 hour, agencies must pay a minimum of 1 hour. If the exposure is longer than 1 hour, the actual amount of time exposed is payable in 15 minute increments. See 5 CFR 532.511.

0304 FOREIGN AND NONFOREIGN ALLOWANCES AND DIFFERENTIALS

030401. General

A. Foreign Area. Allowances and differentials payable to employees officially stationed in foreign areas are established by the Secretary of State and published in the Department of State Standardized Regulations ([DSSR](#)). See [5 U.S.C. §§ 5921 - 5928](#). The DoDI 1400.25, [V1250](#) sets forth additional rules regarding foreign allowances and differentials for DoD civilian employees. Foreign differentials and allowances are paid upon receipt through the interface of a properly completed and signed [SF 1190](#), Foreign Allowances Application, Grant, and Report.

B. Nonforeign Area. Allowances and differentials payable to employees officially stationed in nonforeign areas and the 50 states are established by OPM. See [5 U.S.C. § 5941](#) and 5 CFR 591. The servicing HRO will interface SF 50 data to inform the servicing PRO when an employee is eligible for a nonforeign differential or allowance.

030402. Foreign Area Allowances and Differentials

A. Quarters Allowances. Quarters allowances are intended to reimburse an employee substantially for all costs associated with either temporary or residence quarters whenever government-owned or government-rented quarters are not provided to the employee without charge. See [5 U.S.C. § 5923\(a\)\(1\) and \(2\)](#) and the DoDI 1400.25, V1250.

1. Living Quarters Allowance (LQA). The LQA entitlement is intended to reimburse an employee for rent and any costs not included in the rent amount for heat, light, fuel, gas, electricity, and water. Employees receiving LQA may not receive the Temporary Quarters Subsistence Allowance (TQSA) for the same period except under special circumstances as specified in the DSSR, Chapter 100 [sections 124.1](#) and [132.41](#).

a. LQA Rate. The daily LQA rate is determined by dividing the annual amount by the number of days in a calendar year. This daily rate is paid for all applicable days in a pay period. LQA is paid on a biweekly basis. LQA is not paid to an employee who is Absent Without Leave (AWOL) or on a suspension.

b. LQA Advance. LQA may be advanced for a period of not less than 3 months or more than 1 year (unless specifically approved by the officer designated to authorize allowances). Advanced LQA must not exceed the lesser of the total rent advanced to the lessor, or the employee's maximum LQA rate as authorized in the DSSR, Chapter 900, [section 920](#).

2. TQSA. TQSA is an allowance granted to an employee for the reasonable cost of temporary quarters, meals, and laundry expenses incurred by the employee and/or family members. See 5 U.S.C. § 5923, [the DSSR, Chapter 100, section 120](#), and [the DoDI 1400.25, V1250](#). TQSA is payable: for a period not to exceed 90 days after first arrival at a new post in a foreign area, or for a period ending with the occupation of residence (permanent) quarters, if earlier; or for a period not to exceed 30 days immediately preceding final departure from the post when the employee must vacate residence quarters. Receipts are required for lodging and laundry expenses, and the employee must submit a certified statement for the daily cost of meals. TQSA is based on the maximum per diem rate for the foreign location found in the DSSR, Chapter 900, at [Foreign Per Diem Rates by location](#) in accordance with the DSSR, Chapter 100, section 120.

a. Travel. TQSA may continue during periods of official travel which authorize per diem, if the head of the agency determines the employee acted responsibly in retaining temporary quarters during the period of travel. See [the DSSR, Chapter 100, section 126.2](#).

b. Extension. The 90 and 30 day TQSA period may be extended up to 60 additional days if it is determined by the head of the agency that compelling reasons beyond the control of the employee require continued occupancy of temporary quarters. See [the DSSR, Chapter 100, section 122.2](#).

c. Post Allowance. Employees are not authorized post allowance while receiving TQSA. See [the DSSR, Chapter 100, section 127](#).

d. Payments. Payment of TQSA may be made:

- (1) In advance for up to 30-day increments,
- (2) In biweekly payments, or
- (3) Upon completion of the TQSA period at the request of the employee and as authorized by the HRO.

e. Prior to Termination of LQA. TQSA may be authorized for up to 5 days prior to the termination of LQA when it is necessary to vacate permanent quarters in order to meet lease requirements for heavy cleaning, painting, or repairs when preceding final departure from the post. See [the DSSR, Chapter 100, section 124.1](#).

B. COLAs. COLAs are intended to reimburse an employee for certain excess costs, exclusive of any quarters cost, which result from being officially stationed in a foreign area. COLAs include post allowance, the foreign transfer allowance (FTA), the home service transfer allowance (HSTA), the separate maintenance allowance (SMA), the education allowance, and the educational travel reimbursement. See [the DSSR, Chapter 200 and 5 U.S.C. § 5924](#).

1. Post Allowance. Post Allowance is a COLA granted to an employee officially stationed at a post in a foreign area where the cost-of-living, exclusive of the cost of quarters, is substantially higher than in Washington, District of Columbia (D.C.). See [the DSSR, Chapter 200, section 220 and the DoDI 1400.25, V1250](#).

a. Pay Rate. The amount paid is a flat rate varying only by basic salary, size of the family, and location of the assigned post. The daily rate is determined by dividing the annual amount by the number of days in a calendar year, then multiplying the daily rate by the number of days involved to obtain the biweekly amount. The daily rate is paid for all applicable days in a pay period, with the exception of days on AWOL or a suspension. Post allowance is not authorized to be paid at the same time an employee is receiving TQSA.

b. Payment Upon Separation. Post allowance is included in the computation of lump-sum leave payments upon separation from federal service if the employee's official duty station is in the foreign area when the employee becomes eligible for the lump-sum payment.

2. Foreign Transfer Allowance (FTA). FTA is an allowance for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, that the employee incurs incident to being established at any post of assignment in a foreign area. The subsistence expense portion of FTA reimburses an employee for allowable expenses incurred prior to departure from a post in the U.S., its territories, possessions, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands to a post in a foreign area. FTA consists of four elements of which the following three are authorized within DoD for payment: the miscellaneous expense portion, the lease penalty expense portion, and the subsistence expense portion. The wardrobe expense portion is not authorized for payment within DoD. See [the DSSR, Chapter 200, section 240 and the DoDI 1400.25, V1250](#).

3. Home Service Transfer Allowance (HSTA). HSTA is an allowance for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred by an employee in connection with a transfer to a post of assignment in the U.S. The employee must sign a certification indicating he or she agrees to complete 12 months of government service following the effective date of transfer. HSTA consists of four elements of which the following three are authorized within DoD for payment: the miscellaneous expense portion, the lease penalty expense portion, and the subsistence expense portion. The wardrobe expense portion is not

authorized for payment within DoD. See [the DSSR](#), Chapter 200, [section 250](#) and [the DoDI 1400.25](#), V1250.

4. Separate Maintenance Allowance (SMA). SMA is an additional COLA paid to assist an employee to maintain a separate household other than at the employee's foreign post of assignment for the employee's family or a member of the family. The agency must determine the employee is compelled to obtain separate family quarters for reasons such as: dangerous, notably unhealthy, or excessively adverse living conditions, for the convenience of the government, or because of special family needs. The rate is determined by the number of dependents maintained other than at the post of assignment and is computed at an annual rate. Agencies pay SMA for all applicable days in a pay period. The daily rate is determined by dividing the annual amount by the number of days in a calendar year. The biweekly amount is determined by multiplying the daily rate by 14. If any other period is involved, the amount payable is determined by multiplying the daily rate by the number of days involved. See [the DSSR](#), Chapter 200, [section 260](#) and [the DoDI 1400.25](#), V1250.

5. Education Allowance. The education allowance assists the employee with the extraordinary and necessary expenses incurred because of service in a foreign area in providing adequate elementary and secondary education for a child or children. The education allowance covers expenses for which the employee is not otherwise compensated. The education allowance is not authorized for payment within DoD. However, reimbursement is authorized for transportation costs of dormitory student family members of eligible employees between the employee's overseas duty station and the DoD Education Activity (DoDEA) approved school. See [the DSSR](#), Chapter 200, [section 270](#), 5 U.S.C. § 5924, and [the DoDI 1400.25](#), V1250.

6. Educational Travel. Educational travel is reimbursement for travel to and from a school in the U.S. for purposes of attending a full-time course for secondary or college education. Reimbursement will be limited to one annual roundtrip. An annual roundtrip is defined as one roundtrip at any time within any one 12-month period. Any portion of the roundtrip not taken in the 12-month period does not accrue to a subsequent period. See [the DSSR](#), Chapter 200, [section 280](#), [the DoDI 1400.25](#), V1250, and 5 U.S.C. § 5924.

C. Representation Allowance. Representation allowances are intended to cover allowable items of expenditure by employees, including foreign national employees, whose official positions entail responsibility for establishing and maintaining relationships of value to the U.S. in foreign countries and by adult family members acting with, or on behalf of, these employees. Examples of allowable items are those of an entertainment or protocol nature, tips and gratuities, flowers and wreaths, or other representational expenses, which the head of an agency may authorize or approve as being of the type to promote the interest of the U.S. The employee's position first must be designated by the Deputy Under Secretary of Defense for Civilian Personnel Policy as eligible for the allowance. A voucher of expenses incurred will be the basis for payment. See [the DSSR](#), Chapter 300 and [the DoDI 1400.25](#), V1250.

D. Official Residence Allowance. The defraying of official residence expenses is intended to make possible the operation and maintenance of official residences in which a principal representative can properly represent the U.S. abroad. Such representation includes

extending official (as distinct from personal) hospitality to foreign dignitaries and important visitors, receiving official deputations and callers, and holding requisite and appropriate ceremonies smoothly and with dignity. This representation also includes keeping the residence appropriately staffed and operating. The Secretary of State must designate eligible employees. See [the DSSR, Chapter 400, 5 U.S.C. § 5913](#), and [the DoDI 1400.25, V1250](#).

E. Post Hardship Differential. Post hardship differential is additional compensation paid as an established percentage over basic compensation ranging from 5 to 35 percent. Post hardship differential is paid on an employee living in a location with extraordinarily difficult living conditions, excessive physical hardship, or notably unhealthful conditions, as determined by the Secretary of State. Living costs are not considered in the determination. Post hardship differential is paid on a biweekly basis with regular salary and only for hours for which basic compensation is paid. Post hardship differential is included in gross income and is subject to Social Security (Old Age, Survivors, and Disability Insurance (OASDI)) and/or Medicare, federal, state, and local tax withholding. For employees with tours of duty commencing on or after October 28, 1991, post hardship differential is excluded from the lump-sum leave payment. See [the DSSR, Chapter 500, 5 U.S.C. § 5551, 5 U.S.C. § 5925](#), and [the DoDI 1400.25, V1250](#).

1. Post hardship differential is granted to full-time employees and temporary employees who are appointed on a full-time basis and who are U.S. citizens permanently assigned or on extended detail to a post where the differential is granted.

2. Post hardship differential for employees permanently assigned to a post commences on the latest of the following dates:

a. The date the employee arrives at the post or the date the employee enters on duty if recruited locally,

b. The effective date of assignment, if the employee is already at the new post on detail or leave, or

c. The effective date a post is classified for a differential.

3. Post hardship differential for employees temporarily assigned to a post commences after the employee has spent 42 cumulative days at one or more differential locations without returning to a non-differential permanent post of assignment. The servicing PRO pays the differential starting on day 43.

F. Danger Pay Allowance (DPA) and Imminent Danger Pay (IDP). Two forms of danger pay are available to eligible civilian employees:

1. DPA. DPA under the DSSR, [Chapter 650](#), section 652(f) may be paid to an employee serving in a foreign area or post where certain conditions exist, as established by the Secretary of State. Conditions include civil insurrection, civil war, terrorism, or wartime conditions that threaten physical harm or present imminent danger to the health or well-being of

the employee. DPA is additional compensation of up to 35 percent of the basic pay of the employee.

a. DPA is paid to full-time, temporary, part-time, and intermittent employees assigned for a minimum of 4 cumulative hours in 1 day to a danger pay post or area. All periods of leave taken while present at the danger pay post or areas may be included to meet the 4 hour requirement, but days of absence away from the post or area may not be included. When the employee is detailed to a danger pay post or area for 4 hours or more, he/she may receive DPA for the full day.

b. For full-time employees and temporary employees, the DPA is computed at the percentage of basic compensation established for the post or area. For part-time regularly scheduled employees and intermittent employees, DPA is computed at the prescribed percentage of basic compensation earned during the applicable period. DPA is not subject to any ceiling that would provide less than the full percentage rate authorized for the post or area. DPA is paid only for those hours for which basic compensation is paid and is subject to OASDI and/or Medicare, federal, state, and local tax withholding. Where there is no duplication of benefits for the same living condition, a civilian employee may receive DPA and post hardship differential pay for the same period. DPA is not included as part of the lump-sum leave payment. See [the DSSR Chapter 650, section 656](#).

2. IDP. IDP is paid to a civilian employee who accompanies U.S. military forces in areas designated by the Secretary of Defense as being subject to hostile fire or imminent danger. See [5 U.S.C. § 5928](#), [the DSSR, Chapters 650 and 652\(g\)](#) and [the DoDI 1400.25, V1250](#). On October 1, 1995, the State Department, at DoD's request, added section 652(g) to the [the DSSR concerning IDP](#). The monthly amount of IDP is the same as the monthly flat rate paid to uniformed military personnel.

a. An employee may not receive IDP and a post hardship differential that would duplicate political violence credit. Nor may an employee receive IDP and DPA at the same time.

b. IDP is calculated as a daily rate and paid on a monthly basis. Daily rates are determined by dividing the monthly amount by the number of days in a month. This rate will change based on the number of days in a month. For periods of less than a month, an employee is entitled to the daily rate times the number of days in the month the employee is in the eligible area. IDP is subject to OASDI and/or Medicare, federal, state, and local tax withholding. The IDP is not included as part of the lump-sum leave payment.

3. Commencement of DPA or IDP. DPA or IDP commences on the date of designation by the Secretary of State for employees already present at the post on assignment or detail. DPA or IDP commences on the date of arrival at the post or detail for subsequently assigned or detailed employees, or for employees returning after a temporary absence.

4. Receiving Both DPA/IDP and a Post Hardship Differential. If authorized by the agency, an employee may receive both DPA/IDP and the post hardship differential. Extra pay from either an allowance or a differential is limited to no more than 35 percent of the employee's rate of basic pay. When both an allowance and a differential are authorized, the total pay for the allowance and the differential may not exceed 70 percent of the employee's rate of basic pay.

G. Employees in a Non-Pay Status. All allowances granted under the [the DSSR](#) may continue during periods when the employee is in a non-pay status not in excess of 14 calendar days at any one time. If a non-pay status lasts longer than 14 calendar days, allowances are suspended as of the day the employee enters the non-pay status, and payment is not to be made for any part of such period, unless otherwise specifically provided under the DSSR. See [the DSSR](#), Chapter 000, [section 051.2](#). For information on the continuation of living quarters allowances during periods of a non-pay status, see [the DSSR](#), Chapter 100, section 132.2.b(2).

030403. Nonforeign Area Allowances and Differentials

A. Nonforeign COLA. Nonforeign COLA is an allowance that OPM established at a location in a nonforeign area where living cost is substantially higher than the living cost in the area of Washington, D.C. Rates are available on [the OPM's, Pay and Leave, Nonforeign Area Cost-of-Living Allowances](#).

1. Nonforeign areas are the states of Alaska and Hawaii, the Commonwealths of Northern Mariana Islands and Puerto Rico, and territories and possessions of the U.S. and any additional areas as designated by the Secretary of State. See 5 U.S.C. § 5941.

2. The Nonforeign Area Retirement Equity Assurance Act transitioned the nonforeign area COLA authorized under 5 U.S.C. § 5941(a)(1) to locality pay authorized under 5 U.S.C. § 5304 in the nonforeign areas as listed in 5 CFR 591.205. The Act also extended locality pay to American Samoa and other nonforeign territories and possessions of the U.S. where no COLA rate applied. OPM phased in locality pay over a 3-year period beginning in January 2010. Under the law, COLA rates issued under 5 CFR 591 were frozen on October 28, 2009, the date of enactment. As locality pay increased under the Act, payable COLA rates were reduced as specified in [CPM Memorandum 2010-23](#), Retained Rate Adjustments in Nonforeign Areas. Consequently, covered employees may have received both locality pay and a reduced COLA for a number of years.

B. Nonforeign Post Differential. Nonforeign post differential is payable under 5 U.S.C. § 5941(a)(2), if conditions of the duty station's environment differ substantially from the conditions of the environment in the continental U.S. and warrant an allowance as a recruitment incentive. Nonforeign post differentials are designed to attract persons from outside the nonforeign area to work for the Federal Government in the post differential area. Rates and locations are available on the OPM, Pay and Leave, Nonforeign Areas website. Agencies must make these payments to all eligible civilian employees in the area whose basic pay is fixed by statute. Generally, allowances and differentials are not paid during periods an employee does not receive basic pay. The pay of FWS employees is based on the wages paid in the locality and is not covered under this section.

C. Processing Nonforeign COLA and Nonforeign Post Differentials

1. Limitation. Extra pay from an allowance or a differential, or both, may not exceed 25 percent of the employee's rate of basic pay. In areas where OPM has authorized both a nonforeign COLA and a nonforeign post differential, the employee receives the full COLA and a partial post differential so as not to exceed the 25 percent of the employee's hourly rate of basic pay. See 5 CFR 591.238.

2. Computation. Employees receive nonforeign COLA and nonforeign post differential as a percentage of the employee's hourly rate of basic pay, including a retained rate of pay under [5 U.S.C. §§ 3594\(c\)](#) or [5363](#), for those hours during which the employee receives basic pay. This includes all periods of paid leave, detail, or travel status outside COLA or nonforeign post-differential area. See OPM, Pay and Leave, Nonforeign Areas website for rates.

3. Taxation. Nonforeign COLA is not included in gross income for OASDI and/or Medicare, federal, or state income tax withholding. Nonforeign post differential is included in gross income for OASDI and/or Medicare, federal, state, and local income tax withholding. See Table 4-2 of Chapter 4.

4. Treatment for the Purposes of Overtime and Other Entitlements. Nonforeign COLA and nonforeign post differential may not be included as part of an employee's rate of basic pay for the purpose of computing entitlements to overtime pay, retirement, TSP, FEGLI or any other additional pay. See 5 CFR 591.239. The allowance or differential is included in an employee's regular rate of pay for computing overtime pay for FLSA nonexempt employees. See 5 CFR 591.239. The allowance or differential is included in the computation of lump-sum leave payments if the employee's official duty station is in the nonforeign area when he or she becomes eligible for a lump-sum payment under 5 CFR 550.1203. See 5 CFR 550.1205(b)(8).

0305 OTHER PAY, DIFFERENTIALS, AND ALLOWANCES

030501. Physicians' Comparability Allowance

A. Eligible federal physicians who enter into service agreements with their agencies may be authorized a physician comparability allowance. See 5 CFR 595 and [5 U.S.C. § 5948](#). The allowances are paid only for certain categories of physicians that are the subject of recruitment and retention problems for the agency. The allowance is fixed at the minimum amounts necessary. Unless otherwise provided in the agreement, if the physician fails to complete at least 1 year of service, either voluntarily or because of misconduct, the physician must refund of the total amount received (unless the head of the agency determines that the failure was beyond the control of the physician). If the physician completes more than 1 year of service, but fails to complete the full period of service specified in the agreement, the physician must refund the amount of allowance he or she received under the agreement for the 26 weeks of service immediately preceding the termination (or longer if specified in the service agreement).

B. The amount received must not exceed:

1. \$14,000 per annum if, at the time the agreement is entered into, the government physician had served as a government physician for 24 months or less; or
2. \$30,000 per annum if the government physician has served as a government physician for more than 24 months. See 5 U.S.C. § 5948(a).

C. A physician may not receive an allowance pursuant to this section if the physician:

1. Is employed less than 20 hours per week or on an intermittent basis,
2. Is employed in an internship or residency training position,
3. Is a reemployed annuitant, or
4. Is fulfilling a scholarship obligation to the U.S. Government.

D. Any allowance paid under this section is not considered basic pay for the purposes of 5 U.S.C. §§ 5551 (lump-sum leave payments), [5552](#) (lump-sum leave on entering active duty), and [5595](#) (severance pay), 5 U.S.C., Chapters 81 (compensation for work injuries), and [87](#) (FEGLI), or other benefits related to basic pay. See also 5 U.S.C. § 5948(h)(1). However, this allowance is included as basic pay for computing Civil Service Retirement System (CSRS), Federal Employees Retirement System (FERS) and TSP contribution amounts, and for computing disability retirement benefits and survivor benefits for death-in-service. See OPM Benefits Administration Letter [\(BAL\) 04-102](#).

E. Any allowance under this section for a government physician is paid in the same manner and at the same time as the physician's basic pay is paid. This allowance is subject to retirement and TSP deductions. This allowance is subject to OASDI and/or Medicare, federal, state, and local income tax withholding. The allowance is subject to the aggregate limitation on pay discussed in subparagraph 030203.B.

030502. Supervisory Differential

A. The authority to approve payment of supervisory differentials under [5 U.S.C. § 5755](#) and 5 CFR 575, Subpart D is delegated through, and subject to, the authority of the head of the DoD Component and the Component chain of command to the official(s) who exercises personnel-appointing authority (normally, the head of an installation or activity). Only the Secretary or Deputy Secretary of Defense may approve a supervisory differential for an individual appointed to a Schedule C position, as defined by [5 CFR 213](#). The DoDI 1400.25, [V575](#) contains additional detailed guidance on the supervisory differential entitlement. The agency authorizes payment of a supervisory differential to a GS employee who has supervisory responsibility for one or more non-GS employees. The differential [may be authorized](#) if one or

more of the subordinate civilian employees would be paid more than the supervisory employee in the absence of such a differential.

B. The servicing HRO will provide a dollar amount equal to the value of the authorized percentage by submission of SF 50 data. The servicing PRO calculates the supervisory differential as a percentage of the supervisor's rate of basic pay. The servicing PRO pays the supervisory differential in the same manner and at the same time as basic pay. The supervisory differential is not considered part of basic pay for any purpose, including retirement, FEGLI, or TSP. This differential is subject to OASDI and/or Medicare, federal, state, and local income tax withholding. The supervisory differential is subject to the aggregate limitation on pay discussed in subparagraph 030203.B.

030503. Remote Site Allowance

The remote site allowance is paid to an employee who is assigned to duty, except temporary duty, at a site so remote from the nearest established community or suitable place of residence as to require an appreciable degree of expense, hardship, and inconvenience in commuting. Such hardships and inconveniences must extend beyond those normally encountered in metropolitan commuting. When so assigned, the employee is entitled to an allowance not to exceed \$10 per day, in addition to pay otherwise due to the employee. See [5 U.S.C. § 5942](#) and 5 CFR 591, Subpart C.

030504. Uniform Allowance

Defense agency employees required by law or regulation to wear uniforms during the performance of official duties may be reimbursed a uniform allowance in accordance with the rates posted in the DoDI 1400.25, [V591](#). The agency's authorized management official must approve the payment of a uniform allowance. Uniform allowances are not considered wages.

030505. Qualified Transportation Fringe Benefits

A. [Title 5, U.S.C. § 7905](#) authorizes federal agencies to offer transportation fringe benefits to employees in accordance with [26 CFR 1.132-9](#). Pursuant to [26 U.S.C. § 132](#), qualified transportation fringe benefits provided to employees, including transit passes, qualified parking, and transportation in commuter highway vehicles, is not included in gross income for federal tax purposes. The [DoDI 1000.27](#) implemented the Mass Transportation Benefit Program (MTBP) on October 28, 2008, for eligible DoD employees. The MTBP provides benefits for qualified means of transportation, such as commuter bus or train, subway or light rail, ferry or vanpool. A DoD employee who receives subsidized parking is not eligible to participate in the MTBP. Each DoD Component implements policy and procedures in accordance with the MTBP. Agencies may offer qualified federal employees transit-pass-transportation fringe benefits in the National Capital Region as described in [Executive Order 13150](#). See 26 U.S.C. § 132 (f).

B. Each year, the Internal Revenue Service (IRS) sets limits on the amount that may be excluded from an employee's taxable wages each month for the total value of qualified transportation fringe benefits. See [IRS Publication 15-B](#), Employer's Tax Guide to Fringe

Benefits. Amounts within the monthly limit are not considered wages and therefore, are paid through the servicing commercial accounts office. If the value of the benefit for any month is in excess of the qualified published limits, the amount over the limit is includible as gross income and is subject to OASDI and/or Medicare, federal, state, and local income tax withholding. The value of the benefit is not subject to retirement, FEGLI, or TSP deductions. See Chapter 9 for reporting information.

*030506. Government-Provided Home-to-Work Transportation

A. [Title 26, CFR, section 1.61-21](#) provides detailed rules for determining the employer-provided home-to-work benefit that is reported on an eligible employee's Form W-2, Wage and Tax Statement. The [DoD 4500.36-R](#) requires the OUSD Comptroller, in coordination with the OUSD P&R, provide annual guidance concerning the valuation methods for home-to-work transportation. Employers are responsible for determining the value of the employer-provided benefit and reporting it to the Defense Finance and Accounting Service (DFAS) for the employee's Form W-2. The benefit is subject to OASDI and/or Medicare, federal, state, and local income tax withholding. The benefit is not subject to retirement, FEGLI, or TSP deductions.

* B. DoD employing activities will not report on a calendar year basis. Rather, they will report for the 12-month period from November 1 through October 31. The value of the benefits received in November and December will be considered paid in the next year as authorized by the IRS Publication 15-B.

030507. Foreign Language Proficiency Pay (FLPP)

Under [10 U.S.C. § 1596](#) and [1596a](#), the Secretary of Defense is authorized to pay FLPP to eligible DoD employees who are performing intelligence or non-intelligence duties requiring proficiency in foreign languages. FLPP is not considered basic pay for any purpose and does not count toward retirement, TSP, FEGLI or any other benefit related to basic pay. FLPP is not pay for the purposes of lump-sum payments for leave under 5 U.S.C. §§ 5551 or 5552. FLPP is considered a discretionary, continuing payment for calculation of the aggregate limitation on pay. See information regarding aggregate limitation on pay in subparagraph 030203.B. FLPP is not to be paid if the employee is in a LWOP or other unpaid status in excess of 10 consecutive work days, or in an extended paid absence in excess of 30 consecutive work days.

A. [FLPP for Intelligence Interests Under 10 U.S.C. § 1596](#). The annual rate of special pay under 10 U.S.C. § 1596 is determined by the Secretary of Defense. FLPP may be paid in addition to pay under 10 U.S.C. § 1602. See the [DoDI 1400.25, V2016](#). The Secretary of Defense has the authority to pay special pay to an employee of DoD who:

1. Has been certified as being proficient in a foreign language identified by the Secretary of Defense as being a language in which proficiency by civilian personnel of the DoD is important for the effective collection, production, or dissemination of foreign intelligence information; and

2. Is serving in a position, or is subject to assignment to a position, in which proficiency in that language facilitates performance of officially assigned intelligence or intelligence-related duties.

B. FLPP for Non-intelligence Interests Under 10 U.S.C. § 1596a. Special pay for an employee under 10 U.S.C. § 1596a may be prescribed by the Secretary of Defense, but may not exceed 5 percent of the employee's pay. Special pay under 10 U.S.C. § 1596a is in addition to any other pay or allowances to which the employee is entitled. See [the DoDI 1400.25, V2016](#). Pursuant to 10 U.S.C. § 1596a the Secretary of Defense has the authority to pay special pay to a DoD employee who:

1. Has been certified by the Secretary of Defense to be proficient in a foreign language identified by the Secretary of Defense as being a language in which proficiency by civilian personnel of the DoD is necessary because of national security interests,

2. Is assigned duties requiring proficiency in that foreign language, and

3. Is not receiving special pay under 5 U.S.C. § 1596.

030508. Market Pay

A. Purpose. Under [10 U.S.C. § 1599c](#), each physician and dentist covered by [the DoDI 1400.25, V543](#), is eligible for market pay in lieu of locality pay. Market pay is an element of annual pay (base pay rate plus market pay) intended to reflect the recruitment and retention needs for the specialty or assignment of a particular DoD physician or dentist.

B. Payment Determinations. A compensation panel must make a recommendation to an authorized management official regarding the appropriate market pay amounts for individual physicians and dentists according to guidelines established by the Health Professions Civilian Compensation Standing Committee (HPCCSC). Market pay is based on criteria such as level of experience, need for medical specialty practice, the healthcare labor market, board certifications, and personal accomplishments. See [the DoDI 1400.25, V543](#).

1. The authorized management official determines the amount of market pay for the physician or dentist, which may require additional approval of the HPCCSC. Once set, market pay for an individual may not be reduced unless the physician or dentist changes assignment. The compensation panel must review the market pay of each physician or dentist upon changes in assignment and not less than once every 24 months.

2. The agency must approve market pay for newly appointed physicians or dentists within 30 days following their appointment; all payments are retroactive to the effective date of the appointment.

C. Limitations. Physicians or dentists who receive market pay are not eligible for the physicians' comparability allowance under paragraph 030501, or premium pay (such as overtime, night pay, compensatory time off) under paragraph 030301. A physician or dentist

receiving market pay may not receive grade or pay retention under [5 U.S.C., Chapter 53](#). The sum of all payments paid to the physician or dentist including base pay, but excluding market pay, is subject to the Executive Level I annual limitation. The sum of all payments subject to the Executive Level I annual limitation and market pay cannot exceed the annual salary of the President, excluding expenses. Pay over the annual salary of the President is forfeited and is not deferred until the next calendar year.

030509. Reservist Differential

A. Purpose. Under [5 U.S.C. § 5538](#), effective March 15, 2009, federal agencies are required to make reservist differential payments to eligible federal civilian employees who are members of the Reserve or National Guard called or ordered to active duty under certain specified provisions of law. A reservist differential is payable to an employee during a qualifying period in the amount of basic pay which would have been payable had they not been called or ordered to active duty in the uniformed service. Additional information on this topic is provided in OPM's [Reservist Differential](#), Agency Implementation Guidance and OPM [Frequently Asked Questions](#).

B. Payment. Reservist differential is payable when an eligible employee's projected civilian basic pay for a covered pay period exceeds actual military pay and allowances allocable to that pay period. See 5 U.S.C. § 5538. Payments are made from the same appropriation that is used when the employee is in a pay status. Reservist differential is considered due no later than 8 weeks after the normal scheduled civilian pay date, unless the necessary information is not received 4 weeks prior to that date. Reservist differential is not considered as basic pay for any purposes; it is a supplemental payment based on a comparison of projected civilian basic pay and military pay and allowances. Payments are not subject to OASDI, and/or Medicare tax withholding for periods of active duty of more than 30 days. However, reservist differential is subject to:

1. Federal tax (must appear in box 1 of the Form W-2), and
2. OASDI and/or Medicare tax withholding for periods of active duty 30 days or less.

C. Leave and LWOP. An employee receiving reservist differential is still considered to be on LWOP unless on paid leave or paid time off (including military leave). An employee may not receive reservist differential for a period for which the employee receives basic pay for time worked, the use of any type paid leave, or other paid time off.

0306 RECRUITMENT, RELOCATION, AND RETENTION INCENTIVES

Recruitment, relocation, and retention incentives are compensation flexibilities available to help federal agencies recruit and retain employees. See 5 U.S.C. §§ 5753 and 5754 and 5 CFR part 575, Subparts A, B, and C.

030601. Recruitment Incentive

A. Purpose. Payment of recruitment incentives is authorized by [5 U.S.C. § 5753](#) and 5 CFR 575, Subpart A. An agency may pay a recruitment incentive to an eligible newly appointed employee, under the conditions specified in the regulations, provided the agency has determined that the employee's position is likely to be difficult to fill in the absence of an incentive. The total amount of recruitment incentive payments paid to an employee in a service period may not exceed 25 percent of the annual rate of basic pay of the employee at the beginning of the service period multiplied by the number of years (including fractions of a year) in the service period, not to exceed 4 years. The OPM may waive the 25 percent limitation based on critical agency need. The agency must document the justification for paying a recruitment incentive.

B. Service Agreement. Before a recruitment incentive may be paid, the employee must sign a written agreement to serve a specified period of employment with the agency. The service period may not be less than 6 months or more than 4 years. See 5 CFR 575.110.

C. Payment Options. The agency authorizes and establishes payment options. See 5 CFR 575.109. An agency may pay the recruitment incentive by any of the following methods, or combination thereof, as specified in the service agreement:

1. An initial lump-sum payment at the commencement of the service period, or before the start of the service period once the employee has signed the agreement;
2. Installment payments throughout the service period; or
3. A lump-sum payment upon completion of the full service period.

D. Payment of Recruitment Incentive. Recruitment incentives are not considered part of the employee's basic pay for any reason.

1. An incentive may only be paid to an employee who has received a written offer of employment and signed a written service agreement.
2. The recruitment incentive is subject to OASDI and/or Medicare, federal, state, and local income tax withholding. This incentive is not subject to retirement, FEGLI, or TSP.
3. The recruitment incentive is included in the aggregate limitation on pay as discussed at subparagraph 030203.B. See 5 CFR 530, Subpart B.
4. The incentive will be included with regular salary payments and separately identified on the LES.

E. Termination of a Service Agreement. An agency must notify an employee in writing when it terminates the service agreement. The employee may not grieve or appeal the termination of a service agreement.

1. Mandatory Termination. A demotion or separation for cause, or a less than “Fully Successful” or equivalent rating terminates the service agreement. An employee who fails to complete the period of service for these reasons, or otherwise fails to fulfill the terms of the agreement, must repay any portion of the incentive attributable to uncompleted service. The servicing PRO prorates the full amount of the authorized recruitment incentive across the length of the service period to determine the amount attributable to completed and uncompleted service. The PRO must recover the amount owed by the employee in accordance with provisions established by debt collection regulations. See Volume 16. The servicing HRO must notify the servicing PRO of the recruitment incentive repayment/debt via SF 50 data.

2. Discretionary Termination. An authorized management official may terminate the agreement based solely on management needs, such as reduction in force or insufficient funds. An employee who does not fulfill a service agreement due to a termination based on management needs is entitled to all incentive payments already received.

F. Documentation and Recordkeeping. The servicing HRO must document each recruitment incentive via information derived from an SF 50.

030602. Relocation Incentive

A. Purpose. Payment of relocation incentives is authorized by 5 U.S.C. § 5753 and 5 CFR 575, Subpart B. An agency may pay a relocation incentive to a current eligible employee who must relocate, without a break in service, to accept a position in a different geographic area that is likely to be difficult to fill in the absence of an incentive. See 5 CFR 575.205(b). The total amount of relocation incentive payments paid to an employee in a service period may not exceed 25 percent of the annual rate of basic pay of the employee at the beginning of the service period multiplied by the number of years (including fractions of a year) in the service period, not to exceed 4 years. OPM may waive the 25 percent limitation based on critical agency need. Agencies must document the justification for paying a relocation incentive.

B. Service Agreement. Before a relocation incentive may be paid, the employee must sign a written agreement to serve a specified period of employment with the agency. The service period may not be more than 4 years. See 5 CFR 575.210.

C. Group Relocation Incentives. An authorized management official may make a determination to approve group relocation incentives rather than on a case-by-case basis. The determination is appropriate if a group of employees is subject to a mobility agreement and relocation incentives are necessary to ensure continuation of operations, or when a major organization unit is relocating to a new duty station and the incentive will ensure continued operations of that unit without disruption. The group incentive is supported by written determinations that specifies the group and the period of time during which the authorization is valid.

D. Payment Options. The agency authorizes and establishes the payment options for relocation incentives. See 5 CFR 575.209. An agency may pay the relocation incentive by any of the following methods as specified in the service agreement:

1. An initial lump-sum payment at the commencement of the service period, or before the start of the service period once the employee has signed the agreement;
2. Installment payments throughout the service period; or
3. A lump-sum payment upon completion of the full service period.

E. Payment of Relocation Incentive. The relocation incentive must not be considered a part of the employee's basic pay for any reason.

1. The relocation incentive is subject to OASDI and/or Medicare and federal, state, and local income tax withholding. This incentive is not subject to retirement, FEGLI, or TSP.

2. The relocation incentive is included in the aggregate limitation on pay as discussed at subparagraph 030203.B. See 5 CFR 530, Subpart B.

3. The incentive will be included with regular salary payments and separately identified on the LES.

4. The agency will not pay the incentive until the employee establishes a residence in the new geographic location.

F. Termination of a Service Agreement. An agency must notify an employee in writing when it terminates the service agreement for the relocation incentive. The employee may not grieve or appeal the termination of a service agreement.

1. Mandatory Termination. If the employee is demoted for cause, separates for cause, or the employee receives a less than "Fully Successful" or equivalent rating, the service agreement will terminate. An employee who fails to complete the period of service for these reasons, or otherwise fails to fulfill the terms of the agreement, must reimburse DoD for the amount of all benefits received under the agreement that is in excess of the amount attributable to completed service. The servicing PRO must prorate the full amount of the authorized relocation incentive across the length of the service period to determine the amount of the relocation incentive attributable to completed service and uncompleted service. The servicing PRO must recover the amount owed by the employee in accordance with agency debt collection regulations. See Volume 16. The servicing HRO must notify the servicing PRO of the relocation incentive repayment/debt via SF 50 data.

2. Discretionary Termination. An authorized management official may terminate the agreement based solely on management needs, such as reduction in force or

insufficient funds. An employee who does not fulfill a service agreement due to the termination based on management needs is entitled to all incentive payments already received.

G. Documentation and Recordkeeping. The servicing HRO must document each relocation incentive via an SF 50.

030603. Retention Incentive

A. Purpose. [Title 5, U.S.C. § 5754](#) and 5 CFR 575, Subpart C authorizes a payment of retention incentives. An agency may offer a retention incentive of up to 25 percent of basic pay to a current eligible employee who has unusually high or unique qualifications or when the agency has a special need for the employee's services making it essential to retain the employee. See 5 CFR 575.305. The OPM may waive the 25 percent limitation based on critical agency need. Agencies must document justification for paying retention incentives.

B. Service Agreement. The employee must sign a written agreement to serve a specified period of employment with the agency before a retention incentive is paid. However, a service agreement is required for biweekly installment payments only when the incentive is granted under special provisions by the DoD or the employee receives a reduced percentage for each installment made prior to the final payment.

C. Group Retention Incentives. An authorized management official may make a determination to approve group retention incentives rather than on a case-by-case basis. The determination is appropriate if a group of employees has unusually high or unique qualifications or the group's services make it essential to retain the employees in that group. Additionally, there must be a high risk that a significant number of the employees in the group would be likely to leave federal service without the retention incentive. Unless the OPM authorizes a higher rate, group retention incentives may be up to 10 percent of an employee's rate of basic pay. Agencies may not pay group retention incentives to employees in SL, ST, or Executive Schedule positions or other employees with approved recruitment incentives from the OPM.

D. Payment Options. Title 5, U.S.C. § 5754 and 5 CFR 575.309 set out payment options for retention incentives. Agencies may not pay retention incentives as an initial lump-sum payment at the start of a service period or as an installment paid in advance. An agency may pay retention incentives using the following methods as specified in the service agreement:

1. Installments after the completion of specified periods of service, or
2. A single lump-sum payment after completion of the full service period.

E. Payment of Retention Incentive. Retention incentives are not considered a part of the employee's basic pay for any purpose.

1. The retention incentive is subject to OASDI and/or Medicare and federal, state and local income tax withholding. This incentive is not subject to retirement, FEGLI or TSP.

2. The retention incentive is included in the aggregate limitation on pay as discussed at subparagraph 030203.B. See 5 CFR 530, Subpart B.

3. The incentive will be included with regular salary payments and separately identified on the LES.

F. Termination of a Service Agreement

1. Mandatory Termination. If an employee is demoted for cause, separates for cause, or the employee receives a less than “Fully Successful” or equivalent rating, the service agreement will terminate. An employee who fails to complete the period of service for these reasons, or otherwise fails to fulfill the terms of the agreement, must reimburse DoD for the amount of all benefits received under the agreement that are in excess of the amount attributable to completed service. The employee is entitled to retain any retention incentive payments attributable to completed service and is entitled to receive any portion of a retention incentive payment owed by the agency for completed service. The amount owed by the employee must be recovered in accordance with agency debt collection regulations. See Volume 16, Chapter 3. The servicing HRO must notify the servicing PRO of the retention incentive repayment/debt via SF 50 data.

2. Discretionary Termination. An authorized management official may terminate the agreement based solely on management needs, such as reduction in force or insufficient funds. An employee who does not fulfill a service agreement due to a termination based on management needs is entitled to all incentive payments already received.

3. Decisions to Terminate. Employees may not grieve or appeal decisions to terminate the service agreement.

G. Documentation and Recordkeeping. The servicing HRO documents each retention incentive via an SF 50.

*030604. DoD Student Loan Repayment Program

A. Purpose. [Title 5, U.S.C. § 5379](#) and [5 CFR 537](#) authorizes the establishment of student loan repayment programs for the purpose of recruiting and retaining highly qualified personnel. An agency may pay a maximum of \$10,000 per employee for any one calendar year, and \$60,000 in aggregate for any one employee. See the [DoDI 1400.25, V537](#).

B. Service Agreement. The minimum service agreement is three years. Employees who fail to complete the period of service specified in the service agreement must reimburse the DoD for the amount of all benefits received under the existing agreement unless:

1. The employee is involuntary separated for reasons other than misconduct or performance;

2. The employee leaves voluntarily to enter into service in another agency outside of DoD, and reimbursement of DoD is not specified in the employee's service agreement; or

3. An authorized loan-approving official determines that recovery would be against equity and good conscience, or against the public interest, and waives, in whole or in part, the DoD's right to recover.

C. Payment Options. The servicing PRO remits the student loan repayment directly to the lender under the terms, limitations, and conditions of the written service agreement. The incentive is paid in either lump sum, periodic, or in biweekly installments, and is in addition to basic pay or any other form of compensation payable to the employee.

D. Student Loan Repayment Program Payments. Student Loan Repayment Program payments are not considered a part of the employee's basic pay for any purpose.

1. The Student Loan Repayment Program payment is subject to OASDI and/or Medicare and federal, state and local income tax. The Student Loan Repayment Program payment is not subject to retirement, FEGLI or TSP. See Section II of the April 13, 2001, Chief Human Capital Officers Council Memorandum, Student Loan Repayment.

2. The Student Loan Repayment Program payment is not included in the aggregate limitation on pay as discussed at subparagraph 030203.B. The aggregate limitation on pay applies to direct payments made to the employee, whereas student loan payments are paid to the loan holder on behalf of the employee. See the OPM Fact Sheet, Student Loan Repayment.

3. The DoD is not responsible for any late fees or penalties assessed by loan holders before, during, or subsequent to the student loan repayment agreement.

E. Documentation and Recordkeeping. The servicing HRO documents each retention incentive via an SF 50. The servicing HRO must transmit the SF 50 and a copy of the service agreement to the servicing PRO to begin payments.

0307 LUMP-SUM LEAVE PAYMENTS

030701. Lump-Sum Payments for Annual Leave

Lump-sum payments for unused annual leave are generally payable when an employee separates from federal service, dies, transfers to a position not under a leave system under 5 U.S.C. Chapter 63, Subchapter I, or enters active duty in the Armed Forces. See 5 U.S.C. §§ 5551, 5552, 6306 and 5 CFR 550, Subpart L.

030702. Lump-Sum Payable

Lump-sum payments for accumulated and accrued annual leave are paid as follows:

A. Payment to Separated Employees. An employee, as defined by [5 U.S.C. § 2105](#), who separates or retires from federal service is paid in a lump-sum for all unused annual leave through the last full pay period before separation. If the employee is separated or has a break in service (from one agency to another) and is reemployed in a position before a lump-sum is paid, then payment is made for the days the employee was not in the federal service (less withholding tax). The remainder of the annual leave is transferred to the gaining agency.

B. Payment to Certain Other Employees. An employee is entitled to a lump-sum payment for accumulated and accrued annual leave when he or she:

1. Transfers to a position not under a leave system to which annual leave may be transferred;

2. Moves to a position as an intermittent employee with no established regular tour of duty or to a position as a temporary employee engaged in construction work at hourly rates;

3. Enters active duty in the Armed Forces, provided the employee does not elect to retain the annual leave to his or her credit. See 5 U.S.C. § 5552. However, leave previously restored under [5 U.S.C. § 6304\(d\)](#) must be liquidated by lump-sum payment when the employee enters active duty. The agency may not re-credit the previously restored leave when the employee returns to federal service. See 5 U.S.C. § 6304(d)(2); or

4. Transfers to a public international organization, provided the employee does not elect to retain the annual leave to his or her credit. See [5 U.S.C. § 3582](#). However, leave previously restored under 5 U.S.C. § 6304(d) must be liquidated by lump-sum payment when an employee transfers to the public international organization. The agency may not re-credit the previously restored leave under these circumstances. Additionally, only employees who the agency reemploys within 6 months after the transfer are required to refund the lump-sum payment.

C. Payment to Beneficiary. The balance of the annual leave of a deceased employee must be paid in a lump-sum to his or her designated beneficiary. If an employee has not designated a beneficiary, a lump-sum is paid in the established order of precedence under 5 U.S.C. § 5582(b).

030703. Lump-Sum Not Payable

The servicing PRO may not make a lump-sum payment to an employee for accumulated annual leave when he or she is:

- A. An employee transferring to another federal position to which annual leave is transferable without a break in service of one workday or more;
- B. A DoD or non-appropriated fund employee who moves without a break in service of more than 3 days to an appropriated fund position within DoD. See [5 U.S.C. § 6308\(b\)](#);
- C. A student trainee placed in an intermittent status between full-time tours of duty when no separation actually takes place;
- D. An employee who transfers to the government of Washington D.C. or the U.S. Postal Service;
- E. An employee employed in more than one part-time position who separates from one of the part-time positions. The former employing agency must transfer the accumulated and accrued leave to the current agency if the positions are in different agencies. If the positions are in the same agency, credit the accumulated and accrued leave to the employee's current leave account in the current position; or
- F. An employee who elects to retain his or her leave upon accepting a Presidential appointment. See [5 U.S.C. 3392\(c\)](#).

030704. Computation of Lump-Sum Payment

A. General. The servicing PRO calculates the lump-sum payment for annual leave, including restored and reinstated annual leave, and includes all pay changes the employee would have received had he or she remained in a duty status throughout the projected leave period. See the OPM Leave Administration Fact Sheet on [Lump-Sum Payments](#) for Annual Leave and 5 U.S.C. § 5551. Holidays count as workdays in projecting the lump-sum leave period. For example, an employee whose retained pay is scheduled to terminate during the projected leave period should have the lump-sum leave payment computed based on the pay received at the time of separation for the period covered by the retained rate, with the remainder computed at the scheduled reduced rate. An employee is entitled to an adjustment in the lump-sum leave payment when a statutory change in pay becomes effective on a date that occurs during the projected leave period. Pay included in a lump-sum payment is as follows:

1. Rate of basic pay;
2. Locality pay or other geographic adjustment;
3. Within-grade increases (if waiting period met on date of separation);
4. Across-the-board annual pay adjustments;
5. AUO pay, availability pay, and standby duty pay;

6. Night shift differential (FWS employees only, see 5 U.S.C. § 5343(f));
7. Regularly scheduled overtime pay under FLSA for employees on uncommon tours of duty;
8. Supervisory differentials;
9. Nonforeign area COLAs and post differentials; and
10. Foreign area post allowances.

B. FWS Employees. The lump-sum payment for an FWS employee is adjusted if the separation occurs after the issue date of a wage schedule or after a wage survey was ordered, but before the effective date of the wage increase, as follows:

1. When an FWS employee separates before the effective date of a wage increase and his or her accrued annual leave extends beyond the effective date, the employee is entitled to have his or her lump-sum annual leave payment paid at the higher rate for the leave that extends beyond the effective date of the increase.

2. When an FWS employee separates after a wage survey is ordered, but before the date of the order granting the wage increase is issued, the employee is entitled to have the lump-sum annual leave payment paid at the higher rate for the leave that extends beyond the effective date of the increase. The order that grants the new wage rate must be issued before the effective date set by [5 U.S.C. § 5344\(b\)\(1\) and \(2\)](#).

C. Projecting the Leave. Lump-sum payments must equal the pay an employee would have received had he or she remained in federal service and used this leave. Non-workdays, except holidays, do not count against the leave when projecting the period for payment of lump-sum leave. The period covered by a lump-sum leave payment is not counted as federal civilian service. See [5 U.S.C. § 6103](#) and 5 CFR 550.1204.

D. Reemployed Annuitants. The lump-sum payment for reemployed annuitants upon separation from the service is based on the full pay rate without any reduction by the amount of the annuity. See 5 CFR 550.1203

E. Temporary Promotions. If the temporary promotion is not terminated prior to, or as of, the employee's separation date, the lump-sum leave will be paid at the rate of the temporary promotion through the not to exceed date. After that time, the rate will revert to the employee's permanent rate of pay.

F. Payment. DFAS pays lump-sum leave at the end of the pay period in which it receives the separation transaction. Thus, lump-sum leave may or may not be included with any regular pay earned, depending on when DFAS receives the separation transaction. DFAS identifies payments separately, allowing for taxation of the lump-sum leave at a flat 25 percent for

federal withholding, except when the employee's exemptions claimed on the Form W-4, Employee's Withholding Certificate, exceed the regular pay. In the latter situation, the lump-sum leave and the regular pay for the pay period are combined and the taxes will be computed as if the total were a single payment. Lump-sum annual leave payments are not subject to deductions for FEHB, FERS, FEGLI or TSP. Payments are subject to offset for debts owed to the United States. See 5 CFR 550.1205.

030705. Refunds

When an employee receives a lump-sum leave payment, and subsequently returns to the federal service in a position subject to a formal leave system, the employee is required to refund the unexpired portion of the period covered by the lump-sum leave payment. The refund amount is equal to the payment covering the period between the date of reemployment and the expiration of the lump-sum period. This refund is required because all such unexpired leave is subject to re-credit even though transfer to a different leave system is involved. Re-credit of leave will be determined subject to the following subparagraphs.

A. Regular Annual Leave

1. If reemployment is in the same leave year, any part of the refund (which is for a period of leave in excess of the employee's formerly established leave ceiling for the year) is subject to the regular procedures regarding forfeiture or possible restoration at the end of the leave year. The servicing PRO may pay excess leave in another lump-sum payment if another separation occurs before the end of the leave year.

2. If reemployment is in a subsequent leave year, and any part of the refund is for a period exceeding the leave ceiling (e.g., 240 hours for stateside and 360 for overseas), a refund will be required of the unexpired portion. However, only a maximum of the leave ceiling hours may be credited to the regular leave account and any hours in excess of the leave ceiling are considered forfeited, unless it can clearly be established that the excess would have become restored in a separate account if the separation had not occurred.

B. Restored Annual Leave. A period of restored leave under 5 U.S.C. § 6304(d) is not subject to refund if the agency reemploys the employee prior to the expiration of the lump-sum leave period. The servicing PRO subtracts such leave from the lump-sum leave period before calculating the refund. If the employee is reemployed, the agency will not credit restored annual leave to an employee prior to the expiration date of the lump-sum leave period.

030706. Payment for Restored Leave for Base Realignment and Closure (BRAC)

Title 5, U.S.C. § 5551 requires payment of restored annual leave under 5 U.S.C. § 6304(d)(3) in certain situations. A lump-sum payment must be made to any DoD employee moving to a position in any non-DoD federal agency or to any position within DoD that is not located at an installation being closed or realigned under 5 U.S.C. § 6304(d)(3). The servicing HRO must notify the servicing PRO via SF 50 data when the employee is no longer authorized the

restored leave under this authority. The lump-sum payment calculation is the rate of pay at the time of the separation or transfer to the non-BRAC installation.

0308 SEVERANCE

030801. Qualifications

An employee who qualifies under 5 U.S.C. § 5595 is entitled to severance pay in regular pay period intervals and amounts equal to that paid immediately before separation. Title 5, U.S.C. § 5595(i) allows for the heads of DoD Components to authorize payment of severance pay in a lump-sum rather than on a biweekly basis for separations taking effect before October 1, 2018. An employee separated within a pay period rather than at the end of the pay period receives an initial payment of severance pay for the remainder of that pay period. Severance pay for employees with variable work schedules or rates of basic pay are computed using the average rate of basic pay for the last position held during the 26 biweekly pay periods immediately preceding separation. See 5 CFR 550.707(b).

030802. Payments

A. Severance Payments. Authorized severance payments are paid based on the information processed on an SF 50. Severance payments for employees are subject to appropriate withholding for income and OASDI/Medicare taxes. See 5 CFR 550.709(b).

B. Severance Payments Upon Death of Employee. If an employee dies prior to the end of the period covered by severance pay, then the severance pay will continue to be paid as if the employee were still living (5 U.S.C. § 5595(e)), and must be paid to the employee's beneficiary in accordance with 5 U.S.C. § 5582(b). Appropriate withholding will be made for OASDI and/or Medicare and federal, state, and local income taxes. Payments made to beneficiaries are not subject to federal tax withholding requirements. However, if a beneficiary receives payment in the year in which the employee dies, the payment is subject to the withholding of OASDI and/or Medicare taxes.

C. Debt Collection and Garnishment. Collection of indebtedness from an employee's severance pay is permissible under [31 U.S.C. § 3716](#). These payments are subject to collection for any outstanding debts owed to the Government. Additionally, under 5 CFR 581.103, severance pay is subject to court-ordered garnishments for alimony, child support, and commercial debts. Court-ordered garnishments are cancelled upon the death of the employee.

030803. Withholding Tax Reporting

Severance pay is taxable in the year that the employee receives the pay. This amount is included on the employee's Form W-2 and appropriate government and state taxes are withheld. If an employee dies, the servicing PRO must report any severance pay paid to the beneficiaries on Form 1099-MISC.

030804. Termination of Severance Pay

If an agency reemploys a former employee in federal service, severance pay is discontinued. Discontinuation of payments is effective on the date of reemployment. The losing agency must report the total of amounts paid to the gaining activity or agency. The agency uses this information to determine future entitlement to severance pay since total severance pay during an employee's lifetime cannot exceed one year's pay at the rate received immediately before separation. See 5 U.S.C. § 5595(c).

0309 ADVANCED PAY

*030901. Foreign Post Assignment Advances

Advances of pay for DoD civilian employees proceeding to or arriving at a post of assignment in a foreign area are authorized, when applicable. An advance of pay is a prepayment made available to an employee in a pay status. [Upon the assignment of an employee to a post in a foreign area](#), an employee may be authorized a single, lump-sum pay advance of up to 3 months of base pay. The purpose of advances is to finance unusual employee expenses associated with overseas assignments and to aid foreign assignment recruitment and retention. Such expenses may include transportation, storage of household goods, shipping costs, deposits on living quarters overseas, and purchase of household items. See [5 U.S.C. § 5927](#) and [the DoDI 1400.25, V1250](#). For additional information pertaining to advances of LQA and TQSA, see subparagraphs 030402.A.

A. Eligibility. For purposes of this section, a DoD civilian employee is defined as a full-time DoD employee who is a U.S. citizen paid from appropriated, revolving, or trust funds. New hires that are in a pay status and traveling to a foreign area on travel orders are also included.

B. Foreign Areas. A foreign area is an area located outside the U.S., exclusive of the Commonwealth of Puerto Rico, territories of the U.S., and other areas designated by the Secretary of State.

C. Payment Procedures. Advances of pay for overseas transfers will be paid only by the disbursing officer (or the disbursing officer's overseas agent) who supports the servicing PRO servicing the overseas area, or Outside the Continental U.S. from a disbursing officer who is a deputy to the Continental U.S. office. Payment may be included in the next regular biweekly pay or made in a single lump-sum. An employee may request an advance of pay 3 weeks before the estimated departure date for an assignment to a foreign duty post or up to 2 months after arrival. The employee must request an advance on the SF 1190 for employees proceeding to or arriving at a post of assignment in a foreign area. The form serves as the request, authorization, and voucher document.

D. HRO Duties. The HRO responsible for the employee must verify the eligibility for an advance by confirming the travel orders and the appropriate pay grade and step at the foreign post. If the HRO does not provide confirmation of the foreign pay grade or step, the

servicing PRO may use the current gross pay at the time of the advance. The HRO counsels each employee eligible for an advance concerning authorized purposes of the advance, repayment requirements, anticipated expenses at the foreign assignment, and application procedures.

030902. Advance Payments to Evacuees

Guidance on advance payments for DoD civilians ordered to evacuate can be found in [5 U.S.C. § 5522](#), 5 CFR 550.403, and 5 CFR 550.404. For more information concerning emergency evacuation, see Chapter 6.

030903. Collection of Advance Payments

A. Repayment is collected by payroll deduction over a maximum of 26 pay periods. Deductions must begin the first pay period after receipt of the advance or following arrival at the foreign post, whichever is later. The losing agency must forward a copy of the SF 1190 to the gaining PRO for collection.

B. Partial or lump-sum repayments, in addition to payroll deductions, may be accepted.

C. When an employee separates or transfers, the outstanding balance is due in full. Advances of pay are recoverable from the employee or the employee's estate by deduction from accrued pay, amount of retirement credit, other amounts due the employee from the Government, or by other methods as provided by [5 U.S.C. § 5514](#), 31 U.S.C. § 3716, and corresponding regulations.

D. The Defense Debt and Claims Management Office, DFAS Indianapolis Center, may waive, in certain cases, the Government's right of recovery of an erroneous pay advance in accordance with the requirements in the [DoDI 1340.23](#), Waiver Procedures for Debts Resulting from Erroneous Pay and Allowances and [5 U.S.C. § 5584](#).

030904. Other Requirements or Conditions for Advances

A. An employee is authorized only one outstanding advance at a time, regardless of the frequency of [assignments to a foreign area](#). If an employee becomes eligible for a second advance, the employee must liquidate the first advance before the employee requests the first payment of the second advance.

B. More than one member of a household may be eligible for an advance.

C. Allotments and assignments of advances are not authorized.

D. Advances are paid to employees of another federal agency on a reimbursable basis provided there is an agreement between the other agency and DFAS to make similar payments to DoD employees.

E. Submission of statements and documents from the employee establishing the need for, and the use of, an advance may be required.

F. Management must develop controls to ensure only authorized employees obtain an advance and that complete accountability procedures exist for the disbursement and collection of pay advances. Accounting records must include current, accurate, and complete records of obligations, receivables, and collections.

030905. Additional Advance Payments

Agencies may authorize an additional advance payment when circumstances warrant and the employee has not received the full amount of the maximum possible advance consistent with the employee's pay grade. Examples of exceptional circumstances warranting a second payment include: a substantial understatement of the maximum advance authorized, inadequate or inappropriate counseling on the purpose of the advance, and unforeseeable events leading to a significant increase in the cash outlay requirements of an employee at the foreign assignment location.

030906. Advances in Pay for Newly Hired Employees

The head of an agency has the authority to provide for the advance payment of basic pay to an employee who is newly appointed to a position in the agency. See 5 CFR 550.203. The authority to advance pay is delegated to officials who exercise personnel-appointing authority (normally the head of an installation or activity). This authority is delegated through and subject to the authority of the DoD Component heads to be used on a case-by-case basis. See [the DoDI 1400.25, V550](#).

030907. Advances in Pay for Employees Relocating Within the United States or its Territories

Section 1134 of the [2017 National Defense Authorization Act](#) allows the head of an agency to authorize on a case-by-case basis, an advance of pay covering no more than 4 pay periods to employees relocating within the United States and/or its territories to a location outside the employee's current commuting area. See [5 U.S.C. § 5524a](#). The employee must repay the advance through payroll deductions over a maximum of 14 pay periods, although partial or lump-sum payments may be accepted. If the employee accepts employment with another organization, including one within DoD or another federal agency, or if the employee is terminated, the entire balance will be due in full. See 5 CFR 550.205. Any remaining balance of an advance of pay will be recovered through the debt collection process outlined in Volume 16, Chapter 3.

0310 SPECIAL PAYMENTS

Special salary payments (e.g., beneficiary payments, employees erroneously omitted from the payroll) are made in accordance with Chapter 8.

0311 AWARDS

*031101. General

[Title 5, U.S.C., Chapter 45](#) is the legal basis for the government wide incentive awards program for civilian employees. OPM regulations regarding agency award programs are published at [5 CFR Part 451](#). The DoDI 1400.25, [V451](#) prescribes award policies governing the award program for DoD civilian employees.

A. Incentive Awards. The DoDI 1400.25 delegates to the heads of the DoD Components the authority to pay cash awards, grant time off as an award, and incur the necessary expense for the honorary recognition of an employee (either as an individual or as a member of a group) based on:

1. Suggestions, inventions, superior accomplishments, productivity gains, or other personal efforts that contribute to the efficiency, economy, or other improvements of Government operations;
2. A special act or service in the public interest in connection with or related to official employment; or
3. Performance as reflected in the employee's most recent record of rating.

B. Time Off as an Incentive Award. Authorized by [5 U.S.C. § 4502\(e\)](#), a time off award may be granted in lieu of cash. See 5 CFR 451.101-451.107 and the DoDI 1400.25, V451.

*
1. An employee must use the time off granted as an incentive award within 1 year from the effective date. Supervisors and employees are responsible for scheduling the use of this leave within 1 year. If an employee does not use the time off award within the one-year timeframe, the employee will forfeit the incentive leave. There is no provision for restoring time off awards. [For time off awards given from March 19, 2019 through September 30, 2020, the 1 year time limit to use a time off award is lifted. An employee must use a time off award given from this time frame prior to using any time off award given after September 30, 2020. See DCPAS Memorandum, Removal of Expiration Date for Certain Time Off Awards.](#)

2. Provisions should be made to accommodate employees who are on long-term training, extended sick leave, called to active duty, or similar situations so that the employee does not forfeit his or her time off award. Agencies may approve sick leave if an employee is unable to perform duty during a period of time off.

3. The maximum amount of time off granted to any one individual for a single achievement should not exceed 40 hours. The maximum amount of time off granted to any one individual within one leave year should not exceed 80 hours. Agencies may grant part-time employees or those with uncommon tours of duty a maximum of one-half the average number

of hours in their biweekly tour of duty for a single achievement. The maximum amount of time off which can be granted to part-time employees and employees with uncommon tours of duty during any one leave year is the average number of hours of work in the employee's biweekly scheduled tour of duty.

4. A time off award cannot be transferred between DoD Components or outside of the DoD. Managers and supervisors should make every effort to ensure that the employee is able to use the time off award before he or she leaves the granting Component. DoD Components may establish procedures to accommodate the transfer of time off awards within their respective Components. Time off awards cannot be converted to a cash award under any circumstances. Unused time off awards will be lost when an employee separates or transfers to another agency or component. See 5 CFR 451.104(f) and DoD 1400.25, V451.

5. Awards are processed on an SF 50 and issued by the servicing HRO to the servicing PRO as authorization for payment of cash awards or granting of time off awards. The award is paid to the employees in the same manner as their net pay. Incentive award payments are not distributed to the worksite.

6. Time off awards must be posted to the employee's record and reduced when the time off is taken and/or forfeited. Usage of a time off award by an employee reported prior to the receipt of notification of the award must be reflected as a negative balance in the civilian payroll system. If the servicing HRO does not post a time off award to the employee's record within two pay periods of a negative balance being reflected in the civilian payroll system, then the employee's use of a time off award will be assumed to be a time and attendance error.

C. Foreign Language Awards. An agency may pay a cash award, up to five percent of basic pay, to any law enforcement officer employed in or under such agency that possesses and makes substantial use of one or more foreign languages in the performance of official duties. Additional information is in 5 U.S.C., Chapter 45, Subchapter III.

D. Presidential Rank Awards for SES Employees. The President may award the rank of Distinguished Executive and Meritorious Executive Service to an SES career appointee in accordance with the guidance in [5 U.S.C. § 4507](#) and 5 CFR 451.301. To be eligible for a rank award, an SES must:

1. Hold a career appointment as defined by 5 U.S.C. § 3132(a)(4);
 2. Be an employee of the agency, as defined at 5 U.S.C. § 3132(a)(1);
- and
3. Have at least three years of career or career-type federal civilian service at the SES level.

E. Presidential Rank Awards for Senior Career Employees. The President may award the rank of Distinguished Senior Professional and Meritorious Senior Professional to a

senior career employee as set forth in 5 U.S.C. § 4507 and 5 CFR 451.302. To be eligible for a rank award, a senior career employee must:

1. Hold a career appointment in a SL or ST position as defined by 5 CFR 319, Subpart A and paid under 5 U.S.C. § 5376 on the nomination deadline;
2. Be employed by the agency on the nomination deadline; and
3. Have at least three years of career or career-type federal civilian service above a GS-15 level.

F. Referral Bonus Awards. A referral bonus award was established for agency heads to authorize award payments to employees, as defined by 5 U.S.C. § 2105, for referring new employees who are subsequently selected and employed in hard-to-fill positions in accordance with [5 U.S.C. § 4503](#) and 5 CFR 451. Referral bonus awards are granted at management's discretion and are not considered an entitlement.

031102. Payment of Awards

A. Cash Awards. Cash award payments are subject to the withholding provisions of federal, state, and local income tax laws. The payroll system will deduct 22 percent federal tax automatically on special earnings of this nature. See [IRS Publication 15](#), Employer's Tax Guide. The servicing PRO computes the applicable state and local tax and OASDI and/or Medicare withholding based on tax information in the employee's current master record. The servicing PRO will not withhold state and local taxes for employees assigned to overseas duty locations unless requested by the employee.

B. Payment of Awards to Separated Employees. The agency must reestablish the employee on the payroll using the last known information on the employee's master account record for applicable deductions and mailing address.

C. Reporting Awards. Cash award payments must be included on an employee's LES as well as the Form W-2.

*REFERENCES

CHAPTER 3- PAYROLL ADMINISTRATION

0301 – GENERAL

0302 – GENERAL PROVISIONS ON PAY

030201.A	Title 5, U.S.C. 5 CFR 530 5 CFR 531 5 CFR 532 5 CFR 534 5 CFR 550 5 CFR 551 5 CFR 575 5 CFR 581 5 CFR 591 5 CFR 595 5 CFR 610 5 CFR 630
030203.A.1	5 CFR 550.103 5 U.S.C. § 5304 5 U.S.C. § 5305 5 U.S.C. § 5547(a) 5 CFR 550.105 OPM Pay and Leave
030203.A.1.c	5 U.S.C. § 5547
030203.A.1.d	32 U.S.C. § 709(h)
030203.A.2	5 U.S.C. § 5547(b) 5 CFR 550.106-550.107
030203.A.2.a	5 U.S.C. § 5545(c)(1)
030203.A.2.b	5 U.S.C. § 5545(c)(2)
030203.A.2.c	5 U.S.C. § 5545(a)
030203.A.2.d	5 U.S.C. § 5545(b)
030203.A.2.e	5 U.S.C. § 5550
030203.A.3	5 U.S.C. § 5547(b) 5 CFR 550.106
030203.A.4.a	5 U.S.C. § 5547 3 U.S.C. § 104
030203.A.4.b(1)	P.L. 109-13
030203.A.4.b(2)	P.L. 109-163
030203.A.4.b(3)	P.L. 109-364
030203.A.4.b(4)	P.L. 110-181
030203.A.4.b(5)	P.L. 110-417
030203.A.4.b(6)	P.L. 111-84

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030203.A.4.b(7)	P.L. 111-383
030203.A.4.b(8)	P.L. 112-81
030203.A.4.b(9)	P.L. 112-239
030203.A.4.b(10)	P.L. 113-66
030203.A.4.b(11)	P.L. 113-291
030203.A.4.b(12)	P.L. 114-92
030203.A.4.b(13)	P.L. 114-328
030203.A.4.b(14)	P.L. 115-91
030203.A.4.b(15)	P.L. 115-232
030203.A.4.b(16)	P.L. 116-92
030203.B.1	FEPCA of 1990 5 CFR 530, Subpart B 5 U.S.C. § 5383(h) 5 U.S.C. § 5307
030203.B.2	5 CFR 550.202
030203.B.3	5 CFR 530.204 5 U.S.C. § 5582 5 CFR 530.204
030203.B.4	5 CFR 530.203(d) and (e) 5 CFR 530.204
030203.B.4.a	5 CFR 550.202
030204	5 U.S.C. § 5533(a)
030205.A	5 CFR 531.203
030205.B	OPM Salary Table
030205.C.1	5 U.S.C. § 5504
030205.C.4	5 U.S.C. § 5505
030205.D	61 Federal Register 3539
030205.E	5 CFR 531.204 5 CFR, Subpart F 5 U.S.C. § 5304
030205.F	5 CFR 531, Subpart F 5 U.S.C. § 5304
030206.A	PMRS Termination Act of 1993 OPM Performance Reference Materials, Instructions: How to Comply with P.L. 103.89
030207.A	5 U.S.C. § 3132(a)(2) 5 CFR 317 5 U.S.C. § 5108
030207.B	5 U.S.C. § 5382 5 CFR 534.403 5 U.S.C. § 5376
030208.A	5 U.S.C. § 5108 5 CFR 319.102

REFERENCES (Continued)

030208.B	5 U.S.C. § 5376 5 CFR 534, Subpart E
030209.A	5 U.S.C. § 5304 5 U.S.C. § 3104 5 CFR 319.103
030209.B	5 U.S.C. § 5376 5 CFR 534, Subpart E
030210.A	5 U.S.C. § 5311 5 U.S.C. §§ 5312 to 5316
030211.A	5 U.S.C. § 5342 OPM Fact Sheet, FWS Overview
030212	5 CFR 532 OPM Pay and Leave, Pay Administration, Fact Sheet: Pay Plans

0303- PREMIUM PAY

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030302	5 U.S.C. § 5542
030302.A.1	5 CFR Subpart A 5 CFR 340.403
030302.B.1	29 U.S.C. § 207 5 CFR 551, Subpart E 5 CFR 551.511 5 CFR 551.512
030302.B.1.a	5 U.S.C. §§ 6122-6126 5 U.S.C. § 6126(6)
030302.B.2	FEPCA, section 210 5 CFR 551 5 CFR 550 5 U.S.C., Chapter 55, Subchapter V
030302.B.3	5 U.S.C. § 5544(a) 5 U.S.C. § 5542 5 U.S.C. § 5545(c)(1)

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030302.D	5 U.S.C. § 5541
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030302.E.1	5 U.S.C. § 5543
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030302.E.2.a	5 CFR 550.106(c)
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030303.D.2	5 CFR 532.505(e)
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030304.B	5 U.S.C. § 6128
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030305	5 U.S.C. § 5546
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030305.D	5 CFR 532.507
030305.E	5 U.S.C. § 5542
030305.F	5 CFR 410.402
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	5 CFR 550.141 – 550.144
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	5 U.S.C. § 5304
030307.B	5 U.S.C. § 5545(c)(2)
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030308.B.1	5 U.S.C. § 5343(c)(4)
	5 CFR 532.511
	Appropriated Fund Operating Manual, Appendix J, Federal Wage System
030308.B.2	5 CFR 532.511

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	DoDI 1400.25, V1250
030401.B	5 U.S.C. § 5941
	5 CFR 591
030402.A	5 U.S.C. § 5923(a)(1) and (2)
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030402.A.1	DSSR, Chapter 100 sections 124.1 and 132.41
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030402.A.2.e	DSSR, Chapter 100, section 124.1
030402.B	DSSR, Chapter 200
	5 U.S.C. § 5924
030402.B.1	DSSR, Chapter 200, section 220
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030402.B.3	DSSR, Chapter 200, section 250
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030402.B.4	DSSR, Chapter 200, section 260
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030403.A.1	5 U.S.C. § 5941
030403.A.2	5 U.S.C. § 5941(a)(1) 5 U.S.C. § 5304 5 CFR 591.205 5 CFR 591 CPM Memorandum 2010-23, Retained Adjustments in Nonforeign Areas
030403.B	5 U.S.C. § 5941(a)(2)
030403.C.1	5 CFR 591.238
030403.C.2	5 U.S.C. § 3594(c) 5 U.S.C. § 5363
030403.C.4	5 CFR 591.239 5 CFR 550.1203 5 CFR 550.1205(b)(8)

0305 – OTHER PAY, DIFFERENTIALS, AND ALLOWANCES

030501.A	5 CFR 595
	5 U.S.C. § 5948
030501.B.2	5 U.S.C. § 5948(a)
030501.D	5 U.S.C. §5551 5 U.S.C. §5552 5 U.S.C. §5595 5 U.S.C., Chapter 81 5 U.S.C., Chapter 87 5 U.S.C. § 5948(h)(1)

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030506.A	26 CFR 1.61-21 DoD 4500.36-R
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030509.A	5 U.S.C. § 5538 OPM's Reservist Differential OPM Frequently Asked Questions
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030601.D.3	5 CFR 530, Subpart B
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030602.E.2	5 CFR 530, Subpart B
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	5 CFR 537
	DoDI, 1400.25, V. 537
030604.D.1	April 13, 2001, Chief Human Capital Officers Council Memorandum, Student Loan Repayment
030604.D.2	OPM Fact Sheet, Student Loan Repayment

0307 – LUMP SUM LEAVE PAYMENTS

030701	5 U.S.C., Chapter 63, Subchapter I
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030702.A	5 U.S.C. § 2105
030702.B.3	5 U.S.C. § 5552
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030702.B.4	5 U.S.C. § 3582
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030702.C	5 U.S.C. § 5582(b)
030703.B	5 U.S.C. § 6308(b)
030703.F	5 U.S.C. § 3392(c)
030704.A	OPM Leave Administration Fact Sheet on Lump Sum Payments for Annual Leave
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030704.A.6	5 U.S.C. § 5343(f)
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030802.B	5 U.S.C. § 5595(e)
	5 U.S.C. § 5582(b)
030802.C	31 U.S.C. § 3716
	5 CFR 581.103
030804	5 U.S.C. § 5595(c)

0309 - ADVANCED PAY

030901	5 U.S.C. § 5927
	DoDI 1400.25, V1250
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	5 CFR 550.403
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030903.C	5 U.S.C. § 5514
	31 U.S.C. § 3716
030903.D	DoDI 1340.23
	5 U.S.C. § 5584
030906	5 CFR 550.203
	DoDI 1400.25, V550
030907	2017 NDAA, Section 1134
	5 U.S.C. § 5524a
	5 CFR 550.205

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	5 CFR Part 451
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031102.A	IRS Publication 15

VOLUME 8, CHAPTER 4: “MANDATORY DEDUCTIONS”**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (*) preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue and underlined font](#).

The previous version dated [March 2018](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with current administrative instruction.	Revision
All	Revised information for clarity.	Revision
040504	Removed references to Department of Defense (DD) Form 592, Payroll for Personal Services Certification and Summary.	Deletion
040506	Deleted noted historical information on “Panama Social Security System” since it remains in archives.	Deletion
0406	Revised section to include provisions made by the Tax Cuts and Jobs Act of 2017 and redesigned Internal Revenue Service Form W-4, Employee’s Withholding Certificate, for Calendar Year (CY) 2020.	Revision
040701	Renamed paragraph from “General” to “Withholding Authority.”	Revision
040702	Renamed paragraph from “Procedures” to “Civilian Payroll Office (PRO) Responsibilities.” Removed references to DD Form 592.	Revision
040802	Renamed paragraph from “Procedures” to “PRO Responsibilities.”	Revision
Table 4-4	Updated for CY 2019 and 2020.	Revision

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CHAPTER 4

MANDATORY DEDUCTIONS

0401 GENERAL

040101. Overview

This chapter sets out policy and requirements pertaining to mandatory payroll deductions the Department of Defense (DoD) must make from a DoD employee's pay. It contains established policies, defines responsibilities, and prescribes direction in support of processing mandatory deductions.

040102. Purpose

This chapter provides guidance regarding mandatory payroll deductions as they apply to an employee's gross pay.

040103. Authoritative Guidance

Each section of this chapter references specific statutes, regulations and other guidance [applicable to that](#) section.

0402 MANDATORY DEDUCTIONS

040201. General

Mandatory payroll deductions are those deductions required by law, regulation, or by court order and include [federal or state income tax](#), Old Age, Survivors and Disability Insurance (OASDI), Medicare, and child support. Voluntary deductions are at the employee's request and require written authorization from the employee prior to withholding the deduction. Voluntary deductions include health and life insurance premiums, flexible spending account program contributions, and Thrift Savings Plan (TSP) contributions. See Chapter 11 for information on voluntary deductions and allotments.

040202. Mandatory Deductions

Mandatory payroll deductions withheld from a DoD employee's pay must [include](#):

- A. Sufficient information to establish the deduction;
- B. Adequate [documentation](#) and [certification](#);
- C. [Payment](#) to the appropriate recipient [for](#) the correct amount; and
- D. A provision of law or court order, [which supports the deduction](#).

040203. Deduction Authorizations

The Defense Finance and Accounting Service (DFAS) must retain deduction authorizations in the Civilian Payroll Office (PRO) or at a designated storage site in accordance with [General Records Schedule 2](#).

0403 ORDER OF PRECEDENCE

040301. Deductions

The Office of Personnel Management (OPM) issued policy guidance to standardize the order of precedence for processing mandatory and voluntary deductions when gross pay is not sufficient to permit all deductions. See OPM Memorandum; "[PPM-2008-01](#), Order of Precedence When Gross Pay Is Not Sufficient To Permit All Deductions" (July 30, 2008).

A. When Gross Pay is Not Sufficient. If a DoD employee's gross pay is not sufficient to permit all required deductions, the order of precedence under which deductions must be withheld [according to the order of precedence](#) as indicated in Table 4-1.

B. Priority of Deductions vs. Net Pay Exclusions. The order of precedence determines which authorized deductions apply first in the event that the employee's gross pay is not sufficient to cover all deductions. This issue is separate from determining the net amount of an employee's pay subject to a particular deduction. Pay applied toward certain other deductions may be excluded in determining the net amount of pay for which a given deduction is made; however, that does not necessarily mean that any of the other deductions listed are applied first. For example:

1. Federal income tax [withholdings](#) are deducted from the net amount of pay subject to federal income taxes (taxable pay). An employee's deduction for TSP contributions is pre-tax, meaning the contribution is excluded from the net amount of taxable pay. However, the TSP deduction is lower in the order of precedence than federal income taxes.

2. Court-ordered alimony payments are deducted from the net amount of pay subject to garnishment (garnishable pay). An employee's TSP deduction is excluded from the net amount of garnishable pay. See Title 5, Code of Federal Regulations (CFR), [section 581.105\(e\)](#). However, the TSP deduction is lower in the order of precedence than the alimony garnishment.

040302. Available Pay

An employee's available gross pay is reduced by the amount of each deduction withheld in the specific order of precedence listed in paragraph 040301. After an authorized deduction is withheld, if an employee's remaining pay is not sufficient to allow for the deduction next in the order of precedence to be withheld in its entirety, the following applies:

A. Mandatory Deduction. If the deduction next in the order of precedence is a mandatory deduction, the PRO will use the remaining available pay to make a partial deduction. When this situation occurs, the employee's net pay is zero.

B. Voluntary Deduction. If the deduction next in the order of precedence is a voluntary deduction, the PRO will not make the next voluntary deduction or any other deductions thereafter. The employee's remaining available pay is paid to the employee as net pay.

0404 RETIREMENT DEDUCTIONS

040401. Civil Service Retirement System (CSRS), CSRS-Offset, and Federal Employees Retirement System (FERS) Administration and Recordkeeping

A. General. The OPM's CSRS and FERS Handbook for Personnel and Payroll Offices guidance is necessary for the PRO to report:

1. The withholding of mandatory deductions from employees enrolled in the CSRS; and

2. The withholding of mandatory deductions under FERS. Employees hired after January 1, 1987 are under the FERS program. Employees hired during calendar year (CY) 2013 are FERS Revised Annuity Employees (FERS-RAE). For more information, see Title 5, United States Code (U.S.C.), section 8401 (37). Employees hired on or after January 1, 2014, are FERS Further Revised Annuity Employees (FERS-FRAE). See also 5 U.S.C. § 8401 (38).

B. Phased Retirement. Employees eligible for phased retirement work a part-time schedule while beginning to draw CSRS or FERS retirement benefits. During phased employment, retirement deductions for CSRS or FERS will continue to be withheld from pay the employee receives from the employing agency. The deductions are made at the normal rates and are based on the pay the employee actually receives during phased employment, not on the amount the employee would have received had the employee continued to work full-time. See 5 U.S.C. § 8336a, 5 CFR Part 848, the Chief Human Capital Officers Council's Phased Retirement Guidance, the OPM's Phased Retirement, and Chapter 10 for additional information.

C. Coverage. For employees subject to retirement deductions, the Standard Form (SF) 50, Notification of Personnel Action, will reflect the correct retirement system for each employee. See Table 4-2 for pay subject to retirement deductions. For current deduction rates and employer contributions, refer to the CSRS and FERS Handbook and the OPM Benefits Administration Letter (BAL) 15-303.

D. PRO Responsibilities for Retirement Deductions. The PRO must fulfill the responsibilities relating to CSRS, CSRS-Offset and FERS retirement contributions listed in the CSRS and FERS Handbook, Chapter 1, section 1C3.1-D.

E. Communication With OPM. Forward records of separated employees to:

1. Office of Personnel Management
CSRS Retirement Records
P.O. Box 45
Boyers, PA 16017
2. Office of Personnel Management
FERS Retirement Records
P.O. Box 200
Boyers, PA 16017

F. Maintaining the Individual Retirement Record (IRR) SF 2806/3100

1. General. The PRO maintains an IRR for each employee subject to CSRS, CSRS-Offset, or FERS, according to the CSRS and FERS Handbook, [Chapter 81](#), part 81A2. Since the OPM uses the IRR to adjudicate the retirement rights of separated employees or their survivors, it is important that each IRR is complete, accurate, clearly detailed, and properly certified. Timely and accurate maintenance of each IRR expedites closeout when an employee separates or transfers to the paying jurisdiction of another agency.

2. Required Information. Certain information is required on the IRR for all employees. There are additional requirements for law enforcement officers, firefighters, foreign nationals, customs officers, and employees who have any periods of active duty service. Data should be taken from the SF 50 and posted to the IRR as it occurs. The OPM's Operating Manual, [The Guide to Data Standards](#), includes the standard abbreviations and remarks required for completing the IRR. Examples of how to post the service history are located in the CSRS and FERS Handbook, Chapter 81, section 81A2.2-2. Each IRR should be reviewed to ensure complete service history and that all dates and types of appointments are accurately reflected for each period of service.

a. Sick Leave. When an employee dies, retires, converts to FERS with a CSRS annuity component, has an uncommon tour of duty, or applies for disability retirement, the amount of unused sick leave must be recorded on the IRR. An employee who has had a break-in-service is entitled to a recredit of sick leave (without regard to the date of his or her separation) if he or she returns to federal employment on or after December 2, 1994. However, sick leave is not recredited to employees who were reemployed in the federal service before December 2, 1994, and who previously forfeited sick leave under the former rules. See 5 CFR [630.502\(b\)](#). For examples, see the CSRS and FERS Handbook, Chapter 81, section 81A2.3-1.

b. Health Benefits Data. All IRRs sent to the OPM for regular retirement, disability retirement, or deceased employees must be annotated with the status of health benefits. See examples in the CSRS and FERS Handbook, Chapter 81, subchapter 81B.

c. Federal Employees Group Life Insurance (FEGLI). FEGLI must be shown on the IRR as specified in the CSRS and FERS Handbook. For further information, see the [FEGLI Program Handbook](#).

d. Additional Reportable Items for Separations, Removals, or Resignations. All IRRs sent to the OPM regarding a separation, removal, or resignation must include the following employee's information: Last Day of Pay, Unused Sick Leave, Federal Employees Health Benefits plan code, Federal Employees Group Life Insurance enrollment code, and Service Computation Date. For further information, see BAL [15-102](#).

3. Closing Out the IRR. For information on the closing out, certification and forwarding to the OPM of an IRR upon an employee's separation, see the CSRS and FERS Handbook, Chapter 81, section 81A2.2-4.

a. Employee Death. When the PRO receives notification of an employee's death, the PRO must send the IRR to the OPM within 5 days of the date that final pay is computed. The OPM must receive the deceased employee's records and associated applications within 30 days from the date of death. For information on retirement deductions and matching agency contributions in final pay, see the CSRS and FERS Handbook, [Chapter 80](#).

b. Separation and Application for Refund of Retirement. A refund is the lump-sum payment (to a former employee or an employee no longer covered by CSRS or FERS) for the amount of his or her retirement contributions. An individual seeking a refund must meet eligibility requirements. The PRO is responsible for sending the employee's IRR to the OPM with the employee's refund application [SF 2802](#), Application for Refund of Retirement Deductions CSRS; or [SF 3106](#), Application for Refund of Retirement Deductions FERS. See the CSRS and FERS Handbook, [Chapter 32](#), subchapters 32A (CSRS) and 32B (FERS). A refund payment may include any of the following:

(1) Retirement contributions deducted from basic pay, including CSRS-Offset contributions for employees covered under CSRS-Offset, or FERS basic annuity deductions from pay;

(2) Deposits and/or redeposits;

(3) Military service credit deposits;

(4) Voluntary contributions; or

(5) Interest payable under law.

c. Disability Retirement Separations. Disability cases require different close out procedures due to the approval or denial of the application submitted by the employee for disability retirement. Agencies must execute both a preliminary and final IRR. See the CSRS and FERS Handbook, [Chapter 60](#) for Disability Retirements. See the CSRS and FERS Handbook, Chapter 81, section 81A.2.3-2 for examples on closing out a disability retirement IRR.

d. Non-disability Retirement Separations. When a separation occurs for reasons other than a disability retirement, the PRO must close out, certify, and forward the IRR to the address in subparagraph 040301.E. Information and examples on the process required to close out an IRR are located in the CSRS and FERS Handbook, Chapter 81, section 81A2.3-1.

e. Service Credit Deposits for Post-1956 Military Service. For the preparation of the IRR for deposits of creditable post-1956 military service, see the CSRS and FERS Handbook, [Chapter 23](#). For additional information, see Chapter 11.

G. Storing, Safeguarding and Disposing of the IRR

1. Any IRRs not maintained in a mechanized manner must be stored in a lockable metal file cabinet or in a secured facility with limited access provided only to employees whose official duties require access. Manually maintained IRRs must be stored electronically (after being manually posted), and kept separately from the record itself, in accordance with the OPM requirements.

2. Retirement claims, life insurance, health benefits, and tax withholdings are permanent records and maintained in either paper or electronic imaged format. Medical records used to determine suitability are maintained for 18 months. Requests for review of health benefits claims should be maintained for up to 3 years.

3. Manual records should be disposed of by shredding.

H. Register of Separations and Transfers (SF 2807/3103)

1. The [SF 2807](#) (CSRS) and [SF 3103](#) (FERS), Register of Separations and Transfers, serve to authenticate the IRR for transmittal to other PROs and to the OPM. In addition to other fiscal and accounting data available to the OPM, the SF 2807/3103 is an essential document for controlling retirement monies. For information on how to prepare and maintain the SF 2807/3103, see the CSRS and FERS Handbook, Chapter 81, part 81A3.

2. More than one IRR may be submitted with an SF 2807/3103. However, transmitting completed retirement records should not be delayed while other IRRs are being prepared for forwarding to the OPM.

I. Adjustments and Corrections. When possible, adjust and correct any errors detected on the IRR before submission to the OPM. If an error is detected after the IRR is sent to the OPM, prepare an [SF 2806-1](#) (CSRS) or [SF 3101](#) (FERS), Notice of Correction of Individual Retirement Record. See the CSRS and FERS Handbook, Chapter 81, section 81A2.3-3.

1. Current Employees

- a. Over-deduction. If an over-deduction occurs for retirement from the pay of a current employee, the PRO must make an adjustment during the next payroll cycle. The PRO must decrease the current retirement deductions from the employee's current pay period earnings, and make a corresponding adjustment in the employer's contributions.

- b. Under-deduction. If an under-deduction occurs, or if deductions were not made for a period when an employee was covered by CSRS or FERS, then that employee must be afforded due process rights before being indebted for the erroneous pay received because of the under-deduction. If deductions were made for a nonappropriated fund (NAF) retirement plan when deductions are required for CSRS or FERS, then the PRO must adjust the NAF retirement deductions and contributions and the Social Security deductions and contributions in the next pay period. These amounts should be offset against the amounts that should have been submitted for CSRS or FERS to determine the net amount that must be withheld from the employee's current period pay.

2. Separated Employees

- a. Over-deduction

- (1) When excess retirement amounts have been deducted from a former employee's pay and the IRR [SF 2806](#) (CSRS) or [SF 3100](#) (FERS) has not yet been forwarded to the OPM, the PRO must correct the amount in the current calendar year and correct the accumulated deductions posted on the SF 2806/3100 prior to forwarding to the OPM.

- (2) If an over-deduction for retirement is found after the SF 2806/3100 was sent to the OPM, the PRO must prepare and submit the SF 2806-1/3101 to the OPM.

- (3) If an over-deduction from a former employee's pay results in excess employer contributions for retirement, the PRO must deduct the amount of the excess from the next pay period's submission of the Retirement and Insurance Transfer System (RITS) file.

- b. Under-deduction

- (1) When an insufficient amount for retirement has been deducted from a former employee's pay and the SF 2806/3100 has not yet been submitted to the OPM, the PRO must note the amount of the deficiency on the SF 2806/3100. If the SF 2806/3100 has been submitted, then another SF 2806/3100 must be prepared and annotated "Supplemental" in the upper left margin.

- (2) When an under-deduction from a former employee's pay results in insufficient employer retirement benefits contributions, the insufficient amount will normally be included in the RITS file for the next pay period.

3. Transferred Employees

a. Over-deduction

(1) When excess retirement amounts have been deducted from a transferred employee's pay and the SF 2806/3100 has not been forwarded to the OPM, the PRO must correct the amount in the current calendar year and correct the total accumulative deductions posted on the SF 2806/3100 prior to forwarding.

(2) If the over-deduction for retirement is found after the SF 2806 was forwarded to another PRO within the DoD, an SF 2806-1 must be prepared and submitted to the gaining PRO.

(3) When an over-deduction from a transferred employee's pay results in excess employer retirement contributions, the PRO must deduct the amount of excess employer contributions from the RITS file for the next pay period.

b. Under-deduction. When an insufficient retirement amount has been deducted from a former employee's pay and the SF 2806 has not yet been forwarded to another PRO within the same Component, the losing PRO must note the amount of under-deductions on the SF 2806. The losing PRO must prepare and forward a supplemental SF 2806 to the gaining PRO, if the SF 2806 was previously submitted.

c. Service History Corrections. The PRO must correct the "Service History" portion of the SF 2806 if the error is detected before the record is sent to another PRO within the same Component. If the error is detected after the record is submitted, the losing PRO must prepare and submit an SF 2806-1 to the gaining PRO.

4. Retroactive Payments

a. The PRO must report CSRS or FERS deductions withheld from a retroactive salary payment for a separated employee by preparing a supplemental SF 2806/3100, and forwarding it to the OPM using an SF 2807/3103.

b. For a current employee, the PRO must include CSRS or FERS deductions withheld from a retroactive salary payment in the current year salary deduction on the SF 2806/3100 being maintained for the employee.

c. A losing PRO must report CSRS or FERS deductions withheld from a retroactive salary payment for an employee transferred to another PRO within the same Component by preparing a supplemental SF 2806/3100. The losing PRO must send the SF 2806 to the gaining PRO using an SF 2807. The losing PRO must send the SF 3100 to the OPM using an SF 3103.

J. Availability of Retirement Funds for Loans, Garnishments, and Indebtedness

1. Loans and Garnishments. See the CSRS and FERS Handbook, [Chapter 5 for Court Orders](#). An employee cannot borrow from the retirement fund or use money credited to his or her account as security for a loan or any other purpose. Additionally, an employee's retirement account is not subject to the execution of levies, attachments, garnishments, or other legal processes except as follows:

a. The OPM will comply with a garnishment or attachment order issued to enforce child support or alimony obligation; and

b. The OPM will comply with the assignment of retirement benefits in a qualifying state court order, decree, or community property settlement agreement in connection with a divorce, annulment of marriage, or legal separation of a federal employee or retiree.

2. Indebtedness. The PRO may request the OPM to use administrative offset to collect a debt owed to the United States by offsetting any money due and payable to a separated employee from his or her CSRS or FERS benefits. See Volume 16, Chapter 3 for guidance on recovering debts from retirement funds. The PRO must ensure the former employee receives due process as specified in Volume 16. See also the CSRS and FERS Handbook, Chapters 4 and 5.

K. Submission of Deductions and Contributions. Employee deductions and employer contributions for CSRS or FERS must be reported separately to the OPM each pay period. The PROs reporting to the OPM via the RITS must report deductions and contributions using procedures described in Chapter 9. Employer contributions must be charged to the appropriation(s) from which the employee's salary is paid. See the CSRS and FERS Handbook, Chapter 80.

040402. State Retirement Programs for National Guard Technicians

Effective January 1, 1969, pursuant to 32 U.S.C. [§ 709](#), all National Guard Technicians appointed in a position not excluded from coverage are considered federal employees who are automatically covered by CSRS or FERS. However, technicians employed on December 31, 1968, had the option of irrevocably electing to remain covered by a state retirement system. The DoD negotiated agreements with states for federal employee contributions to a state or state-sponsored contributory retirement program. For further information, see the CSRS and FERS Handbook, [Chapter 12](#).

040403. DoD Employees Covered by Retirement Systems for Nonappropriated Fund Instrumentalities

A. General. NAF employees are federal employees within DoD. However, NAF employees are not subject to many of the personnel laws administered by the OPM for appropriated fund (APF) employees. The status of NAF employees is explained at 5 U.S.C. [§ 2105\(c\)](#). NAF employee retirement benefits are not subject to the same requirements as that of civil service positions. Each NAF employer administers its own retirement program pursuant

to DoD Instruction (DoDI) 1400.25-[VI408](#), DoD Civilian Personnel Management System, Volume 1408, Insurance and Annuities for NAF Employees.

B. Portability. If a NAF employee moves to an APF position, unless specifically provided by law, the employee's NAF service is not creditable for civil service benefits. Likewise, service in an APF position is not creditable for NAF benefits unless DoD policy provides such credit. Laws and regulations regarding service credit and portability of benefits for employees who move between NAF and APF positions are discussed in this section and in the [Portability of Benefits Reference Guide](#) published by the Defense Civilian Advisory Service. See also 5 CFR [Part 847](#) and 5 CFR Part 1620, [subpart D](#).

C. DoD Components Offering NAF Retirement Plans. The following DoD Components offer NAF retirement plans for eligible DoD NAF employees;

1. Department of the Army,
2. Department of the Air Force,
3. U. S. Marine Corps,
4. Bureau of Naval Personnel,
5. Navy Exchange Service Command, and
6. Army and Air Force Exchange Service.

D. History of Public Laws Relating to Portability of Retirement Benefits for NAF Employees.

1. NAFI Employee's Retirement Credit Act of 1986. [Public Law \(P. L.\) 99-638](#), (5 U.S.C. [§ 8332](#)). The Act was the first to permit CSRS credit for former NAF service. The law required that NAF service be provided in certain morale, welfare, and recreation (MWR) positions after June 18, 1952, and before January 1, 1966. Covered employees were primarily Army NAF employees in recreation, youth activities, or arts and crafts positions which were not covered with a NAF retirement system.

2. The Portability of Benefits for NAF Employees Act of 1990. P. L. 101-508, section 7202, (5 U.S.C. [§ 8332](#)). The law provides pay and benefit portability for employees who move between NAF and APF positions. The law covers moves between DoD NAF and DoD APF positions made on or after January 1, 1987. An employee who moves with a break-in-service of no more than 3 days between such positions may be eligible for pay, leave, reduction-in-force, and retirement benefit protection. An employee who moves between positions may remain in his or her civil service or NAF retirement plan, if vested.

3. Fiscal Year (FY) 1996 National Defense Authorization Act (NDAA). P. L. 104-106, section 1043, (5 U.S.C. [§ 8332](#)). The law further expanded portability, primarily in

the area of retirement coverage. Retirement election provisions were expanded to include moves to APF positions outside of DoD and to cover moves on or after August 10, 1996, with a break-in-service of not more than 1 year. Employees must be vested in the losing employment system's retirement plan in order to elect to retain coverage. The law provided eligible FERS or NAF employees the opportunity to combine FERS and NAF service credit retroactively if the move occurred on or after January 1, 1966, but before August 10, 1996, with an election deadline of August 11, 1997. Waivers of this deadline are authorized for employees who did not receive notice and counseling from their Human Resources Office (HRO).

4. FY 2002 NDAA, P. L. 107-107, sections 1131 and 1132, (5 U.S.C. § 8332). The law further expanded the retirement election opportunity making it easier for employees who have performed service with a DoD or Coast Guard NAFI to continue retirement coverage after moving between NAF and APF positions. Section 1131 permits employees moving between NAF and APF positions on or after December 28, 2001, to continue coverage in the retirement plan under which they were covered immediately before the move, even if they were not vested in that retirement plan. Employee moves between retirement covered positions must not involve a break of more than 1 year. Additionally, section 1132 permits employees in CSRS or FERS to use prior NAF service to qualify for an immediate retirement on or after December 28, 2001. Credit for NAF service under section 1132 will not result in higher CSRS or FERS annuity benefits.

E. Elections to Continue Retirement Coverage After a Qualifying Move From a NAF Position. In accordance with 5 CFR 847.202, NAF employees must meet the requirements of a qualifying move in order to be eligible to retain NAF retirement coverage after moving to a civil position covered by CSRS or FERS. [The criteria requirements for a qualifying move may vary by the date\(s\) of when the move actually occurred.](#)

1. Qualifying Move Between January 1, 1987, and August 9, 1996. A qualifying move occurring between January 1, 1987, and August 9, 1996, that would allow a NAF employee the opportunity to elect to continue retirement coverage under a NAF retirement system must meet all the following criteria:

a. Employee must not have had a prior opportunity to elect to continue NAF retirement system coverage;

b. Employee must have been a vested participant in the NAF retirement system prior to the move to the civil service;

c. Employee must have moved from an NAF to a CSRS or FERS covered position within DoD or the U.S. Coast Guard; and

d. Employee must be appointed to a CSRS or FERS covered position no later than 4 days after separation from retirement covered NAF employment.

2. Qualifying Move Between August 10, 1996, and December 28, 2001. A qualifying move occurring on or after August 10, 1996, and before December 28, 2001, that would

allow a NAF employee an opportunity to elect to continue retirement coverage under a NAF retirement system must meet all the following criteria:

- a. Employee must not have had a prior opportunity to elect to continue NAF retirement system coverage;
- b. Employee must have been a vested participant in the NAF retirement system prior to the move to a CSRS or FERS covered position;
- c. Employee must have moved from a NAF to a civil service position subject to CSRS or FERS coverage; and
- d. Employee must be appointed to a CSRS or FERS covered position no later than 1 year after separation from retirement covered NAF employment.

3. Qualifying Move After December 28, 2001. A qualifying move occurring on or after December 28, 2001, that would allow a NAF employee an opportunity to elect to continue retirement coverage under a NAF retirement system must meet all the following criteria:

- a. Employee must not have had a prior opportunity to elect to continue NAF retirement system coverage;
- b. Employee must have moved from a NAF to a civil service position subject to CSRS or FERS coverage; and
- c. Employee must be appointed to a CSRS or FERS covered position no later than 1 year after separation from retirement covered NAF employment.

F. Electing NAF Retirement System Coverage After a Qualifying Move

1. Employees who elect to retain coverage under a NAF retirement system will have their SF 50 annotated as "5-Other" for the retirement code. The SF 50 will state that the employee has elected to retain coverage under a NAF retirement system.
2. Employees who elect to remain covered by a NAF retirement plan are excluded from coverage under CSRS or FERS during that and all subsequent periods of employment, including periods of service as a reemployed annuitant.
3. Employee retirement deductions, employer contributions, employee contributions to applicable 401(k) plans, and loan repayments will be made biweekly and submitted to the appropriate NAF employee benefit system. Federal Insurance Contribution Act (FICA) contributions must be withheld and reported in accordance with the U.S. Department of the Treasury's current guidance.

4. Employees who elect to retain coverage under a NAF retirement system are eligible to contribute to the applicable NAF 401(k) plan, but are not eligible to participate in TSP.

5. Employees who elect to retain NAF retirement coverage will continue coverage with the NAF retirement plan in effect at the time of election.

040404. Uniformed Services University of the Health Sciences (USUHS) Faculty Retirement

A. The USUHS has established a policy on granting of retirement benefits for faculty and staff covered under the Administratively Determined (AD) pay plan. See 10 U.S.C. [§ 2113](#) and USUHS Instruction 1418, Civilian Faculty Benefits Plan. All full-time civilian faculty members of the USUHS appointed to an AD position with an appointment of more than 1 year may elect coverage under one the following plan options:

1. Teachers Insurance and Annuity Association College Retirement Equities Fund (TIAA-CREF). This is a tax-deferred retirement plan offering both fixed and variable annuity distributions, which allows employees to enroll in a variety of available funds. Remit collected amounts to the following address:

TIAA-CREF
8500 Andrew Carnegie Blvd
Charlotte, NC 28626

Any offline collections are deposited and disbursed from deposit fund –X6875 and remitted to the same address. For additional information, see [TIAA-CREF](#).

2. Fidelity Investments. This is a tax-deferred investment program through which the employee may enroll in a variety of available funds. Remit collected amounts to the following address:

Fidelity Retirement Services
P. O. Box 770002
Cincinnati, OH 45277-0089

B. A total of 15 percent of the employee's total salary will be contributed to either TIAA-CREF or Fidelity Investments. The employer (USUHS) will contribute 10 percent and the employee will contribute a mandatory 5 percent through payroll deduction.

C. Part-time AD employees, visiting employees who carry a J-1 visa, faculty whose titles have the prefix Visiting and Postdoctoral Fellows are not eligible to participate in TIAA-CREF or Fidelity Investments.

0405 FEDERAL INSURANCE CONTRIBUTIONS ACT (FICA) TAX

040501. Authority

The FICA provides for a federal system of OASDI and hospital insurance. See 26 U.S.C. [§ 21](#). The OASDI program is financed by the Social Security tax, and the Hospital Insurance program is financed by the Medicare tax. Wages for covered employment are taxable regardless of the worker's age or whether the worker is receiving Social Security or Medicare benefits. Employers must match the taxes withheld from employee wages. The term FICA applies to the combined amount of the deductions withheld for both Social Security and Medicare. However, each of the taxes is reported separately. For purposes of this guidance, taxes withheld under FICA will be referred to separately as Social Security tax and Medicare tax. The guidance applies to both Social Security and Medicare withholding. For additional information, see the [Social Security Handbook](#).

A. Coverage. Federal employees are generally subject to both Social Security and Medicare tax withholding, but some employees are subject to only Medicare tax. Prior to 1984, most federal civilian employment was exempt from Social Security coverage. However, for federal employees hired on or after January 1, 1984, most services are covered by Social Security. Whether an employee is covered under Social Security is based on the type of appointment and is determined by the HRO and reflected on the SF 50. Federal employees became subject to Medicare withholding the first pay period in CY 1983. See the Social Security Handbook, [section 940](#). Social Security and/or Medicare taxes are withheld on the same wages, but only Social Security taxes have a wage base limit (i.e. the maximum wage amount subject to Social Security tax for the year). The deductions are shown separately on the IRS Form [W-2](#), Wage and Tax Statement. The DoD is considered one employer for purposes of determining the maximum wages subject to Social Security and/or Medicare withholding. Employees who are exempt from the Social Security and/or Medicare withholding are:

1. Noncitizens employed outside the United States, the U.S. Virgin Islands, and Puerto Rico;
2. Interns, (except medical and dental interns and residents), student nurses, and other student employees of federal hospitals (26 U.S.C. [§ 3121\(b\)\(6\)](#));
3. Employees hired temporarily to handle fires, storms, earthquakes, floods, and other similar emergencies and disasters (26 U.S.C. [§ 3121\(b\)\(6\)](#));
4. If a civilian chaplain wants to be covered under Social Security and/or Medicare, he or she must apply as a self-employed person. Social Security and/or Medicare may also cover the chaplain if the order under which the chaplain belongs has elected its members to be covered;
5. Employees of instrumentalities of the U.S. Government that are specifically exempt from Social Security and/or Medicare by law (26 U.S.C. [§ 3112](#)); and

6. Title 32 National Guard technicians in Massachusetts and Nevada who elected to remain in the state employees retirement systems.

B. Transfers Between DoD Components. Beginning January 1, 1984, based on FICA, the OPM directed that all newly hired federal employees be subject to Social Security and Medicare withholding, as well as retirement deductions. If an employee transfers between DoD Components, then the gaining PRO must count those Social Security and/or Medicare taxes already deducted by the losing PRO in order not to exceed the maximum Social Security and/or Medicare tax liability due for that payroll year. When an employee transfers, the PRO must include Social Security and/or Medicare year-to-date wages, and Social Security and/or Medicare year-to-date taxes on the SF 1150, Record of Leave Data.

040502. Compensation Subject to Social Security and/or Medicare Tax

A. Current Earnings and Allowances. For employees covered under FICA, compensation subject to federal income tax (without regard to exemption status) is generally subject to Social Security and Medicare deductions (see Table 4-2). Employees covered under CSRS are subject only to Medicare withholding. The basis for Social Security and/or Medicare tax deductions is the employee's gross pay for each pay period.

B. Back Pay Awards. Employee and employer portions of Social Security and/or Medicare tax computed for back pay awards must be calculated at the rate in effect at the time the payment of back pay is made.

040503. Tax Amounts

Social Security and Medicare tax have different tax rate percentages, and Social Security is subject to a wage base limitation. Therefore, Social Security and/or Medicare tax must be computed and reported separately.

A. Employee Deductions. For each pay period, deduct the appropriate Social Security and/or Medicare tax amount from the gross pay of each employee covered by Social Security and/or Medicare. With respect to the Social Security wage base limit, when the employee's earnings reach the applicable maximum limitation in a taxable year, discontinue the deductions for Social Security for the remainder of that tax year. Refer to the Internal Revenue Service (IRS) Publication 15, Circular E, Employer's Tax Guide, for the yearly update. Maximum limitations for prior years are in Table 4-3 and Table 4-4.

B. Employer's Social Security and/or Medicare Tax. The U.S. Government must pay the employer's contribution equal to the same tax rate used for employees.

C. Official Social Security and Medicare Tax Tables. Tax tables are published in Circular E.

*0406 FEDERAL INCOME TAX WITHHOLDING (FITW)

040601. General

A. Withholding Authority for Federal Income Tax. The Internal Revenue Code at 26 U.S.C. [§ 3402](#) requires each federal agency withhold federal income taxes from wages paid to employees. The current Circular E summarizes the employer's responsibilities and contains rates and tables for withholding. Federal employees are exempt from the tax imposed under the Federal Unemployment Tax Act (FUTA). See 26 U.S.C. [§ 3306](#).

B. Employer's Identification Number (EIN). An EIN is assigned by the appropriate District Director of the IRS to identify the tax accounts of employers. Only one identification number per PRO is authorized for use in reporting all federal and Social Security and/or Medicare taxes. The PRO must collect federal and Social Security and/or Medicare taxes from employee wages and report all taxes using the IRS Form [941](#), Employer's Quarterly Federal Tax Return. For guidance on withholding and reporting federal income tax and Social Security and/or Medicare, consult the current Circular E.

C. Tax Reform. The Tax Cuts and Jobs Act (TCJA) of 2017 ([P.L. 115-97](#)) signed into law on December 22, 2017, amended several provisions of the Internal Revenue Code of 1986. Specifically, the TCJA legislation resulted in the IRS Form [W-4](#), Employee's Withholding Certificate, being redesigned. Previously, the value of a withholding allowance was tied to the value of the personal exemption. The TCJA eliminates personal exemptions claimed by taxpayers for themselves, their spouse, and dependents through CY 2025.

D. Method of Withholding. The two most common methods for withholding tax provided by the IRS are the percentage method and the wage bracket method. Beginning in CY 2020, employers with automated payroll systems are to withhold taxes based on the percentage method. Refer to the IRS [Publication 15-T](#), Federal Income Tax Withholding Methods.

040602. Form W-4, Employee's Withholding Certificate

The IRS Form [W-4](#) was revised for CY 2020. The PRO must use the W-4 to support statutory deductions for federal income taxes from each employee. Therefore, an employee must complete the W-4 and any additional forms required for withholding state or local taxes at the start of employment. If an employee fails to submit the W-4, the PRO must treat the employee as a single filer with a standard deduction and no other adjustments. Once filed, the W-4 remains in effect until the employee amends it or files a new withholding certificate. Employees may obtain the W-4 from their servicing HRO. Employees may also process tax changes through an automated computer program, such as myPay, by using a personal identification code.

A. Additional Withholding. An employee may also specify that a fixed dollar amount is withheld from pay in addition to the amount of required withholdings. The amount of additional withholding remains in effect until changed by the employee.

B. Reporting the W-4 to the IRS.

1. Employers may be directed by a written notice from IRS to send a **specific** W-4 to the IRS for review. If the PRO receives a written notice, then the PRO will obtain a copy of the requested W-4 **and** follow the guidance for submitting the W-4 to the IRS.

2. If the IRS determines that an employee does not have enough withholding, then the IRS may send the PRO a letter commonly called a lock-in-letter. The lock-in-letter will specify **the filing status, multiple job adjustments, and maximum amount of credit or deductions permitted for a specific employee for purposes of calculating the required withholding.** The PRO must furnish a copy of this letter to the employee within 10 business days of receipt of the letter. The PRO will begin the withholding based on the date specified in the letter.

040603. **Withholding** Status Change

If an employee submits a new W-4, the PRO will change the withholding effective the next pay period. Retroactive adjustments **are not permissible, even** if an employee claims the W-4 on file is erroneous and submits a corrected one.

040604. Compensation Subject to Income Tax

See Table 4-2 for taxability of particular types of compensation.

040605. Exemption From Withholding

An employer is not required to deduct and withhold any **federal income tax** from wages paid to an employee who has certified to the employer (as prescribed by IRS) that the employee incurred no income tax liability for the preceding year and that the employee expects no liability for the current year. **A W-4 claiming exemption from withholding is effective when it is given to the employer and only for that calendar year. To continue to be exempt from withholding, an employee must submit a new W-4 by February 15.** If the employee fails to file the W-4 claiming exemption from withholding by February 15, the PRO will **treat the employee as a single filer with no adjustments when** withholding tax. If the employee provides a new W-4 **on** February 16 or later, the PRO will apply it to future wages but will not refund any taxes already withheld.

040606. Retained Copies of Form 941 and Related Reports

As forms become superseded or obsolete, the PRO should remove them from the active file and place in an inactive file. **The Treasury's** forms (e.g., **the** 941 or W-4) do not have to be sent to the IRS District Director. However, if requested, the PRO must show that the information is on file as a supporting record.

040607. Adjustments in Tax Withheld

A. Under-Withheld Taxes. If the PRO does not withhold income, Social Security, or Medicare taxes, or if less than the correct amount is withheld from the employee's

wages, the adjustment to the employee's pay may be made in a later pay period of the same calendar year. The underpayment must be paid to the IRS by the employer. Under-withheld income tax should be recovered from the employee on or before the last day of the calendar year that the tax was due. See Chapter 8 and Circular E for information on collection of a prior year tax debts. Make no adjustment if the error occurred in a prior calendar year or the employee is no longer on the payroll.

B. Refunding Taxes Incorrectly Withheld. If more than the correct amount of income, Social Security, or Medicare tax is withheld from employee's wages, the excess amount must be refunded to the employee before the end of the 3-year statute of limitations that applies to tax refunds. For example, if excess Social Security taxes were withheld from an employee's pay in [CY 2019](#), the excess Social Security taxes could be refunded to the employee through April 15, [2022](#).

040608. Tax Payments - Payment of Withheld Tax

A. Tax Collection. The PRO remits all federal income, Social Security, and Medicare taxes collected by the PRO directly to IRS through the Electronic Federal Tax Payment System (EFTPS). The EFTPS is a service offered by the Treasury that allows an agency to electronically file and make payments for the 941 taxes each quarter.

B. Accounting. The PRO making the tax collection is responsible for preparing and issuing the W-2 to the employee.

C. Disbursement. The disbursing office will disburse all taxes withheld based on the information provided by the PRO and the frequency of the payroll involved. The taxes are remitted for amounts withheld from wages for federal income, Social Security and/or Medicare taxes, and employer's contributions for Social Security and/or Medicare via the EFTPS.

040609. Resident and Nonresident Aliens

A. Withholding Tax. Wages paid to both resident and nonresident aliens for services performed in the United States are subject to the withholding of federal income tax. The same regulations, procedures, and rates that govern U.S. citizens apply to resident and nonresident aliens. Generally, resident aliens are taxed in the same manner as U.S. citizens. However, for nonresident aliens, employers may be instructed to withhold an additional amount from a nonresident alien's wages. See Circular E for any additional withholding adjustments.

B. Withholding Allowances and Exemptions. Resident aliens may claim the full number of withholding allowances to which they would be entitled if they were U.S. citizens. Generally, nonresident aliens may claim one withholding allowance on the W-4. Nonresident aliens who are residents of Canada, Mexico, or South Korea, or a student/business apprentice from India, or a U.S. National may be able to claim additional withholding allowances. See IRS [Publication 519](#), U.S. Tax Guide for Aliens, for additional information. In general, federal income taxes on the wages of nonresident alien employees must be withheld. See IRS [Publication 515](#), Withholding of Tax on Nonresident Aliens and Foreign Entities, for exemptions to wage withholding.

C. Payment of Taxes and Tax Return. Federal income and Social Security/Medicare taxes withheld for resident and nonresident aliens covered in this chapter will be included with the total tax deposit payment and reported on the 941.

040610. Lump-Sum Leave Payment Refunds From Reemployed Individuals

A. General. When a separated employee who received a lump-sum payment for annual leave is reemployed in federal service prior to the end of the period covered by the lump-sum payment, the employee must refund an amount equal to the pay covering the period between the date of reemployment and the expiration of the lump-sum period. See 5 U.S.C. [§ 6306](#). Refer to Chapter 8 regarding procedures on corrections of overpayments and underpayments.

B. Refunded Payments. See Chapter 8, section 0807 regarding pay corrections and tax reporting on refunded lump sum leave payments.

040611. Advance Earned Income Credit (EIC)

The Education Jobs and Medicaid Assistance Act of 2010 ([P. L. 111-226](#)) signed into law on August 10, 2010, repealed the Advance EIC. After December 31, 2010, workers may not receive Advance EIC in their paychecks.

0407 STATE INCOME TAX WITHHOLDING (SITW)

*040701. Withholding Authority

The withholding of state and territorial income taxes from the compensation of federal employees is allowed if an agreement has been entered into between the Secretary of the Treasury and the proper official of the state or territory. See 5 U.S.C. [§ 5517](#). Agreements exist between the Secretary of the Treasury and many of the states for withholding income tax from the compensation of federal employees whose regular place of employment is within the state. See Treasury Financial Manual (TFM), Volume 1, Part 6, Chapter 5000, [Appendix 2](#) for a list of states with existing agreements. If there is no existing agreement between a state and the Secretary of Treasury, then the employee may elect to have discretionary withholding for a state.

A. Wages Subject to State Withholding. Wages and salaries subject to federal income tax withholding are generally subject to state withholding. Cost-of-living allowances paid to employees in Hawaii are included as taxable income. Severance pay paid in accordance with 5 U.S.C. [§ 5595](#) is included; however, state income tax should not be withheld from severance pay paid to the survivor of a deceased employee.

B. Withholding Requirements. When a state statute provides for the collection of a tax by the employer, withholding is required for any DoD employee who is subject to the tax and whose regular place of federal employment is within the state (if the state has entered into an agreement). Generally, the employee's official duty station is where the employee reports regularly to perform services. For an employee whose duties are performed at a place other than his or her

official duty station, the regular place of federal employment is the place where the employee actually and normally performs their duties.

C. Withholding Certificate. The DoD requires employees to complete a withholding certificate as the basis to properly withhold state taxes. The certificate should specify if the employee is subject to the tax, the employee's residence and regular place of employment, exemptions, allowances (if applicable). This certificate remains in effect until the employee submits a new certificate. If an employee does not furnish a withholding certificate for a designated state, the maximum amount applicable to the employee's annual compensation is withheld.

D. Methods for Withholding. The amount of state, city, or county income or employment tax withheld from the compensation of an employee or member of the armed forces must, at a minimum, approximate the tax required to be withheld. Withholding may be accomplished based on one of the following methods:

1. Applicable tax withholding rate(s) specified in the state, city, or county instructions;
2. Any other percentage or formula method; or
3. A calculated, fixed amount to be deducted each pay period from the compensation of the employee.

E. Reciprocal Agreements. The state requirements for withholding income tax may be modified by reciprocal agreements between states. The effect of reciprocal agreements generally is to relieve nonresident employees of their tax liability to the state in which they are employed. Reciprocal agreements also relieve the employer of the duty to withhold such taxes. To comply with Treasury-state withholding agreements, agencies must conform to the withholding provisions of reciprocal agreements. If an employee is subject to withholding in more than one state, use separate deduction codes to identify tax remittance for each state.

1. Employees usually are subject to withholding for the state in which their duty station is located. The employee's SF 50 shows the duty location. The duty station also governs withholding for employees in continual travel status. For an employee who performs duties at a place other than the official duty station, the place where the employee regularly performs his or her duties is considered the regular place of employment for state tax withholding purposes.

2. Reciprocal agreements between states may affect automatic withholding according to the duty station. In all disputed cases, the PRO will:

- a. Withhold tax; and
- b. Advise the employee to negotiate the tax liability directly with the proper taxing authority.

F. Nonresident Employees

1. Some states permit nonresident employees to certify their compensation is not subject to that state's income tax. When the agreement or state law contains such a provision, the employee's signed statement is accepted as justification to discontinue withholding of state income tax. The statement is filed with the employee's W-4.

2. Nonresident employees, who under the state income tax law are required to allocate at least three-fourths of their compensation to the state, are subject to withholding on their entire compensation. Nonresident employees, who under the state income tax law are required to allocate less than three-fourths of their compensation to the state, may elect to:

a. Have state income tax withheld on their entire compensation;

or

b. Have no state income tax withheld on their compensation

(31 CFR [215.10\(a\)](#)).

G. State Income Tax Discretionary Deductions

1. When a state provides for discretionary allotment withholdings, the PROs will withhold state taxes only for those employees who have a legal obligation to pay and who elect such withholding. This applies whether or not the Treasury has a withholding agreement with the state.

a. Employees must request the allotment on a proper withholding certificate.

b. Employee tenure does not affect the allotment.

2. Employees located in foreign areas must assume the responsibility for determining the need for state and local taxes. However, before submitting a request, an employee must be advised to:

a. Obtain assistance from the employing activity legal staff available to him or her; or

b. Contact the appropriate state or local income tax office as to the applicability of withholding taxes while on an overseas assignment. Preferably, this should be completed prior to an employee's departure from the continental United States (CONUS). If the employee determines a withholding liability applies, then the PROs will honor the request.

3. The PRO must comply with the agreement, regulations, and instructions of the state concerned.

a. The PRO will base the allotment amount on either:

(1) The amount (in whole dollars) set by an employee; or

(2) The withholding certificate filed by an employee and the state withholding tables or formulas.

b. The PRO will pay withheld state income taxes to each state concerned as prescribed for that state.

H. State Exemption Certificates. Employees are subject to mandatory withholding under Treasury-state withholding agreements. However, an employee may claim exemption from withholding under certain conditions. The PROs must:

1. Require the use of state-furnished tax exemption certificates, if available; and

2. Give the designated official of the taxing state the following information (on request) about employees claiming exemption;

a. Name,

b. SSN, and

c. The basis for the claimed exemption.

I. Military Spouses Residency Relief Act (MSRRA)

1. The MSRRA (P. L. 111-97), enacted November 11, 2009 (50 U.S.C. § 571), allows for an employee, who is also a spouse of a military service member, to claim an exemption from state withholding on wages because:

a. The employee's spouse is a member of the Armed Forces assigned to duty in the state of the employee's employment in compliance with military orders;

b. The employee is present in the state of employment solely to be with the employee's military spouse; and

c. The employee maintains a residence or domicile in another state.

2. Under the MSRRA, employees must establish that they have a residence or domicile in a state other than the state of employment. An employee who is a military

spouse is still liable for income taxes imposed by his or her state of legal residence or domicile. Once an employee establishes that **he or she** has a residence or domicile in a state other than the state of employment, the employee may claim an exemption from state tax in the state of employment.

*040702. **PRO Responsibilities**

The PRO will send copies of **the** W-2 to states that have negotiated agreements with the Secretary of the Treasury with respect to employees who are subject to mandatory state withholding, or who may elect withholding under a state law. See the TFM, Volume 1, Part 6, **Chapter 5000, Withholding of District of Columbia, State, City, and County Income or Employment Taxes.**

A. **Accounting for Withheld Taxes**

1. **Employee Pay Records.** The PRO will record the amounts withheld each pay period on an employee's pay record when a special payment occurs; otherwise, the system will automatically update an employee's records.

2. **Deposit Accounts.** The PRO will:

a. **Compute** the total of withheld state taxes; and

b. Deposit the total in deposit fund account –X6275 **for withheld state income taxes and in accordance with Treasury's Federal Account Symbols and Titles (FAST) Book II.** Credit the **deposit** account regardless of the employing activity of the employee.

3. **Error Corrections.** The PRO should correct a clerical error made in the prior pay period to the current calendar year if the employee is still on the payroll. If the error resulted in the under-deduction of taxes, the PRO must follow due process procedures to collect the taxes paid on behalf of the employee. If the error resulted in the over-deduction of withheld taxes, the PRO must refund the amount of the over-deduction to the employee on the next regular payroll cycle. The PRO will not make any adjustment if:

a. The employee is no longer on the payroll; or

b. The error was in a prior calendar year.

4. **Paying Out Withheld Taxes**

a. **Frequency.** **The** PROs will comply with the state's current tax law, whether payment is required biweekly, monthly, or quarterly. **The** PROs will not make payments more often than required under state tax law.

b. **Payment Identification.** The disbursing officer will issue checks **based** on an approved voucher prepared by the PRO. The PRO must prepare required tax payment documents.

5. Balancing State Wage and Tax Information. The PRO will balance the amounts reported on the W-2 to each state with year-to-date control totals for state taxes withheld and state taxable wages. These amounts must balance before the W-2s are distributed to employees and forwarded to the states.

6. Collection of Delinquent Taxes. The collection of a tax levy from a state or local government is authorized by 5 CFR Part 582. The DFAS Cleveland (DFAS-CL/L) has been designated as the agent to accept legal process for DoD civilian employees for state or local tax levies. Send all state income tax liens to the following address:

DFAS-CL/L
Attention: OGC
P.O. Box 998002
Cleveland, OH 44199-8002

7. Notice to Employees. The DoD Components should advise their employees that information returns will be sent to state and other taxing authorities of the employee's place of employment (and, in some cases, place of residence) where such authorities have requested the information. Only information properly releasable under The Privacy Act of 1974 (5 U.S.C. § 552a) or the applicable notice of routine use may be released.

B. Recordkeeping

1. The PROs must retain the following records of state tax deductions:
 - a. EIN assigned by the state;
 - b. Amounts and dates of all payments and wages subject to state tax withholding;
 - c. Names, addresses, and Social Security Numbers (SSNs) of employees; and
 - d. Dates and amounts of tax deposits made.
2. The HROs will retain the following:
 - a. The employee's state withholding allowance certificate, which will be kept until superseded or canceled; and
 - b. Dates of employment.

C. Official State and Territory Codes and Abbreviations. The official abbreviations and state codes for the United States (including D.C.) and U.S. possessions and territories are listed in Table 4-5. No other abbreviations or codes may be used.

040703. Guam or the Commonwealth of Northern Mariana Islands Federal Income Taxes

The total amount of federal income taxes withheld from employee salaries creditable to Guam or the Commonwealth of Northern Mariana Islands must be certified and submitted each calendar quarter to the IRS. The certifications must include the employer identification number, the quarter covered by the certifications, and the dollar amount withheld. The submission may contain one certification, but amounts attributable to Guam and the Commonwealth of Northern Mariana Islands must be reported separately. Refer to [the IRS Publication 80, Circular SS, Federal Tax Guide for Employers in the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands](#).

0408 CITY AND LOCAL INCOME TAX WITHHOLDING

040801. Withholding Authority

Withholding of city, county, or employment tax from compensation of federal employees who are subject to tax and whose regular place of federal employment is within the city or county which has entered into a proper agreement with the Secretary of the Treasury is authorized by 5 U.S.C. [§ 5520](#). Withholding is also required if the employee is a resident of the city or county. Each DoD employee must complete a withholding certificate for city or local taxes as a basis for proper withholding. An out-of-state employee's consent to have city or local taxes withheld is also required when applicable.

A. Treasury Agreements. An agreement must be reached between the Secretary of the Treasury and the applicable city, county, or local taxing authority before withholding is required. See TFM, Volume 1, Part 6, Chapter 5000. The agreement provides for mandatory withholding of income or employment tax from the compensation of federal employees whose regular place of employment is within the city or county or who are residents of the city or county. Generally, this is where employees report for work. In the case of employees who perform their services other than where they report, the regular place of employment is where the employee regularly performs his or her services.

B. Wages Subject to City and County Withholding. The PROs must apply policies and follow procedures as prescribed for each state in the determination of employee wages subject to mandatory city and county withholding.

1. Basic Wages. All wages and salaries subject to federal income tax withholding are normally subject to city and county withholding. Severance pay paid to an employee is generally included. However, when paid to the survivor of a deceased employee, [exclude severance pay](#).

2. Mandatory Withholding

a. The PRO must withhold tax from wages of federal employees who reside in cities or counties that have entered into withholding agreements.

b. The PRO must withhold tax from the wages of federal employees whose regular place of federal employment is within a city or county where they are subject to tax. If employees reside in a state other than the state in which the city or county is located, then they are exempt from mandatory withholding.

c. The federal employee's regular place of employment usually is the employee's official duty station that is on the SF 50. If an employee actually performs service at a location other than the official duty station, that alternate location becomes the regular place of employment.

d. Many local ordinances tax only wages for services performed within the city or county; in most cases, this applies only to nonresident employees. Employees eligible to exclude part of their annual income under such provisions must submit a withholding certificate that specifies the amount or percentage. The PRO must reduce withholding accordingly. If the employee does not file a certificate, the PRO must withhold tax based on the employee's total compensation. The PROs must not make an adjustment in withholding if employees perform less than 25 percent of their services outside the city or county.

C. Withholding Certificates

1. Employees must submit withholding certificates and provide all the information needed to deduct city or county income taxes. If employees do not provide a certificate, then the PRO must withhold tax at the highest level that applies to their annual wages. However, the PRO must not withhold any tax from wages of out-of-state employees until they present a form consenting to withholding.

2. Employing activities may use a withholding or exemption certificate furnished by a city or county only if it contains all required information. If the form does not contain all needed information, then employing activities may use Treasury's Fiscal Service [\(FS\) Form 7311](#), Employee Withholding Certificate for Local Taxes. See TFM, Volume 1, Part 6, Chapter 5000.

3. Agencies may provide copies of completed withholding forms to the city or county when requested by the taxing authority for which the tax was withheld.

D. Discretionary Withholding of City or Local Tax

1. Nonresident Employees. An employee who does not reside in the state in which the city or county (place of employment) is located is exempt from mandatory withholding; however, the PRO may withhold tax with the employee's consent. The employee must submit a withholding certificate.

2. Allotment for Discretionary Deduction. Employees have the option of making discretionary allotments for the payroll deduction of taxes of their city or county of residence if employed outside that location. The fact that taxes are withheld for the city or county of employment does not affect the employee's discretionary allotment.

a. An employee may make a discretionary allotment for withholding even though the city or county does not have a withholding agreement.

b. The PRO must set the allotment amount on the city or county withholding method or deduct a whole dollar amount set by the employee. The employee must submit a proper withholding certificate.

3. Accounting for Discretionary Withholding. The PRO must account for discretionary tax deductions as prescribed for mandatory withholdings.

4. Methods for Withholding. The PRO must withhold tax based on one of the following methods:

a. The proper city or county tax withholding rate set in the city or county instructions;

b. The prescribed percentage or formula method; or

c. Computation of a set amount to be deducted from the employee's pay each pay period.

5. Minimum Withholding. The PRO must deduct an amount, at a minimum, nearly equal to the tax required by the city or county.

*040802. PRO Responsibilities

The PRO must record amounts withheld each pay period in the employee's pay record when a special payment occurs. Otherwise, the system will automatically update an employee's record.

A. Deposits. The PRO must:

1. Compute withheld city (or county) income tax below state or territorial tax and the total amount withheld each pay period; and

2. Credit the withheld tax to deposit fund account –X6275 for city and county tax.

B. Correcting Errors. The PROs must apply the same instructions applicable to the withholding of state taxes.

C. Paying Out Withheld Taxes. The PROs must apply instructions for state tax.

040803. Recordkeeping

A. The PROs must keep all records of city or county income tax deductions. Records should include the following:

1. EIN assigned by the city or county;
2. Amounts and dates of all wages subject to city or county tax withholding;
3. Names, addresses, and SSN of employees;
4. Dates and amounts of city or county tax paid; and
5. Copies of all returns filed.

B. The employing activity must retain withholding authorization certificates for city tax deductions for each employee until superseded or canceled.

Table 4-1: Order of Precedence for Processing Mandatory and Voluntary Deductions

When Gross Pay is not Sufficient. If a DoD employee's gross pay is not sufficient to permit all required deductions, the order of precedence under which deductions must be withheld as indicated in the list below:

1. RETIREMENT DEDUCTIONS
 - a. Civil Service Retirement System (CSRS)
 - b. Federal Employees Retirement System (FERS)
 - c. Civil Service Retirement System - Offset (CSRS-Offset)
 - d. Title 32 National Guard
 - e. Nonappropriated Fund Instrumentality (NAFI) Employee Retirement Contributions
2. OASDI (Social Security) (collected under the authority of FICA)
3. MEDICARE TAX (collected under the authority of FICA)
4. FEDERAL INCOME TAX
5. HEALTH INSURANCE PREMIUMS (may be pre-tax)
6. BASIC GROUP LIFE INSURANCE PREMIUMS
 - a. Federal Employees Group Life Insurance (FEGLI)
 - b. State Life Insurance Premiums
7. STATE INCOME TAX
8. LOCAL INCOME TAX
9. COLLECTION OF DEBTS OWED TO THE UNITED STATES
 - a. Continuous Levy under the Federal Payment Levy Program (tax debt)
 - b. Salary Offsets
10. COURT-ORDERED COLLECTION/DEBT
 - a. Child Support
 - b. Alimony
 - c. Bankruptcy
 - d. Commercial Garnishments

Table 4-1: Order of Precedence for Processing Mandatory and Voluntary Deductions (Continued)

11.	OPTIONAL BENEFITS (see Chapter 11)
a.	Health Care/Limited-Expense Health Care Flexible Spending Accounts (pre-tax benefit under Federal Flexible Benefits Plan or cafeteria plan)
b.	Dental (pre-tax)
c.	Vision (pre-tax)
d.	Health Savings Account (pre-tax)
e.	Optional Life Insurance Premiums
f.	Long-Term Care Insurance Premiums
g.	Dependent Care Flexible Spending Accounts (pre-tax)
h.	TSP
	(1) Loan Payments
	(2) Basic Contributions (pre-tax)
	(3) Catch-up Contributions (pre-tax)
i.	Other Optional Benefits
12.	OTHER VOLUNTARY DEDUCTIONS/ALLOTMENTS
a.	Military Service Deposits
b.	Professional Associations
c.	Union Dues
d.	Charities
e.	Bonds
f.	Personal Account Allotments (to savings or checking accounts)
g.	Additional Voluntary Deductions (on first-come, first-served basis)
13.	INTERNAL REVENUE SERVICE (IRS) PAPER LEVIES

Table 4-2: Mandatory Deductions Withheld From Civilian Pay for CSRS and FERS Employees

	FED. TAX	SOCIAL SECURITY	MEDI-CARE	STATE	CITY/LOCAL	RET	TSP
1. Premium pay: Sunday, Holiday and Overtime;	YES	YES	YES	YES	YES	NO	NO
Standby Duty, Availability Pay, and Administratively Uncontrollable Overtime	YES	YES	YES	YES	YES	YES	YES
2. Basic Pay	YES	YES	YES	YES	YES	YES	YES
3. Differentials include Night, Hazardous, Post (Non-foreign & foreign), Staffing, Supervisory	YES	YES	YES	YES	YES	NO	NO
4. Other Differentials: Shift, Environmental, and Tropical	YES	YES	YES	YES	YES	YES	YES
5. Lump-Sum Leave	YES	YES	YES	YES	YES	NO	NO
6. Severance Pay	YES	YES	YES	YES	YES	NO	NO
7. Awards	YES	YES	YES	YES	YES	NO	NO
8. Allowances include Living Quarters, Temporary Quarters Subsistence, Post, Foreign Transfer, Home Service Transfer, Separate Maintenance, Official Residence, Representation, Cuba Benefit	NO	NO	NO	NO	NO	NO	NO
9. Other Allowances:							
a. Non-foreign Cost-of-Living	NO	NO	NO	*	*	NO	NO
b. Physicians Comparability	YES	YES	YES	YES	YES	YES	YES
c. Remote Site	YES	YES	YES	*	*	NO	NO
d. Danger Pay	YES	YES	YES	YES	YES	NO	NO
10. Recruitment, Relocation, and Retention Incentives	YES	YES*	YES	YES	YES	NO	NO
11. Separation Incentive Pay	YES	YES	YES	YES	YES	NO	NO

*Varies by state and city/local taxing authority. See also Chapter 3 for additional guidance.

Table 4-3: 1963 - 1993 FICA Percent Rates: Social Security, Medicare, and Total Maximum Tax

<u>CALENDAR YEAR</u>	<u>MAXIMUM GROSS PAY</u>	<u>SOCIAL SECURITY</u>	<u>MEDICARE</u>	-	<u>TOTAL TAX RATE APPLIED TO MAXIMUM GROSS PAY*</u>	<u>MAXIMUM TAX PAYABLE*</u>
1963-1965	\$4,800	3.625%	0.00%		3.625%	\$174.00
1966	6,600	3.85%	0.35%		4.20%	277.20
1967	6,600	3.90%	0.50%		4.40%	290.40
1968	7,800	3.80%	0.60%		4.40%	343.20
1969-1970	7,800	4.20%	0.60%		4.80%	374.40
1971	7,800	4.60%	0.60%		5.20%	405.60
1972	9,000	4.60%	0.60%		5.20%	468.00
1973	10,800	4.85%	1.00%		5.85%	631.80
1974	13,200	4.95%	0.90%		5.85%	772.20
1975	14,100	4.95%	0.90%		5.85%	824.85
1976	15,300	4.95%	0.90%		5.85%	895.05
1977	16,500	4.95%	0.90%		5.85%	965.25
1978	17,700	5.05%	1.00%		6.05%	1,070.85
1979	22,900	5.08%	1.05%		6.13%	1,403.77
1980	25,900	5.08%	1.05%		6.13%	1,587.67
1981	29,700	5.35%	1.30%		6.65%	1,975.05
1982	32,400	5.40%	1.30%		6.70%	2,170.80
1983	35,700	5.40%	1.30%		6.70%	2,391.90
1984	37,800	5.70%	1.30%	**	6.70%	2,532.60
1985	39,600	5.70%	1.35%		7.05%	2,791.80
1986	42,000	5.70%	1.45%		7.15%	3,003.00
1987	43,800	5.70%	1.45%		7.15%	3,131.70
1988	45,000	6.06%	1.45%		7.51%	3,379.50
1989	48,000	6.06%	1.45%		7.51%	3,604.80
1990	51,300	6.20%	1.45%		7.65%	3,924.45
1991	53,400	6.20%	0.00%	***	6.20%	3,310.80
***	125,000	0.00%	1.45%		1.45%	1,812.50
1992	55,500	6.20%	0.00%	***	6.20%	3,441.00
	130,200	0.00%	1.45%		1.45%	1,887.90
1993	57,600	6.20%	0.00%	***	6.20%	3,571.20
	135,000	0.00%	1.45%		1.45%	1,957.50

*The OASDI program sets the limits on the amount of earnings subject to be taxed in any given year. Beginning in 1994, the limitation on maximum gross wages subject to Medicare tax was removed. Therefore, from 1963 to 1993, the "Maximum Tax Payable" column in Table 4-3 refers to the maximum amount of tax payable for both Social Security tax and Medicare tax. Beginning in 1994, the "Maximum Tax Payable" column refers only to the maximum amount of Social Security tax payable. The "Total Tax Rate Applied to Maximum Gross Pay" is a sum total of the Medicare tax rate and the Social Security Tax rate until 1993.

**Beginning in 1984 the Social Security/Medicare rate was a combined total of 7% and employees were given a 0.3% credit applied to the portion.

***From 1991 to 1993, the maximum gross wages subject to FICA tax were separated for Social Security and Medicare tax purposes. For 1991 to 1993, the maximum gross taxable wages subject to Social Security tax is listed on the chart first followed by the maximum amount of taxable wages for Medicare in the row below.

*Table 4-4: 1994 - 2020 FICA Percent Rates: Social Security and Total Maximum Tax

<u>CALENDAR YEAR</u>	<u>MAXIMUM GROSS PAY (applies to Social Security tax after 1994)</u>	<u>SOCIAL SECURITY</u>	<u>MEDICARE ****</u>	<u>MAXIMUM TAX PAYABLE (Refers Social Security tax only after 1994)*</u>
1994	60,600	6.20%		3,757.20
1995	61,200	6.20%		3,794.40
1996	62,700	6.20%		3,887.40
1997	65,400	6.20%		4,054.80
1998	68,400	6.20%		4,240.80
1999	72,600	6.20%		4,501.20
2000	76,200	6.20%		4,724.40
2001	80,400	6.20%		4,984.80
2002	84,900	6.20%		5,263.00
2003	87,000	6.20%		5,394.00
2004	87,900	6.20%		5,449.80
2005	90,000	6.20%		5,580.00
2006	94,200	6.20%		5,840.40
2007	97,500	6.20%		6,045.00
2008	102,000	6.20%		6,324.00
2009-2010	106,800	6.20%		6,621.60
2011****	106,800	4.20%		4,485.60
2012*****	110,100	4.20%		4,624.20
2013*****	113,700	6.20%		7,049.40
2014	117,000	6.20%		7,254.00
2015-2016	118,500	6.20%		7,347.00
2017	127,200	6.20%		7,886.40
2018	128,400	6.20%		7,960.80
2019	132,900	6.20%		8,239.80
2020	137,700	6.20%		8,537.40

**** From 1994 to 2011, the Medicare tax is 1.45% with no limit on the maximum amount of taxable wages for Medicare. Beginning in 2013, the employee's portion of the Medicare tax is increased by an additional 0.9% (for a total of 2.35%) for wages in excess of \$200,000.

*****For 2011, the employee's portion of the Social Security tax is 4.2%. The employer's portion of the Social Security tax in 2011 remains 6.2% for the employee's first \$106,800 of taxable earnings. In addition to the Social Security tax, an employee is subject to a Medicare tax of 1.45%, with no limit on the maximum amount of taxable wages for Medicare. The employer must pay a Medicare tax of 1.45% and the combined Medicare tax for 2011 remains at 2.9% on all employee earnings.

*****For 2012, the employee's portion of the Social Security tax remained at 4.2%.

See the Social Security Administration's [OASDI and SSI Program Rates & Limits](#) for further information regarding rates and limits in Tables 4-3 and 4-4.

Table 4-5: State Abbreviations and Numeric Codes

<u>STATE</u>	<u>ABBREVIATION</u>	<u>CODE</u>
Alabama	AL	01
Alaska	AK	02
Arizona	AZ	04
Arkansas	AR	05
California	CA	06
Colorado	CO	08
Connecticut	CT	09
Delaware	DE	10
District of Columbia	DC	11
Florida	FL	12
Georgia	GA	13
Hawaii	HI	15
Idaho	ID	16
Illinois	IL	17
Indiana	IN	18
Iowa	IA	19
Kansas	KS	20
Kentucky	KY	21
Louisiana	LA	22
Maine	ME	23
Maryland	MD	24
Massachusetts	MA	25
Michigan	MI	26
Minnesota	MN	27
Mississippi	MS	28
Missouri	MO	29
Montana	MT	30
Nebraska	NE	31
Nevada	NV	32
New Hampshire	NH	33
New Jersey	NJ	34
New Mexico	NM	35
New York	NY	36
North Carolina	NC	37
North Dakota	ND	38
Ohio	OH	39
Oklahoma	OK	40
Oregon	OR	41

Table 4-5: State Abbreviations and Numeric Codes (Continued)

<u>STATE</u>	<u>ABBREVIATION</u>	<u>CODE</u>
Pennsylvania	PA	42
Rhode Island	RI	44
South Carolina	SC	45
South Dakota	SD	46
Tennessee	TN	47
Texas	TX	48
Utah	UT	49
Vermont	VT	50
Virginia	VA	51
Washington	WA	53
West Virginia	WV	54
Wisconsin	WI	55
Wyoming	WY	56

AREAS OUTSIDE THE UNITED STATES

<u>POSSESSION OR TERRITORY</u>	<u>CODE</u>
American Samoa	60
Defense Complex Panama	61
Canton and Enderbury Islands	62
Guam	66
Johnston Atoll	67
Midway Islands	71
Puerto Rico	72
Ryuku Islands, Southern	73
Swan Islands	74
Trust Territories of Pacific Islands	75
U.S. Miscellaneous Caribbean Islands	76
U.S. Miscellaneous Pacific Islands	77
Virgin Islands	78
Wake Island	79

VOLUME 8, CHAPTER 5: “LEAVE AND OTHER ABSENCES”**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **July 2019** is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with current administrative instruction.	Revision
050101	Updated the “Purpose” paragraph for clarity.	Revision
050102	Updated the “Authoritative Guidance” paragraph in accordance with current guidance.	Revision
050204	Updated paragraph and reference.	Revision
050302.B.1.b	Added formula to arrive at maximum hour accumulation for employees who have an uncommon tour of duty.	Addition
050305.D.1	Added information for employees working an uncommon tour of duty assigned outside of the continental United States leave carryover.	Addition
050305.G	Added paragraph “Annual Leave Ceilings for Employees Who Have Converted From an Uncommon Tour of Duty.”	Addition
050306.B.2	Added information concerning restoring Annual Leave.	Addition
050306.C.2	Added subparagraph for restoring annual leave for employees working an uncommon tour of duty and renumbered section as appropriate.	Addition
050407	Added section on “Emergency Paid Sick Leave”.	Addition
050501.C	Added information on the Family and Medical Leave Act (FMLA).	Addition
050502	Added information on notice of FMLA leave.	Addition
050503	Added paragraph “Paid Parental Leave” to comply with the Fiscal Year 2020 National Defense Authorization Act.	Addition
050601.C	Added information on Paid Parental Leave.	Addition
0514	Retitled section and content for consistency with Office of Personnel Management guidance.	Revision
0515	Moved content from paragraph 051403 to form a separate section, 0515. Renumbered chapter as appropriate.	Revision

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
051603	Revised information concerning requirements of returning to duty from Jury Duty.	Revision
052104.C	Revised information concerning employees activated for military service under Title 49 of the District of Columbia code.	Revision
052105	Added information concerning military reserve technicians receiving Military Leave.	Addition
Table 5-3	Added information for Paid Parental Leave.	Addition
References	Added References section.	Addition

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CHAPTER 5

LEAVE AND OTHER ABSENCES

0501 GENERAL

*050101. Purpose

The Office of Personnel Management (OPM) provides government-wide information on Federal leave policies and programs. Each Federal agency is responsible for administering leave policies and programs for its employees. The purpose of this chapter is to provide information on leave policies specific to Department of Defense (DoD) employees as they apply to the various types of leave, including annual leave, sick leave, leave sharing, leave under the Family and Medical Leave Act (FMLA), [leave options for child birth/placement](#), and time off for special circumstances, such as [weather and safety leave](#), [disabled veteran leave](#), or [court leave](#). The type, amount, and nature of leave benefits are dependent on the type and length of employment, military status, and other eligibility requirements.

*050102. Authoritative Guidance

The pay policies and requirements established by the DoD in this chapter are derived primarily from, and prepared in accordance with [OPM's Pay and Leave](#), Title 5, United States Code (U.S.C.), [Chapter 63](#), Title 5, Code of Federal Regulations (CFR), [Part 630](#), and the DoD Instruction ([DoDI 1400.25, V630](#)). Due to the subject matter in the chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each section are listed in a reference section at the end of this chapter.

0502 GENERAL REQUIREMENTS AND RESPONSIBILITIES

050201. Objectives

Civilian Payroll Offices (PRO) and payroll systems areas are responsible for meeting the following objectives:

A. Maintaining leave records and balances for each employee as provided in paragraph 050203,

B. Recording accrued and accumulated leave. Accrued leave is leave earned by an employee during the current leave year that is unused at any given time in that year. Accumulated leave means unused leave remaining to the credit of an employee at the beginning of the leave year,

C. Reporting all leave taken, and

D. Reporting accurate data on leave use and accruals in order to simplify the collection of leave related debts and preparation of financial reports.

050202. Maintaining Leave Records

A leave record must be maintained for each employee in order to show:

- A. Rate of accrual for each type of leave,
- B. Hours or days accrued and type of leave used,
- C. Hours or days of leave advanced by leave type, and
- D. Leave balances.

050203. Rate of Leave Accrual

A. Leave Year. The leave year begins on the first day of the first full biweekly pay period in a calendar year. A leave year ends on the day immediately before the first day of the first full biweekly pay period in the following calendar year (or first complete pay period in the following calendar year). See the leave years for 2012 through 2020 at the OPM Fact Sheet, [Leave Year Beginning and Ending Dates](#).

B. System Requirements for Accurate Leave Records. To ensure proper accrual rates, the civilian payroll system must contain accurate information on the type of appointment for each employee and the types of leave hours or days to which the employee is entitled. Leave earned for each type of leave using the correct rates effective for the proper times must be accurately recorded.

C. Reductions in Leave Credits. Reductions in the leave balances are made at the beginning of each leave year for any accumulated leave that exceeds statutory limits. Reductions in leave credits must be made in accordance with [5 CFR 630.208](#).

D. Reductions Resulting in a Debit. When a reduction in leave credits results in a debit to an employee's annual leave account at the end of a leave year, the agency must:

1. Carry the debit forward as a charge against the annual leave to be earned by the employee in the next leave year; or
2. Require the employee to refund the amount paid him for the period covering the excess leave that resulted in the debit.

E. Recording Leave Credits and Usage. Annual and sick leave earned for each pay period must be posted to the employee's leave record. The leave record must also reflect all leave used during the same pay period.

F. Prorating the Accrual of Leave. When an employee's service is interrupted by a non-leave-earning period, leave is earned on a pro rata basis for the portion of the pay period that the employee is in a pay status. See [5 CFR 630.204](#). See Table 5-1 for proration of leave.

*050204. Approval

To support the time and attendance record, employees must request approval of leave. The employee's supervisor, or other designated official, should approve leave before the leave is taken. If the leave cannot be approved in advance due to an unusual or emergency situation, it should be reviewed for approval or disapproval as soon as possible after the leave is taken. See General Accounting Office ([GAO-03-352G](#), *Maintaining Effective Control over Employee Time and Attendance Reporting*). Supervisors designated to approve leave must document leave used in writing. Documentation for leave used must show the dates, times, and types of leave taken.

050205. Minimum Charge

Heads of DoD Components and their designees have the authority to establish minimum charges for leave as outlined in the DoDI 1400.25, V630. The minimum charge for leave will be 1 hour unless an agency determines a need to establish a minimum charge for leave of less than 1 hour or establishes a different minimal charge through negotiations. In any case, the agency may not charge for leave in increments of less than 6 minutes. See [5 CFR 630.206](#).

0503 ANNUAL LEAVE

050301. General

Annual leave is an approved leave of absence from duty with pay for personal, emergency, or other reasons. An employee may use annual leave for vacations, rest and relaxation, and personal business or emergencies. Annual leave may be used for pregnancy, childbirth and recovery, bonding with or caring for a baby, or for other childcare responsibilities. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken. An employee will receive a lump-sum payment for accumulated and accrued annual leave when he or she separates from Federal service. An employee may also elect to have a lump-sum payment at the time they enter on active duty in the Armed Forces. See [5 CFR 630, subpart C](#) and the OPM Handbook on Leave and Workplace Flexibilities for [Childbirth, Adoption, and Foster Care](#).

A. Creditable Service for Annual Leave Accrual. When a new employee is hired, the hiring agency establishes a Service Computation Date (SCD) at the time of the appointment. The SCD is used to determine the rate that the employee accrues annual leave (4, 6, or 8 hours per pay period for most employees). See subparagraph 050302.B, [5 CFR 630.205](#), and OPM's [Creditable Service for Leave Accrual](#).

B. Charging Annual Leave Accrued During the Same Pay Period. To ensure the proper documentation of leave, any annual leave earned should be posted in a pay period to the employee's record before charging the leave taken during the same pay period.

C. Substituting Annual Leave for Sick Leave. If requested by an employee (and approved by a supervisor), any absence that is otherwise chargeable to sick leave may be charged to annual leave. Retroactively substituting annual leave for sick leave is not authorized except to liquidate advanced sick leave indebtedness. The substitution of annual leave for sick leave may not

be made retroactively for the purpose of avoiding a forfeiture of annual leave at the end of the leave year.

D. Scheduling of Annual Leave. Employees and their supervisors are mutually responsible for planning and scheduling the use of employees' annual leave throughout the leave year. Employees should request annual leave in a timely manner, and supervisors should provide timely responses to employees' requests.

*050302. Annual Leave Accrual

A. General. Most employees earn leave based on their work schedule, status, and time in service. Paragraph 050302 does not apply to employees who are Senior Executive Service (SES), Senior Level (SL)/Scientific or Professional (ST) employees. See paragraph 050303 for leave accrual for SES, SL/ST employees.

B. Eligibility for Annual Leave. Generally, most employees are eligible to take authorized absences from work using accrued annual leave, subject to the following requirements:

* 1. Uncommon Tour of Duty.

a. General. Full-time, part-time, temporary, and employees on uncommon tours of duty are eligible to accrue annual leave. Employees with an uncommon tour of duty accrue leave directly proportional (based on the number of hours in the biweekly tour of duty and the accrual rate of the corresponding leave category) to the standard leave accrual rates for employees who accrue and use leave on the basis of an 80-hour biweekly tour of duty. When an employee is converted to a different tour of duty for leave purposes, his or her leave balances must be converted to the proper number of hours based on the proportion of hours in the new tour of duty compared to the former tour of duty. See [5 CFR 630.210\(b\)](#).

* b. Formula. The following formula is used to arrive at the maximum hour accumulation for a newly assigned standby employee who has a 30-day maximum accumulation. Multiply 240 times the number of hours in the standby workweek then divide the result by 40. Using this formula, the maximum accumulation for an employee with a 72-hour standby workweek would be 432 hours. For an employee with a 56-hour standby workweek, the maximum accumulation would be 336 hours. See citation to the Federal Personnel Manual Supplement 990-2, Book 630, paragraph S2-6 (reference (k)) at [59 Federal Register 248](#), December 28, 1994.

2. Temporary Employees. Temporary employees with an appointment of less than 90 days are entitled to accrue annual leave only after being employed for a 90-day continuous period under successive appointments with no break in service. After completing the 90-day period of continuous employment, the employee is entitled to be credited with the leave that would have accrued during that period.

3. Intermittent and Seasonal Employees. Employees without an established scheduled tour of duty during the administrative workweek are not eligible to accrue annual leave. See [5 CFR 340, subpart D](#).

C. Accrual Rates. Employees must be employed for the full pay period to accrue leave for that pay period. An employee is considered to be employed for a full pay period if they are employed during the days falling within that period, exclusive of holidays and non-workdays established by Federal statute, Executive Order, or administrative order. See [5 U.S.C § 6302\(b\)](#). The amount of annual leave earned is based on the length of Federal service, including creditable military service or service credit for prior non-Federal service under [5 U.S.C. § 6303\(e\)](#) and 5 CFR 630.205. Leave for full-time employees is earned as follows (see Table 5-1):

1. Full-time employees with less than 3 years of service earn 4 hours of annual leave per pay period or a total of 13 days per year.

2. Full-time employees with over 3 years, but less than 15 years of service, earn 6 hours per pay period or a total of 20 days per year. These employees earn an additional 4 hours in the last full pay period of the calendar year.

3. Full-time employees with 15 or more years of service earn 8 hours per pay period or a total of 26 days per year.

D. Nonpay Status and Annual Leave Accrual. The accumulation of nonpay status hours during the leave year may affect the accrual of annual leave. Each time the number of hours in a nonpay status in a full-time employee's leave year equals the number of base pay hours in a pay period, the civilian payroll system reduces leave credits by the amount of leave the employee earned during the pay period. When an employee's accumulated nonpay hours do not require a reduction of leave credits, the civilian payroll system drops the nonpay hours at the end of the employee's leave year. Annual leave does not accrue for employees who are in a nonpay status and who are receiving compensation from the Office of Workers' Compensation Program (OWCP). Therefore, for such employees, no reduction in leave credits is required. See 5 CFR 630.208.

E. Part-Time Employee Annual Leave Accrual

1. Under [5 CFR 630.303](#), part-time employees with regularly scheduled tours of duty earn annual leave on a pro rata basis for the time they are in a pay status. Leave is earned as follows:

a. Part-time employees with less than 3 years of service earn 1 hour of annual leave for each 20 hours in a pay status.

b. Part-time employees with 3 years but less than 15 years of service earn 1 hour of annual leave for each 13 hours in a pay status.

c. Part-time employees with 15 or more years of service earn 1 hour of annual leave for each 10 hours in a pay status.

2. Hours in a pay status that exceed the activity's basic work hours in a pay period (normally 80 hours) are disregarded when computing the leave earnings for part-time employees. See [5 CFR 630.202\(b\)](#).

3. Part-time employees may carry forward from one pay period to the next those excess hours that are not evenly divisible by 10, 13, or 20 hours; as applicable, these hours must be added to the next pay period work hours for leave accrual.

4. Part-time employees who work concurrently in two part-time Federal positions may earn annual leave on the same pro rata basis for the hours worked in each part-time position. Only the leave earned in the given part-time position may be used for absences from that position.

F. Uncommon Tours of Duty and Annual Leave Accrual. An uncommon tour of duty means an established tour of duty that exceeds 80 hours of work in a pay period. See [5 CFR 630.201](#). Employees working uncommon tours of duty accrue leave in direct proportion to the standard leave rates for employees who accrue and use leave based on an 80-hour biweekly tour of duty. See [5 CFR 630.210\(a\)](#). See the Application of the Directionally Proportional Table in DoDI 1400.25, V630 to determine the appropriate amount of leave to credit an employee working an uncommon tour of duty. For employees on uncommon tours of duty, 1 hour of leave is charged for each hour of absence from the uncommon tour of duty.

050303. Annual Leave Accrual Rates for SES, SL/ST, or Defense Intelligence Senior Level (DISL) Employees

A. General. [Section 202\(b\) of the Federal Workforce Flexibility Act of 2004](#), effective October 30, 2004, provides a higher annual leave accrual rate of 1 full day (8 hours) per pay period, without regard to the length of service with the Federal Government. This act affects members of the SES ([5 U.S.C. § 5383](#)), SL and ST positions ([5 U.S.C. § 5376](#)), and DISL employees ([10 U.S.C. § 1607\(a\)](#)), hereinafter SES members. See [5 U.S.C. § 6303\(f\)](#) and [5 CFR 630.301](#).

B. OPM Approval of Additional Categories of Employees. The head of an agency may request that OPM authorize an annual leave accrual rate of one full day (8 hours) for each pay period for additional categories of employees covered by [5 U.S.C. § 6301](#). The positions must be determined by OPM to be equivalent to positions subject to the pay systems under 5 U.S.C. § 5383 or 5376. Such requests must include an explanation of the rationale for considering the affected pay system to be equivalent to the SES member pay system. See [5 CFR 630.301\(b\)](#). Once OPM approves an agency's request to cover additional categories of employees, the higher annual leave accrual rate will become effective for the pay period that OPM approves the agency's request. Agencies must credit annual leave at the 8-hour accrual rate for affected employees employed for the full pay period.

C. SES Members Who Change Positions

1. Revising Accrual Rates. SES members who move to a position not covered by the higher annual leave accrual rate will no longer be entitled to the higher rate. Upon

movement to a non-covered position, an SES member's annual leave accrual rate must be determined based on his or her years of creditable service, as provided in [5 U.S.C. § 6303\(a\)](#) and [5 CFR 630.301\(d\)](#).

2. Crediting Accumulated Annual Leave. An SES member moving from a position not covered by the higher annual leave accrual rate to a new position that is covered by the higher accrual rate retains any annual leave accumulated prior to the move and the leave remains to the employee's credit. See [5 CFR 630.301\(f\)](#).

a. Forfeited Leave. Annual leave accumulated before an employee moves to a position covered by the higher annual leave accrual rate that exceeds the amount allowed under [5 U.S.C. § 6304\(a\) or \(b\)](#), and that is not used by the beginning of the first full pay period in the next leave year, is subject to forfeiture under [5 U.S.C. § 6304\(c\)](#).

b. Special Circumstances. If an employee serves less than a full pay period in a position covered by the higher annual leave accrual rate, then the annual leave accrued for that portion of the pay period will be subject to the 720 hour (90 day) limitation on accumulation of annual leave. Annual leave accrued during the remainder of the pay period that the employee was not covered by the higher annual leave accrual rate is subject to the limitations under 5 U.S.C. § 6304 (a), (b), and (c), as appropriate.

D. Presidential Appointees. Executive Schedule employees appointed by the President do not accrue leave, and therefore, an absence from work is not charged as leave. See 5 U.S.C. § 6301(2)(x) and [5 CFR 630.211](#).

1. Lump-Sum Payments of Accrued Annual Leave for Presidential Appointees. A current Federal employee who receives a Presidential appointment is not entitled to a lump-sum payment for his or her unused annual leave. See [5 CFR 550.1203\(e\)](#) and Chapter 3. Maintain the unused annual leave credit on the employee's record in the event the employee is reemployed in a position covered by the Federal leave system. However, if the employee separates from Federal service while under a Presidential appointment, the employee will receive a lump-sum payment for unused annual leave based on the rate of pay in effect for the position the employee held immediately before the employee accepted the appointment. See [5 U.S.C. § 5551\(b\)](#).

2. Exceptions for Certain SES Career Appointees. An SES career appointee appointed at a rate of basic pay equal to or greater than the rate payable for Level V of the Executive Schedule may elect to retain certain SES benefits, including annual and sick leave accrual, upon accepting the Presidential appointment. If the appointee elects to continue their leave benefits, then the liquidation of leave by lump-sum payment would not apply. See [5 U.S.C. § 3392\(c\)](#), 5 CFR 550.1203(e), and [5 CFR 317.801](#).

050304. Advanced Annual Leave

A. General. Under [5 U.S.C. § 6302\(d\)](#), annual leave may be advanced to an employee in the amount not to exceed the total amount the employee would accrue within the leave year. A supervisor must have reasonable assurance the employee will be in a duty status long enough

to earn the advanced leave. Leave must not be advanced to an employee when it is known or expected that the employee will not return to duty, such as when the employee has applied for disability retirement. Annual leave should be advanced to the maximum extent practicable for purposes related to pregnancy and childbirth.

B. Refunding Advanced Annual Leave

1. General. Advanced leave is liquidated with any subsequently earned annual leave. An employee who separates from Federal service must refund the amount of the advanced leave, or the agency may deduct the amount from any pay due the employee. See [5 CFR 630.209\(a\)](#).

2. Exceptions. An employee who dies or retires for a disability is not required to refund the amount of advanced leave due. An employee who has been determined by the employing office as having separated or resigned because of a disability is not required to refund the amount of advanced leave. However, medical evidence may be required by the employing office in order to determine if the disability prevents his or her return to duty or continued service. See [5 CFR 630.209\(b\)](#).

3. Military Service. An employee who enters active military service with a right to restoration is not considered separated and is not required to refund the advanced annual leave when entering military service. The employee must liquidate the advanced annual leave after the employee returns to duty or refund the advanced leave if the employee is separated from Federal service. See 5 CFR 630.209(a).

4. Transfers to Another Federal Agency. If an employee has been indebted for advanced annual leave and transfers to another Federal agency without a break in service, the losing agency must certify the annual leave account to the new agency for charge. An employee is not required to refund the advanced annual leave in order to achieve a zero balance before the time of transfer. In such cases, a negative annual leave balance will transfer with the employee to the employee's new agency. See [5 CFR 630.501](#) and the OPM Fact Sheet, [Advanced Annual Leave](#).

*050305. Annual Leave Ceilings

A. General. Under [5 U.S.C. § 6304](#), Federal employees are subject to a limit, or annual leave ceiling, on the maximum amount of annual leave that may be carried forward into the next leave year. Most employees may carry 240 hours (30 days) of annual leave from one year to the next. See 5 CFR 630.302.

B. "Use or Lose" Annual Leave. "Use or lose" annual leave is the amount of leave in excess of the employee's annual leave ceiling. The employee forfeits excess leave not used by the final day of the leave year. Forfeited annual leave may be restored under certain circumstances. See paragraph 050306. "Use or lose" annual leave must be scheduled in writing before the start of the third pay period prior to the end of the leave year. The employee forfeits any annual leave not scheduled by that date and not used by the final day of the leave year.

C. Thirty-Day Annual Leave Ceiling for Federal Employees Stationed Within the United States. The maximum carried forward from one leave year to another is usually 240 hours (30 days). See paragraph 050306 regarding annual leave carryover for DoD employees who are employed at installations that are facing planned base closures. See 5 U.S.C. § 6304.

D. Forty-Five Day Annual Leave Ceiling for Federal Employees Assigned Outside of the Continental United States (OCONUS).

* 1. Forty-Five Day Limit and Effective Date. Employees stationed OCONUS, who meet the conditions for eligibility established by 5 U.S.C. § 6304(b) and 5 CFR 630.302, may carry forward a maximum of 360 hours (45 days). For an OCONUS employee working an uncommon tour of duty, the maximum carryover hours will be in proportion to 360 hours (45 days). See subparagraph 050302.B.1.b (to compute the proportional amount, substitute 360 hours for 240 hours within the formula). The effective date that an employee becomes subject to 5 U.S.C. § 6304(b) is the:

- a. Date of entry on duty when employed locally,
- b. Date of arrival at a post of regular assignment for duty, or
- c. Date on which the employee begins to perform duty in an area OCONUS when the employee is required to perform duty en route to his post of regular assignment for duty.

2. Returning From OCONUS Assignment. Employees returning from an OCONUS assignment may carry forward the balance of leave to their credit at the end of the pay period, including the date the employee departs for reassignment (not to exceed 360 hours). If detailed to another OCONUS assignment, the date they cease to perform duty at the detailed post is considered the date of departure for reassignment. Annual leave in excess of 240 hours that was accumulated under 5 U.S.C. § 6304(b), by an employee who becomes subject to the 240-hour maximum carry forward, remains to the credit of the employee until used. Excess annual leave at the beginning of the first full pay period occurring in a leave year is reduced by the amount of annual leave the employee used during the preceding year that is in excess of the amount that accrued during that year. This process continues until the employee's accumulated leave does not exceed 240 hours.

E. Annual Leave Ceiling for Part-Time Employees. Part-time employees may not carry forward more than 240 hours of annual leave if serving in the United States or 360 hours of annual leave if serving OCONUS. See 5 CFR 630.304.

F. Ninety-Day Annual Leave Ceiling for SES Members

1. General. Under 5 U.S.C. § 6304(f), the annual leave ceiling for SES members is 720 hours (90 days). Unused annual leave accrued by SES members must accumulate for use in subsequent years until the leave totals not more than 720 hours at the beginning of the first full pay period, or corresponding period for an employee whose pay is not based on a pay period, occurring in a calendar year. See 5 CFR 630.301(e).

2. Personal Leave Ceiling for SES Members. There is a 90-day (720-hour) maximum limitation on the amount of annual leave that an SES member may carry forward from one leave year to the next. The 720-hour limit became effective October 13, 1994, under Public Law 103-56. Prior to this date, there was no limit. Effective October 13, 1994, any SES member who had accumulated annual leave that exceeded 720 hours was permitted to carry the balance forward as a personal leave ceiling. See [5 CFR 630.301\(h\)](#).

a. The amount of annual leave credited to an SES member's personal leave ceiling will be based on the amount of annual leave accumulated by the employee as of the end of the pay period preceding the first applicable pay period beginning after October 13, 1994.

b. Annual leave accrued is prorated for any pay period during which only a portion the employee served under an appointment to the SES.

c. The personal leave ceiling is reduced by the number of hours used in excess of the number of hours earned during the previous year.

d. When the personal leave ceiling falls below 720 hours, the personal ceiling is eliminated, and the SES member becomes subject to the regular 720-hour limit. See 5 CFR 630.301(h).

3. Changing Positions

a. Partial Pay Periods. If an employee serves less than a full pay period in an SES appointment, only that portion of accrued annual leave that is earned while serving in that position must be subject to the 720-hour limitation. Annual leave accrued during the remainder of the pay period is subject to the limitations in 5 U.S.C. § 6304(a), (b), and (c), as appropriate. See 5 CFR 630.301(f)(2).

b. Moving to an SES Appointment. If an employee moves from a non-SES appointment to an SES appointment, any annual leave accumulated in the non-SES position that exceeds the amount allowed for that position under 5 U.S.C. § 6304(a), (b), and (c) that is not used by the beginning of the first full pay period in the next leave year is subject to forfeiture. See 5 U.S.C. § 6304(c) and 5 CFR 630.301(f)(1). Although an employee serving in an SES position may not accumulate credit hours, credit hours earned in a prior non-SES appointment may remain in the employee's account for use.

c. Moving From an SES Appointment. When the SES member moves to a non-SES position, any annual leave accumulated while serving in the SES position that is in excess of the amount allowed for the non-SES position under 5 U.S.C. § 6304(a), (b), and (c) remains to the employee's credit. Any excess annual leave must be subject to reduction as described under 5 U.S.C. § 6304(c) and 5 CFR 630.301(g).

* [G. Annual Leave Ceilings for Employees Who Have Converted From an Uncommon Tour of Duty.](#) When an employee on an uncommon tour of duty moves to a position

under a common tour of duty, any annual leave which was accumulated while under the uncommon tour of duty and which is in excess of the limits applicable to a position under a common tour of duty, shall become the employee's individual leave ceiling for purposes of carryover into succeeding leave years. This individual ceiling is applicable until the employee carries a smaller accumulation of annual leave to a succeeding leave year, at which time this smaller accumulation or 30 days (240 hours), whichever is greater, becomes the employee's new leave ceiling. See [5 U.S.C. § 6308](#).

*050306. Restoring Forfeited Annual Leave

A. General. Agencies may restore annual leave that was forfeited due to being in excess of the maximum leave ceilings (e.g., 30, 45, or 90 days) if the leave was forfeited because of administrative error, exigency of the public business, or sickness of the employee.

1. The agency makes the determination as to what constitutes an administrative error.

2. Exigency of the public business means there is an urgent need for the employee to be at work such that excess annual leave cannot be used. An employee's use of earned compensatory time off or credit hours does not constitute an exigency of the public business. If the use of earned compensatory time off or credit hours that are about to expire results in the forfeiture of excess annual leave, the forfeited leave may not be restored.

3. An employee's sickness or injury must occur late in the leave year or be of such duration that it prevented the scheduling of the excess annual leave before the end of the leave year. See the OPM Fact Sheet, [Restoration of Annual Leave](#).

* B. Requirements for Restoring Annual Leave. One of the following requirements must be met before consideration for restoration of forfeited leave:

1. An agency may consider for restoration annual leave that was forfeited due to an exigency of the public business or sickness of the employee only if the annual leave was scheduled in writing before the start of the third pay period prior to the end of the leave year; and

* 2. If restoration is based on exigency of the public business, the responsibility for determining that a need is of such importance that it prevents the use of annual leave subject to forfeiture should be delegated to the lowest practical level. Those who approve exigencies are responsible for establishing termination dates for the exigencies. See 5 CFR 630.305, 5 CFR 630.306(a)(2), and the DoDI 1400.25, V630.

C. Time Limit for Using Restored Annual Leave

1. General. Under 5 CFR 630.306, and except as otherwise authorized by regulation, annual leave restored under 5 U.S.C. § 6304(d) must be scheduled and used not later than the end of the leave year ending 2 years after:

a. The date of restoration of the annual leave forfeited because of administrative error,

b. The date fixed by the agency head, or his or her designated official, as the termination date of the exigency of the public business that resulted in forfeiture of the annual leave, or

c. The date the employee is determined to be recovered and able to return to duty if the leave is forfeited because of sickness or injury.

* 2. Time Limits for Employees on Uncommon Tours of Duty. For an employee on an uncommon tour of duty, the conversion rules in 5 CFR 630.210(d) regarding the referenced number of hours for full-time employees (416 hours and 208 hours) must be applied under 5 CFR 610.310(d)(1).

3. Time Limits for SES Members. To avoid forfeiture of restored leave, the time limit established under 5 CFR 630.306 must be met. The time limit is not changed when the employee receives an SES appointment.

4. Extended Exigency of the Public Business. For an extended exigency of the public business, the time-period for use of restored leave is 2 years for each calendar year, or part thereof, during which the exigency existed. This time-period starts at the beginning of the leave year following the leave year in which the exigency is declared to be ended. Under 5 CFR 630.309, an extended exigency is one that threatens the national security, safety, or welfare; lasts more than 3 calendar-years; affects a segment of an agency or occupational class; and precludes subsequent use of both restored and accrued annual leave within the time limit specified in 5 CFR 630.306.

5. Extended Exigency of the Public Business. For an extended exigency of the public business, the time-period for use of restored leave is 2 years for each calendar year, or part thereof, during which the exigency existed. This time-period starts at the beginning of the leave year following the leave year in which the exigency is declared to be ended. Under 5 CFR 630.309, an extended exigency is one that threatens the national security, safety, or welfare; lasts more than 3 calendar-years; affects a segment of an agency or occupational class; and precludes subsequent use of both restored and accrued annual leave within the time limit specified in 5 CFR 630.306.

D. Separate Leave Account for Restored Annual Leave. The payroll system must maintain separate restored leave accounts for each calendar year. The servicing HRO identifies the reason for restoration as well as the category of leave being restored. The servicing HRO then provides the information to the CSR in writing. Credit restored annual leave to a separate leave account identifying the date of restoration, the date of forfeiture, the amount credited for use, the amount of usage, and the unused balance. Restored annual leave is not included in, and does not increase, the maximum annual leave carryover for an employee. See 5 U.S.C. § 6304(d)(2).

E. Time and Attendance Reports. Timekeeping instructions in Chapter 2 specify the method used to identify the leave account to be charged.

F. Forfeiture of Restored Annual Leave. If restored leave is unused by the employee at the expiration of the time limitation, the leave is forfeited with no further right to restoration. This is the case even if the employee's failure to use the leave was due to an agency error. Administrative error may not serve as the basis to extend the time limit in which to use the restored leave. Administrative error includes failing to establish a separate leave account, failing to fix the date for the expiration of the time limit, or failing to properly advise the employee regarding the rules for using the restored annual leave.

G. Lump-Sum Payment. Upon separation, the servicing PRO will pay employees entitled to lump-sum payment for their unused restored annual leave, excluding forfeited leave. If the leave is forfeited because of an administrative error, the employee must file a claim within 3 years of the discovery of the administrative error leading to the forfeiture. See 5 U.S.C. § 6304(e). Employees entering active duty in the Armed Forces may elect to have leave remain to their credit until their return from active duty. See [5 U.S.C. § 5552](#) and Chapter 3, section 0307.

H. Restored Annual Leave Resulting From Correction of Unjustified or Unwarranted Personnel Action Under the Back Pay Act. Annual leave that is restored to an employee resulting from the correction of an unjustified or unwarranted personnel action in excess of the maximum leave accumulation authorized by law must be credited to a separate leave account for use by the employee. See [5 CFR 550.805\(g\)](#). The restored leave, also referred to as reinstated leave, must be scheduled and used as provided in subparagraphs 050306.H.1 and 050306.H.2. Any unused restored leave, also referred to as reinstated leave, will be forfeited if not used or included in a lump sum payment within the prescribed timeframe. See [5 U.S.C. § 5596\(b\)\(1\)\(B\)](#). The restored leave must be scheduled and used as follows:

1. Full-Time Employees. Excess annual leave of 416 hours or less must be scheduled and used by the end of the leave year ending 2 years after the date on which the leave is credited to the separate account. This period is extended by 1 leave-year for each additional 208 hours of excess annual leave or any portion thereof. See Table 5-2.

2. Part-Time Employees. These employees must schedule and use excess annual leave in an amount equal to or less than 20 percent of the employee's scheduled tour of duty over a period of 52 calendar weeks by the end of the leave year ending 2 years after the date that the annual leave credits to the separate account. This period is extended by one leave year for each additional number of hours of excess annual leave, or any portion thereof, equal to 10 percent of the scheduled tour of duty over a period of 52 calendar weeks. See Table 5-2.

I. Base Realignment and Closure (BRAC) Restored Leave. In accordance with 5 U.S.C. § 6304(d)(3), employees assigned to DoD activities designated by the BRAC Commission for closure or realignment, deemed to create an exigency of the public business, are entitled to have forfeited annual leave restored. Leave in excess of the statutory maximum (normally 240 hours) will be restored and placed in a separate leave account. There is no requirement for an employee to use restored leave prior to using other available annual leave. Lump-sum payment of annual leave in a BRAC restored leave account is required under certain situations. Under [5 U.S.C. § 5551\(c\)](#), lump-sum payments are made to eligible DoD employees upon their being assigned to a position in any other Federal agency or department outside the DoD,

or to any DoD position at an installation that is not being closed or realigned. If it is determined that the required lump-sum payment was not processed at the time of transfer, then see [DoDI 1400.25, VI705](#) for additional information on liquidating leave and computing any interest due.

050307. Lump-Sum Payments of Annual Leave Upon Retirement or Separation.

Lump-sum payments for unused annual leave are generally payable when an employee separates from Federal service, dies, or transfers to a position under a different leave system. Employees who enter active duty in the Armed Forces are entitled to elect to have their leave remain to their credit until they return from active duty. See [5 U.S.C. §§ 5551](#), 5552, and [6306](#); and [5 CFR 550, subpart L](#). For details on requirements regarding lump-sum payments for accumulated and accrued annual leave, see Chapter 3.

0504 SICK LEAVE

050401. General

Under [5 U.S.C. § 6307](#) and [5 CFR 630, subparts B](#) and [D](#), sick leave is authorized for personal medical needs, care of a family member, care of a family member with a serious health condition, adoption-related purposes, and bereavement. See paragraph 050404 for authorized uses for sick leave.

A. [Expanded Family and Medical Leave Policies](#). The Federal Employees Family Friendly Leave Act, October 22, 1994, expanded the use of accrued sick leave for family care or bereavement purposes. See subparagraph 050404.B. In addition, employees may be entitled to unpaid leave under FMLA to care for a family member or covered Service member. See section 0505. There is no certain order for using various family friendly leave policies. See Table 5-3 for information on leave flexibilities available to care for a family member or a covered Service member. See section 0506 for information on leave flexibilities for childbirth, adoption, and foster care.

B. [Substituting Sick Leave for Annual Leave](#). Employees may substitute sick leave for annual leave if they become ill during a period of annual leave. See 5 CFR 630.406.

C. [Charging Sick Leave](#). Earned sick leave is posted to an employee's record each pay period before any sick leave taken in that period is charged against the employee's sick leave balance.

050402. Sick Leave Accrual

A. [General](#). Full-time employees earn 4 hours of sick leave for each full pay period. Other employees accrue sick leave at different rates as follows:

1. [Uncommon Tours of Duty](#). Employees working uncommon tours of duty accrue leave in direct proportion to the standard leave rates for employees who accrue leave

based on an 80-hour biweekly tour of duty. See 5 CFR 630.210(a). To determine the appropriate amount of sick leave to credit an employee working an uncommon tour of duty, see the Application of the Directionally Proportional Table in DoDI 1400.25, V630. For example, employees on uncommon tours of duty accrue 7 hours and 12 minutes of sick leave per pay period for a 72-hour workweek and 5 hours and 36 minutes of sick leave per pay period for a 56-hour workweek.

2. Part-Time Employees. Part-time employees earn 1 hour of sick leave for each 20 hours in a pay status. Part-time employees may not earn more than 4 hours of sick leave for 80 hours in a pay status during any pay period.

3. Other Employees. SES members and SL/ST employees earn sick leave at the same rate as non-SES employees. Employees without a regularly scheduled tour of duty do not earn sick leave.

B. Nonpay Status and Sick Leave Accrual. The accumulation of nonpay status hours during the leave year may affect the accrual of sick leave. Each time the number of hours in a nonpay status in a full-time employee's leave year equals the number of base pay hours in a pay period, the civilian payroll system reduces the employee's credits for sick leave by an amount equal to the amount of sick leave the employee earns during the pay period. When the employee's accumulated nonpay hours do not require a reduction of leave credits, the civilian payroll system drops the nonpay hours at the end of the employee's leave year. An employee in a nonpay status due to receiving compensation from the OWCP, or in a nonpay status due to absence while in Uniformed Service, does not accrue sick leave and a reduction in leave credits is not required. See 5 CFR 630.208.

C. Limitation on Sick Leave Accrual. An employee may accumulate an unlimited amount of sick leave. See 5 U.S.C. § 6307.

D. Presidential Appointees. Executive Schedule employees appointed by the President do not accrue leave. See 5 U.S.C. § 6301(2)(x) and 5 CFR 630.211. When an employee moves to an appointment under the Executive Schedule, the employee's sick leave balance is certified on a [Standard Form \(SF\) 1150](#), Record of Leave Data. The SF 1150 is sent to the servicing Human Resources Office (HRO) for retention in the Official Personnel Folder in the event the employee is reemployed in a leave accruing position or separated from the Executive Schedule position. SES Members appointed at a rate of basic pay equal to or greater than the rate payable for Level V of the Executive Schedule may elect to retain certain SES benefits, including annual and sick leave accrual. See 5 CFR 317.801.

050403. Recrediting Sick Leave After Transfer or Break in Service

A. Transferring Employees. When an employee transfers to a different Federal agency using the same leave system under 5 U.S.C., Chapter 63, the losing agency must certify the employee's sick leave account to the gaining agency for credit or charge. If the employee is transferred to an agency operating under a different leave system, see 5 U.S.C. § 6308 and [5 CFR 630.502](#).

B. Recredit After a Break in Service. Prior to 1994, regulations provided that an employee was entitled to a recredit of sick leave only if he or she was reemployed in another Federal position within 3 years after separation. On December 2, 1994, the 3-year break in service limitation on the recredit of sick leave for former employees was removed for those who were reemployed on or after December 2, 1994. Sick leave may not be recredited to employees who were reemployed in the Federal service before December 2, 1994, and who previously forfeited sick leave under the former rule. Therefore, under 5 CFR 630.502, an employee who has a break in service and returns to work for the Federal Government on or after December 2, 1994 is entitled to the recredit of sick leave, regardless of the length of the break in service, unless:

1. The employee was reemployed in the Federal Government before December 2, 1994 and the employee forfeited the sick leave under the previous regulation; or
2. For reemployed annuitants, the sick leave was used in the computation of an annuity for the employee. See 5 CFR 630.407.

050404. Authorized Uses for Sick Leave

A. Granting Sick Leave. Pursuant to 5 CFR 630.401, an agency must grant sick leave to an employee when the employee:

1. Is unable to perform duties because of physical or mental illness, injury, pregnancy, or childbirth;
2. Is receiving medical, dental, or optical examination or treatment;
3. Must provide care for a family member:
 - a. Who is incapacitated by a medical or mental condition, or attends to a family member receiving medical, dental, or optical examination or treatment;
 - b. With a serious health condition; or
 - c. Who would jeopardize the health of others by that family member's presence in the community because of exposure to a communicable disease (as determined by the health authorities having jurisdiction or by a health care provider);
4. Must make arrangements due to a death in the family or attend the funeral of a family member;
5. Would jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease; or
6. Must be absent from duty for purposes relating to the adoption of a child.

B. Using Accrued Sick Leave to Care for Family Members

1. General. An employee is entitled to use accrued sick leave to care for a family member. A family member includes spouse, parents, parents-in-law, children, siblings, grandparents, and other family members as defined under 5 CFR 630.201. An employee may be requested to document their relationship with the family member. An employee must request advanced approval for sick leave, to the extent possible, for caring for a family member, making arrangements necessitated by the death of a family member, attending the funeral of a family member, or for absence related to the adoption of a child. See 5 CFR 630.404. In addition to using paid sick leave to care for a family member, an employee may be entitled to unpaid leave under the FMLA. See Table 5-3.

2. Limits Per Year

a. General Care of Family Member and/or Bereavement. A covered full-time employee may use a total of up to 104 hours (13 days) of accrued sick leave each year for general family care or for bereavement. For part-time employees and employees with an uncommon tour of duty, the amount of sick leave permitted for family care and bereavement purposes is the number of hours of sick leave the employee normally accrues during the leave year. See 5 CFR 630.401(b).

b. Care of a Family Member With a Serious Health Condition. Most Federal employees may use a total of up to 480 hours (12 administrative workweeks) of accrued sick leave each leave year to care for a family member with a serious health condition. A serious health condition includes cancer, stroke, severe injuries, Alzheimer's disease, pregnancy, and other conditions as defined under 5 CFR 630.1202. An employee is entitled to a total of 12 weeks of sick leave each year for all family care purposes. See 5 CFR 630.401(c) and (d).

(1) For a part-time employee or an employee with an uncommon tour of duty, the amount of sick leave is equal to 12 times the average number of hours in the employee's scheduled tour of duty each week.

(2) For an employee who has previously used any portion of the 13 days of sick leave for family care or bereavement purposes in a leave year, that amount is subtracted from the 12-week entitlement.

(3) For an employee who has already used 12 weeks of sick leave to care for a family member with a serious health condition, the employee cannot use an additional 13 days in the same leave year for general family care purposes.

C. Sick Leave for Adoption. An employee may use accrued sick leave for purposes related to the adoption of a child including appointments with adoption agencies, social workers, attorneys, court proceedings, required travel, and any other activities necessary to allow the adoption to proceed. This includes the time the employee is ordered by a court, or required by the adoption agency, to take time off from work to care for the child. There is no limit on the amount of sick leave that may be used for adoption-related purposes. The sick leave for adoption-

related purposes does not count toward the 104-hour limit of sick leave for family care and bereavement purposes, or the overall limit of 12 weeks of sick leave for all family care purposes. The agency may advance up to 240 hours (30 days) of sick leave for adoption-related purposes. See 5 CFR 630.401 and section 0505 regarding FMLA leave for adoption-related purposes.

D. Sick Leave for Exposure to a Communicable Disease. An employee is authorized to use accrued sick leave if health authorities or a health care provider determines that the employee's presence on the job would jeopardize the health of others because of exposure to a communicable disease. An employee may also use sick leave to care for a family member who has been similarly exposed. The agency determination as to what constitutes a communicable disease is based on guidance issued by the Center for Disease Control (CDC). The Secretary of Health and Human Services publishes a list of communicable diseases for which Federal isolation and quarantine are authorized. The communicable diseases currently listed include, but are not limited to cholera, diphtheria, infectious tuberculosis, plague, smallpox, Severe Acute Respiratory Syndrome and influenza viruses that cause or have the potential to cause a pandemic. The current list of communicable diseases is available on the CDC website for use in the authorization of this type of sick leave. See 5 CFR 630.401.

050405. Advanced Sick Leave

A. General. In cases of serious disability or illness, employees may be advanced sick leave. Before granting advanced sick leave, the approving authority must consider whether the employee expects to return to duty, the need for the employee's services, and the benefits to the agency of retaining the employee. Advanced sick leave is not available to an employee when it is known, or reasonably expected, that the employee will not return to duty. For example, advanced sick leave is not appropriate if the employee has applied for disability retirement. Advanced sick leave may be granted regardless of an employee's annual leave balance. Employees should submit requests in writing for advanced sick leave to the approving official. Employees must liquidate the advanced sick leave indebtedness as discussed in subparagraph 050405.C. See 5 CFR 630.402.

B. Limitations. The maximum amount of advanced sick leave a full-time employee may have to their credit at any one time is 240 hours (30 days). Prorate the amount of advanced sick leave for part-time employees and employees on uncommon tours of duty based on the number of hours in the employee's biweekly work schedule. An agency may grant advanced sick leave in the amount of:

1. Up to 240 hours (30 days) to a full-time employee for the following reasons pursuant to 5 CFR 630.402(a)(1):

a. The employee is unable to perform work duties due to incapacitation by physical or mental illness, injury, pregnancy, or childbirth;

b. The employee or a family member has a serious health condition;

c. The employee's presence on the job would jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease;

d. The employee adopts a child; or

e. The employee cares for a covered Service member with a serious injury or illness, provided the employee is exercising his or her entitlement to FMLA leave to care for the covered Service member; or

2. Up to 104 hours (13 days) to a full-time employee for the following reasons (5 CFR 630.402(a)(2)):

a. To receive medical, dental, or optical examinations or treatment;

b. To provide care for a family member incapacitated by a medical or mental condition, or to attend to a family member receiving medical, dental, or optical examination or treatment;

c. To provide care for a family member who would jeopardize the health of others by their presence in the community because of exposure to a communicable disease; or

d. To make arrangements necessitated by the death of a family member or attend the funeral of a family member.

C. Liquidating Advanced Sick Leave Indebtedness

1. General. Advanced sick leave indebtedness is liquidated by subsequently earned sick leave, by charges against annual leave, or by a refund upon separation. An employee who is a participant in the agency's Voluntary Leave Transfer Program (VLTP) or Voluntary Leave Bank Program (VLBP) may liquidate the advanced sick leave by substituting donated annual leave for sick leave that was advanced on or after the date of the medical emergency. See 5 CFR 630.906. The agency may also allow an employee to refund advanced sick leave in cash, at the pay rate in effect at the time the employee used the advanced sick leave.

2. Transferring Employees. If an employee with a debt for advanced sick leave transfers to another Federal agency without a break in service, the losing agency must certify the employee's sick leave account to the receiving agency for charge. An employee is not required to refund the advanced sick leave in order to achieve a zero balance before transfer. A negative sick leave balance transfers to the gaining agency. See Chapter 9, section 0903 for instructions on preparing the SF 1150 to transfer sick leave balances.

3. Separated Employees. If an employee indebted for advanced sick leave separates from Federal service, the employee must refund the amount of advanced sick leave, or the agency may deduct the amount from any pay due the employee upon separation. If the

employee dies, retires for disability, or separates or resigns because of disability as determined by the agency, the repayment requirement does not apply. An employee who enters active military service with a right of restoration is not considered separated for refund purposes, and advanced sick leave should be liquidated either after the employee returns to duty or is separated from Federal service. See 5 CFR 630.209.

050406. Unused Sick Leave Upon Separation

Employees are not paid for unused sick leave upon separation. Unused sick leave is used in the calculation of an employee or survivor's annuity based on retirement with an immediate annuity or a death in service. The unused sick leave balance upon retirement or death is annotated in the remarks column of the [SF 2806](#), Service History on the Civil Service Retirement System (CSRS) Individual Retirement Record, or the [SF 3100](#), Federal Employees Retirement System Individual Retirement Record. See 5 CFR 630.209. Sick leave used in the computation of an annuity is charged against an employee's sick leave account and may not thereafter be used, transferred, or recredited. See [5 U.S.C. § 8415\(l\)\(2\)](#), [5 U.S.C. § 8339\(m\)](#), and 5 CFR 630.407.

*050407. Emergency Paid Sick Leave

Division E of the Families First Coronavirus Response Act (FFCRA), [P.L. 116-127](#) provides up to two weeks (up to 80 hours) of emergency paid sick leave to all Federal civil service employees in specified circumstances related to COVID-19 unless they are in an exempted category for the period of April 1, 2020 through December 31, 2020. This paid sick leave is in addition to any other paid leave entitlements. Depending on the circumstances, the sick leave is paid at the Fair Labor Standards Act (FLSA) based regular rate of pay for an employee or two-thirds of that rate (subject to statutory limitations on daily and aggregate cash value of paid leave). See the OPM Fact Sheet: Federal Employee Coverage under the [Leave Provisions of the FFCRA](#) and [FFCRA: Employer Paid Leave Requirements](#).

0505 FMLA

*050501. General

FMLA provides eligible Federal employees with up to 12 administrative workweeks of leave without pay (LWOP) during any 12-month period for family and medical needs. See [5 U.S.C. §§ 6381 to 6387](#) and [5 CFR 630, subpart L](#) (Note: OPM is responsible for the regulations for Title II of the FMLA that govern Federal employees. The Department of Labor (DOL) is responsible for regulations under Title I of the FMLA for the non-Federal sector). For definitions pertaining to FMLA, see 5 § U.S.C. 6381 and 5 CFR 630.1202.

A. **Entitlement.** To qualify for FMLA leave, an employee must have completed at least 12 months of Federal service. See 5 CFR 630.1201(b). FMLA leave is available to full and part-time employees; however, temporary employees serving under an appointment of 1 year or less and employees without a regularly scheduled tour of duty are not entitled to FMLA leave. A total of up to 12 administrative workweeks of unpaid leave, or 26 administrative workweeks if the leave is to care for a covered Service member, are available during any 12-month period. The 12-month period begins when FMLA leave is first used and ends 12 months later. An employee may elect to

substitute annual leave, sick leave, educator leave, or leave made available to the employee under VLTP or VLBP for LWOP. See 5 CFR 630.1205. The normal leave year limitations on the use of sick leave to care for a family member still apply, except when substituting sick leave to care for a covered Service member.

B. Calculating the FMLA Entitlement. FMLA leave is available in direct proportion to the number of hours in the employee's regularly scheduled administrative workweek. The 12 administrative workweeks of FMLA is calculated on an hourly basis, which equals 12 times the average number of hours in the regularly scheduled administrative workweek. For example, an 80-hour full-time employee will have 480 hours available for FMLA leave (40 hours per week x 12 weeks = 480 hours). If the employee's administrative workweek varies from week to week, a weekly average of the hours scheduled over the 12 administrative workweeks prior to the date FMLA leave begins is used for the calculation. Holidays and non-workdays that occur during the period that the employee is on FMLA do not count toward the 12 administrative workweek entitlement. See 5 U.S.C. § 6382 and 5 CFR 630.1203.

* C. Regular FMLA Leave. Under 5 CFR 630.1203(a), an eligible employee may take 12 workweeks of FMLA leave in a 12-month period for one or more of the following reasons:

* 1. The birth of a child, or to care for the newborn child within 1 year of birth (may not be taken intermittently [or on a reduced leave schedule unless the employee and agency agree to do so, see 5 CFR 630.1205\(a\)](#));

* 2. Placement of a child adopted, or foster care, and to care for the newly placed child within 1 year (may not be taken intermittently [or on a reduced leave schedule unless the employee and agency agree to do so, see 5 CFR 630.1205\(a\)](#));

* 3. Care of a spouse, son, daughter, or parent with a serious health condition (may be taken intermittently [or on a reduced leave schedule when medically necessary, see 5 CFR 630.1205\(b\)](#));

* 4. Serious health condition that makes the employee unable to perform their duties (may be taken intermittently [or on a reduced leave schedule when medically necessary, see 5 CFR 630.1205\(b\)](#)); or

5. A qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty (or notified of an impending call or order) in the Armed Forces under [10 U.S.C. § 101](#). Leave may be taken intermittently. Employees must provide notice as soon as practicable if the need for leave is foreseeable. An employee may be requested to provide certification for the leave as provided under 5 CFR 630.1209. See the [OPM Fact Sheet, FMLA Qualifying Exigency Leave](#). Under 5 CFR 630.1204, qualifying exigencies include:

- a. Addressing issues associated with short-notice deployment,
- b. Attending military events and related activities,

- c. Arranging and attending childcare and school activities,
- d. Making financial and legal arrangements,
- e. Attending counseling,
- f. Spending time with a Service member on rest and recuperation,
- g. Attending post-deployment activities, or
- h. Addressing other events that arise out of the military member's covered active duty that qualify as exigencies.

D. FMLA Leave to Care for a Covered Service Member. An employee is eligible for 26 workweeks of unpaid leave during a single 12-month period to care for a covered Service member, who is a current member or veteran of the Armed Forces as defined under 5 U.S.C. § 6381, with a serious injury or illness. The covered Service member must be the employee's spouse, son, daughter, parent, or next of kin. See the OPM guidance in Compensation Policy Memoranda [2010-06](#), issued March 5, 2010, for additional information regarding the following:

1. The injury or illness incurred by the Service member was in the line of duty while on active duty in the Armed Forces.
2. During a single 12-month period, an employee is entitled to a combined total of 26 weeks of regular FMLA leave and FMLA leave to care for a covered Service member. For example, if during the 12-month period the employee takes 6 weeks of regular FMLA leave for the birth of a child, the employee would have 20 weeks of FMLA leave to care for a covered Service member.
3. Use of FMLA leave to care for a covered Service member in one 12-month period does not limit the use of regular FMLA leave during any other subsequent 12-month period.
4. The normal leave year limitations on the use of sick leave to care for a family member do not apply. Specifically, the 480-hour (12 weeks) limitation per leave year on the use of sick leave to care for a family member with a serious health condition does not apply. The employee may substitute accrued sick leave or annual leave for any or all of the 26 workweeks of FMLA leave to care for a covered Service member. See [5 CFR 630.403](#). An eligible employee may potentially take leave for up to 38 weeks of leave. For example, an employee may take 12 weeks of sick leave to care for a family member with a serious illness in addition to 26 weeks of FMLA leave to care for a covered Service member.

E. Intermittent FMLA Leave or Reduced Leave Schedule. Under certain conditions, FMLA leave may be taken intermittently, or the employee may work under a work schedule that is reduced by the number of hours of leave taken as FMLA leave. See 5 CFR 630.1205.

*050502. Advance Notice of FMLA Leave and Medical Certification

If FMLA leave is foreseeable, based on an expected birth, placement for adoption or foster care, or planned medical treatment, the employee must provide notice to the agency of his or her intention to take leave not less than 30 calendar days before the date the leave is to begin. However, if the date of birth, placement or planned medical treatment requires leave to begin within 30 calendar days, the employee shall provide such notice as soon as practicable. See [5 CFR 630.1207](#). An agency may require that a request for leave under certain circumstances be supported by evidence that is administratively acceptable to the agency. See [5 CFR 630.1208](#).

*050503. Paid Parental Leave

A. General. Section 7602(c) of the Federal Employees Paid Leave Act (FEPLA) provides for 12 weeks of paid parental leave within a 12-month timeframe after the birth, adoption, or placement of a child. This benefit is gender neutral and can apply to either parent. If two covered employees are parents of the same newly born or placed child, each employee will have their own separate entitlement. The amendments to 5 U.S.C. § 6382 dealing with paid parental leave are not effective with respect to any birth or placement (for adoption or foster care) occurring before October 1, 2020. Thus, by law, paid parental leave is available to covered employees only in connection with the birth or placement of a child that occurs on or after October 1, 2020. Paid parental leave expires after 12 months and the entitlement to unused leave elapses at that time. There is no reimbursement of unused paid parental leave if the employee separates from the agency. Paid parental leave cannot be used prior to the birth or placement involved. See [5 CFR 630, subpart Q](#).

B. Entitlement. An employee, who meets eligibility requirements for FMLA, and invokes such, can substitute up to 12 administrative workweeks of paid parental leave for FMLA, dependent upon the amount of time available in their current FMLA entitlement for that period, for each birth or placement event. This entitlement is triggered by the actual occurrence of a birth or placement, which results in the employee having a parental role. Since paid parental leave is substituted for FMLA unpaid leave, therefore, paid parental leave is constrained by the use of FMLA unpaid leave, which is limited to 12 weeks in any 12-month FMLA period. Consequently, if an employee has used FMLA unpaid leave for any reason within the 12-month period of the birth or placement of the child, that amount will be deducted from the 12-week paid parental leave entitlement. See 050501, [5 CFR 630.1703](#), and 5 U.S.C., Chapter 63, subpart V.

1. Uncommon Tour of Duty. For an employee with an uncommon tour of duty, the hours equivalent of 12 administrative workweeks is derived by multiplying 6 times the number of hours in the employee's biweekly scheduled tour of duty (or 6 times the average hours if the biweekly tour hours vary over an established cycle).

2. Part-Time Employees. For a part-time employee, the hours equivalent of 12 administrative workweeks is derived by multiplying 6 times the number of hours in the employee's scheduled tour of duty over a biweekly pay period.

3. Seasonal Employees. An employee with a seasonal work schedule may not use paid parental leave during the off-season period designated by the agency, the period during which the employee is scheduled to be released from work and placed in a nonpay status.

C. Required Documentation. Upon request of the employee's agency, an employee must provide the agency with appropriate documentation that shows the employee's use of paid parental leave being directly connected to a birth or placement that has occurred. Appropriate documentation may include, but is not limited to, a birth certificate or a document from an adoption or foster care agency regarding the placement. An agency may also require that an employee sign a certification attesting that the paid parental leave is being taken in connection with a birth or placement. An agency is responsible for determining what documentation is sufficient proof of entitlement. Failure to provide the required documentation or certification within the specified time-period could result in a determination that the employee is not entitled to paid parental leave. See 5 CFR 630.1703.

D. Pay During Leave. The pay an employee receives using paid parental leave will be the same as if the employee were using annual leave. The employee is not entitled to receive any Sunday premium pay when using paid parental leave. Paid parental leave is a type of leave that is counted in applying the 8-hour rule in 5 CFR 550.122(b) that determines whether night pay is payable during periods of leave. See 5 CFR 630.1704.

E. Work Obligation. The employee cannot use paid parental leave unless the employee agrees in writing to continue working for the employing agency for 12-weeks beginning on the first scheduled workday after the paid parental leave ends. Paid parental leave is not authorized unless the employee enters into such an agreement. In the event an employee does not complete the 12-week work obligation, the employee will be required to reimburse the employing agency for any time not served, unless an exception is granted or if the employee is unable to return to work because of the continuation, recurrence, or onset of a serious health condition (including mental health) of the employee or the child whose birth or placement was the basis for the paid parental leave; or any other circumstances beyond the employee's control. This amount is equal to the total amount of any government contributions paid by the agency on behalf of the employee to maintain the employee health insurance coverage under the FEHB program during the period of paid parental leave was used. See 5 CFR 630.1705.

F. Multiple Births and/or Placements in the Same Time-Period. If an employee has multiple births and/or multiple placements on the same day, those events will be treated as a single event that triggers a single entitlement of up to 12-weeks of paid parental leave during the 12-month period following the event. If an employee has one or more children born or placed within a 12-month period following the date of an earlier birth or placement, each subsequent birth or placement event will be independently administered. See 5 CFR 630.1707.

0506 LEAVE FLEXIBILITIES FOR CHILDBIRTH, ADOPTION, AND FOSTER CARE

*050601. General

A. On January 15, 2015, the President issued memorandum, Modernizing Federal [Leave Policies for Childbirth, Adoption and Foster Care](#) to Recruit and Retain Talent and Improve Productivity, a memorandum directing all Federal agencies to:

1. Offer 240 hours of advanced sick leave, at the request of an employee and in appropriate circumstances, in connection with the birth or adoption of a child, or for other sick leave eligible uses (see paragraph 050405); and

2. Offer the maximum amount of advanced annual leave, at the request of an employee, for foster care placement in their home or bonding with a healthy newborn or newly adopted child (see paragraph 050304).

B. Agencies have been directed to provide this advanced leave for purposes specified in law and regulation irrespective of existing leave balances.

* C. The FEPLA authorized paid parental leave effective October 1, 2020. The paid parental leave provides for leave flexibility for childbirth, adoption, and foster care. See paragraph 050503.

050602. OPM Handbook

A. General. OPM has published a Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption, and Foster Care. The handbook contains guidance on the use of advanced sick and annual leave policies as required by the President's memorandum, and provides information on the various leave entitlements and flexibilities available to assist employees.

B. Utilization of Leave Flexibilities. The Handbook is divided into three sections; each section addresses the specific circumstance of the employee related to:

1. Pregnancy and childbirth,

2. Adoption and foster care, and

3. Information on the interaction of the various leave programs and workplace flexibilities and how they can be used together.

0507 BONE MARROW OR ORGAN DONOR LEAVE

The use of up to 7 days (56 hours) of paid leave in a calendar year, in addition to sick or annual leave, to serve as a bone marrow donor, or up to 30 days (240 hours) of paid leave in a calendar year to serve as an organ donor is authorized under [5 U.S.C. § 6327](#). The directly

proportional rule applies to an employee whose leave is administered on other than an 80-hour pay period. See DoDI 1400.25, V630. An individual having bone marrow removed and stored for their future personal use is not considered a donor and the benefit of 7 days of paid time off does not apply. In such a case, the employee must use sick leave, annual leave, or advanced annual and sick leave.

0508 FEDERAL LEAVE SHARING PROGRAMS

The VLTP allows Federal employees to donate annual leave to other employees who have personal or other family medical emergencies and who have exhausted their own leave. Alternatively, the VLBP allows members with medical emergencies to withdraw leave from the bank if they exhaust their own leave. Each agency has established its own method of administering these programs and employees may participate in both programs. Additionally, an Emergency Leave Transfer Program (ELTP) has been established to transfer annual leave from donors to employees in other agencies who are adversely affected by disasters or emergencies.

050801. VLTP

In accordance with [5 U.S.C. § 6332](#) and [5 CFR 630, subpart I](#), Federal employees may donate unused accrued annual leave directly to a specified employee (leave recipient) who needs leave because of a medical emergency and who has exhausted his or her available paid leave. Medical emergency is defined as a medical condition of an employee or a family member of an employee that is likely to require the employee to be absent from duty for a prolonged period, of at least 24 work hours, and result in a substantial loss of income to the employee because of the unavailability of paid leave. See 5 CFR 630.902.

A. Leave Donors

1. General. A leave donor is an employee who makes a request to transfer annual leave to the annual leave account of a leave recipient. Leave donors may not contribute to an immediate supervisor. The annual leave donated must be accrued and available at the date of donation.

2. Maximum Donation Amount. Maximum limitations exist for the amount of leave an employee may donate in any one leave year. See 5 CFR 630.908. Each agency shall establish written criteria for waiving the limitations on donating annual leave. In the case of the donor, having annual leave projected which:

a. Will not be forfeited at the end of the leave year (i.e., does not have “use or lose”), the maximum amount of annual leave that may be donated is one-half of the amount of annual leave the leave donor would be entitled to accrue during the leave year the donation is made; or

b. Will be forfeited at the end of the leave year (i.e., has “use or lose”), the maximum amount of annual leave that may be donated is:

(1) The lesser of one-half of the amount of annual leave the donor would be entitled to accrue during the leave year the donation is made, or

(2) The number of hours remaining in the leave year, as of the date of the transfer, for which the donor is scheduled to work and receive pay.

B. Leave Recipients

1. General. A leave recipient is a current employee approved by the employing agency to receive annual leave from the annual leave accounts of one or more leave donors. There is no limit on the amount of donated annual leave a leave recipient may receive.

2. Limits on Use of Donated Leave. A leave recipient may use the donated leave transferred to his or her annual leave account under 5 CFR 630.906 only for the purpose of a medical emergency for which the leave recipient was approved. See 5 CFR 630.909. Substitution of donated leave is permitted for a prior period of LWOP or to liquidate a debt for advanced annual or sick leave. Donated leave may not be included in a lump-sum payment for annual leave. Donated leave may not be recredited to a former employee who returns to Federal service. See 5 CFR 630.906 and 630.909.

3. Requirement to Exhaust Accrued Annual and Sick Leave. Except for leave placed in a separate leave account (set aside leave account), any annual or sick leave accrued or accumulated by the leave recipient and available for the medical emergency must be exhausted before any donated leave may be used. See 5 CFR 630.909. However, this does not apply to a recipient who:

a. Sustains a combat-related disability while a member of the Armed Forces, including a reserve component of the Armed Forces; and

b. Is undergoing medical treatment for that combat-related disability (see [5 U.S.C. § 6333\(b\)\(2\)](#)); or

c. Exhausts a total of 12 weeks of sick leave for family care purposes. If an employee applies to receive donated leave for a medical emergency affecting a family member and the employee has already exhausted the 12 weeks of sick leave for family care purposes in that leave year, he or she would not be required to exhaust his or her sick leave balance before being eligible for donated leave.

4. Leave Recipient's Accrual of Annual and Sick Leave. A leave recipient may earn annual and sick leave while using donated leave, but only up to 40 hours of each type. In the case of a part-time employee or employee with an uncommon tour of duty, the employee may earn up to the average number of hours in the employee's weekly scheduled tour of duty.

a. Set Aside Leave Account. Any accrued annual or sick leave earned by the leave recipient must be placed in a separate leave account, referred to as a set aside leave account. The accrued annual or sick leave in the set aside leave account is available for transfer

to the leave recipient's regular leave account after the leave recipient either exhausts all donated leave or the medical emergency ends. Leave in a set aside leave account is not available for use until transferred to the leave recipient's regular leave account. See 5 CFR 630.907.

b. Intermittent Use of Donated Leave and Accrued Leave.

Leave accruals for an employee who uses donated leave intermittently must be prorated between the regular leave account and the set-aside leave account until it reaches the maximum accrual or the medical emergency ends. Accruals are prorated based on the number of hours of donated leave used within the pay period.

C. Interagency Transfers of Donated Leave. Under [5 CFR 630.906\(f\)](#), an agency must accept the transfer of annual leave from the leave donors employed by other agencies when any of the following conditions are met:

1. A family member of a leave recipient is employed by another agency and requests the transfer of annual leave to the leave recipient;

2. If, in the judgment of the leave recipient's employing agency, the amount of annual leave transferred from leave donors employed by the leave recipient's employing agency may not be sufficient to meet the needs of the leave recipient; or

3. If, in the judgment of the leave recipient's employing agency, acceptance of leave transferred from another agency would further the purpose of the VLTP.

D. Restoring Transferred Leave to the Donor. Upon termination of the medical emergency, any unused donated leave must be transferred pro rata back to each donor. See 5 CFR 630.911. The leave is not restored if the leave donor retires, dies, or separates from Federal service before the date the unused transferred annual leave can be restored. If returned to the leave donor's account, the leave is treated the same as other annual leave and becomes subject to the "use or lose" carryover limitations. Each donor may elect how the leave is to be recredited from the following options:

1. Crediting the donated annual leave to the donor's annual leave account in the current leave year;

2. Crediting the donated annual leave to the donor's annual leave account effective as of the first day of the first leave year beginning after the date of election; or

3. Donating it, in whole or part, to another leave recipient.

050802. VLBP

Under the VLBP at [5 U.S.C. § 6361](#) and [5 CFR 630, subpart J](#), employees may contribute unused accrued annual leave to their agency's leave bank for use by other leave bank members who are experiencing a personal or family medical emergency and who have exhausted all available paid leave. Each agency [may](#) establish a leave bank board to administer the VLBP. See 5 CFR 630.1003.

An employee may participate in both the VLTP and the VLBP in the same agency for the same medical emergency if his or her agency has established both programs. See [5 U.S.C. § 6373](#) and 5 CFR 630.1013.

A. Leave Bank Members and Minimum Donations. An employee must make an application to become a leave bank member and must contribute a minimum amount of annual leave to the leave bank each year. The minimum donation may not be less than the amount of annual leave the employee normally accrues in a pay period (e.g., 4, 6, or 8 hours). See 5 CFR 630.1004(g) through (i). An employee must make the donation to establish leave bank membership during the annual open enrollment period, or within 30 days of the employee's appointment to the agency or return from extended absence.

B. Leave Bank Recipients

1. Application and Approval by Leave Bank Board. A leave bank member, or a personal representative on behalf of the employee, who is affected by a personal or family medical emergency must make a written application to the leave bank board in order to become a leave bank recipient. See 5 CFR 630.1006. The board must find that the leave recipient's absence from duty without paid leave is expected to be at least 24 work hours for a full-time employee, this leave may be intermittent. A part-time employee or employee with an uncommon tour of duty expects to be absent without available paid leave at least 30 percent of the average number of hours in the employee's biweekly scheduled tour of duty. See 5 CFR 630.1007.

2. Limits on Use of Leave From the Leave Bank. Donated annual leave withdrawn from the leave bank may be used only for the approved medical emergency. A leave recipient may use donated leave retroactively to substitute for a period of LWOP or to liquidate the advanced annual or sick leave that began on or after the date fixed by the leave bank board at the start of the medical emergency. Donated leave may not be included in a lump-sum payment for annual leave. Donated leave may not be reccredited to a former employee who returns to Federal service. See 5 CFR 630.1009.

3. Requirement to Exhaust Accrued Annual and Sick Leave. The leave bank recipient must use any available paid leave, but not leave from a set aside leave account, before using any donated leave. See 5 CFR 630.1009.

4. Leave Bank Recipient's Accrual of Annual and Sick Leave. A leave bank recipient may earn annual and sick leave while using donated leave, but only up to 40 hours of each type. In the case of a part-time employee or employee with an uncommon tour of duty, the employee may earn up to the average number of hours in the employee's weekly scheduled tour of duty. See 5 CFR 630.1008.

a. Set Aside Leave Account. Any accrued annual or sick leave earned by the leave bank recipient must be placed in a separate leave account, referred to as a set aside leave account. The accrued annual or sick leave in the set aside leave account is available for transfer to the leave recipient's regular leave account after the leave recipient either exhausts all

donated leave or the medical emergency ends. Leave in a set aside leave account is not available for use until transferred to the leave recipient's regular leave account. See 5 CFR 630.1008.

b. Intermittent Use of Donated Leave and Accrued Leave.

Leave accruals for an employee who uses donated leave intermittently must be prorated between the regular leave account and the set-aside leave account until the maximum accrual is reached or the medical emergency ends. Accruals are prorated based on the number of hours of donated leave used within the pay period.

C. Termination of the Medical Emergency.

Any unused leave withdrawn from the leave bank and not used before the termination of the leave recipient's medical emergency must be returned to the leave bank. The medical emergency of the leave recipient terminates when the following occurs:

1. The leave recipient's Federal service is terminated;
2. The leave recipient leaves the agency or participating organization, unless determined otherwise by the leave bank board;
3. At the end of the pay period in which the leave recipient provides written notice that the medical emergency is over;
4. At the end of the pay period in which the leave bank board determines, after written notice to the leave recipient and opportunity for response, that the medical emergency is over; or
5. At the end of the pay period in which the agency receives notice that the leave recipient has been approved for disability retirement.

D. Transferring Between Agencies

1. If an employee moves between an agency operating a leave bank to another agency operating a different leave bank, the following procedures apply:

a. On the date the employee moves to the new agency, the employee will become subject to the policies and procedures of the new agency's leave bank.

b. The employee's right to submit an application to become a leave contributor or leave recipient in accordance with the new agency's policies and procedures of the leave bank must not be restricted by 5 CFR 630.1010(a)(2) or (b).

2. See 5 CFR 630.1015 for similar procedures for transfers between an agency covered by a VLBP and an agency covered by a VLTP.

050803. ELTP

A. Authority. [Title 5, U.S.C. § 6391](#) and [5 CFR 630, subpart K](#) provide that in the event of a major disaster or emergency, as declared by the President, resulting in severe adverse effects for a substantial number of Federal employees, the President may direct OPM to establish an ELTP. Such disasters or emergencies involve loss of life or property, serious injury, or mental illness because of a direct threat to life or health. Under the ELTP, an employee in an executive agency may donate annual leave for transfer to employees of the employing agency or to employees in other agencies adversely affected by such disaster or emergency.

B. Establishing ELTP Program. OPM will notify agencies of the establishment of an ELTP for a specific disaster or emergency, as declared by the President. Immediately after a disaster or an emergency, agencies can typically grant excused absence or advanced annual leave or sick leave as appropriate to affected employees. Once notified, each agency affected by the disaster or emergency is authorized to:

1. Determine the amount of donated annual leave needed by affected employees;
2. Approve emergency leave donors and/or emergency leave recipients within the agency, as appropriate;
3. Facilitate the distribution of donated annual leave from approved emergency leave donors to approved emergency leave recipients within the agency; and
4. Determine the period of time that donated annual leave may be accepted for distribution to approved emergency leave recipients.

C. ELTP Leave Donor. An employee may voluntarily submit a written request to transfer a specified number of hours of their accrued annual leave to the employing agency's ELTP using [OPM Form 1638](#), Request to Donate Annual Leave Under the ELTP. **When choosing to donate**, a donor may not contribute less than 1 hour nor more than 104 hours of annual leave in a leave year. Each agency may establish written criteria for waiving the 104-hour limitation per employee for donating annual leave in a leave year. After the initial 1-hour donation, leave may be donated in 15-minute increments. A donor may not donate annual leave for transfer to a specific emergency leave recipient; rather it goes to the ELTP bank. Annual leave donated to an ELTP is not applied against limits on donations of annual leave to a VLBP or VLTP. See 5 CFR 630.1109 and 630.1110.

D. ELTP Leave Recipient

1. Eligibility. An employee, as defined in [5 U.S.C. § 6331\(1\)](#), who has been adversely affected by a major disaster or emergency may receive donated leave under the ELTP. An employee who has a family member adversely affected by a disaster or emergency and does not have reasonable access to other forms of assistance may receive donated leave under the ELTP. An employee is considered adversely affected if the disaster or emergency has caused severe

hardship to the employee or family member to such a degree that the employee's absence from work is required. See 5 CFR 630.1105.

2. Limitation on Amount of ELTP Leave Received. The ELTP recipient may receive a maximum of 240 hours of donated annual leave at any one time for each disaster or emergency. See 5 CFR 630.1111 for exceptions.

3. Application and Notification of Approval/Disapproval. An employee, personal representative, or the agency on the employee's behalf must make a written application to become an ELTP recipient using the [OPM Form 1637](#), Application to Become a Leave Recipient Under the ELTP. Agency written notification of approval or disapproval must be issued to the employee within 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) after the receipt of the application (or a date established by the agency if that date is later). If disapproved, the agency must state the reason(s) for the disapproval. If approved, the agency must specify the major disaster or emergency for which the recipient was approved.

4. Leave Recipient's Accrual of Annual and Sick Leave. An ELTP recipient is not required to exhaust his or her accrued annual or sick leave before receiving donated leave under the ELTP. Annual and sick leave will continue to accrue to the credit of the recipient at the same rate as if the recipient were in a paid leave status.

5. Limitations on Use of ELTP Leave. Donated leave must be used only for the purposes related to the approved disaster or emergency for which the leave recipient was approved. Donated ELTP leave may be substituted retroactively by the recipient for any period of LWOP used because of the adverse effects of the disaster or emergency. ELTP leave may be used to liquidate indebtedness incurred by the ELTP recipient for any advanced annual or sick leave used due to the adverse effects of the disaster or emergency. If the recipient transfers to another agency without a break in service the leave must be transferred. The ELTP leave transferred to a recipient may not be included in a lump-sum payment upon separation or entry into active duty, recredited to a former employee reemployed by a Federal agency, or used to establish eligibility for immediate retirement or to continue health benefits into retirement. See 5 CFR 630.1113 and 630.1114.

E. Insufficient Agency ELTP Donated Leave. If a Federal agency does not have sufficient donated leave to meet the needs of its approved emergency leave recipients, then the agency must notify OPM. OPM will coordinate a government-wide transfer of annual leave from donating agencies to affected agencies for crediting to their emergency leave recipients. The [OPM Form 1639](#), Transfer of Donated Annual Leave To or From the ELTP, is used for the purpose of donating or receiving annual leave from other agencies. OPM will facilitate the transfer of donated leave to/from agencies. See 5 CFR 630.1112. In addition, an agency's VLBP under 5 U.S.C., Chapter 63, with the concurrence of the leave bank board, may also donate annual leave to the employing agency's ELTP or another agency's ELTP. See 5 CFR 630.1104.

F. Procedures Upon Termination of Disaster or Emergency

1. Determining Termination of Disaster or Emergency. The disaster or emergency ends when OPM or the agency determines the termination or the recipient's Federal

service terminates. See 5 CFR 630.1116. The emergency terminates at the end of the pay period when:

a. The recipient or his or her personal representative notifies the agency that the recipient is no longer affected by the disaster or emergency,

b. The agency determines that the emergency leave recipient is no longer affected by such disaster or emergency (see 5 CFR 630.1116(d) for notice requirements), or

c. The recipient's agency receives notice that the OPM has approved an application for disability retirement.

2. Recrediting Donated Leave to Donors and Leave Banks. When a disaster or emergency affecting an emergency leave recipient terminates, any unused ELTP leave must be returned to the emergency leave donors, or to the leave bank if donated by a leave bank. The ELTP administrator will determine the amount of remaining annual leave to be restored to each emergency leave donor who, on the date of the leave restoration, is employed by a Federal agency. The unused ELTP leave returned must be proportional to the amount of annual leave donated by the employee (or leave bank) to the ELTP for such disaster or emergency. Annual leave donated to an ELTP for a specific disaster or emergency may not be transferred to another ELTP established for a different disaster or emergency. An emergency leave donor may request the agency restore unused donated annual leave by crediting the leave to the leave donor's annual leave account in either the current leave year, or on the first pay period of the following leave year. See 5 CFR 630.1117.

0509 NON-APPROPRIATED FUND (NAF) TRANSFER OF LEAVE UNDER EMPLOYEE BENEFITS PORTABILITY PROGRAM

050901. General

In accordance with 5 U.S.C. §§ 5551(a), 6308(b), and [6312](#), an employee who transfers from a NAF position to an appropriated fund (APF) position, or the reverse, without a break in service of more than 3 days, must transfer their entire annual and sick leave balances to the gaining employment office. The employee must not be paid for any accrued hours of annual leave. Leave will be administered in accordance with the rules of the gaining employment system (APF or NAF). The employee is credited with the full amount of leave even in those cases where the employee may receive a higher rate of pay from the gaining employment system (APF or NAF). See DoDI 1400.25, [VI401](#), Personnel Policy for NAF Instrumentalities, and the OPM [Benefits Officers Center](#).

050902. Annual Leave Accrual Rates

Employees who move between DoD NAF and civil service positions without a break in service of more than 3 days receive service credit for annual leave purposes. Service in the losing employment system (civil service or NAF) is credited when determining the appropriate leave accrual rate. The employee's leave accrual rate is applied in exactly the same manner, regardless of

whether the move is voluntary or involuntary, and regardless of the direction of the move, civil service to NAF or NAF to civil service.

0510 COMPENSATORY TIME

051001. General

Compensatory time off means time off in lieu of overtime pay for irregular or occasional overtime work. One hour of compensatory time off is granted for each hour of overtime. At the request of an employee, the head of an agency may grant an eligible employee compensatory time off from the employee's scheduled tour of duty instead of payment for an equal amount of time spent in irregular or occasional overtime work. Compensatory time off must be granted to an employee within a reasonable time after the overtime is worked. See [5 U.S.C. §§ 5542, 5543, 5544, 6122, 6123, 6127](#), and [6128](#); [5 CFR 550.114](#) and [5 CFR 551.531](#).

051002. Eligible Employees

A. Fair Labor Standards Act (FLSA) Exempt and Nonexempt Employees. Compensatory time off may be approved in lieu of overtime for irregular or occasional overtime work for both FLSA exempt and FLSA nonexempt (i.e., FLSA covered) employees who meet the definition of employee under [5 U.S.C. § 5541\(2\)](#). An agency may require that an FLSA exempt employee with a rate of basic pay the rate of General Schedule-10, step 10 receive compensatory time off for irregular or occasional overtime.

B. Prevailing Rate Employees. Compensatory time off may be approved for prevailing rate employees (wage employees), as defined at [5 U.S.C. § 5342\(2\)](#). There is no requirement to compensate a prevailing rate employee irregular or occasional overtime by granting compensatory time off.

C. Flexible Work Schedules. Compensatory time off may be approved (but not required) in lieu of regularly schedule overtime only for employees (including prevailing rate employees) who are ordered to work overtime hours under flexible work schedules. See 5 U.S.C. § 6123(a)(1).

051003. Forfeiture of Unused Compensatory Time Off

A. FLSA Exempt Employees. The time limit for using compensatory time is the end of the 26th pay period after the pay period during which it was earned. An agency may provide that an FLSA exempt employee who fails to take the compensatory time within 26 pay periods, or who transfers to another agency or separates from service before the compensatory time expires, must:

1. Receive payment for unused compensatory time at the overtime rate in effect when earned; or

2. Forfeit the unused compensatory time unless failure to use the compensatory time is due to an exigency of the service beyond the employee's control. An FLSA employee whose compensatory time off was forfeited due to an exigency of service beyond the employee's control must receive payment for the unused compensatory time at the overtime rate in effect when earned. See 5 CFR 550.114.

B. FLSA Nonexempt (FLSA Covered) Employees. The time limit for using compensatory time is the end of the 26th pay period after the pay period when it was earned. If the FLSA nonexempt employee fails to take the compensatory time within 26 pay periods, or the employee transfers to another agency or separates from Federal service before the compensatory time expires, pay the earned compensatory time off at the overtime rate in effect when earned. See 5 CFR 551.531.

C. National Guard Technicians. National Guard technicians are not paid for unused compensatory time worked. Compensatory time must be used by the end of the 26th pay period after it is earned or it will be forfeited. See [32 U.S.C. § 709 \(h\)](#).

051004. Separation or Transfer

When a DoD employee separates or transfers to another DoD Component or Federal agency before the expiration of the 26th pay period time limit, unused compensatory time balances must be paid at the overtime rate in effect when the compensatory time was earned. Title 32 National Guard technicians forfeit any unused compensatory time when they separate or transfer to another DoD Component or Federal agency.

051005. Compensatory Time Off for Religious Observances

A. General. An employee whose personal religious beliefs require not working during certain periods may elect to work compensatory time for the time lost to meet those religious requirements. See [5 U.S.C. § 5550a](#) and 5 CFR 550, subpart J. Religious compensatory time off differs from other forms of compensatory time off in that the sole purpose is to adjust an employee's work schedule to accommodate a religious observance. An employee who works compensatory time for religious reasons must be granted equal compensatory time off from the scheduled tour of duty. The employee must work the compensatory overtime not earlier than 13 pay periods before or not later than 13 pay periods after the grant of compensatory time off. Compensatory overtime must be credited to the employee on an hour for hour basis, or authorized fraction thereof. See Chapter 3 for additional information regarding compensatory time off for religious reasons.

B. Employee Responsibilities. An employee must request to work and use religious compensatory time in accordance with his or her agency's established policies. The employee must provide the agency with the name and/or description of the religious observance, the dates and times the employee plans to be absent, and the dates and times the employee plans to work overtime to earn religious compensatory time.

C. Agency Responsibilities.

1. The agency must approve the employee's request for taking off religious compensatory time unless the request would interfere with the agency's ability to efficiently carry out its mission.

2. The agency must provide the employee with the opportunity to earn the compensatory religious time off before the deadline of 13 pay periods. The specific timing of when the employee can work overtime to earn the religious compensatory time off is at the agency's discretion.

D. Scheduling Time to Earn and Use Religious Compensatory Time Off.

1. The scheduling of time to earn and use religious compensatory time off by employee is subject to the employing agency's approval.

2. For an employee who earns religious compensatory time off prior to using it, religious compensatory time off may be earned up to 13 pay periods in advance of the pay period in which the targeted religious observance commences and must be linked to specific dates and times for future use, as compatible with agency mission requirements.

3. An employee who uses religious compensatory time off prior to earning it must fulfill his or her obligation to perform overtime work in exchange for the advanced religious compensatory time off. The overtime must be worked within 13 pay periods after the pay period in which the employee used religious compensatory time off, or the agency may take action as described in subparagraph 051005.D.4.

4. The 13 pay periods are calculated beginning with the first pay period beginning after the date on which the religious compensatory time off was used. If the employee fails to earn religious compensatory time off within 13 pay periods after taking religious compensatory time off, the agency may take corrective action to eliminate or reduce the negative balance. The employee's balance of annual leave, credit hours, compensatory time off in lieu of regular overtime pay, compensatory time off for travel, or time-off awards can be reduced in order to offset the negative balance. An agency may determine the order of precedence for applying the various types of paid time off to offset the negative balance. Any negative balance of religious compensatory time off remaining after any charging of these types of paid time off must be resolved by charging the employee LWOP, which would result in an indebtedness that is subject to the agency's internal debt collection procedures.

E. Effective May 29, 2019. Employees who have a positive balance of earned, but unused religious compensatory time off hours, must direct these hours to future religious observances. The agency must confirm and document that the hours are connected to one or more specific religious observances requiring the employee's absence from work in order to meet the employee's personal religious requirements. The agency must give the employee the opportunity to direct all unused hours to such a future religious observance. If the employee does not direct all of

the unused hours, the employee may not earn any additional religious compensatory time hours until the employee establishes a need to earn such time off hours. See 5 CFR 550, subpart J.

051006. Compensatory Time Off for Travel

An employee may earn compensatory time off for travel for time spent in travel status away from the employee's official duty station. An employee may earn compensatory time off for travel only for hours that are not otherwise compensable. Because an employee is entitled to their rate of basic pay for travel during basic (non-overtime) holiday hours, an employee may not earn compensatory time off for travel during holiday hours. See [5 CFR 550, subpart N](#); the OPM Fact Sheet, [Compensatory Time Off for Travel](#); and [5 U.S.C. § 5550b](#).

A. Eligible Employees. Compensatory time off for travel may be earned by an employee, as defined in [5 U.S.C. § 5541\(2\)](#), who is employed in an Executive agency, as defined in [5 U.S.C. § 105](#), without regard to whether the employee is exempt from or covered by the overtime pay provisions of the FLSA of 1938, as amended. The definition includes employees in SL and ST positions, but not members of the SES. Prevailing rate (wage) employees are eligible for compensatory time off for travel.

B. Employees Who Receive Availability Pay. Availability pay is premium pay paid to Federal law enforcement officers who are criminal investigators required to work substantial amounts of unscheduled duty. See [5 CFR 550.181](#).

1. When Travel Hours Are Not Eligible. For availability pay recipients, travel hours are not eligible for compensatory time off if the hours are compensated by basic pay, regularly scheduled overtime hours creditable under 5 U.S.C. §§ 5542 or 5543, or unscheduled duty hours. Unscheduled duty hours means either irregular overtime hours, or the first 2 overtime hours on a day containing part of the employee's basic 40-hour workweek without regard to whether the hours are unscheduled or regularly scheduled, or any approved non-work availability hours. See [5 CFR 550.182\(a\), \(c\), and \(d\)](#). An availability pay recipient may not earn compensatory time off for travel during unscheduled duty hours because the employee is entitled to availability pay for those hours. Compensatory time off for travel is earned only for hours not otherwise compensable.

2. When Travel Hours Are Eligible. For availability pay recipients, travel hours are eligible for compensatory time off for travel when the employee is required to travel on a non-workday or on a regular workday (in excess of the basic workday) and the travel does not meet one of the four criteria listed under 5 U.S.C. § 5542(b)(2)(B) and [5 CFR 550.112\(g\)\(2\)](#). In such cases, since the travel time is not compensable as overtime hours of work for regular overtime or availability pay, the employee may earn compensatory time off subject to the exclusions specified in 5 CFR 550.1404(b)(2) and the requirements in 5 CFR 550.1404(c), (d), and (e). See 5 U.S.C. § 5542(b)(2)(B) and 5 CFR 550.112(g)(2) for information regarding when travel time is compensable as overtime hours of work.

C. Creditable Travel Time. To be creditable, travel time must be for work purposes and must be approved by an authorized agency official or otherwise authorized under agency policy. Once the employee arrives at a temporary duty station, the employee is not

considered to be in a travel status just because he or she is away from the official duty station. In other words, do not credit the time spent at a temporary duty station between arrival and departure as time in a travel status. Time in travel status includes:

1. Time an employee actually spends traveling between the official duty station and a temporary duty station;
2. Time an employee spend traveling between two temporary duty stations; and
3. The usual waiting time that precedes or interrupts such travel, such as waiting at an airport or train station for departure. This does not include any extended or unusual waiting time between actual period of travel when the employee is free to rest, sleep, or otherwise use the time for his or her own purposes.

D. Deducting Commuting Time

1. Travel Between Home and Temporary Duty Station (or Transportation Terminal) Outside of Official Duty Station Limits. Time spent traveling directly between home and a temporary duty station (or transportation terminal) outside the limits of the employee's official duty station is creditable as travel time. However, the agency must deduct from such travel hours the time the employee would have spent in normal home-to-work or work-to-home commuting (the commuting time offset). See 5 CFR 550.1404.

2. Between Home and Transportation Terminal Within Official Duty Station Limits. Time spent traveling outside of regular work hours between home and to or from a transportation terminal that is within the official duty station as part of travel away from that duty station is considered equivalent to commuting time and is not creditable travel time. See 5 CFR 550.1404(d).

3. Between Worksite and Transportation Terminal Within Official Duty Station Limits. Time spent traveling outside of regular work hours between the employee's worksite and a transportation terminal is creditable travel time, and no commuting time offset applies.

E. Crediting Compensatory Time Off for Travel. An employee must comply with the procedures for requesting credit of compensatory time off for travel. Within five workdays after returning to the official duty station, the employee must submit his or her travel itinerary, or any other documentation acceptable to the employee's supervisor, in support of a request for credit for the compensatory time off. Upon receipt of a proper and complete request from the employee, the agency must credit the employee with compensatory time off for creditable time in a travel status. The agency may authorize credit in increments of one-tenth of an hour (6 minutes) or one-quarter of an hour (15 minutes). There is no limit on the amount of compensatory time off for travel an employee may earn. Agencies must track and manage compensatory time granted for time in a travel status separately from other forms of compensatory time off.

F. Use of Accrued Compensatory Time Off for Travel. An employee must request permission from his or her supervisor to schedule the use of his or her accrued compensatory time off in accordance with agency-established policies and procedures. Compensatory time off for travel may be used when the employee is granted time off from scheduled tour of duty established for leave purposes. An employee must use earned compensatory time off in increments of one-tenth of an hour (6 minutes) or one-quarter of an hour (15 minutes). If the employee elects to use earned compensatory time off for travel instead of using excess annual leave, there is no legal authority to restore an employee's forfeited annual leave.

G. Forfeiture of Unused Compensatory Time Off for Travel

1. Forfeiture. Compensatory time off for travel is forfeited in following circumstances. See [5 CFR 550.1407](#).

a. Not Used Within 26 Pay Periods. Compensatory time off for travel is forfeited unless it is used by the end of the 26th pay period after the pay period it was credited.

b. Upon Transfer or Separation. When an employee voluntarily transfers to another agency or separates from Federal service, any unused compensatory time off for travel is forfeited. Agency means an Executive agency as defined in 5 U.S.C. § 105 (e.g., DoD). An employee does not receive a lump-sum payment for accrued compensatory time off for travel upon separation from an agency.

c. Upon Movement to Non-Covered Position. Compensatory time off for travel is forfeited when the employee transfers to a non-covered position (such as to the U.S. Postal Service).

2. Exceptions to the 26 Pay Period Limit

a. LWOP. Special circumstances apply when an employee has unused compensatory time off for travel and the employee separates from Federal service or is placed on LWOP status under the following circumstances. If the employee later returns to service with the same agency, the employee must use all of the compensatory time off by the end of the 26th pay period following the pay period that the employee returns to duty, otherwise the compensatory time off is forfeited. See 5 CFR 550.1407(a)(2). LWOP status under this provision is as follows:

(1) LWOP to Perform Uniformed Service. The employee separates or is placed on LWOP status to perform service in the Uniformed Services, as defined in [38 U.S.C. § 4303](#) and [5 CFR 353.102](#), and later returns to service through the exercise of a reemployment right provided by law, Executive order, or regulation.

(2) LWOP for Work Injury. The employee separates or is placed on LWOP status because of an on-the-job injury with entitlement to injury compensation under [5 U.S.C., Chapter 81](#) and later recovers sufficiently to return to work.

b. Exigency. If an employee fails to use compensatory time off for travel within 26 pay periods after earned due to an exigency of the service beyond the employee's control, an authorized agency official may extend the time limit for using such compensatory time off for up to an additional 26 pay periods. See 5 CFR 550.1407(e).

H. Prohibition Against Payment for Unused Compensatory Time Off for Travel. As provided by 5 U.S.C. § 5550b(b), an individual must not receive payment under any circumstances for any unused compensatory time off for travel earned under 5 CFR 550, subpart N. This prohibition against payment also applies to surviving beneficiaries of deceased employees.

I. Inapplicability of Premium Pay and Aggregate Pay Caps. Accrued compensatory time off for travel is not considered when applying the premium pay limitations established under [5 U.S.C. § 5547](#) and [5 CFR 550.105 through 550.107](#) or the aggregate limitation of pay established under [5 U.S.C. § 5307](#) and [5 CFR 530, subpart B](#). There is no pay cap limitation on the amount of compensatory time off for travel an employee may earn.

0511 HOLIDAY LEAVE

051101. General

Employees must be in a pay status or a paid time off status (e.g., leave, compensatory time off, compensatory time off for travel, or using credit hours) on their scheduled workdays either before or after a holiday in order to be entitled to regular pay for a holiday. Employees in a nonpay status for the workdays immediately before and after the holiday may not receive compensation for that holiday.

051102. Work Schedules

A. Full-Time Employees. Regular full-time employees who are not required to work on a holiday receive their regular straight-time pay, including night and shift differential.

1. Flexible Work Schedule. A full-time employee on a flexible work schedule, who is prevented from working on a holiday, or an in lieu of holiday, is entitled to 8 hours of holiday leave for each holiday. See [5 U.S.C. § 6124](#). Employees under flexible work schedules are credited with 8 holiday hours even if they would otherwise work more hours on that day.

2. Compressed Work Schedule. A full-time employee on a compressed work schedule who is prevented from working on a holiday, or an in lieu of holiday, is entitled to holiday leave for the number of hours of the compressed work schedule for the employee on that day. See [5 U.S.C. § 6121\(5\)](#). For example, if a holiday falls on a 9 or 10-hour basic workday, the employee's holiday is 9 or 10 hours, respectively. See [5 CFR 610.406](#).

B. Part-Time Employees. Part-time employees receive their regular pay for holidays that fall on their regularly scheduled workdays; this does not include overtime work. When a holiday falls on a part-time employee's non-workday, there is no entitlement to pay for an in lieu of holiday. When prevented from working because the activity is closed due to an in lieu of

holiday, the part-time employee may either be placed in an appropriate leave category or be excused, placed on administrative leave, without loss of pay for the number of hours they are regularly scheduled to work on that day. See [DoDI 1400.25, V610](#). For more information on part-time employees, see the OPM Fact Sheet, [Federal Holidays - Work Schedules and Pay](#).

1. Flexible Work Schedule. A part-time employee on a flexible work schedule who is prevented from working on a holiday is entitled to leave for the number of hours they would have worked but for the holiday, not to exceed 8 hours. See [5 CFR 610.405](#).

2. Compressed Work Schedule. A part-time employee prevented from working on a holiday is entitled to leave for the number of hours of the compressed work schedule on that day. See 5 CFR 610.406.

C. Intermittent Employment. Intermittent employees, including experts and consultants, means employees without a regularly scheduled tour of duty. Intermittent employees receive compensation only when work is actually performed.

0512 CREDIT HOURS

051201. General

Credit hours are any hours within a flexible schedule established under 5 U.S.C. § 6122 that are in excess of an employee's basic work requirement and that the employee elects (consistent with agency policy) to work to vary the length of a workweek or a workday. Credit hours are distinguished from overtime hours in that they are not officially ordered and approved in advance by management. See [5 U.S.C. §§ 6121-6126](#).

051202. Requirements for Earning and Using Credit Hours

A. Earning Credit Hours. Only full-time and part-time employees under flexible work schedules may earn credit hours. SES members may not earn credit hours. See [5 CFR 610.408](#). Credit hours may be earned only within the flexible time bands established by the agency or union agreement. Work hours that count toward the employee's basic work requirement should not be considered credit hours. Credit hours are those hours that are in excess of the employee's basic work requirement (8 hours in a day, 40 hours in a week, or 80 hours in the pay period). There is no legal authority to advance credit hours to an employee. See 5 U.S.C. § 6121(4).

B. Using Credit Hours. Credit hours must be used within the tour of duty. Credit hours must be earned and used in the same increments as other absences with pay.

051203. Accumulation

A full-time employee may accumulate up to 24 credit hours to be carried forward for credit against a later pay period. The 24 credit hours carried forward must be accounted for the same as other types of absences with pay. See 5 U.S.C. § 6126.

051204. Part-Time Employees

A part-time employee under a flexible work schedule may earn credit hours. A part-time employee may carry forward credit hours from one pay period to a subsequent pay period, in an amount equal to 25 percent of the biweekly scheduled hours of work. See 5 U.S.C. § 6126(a).

051205. Payment for Credit Hours

Generally, an employee receives no additional pay for credit hours. When used by the employee, credit hours are considered a part of the basic work requirement (non-overtime work) in the pay period that they are applied. An employee is entitled to his or her basic rate of pay for any credit hours used. However, upon separation from Federal service, or when an employee is no longer subject to a flexible work schedule program or transfers to another employing activity (provided the agency and Major Claimant/Command changes), any accumulated credit hours must be liquidated/paid at the employee's current hourly rate. For full-time employees, not more than 24 accumulated credit hours may be paid. For part-time employees, accumulated credit hours may be paid in an amount that is not more than 25 percent of the employee's scheduled hours. See 5 U.S.C. § 6126(b). Premium pay limitations under 5 U.S.C. § 5547 do not apply to payment for credit hours even though the limits apply to payments for unused compensatory time off.

051206. Entitlement

A. Overtime. An employee must not use credit hours to increase the entitlement of overtime pay. No overtime pay or compensatory time off will be paid when employees earn credit hours or when credit hours are liquidated when Federal service ends. See 5 U.S.C. §§ 6123(b) and 6126.

B. Sundays. An employee will not be paid Sunday pay when earning credit hours on a Sunday. Sunday premium pay is limited to 8 hours for each regularly scheduled basic tour of duty that begins or ends on Sunday. Since credit hours may only be earned when employees work in excess of their regularly scheduled basic work requirement, Sunday premium pay may not be paid when employees earn credit hours on Sunday. Neither may employees receive Sunday premium pay if they use credit hours in order to be absent from regularly scheduled Sunday work. Employees may not receive Sunday premium pay for any period of time they do not actually perform work on a Sunday.

C. Nights. An employee must not be paid night pay when credit hours are earned at night. Night pay is authorized for work performed at night during an employee's regularly scheduled tour of duty. See [5 U.S.C. § 5545\(a\)](#). Since employees who earn credit hours are not performing regularly scheduled work, they may not be paid night pay for credit hours earned at night. Neither may employees be paid for credit hours used at night to be absent from the employee's basic tour of duty. There is no provision of law or regulation permitting night pay to be paid when credit hours are used to be absent from regularly scheduled night work. Credit hours are considered as daytime hours. For example, when an employee's schedule includes daytime and nighttime hours, credit hours are applied only to the daytime portion of the schedule. See 5 U.S.C. § 6123(c). For

requirements on entitlement to night differential when credit hours are earned by prevailing rate (wage) employees and employees under 38 U.S.C (Title 38 employees), see 5 U.S.C. § 6123(c)(2).

D. Holidays. An employee may not earn additional compensation or credit hours for voluntarily working during holiday hours. If permitted by agency policy or negotiated agreements for union members, supervisors may approve requests from employees working under flexible work schedules to earn credit hours for work in excess of their basic work requirement on a holiday. Full-time employees under flexible work schedules are excused from 8 hours of their basic work requirement because of a holiday. See 5 U.S.C. § 6124. If an employee is scheduled to complete 9 or 10 hours of basic work requirement on a holiday, the agency may permit the employee to use previously accrued credit hours or annual leave in order to be absent with pay during the ninth and tenth hours.

E. Excused Absences. An employee may not earn credit hours during excused absences, such as a weather emergency. If employees work during the hours of their basic work requirement, despite being excused from work, they are not entitled to additional compensation or credit hours. However, if permitted by policy or negotiated agreements, a supervisor may approve a request from an employee to earn credit hours for work in excess of their basic work requirement on a day when an excused absence is granted.

F. Training. An employee cannot earn credit hours for training required by an agency.

051207. Biweekly Pay Period

There is no limit on the accumulated number of credit hours during the biweekly pay period, subject to a supervisor's approval. Any credit hours worked in a pay period that exceeds the 24-hour maximum carryover will be forfeited if not used during that pay period. Credit hours must be earned before they are used. Employees may carry forward only 24 credit hours into the succeeding pay period. Credit hours under a maxi-flex schedule may be used during the pay period that they are earned.

0513 TIME OFF AS AN INCENTIVE AWARD

As authorized by [5 U.S.C. § 4502\(e\)](#), a time-off award may be granted in lieu of cash. See [5 CFR 451.101 through 451.107](#). A time-off award is an absence with pay without charge to leave. See Chapter 3, section 0311.

*0514 ADMINISTRATIVE LEAVE (EXCUSED ABSENCE)

*051401. General

Administrative leave (also referred to as "excused absence") is an absence from duty, administratively authorized, without loss of pay and without charge to leave. Periods of administrative leave are considered part of an employee's basic workday even though the employee does not perform regular duties. The following are some of the more common situations

in which agencies generally permit absence from duty without a loss of pay and without charge to leave. See the OPM Fact Sheet: [Administrative Leave](#) and DoDI 1400.25, V630.

051402. Blood Donation

Employees serving as blood donors may be excused from work without charge to leave for the time necessary to donate the blood, for recuperation following blood donation, and for necessary travel to and from the donation site. This provision does not cover an employee who gives blood for his or her personal use or receives compensation for giving blood.

051403. Tardiness and Brief Absence

If an employee is unavoidably or necessarily absent for less than one hour, or tardy, the agency, for adequate reason, may excuse the employee without charge to leave.

051404. Registering and/or Voting

Excusal from duty for a reasonable period of time is authorized for registering and/or voting in any election. Generally, excuse employees from duty to permit them to report for work 3 hours after the polls open or to leave work 3 hours before the polls close, whichever results in the lesser amount of time off. Employees on flexible work schedules may only be excused for those hours that are not accommodated by their flexible schedules.

051405. Taking Examinations

This applies only to examinations given by or taken at the request of the employing activity. Excuse employees, without charge to leave or loss of pay, for all examinations required for converting to career-conditional appointments or for required noncompetitive examinations within the same employing activity.

051406. Attending Conferences or Conventions

Employees may be excused to attend conferences or conventions when it is determined that the attendance will serve the best interest of the Federal service. Such absences may be restricted to those situations that the employee is an official representative of the organization involved or is a contributor on the agenda. Employees may not be excused to attend conferences or conventions of political parties or partisan political groups or committees.

051407. Representing Employee Organizations

Representative leave hours must be reported using 4 separate categories. The categories are term negotiations, mid-term negotiations, dispute resolution, and general labor-management relations. Absence charged as representative leave may be subject to the provisions of local negotiated agreements and/or supervisory approval. See [5 CFR 551.424](#) and OPM's Official Time Usage in the Federal Government, FY 2016, [Appendix A](#).

051408. Official Duty Status Funerals of Fellow Federal Law Enforcement Officers or Federal Firefighters

A Federal firefighter or Federal law enforcement officer may be excused from duty without charge to pay or leave in order to attend the funeral of a fellow Federal firefighter or Federal law enforcement officer who was killed in the line of duty. See [5 U.S.C. § 6328](#). When excused from duty, attendance at the funeral service is considered as official duty for the firefighter or officer. Under [31 U.S.C. § 1345](#), an agency may pay the expenses of an official or employee of the United States carrying out an official function.

051409. Absence of Veterans to Attend Funeral Services

An eligible employee may be excused from duty to participate as an active pallbearer, a member of a firing squad, or a guard of honor in a funeral ceremony for a member of the Armed Forces whose remains are returned from abroad for final interment in the United States (not to exceed 4 hours in any 1 day). See [5 U.S.C. § 6321](#).

051410. Excused Absence for Employees Returning From Active Military Duty

A. Entitlement. Pursuant to a Presidential Memorandum of November 14, 2003, a Federal employee is entitled to 5 days of excused absence after he or she returns from active military service in connection with the continuing Overseas Contingency Operations (OCO). Upon receiving notification from a returning employee of his or her intent to return to civilian duty on a specific date, an agency must grant an eligible employee 5 days of excused absence immediately prior to the employee's actual resumption of his or her duties. See the OPM Fact Sheet, [5 Days of Excused Absence for Employees Returning from Active Military Duty](#).

B. Usage. The commencement of the 5 days of excused absence represents a return to Federal employment, and the employee is obligated to report for work at the end of the 5-day period. The excused absence is intended to provide returning employees with continuous paid time off to spend with their families before returning to Federal service; therefore, the 5 days must be used consecutively. If the employee does not use all 5 days at once, the remaining days may not be carried over for later use.

C. Eligibility

1. Minimum Service Requirement. An employee must be on active duty in support of the OCO for at least 42 consecutive days to qualify for 5 days of excused absence. An employee does not qualify if the period of active duty is less than 42 days. The 42 days must be consecutively served, and an accumulation of 42 or more nonconsecutive days of active duty does not meet the requirement.

2. Multiple Deployments. An employee deployed on multiple occasions is entitled to receive 5 days of excused absence for each deployment as long as the deployment meets the 42-day requirement and the employee has not received 5 days of excused absence during the previous 365 days.

3. New Employees. A new employee who was not a Federal employee at the time of his or her activation does not qualify for the 5 days of excused absence.

4. Employees With an Uncommon Tour of Duty. The period of excused absence for an employee on an uncommon tour of duty or an employee on a part-time work schedule will be prorated according to the number of hours in the employee's regularly scheduled workweek.

*0515 WEATHER AND SAFETY LEAVE

The National Defense Authorization Act for Fiscal Year (FY) 2017, section 1138 ([P.L. 114-328](#)) granted agencies authority to authorize weather and safety leave to employees due to an act of God, a terrorist attack, or any other condition that prevents employees from traveling safely to work or to safely perform work at an approved location. Employees who are participating in a telework program may not be eligible for weather and safety leave depending on their agency's telework policies. An employee may not receive weather and safety leave for hours in which they have preapproved leave (paid or unpaid) or paid time off. [Approval of weather and safety leave is not an employee entitlement](#). See [5 CFR 630, subpart P](#).

0516 COURT LEAVE AND JURY DUTY

051601. General

Employees are authorized paid time off (court leave) when summoned to serve as a juror or as a witness in a nonofficial capacity on behalf of any party in connection with any judicial proceeding that the United States, the District of Columbia, or a state or local government is a party. See [5 U.S.C. §§ 6322](#), [5537](#), and [5515](#), and the OPM Fact Sheet, [Court Leave](#).

051602. Summoned While on Annual Leave

If an employee is on annual leave when called for jury duty or witness service, court leave will be charged. No charge should be made to annual leave for the court service.

*051603. Requirements

An employee who is under summons from a court to serve on a jury should be granted court leave for the service for which an employee is entitled to court leave does not include periods when the employee is excused or discharged by the court, subject to call by the court, for an indefinite period or for a definite period in excess of 1 day. Therefore, an employee may be required to return to duty or be charged annual leave if excused from jury service for 1 day or even a substantial part of a day. However, the employee should not be required to return to work if it will cause a hardship. [In a case where a return to work would present a hardship on the employee because of the distance of the court from their residence or place of duty, or in the case of an employee engaged in night work, court leave may be approved](#). See [26 Comp Gen. 413](#).

051604. Intermittent Employment

Employees hired with no scheduled tour of duty are not eligible for court leave. See [5 U.S.C. § 2105](#).

051605. FLSA Nonexempt Employees

FLSA nonexempt (e.g., FLSA covered) employees must not have their pay reduced under FLSA due to court leave for jury duty or witness service during their regularly scheduled tour of duty. See 5 U.S.C. § 6322.

051606. Documentation Required

When an employee is called for court service (as a witness or juror), the court order, subpoena, or summons, if one was issued, must be presented to the supervisor as far in advance as possible.

051607. Jury Duty Service Payment

Employees may not retain fees paid for jury duty service. If an employee performs jury duty service for a state or local court and the employee is paid jury duty fees, the fees must be collected from the employee as provided under subparagraph 051510. Employees who perform jury duty service for the United States or the District of Columbia governments are not paid jury duty fees. See 5 U.S.C. § 5537.

051608. Official Capacity Witness

Employees who perform witness service in an official capacity on behalf of the United States or the District of Columbia government, a state or local government, or a private party must not be paid witness fees, nor must the time served as a witness be charged to court leave or annual leave. The time must be recorded as official duty. If any fees are paid, they must be turned in to the employing activity.

051609. Nonofficial Capacity Witness

An employee is not entitled to court leave if the employee testifies as a witness in a nonofficial capacity on behalf of a private party in a matter that the United States, the District of Columbia, a state, or local government is not a party. The employee must take annual leave or LWOP to serve in such a capacity. Employees are entitled to the fees and expenses related to such witness service.

051610. Certificate of Attendance and Collection of Fees Paid

A. Amounts Subject to Collection

1. Fees for Jury Duty or Witness Services. Unless otherwise allowable under this section, an employee in a pay status may not retain fees received for jury duty or witness services. The employee must submit any fees received to their employing activity in the form of a money order or personal check.

2. Certificate of Attendance. A certificate of attendance from the clerk of the court must also be submitted to the employing activity. The certificate of attendance should show the dates of jury duty or witness service and any amount of fees the court paid to the employee. The certificate of attendance should separately identify fees and other allowances or expenses. If the certificate of attendance does not identify allowances separately, then all monies received are considered fees for jury duty or witness services and must be collected.

3. Employee Waiver or Refusal of Fees. An employee serving on a jury in a state or local court who waives or refuses to accept jury fees is still liable to the U.S. Government for the fees they would have received. Under 5 U.S.C. § 5515, the Federal government is entitled to be reimbursed for any fees available and the employee has no discretion to waive payment of the fees on the government's behalf. The amount of any waived or refused fees must be collected from the employee as a salary overpayment.

B. Amounts Not Subject to Collection.

1. Allowances or Reimbursement. The employee may keep reimbursements for expenses received from the court, authority, or party that summoned the employee. Allowances or reimbursement for expenses includes transportation or parking expenses.

2. Fees That Exceed Compensation. An employee may keep fees that exceed the employee's compensation for the days of service.

051611. Collection of Fees Paid Incorrectly

If fees are paid incorrectly to an employee who is serving in a nonofficial capacity, then the employee may not retain the fees. The fees must be turned in to the Customer Service Representative (CSR) at the employing activity.

051612. Holiday

When a holiday occurs during the time an employee is on jury duty or witness service, the employee may keep the jury duty or witness service fee paid for the holiday.

051613. Non-Workday

If called to jury duty on a non-workday, then the employee may keep the fees paid.

051614. Submission and Crediting of Fees Collected

Monies submitted to the CSR for fees collected by employees for jury duty or witness service must be accounted for on a DoD [\(DD\) Form 1131](#), Cash Collection Voucher. The servicing PRO must credit the appropriation and accounting classification that paid the employee's salary while the employee was on jury duty or serving as a witness with these monies. See 5 U.S.C. § 5515.

051615. Employee Absence

See Table 5-4 for employee absences for court or court-related services.

051616. Payroll Deduction

Fees not submitted in a timely manner are subject to payroll deduction. Payroll deductions to collect the fees will be made in the next regular pay period. See 5 U.S.C. § 5515.

0517 SHORE LEAVE

051701. General

Shore leave means paid leave authorized under [5 U.S.C. § 6305\(c\)](#) and 5 CFR 630, [subpart G](#) that is earned by an employee who is regularly assigned to duties onboard an oceangoing vessel. The employee appointed in the civil service can be an officer, crewmember, or other employee serving aboard an oceangoing vessel on an extended voyage. An employee is considered to be regularly assigned when his or her continuing duties are such that all or a significant part of them require that they serve aboard an oceangoing vessel. Temporary assignments of a shore-based employee, such as for limited work projects or for training, do not constitute a regular assignment. An eligible officer, crew member, or other employee serving onboard an oceangoing vessel on an extended voyage earns shore leave (5 U.S.C. § 6305(c) and 5 CFR 630.701-704) at a rate not to exceed 1 day for each 15 calendar days of absence on one or more extended voyages.

051702. Extended Voyage

Shore leave is earned by eligible employees who are on an extended voyage. An extended voyage must be at least 7 consecutive calendar days in duration, including voyage-preparation time on board the vessel. See 5 CFR 630.701.

051703. Computing Shore Leave

An employee earns shore leave at the rate of 1 day of shore leave for each 15-calendar days of absence on one or more extended voyages. The master of the vessel will keep a record of the accrual of shore leave for each employee. See 5 CFR 630.703.

A. Officer and Crewmembers. For an employee who is an officer or crewmember, a voyage begins either on the date the employee assumes duties aboard an oceangoing vessel to begin preparation for a voyage or on the date the employee comes aboard when a voyage is in progress. The voyage terminates on the earliest of the following dates:

1. The employee ceases to be an officer or crewmember of the oceangoing vessel, or

2. The employee is released from assigned duties relating to the voyage aboard the oceangoing vessel at the port of origin or port of final discharge.

B. Other Employees. For an employee, other than an officer or crewmember, a voyage begins on the date of sailing and terminates on the earliest of the following dates:

1. The oceangoing vessel returns to a port where the employee will disembark in completion of his or her assignment aboard the vessel, or

2. The employee is released from the assignment aboard the vessel.

051704. Computing Days of Absence

The master of the vessel keeps a record on the use of shore leave for each employee. When computing the days of absence, an agency must use the guidance set out at 5 CFR 630.703(c).

051705. Granting Shore Leave

An employee has an absolute right to use shore leave, subject to the right of the head of the agency to fix the time when shore leave may be used. Shore leave may be granted during a voyage at the written request of the employee. If so requested and denied, the denial must also be in writing. See 5 CFR 630.704.

051706. Minimum Charge

The minimum charge for shore leave is 1 day; additional charges are in whole days.

051707. Time and Attendance Report

The time and attendance report must reflect shore leave taken.

051708. Limitation

Shore leave is in addition to annual leave, and it may be accumulated for future use without limitation.

051709. Lump-Sum Leave Payment

Shore leave is not included in a lump-sum leave payment.

051710. Terminal Leave

An agency must not grant shore leave to an employee as terminal leave. Terminal leave is an approved absence immediately before an employee's separation when an agency knows the employee will not return to duty before the date of their separation. The exception to this rule is that an agency must grant shore leave as terminal leave when the employee's inability to use shore leave was due to circumstances beyond their control and not due to his or her own act or omission.

051711. Forfeiture

Shore leave is forfeited if not granted before:

A. Separation from the service, or

B. An official assignment, other than by temporary detail, to a position in which the employee does not earn shore leave. To the extent administratively practicable, the employing activity must give an employee an opportunity to use the shore leave to their credit either before the reassignment or not later than 6 months after the date of their reassignment when the employing activity is unable to grant the shore leave before the reassignment.

051712. Transfer

At the time of an employee's transfer to a position at another employing activity or agency, accumulated shore leave must be transferred if:

A. The employee is entitled to shore leave in the new position, and

B. There is no break in service.

0518 HOME LEAVE

051801. General

Home leave means leave authorized by [5 U.S.C. § 6305\(a\)](#) and [5 CFR 630.601](#) and earned by service abroad. Home leave can be earned and granted to eligible employees who have been recruited for overseas duty and who meet the requirements of 5 U.S.C. § 6304(b) for the accumulation of a maximum of 45 days of annual leave. There is no maximum accumulation of home leave. Balances are posted on the SF 1150 for future use.

051802. Earning Home Leave

To determine the rate of accrual for home leave, the computation of service abroad must be completed. When computing service abroad full credit is given for the day of arrival and the day of departure.

A. Computation of Service Abroad. Service abroad means service on or after September 6, 1960, at a post of duty OCONUS and outside the employee's residence if it is in the Commonwealth of Puerto Rico or a territory or possession of the United States. Computation of service abroad:

1. Begins on the date of the employee's arrival at a post of duty OCONUS, or on the date of his entrance on duty when recruited abroad;

2. Ends on the date of the employee's departure from the post for separation or for assignment in the United States, or on the date of his separation from duty when separated abroad; and

3. Includes:

a. Absence in a nonpay status up to a maximum of 2 workweeks within each 12 months of service abroad,

b. Authorized leave with pay,

c. Time spent in the Armed Forces of the United States which interrupts service abroad (but only for eligibility, not leave-earning, purposes), and

d. A period of detail.

B. Earning Rates. For each 12 months of service abroad, an employee earns home leave at the following rate:

1. An employee who accepts an appointment to, or occupies, a position for which the agency has prescribed the requirement that the incumbent accept assignments anywhere in the world as the needs of the agency dictate earns 15 days.

2. An employee serving with a U.S. mission to a public international organization earns 15 days.

3. An employee serving at a post that payment of a foreign or non-foreign (but not a tropical) differential of 20 percent or more is authorized by law or regulation earns 15 days.

4. An employee not included in subparagraphs 051702.B.1, 2, or 3, who is serving at a post that payment of a foreign or territorial (but not a tropical) differential of at least 10 percent (but less than 20 percent) is authorized by law or regulation, earns 10 days.

5. An employee not included in subparagraphs 051702.B.1, 2, 3, or 4 of this section earns 5 days.

6. An employee not included in subparagraphs 051702.B.1 through 051702.B.5, whose service abroad is interrupted by a tour of duty in the Armed Forces of the United States, for the duration of such tour earns 0 days.

C. Home Leave Earning Table. The employee earns home leave under the rates fixed by [5 CFR 630.604](#) for each month of service abroad. An agency must credit home leave to an employee's leave account, as earned, in multiples of 1 day as set forth in the table under [5 CFR 630.605](#).

D. Varying Rates. When a change in the employee's earning rate occurs, the agency must credit the employee with the amount of home leave for the month at the rate that they were entitled to prior to the change.

051803. Home Leave Usage

A grant of home leave is at the discretion of the employee's agency. An agency may grant home leave in combination with other leaves of absence in accordance with established agency policy.

A. Entitlement. Except as otherwise authorized by statute, an employee is entitled to home leave only when they have completed a basic service period of 24 months of continuous service abroad. The 24 months of continuous service abroad is a one-time requirement. This basic service period is terminated by a break in service of 1 or more workdays or an assignment (other than a detail) to a position that an employee is no longer subject to 5 U.S.C. § 6305(a). An employee is entitled to home leave upon completion of 12-month overseas assignments in certain areas affected by OCO. See [22 U.S.C. § 4083\(a\)](#).

B. Limitations. An agency may grant home leave only under the following circumstances:

1. For use in the United States, the Commonwealth of Puerto Rico, or a territory or possession of the United States; and

2. During an employee's period of service abroad, or within a reasonable period after his or her return from service abroad when it is contemplated that the employee will return to service abroad immediately or on completion of an assignment in the United States. See 5 U.S.C. § 6305(a)(1) and [5 CFR 630.606](#).

051804. Charging of Home Leave

The minimum charge for home leave is one day and additional charges are in multiples thereof.

051805. Indebtedness

An employee is indebted for the home leave used when the employee fails to return to service abroad after the period of home leave or after the completion of an assignment in the United States. However, a refund for this indebtedness is not required when:

A. The employee has completed at least 6 months service in an assignment in the United States following the period of home leave;

B. The agency determines the employee's failure to return was due to compelling personal reasons of a humanitarian or compassionate nature, such as physical or mental health issues, or circumstances of which the employee has no control; or

C. The agency that granted the home leave determines that it is in the public interest not to return the employee to their overseas assignment.

051806. Transfer and Recredit of Home Leave

An employee is entitled to have their home leave account transferred or recredited to his or her account when the employee moves between agencies or is reemployed without a break in service of more than 90 days. Home leave is not included in lump-sum leave calculations.

0519 FUNERAL LEAVE

051901. General

Funeral leave is granted to allow an employee to arrange for or to attend the funeral or memorial service for an immediate relative who died of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone. [Title 5, U.S.C. § 6326](#) and 5 CFR 630, [subpart H](#) require an activity to grant an employee funeral leave as is needed and requested, not to exceed 3 workdays. The granting of funeral leave should not cause the employee to lose leave the employee is otherwise entitled to, or lose credit for time or service. The 3 days need not be consecutive, but if not, the employee must furnish the approving authority with satisfactory reasons justifying a grant of funeral leave for nonconsecutive days. Combat zone means those areas determined by the President under the authority of [26 U.S.C. § 112](#). An activity may grant funeral leave only from a prescribed tour of duty, including regularly scheduled overtime. An immediate relative is an individual with any of the following relationships to the employee:

- A. Spouse and their parents;
- B. Sons and daughters (including adopted, step, or foster) and their spouses;
- C. Parents and their spouses;
- D. Brothers and sisters, and their spouses;

- E. Grandparents and grandchildren, and their spouses;
- F. Domestic partner and their parents, including domestic partners of any individual in subparagraphs 051801 B. through E; or
- G. Any person related by blood or affinity whose close association with the employee was the equivalent of a family relationship. See 5 CFR 630.801-804 and 5 U.S.C. § 6326.

051902. Official Duty Status

Under [31 U.S.C. § 1345](#), an agency is authorized to pay the expenses of an official or employee of the United States carrying out an official function as part of the funeral or memorial service. See paragraph 051409 for information concerning the official duty status of an employee in connection with funerals of fellow Federal law enforcement officers or Federal firefighters under 5 U.S.C. § 6328.

0520 CONTINUATION OF PAY (COP) AND OWCP

052001. General

The Federal Employees' Compensation Act, 5 U.S.C., Chapter 81, provides for the payment of workers' compensation benefits and authorized medical care for all civilian employees of the United States for disability due to personal injury sustained while in the performance of duty. For information on placing employees who are eligible for COP in a leave status for time lost from work due to injury in excess of the 45 days of COP, see Chapter 6. See also [20 CFR 10](#) and the [DoDI 1400.25, V810](#).

052002. Use of Leave

An employee may use annual, sick, or advanced leave to cover all or part of an absence due to an injury.

0521 MILITARY LEAVE

052101. Four Types of Military Leave

Eligible employees are entitled to time off with full pay for certain types of active or inactive duty in the National Guard or as a Reserve of the Armed Forces. See [5 U.S.C. § 6323](#). The four types of military leave are as follows:

- A. Leave under 5 U.S.C. § 6323(a) provides employees with 120 hours (15 days) of leave per FY for active duty, active duty training, and inactive duty training. See paragraph 052002.
- B. Leave under 5 U.S.C. § 6323(b) provides 22 workdays per calendar year for employees who perform military duties in support of civil authorities in the protection of life and

property, or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation. See paragraph 052003.

C. Leave under 5 U.S.C. § 6323(c) provides unlimited military leave to members of the National Guard of the District of Columbia for certain types of duty. See paragraph 052204.

D. Leave under 5 U.S.C. § 6323(d) provides that military reserve technicians are entitled to 44 workdays of military leave for duties overseas under certain conditions. See paragraph 052005.

052102. Military Leave for Active Duty, Active Duty Training, and Inactive Duty Training Under 5 U.S.C. § 6323(a).

Military leave is available for active duty, active duty training, inactive duty training, funeral honors duty, or engaging in field or coast defense training. See 5 U.S.C. § 6323(a). Eligible employees are entitled to 120 hours (15 days) of military leave on a FY rather than a calendar year basis. Unused military leave must carry forward to the next FY, not to exceed a maximum balance of up to 30 days. Eligible part-time employees are entitled to military leave on a prorated basis. See [5 U.S.C. § 3401\(2\)](#). Employees with temporary appointments of 1 year or less or intermittent work schedules are not entitled to military leave, even if the appointments are extended in 1 year increments without a break in service. Employees with appointments exceeding 1 year are entitled to military leave.

A. Receipt of Both Military Pay and Civilian Pay. Employees using military leave under 5 U.S.C. § 6323(a) keep both their military and civilian pay.

B. Crediting Military Leave. At the beginning of each FY (October 1), eligible full-time employees must be credited with 120 hours (15 days) of military leave. Eligible part-time employees must be credited with leave on a prorated basis. The prorated percentage is determined by dividing 40 into the number of hours in the employee's regularly scheduled workweek during that FY. Any portion of military leave unused at the end of the FY, not to exceed 120 hours (15 days), must be carried forward to the next FY (not to exceed a maximum balance of 240 hours (30 days)). Newly eligible employees and new members of Reserve Components must be credited with the full 120 hours (15 days) (prorated if employed part-time) when entering upon duty or upon joining the Reserve unit. The 120 hours must not be prorated for a partial year for newly eligible employees or new members of the Reserve unit.

C. Crediting Military Leave After Change in a Tour of Duty. If a civilian employee changes their tour of duty from part-time to full-time in the middle of the FY, the servicing PRO must determine the number of days of military leave used by the employee during that FY. The days of used leave are subtracted from the days authorized under the current tour of duty in the case of an employee who increases the hours in their workweek.

1. Example. An employee worked a 32 hour workweek and was entitled to 96 hours of military leave (120 hours x (32/40 = .8) = 96 hours). The employee used

40 military leave hours before the tour of duty was changed to full-time in the middle of the FY. The employee had a balance of 56 hours. After changing to full-time, the employee's available military leave hours would equal the number of hours on the current full-time tour of duty (120) minus the number of used hours, on the previous tour of duty (40 hours) or $120 - 40 = 80$ remaining hours of military leave.

2. Formula. The formula is as follows:

(military leave hours authorized in current tour) - (military leave hours used from previous tour) = military leave hours available for the remainder of the FY.

D. Charging Leave. Military leave under 5 U.S.C. § 6323(a) is charged on a daily basis, and the minimum charge is 1 hour. Military leave may be taken intermittently, a day at a time, or all at one time, regardless of the number of training sessions. Hours in the regularly scheduled workday that are not chargeable to military leave must be worked or charged to another leave category such as annual leave, LWOP, or compensatory time. No charge is made for non-workdays at the beginning and end of a period of absence on active military duty. Military leave is not charged for weekends and holidays that occur within the period of service. Under 5 CFR 353.208, an employee performing military service must be permitted to also use any accrued annual leave, earned compensatory time off for travel, or accrued sick leave (consistent with requirements for using sick leave) during military service. An employee may use annual leave, military leave, and earned compensatory time off for travel or sick leave intermittently with LWOP while on active duty or active/inactive duty training.

E. Weekend Drills. Civilian employees whose regular workweek includes Saturday and Sunday may take military leave under 5 U.S.C. § 6323(a) to attend weekend drills.

F. Inactive Duty Training (Drills). Inactive duty training means authorized training performed by members of a Reserve component, not on active duty and performed in connection with the prescribed activities of the Reserve component. It consists of regular scheduled unit training periods, additional training periods, and equivalent training.

G. Using Carryover Leave. A maximum of 240 hours (30 days) of military leave may be used in any FY. The military leave may be used during one or more periods of military duty during the FY. Employees may take the full 120 hours (15 days) of military leave immediately at the beginning of a FY, even if up to a maximum of 240 hours (30 days) had been taken during the prior FY, and even if the military duty is continuous.

052103. Military Leave for Mobilized Federal Civilian Employees in Support of Contingency Operations or Employees Who Assist With Law Enforcement Under 5 U.S.C. § 6323(b).

A. Entitlement. There are two conditions under which employees are entitled to an additional 22 workdays of military leave under the provisions of 5 U.S.C. § 6323(b).

1. Military Service In Support of a Contingency Operation. Employees who perform full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in [10 U.S.C. § 101\(a\)\(13\)](#) are eligible for an additional 22 workdays of military leave.

2. Military Duty In Support of Civil Authorities. Reservists or National Guard members who perform military duty in support of civil authorities in the protection of life and property are eligible for an additional 22 workdays of military leave.

B. Reduction of Civilian Pay for Leave Under 5 U.S.C. § 6323(b). An employee's civilian pay is reduced (offset) by the amount received by the employee for military service as a member of the Reserves or National Guard for the period the employee is granted military leave under 5 U.S.C. § 6323(b). The military pay to be offset against the civilian pay does not include travel, transportation or per diem paid by the military. If the military pay exceeds the employee's civilian pay, the employee retains that portion of military pay that exceeds the civilian pay. If the employee uses annual leave or compensatory time, the offset rules do not apply, and the employee receives full military pay and full civilian pay. See [5 U.S.C. § 5519](#).

C. Crediting Leave. Military leave must be credited to the employee upon each eligible occurrence. Leave remaining at the end of the calendar year may not be carried over into the next calendar year.

D. Charging Leave. The 22 workdays (176 hours) are charged on the same basis as annual and sick leave. An employee working an uncommon tour of duty must have this additional leave entitlement adjusted on a pro rata basis. Leave may also be charged to the employee's accrued annual leave or to accrued compensatory time instead of being charged as leave to which the employee is entitled under this subsection. The period of absence may not be charged to sick leave.

*052104. Leave for National Guard of the District of Columbia Under 5 U.S.C § 6323(c)

Employees who are members of the National Guard of the District of Columbia are entitled to unlimited military leave without loss of pay or leave for each day of a parade or encampment ordered or authorized under [Title 49, District of Columbia Code](#). This leave covers each day of service or a portion thereof the National Guard is ordered to perform by the commanding general. See 5 U.S.C. § 6323(c).

A. Reduction of Civilian Pay for Leave Under 5 U.S.C. § 6323(c). Under the provisions of 5 U.S.C. § 5519, an employee's civilian pay is reduced (offset) by the amount received by the employee for military service as a member of the Reserve or National Guard for the period for which the employee is granted military leave under 5 U.S.C. § 6323(c). The military pay to be offset against the civilian pay does not include travel, transportation, or per diem paid by the military. If the military pay exceeds the employee's civilian pay, the employee may retain that portion of military pay that exceeds the civilian pay. If the employee uses annual leave or compensatory time, the offset rules do not apply and the employee receives full military pay and full civilian pay.

B. Crediting Leave. This leave must be credited to the employee upon each eligible occurrence. The balances at the end of each calendar do not carry into the next calendar year.

* C. Charging Leave. The unlimited leave is charged on the same basis as annual and sick leave for employees who work both a common and uncommon tour of duty.

*052105. Leave for Military Reserve Technicians (Military Technicians (Dual Status)) Under 5 U.S.C. § 6323(d)

Under 5 U.S.C. § 6323(d), employees who are defined by 5 U.S.C. § 8401(30) as military reserve technicians are entitled an additional 44 workdays (352 hours) of military leave in a calendar year. This military leave is in addition to the military leave already available under 5 U.S.C. §§ 6323(a), (b), and (c). To be eligible, the military reserve technician must be on active duty without pay under 10 U.S.C. §§ 12315, 12301(b), or 12301(d) for participation in noncombat operations OCONUS, its territories, and its possessions. Army National Guard and Air National Guard technicians will no longer receive paid military leave under 5 USC § 6323(a)(1) while performing active duty. See Section 513 of the 2017 National Defense Authorization Act and the amendment to 32 U.S.C. § 709(g). This military leave does not apply to active duty during a war or national emergency declared by the President or the Congress. A copy of the military orders or a statement by the employee's commanding officer that shows either 10 U.S.C. §§ 12301(b) or 12301(d) authority is required as acceptable evidence that the military duty was performed and was without military pay.

A. No Offset of Civilian Pay. The compensation of an employee granted leave under 5 U.S.C. § 6323(d) will not be reduced by reason of such absence since the employee will be on active duty without pay. An employee will receive the same civilian pay they would have received for regularly scheduled work.

B. Charging Leave. There is no charge for holidays and non-workdays. At the employee's request, the period the employee is absent to perform service may be charged to the employee's accrued annual leave or available compensatory time. The period may not be charged to sick leave. See 5 U.S.C. § 6323(d)(2) for additional information. The unused portion of the 44 workdays may not be carried forward to the next calendar year.

052106. Substantiating All Military Leave Charges

To substantiate all types of military leave charges, the employee is required to submit a copy of their military orders or substantiating documentation directing them to report to active military duty. Upon return to civilian status from military leave, the employee is required to submit a certified verification of attendance. If an employee has separate sets of orders or orders that cover separate periods with return to civilian status between the periods covered in the orders, then the military leave must not be charged for the time the employee is returned to civilian status.

052107. Separation From Federal Service and Military Leave

Before a Reservist or National Guard member separates from civilian employment, they are given the chance to use any accrued military leave. If a member takes military leave and then separates, the date the separation is effective must be the date the military leave expires.

052108. FLSA Nonexempt Employees

FLSA nonexempt (e.g., FLSA covered) employees may not have their customary and regular pay, including overtime pay under the FLSA, reduced during periods of military leave. Thus, if overtime pay is a part of the employee's regularly scheduled administrative workweek (not irregular or occasional) the employee is entitled to receive the overtime pay even for pay periods in which military leave is used by the employee. In such a case, the employee's civilian pay will still be offset by the amount received by the employee for military service as provided under 5 U.S.C. § 5519. For example, an employee with a regularly scheduled tour of duty of 144 hours per biweekly pay period (106 hours plus 38 hours of overtime) is entitled to receive pay for all 144 hours while on military leave, provided the civilian pay is offset by military pay pursuant to 5 U.S.C. § 5519.

052109. Additional Information Regarding Absence During Uniformed Service

A. Deemed to be on Leave of Absence. The Uniformed Services Employment and Reemployment Rights Act (USERRA) at [38 U.S.C. § 4316\(b\)\(1\)](#) provides that when an employee is absent from employment due to service in the Uniformed Services, the employee is deemed to be on furlough or leave of absence. Service includes:

1. Active duty, active duty for training, initial active duty for training, or inactive duty training;
2. Full-time National Guard duty;
3. A period in which an employee is absent from duty for the purpose of an examination to determine the employee's fitness to perform any such duty; and
4. A period in which an employee is absent from duty for the purpose of performing funeral honors duty as authorized by [10 U.S.C. § 12503](#) or [32 U.S.C. § 115](#).

B. Provisions Under 5 U.S.C., Chapter 83 (CSRS). An absence from work to perform military duty for purposes of [5 U.S.C., Chapter 83](#) ordinarily should be processed as a military separation except during a period of war or national emergency when the provisions of 5 U.S.C. § 8332(g) have been explicitly invoked. Under 5 U.S.C. § 8332(g), an employee who enters on military duty will be granted a leave of absence unless the employee has applied for and received a lump-sum credit under 5 U.S.C., Chapter 83. See [38 U.S.C., Chapter 43](#) and 5 CFR, part 353.

C. Use of Other Leave. Regulations under 5 CFR 353.208 implementing the USERRA provide that an employee performing service with the Uniformed Services must be

permitted, upon request, to use any accrued annual leave, military leave, earned compensatory time off for travel, or accrued sick leave (consistent with the statutory and regulatory criteria for using sick leave) during such service. An employee is entitled to use these types of leave intermittently with LWOP while on active duty or active/inactive duty training.

0522 FURLOUGH

052201. General

There are two types of furloughs, shutdown and administrative. In a furlough situation, the servicing PRO must rely on the detailed guidance issued by OPM and the Defense Civilian Personnel Advisory Service. See the OPM [Pay and Leave Furlough Guidance](#). Furloughs of 30 calendar days or less are covered under adverse action procedures found under [5 CFR 752, subpart D](#). Furloughs of more than 30 calendar days are covered under reduction in force procedures found under [5 CFR 351, subpart B](#). Furloughs for SES members are covered in [5 CFR 359, subpart H](#).

052202. Shutdown Furlough

A. General. A shutdown furlough (also referred to as an emergency furlough) occurs when funds are not available through an appropriations law or continuing resolution, and an agency no longer has the necessary funds to operate. Unlike an administrative furlough, agencies will not prepare an SF 50 for submission to the servicing PRO at the outset of a shutdown furlough. At the conclusion of a shutdown furlough, OPM will release specific guidance on how to prepare an SF 50 for each individual subject to furlough. See the OPM [Guidance For Shutdown Furloughs](#). During a shutdown furlough, the agency must shut down any activities that are not excepted pursuant to the Antideficiency Act. See [31 U.S.C. § 1341](#). A furloughed employee cannot volunteer to do their job on a nonpay basis. See [31 U.S.C. § 1342](#). An employee scheduled for training during a furlough must be placed in furlough status and ordered not to attend the scheduled training. Excepted and exempt employees may continue to work during a shutdown furlough as follows:

1. Excepted Employees. Excepted employees are employees who are funded through annual appropriations but who are excepted from the furlough because they are performing work that, by law, may continue to be performed during a lapse in appropriations. Each agency must determine which employees are excepted employees.

2. Exempt Employees. Employees are exempt from furlough if not affected by the lapse in appropriations. This includes employees not funded by annually appropriated funds. Employees performing such functions will generally continue to be governed by the normal pay, leave, and other civil service rules.

B. Pay During a Shutdown Furlough

1. Furloughed Employees. Congress determines whether furloughed employees receive pay for the furlough period. Furloughed employees receive pay for any hours

worked prior to the lapse in appropriations. If a furlough occurs in the middle of a pay period and an employee receives a partial paycheck, the servicing PRO must use the order of precedence listed under Chapter 4, Table 4-1 in applying deductions.

2. Excepted Employees. Excepted employees who perform services during a furlough period will be paid when Congress passes and the President signs a new appropriation or continuing resolution. Excepted employees are permitted to earn premium pay in accordance with applicable rules and subject to relevant pay limitations.

3. Holidays. Furloughed employees and excepted employees who do not work on a holiday do not receive pay for a holiday that occurs during a shutdown furlough.

C. Previously Approved Leave During a Shutdown Furlough. The Antideficiency Act at 31 U.S.C. § 1341 does not allow for the authorization of any expenditure or obligation before an appropriation is made, unless authorized by law. Paid time off creates a debt that is not authorized by the Act. Therefore, all paid time off during a shutdown furlough must be cancelled. Any unpaid leave under the FMLA that was scheduled to be taken during a shutdown furlough does not count toward the employee's 12-week FMLA leave entitlement. Military leave under 5 U.S.C. § 6323 must be cancelled for days covered by the furlough. Excepted employees:

1. Must either be performing excepted activities or be furloughed during any absence from work,

2. May not take previously approved paid time off or be granted new requests for paid time off during a shutdown furlough,

3. May be permitted to earn compensatory time off and credit hours during the shutdown furlough, and

4. Are not permitted to use the compensatory time off or credit hours during the shutdown period.

052203. Administrative Furlough

A. General. An administrative furlough is a planned event by an agency, which is designed to absorb reductions necessitated by downsizing, reduced funding, lack of work, or any budget situation other than a lapse in appropriations. Furloughs resulting from sequestration would generally be considered administrative furloughs. See the OPM [Guidance for Administrative Furloughs](#).

B. Covered Employees. Agencies are responsible for identifying the employees affected by administrative furloughs based on budget conditions, funding sources, mission priorities (including the need to perform emergency work involving the safety of human life or protection of property), and other mission-related factors.

1. All political appointees who are covered by the leave system in 5 U.S.C., Chapter 63, or an equivalent formal leave system, are subject to administrative furlough.

2. Individuals appointed by the President, with or without Senate confirmation, who are not covered by the leave system in 5 U.S.C., Chapter 63, or an equivalent formal leave system, are not subject to furlough. A leave-exempt Presidential appointee cannot be placed on non-duty status.

C. Pay During an Administrative Furlough

1. Ordered to Work. If an employee is ordered to work during the furlough hours, the assignment of work cancels the employee's furlough status for the duration of the order and such work is subject to normal compensation requirements.

2. Work Outside of Basic Workweek. Employees who are required to work hours outside of a basic workweek during which they have been furloughed are compensated with their rate of basic pay if overtime thresholds have not been met, and/or with overtime pay or compensatory time off in lieu of overtime pay, as appropriate, once the thresholds have been met.

3. Post Allowance. Post Allowance continues without interruption while the employee is in nonpay status not in excess of 14 consecutive calendar days, including periods outside the employee's regular tour of duty (e.g., weekends).

4. Living Quarters Allowance (LQA). LQA continues without interruption while the employee is in nonpay status not in excess of 30 consecutive calendar days at any one time. For periods in nonpay status longer than 30 consecutive calendar days, LQA payment must be suspended as of the day the employee enters such status, and payment is not to be made for any part of such period.

D. Voluntary Services. An employee on administrative furlough may not volunteer to do his or her job on a nonpay basis. See 31 U.S.C. § 1342.

0523 LWOP

052301. General

LWOP is a temporary nonpay status and absence from duty that, in most cases, is granted at the employee's request. In most instances, granting LWOP is a matter of supervisory discretion and limited by agency internal policy.

052302. Employee Request

An employee's request for paid leave of absence, such as for annual or sick leave, will convert to a request for LWOP if annual or sick leave is insufficient.

052303. Authorization

Authorizing LWOP is a matter of administrative discretion. An employee generally cannot demand LWOP as a matter of right. However, in some instances, employees may have an entitlement to LWOP.

A. FMLA. Employees may be entitled to unpaid leave under the FMLA to care for a family member or covered Service member. See section 0505.

B. Disabled Veterans. Disabled veterans are entitled to LWOP if required for medical treatment under Executive Order 5396, July 17, 1930.

C. Reserve and National Guard Members. Reserve and National Guard members are entitled to LWOP if required to perform military duties under 38 U.S.C. § 4316(b)(1). See paragraph 052002.

D. Workers' Compensation. For limited periods, employees are entitled to LWOP if receiving injury compensation under 5 U.S.C., Chapter 81. Generally, when receiving workers' compensation from the DOL, employees may not be in a pay status.

052304. Leave Conversion

LWOP that has been granted to an employee will not be converted to annual or sick leave except in the case of:

- A. Administrative error,
- B. Participation in the VLTP, VLBP, and/or ELTP,
- C. Disability retirement and employee compensation cases in which claims are disallowed, or
- D. When there has been a settlement or an order of an arbitrator, Administrative law judge, or Federal judge in an employee dispute.

052305. Reduction of Leave Accrual

When the number of LWOP status hours in a full-time employee's leave year equals the employee's biweekly tour of duty (e.g., 80, 112, or 144 hours), the employee's leave accrual is reduced by an amount equal to the amount of leave (sick and annual) earned during the pay period. For example, when reduction of accrual is required during the last pay period in the calendar year for an employee in the 6-hour accrual category (entitled to accrue 10 hours of leave in such period), leave accrual for that period reduces by 10 hours. When an employee has one or more breaks in service during the leave year, the servicing PRO will include all hours in a LWOP status (other than nonpay status during a fractional pay period when no leave accrues). When an employee's number

of LWOP hours at the end of the leave year is less than his or her biweekly tour of duty, the LWOP hours are dropped. See 5 CFR 630.208.

0524 ABSENCE WITHOUT LEAVE (AWOL)

052401. General

If an employee who is required to work fails to report for duty without adequate reason for their absence, the agency may choose to place the employee on AWOL, and the employee may potentially be disciplined for the AWOL at the agency's discretion. The agency makes the determination as to whether the employee has adequate reason for his or her absence. An absence from duty which is not authorized or approved, or for which a leave request has been denied, is properly charged as AWOL.

052402. Reduction of Leave Accrual

The reduction of leave accrual is the same as for LWOP.

0525 SUSPENSION

Suspension is the placement of an employee in a temporary nonpay and non-duty status for disciplinary reasons. An SF 50 must be issued for all suspensions. See [5 U.S.C., Chapter 75](#) and [5 CFR, part 752](#).

0526 DISABLED VETERAN LEAVE (DVL)

052601. Purpose

The [Wounded Warriors Federal Leave Act of 2015](#), passed on November 5, 2015, establishes a new leave category for newly hired veterans of military service with a service-connected disability rating of 30 percent or more from the Veterans Benefits Administration (VBA). The intent of the law was to grant newly-hired veterans immediate access to up to 13 days (104 hours) of paid leave so that the employee does not need to take unpaid leave for the treatment of their service connected injuries. An employee can use up to 104 hours of DVL to attend medical appointments related to their service connected disability during a 12-month period of eligibility beginning on their first day of employment, as defined under subparagraph 052702.B. DVL is a one-time benefit provided to an eligible employee. See [5 U.S.C. § 6329](#); [5 CFR 630, subpart M](#); and the OPM Fact Sheet, [Disabled Veteran Leave](#).

052602. Eligibility and Submission of Certifying Documentation

A. Eligible Employees. An employee, hired on or after November 5, 2016, who is a veteran with a qualifying service-connected disability is eligible for disabled veteran leave. See 5 CFR 630.1304. For the purposes of DVL, hired after November 5, 2016, means the following:

DVL,

1. Receiving an initial appointment to a civilian position qualifying for
2. Receiving a qualifying reappointment to a civilian position qualifying for DVL, or
3. Returning to duty status in a civilian position qualifying for DVL when the return immediately follows a break in civilian duty to perform military service. Employee must be in a continuous civilian leave status during the break.

B. Eligibility Period. An employee may use disabled veteran leave during the 12-month eligibility period beginning on their first day of employment. For purposes of determining the 12-month period, the first day of employment means the later of:

1. The earliest date an employee is hired (after the effective date of the employee's qualifying service-connected disability as determined by the VBA), or
2. The effective date of the employee's qualifying service-connected disability as determined by the VBA.

C. Certifying Documentation. The employee must provide their employing agency with documentation from the VBA certifying the employee has a service-connected disability rating of at least 30 percent or more. The certifying documentation must be provided to the employing agency as follows:

1. Upon the first day of employment, if the employee has already received certifying documentation from the VBA; or
2. If the employee has not yet received certifying documentation from the VBA, as soon as practicable after the employee receives the documentation.

D. Eligibility Period if Certifying Documentation is Submitted Late. If the employee submits the certifying documentation on a date later than required under subsection 052502.C, the 12-month eligibility period is not affected and is still based on the first day of employment.

E. Changes in Eligibility. The employee must notify the agency if the disability rating is decreased below a 30 percent rating or discontinued in the 12-month eligibility period.

052603. Crediting and Offsetting DVL

After confirming the employee's eligibility for DVL, the servicing PRO must credit the employee with the appropriate amount of DVL. The number of hours credited is based on the employee's work schedule. The total number of DVL hours initially credited must be offset by certain sick leave or "equivalent" disabled veteran leave as described in subparagraphs A-F. See 5 CFR 630.1305 and the OPM Fact Sheet for examples.

A. Full-Time Employees. Full-time nonseasonal employees may receive a credit of 104 hours of DVL.

B. Part-Time Employees. The 104 hours is prorated based on the number of hours in the part-time schedule (as established for leave charging purposes) relative to a full-time schedule. For example, 52 hours of DVL is given to a half-time employee.

C. Seasonal Employees. The 104 hours is prorated based on the total projected hours to be worked in an annual period of 52 weeks relative to a full-time work year of 2,080 hours (for example, 52 hours for a seasonal employee who works full-time for half a year).

D. Uncommon Tour of Duty. The 104 hours is proportionally increased based on the number of hours in the uncommon tour of duty relative to the hours in a full-time tour (for example, 187 hours for an employee with a 72-hour weekly uncommon tour of duty).

E. Tour of Duty Change. If an employee's tour of duty is converted to a different tour of duty, the employee's balance of DVL must be converted to the proper number of hours based on the proportion of hours in the new tour of duty. See 5 CFR 630.1305.

F. Offsetting DVL Credits. When determining the initial number of hours of DVL credit, the servicing PRO must offset the credit for the following:

1. Sick Leave. Any hours of sick leave the employee has credited to their account as of the first day of employment (for example, if the employee is being reappointed and will have recredited sick leave, the DVL must be reduced by the recredited sick leave).

2. Equivalent DVL. Any hours of equivalent DVL used by an employee in a position not covered under 5 U.S.C. 6329 (for example, if the employee has equivalent DVL granted under other statutory authority such as for personnel with the Federal Aviation Administration, the DVL must be reduced by the equivalent leave hours). See 5 CFR 630.1305(e).

052604. Requesting and Using DVL

An employee may only use DVL only for medical treatment of a qualifying service-connected disability. The medical treatment may include a period of rest if so directed by a medical provider for treatment of the service-connected disability. See 5 CFR 630.1306.

A. Application for Leave. The application for leave may be a written, electronic, or oral request. The application must state the DVL will be used for medical treatment of the qualifying disability. The leave application must include the days and hours required of absence for treatment. The application must be submitted according to the employing agency's leave submission requirements.

B. Retroactive Substitution of DVL Leave. If an employee does not provide the agency with certification for the service-connected disability prior to having to take leave connected to treatment of the service-connected disability, the employee is entitled to substitute approved DVL

retroactively for such absences in the 12-month eligibility period (excluding periods of suspension or AWOL). The DVL may be retroactively substituted for LWOP, sick leave, annual leave, compensatory time off, or other paid time off in the 12-month eligibility period. Upon substituting the DVL, the servicing PRO must make appropriate adjustments to leave balances. If the employee retroactively substitutes DVL for advanced annual or advanced sick leave, the substitution will liquidate any leave indebtedness.

052605. Medical Certification

A. Required Documentation. In addition to the employee's request to utilize DVL as described in subparagraph 052504.A, an agency may require a signed written medical certification issued by a health care provider. The agency may request any of the following:

1. A statement by a health care provider affirming the medical treatment is for the service-connected disability that resulted in 30 percent or more disability rating;
2. The dates and times of treatment (if the treatment extends over several days, then the beginning and ending dates of treatment);
3. If the leave was not requested in advance, a statement that the treatment required was urgent or there were other circumstances that made advance scheduling impossible; and
4. Any additional information the agency deems necessary to verify the employee's eligibility.

B. Time Limit for Submission of the Medical Certification. An employee must provide any required written medical certification to the agency within 15 calendar days after the date requested by the agency. If the agency determines it is not practicable for the employee to provide the requested medical certification within 15 calendar days (despite the employee's diligent and good faith efforts), the employee may be allowed to provide the medical certification within a reasonable period of time under the circumstances involved. The medical certification should be provided no later than 30 calendar days after the date the agency requests such documentation. If the employee does not provide the appropriate documentation within the allotted time, the employee is not entitled to use DVL. In such cases, the agency may charge the employee as AWOL or allow the employee to request that the absence be charged to LWOP, sick leave, annual leave, or other forms of paid time off. See 5 CFR 630.1307.

052606. DVL Forfeiture, Transfer, and Reinstatement and Lump-Sum Payments

A. Forfeiture

DVL not used during the 12-month eligibility period, may not be carried over to the next year and must be forfeited. If an employee's disability rating is decreased under 30 percent during the 12-month eligibility period, any unused DVL on the employee's leave account is forfeited effective the date of the change in rating.

B. Transfer or Reinstatement

When an employee transfers between agencies or is reinstated to civilian service after a break in service, the following actions must be taken:

1. Transfer Between Agencies With No Break in Service. When an employee with DVL transfers or moves from a position in one agency to a different agency during the 12-month eligibility period without a break in service, the losing agency must certify the number of DVL hours available for credit by the gaining agency. The losing agency must also certify the expiration date of the employee's 12-month eligibility period. Any remaining unused DVL at the end of the 12-month eligibility period is forfeited.

2. Reinstatement After a Break in Service. When an employee with DVL has a break in service of at least 1 workday and is reemployed in a position covered by 5 U.S.C. 6329 within the same 12-month eligibility period, the employee is entitled to a recredit of the unused balance. The losing agency must certify the number of unused DVL hours available for recredit by the gaining agency. The losing agency must certify the expiration date of the 12-month eligibility period. In absence of such certification by the losing agency, the recredit may be supported as set out under 5 CFR 630.1308(d)(3). Any remaining unused DVL at the end of the 12-month eligibility period must be forfeited.

C. Lump-Sum Leave Payments

An employee will not receive a lump-sum payment for unused DVL under any circumstance.

Table 5-1. Leave Proration for Fractional Pay Periods

Pay Period Workdays	Hourly Accrual Rate		
	Category 1	Category 2	Category 3
	4-hour accrual	6-hour accrual	8-hour accrual
1	1	1	1
2	1	1	2
3	1	2	2
4	2	2	3
5	2	3	4
6	2	4	5
7	3	4	6
8	3	5	6
9	3	5	7
10	4	6	8

*Note: Use Category 1 for sick leave purposes.

Table 5-2. Time Limitations for Use of Reinstated Leave

Full-Time Employees	
Hours in excess of maximum accumulation	Time limitation for use of reinstated leave (end of the leave year in progress after)
416 or less	2 years
417 – 624	3 years
625 – 832	4 years
833 – 1040	5 years
1041 – 1248	6 years

Part-Time Employees	
Hours in excess of maximum accumulation	Time limitation for use of reinstated leave (end of leave year in progress after)
If 208 or less multiply tour of duty by 20% ($1040 \times 20\% = 208$)	2 years
If 209 – 312 multiply tour of duty by 10% ($1040 \times 10\% = 104$)	3 years
313 – 416	4 years
417 – 520	5 years
521 – 624	6 years

*Table 5-3. Leave Flexibilities Available to Care for a Family Member and/or a Covered Service Member

<u>Entitlement</u>	<u>Amount of Hours</u>	<u>Purpose</u>	<u>Family Members for Whom Leave May be Taken</u>
Accrued Sick Leave for General Care of a Family Member and Bereavement	13 days (104 hours) of paid leave	1-Provide care for a family member who is incapacitated by medical or mental condition. 2-Provide care for a family member with a serious health condition. 3-Provide care for a family member receiving medical, dental, or optical examination or treatment. 4-Make arrangements necessary due to a death of a family member or attend the funeral of a family member. 5-Who would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by that family member's presence in the community because of exposure to a communicable disease.	See definition of a family member at 5 CFR 630.201(b). Family members include: 1-Spouse and their parents 2-Sons/daughters and their spouses 3-Parents and their spouses 4-Brothers/sisters and their spouses 5-Grandparents/grandchildren and their spouses 6- Domestic partners and their parents (including domestic partners of any individual in 2-5) 7-Any individual related by blood or whose relationship with the employee is equivalent of a family.
Accrued Sick Leave for Care of a Family Member With a Serious Health Condition	12 weeks (480 hours) of paid leave	To care for a family member with a serious health condition as defined by 5 CFR 630.1202.	See the definition of a family member at 5 CFR 630.201(b).
Advanced Sick Leave	up to 30 days (240 hours) of paid leave	To care for a family member with a serious disability or ailment. (Agency discretion)	See the definition of a family member at 5 CFR 630.201(b).
FMLA (Basic/Regular)	12 weeks (480 hours) of unpaid leave during a 12-month period	To care for a family member with a serious health condition. For the birth or adoption/foster care of a child For a qualifying exigency arising out of the fact that the spouse, son, daughter or parent of the employee is on covered active duty.	Spouse, son, daughter or parent with a serious health condition. The son or daughter must be under 18, or over 18 but incapable of self-care due to a mental or physical disability (5 CFR 630.1203(a)(3) and 630.1202). Newborn child within 1 year of birth or child placed with employee for adoption or foster care within 1 year of placement. Employee's spouse, son, daughter or parent.
Paid Parental Leave-subject to FMLA usage	12 Weeks (480 Hours) of paid leave during a 12-month period	For the birth or adoption/foster care of a child.	Newborn child within 1 year of birth or child placed with employee for adoption or foster care within 1 year of placement. 5 CFR 630, Subpart Q.
FMLA to Care for a Covered Service Member	26 weeks (1,040 hours) of unpaid leave in a 12-month period	To care for a covered Service member with a serious injury or illness.	Spouse, son, daughter, parent, or next of kin of a covered Service member. Next of kin means the nearest blood relative of that individual.

Table 5-4. Employee Absences for Court or Court-Related Services

Nature of Service	Type of Absence			Fees			Government Travel Expenses	
	Court Leave	Official Duty	Annual Leave or LWOP	No	Yes		No	Yes (see Note)
					Retain	Turn Into Agency		
I. JURY SERVICE								
A. United States or District of Columbia.	X			X			X	
B. State or local court	X					X	X	
II. WITNESS SERVICE								
A. On behalf of the United States or District of Columbia court.		X		X				X
B. On behalf of state or local:								
1. Official capacity, or		X				X		X
2. Nonofficial capacity	X					X	X	
C. On behalf of a private party:								
1. Official capacity, or		X				X		
2. Nonofficial capacity:						X		X
a. When party is the United States, District of Columbia, or local government	X						X	
b. When party is not United States, District of Columbia, or local government			X		X		X	

*Note: Offset to the extent paid by the court, authority, or party that caused the employee to be summoned.

*REFERENCES

CHAPTER 5 – LEAVE AND OTHER ABSENCES

0501 – GENERAL

050102 OPM’s Pay and Leave
5 U.S.C., Chapter 63
5 CFR, Part 630
DoDI 1400.25, V630

0502 – GENERAL REQUIREMENTS AND RESPONSIBILITIES

050203.A OPM Fact Sheet, Leave Year Beginning and Ending
Dates
050203.C 5 CFR 630.208
050203.F 5 CFR 630.204
050204 GAO-03-352G, Maintaining Effective Control over
Employee Time and Attendance Reporting
050205 DoDI 1400.25, V630
5 CFR 630.206

0503 – ANNUAL LEAVE

050301 5 CFR 630, subpart C
OPM Handbook on Leave and Workplace
Flexibilities for Childbirth, Adoption, and Foster
Care
050301.A OPM’s Credible Service for Leave Accrual
050302.B.1.a 5 CFR 630.210(b)
050302.B.1.b FPM Supplement 990-2, Book 630, paragraph S2-6
(reference (k))
59 Federal Register 66631, December 28, 1994
050302.B.3 5 CFR 340, subpart D
050302.C 5 U.S.C. § 6302(b)
5 U.S.C. § 6303(e)
5 CFR 630.205
050302.D 5 CFR 630.208
050302.E.1 5 CFR 630.303
050302.E.2 5 CFR 630.202(b)
050302.F 5 CFR 630.201
5 CFR 630.210(a)
DoDI 1400.25, V630
050303.A Section 202(b) of the Federal Workforce Flexibility
Act of 2004
5 U.S.C. § 5383
5 U.S.C. § 5376

REFERENCES (Continued)

	10 U.S.C. § 1607(a)
	5 U.S.C. § 6303(f)
	5 CFR 630.301
050303.B	5 U.S.C. § 6301
	5 U.S.C. § 5383
	5 U.S.C. § 5376
	5 CFR 630.301(b)
050303.C.1	5 U.S.C. § 6303(a)
	5 CFR 630.301(d)
050303.C.2	5 CFR 630.301(f)
050303.C.2.a	5 U.S.C. § 6304(a) or (b)
	5 U.S.C. § 6304(c)
050303.C.2.b	5 U.S.C. § 6304(a), (b), or (c)
050303.D	5 U.S.C. § 6301(2)(x)
	5 CFR 630.211
050303.D.1	5 CFR 550.1203(e)
	5 U.S.C. § 5551(b)
050303.D.2	5 U.S.C. § 3392(c)
	5 CFR 550.1203(e)
	5 CFR 317.801
050304.A	5 U.S.C. § 6302(d)
050304.B.1	5 CFR 630.209(a)
050304.B.2	5 CFR 630.209(b)
050304.B.3	5 CFR 630.209(a)
	OPM Fact Sheet, Advanced Annual Leave
050305.A	5 U.S.C. § 6304
	5 CFR 630.302
050305.B	5 CFR 630.310
050305.C	5 U.S.C. § 6304
050305.D.1	5 U.S.C. § 6304(b)
	5 CFR 630.302
050305.D.3	5 U.S.C. § 6304(b)
050305.E	5 CFR 630.304
050305.F.1	5 U.S.C. § 6304(f)
	5 CFR 630.301(e)
050305.F.2	Public Law 103-56
	5 CFR 630.301(h)
050305.F.2.d	5 CFR 630.301(h)
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050305.F.3.c	5 U.S.C. § 6304(a), (b), and (c)
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050306.B.1	5 CFR 630.310
050306.B.2	5 CFR 630.305
	5 CFR 630.306(a)2)
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	5 CFR 630.306(a)(2)
	DoDI 1400.25, V630
050306.C.1	5 CFR 630.306
	5 U.S.C. § 6304(d)
050306.C.1.d	5 CFR 630.210(d)
	5 CFR 630.310(d)(1)
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050306.C.4	5 CFR 630.311
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	5 U.S.C. § 5596(b)(1)(B)
050306.G	5 U.S.C. § 6304(d)(3)
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050404.B.2.b	5 CFR 630.1202
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	5 U.S.C. § 6122
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	5 U.S.C. § 6127
	5 U.S.C. § 6128
	5 CFR 550.114
	5 CFR 551.531
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051002.B	5 U.S.C. § 5342(2)
051002.C	5 U.S.C. § 6123(a)(1)
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051003.C	32 U.S.C. § 709(h)
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051006.B	5 CFR 550.181
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051006.B.2	5 U.S.C. § 5542(b)(2)(B) 5 CFR 550.112(g)(2) 5 CFR 550.1404(b)(2) 5 CFR 550.1404(c), (d), and (e) 5 U.S.C. § 5542(b)(2)(B) 5 CFR 550.112(g)(2)
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051006.G.1.b	5 U.S.C. § 105
051006.G.2.a	5 CFR 550.1407(a)(2)
051006.G.2.a.(1)	38 U.S.C. § 4303 5 CFR 353.102
051006.G.2.a.(2)	5 U.S.C., Chapter 81
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051102.B	DoDI 1400.25, V610 OPM Fact Sheet, Federal Holidays- Work Schedules and Pay
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051203	5 U.S.C. § 6126
051204	5 U.S.C. § 6126(a)
051205	5 U.S.C. § 6126(b) 5 U.S.C. § 5547
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051403	5 CFR 630.206
051407	5 CFR 551.424 OPM's Official Time Usage in the Federal Government, FY 2016, Appendix A
051408	5 U.S.C. § 6328 31 U.S.C. § 1345
051409	5 U.S.C. § 6321
051410.A	OPM Fact Sheet, 5 Days of Excused Absence for Employees Returning from Active Military Duty

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0516 – COURT LEAVE AND JURY DUTY

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051603	26 Comp Gen. 413

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051702	5 CFR 630.701
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051802.C	5 U.S.C. § 6304(b) 5 CFR 630.604 5 CFR 630.605
051803.A	5 U.S.C. § 6305(a) 22 U.S.C. § 4083(a)
051803.B.2	5 U.S.C. § 6305(a)(1) 5 CFR 630.606

0519 – FUNERAL LEAVE

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052101.C	5 U.S.C. § 6323(c)
052101.D	5 U.S.C. § 6323(d)
052102	5 U.S.C. § 6323(a) 5 U.S.C. § 3401(2)
052002.A	5 U.S.C. § 6323(a)
052102.D	5 U.S.C. § 6323(a) 5 CFR 353.208
052102.E	5 U.S.C. § 6323(a)
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052103.A.1	10 U.S.C. § 101(a)(13)
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052104	Title 49, District of Columbia Code 5 U.S.C. § 6323(c)
052104.A	5 U.S.C. § 5519 5 U.S.C. § 6323(c)
052105	5 U.S.C. § 6323(d) 5 U.S.C. § 8401(30) 5 U.S.C. § 6323(a), (b), and (c) 10 U.S.C. § 12315 10 U.S.C. § 12301(b) 10 U.S.C. § 12301(d) 5 U.S.C. § 6323(a)(1) Section 513 of the 2017 National Defense Authorization Act 32 U.S.C. § 709(g)
052105.A	5 U.S.C. § 6323(d)
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052108	5 U.S.C. § 5519
052109.A	38 U.S.C. § 4316(b)(1)
052109A.1	10 U.S.C. § 12503 32 U.S.C. § 115
052109.B	5 U.S.C., Chapter 83 5 U.S.C. § 8332(g) 38 U.S.C., Chapter 43 5 CFR, part 353
052109.C	5 CFR 353.208

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0522 – FURLOUGH

052201	OPM’s Pay and Leave Furlough Guidance 5 CFR 752, subpart D 5 CFR 351, subpart B 5 CFR 359, subpart H
052202.A	OPM Guidance for Shutdown Furloughs 31 U.S.C. § 1341 31 U.S.C. § 1342
052202.C	31 U.S.C. § 1341 5 U.S.C. § 6323
052203	OPM Guidance to Administrative Furloughs
052203.B.1	5 U.S.C., Chapter 63
052203.B.2	5 U.S.C., Chapter 63
052203.D	31 U.S.C. § 1342

0523 – LWOP

052303.B	Executive Order 5396, July 17, 1930
052303.C	38 U.S.C. § 4316(b)(1)
052303.D	5 U.S.C., Chapter 81
052305	5 CFR 630.208

0525 – SUSPENSION

0525	5 U.S.C., Chapter 75 5 CFR, part 752
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052602.A	5 CFR 630.1304
052603	5 CFR 630.1305
052603.E	5 CFR 630.1305
052603.F.2	5 U.S.C. § 6329 5 CFR 630.1305(e)
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VOLUME 8, CHAPTER 6 “MISCELLANEOUS ACTIONS (SPECIAL ACTIONS)”**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [***bold, italic, blue, and underlined font***](#).

The previous version dated [April 2017](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
All	Removed procedural guidance throughout to comply with current administrative instructions and modernizations efforts.	Deletion
Previous 0603	Moved previous section 0603, “Employee Insurance for Canadian Employees” to Chapter 10. Subsequent sections renumbered.	Deletion
0605	Added in Continuation of Pay information from Chapter 2.	Revision

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CHAPTER 6

MISCELLANEOUS ACTIONS (SPECIAL ACTIONS)

0601 GENERAL

060101. Purpose

This chapter prescribes the policy for miscellaneous actions, which occur outside of normal payroll processing.

060102. Authoritative Guidance

Statutes, regulations, and other guidance are referenced [throughout](#) each section of this chapter.

0602 UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES (UCFE)

060201. General

A. Purpose. The UCFE program provides eligible former federal civilian employees with unemployment compensation benefits during periods of unemployment. The Department of Labor (DOL) is responsible for implementing the UCFE Program.

B. UCFE Program Administration. UCFE is administered by the states as agents of the federal government under [Title 5, United States Code \(U.S.C.\), Chapter 85](#) and [Title 20, Code of Federal Regulations \(CFR\), Part 609](#). UCFE operates under the same terms and conditions as those that apply to regular state unemployment insurance programs. Generally, UCFE benefits are determined under the law of the state where the employee's last official duty station as a federal civilian employee was located. State laws are not uniform and may vary in eligibility requirements. Each Department of Defense (DoD) component is responsible for managing its respective UCFE. The employing agency is responsible for the payment of these benefits; therefore, there is no payroll deduction from a federal employee's wages for UCFE protection. See DoD Instruction [\(DoDI\) 1400.25-V850](#) for additional information.

060202. UCFE Claim-Related Forms

There are two primary claim forms pertaining to UCFE. Various State Employment Security Agencies (SESA) may require other claim forms. See DoDI 1400.25-V850 for other UCFE claim forms.

A. Standard Form (SF) 8, Notice to Federal Employees About Unemployment Insurance. The Human Resources Office (HRO) must issue the [SF 8](#) to the employee when the employee separates from federal civilian service, transfers, or is placed in a non-pay status for 7 consecutive days or more. The form explains eligibility requirements for UCFE and provides general information on how to file a claim. The HRO should explain the form during an employee's out-processing. For additional information on the SF 8, see DoDI 1400.25-V850.

B. Employment Security (ES) Form 931, Request for Wage and Separation Information. The SESA generates an ES 931 when a former federal employee files an initial claim for unemployment compensation. The state forwards the ES 931 to the servicing HRO to obtain wage information for specific work-year quarters. The HRO must complete and return the ES 931 to the SESA within 4 workdays of receipt. For additional information, see [20 CFR 609.21-22](#) and [UCFE Instructions for Federal Agencies, Chapter VI](#).

060203. Employing Activity Responsibilities

A. Provide Accurate Wage Data. The Civilian Payroll Office (PRO) must provide exact wage data through the HRO to the SESA in order for the SESA to determine the former employee's weekly and maximum unemployment benefit amounts. The PRO must accurately report all monetary information affecting the claim, such as lump-sum annual leave payments, severance pay, annuity pay, or incentive pay.

B. Respond Timely to SESA Requests. The HRO must complete and return the ES 931 to the SESA within 4 workdays of receipt. If the PRO is unable to provide the requested information within a 4-workday period, the PRO must notify the HRO immediately and the HRO must follow the procedures in 20 CFR 609.21(b).

C. Refer All Inquiries to HRO. The central point of contact for all UCFE matters is the servicing HRO. All inquiries received by the PROs (such as state queries, telephone calls, and requests for UCFE documentation) will be referred to the servicing HRO. The servicing HRO must contact the PRO for any additional information.

060204. Base-Period Wages and Annual Leave Information

A. Base-Period. Each state sets the amount and duration of unemployment compensation under UCFE that is payable to individuals. A "base-period" is defined by state law and used for determining the amount payable. A base-period is comprised of either 4 consecutive quarters or 52 weeks. Most states use a base-period that includes the first 4 of the last 5 completed calendar quarters. The amount of unemployment compensation benefits is based on the gross federal wages paid to or earned by an employee during the base-period preceding the date of claim.

B. Reportable Base-Period Federal Wages. Federal wages for purposes of UCFE means all allowances and pay in cash or in kind (including cash allowances and remuneration in any medium other than cash) for federal civilian service. See [5 U.S.C. § 8501](#).

1. Report Gross Amount of Base-Period Federal Wages. The amounts reported as base-period wages are gross wages before deductions for Social Security/Medicare, Civil Service Retirement System (CSRS), Federal Employees Retirement System (FERS), Thrift Savings Plan (TSP), and federal, state, and local taxes. Gross wages also include allowances and pay in a medium other than cash. Expenses for official business, such as taxi fares, per diem, or mileage, and payments for uniform allowances should not be included.

2. Types of Wages Included in Base-Period Wages. The DOL has determined the following specific types of wages are to be included in the amount reported as gross (base-period) wages:

a. Foreign and Non-Foreign Differentials and Allowances. Federal wages include cost-of-living differentials paid at various foreign posts and cash allowances for quarters and subsistence. An exemption from federal income tax for any such item does not exclude the payment from gross wages for the purposes of UCFE.

b. Back Pay. Federal wages include back pay awards. Back pay awards are counted as wages in the period for which they are paid. Include wages paid during the base-period, even though earned prior to that period. For additional information, see section 0604.

c. Salaries Paid by DoD to Reemployed Annuitants. In the case of a civil service annuitant, who receives the difference between the salary rate and the amount of annuity, only the amount paid by the employing agency is federal wages. Thus, federal wages for UCFE is the amount equal to the difference between the salary of the position and the annuity received. The annuity paid by the Office of Personnel Management (OPM) is not federal wages for UCFE purposes.

d. Increases in Rates of Compensation Authorized by Acts of Congress. Such increases must be reported as wages for the pay period in which the increases are paid. This is required even if the first payment covers a retroactive period. If the base-period begins or ends during the pay period in which this payment was made, then the entire payment should be allocated to the second week of the pay period.

3. Reporting Methods for Base-Period Wages. The PRO reports wages the same way the records are kept. Adjustments are not made for wages earned by the employee for any days before the beginning of the quarter or the remaining days between the last payroll cutoff date and the end of the quarter. For example, if the pay period ends March 28, do not include March 29 through 31 in the wages reported for the January 1 to March 31 quarter. Do not report wages for periods other than those periods requested. If the claimant had no base-period wages, then indicate it on the report.

C. Other Wages Reported, but not Included in Base-Period Wages

1. Lump-Sum Annual Leave. All lump-sum annual leave payments are federal wages for purposes of UCFE, but not reported as base-period wages. Report lump-sum leave payments separately from gross wages (base-period wages).

a. If the employee received a lump-sum payment for annual leave after the beginning date of the base-period, the PRO must furnish the following:

- (1) Amount of payment,
- (2) Date(s) of payment,

- (3) Amount of annual leave (days and hours), and
- (4) Period of lump-sum annual leave.

b. If lump-sum annual leave is payable but has not been paid, then report “annual leave payment due but not paid,” and provide details (period covered, amount of payment, when it will be paid) if known.

2. Severance Pay. Severance payments are reported separately from base-period wages. If the employee receives or entitled to receive severance pay, the PRO must report the information to the HRO. States with laws that require an offset of severance pay from UCFE benefits must be advised whether the former employee is receiving or will receive severance pay. The SESA obtains severance pay details from the employee’s copy of the SF 50, Notification of Personnel Action, and/or the ES 931, if appropriate.

3. Voluntary Early Retirement Authority (VERA) or Voluntary Separation Incentive Payment (VSIP). If the employee received authorization for VERA or VSIP, report the information in accordance with subparagraph 060204.C.2.

060205. Employees on Leave Without Pay (LWOP)

Upon the HRO’s receipt of the ES 931, the HRO must report the non-pay status of an employee to the SESA. The HRO must report LWOP from the starting date through the ending date and must include any other pertinent data. If the employee is in a non-pay status for more than 30 days, then the SF 50 provides the LWOP information. For LWOP of 30 days or less, the biweekly interface extract provides this information to the HRO. The HRO must indicate whether employees on LWOP are awaiting an on-the-job injury approval or disability retirement from the Office of Workers’ Compensation Programs (OWCP). If an employee is awaiting an OWCP determination, then the SESA is responsible for contacting the OWCP for any necessary data it needs.

060206. Obtaining Data from the National Personnel Records Center (NPRC)

If the necessary records required to furnish wage data to the HRO have already been forwarded to the NPRC, the records must be requested via written authorization. This information is subject to the Privacy Act of 1974. Therefore, records must be handled in accordance with the provisions of the Act. Authorized representatives of federal personnel offices may request records by mailing the SF 127, Request for Official Personnel Folder, to the following address:

NPRC-Annex

1411 Boulder Boulevard
Valmeyer, IL 62295

0603 CLAIMS FROM EMPLOYEES FOR ADDITIONAL COMPENSATION

060301. General

A. Authority to Settle Claims. Employees may file claims involving compensation or leave under [31 U.S.C. § 3702](#). The General Accounting Office Act of 1996, [Public Law 104-316](#), transferred the claims settlement functions previously performed by the Government Accountability Office (GAO) to certain executive branch agencies. For additional information, see [Transferred Functions](#). Therefore, both former and current employees must submit claims for additional compensation to the DoD employing activity in accordance with Volume 5, Chapter 12. Claims are individually processed and an administrative determination must be made as to whether or not the employee is entitled to the amount claimed. If the claim relates to the determination of an entitlement or similar matter that is the responsibility of the HRO, then the claim should be negotiated and documented through the employing activity's personnel channels.

B. Review of Denied Claims. If a claim for payment is denied and the employee wishes to request further review, then the PRO must assemble all documentation pertaining to the claim, including documents from any review process, and forward the file to the Defense Finance and Accounting Service (DFAS).

DFAS Indianapolis
Debt and Claims Management Office (DCMO)
Department 3300, ATTN: [COR/Claims](#)
8899 East 56th Street
Indianapolis, IN 46249-3300

The OPM Office of Merit Systems Oversight and Effectiveness (OMSOE) maintains the final authority to settle claims involving federal employees' compensation and leave and deceased employees' compensation. See [5 CFR 178](#) and Volume 5, Chapter 12.

C. Fair Labor Standards Act (FLSA) Claims. If an employee is not required to file an FLSA claim using a negotiated grievance procedure, he or she may file a claim with either the employing agency during the claim period or the OPM, but not with both at the same time. An employee, whose claim is denied by the agency, may file the claim with the OPM. See [5 CFR 551.703](#) and [5 CFR 551.705](#).

D. Statute of Limitations for Filing a Claim. Under 31 U.S.C. § 3702, a claim for payment must be filed within 6 years of the date the right to payment accrued. Claims for overtime pay under the FLSA are generally subject to a 2-year statute of limitations (3 years for willful violations). See 5 CFR 178.104 and [5 CFR 551.702](#).

060302. [Claims Submission](#)

A. Filing a Claim. Claims should be filed with the activity at which the individual was/is employed during the period for which the additional compensation is claimed.

When civilian pay claims cannot be resolved at the employing activity or major command level, the fully documented claim should be sent to the DCMO at the address listed in subparagraph 060301.B.

B. Processing Claims

1. Approved Claims

a. Paying Unquestionable Claims. Claims received by the PRO from the claimant may be approved and paid when there is no question of law or fact.

b. Claims Subsequently Approved by OPM. Any claim received by the PRO from the OPM, including those originally received by the DCMO and forwarded to the OPM for final review, must be acted upon in accordance with instructions in the letter or order transmitting the claim to the PRO. When payment is made by the PRO, the claim must be paid as part of the regular payroll.

2. Disapproved Claims. Claims not received through the OPM that are denied administratively by the PRO must be returned to the claimant with a letter providing a detailed explanation concerning why the claim was disapproved. If the employee appeals the denial of the claim, then the PRO must forward the claim with a transmittal letter (prepared by the PRO) to the OPM via the DCMO. See subparagraph 060301.B.

C. Content of Claims. All claims submitted by the claimant/employee to the employing activity must be in writing and signed by the claimant or his/her representative. While no specific form is required, the request should describe the basis for the claim and state the monetary amount sought.

D. Submission of Disapproved/Denied Claims to OPM for Review. If a denied claim is submitted at the claimant's request for final review by the OPM, the claim should include:

1. Claimant's name, address, telephone number, and facsimile number, if available;
2. Name, address, telephone number, and facsimile number of the agency employee who denied the claim;
3. A copy of the agency's denial of the claim; and
4. Any other information the claimant wants the OPM to consider.

E. Administrative Report. At the OPM's request, the PRO/DCMO will submit an administrative report, which will include:

1. Factual findings;
2. Conclusions of law with relevant citations;

3. Recommendation for the claims disposition;
4. Copy of any supporting regulations or policy memorandums;
5. A statement that the claimant is or is not a member of a collective bargaining unit and, if so, a statement that the claim is or is not covered by a negotiated grievance procedure that specifically excludes the claim from coverage; and
6. Any other information that the OPM should consider.

060303. Advance Decisions

The OPM maintains the authority to issue advance decisions for claims settlement.

0604 BACK PAY UNDER 5 U.S.C. § 5596 (THE BACK PAY ACT)

060401. General

A. Authority. The Back Pay Act at [5 U.S.C. § 5596](#) provides the authority for the payment of back pay, interest, and reasonable attorney fees for the purpose of making a federal employee financially whole (to the extent possible) after an unwarranted or unjustified personnel action. See also 5 CFR 550, [subpart H](#).

B. Introduction. Back pay is appropriate when, based on a timely appeal or an administrative determination (including a decision relating to an unfair labor practice or a grievance), an appropriate authority finds that the employee was affected by an unjustified or unwarranted personnel action. Such action must have resulted in the withdrawal, reduction, or denial of all or part of the pay, allowances, and differentials otherwise due the employee under an applicable law, rule, regulation, or provision of a collective bargaining agreement. The HRO will determine an employee's entitlement to back pay and document the determination in the "Remarks" section of the SF 50.

C. Invoking the Back Pay Act. Some settlement agreements or orders may not directly invoke the requirements of the Back Pay Act by citing 5 U.S.C. § 5596. Generally, if an agreement or order uses an undefined term of art like "back pay" without defining it, DFAS will apply the regulatory or statutory definition of the term. In such cases, back pay will be processed pursuant to the Back Pay Act unless the agreement or order expresses a contrary intent.

D. Equal Employment Opportunity Commission Cases under Title VII. Title VII of the Civil Rights Act provides authority for agencies to award back pay to employees in discrimination cases. Such cases are independent of the Back Pay Act and back pay is authorized under Title VII without the finding of an unjustified or unwarranted personnel action. An award of back pay under Title VII is computed in the same manner as under the Back Pay Act regulations pursuant to [29 CFR 1614.501](#). See [42 U.S.C. § 2000e](#) and [42 U.S.C. § 1981a](#).

E. Non-Appropriated Fund (NAF) Employees. The Back Pay Act does not apply to NAF employees. NAF employees may receive back pay, but such payments are not made under the Back Pay Act and interest is not payable.

F. Lump Sum Payments in lieu of Back Pay. A lump sum payment “in lieu of back pay” is a payment offered in settlement of a case and not considered back pay processed under the Back Pay Act. See paragraph 060414 for information on processing lump sum payments and proper tax reporting and withholding.

060402. Correcting an Unjustified or Unwarranted Personnel Action

A. Back Pay May Not Exceed Originally Owed Entitlements. When an unjustified or unwarranted personnel action is corrected or awaiting correction, the employee may receive credit for performing federal service during the period covered by the corrective action (back pay period). The PRO must compute, for the back pay period, the employee’s pay, allowances, and differentials as if the improper personnel action had never occurred. In no case, [can the amount of](#) pay, allowances, or differentials (including leave benefits) paid under the Back Pay Act exceed [the amount](#) that the employee would have been entitled to had the unwarranted personnel action not occurred. See 5 CFR 550.805.

B. Employees Who Return to Duty or Resign from Duty. When an employee has been separated, corrective action will be completed on the date the DoD has reasonably set for the employee’s return to duty. The DoD will notify the employee of the return date in writing. Until that date, the erroneous action remains in effect. Failure by the employee to report for duty on the date set by the DoD may result in the employee being charged annual leave, LWOP, or absence without leave for the period from the date set for return to duty until the date the employee actually returns to work. An employee who resigns instead of returning to duty is still entitled to back pay since there is no requirement that the employee return to duty. In that event, the employee will receive back pay up to the date that he or she is considered separated from federal service, which may or may not be the date that he or she is requested to report for duty.

060403. Statute of Limitations

A. Six-Year Limitation. Under the Back Pay Act, an agency may not authorize pay, allowances, and differentials for a period beginning more than 6 years before the date of the filing of a timely written claim, or absent such filing, the date of the administrative determination that the employee is entitled to back pay. See 5 CFR 550.804.

B. FLSA Claims. If a back pay claim involves an entitlement under the FLSA at [29 U.S.C. § 207](#), then an agency must apply a 2-year statute of limitations (3 years for willful violations). This applies to all FLSA claims filed on or after June 30, 1994. See 5 CFR 551, [subpart G](#).

C. Back Pay Act vs. Barring Act. The Barring Act statute of limitation under 31 U.S.C. § 3702 sets a time limit on how long an individual has to file a claim against the

United States (within 6 years after the claim accrues). The Back Pay Act statute of limitation sets a time limit on the remedy received (no more than 6 years of back pay).

060404. Gross Back Pay Computations

A. General. When computing the amount of gross back pay due an employee, the agency must compute all pay, allowances, and differentials the employee would have received if the unjustified or unwarranted personnel action had not occurred. This includes pay, leave, and other monetary employment benefits the employee would have been entitled to receive during the back pay period. The PRO must include premium pay and any changes that would affect the amount of pay owed. See 5 CFR 550.805.

B. Periods Excluded from Back Pay Computations. The following periods are not included in the computation of back pay. See 5 CFR 550.805(c) and (d).

1. Periods of Incapacitating Illness. Back pay **is not paid** for any period during which the employee was not ready, willing, and able to perform his or her duties because of an incapacitating illness. However, the employing agency must grant, upon request of the employee, any accrued sick or annual leave to cover the period of incapacity due to illness or injury.

2. Periods of Unavailability. Back pay **is not paid** for any period during which the employee was unavailable for performance of his or her duties for reasons not related to, or caused by, the unjustified or unwarranted personnel action.

C. Within-Grade Increases (WGI). When computing an employee's pay, the PRO must include any WGI to which the employee became entitled during the back pay period. If the grant or denial of a WGI requires an acceptable level of competence determination under 5 CFR 531, the requirements for such a determination, including the right of reconsideration and appeal, must be followed before the WGI may be included in the computation of the amount of back pay due the employee. This also applies to determinations made retroactively. Regulations governing WGIs allow for a waiver of the requirement of an acceptable level of competence determination when the employee has not served in any position for the minimum period during the final 52 calendar weeks of the waiting period because the employee received service credit under the Back Pay Act.

D. Overtime the Employee Would Have Earned. When computing the back pay of an employee who is restored to duty, any overtime the employee would have earned during the period of wrongful suspension or separation should be included in the back pay even though the overtime was not actually scheduled. The method of computing overtime incident to a back pay award due an employee may be based on the average number of overtime hours worked by fellow employees occupying similar positions during the same period.

E. Overtime Under a Collective Bargaining Agreement or Regulation. An employee who should have been selected for overtime work because a regulation or a collective bargaining agreement provided for assignment of overtime work in a prescribed manner is entitled

to back pay for the overtime if the regulation or nondiscretionary provision of the agreement was violated. The appropriate authority must find that the action taken was unjustified or unwarranted, and direct corrective action. The overtime will be computed based on the number of hours worked by an employee who was actually selected to perform the overtime work during the same period.

F. Allowances or Differentials. The PRO must include in the back pay owed to the employee any allowances or differentials that the employee would have received if the improper personnel action had not occurred. This is true even though the employee did not physically remain in the location [upon which the entitlement is based](#).

G. Hazardous Duty Pay. General Schedule employees [that also meet the requirements in 5 CFR 550.904](#), may be eligible to receive irregular or intermittent pay for physical hardship or hazard duty. The PRO may assist the HRO to determine the number of days per week the employee performed the irregular or intermittent hardship or hazard duty during the 52 weeks preceding the wrongful suspension or separation for which the employee would have been compensated. The PRO may use an average of the amounts to make the necessary computations as authorized by the HRO.

H. Environmental Differentials. [Federal Wage System \(FWS\) prevailing rate \(wage\) employees may be eligible to receive environmental differential pay under the separate provisions of 5 U.S.C. § 5343\(c\)\(4\)](#). Payment of environmental differentials on an actual exposure basis, or based on hours in a pay status, must be computed in accordance with the OPM regulations and instructions. The DoD determines entitlement to such differentials based on the 52 weeks preceding the wrongful suspension or separation for which the FWS employee would have been compensated. [See 5 CFR 532.511](#).

I. Intermittent Employees. When the DoD is not able to determine with certainty the number of hours that the intermittent employee would have worked during the back pay period, the HRO may estimate the amount of back pay due. This estimate is determined by taking an average of the number of hours worked by other DoD employees under the same type of appointment and performing the same kind of work that the employee would have been assigned to during this period. Alternatively, the HRO also may determine the average number of hours a week the employee actually worked to obtain a representative period preceding the unjustified or unwarranted personnel action (such as 26 or 52 weeks, whichever would represent a fairer approximation of the employee's earnings if he or she had actually worked). The HRO may use the average weekly hours to make the necessary computations.

J. Cash Awards. Back pay includes any cash award the employee would have been entitled to [if the unjustified or unwarranted personnel action had not occurred](#). The award must be supported by the appropriate personnel action.

060405. Adjusted Gross Back Pay

A. General. Adjusted gross back pay means gross back pay less the offset for outside earnings under 5 CFR 550.805(e)(1), but before adding interest. See Figures 6-1 and 6-2

for examples showing various entitlements, deductions for erroneous payments, and other authorized deductions in the computation of back pay.

B. Outside or Interim Earnings

1. Interim Earnings Defined. Under 5 CFR 550.805(e)(1), interim or outside earnings refer to gross earnings, less any associated business losses or expenses, received by an employee for any employment or business enterprise undertaken to replace the employment from which the employee was separated due to the unjustified or unwarranted personnel action. However, deductions for losses sustained in a venture unrelated to the separation are not allowable.

2. PRO Duties. The PRO must determine the adjusted gross back pay by offsetting (deducting) any outside earnings that were earned by an employee from other employment during the period of wrongful suspension or separation. The amount of back pay entitlement is the difference between the amount of compensation the employee would have earned in government service, and the amount actually earned in other employment undertaken by the employee to replace the government employment. Overtime earned during the period of wrongful suspension or separation that is in excess of that overtime, which would have been earned in the position from which the employee was separated, should not be offset. When an employee's total outside earnings (including those from other federal employment) exceed the total amount of back pay, the employee may retain the excess amount.

3. Outside Earnings Exceed Back Pay. When an employee's outside earnings exceed the back pay award, the employee does not owe the difference to the government. The employee must be indebted for any amounts owed for retirement contributions or health care premiums. See [paragraph 060411](#) for TSP contributions.

C. Exception for Additional or "Moonlight" Employment. The only earnings from other employment that are not deducted from back pay are earnings from outside employment the employee already had before the period of wrongful suspension or separation. For example, if an employee usually worked 20 hours at a second part-time job ("moonlighting") prior to separation from government employment, and during the period of separation worked 40 hours at the outside job, then the amount representing the extra 20 hours worked would be offset against the back pay computation. To determine whether the pay for outside employment increased substantially during the period of separation, the DoD should obtain a statement or an affidavit from the employee covering his or her outside earnings.

060406. Interest on Back Pay Awards

A. General. Under 5 U.S.C. § 5596, interest is paid on all back pay awards that are finalized on or after December 22, 1987. Interest begins to accrue on the effective date on which the employee would have received the pay, allowances, and differentials if the unjustified or unwarranted personnel action had not occurred. As a result, most computations will involve a series of effective dates, one for each date (usually, a pay date) on which the employee failed to receive an amount of pay, allowances, and differentials due him or her because of the unjustified or unwarranted personnel action. See 5 CFR 550.806.

B. Outside Earnings Offset. Interest is paid on the adjusted gross pay amount (gross back pay less any offset for outside earnings). Interest is computed before making any deductions for erroneous payments. For purposes of computing back pay interest, an outside earnings offset is applied as a constant percentage offset to each payment of back pay for each pay period during the period covered by the corrected action. This percentage offset is determined by dividing the employee's outside earnings under 5 CFR 550.805(e)(1) by the total amount of back pay owed to the employee prior to any deductions. See 5 CFR 550.806(b).

C. Date Interest Accrual Ends. The DoD must issue interest within 30 calendar days of the date on which accrual of interest ends. If issuance of the interest payment is delayed, more than 30 calendar days after the date on which accrual of interest ends, then interest must be recomputed based on a new ending date meeting the 30-day requirement. Back pay and interest should be paid simultaneously whenever possible. When the interest payment is issued after the payment of the back pay, see 5 CFR 550.806(g) for calculation on any interest on interest owed.

D. Interest Rate. The applicable interest rate is the "overpayment rate" adjusted quarterly by the Secretary of the Treasury and published in an Internal Revenue Service (IRS) bulletin issued before the beginning of each quarter.

E. OPM Interest Calculator and Taxation of Interest. The PRO must compute interest in accordance with the formula or computer software provided to the PROs by the OPM. The PRO may not withhold taxes from interest payments on back pay awards. The PROs will provide employees with the IRS Form 1099-INT, Interest Income, for all interest payments.

060407. Deductions of Erroneous Payments from Back Pay

A. General. In the context of back pay, erroneous payments are payments that were received by an employee from the government as a result of the unjustified or unwarranted personnel action. Erroneous payments must be returned to the appropriate government agency or pay system. Such payments must be recovered from the back pay award. If the back pay award is insufficient to satisfy the full recovery, then a debt must be established against the employee. See 5 CFR 550.805(e)(2).

1. Retirement Annuity Payments

a. An erroneously separated employee, who received retirement annuity payments (either special payments or regular annuity payments) as a result of the separation, is indebted to the United States Federal Government for the gross amount of retirement annuity payments paid to the employee during the period of wrongful separation.

b. Because the gross amount of annuity payments was previously reduced by required health and life insurance premiums, the PRO will recover an annuity amount from the back pay award that equals the gross annuity less health and life insurance premiums.

c. The PRO must transfer the recovered annuity amount to the retirement system.

d. The government will recover amounts paid from the CSRS or FERS gross annuity for health and life insurance premiums from the respective carriers for those programs [in order to settle the](#) retired employee's account.

e. The PRO then must collect from the back pay any required health insurance premiums for coverage during the period following restoration and transfer that amount, plus the agency's share, to the OPM.

2. Refund of Retirement Contributions. [Title 5, U.S.C. § 8342\(a\)](#) authorizes a refund of an employee's retirement contributions only upon absolute separation from the service or transfer to a position not subject to the law. An employee must be separated, or transferred, for at least 31 consecutive days to be eligible for this refund. Therefore, a refund of retirement contributions paid to an employee based on a separation, which subsequently is found erroneous and canceled by restoring the employee to duty retroactively so that there was no break in service, removes the legal basis for the refund. A refund paid in error represents a debt due the retirement fund [and](#) must be deducted from any back pay entitlement. If the restored employee is entitled to back pay, then the PRO must contact the OPM to determine if the employee received such a refund and then offset the amount from the back pay entitlement. The PRO must remit the appropriate amount to the OPM.

3. Severance Pay. The gross severance pay paid to an erroneously separated employee at the time of his or her removal must be deducted from the back pay award upon restoration to duty.

4. Lump-Sum Payment for Annual Leave. Any erroneously separated employee who receives a lump-sum payment under [5 U.S.C. § 5551\(a\)](#) prior to separation, must repay the lump-sum payment upon reinstatement to duty. The PRO must restore the employee to duty and cancel the separation, thereby making the lump-sum payment erroneous. The PRO must offset any lump-sum payment received by the employee against the employee's back pay award and credit the leave to the employee's leave account. [No authority exists that would](#) permit an employee to retain the lump-sum payment [in lieu of receiving](#) credit for the leave.

B. Order of Precedence. The order of precedence for deducting erroneous payments from back pay awards when the net amount of back pay is insufficient to cover all the deductions is as follows:

1. Retirement annuity payments,
2. Refunds of retirement contributions,
3. Severance pay, then
4. Any lump-sum payment for accrued annual leave.

C. Waiver of Erroneous Payments

1. Retirement Fund Payments. Employees may request OPM waive recovery of erroneous payments from the Civil Service Retirement and Disability Fund (CSRDF). Requests for waiver should be submitted to the following [address](#):

U.S. Office of Personnel Management
Office of Retirement Programs
Reconsideration and Debt Collection Division
1900 East Street NW, Room 3H30
Washington, D.C. 20415

Employees may also submit requests to the same address to repay debts owed to the CSRDF by installment deductions from salary.

2. Waiver of Lump-Sum Annual Leave and Severance Payments. For severance pay and lump-sum annual leave payments, any net indebtedness remaining after liquidation of back pay may be eligible for a waiver of repayment (by the GAO or DFAS, as applicable) under the authority of [5 U.S.C. § 5584](#).

060408. Other Authorized Deductions from Back Pay

Authorized deductions that would have been made from the employee's pay (if paid when due) should be made by the PRO in accordance with the normal order of precedence for deductions from pay. See 5 CFR 550.805(e)(3). Authorized deductions include the following:

A. Mandatory Employee Retirement Contributions. The PRO must compute the employee retirement contributions on the employee's gross back pay subject to retirement, and deduct the contributions after subtracting the earnings from outside employment. Even if no amount of back pay is due because of excessive outside earnings, the employee must be indebted for the appropriate amount of retirement fund contributions. See [5 U.S.C. § 8334\(c\)](#). If an employee is retroactively placed in an LWOP status under the terms of a settlement agreement or order and no back pay is due, both the employee and agency contributions for the LWOP period must still be submitted to the OPM. [Title 5, CFR 842.304\(a\)\(4\)](#), which grants retirement credit during periods of LWOP without requiring employee contributions, does not apply to situations involving retroactively applied LWOP granted under a settlement agreement or order.

B. Social Security and Medicare Taxes. The PRO must compute and deduct the Social Security taxes, also known as Old Age Survivor Disability Insurance (OASDI), and Medicare taxes on the adjusted gross back pay.

C. Federal Income Tax Withholding. The PRO must compute income tax withholdings on the adjusted gross back pay less any part of back pay not subject to income tax deductions. Therefore, if the back pay amount includes any amount not subject to income tax deductions, such as non-foreign area cost-of-living allowances and contributions to TSP, the PRO must compute the taxes after reducing the adjusted gross back pay by these nontaxable amounts.

D. Insurance Premiums and TSP. If applicable, health and life insurance premiums and TSP contributions may be made from the remaining back pay due the employee. Health insurance premiums for an employee restored to duty following an erroneous separation for retirement must be deducted if coverage under the health benefits program continued without interruption during the erroneous retirement. The PRO must withhold any additional premiums the employee owes due to a retroactive increase in basic pay.

E. Flexible Spending Accounts (FSA). At the request of the employee, FSA contributions may be deducted from the back pay award in the amount that would have been allotted to the employee's FSA if the unjustified or unwarranted personnel action had not occurred. The FSA contributions may be used to cover eligible medical expenses incurred during the corresponding back pay period.

060409. Restoration of Leave

A. Annual Leave. Annual leave that is restored to an employee as a result of the correction of an unjustified or unwarranted personnel action in excess of the maximum leave accumulation amount authorized by law must be credited to a separate leave account for use by the employee. See 5 CFR 550.805(g). The restored leave must be scheduled and used as provided in this section. If restored leave is not used within the prescribed [periods](#), it is forfeited. Refer to 5 U.S.C. § 5596(b)(1)(B) for additional information.

1. Full-Time Employees. For a full-time employee, excess annual leave of 416 hours or less must be scheduled and used by the end of the leave year in progress 2 years after the date on which the annual leave is credited to the separate account. This period is extended by 1-leave year for each additional 208 hours of excess annual leave or any portion thereof.

2. Part-Time Employees. A part-time employee must schedule and use excess annual leave in an amount equal to or less than 20 percent of the employee's scheduled tour of duty over a 52 calendar week period by the end of the leave year in progress 2 years after the date on which the annual leave is credited to the separate account. The agency will extend this period by 1-leave year for each additional number of hours of excess annual leave, or any portion thereof, equal to 10 percent of the employee's scheduled tour of duty over a period of 52 calendar weeks.

3. Time Limitations

a. For both part-time and full-time employees, the ending date of the time limit for use of excess annual leave may not be exactly 2 years from the date on which the annual leave is credited to the separate account (or exactly at the end of any additional year added to the 2-year period). Rather, the time limit ends at the end of the leave year ending 2 years after the restoration. For example, if the 2-year period ends in July, an employee would have until the end of the current leave year (December or January) to use the restored annual leave.

b. To determine the time limitations for use of restored leave, see Chapter 5.

B. Sick Leave. If an employee is reinstated to an agency as a result of an appeal, the agency must reestablish the employee's sick leave account as a credit or charge as it was at the time of separation. See [5 CFR 630.502](#). Upon request of an employee, the PRO may grant any sick or annual leave available to the employee for a period of incapacitation if the employee can establish that the period of incapacitation was the result of illness or injury. See 5 CFR 550.805(d).

060410. Health Insurance and Life Insurance Coverage

A. Health Insurance. Under [5 U.S.C. § 8908](#), an employee who was removed or suspended without pay, and who was restored to duty on the grounds that the removal or suspension was unjustified, may elect one of the following options:

1. The employee may have the prior enrollment reinstated retroactive to the termination date, with appropriate adjustments made in contributions and claims, as if no removal or suspension had occurred. If the employee elects to have the enrollment retroactively reinstated, then payroll deductions for the period of suspension or removal must be made from the back pay award and the government premium contributions should be made as though the suspension or removal had not occurred.

2. The employee may enroll in the same manner as a new employee.

B. Health Insurance Provision for Erroneous Retirement. The statutory provisions of 5 U.S.C. § 8908 do not apply to an employee separated erroneously for retirement under conditions entitling him or her to continued enrollment. In such cases, there is no need to restore health benefits coverage since coverage transfers to the retirement system and continues automatically. For additional information, refer to the Federal Employees Health Benefits [\(FEHB\) Program Handbook](#).

C. Life Insurance

1. Withholding for Employees with Coverage at the Time of Removal. If an employee is retroactively restored to duty with back pay after a period of wrongful suspension or separation, no life insurance premium withholding is made from the retroactive pay adjustment for the period of suspension or separation. However, if death or dismemberment occurred during the period of wrongful suspension or separation, premiums are withheld from the back pay. Additionally, if the employee maintains Option C coverage and a covered family member dies during the period of separation or removal, Option C premiums should be withheld from the back pay award. See [5 CFR 880.304](#) and the Federal Employees Group Life Insurance [\(FEGLI\) Handbook](#) for additional information.

2. Employees with Coverage Who Missed Open Season. If an employee had life insurance coverage prior to a wrongful suspension or removal, and the employee

is restored to duty after the closing date of an open season for life insurance that occurred during the employee's period of wrongful suspension or separation, the employee is entitled upon restoration to elect additional life insurance coverage as permitted during the open season. The effective date is the first day in a pay-and-duty status on or after the date [that](#) the employing office receives the [SF 2817](#), Life Insurance Election.

3. Employees Who Had No Coverage Prior to Removal. If an employee had no life insurance coverage prior to a wrongful suspension or separation, and the employee is restored to duty after the closing date of open season for life insurance that occurred during the employee's period of wrongful suspension or separation, the employee is entitled upon restoration to elect life insurance coverage as permitted during the open season. Since coverage for basic life insurance is automatic, the effective date is the first day in a pay-and-duty status. For options A, B, and C, the effective date is the first day in a pay-and-duty status on or after the date the SF 2817 is received by the employing office.

060411. TSP

A. TSP Contributions from Back Pay Award. An erroneously separated employee may request that any employee TSP contributions not made during the period of erroneous separation be deducted from his or her back pay award. The makeup contributions may be elected by reinstating the employee's contribution election on file at the time of separation. Alternatively, the employee may submit a new contribution election if he or she would have been eligible to make such an election but for the erroneous separation. [Unless otherwise specified by the agency or reinstatement order](#), breakage or "lost earnings" is paid on all makeup contributions [and calculated in accordance with 5 CFR 1605.2](#). The employee will receive the tax benefit in the year the contributions are made. The PRO must calculate the TSP amount using the gross basic pay amount of the back pay award prior to any offset for outside earnings. For additional information, see [5 CFR 1605](#) and Chapter 11.

B. TSP Contributions when Back Pay is Insufficient. An employee's outside earnings may offset the total amount of back pay owed, or the employee may otherwise have insufficient back pay to deduct TSP contributions. Basic pay is the only allowable source for TSP contributions. See [5 U.S.C. § 8432](#) and 5 CFR 1605.11. An employee's makeup contributions may only be made through payroll deductions. TSP contributions may not be made by check, money order, cash, or other form of payment directly from the employee to TSP, or from the employee to DFAS for deposit to TSP. If no back pay is available for TSP contributions, a current or reinstated employee may only make up TSP contributions through future payroll deductions.

060412. Payment of Reasonable Attorney Fees

Title 5, U.S.C. § 5596(b)(1)(A)(ii) provides for payment of reasonable attorney fees in accordance with the standards established under [5 U.S.C. § 7701\(g\)](#), under certain conditions. Under 5 CFR 550.807, an employee, or an employee's personal representative, may request payment of reasonable attorney fees related to an unjustified or unwarranted personnel action that resulted in the withdrawal, reduction, or denial of all or part of the amount due the employee.

060413. Back Pay and Offsetting UCFE

A. If a reinstated employee is entitled to back pay, then the HRO must determine if the employee applied for unemployment compensation via the UCFE program within the last 52 weeks. If the employee applied for or received unemployment compensation, then the HRO must promptly notify the SESA of the date of the back pay payment, the amount, and the period covered.

B. The DoD will not deduct the amount of unemployment compensation paid during the back pay period from the back pay award unless state law requires the employer (rather than the employee) to reimburse the state for overpayments. In some cases, a state agency may also determine that an overpayment has occurred and notify the federal government as the employing agency. See DOL's [Comparison of State Unemployment Insurance Laws](#), Chapter 5, Table 5-15 and [65 Comp. Gen 865 \(1986\)](#). See also DoDI 1400.25-V850.

060414. Tax Withholding and Reporting in Back Pay Matters

A. General. For information on proper tax withholding and reporting in back pay matters, refer to IRS Memorandum [PMTA 2009-035](#), Income and Employment Tax Consequences and Proper Reporting of Employment-Related Judgements and Settlements (October 22, 2008) For income tax purposes, the IRS treats back pay as wages in the year paid. See also IRS [Publication 957](#), Reporting Back Pay and Special Wage Payments to the Social Security Administration (SSA).

B. Lump Sum Payments. A settlement or order may require an employing agency to issue a lump sum payment be paid to the employee in lieu of back pay or as an award of damages. To ensure proper tax reporting and withholding, employing agencies should make every effort to identify the nature of lump sum payment(s) awarded as being wages or non-wages. The PRO must review the nature of the payment before processing and should contact the agency if there is a question as to the identity or apportionment of a lump sum payment.

1. Wages. Generally, if a settlement or order requires an employing agency to pay the employee a lump sum payment, the payment should be considered wages for tax purposes if the payment is not clearly identified as damages or attorney fees. A lump sum representing wages must be submitted to the PRO as an individual award to ensure proper processing. Federal and state taxes, OASDI, and Medicare taxes are withheld from wage payments. A wage payment is reported on the IRS [Form W-2](#), Wage and Tax Statement.

2. Non-Wages. Lump sum payments of damages are processed by the DFAS Vendor Pay (or other appropriate vendor pay office) and are reported on the IRS [Form 1099-MISC](#), Miscellaneous Income, with no taxes withheld.

C. Attorney Fees. Payments to attorneys are generally taxable to the employee. An employee must include in their gross income the entire amount of the judgment or settlement, including the amount paid to the attorney. Depending on how the payment is made, there may be tax reporting to both the attorney and the employee.

D. Judgment Fund Payments. The U.S. Department of Treasury operates the Judgment Fund under [31 U.S.C. § 1304](#). Back pay awards may be paid out of the Judgment Fund. Treasury regulations require the agency that submits a request for payment from the Judgment Fund issue the tax reporting. Therefore, for employees paid by DFAS, DFAS will issue the tax reporting on behalf of the employing agency even when the award of back pay or damages is made from the Judgment Fund. See [31 CFR 256.51](#).

*0605 CONTINUATION OF PAY (COP) (INJURY COMPENSATION)

060501. General

The Federal Employees' Compensation Act (FECA), [5 U.S.C. Chapter 81](#), provides for the payment of workers' compensation benefits and authorized medical care for all civilian employees of the United States for disability due to personal injury sustained while in the performance of duty. The U.S. DOL OWCP administers FECA through district offices. Each HRO maintains the address of the district office servicing its region. The regulations governing injury compensation are contained in [20 CFR 10](#). For additional information, see Injury Compensation in DoDI 1400.25-V810. See also the DOL's [Division of Federal Employees' Compensation \(DFEC\) Procedure Manual](#).

060502. 45 Calendar Days of COP

Civilian employees are entitled to medical care and compensation for absences due to traumatic on-the-job injuries and disease sustained while in the performance of duty. Traumatic injury is not the same as disability from occupational disease. Eligible employees are entitled to the continuation of regular pay, or COP, for a period not to exceed 45 calendar days per occurrence. The pay is subject to OASDI and/or Medicare, federal, state, and local tax, retirement, and all other normal deductions. For a separated employee (unless the date of termination has been established prior to the injury), COP will be subject to OASDI and/or Medicare, federal, state, and local tax, where appropriate. The PRO may not take any additional deductions. The injured employee's pay will continue unless the DOL denies the claim.

060503. Calculation of COP

A. Computation of COP Days

1. Calendar Days. Days are counted on a calendar basis. If an employee is charged COP on Friday and the disability continues through the weekend, then the employee is charged COP for Saturday and Sunday. Holidays, weekends, and regular days off following a COP day count as COP days. If 1 hour is used to see a physician and 7 hours are worked, the day is still counted as 1 full day of COP. The employee's time and attendance must reflect the actual hours worked to accurately reflect the employee's work record.

2. Period Charged to COP. Unless the injury occurs before the beginning of the workday, time lost on the day of injury must be charged to administrative leave. The period charged to COP begins with the first day or shift of disability or medical treatment

following the date of injury, provided the absence began within 45 days after the injury. COP must be charged for weekends and holidays if the medical evidence shows the employee was disabled on the days in question. For example, if the physician indicates that disability will continue only through Saturday for an individual who has Saturday and Sunday off, then COP will be charged only through Saturday.

3. Full Days Charged to COP. If work stoppage occurs for only a portion of a day or shift other than the date of injury, then a full day of COP will be counted against the 45 calendar day entitlement, even though the employee is not entitled to COP for the entire day or shift. For example, if an employee who has returned to work uses 3 hours in order to receive physical therapy for the effects of the injury, then the employee is entitled only to 3 hours of COP, even though 1 full calendar day will be charged against the 45-day limit. If an employee is absent for all or part of the same remaining workday, then the time lost must be covered by leave, as appropriate, since absence beyond the time needed to obtain the physical therapy must not be charged to COP.

4. Full Days Charged when Employee Works Partial Days. If the employee is partially disabled following the injury and continues to work several hours each workday, then each day or partial day of absence from work is chargeable as a full day of COP against the 45-day period.

B. Recurrence of Disability. If an employee returns to work and then becomes disabled again and stops work, the PRO may continue COP only if the 45 calendar days of entitlement to COP were not completely used during the initial period of disability. For COP to be continued, the employee must have experienced the recurrence of the disability and stopped working within 45 days of the time the employee first returned to work following the initial period of disability. When a recurrence happens after the 45-day window has expired, the PRO must discontinue the regular pay, even if some of the 45 days of COP eligibility may remain unused. In this event, the employee is only entitled to compensation payable by the OWCP and is not entitled to COP. See 20 CFR 10.207.

C. Weekly Pay Rate for COP. Standby premium, night or shift differential, holiday pay, or other extra pay should be included in regular pay in all instances. Overtime pay is not a part of COP, except in the case of firefighters and law enforcement officers. If a salary increase or decrease (e.g., promotion, demotion, and WGI increases) occurs during the 45-day period, then the PRO will use the new salary rate as of the effective date of the change for computing the remaining COP. See 20 CFR 10.216. For COP purposes, weekly pay rate is determined as follows:

1. Full-Time and Part-Time Employees. For a full-time or part-time employee who works the same number of hours per week, the weekly pay rate must be equal to the number of hours regularly worked each week times the hourly pay rate on the date of injury including premium pay, night or shift differential, holiday pay, and other extra pay, exclusive of overtime.

2. Part-Time Employees Only. For a part-time employee who does not work the same number of hours per week, the weekly pay rate will be the average weekly earnings for the 1-year period before the date of injury, exclusive of overtime.

3. Intermittent Employees. For an intermittent or part-time employee, either permanent or temporary, who does not work each week of the year (or the period of appointment), the weekly pay rate equals the average of the employee's weekly earnings during the 1-year period before the injury. It is computed based on the total earnings divided by the number of weeks worked (partial weeks worked are counted as whole weeks). The annual earnings used for this computation must not be less than 150 times the average daily wage earned within 1 year before the date of injury.

D. Light-Duty Status. When a determination has been made that an injured employee may return to duty in a light duty status within the first 45 days of disability following an injury, each day or portion of a day in light duty status may be counted as 1 day of COP. This also includes any day or portion of a day worked while under injury-related work restrictions imposed by a physician.

1. Official Personnel Actions. An employee performing light duty because of an on-the-job injury normally is not charged COP. However, COP must be charged if an employee has been assigned light duty by the SF 50 and pay loss results. The employee must be furnished with documentation of the personnel action before the effective date of the action. When a determination is made that an employee is capable of performing light-duty after an on-the-job injury, COP is still chargeable against the 45-day entitlement if a personnel action has been issued to:

a. Assign or detail the employee to an identified position for which a position description exists which is classified at a lower salary level than that earned by the employee when injured,

b. Change the employee to a lower grade or to a lower rate of basic pay, or

c. Change the employee to a different schedule of work that results in loss of salary or premium pay (other than Sunday premium) authorized for the employee's normal administrative workweek.

2. Loss of Night Differential Pay. When an employee is detailed to a work schedule involving the loss of night differential pay earned before the injury, COP days will be charged, even though the employee is working. The cost of COP is calculated as the difference between the employee's normal pay and pay earned in the detail position.

3. An employee placed in light-duty who refuses to work after the offer of suitable work is not entitled to COP. See 20 CFR 10.217 and 10.517.

E. Return to Duty. The injury compensation program administrator may contact the attending physician in writing to inquire about the employee's estimated return to light duty and/or contact the servicing OWCP office for an expected date of return to duty.

060504. Conversion and Termination of COP

A. Denial of COP. Absences charged to COP and later disapproved by the DOL will require conversion to sick or annual leave. If sick or annual leave is not available, then COP will be converted to LWOP and reimbursements to the government must be made for any gross earnings paid while in a COP status. Due process procedures apply to the collection of any such debt owed by an employee. The amount collected must include payments made on behalf of the employee and any adjustments to the deposit fund accounts by the PRO. COP is not payable when one of the following occurs (see 20 CFR 10.220):

1. A traumatic injury is not the cause of the employee's disability;
2. The employee is not a U.S. or Canadian citizen;
3. The employee does not file a written claim within 30 days of the date of injury;
4. The injury was not reported until after separation from employment;
5. The employee received the injury away from the activity's premises and the employee was not performing his or her official duties;
6. The injury was due to the employee's own willful misconduct, intent to injure himself/herself or another person, or the injury was proximately caused by intoxication by alcohol or illegal drugs; or
7. The work did not stop until more than 45 calendar days after the injury.

B. Controverting a Claim. An agency may object to paying a claim for COP in a process referred to as "controverting a claim." The employing activity may controvert a claim by completing the indicated portion of Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for COP/Compensation, and submitting detailed information in support of the objection to the OWCP. See 20 CFR 10.221.

C. Termination of COP Already Begun. Generally, COP should continue after the employee stops work due to a disabling injury. Pay may be stopped only when at least one of the following circumstances is present (see 20 CFR 10.222):

1. The employee does not provide prima facie medical evidence of a work-related injury within 10 calendar days after he/she submits a claim for COP;

2. The treating physician provides medical information to the activity indicating that the employee is not disabled from his or her regular position;
3. The treating physician provides medical information to the activity indicating the employee is not totally disabled, and the employee refuses a written offer of a suitable alternative position;
4. The OWCP provides notification to the activity to terminate COP;
5. COP has been paid for 45 calendar days;
6. The employee's scheduled term of employment expires, and the date of termination is prior to the date of injury; and/or
7. The employee returns to work with no loss of pay.

D. Disciplinary Actions and COP. If a preliminary notice regarding a disciplinary action was issued to the employee before the date of the injury and the action becomes final or otherwise takes effect during the COP period, COP may be interrupted or stopped. See 20 CFR 10.222.

E. COP Suspended When Employee Obstructs a Medical Examination. If an employee or his or her representative refuses or obstructs a medical examination, the right to receive COP is suspended until the refusal or obstruction ceases. COP already paid or payable for the period of suspension is forfeited. If COP has already been paid, then COP may be charged to annual or sick leave or considered an overpayment of pay in accordance with 5 U.S.C. § 5584. See 20 CFR 10.223.

060505. Use of Annual or Sick Leave Instead of COP

A. Application of the 45-Day COP Period. An employee may use annual, sick, or advanced leave to cover all or part of an absence due to an injury. If an employee elects to use leave, then count each full or partial day the employee takes leave against the 45 days of COP entitlement. If an employee uses COP intermittently along with sick or annual leave, the COP entitlement period is still limited to 45 days. An employee may not use annual or sick leave to delay or extend the 45-day COP period.

B. One-Year Limitation to Elect COP in Lieu of Annual or Sick Leave. There are times when the employee may elect sick, annual, or advanced leave and the election is irrevocable. However, if an employee who has elected to use annual or sick leave for the period is otherwise eligible to elect COP instead, then the employing activity must make that change on a prospective basis from the date of the employee's request. The employee may receive COP in lieu of previously requested annual or sick leave if the employee makes the request within 1 year of either the date the leave is used or written approval of the claim was granted, whichever is later. To authorize a change from annual or sick leave to COP, a corrected time and attendance report is required.

C. Leave Status of Employees

1. Leave Status When Injury Exceeds 45 Days. Employees who are eligible for COP must be placed in a leave status for time lost from work due to injury that is in excess of the 45-day COP period. During this period, an employee may take annual leave, sick leave, advanced leave, or LWOP until the OWCP approves the employee's claim for compensation. The employee should be in an LWOP status if the employee is receiving the OWCP compensation after the 45-day period.

2. Leave Status of Employees Who Are Ineligible for COP. Employees who are ineligible for COP must be in a leave status during an absence due to injury. Employees may take annual leave, sick leave, advanced leave, or LWOP while awaiting a decision from the OWCP on their claims. Employees must be in an LWOP status while receiving the OWCP compensation. These employees may buy back, and have reinstated, annual and sick leave used for time lost from work due to injury if the OWCP approves their claims for compensation.

060506. Buy Back of Leave

A. General. If an employee is found eligible to receive OWCP compensation and the employee used sick, annual or a combination of both types of leave during a period of disability extending beyond the 45-day COP period, the employee may arrange with the PRO to buy back the leave used (referred to as "leave buy back"). An employee may not receive dual compensation for pay and leave plus the OWCP compensation for lost time due to injury. Leave will be reinstated when bought back. See 20 CFR 10.425.

B. Time Limit for Submitting a Claim for Leave Buy Back and Payment Arrangements. The [Form CA-7](#), Claim for Compensation, for leave buy back must be submitted within one year of the date the leave was used or the claim was accepted, whichever is later. The PRO will arrange with the OWCP to have compensation for the buy back period paid directly to that office. After receipt, the PRO will notify the employee of the repayment amount and method of repayment.

C. Effect of Leave Buy Back. Leave buy back will reduce an employee's earnings. An employee is placed in LWOP status, which may result in leave accrual reduction, reduced retirement contributions, and reduced TSP contributions. Employees may be required to pay health insurance and income taxes.

D. Leave that is Not Eligible for Buy Back. Employees who are eligible for COP who take annual, sick, or advanced leave for time lost due to injury instead of COP during the 45-day COP period are not eligible for the OWCP compensation for that leave. These employees may not buy back the annual or sick leave and have it reinstated.

E. Computation. The PRO must recover any gross amount paid for leave used during a period retroactively covered by the OWCP compensation. Certain deductions are recoverable by payroll adjustment. The amount recovered from the employee and/or the OWCP

will depend on whether payment for leave is paid in the current or prior year. See Figures 6-3 and 6-4 for [buy back of sick leave computation](#) examples.

F. Current Year Recovery

1. Deductions. The amount collected for leave payments made in the current calendar year will be the net pay plus deductions for [the following](#):

- a. Bonds,
- b. Savings allotments,
- c. Alimony/Child support,
- d. Rent,
- e. Indebtedness to the United States, and
- f. Other deductions the employee received value but not otherwise collected.

2. Reversed Deductions. Current [deductions](#) that will be reversed (if applicable and if the moneys are recovered) in the payroll system are:

- a. CSRS or FERS;
- b. OASDI and/or Medicare;
- c. Federal, state, and local taxes;
- d. FEHB (if the OWCP payment is for more than 28 days);
- e. FEGLI (basic and optional);
- f. TSP;
- g. Union dues;
- h. Charitable contributions; and
- i. Military service credit deposits and civilian service credit deposits.

3. Other. The PRO must make adjustments in the payroll system to earnings-to-date for those items other than the reversed deductions. Amounts collected from the

employee and/or the OWCP must be [identified](#) as a cash refund on a voucher for disbursement and/or collection.

G. Prior Year Recovery

1. Amount Collected. The amount to be collected for leave payments made during a prior year will be the gross amount less CSRS/FERS, OASDI and/or Medicare, TSP, FEHB (if the OWCP payment is for more than 28 days), and FEGLI (basic and optional). The PRO must post the credit to the CSRS/FERS as a separate credit line item on the [SF 2806](#), Individual Retirement Record CSRS, or the [SF 3100](#), Individual Retirement Record FERS, fiscal side indicating the year of the adjustment along with an explanation in the “Remarks” column. Adjustments are [unauthorized](#) for federal, state, and local income taxes.

2. Separating Employees. When an employee separates or at the end of the payroll year, the PRO must prepare a W-2, as appropriate, but may not include any tax adjustments for a prior year. The PRO must prepare a certified statement to go with the current year’s W-2 stating that a refund for prior year was paid in the amount of ~~\$\$XX.XX~~, but that the gross wages shown on the current year W-2 were not reduced by the amount of the refund.

H. Partial Payroll Deductions. If circumstances [permit](#), the employee may repay the amount due (after recovery of the amount repaid by the OWCP) through partial payroll deductions. The PRO will not reverse deductions under subparagraph 060506.F.2 until the full amount is paid.

I. Recrediting of Leave. Credit the full amount of leave used during the buy back period to the employee’s leave account. The PRO will not recredit leave bought back until the total amount is repaid.

0606 EMERGENCY EVACUATION PAYMENTS

060601. Purpose

The DoD Joint Travel Regulations, [Chapter 6](#) identifies the responsibilities of the PRO in the event the proper authorities declare an official emergency evacuation of civilian employees. The PROs will use the guidelines to determine whether it is appropriate to make advance payments to employees based on an ordered evacuation for military actions, natural disasters or other reasons that create imminent danger to lives and property. This section applies to areas located within the United States based on the provisions of 5 CFR 550, [subpart D](#) and outside of the United States based on the provisions of the Department of State Standardized Regulations ([DSSR](#)), [Chapter 600](#).

A. Eligibility. This guidance pertains to [civilian](#) DoD and DoD component employees when an official evacuation is [ordered](#).

B. Forms. The DoD [\(DD\) Form 2461](#), Authorization for Emergency Evacuation Advance and Allotment Payments for DoD Civilian Employees, authorizes and

records emergency payments to employees and dependents. The PRO is responsible for maintaining this record of payments on the employee's permanent pay account. In appropriate cases, information on this form may be disclosed to other federal agencies (i.e., the SSA, the IRS, and the OPM), to state and local taxing/welfare authorities, and to certain private organizations for crediting payments to the employee's account. The PRO must receive DD 2461 before making payment of amounts due the evacuated civilian employees or family members.

C. Determining Entitlements and Payee. Determine specific rates of entitlement, duration of evacuation/departure payments, and eligible payees as follows:

1. For employees at foreign installations, [see](#) the DSSR, Chapter 600.
2. For employees within the United States, [see](#) 5 CFR 550, subpart D.

D. Payments. Compute employee's payments at the rate they are entitled to immediately before the order of evacuation/departure. Adult family members or designated representatives may receive payments in the form of allotments. The PRO must make all advance payments (and any necessary adjustments) [in accordance with](#) the DoD component's procedures.

060602. Transmission of Data to Safe-Haven Post

A. Methods of Transmission. After authorities issue an evacuation order, the PRO must immediately forward all significant payroll data from the evacuated installation to the safe-haven post.

B. Considerations. The physical conditions and circumstances at the evacuation installation will determine the method and timing for transmitting data. Safeguarding and preserving payroll leave, and travel records are matters of primary concern because of the continuing need for the records after the conditions, which gave rise to the emergency evacuation have been resolved. Take all necessary steps to safeguard and preserve the records at the safe-haven post.

060603. Action Upon and During Evacuation

To the extent possible and practicable, the PRO must pay employees and dependents remaining at the evacuated installation in accordance with the normal fiscal procedures of that installation. A special advance payroll may be prepared in accordance with normal payroll procedures and charged against the appropriate funds available to the evacuated installation for authorized advance payments.

060604. Actions After Evacuation

A. Review of Accounts. The PRO [with](#) jurisdiction over the employee's account will review [the](#) account for [necessary](#) adjustments at the earliest possible date after the evacuation is terminated (or earlier if circumstances apply), or after the employee returns to his or her duty station, or when the employee is officially reassigned. See 5 CFR 550.408.

B. Reconcile Amounts Paid. The PRO will adjust the employee's pay based on the rates of pay, allowances, or differentials, if any, to which he or she would otherwise be entitled. Adjustments will reflect any advance payments the employee may have received. If the employee is indebted for any part of the advance payment(s) made to him or her, or to his or her dependent(s), or designated representative, the PRO with jurisdiction over the account must recover the debt, unless there is an approved waiver. See 5 CFR 550.408.

060605. Evacuation Payments During a Pandemic Health Crisis

An agency may direct an employee to work from home or a mutually agreed upon alternative location during a pandemic health crisis. The designated location is the safe-haven location during a pandemic health crisis and used as an alternate worksite during the pandemic crisis. The agency may make special allowance payments to the employee, as determined on a case-by-case basis, to help cover additional expenses caused by the crisis. See 5 CFR 550.409.

Figure 6-1. Example 1 - Format of Back Pay Computation

An employee's gross back pay computation is \$32,420, as follows:

Basic pay	\$31,000.00
Overtime pay	\$300.00
Holiday pay	\$120.00
On-call pay	\$1,000.00

The employee received lump-sum payments in the amount of \$1,000, and net retirement payments (gross retirement less the amounts withheld for health insurance premiums and for post-retirement basic life insurance premiums) amounting to \$10,000. During the period covered by the corrective action, the employee earned \$11,000 from outside employment (interim earnings).

Gross back pay	\$32,420.00
Less outside earning	<u>(\$11,000.00)</u>
Subtotal (Adjusted Gross Back Pay)	\$21,420.00

Less erroneous payments	
Erroneous Retirement Annuity payments	\$10,000.00
Erroneous lump-sum payments for annual leave	<u>\$1,000.00</u>
Total	<u>(\$11,000.00)</u>
Subtotal	\$10,420.00

Less other authorized deductions	
Retirement deductions (CSRS) computed on gross basic pay (\$31,000)	\$2,170.00
TSP computed on gross basic pay (\$31,000 - if applicable)	00.00
Federal tax computed on adjusted gross back pay (\$21,420)	\$5,355.00
State tax computed on adjusted gross back pay (\$21,420)	\$856.80
Medicare computed on adjusted gross back pay (\$21,420)	310.59
Health Insurance Premiums	<u>\$1,116.00</u>
Total	<u>(\$9,808.39)</u>

Net back pay	\$611.61
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Figure 6-2. Example 2 - Format of Back Pay Computation

An employee's gross back pay computation (based on basic pay only) is \$10,000. During the period covered by the corrective action, the employee earned \$7,000 from outside employment (interim earnings).

Gross back pay	\$10,000.00
Less interim earning	<u>(\$7,000.00)</u>
Subtotal (Adjusted Gross Back Pay)	\$3,000.00
Less authorized deductions	
Retirement deductions (CSRS) computed on gross back pay (\$10,000)	\$700.00
Federal tax computed on adjusted gross back pay (\$3,000)	\$750.00
State tax computed on the adjusted gross back pay (\$3,000)	\$120.00
Medicare computed on the adjusted gross back pay (\$3,000)	<u>43.50</u>
Total deductions	(\$1,613.50)
Net back pay	\$1,386.50

Figure 6-3. Example 1 - Buy Back of Sick Leave Computation – Full Pay Period

<u>PP#</u>	<u>HRS</u>	<u>GROSS</u>	<u>CSRS</u>	<u>FICA/</u> <u>MED</u>	<u>TAX</u>	<u>FEHB</u>	<u>FEGLI</u>	<u>OPT</u> <u>FEGLI</u>	<u>CHARITY</u>	<u>UNION</u> <u>DUES</u>
21	80	\$680.80	47.66	9.87	120.57	31.50	5.50	16.00	2.00	1.75
<u>ALLOT</u>	<u>TSP</u>	<u>NET</u>								
50.00	10.00	\$385.95								

Current Year Recovery:

Net Pay	\$385.95
Allotment	50.00
Charity	2.00
Amount of repayment	(437.95)
Amount of OWCP check (75% X 680.80)	510.60
Amount due employee	\$ 72.65

Prior Year Recovery:

Net Pay	\$385.95
Allotment	50.00
Tax	120.57
Charity	2.00
Health Insurance Premiums	31.50
Union dues	1.75
Amount of repayment	(591.77)
Amount of OWCP check (75% X 680.80)	510.60
Amount due from employee	(\$81.17)

Figure 6-4. Example 2 - Buy Back of Sick Leave Computation – Less Than Full Pay Period

<u>PP#</u>	<u>HRS</u>	<u>GROSS</u>	<u>CSRS</u>	<u>FICA</u> <u>MED</u>	<u>TAX</u>	<u>FEHB</u>	<u>FEGLI</u>	<u>OPT</u> <u>FEGLI</u>	<u>CHARITY</u>	<u>UNION</u> <u>DUES</u>	<u>ALLOT</u>	<u>NET</u>
20	80	\$680.80	47.66	9.87	120.57	31.50	5.50	16.00	2.00	1.75	50.00	\$395.95
Worked	47	\$399.97	28.00	5.80	71.14	31.50	5.50	16.00	2.00	1.75	50.00	\$188.28
Sick Lv	33	\$280.83	19.66	4.07	49.43	-	-	-	-	-	-	\$207.67
21	80	\$680.80	47.66	9.87	120.57	31.50	5.50	16.00	2.00	1.75	50.00	\$395.95
Worked	12	\$102.12	7.15	1.48	18.09	31.50	5.50	16.00	2.00	1.75	-	\$18.65
Sick Lv	68	\$578.68	40.51	8.39	102.48	-	-	-	-	-	50.00	\$377.30

Current Year Recovery:

Net Pay	\$584.97
Allotment	50.00
Amount of repayment	(\$634.97)
Amount of OWCP check (75% X \$859.51)	644.63
Amount due employee	\$ 9.66

Prior Year Recovery:

Net Pay	\$584.97
Allotment	50.00
Tax	151.91
Amount of repayment	(\$786.88)
Amount of OWCP check (75% X \$859.51)	644.63
Amount due from employee	(\$142.25)

**VOLUME 8, CHAPTER 7: “DEPARTMENT OF DEFENSE EDUCATION ACTIVITY
(DoDEA) EMPLOYEES”**

SUMMARY OF MAJOR CHANGES

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [February 2018](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with current administrative instruction.	Revision
All	Revised information for clarity.	Revision
All	Removed procedural guidance throughout in order to comply with modernization efforts.	Deletion
All	Replaced Area/Regional Director titles with updated Director for Student Excellence title.	Revision
070201.D	Added email addresses for overseas calendar submissions.	Revision
070205	Removed “Daily/Biweekly Pay” paragraph used previously as a placeholder. Renumbered subsequent paragraphs.	Deletion
070206	Combined late and early arrival paragraphs for formatting consistency. Renumbered subsequent paragraphs.	Revision
070507	Removed all instances of dormitories since no longer relevant or operated by DoDEA. Renumbered subparagraphs.	Deletion
0706	Deleted section 0706, “DoD Domestic Dependent Elementary and Secondary Schools,” since content not applicable to DoDEA financial management or civilian payroll policies.	Deletion

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CHAPTER 7

DEPARTMENT OF DEFENSE EDUCATION ACTIVITY (DoDEA) EMPLOYEES

0701 GENERAL

070101. Purpose

This chapter establishes policy and procedures for the pay and leave of the DoDEA employees employed under the Teaching Position (TP) Pay Plan. These employees include teachers, principals, administrators, instructional systems specialists (ISS), guidance counselors, social workers, nurses, and school psychologists.

070102. Authoritative Guidance

[Title 20, United States Code \(U.S.C.\), Chapter 25, sections 901-907](#) govern the salaries and personnel practices applicable to educators employed overseas by the DoDEA on a school year basis. The pay and personnel practices are implemented by policies and regulations issued by the DoDEA under the authority and direction of the Secretary of Defense. The regulations on pay include [DoDEA Regulation 1400.13](#), Salaries and Personnel Practices Applicable to Teachers and Other Employees of the Department of Defense Dependents Schools (DoDDS), and [the Dependent Schools \(DS\) Regulation 5301.4](#), DoDDS Salaries and Personnel Practices Applicable to Principals and Assistant Principals, [as amended](#). These policies and regulations differ considerably from those applicable to other federal civilian employees paid under Title 5, U.S.C. or other statutes.

0702 TP PAY PLAN

Individuals, such as educators and administrators who hold a TP (hereinafter referred to as educators, administrators, and ISS employees) as defined in 20 U.S.C. § 901 are governed by the policies and regulations prescribed by [the DoDEA](#). Educators including teachers, social workers, guidance counselors, school psychologists, and nurses earn a school year salary based on 190 duty days (also referred to as working days) and [typically receive compensation](#) over 21 pay periods. Administrators including school principals and assistant principals earn a school year salary based on 222 duty days and are paid out over 26 pay periods. ISS employees (educator positions that support [the DoDEA](#) schools above the school level, rather than at the school level) earn a school year salary based on 222 duty days and are paid out over 26 pay periods. Educators, administrators, and ISS employees do not earn annual, sick, or home leave under Title 5, U.S.C., but instead, are entitled to “educator’s leave” under 20 U.S.C. § 904.

070201. School Year [Duty Days](#)

A. [Educators](#). The school year for educators consists of 190 duty days and includes no less than 175 days of classroom instruction. The 190 duty days include the [days](#) required [before and after the first and last day of school](#) when educators must prepare for the opening and closing of school. The school year calendar may be adjusted after the school year

begins with no change in school year salary, as long as 190 duty days are required and no less than 175 days of classroom instruction are provided. If the school year extends beyond 190 duty days, the educator [receives compensation](#) at the appropriate daily rate as of the 191st working day. Should an emergency preclude completion of a full school year at one or more schools, the educators must be furloughed, separated, or salary continued until the full school-year salary has been paid out.

B. Administrators. The school year requirement for administrators consists of 222 duty days and includes no less than 175 days of classroom instruction. Also, included in the 222 duty days is any time when the services of a majority of educators at the school are required. The school year calendar may adjust after the school year begins with no change in school year salary as long as the required 222 duty days for principals and assistant principals and no less than 175 days of classroom instruction remain. If the school year extends beyond 222 duty days during a given school year, the administrator [receives compensation](#) at the appropriate daily rate as of the 223rd working day. Should an emergency preclude completion of a full school year at one or more schools, the administrators must be furloughed, separated, or salary continued until the full school-year salary has been paid out.

C. ISS Employees. The school year for an ISS employee consists of 222 duty days, the same schedule [as](#) administrators. ISS employees coordinate their 222-day schedule with their supervisors at the start of the school year.

* D. Overseas School Year Calendars. Overseas school year calendars issued by the DoDEA may vary due to local customs and holidays. The calendars identify the first and last duty days of the school year, instructional days, and [exception](#) days for educators and students. The DoDEA provides a copy of school calendars to the servicing [Civilian Payroll Office \(PRO\)](#) and to the [Defense Finance and Accounting Service \(DFAS\) Information and Technology \(I&T\) Office](#) no later than 4 weeks prior to the first duty day of the new school year. [If changes are necessary, submit updated calendar\(s\) via email to the PRO \(dfas.indianapolis-in.jfv.mbx.dodea@mail.mil\) and DFAS I&T \(dfas.indianapolis-in.ztb.list.cin-dcps-dodea@mail.mil\) as soon as possible.](#)

070202. Work Schedules

Educators, administrators, and ISS employees work in full or half day increments and work either a seasonal part-time or seasonal full-time schedule. Substitute teachers work an intermittent work schedule. [See also *DoDEA Administrative Instruction 1422.01*, DoDEA Work Schedule Program, for additional information.](#)

070203. Salary Schedules

The DoD Wage and Salary Division (WSD) establishes the rates of basic compensation for teachers and TP in the DoD. The DoD WSD issues Pay Plan salary schedules in April or May of the current school year. The schedules are effective retroactive to August 1 of the current school year (i.e., the prior calendar year). Use prior school year salary schedules until WSD issues salary schedules for the current school year. There are separate salary schedules issued for educator,

management, specialist, and administrator overseas school year positions. Salary schedules are further differentiated by step and academic salary lane (i.e., Bachelor's, Bachelor's plus 15, Bachelor's plus 30, Master's, Master's plus 15, Master's plus 30, and Doctorate).

070204. Retroactive Pay Adjustment

After the DoD WSD issues the salary schedule in April or May of the current school year, the servicing Human Resources Office (HRO) processes a retroactive pay adjustment effective August 1 of the current school year (i.e., prior calendar year) using the Standard Form (SF) 50, Notification of Personnel Action. When the retroactive adjustment processes, biweekly payments for foreign post allowance and foreign post differential adjust accordingly. The servicing PRO then reconciles educator, administrator, and ISS employee pay and makes any necessary "retro payments" based on increases in salary. The gross amount of the retroactive adjustment computed under the new salary schedules are subject to applicable withholdings (e.g., Civil Service Retirement System (CSRS) or Federal Employee Retirement System (FERS), federal income tax, Social Security tax, Medicare tax, and state income tax). When the retroactive adjustment processes, biweekly deductions adjust accordingly. The biweekly deductions adjust as follows:

- A. Basic and Optional Federal Employees Group Life Insurance (FEGLI),
- B. Thrift Savings Plan (TSP), and
- C. TSP basic one percent and matching employer contributions for FERS employees.

*070205. Step Increases

Step increases for educators, administrators, and ISS employees are similar to step increases for General Schedule (GS) employees. Generally, steps 1 through 14 are regular step increases and steps 15 through 18 are longevity steps. Substitute teachers are not eligible for step increases.

- A. Eligibility.
 1. A full-time educator assigned to a 190-day position may receive a regular step increase (steps 1 through 14) provided they have been in a pay status at least 150 duty days during their last previous school year as an educator.
 2. A full-time educator assigned to a 190-day position may receive a longevity step increase (steps 15 through 18) provided they have been in a pay status at least 150 duty days during each of the previous 4 school years as an educator.
 3. A half-time educator assigned to a 190-day position may receive a regular step increase (steps 1 through 14) provided they have been in a pay status at least one-half of 150 duty days during each of the previous 2 school years. A half-time educator may receive a

longevity step increase (steps 15 through 18) after they have been in a pay status at least one-half of the 150 working day minimum during each of the previous 8 school years.

4. A full-time administrator assigned to a 222-day position may receive a step increase (steps 1 through 10) provided they have been in a pay status at least 175 duty days during their last previous school year as an administrator.

5. A full-time ISS employee assigned to a 222-day position may receive a regular step increase (steps 1 through 14) provided they have been in a pay status at least 175 duty days during their last previous school year as an educator.

6. A full-time ISS employee assigned to a 222-day position may receive a longevity step increase (steps 15 through 18) provided they have been in a pay status at least 175 duty days during each of the previous 4 school years as an educator.

7. A half-time ISS employee assigned to a 222-day position may receive a regular step increase (steps 1 through 14) provided they have been in a pay status at least one-half of 175 duty days during each of the previous 2 school years. A half-time educator may receive a longevity step increase (steps 15 through 18) after they have been in a pay status at least one-half of the 175 working day minimum during each of the previous 8 school years.

8. A full-time educator assigned to a 190-day position may receive an annual step increase (or service credit towards a longevity step) for the last satisfactory year of service, plus an additional annual step (or service credit) for the first year of absence, only upon return to duty after successfully completing a program of study or employment of one or more years under the Administrative Reemployment Rights Program.

B. Effective Date. Step increases take effect August 1 of each school year following completion of the school year. However, the step increase is not payable until the educator returns to duty for the subsequent year. **When moving** to a higher or lower salary schedule, there is no change to the effective date **of step increases**.

*070206. Arrival at Post

A. Late Arrival. Educators newly recruited from the Continental United States are appointed with the understanding that they will serve for an entire school year or a specified partial month. **When** an educator, who through no personal fault and **due to** transportation or processing delays, arrives late **to** the post of assignment, **then**, administratively excuse the **absence**, and pay the educator as though he/she arrived on time and served during the lost time. **The** DoDEA dates the offer letter 14 days prior to the reporting date. Educators, other than described, who arrive late at the post of assignment after the start of the school year, do not **receive compensation** for the duty days prior to the day of arrival unless granted paid leave by a supervisor.

B. Early Arrival. Educators who arrive at their post of assignment prior to the start of the school year normally are not entitled to compensation until the start of the school year. However, educators who are required to report at their post of assignment and perform work prior

to the start of the school year [receive compensation](#) at the daily salary rate from the prior school year salary schedule for each day worked. Note: This salary is not subject to retroactive adjustment.

070207. Departure from Post

Educators who are unable to depart promptly after the end of the school year for personal reasons or because of circumstances beyond their control (e.g., lack of available transportation), are not entitled to compensation for the period between the end of the school year and the date of departure.

070208. During Travel

While en route during a permanent change of station (PCS) between school years, an educator is in a non-pay status [and not paid](#) basic compensation. While en route during a PCS between school years, a principal or assistant principal (otherwise in a non-pay, non-duty status) [remains](#) in a non-pay status and [receives](#) appropriate per diem payments as provided in the [Joint Travel Regulations](#).

070209. Work at More than One Post of Assignment

A. When educators PCS during the school year, action will be taken to ensure that, after working the scheduled duty days during the remaining pay periods at the new post of assignment, the educator [receives](#) the full school year salary [as](#) entitled. If the total number of days actually worked during the school year (to include paid leave at the former duty station and the new duty station) exceed 190 [days](#), the educator [receives compensation](#) at the daily rate for any days worked in excess of 190 days.

B. When administrators or ISS employees PCS during the school year, action will be taken to ensure that, after working the scheduled duty days during the remaining pay periods at the new post of assignment, the administrator or ISS employee [receives](#) the full school year salary [as](#) entitled. If the total number of days actually worked during the school year (to include paid leave at the former and new duty stations) exceed 222 [days](#), the employee [receives compensation](#) at the daily rate for any days worked in excess of 222 days.

070210. Substitute Teachers

A. School Year Substitute Teachers. A substitute teacher [receives](#) the flat daily rate prescribed under Salary Schedule A. The minimum increment paid for substitute work is one-half day.

B. Summer School Substitute Teachers. The Salary Schedule for “Other Compensation” provides the daily rate for a summer school substitute teacher and is two-thirds of the regular school year substitute teacher rate established for the prior school year. This salary is not subject to retroactive adjustment. For example, the prior school year rate for a 2019 summer school substitute teacher is published in the 2018-2019 salary schedules. The minimum increment

earned and paid is one-half day the equivalent of one-third of the regular substitute teacher rate. Substitute teachers who teach an academic enrichment K-8 program during the summer recess period [receive](#) a stipend as authorized by the memorandum of understanding (MOU).

070211. Allowances and Differentials

Educators, administrators, and ISS employees may be entitled to certain allowances and differentials such as government quarters, living quarters allowance (LQA), temporary quarters subsistence allowance (TQSA), separate maintenance allowance (SMA), post allowance, post differential and/or storage of household goods. See [section 0705](#) for payment information on post allowances and foreign post differentials for [TP Pay Plan](#) employees. See Chapter 3 for payment information on LQA, TQSA, and SMA. An educator employed as a substitute is not entitled to government quarters, quarters allowance, post allowance, post differential, or storage of household goods.

0703 LEAVE

070301. Accrual of Leave

A. Educators. Under 20 U.S.C. § 904, educators (excluding substitute teachers) are entitled to cumulative leave with pay, also referred to as educator leave. If the school year consists of less than 8 months, the leave accrues at the rate of 1 day for each calendar month worked or partial month. When the school year includes more than 8 months, an employee who serves the entire school year is entitled to 10 days of cumulative educator leave with pay for the school year. The full school year accumulation of leave is credited to the employee's leave record when the school year begins (normally, in August) or whenever the employee enters on duty under [DS Regulation 5630.4](#), DoDDS Absence and Leave.

B. Administrators and ISS Employees. Administrators and ISS employees [may](#) earn 13 days of cumulative educator leave with pay under 20 U.S.C. § 904 and DS Regulation 5301.4. [The credit reflects](#) on the employee's leave record each year on August 1.

C. Liquidation of Unused Leave Upon Separation. If the educator, administrator, or ISS employee [separates](#) for any reason before the school year ends, any leave credited, but not earned, will be subtracted from the leave balance. If already used, a debt will be established and appropriate collection action taken.

D. Leave Accrual for Part-Time Educators and Part-Time ISS Employees. Educators and ISS employees regularly employed on a part-time basis earn leave in an amount proportionate to the amount of leave earned as compared to full-time. Part-time ISS employees, such as those in a job-sharing arrangement, earn 6.5 days per year (or one-half day (4 hours) per pay period, if less than 8 months remain in the school year).

Example 1: A part-time educator appointed to a part-time position for the full school year. The educator is scheduled to work one-half day on each duty day

during the regular school year. The educator is entitled to accrue 10 half days (or 5 days) of educator leave.

Example 2: A part-time educator appointed to a part-time position for the full school year. The educator is scheduled to work each Tuesday and Thursday during the regular school year. The educator is entitled to accrue two-fifths (4 days) of the 10 days of educator leave that would be earned during full-time employment.

Example 3: A part-time educator appointed to a part-time position for the last semester (one-half) of the school year. The educator is scheduled to work one-half day on each scheduled duty day during the semester. The educator is entitled to accrue one-fourth (2.5 days) of educator leave.

E. Substitute Teachers. Substitute teachers employed in positions on a temporary intermittent basis and are not entitled to earn leave.

F. Summer Recess Period. Educators and administrators who perform activities during the summer recess period do not earn leave.

070302. Leave Usage

A. Minimum Charge. The minimum charge for educator leave is one-half day, and additional charges are in multiples thereof. An administrative authority may use discretion and excuse an occasional absence from duty of less than one-half day for adequate reasons without charge to educator leave. Report leave charges to the **PRO and record** on the **employee's timecard**.

B. Authorized Absences. An educator, administrator, or ISS employee may use accrued educator leave during the school year for the following:

1. Maternity purposes;
2. Illness of the educator;
3. Illness, contagious disease, or death in the immediate family of the educator that requires his or her absence;
4. Any personal emergency; or
5. Any purpose.

With the appropriate advance notice and prior approval of the supervisor, an educator, administrator, or ISS employee may use up to 3 days of leave in a given school year for any purpose. Educator leave used for any purpose normally may not be used during orientation week or the first or last week of the school year. An exception may be made when an employee is accepted for an educational program and must report prior to the end of the school year.

C. Summer Recess Period. Using accrued educator leave during any summer recess period **is not permissible**. An absence during a summer recess period is without pay.

D. Non-work Days. Except for unique tours of duty established by the host nation (e.g., Bahrain), Saturdays, Sundays, regularly scheduled holidays including U.S. holidays and host nation holidays and other administratively authorized non-work days are not normally days of leave. See 20 U.S.C. § 904(b). Therefore, Leave Without Pay (LWOP) is not charged to an educator, administrator, or ISS employee, who is in a non-pay status immediately preceding or following a scheduled holiday.

070303. Advances of Leave

Under unusual circumstances, an educator, administrator, or ISS employee may receive up to 30 days of advanced educator leave (above the amount already credited for the current school year) for use on any scheduled duty day within the school year. Such **an** advance is subject to subsequent earning of educator leave, or repayment upon separation for leave advanced but not earned. The immediate supervisor may approve requests for up to 10 days of advance educator leave. Submit requests in excess of 10 days of advance educator leave to the **Director for Student Excellence** or District Superintendent, as appropriate. Submit approved requests to the **PRO** upon receipt from the approving official.

070304. Leave Without Pay (LWOP)

The immediate supervisor of an educator or ISS employee may approve an LWOP request of up to 3 days. The **Director for Student Excellence** or District Superintendent may approve LWOP requests in excess of 3 days, but less than 30 days. The **Director for Student Excellence** may approve LWOP requests of 30 days or more. The District Superintendent must approve LWOP requests in excess of 3 days, but less than 30 days for administrators. The **Director for Student Excellence** or their delegate must approve LWOP requests in excess of 30 days by administrators.

070305. Conversion of Leave for Federal Employees Transferring to **the** DoDEA

A. Sick Leave. An employee of the federal government or the District of Columbia, who transfers without a break in service from a position under a different leave system to an educator, ISS employee or administrator position, **receives credit for** sick leave immediately prior to the effective date of their conversion, transfer, promotion, or reappointment. Sick leave so credited is included in the employee's balance of educator leave.

B. Annual Leave. **There is no** annual leave credited to an educator, ISS employee, or administrator's balance of educator leave when he or she transfers without a break in service from a position under a different leave system. The employee will receive a lump-sum payment for accrued annual leave from the previous employer. However, administrators who converted from GS or General Merit positions to Salary Schedules K and L on October 11, 1987, **received** credit for annual leave during the initial conversion.

070306. Transfer and Recredit of Educator's Leave

A. Reappointed to Another Educator, Administrator, or ISS Employee Position. When an educator, administrator, or ISS employee is separated from their current position and reappointed in another educator, administrator, or ISS employee position without a break in service of more than 3 years, the employee's educator leave is certified to the employing agency for credit as sick leave on the [SF 1150](#), Record of Leave Data.

B. Reappointed to Federal Position. When an educator, administrator, or ISS employee is separated from their position and reappointed (without a break in service to another federal position subject to another leave act), the leave account is certified to the employing agency for credit in accordance with [Title 5, Code of Federal Regulations 630.501](#).

C. Temporary Employment During Recess. If an educator, administrator, or ISS employee accepts temporary employment with the federal government in a non-educator position during a recess period, their educator's leave account will not be transferred to the leave account of the summer position. Any sick leave earned during the temporary summer employment will be credited and any unused sick leave balance will be transferred to the educator's leave account when they return to duty in their regular educator or administrator position.

070307. Liquidation of Leave Upon Separation

A. Any annual leave earned under a different leave system and remaining to the credit of an educator, administrator, or ISS employee upon their separation will be liquidated by a lump-sum payment in accordance with [5 U.S.C. § 5551](#) and 20 U.S.C. § 904(f).

B. Liquidation of educator leave upon separation through lump-sum payment **is prohibited**. Educator leave that may not be liquidated includes leave earned by an educator, administrator, ISS employee, or the leave balance pursuant to subparagraph 070305.A.

070308. Sabbatical Leave

A. Authority. Yearlong educator leave at half-pay (sabbatical leave) may be authorized for an educator, administrator, or ISS employee, and for educational purposes, when the course of study is determined to be appropriate by the [Director for Student Excellence](#). An SF 50 is not required. The approved request for training should reflect that the educator, administrator, or ISS employee will be in an LWOP status one-half of each day during the yearlong period.

B. Benefits and Entitlements During Sabbatical Leave. Educators and administrators granted sabbatical leave at half-pay will continue to receive life insurance and health benefits coverage in the same manner as if they were in full-pay status. Retirement contributions will be deducted for only one-half year; however, the employee is entitled to credit for a full year toward retirement. Educator leave is not earned, nor should it be deducted from the employee's leave account during the training period. Any pay step increase that would have been authorized should be processed as if the educator or administrator had worked a full school year.

C. Pay Status Reporting During Sabbatical Leave. The educator or administrator's work schedule should not change during sabbatical leave. The time and attendance report for each pay period should reflect that the employee is in an LWOP status one-half of each day.

0704 PAY STATUS DURING SCHOOL YEAR AND SUMMER RECESS

070401. School Year

An educator's school year consists of 190 duty days. In most overseas locations, these duty days fall on days during the normal workweek (i.e., Monday through Friday). An educator, however, does not work every Monday through Friday during the school year because of exception days (e.g., winter and spring recess, federal holidays, and certain host nation holidays). As a result, the school year may include 22 pay periods with approximately 213 days, Monday through Friday, between the educator's first and last duty day of the school year. There are typically 21 full pay periods, plus 3 additional days in the 22nd pay period in a given school year.

070402. Summer Recess

During the summer recess period, while school is not in session, educators ordinarily are in a non-pay status. Educators who are returning to duty for the following full school year are entitled to have LQA payments continued during the summer recess period while they are in a non-pay status. See the Department of State Standardized Regulation (DSSR), Chapter 100, Quarter Allowances, and Chapter 700, DoD Teachers. The servicing HRO will notify the servicing PRO of any change (e.g., transfer, resignation, or retirement) in the status of educators.

0705 COMPENSATION

070501. Educators with a 190-Day School Year

A. Daily/Biweekly Rate. Educators earn pay at a rate that differs from the typical rate used to pay employee salaries. If one used the usual pay calculations, the educator's seasonal work schedule, in conjunction with recess periods, would cause pay to fluctuate during each pay period of the school year. Therefore, in order to provide consistency, calculate the biweekly pay for educators using the following information and formulas:

1. Duty Days and "Daily Rate" or "190 Rate" for Educators. The number of duty days in the school year is 190. The educator's daily rate, or "190-Rate," is the school year salary divided by 190 days.

2. School Year Days and "School Year Rate" or "213-Rate" for Educators. For most school years, the school year days will total 213, 214, or 215 days, depending on the calendar year. School year days equal the total number of days (Monday through Friday) falling within an educator's first through last duty day during the school year. School year days include 190 duty days, as well as all other non-work recess days that occur on Monday through Friday during the regular school year. Non-work (or exception) days include federal holidays

(e.g., Labor Day) and school recess days (e.g., spring recess) when educators are normally not scheduled to work. Use the number of school year days to determine an educator's school year rate, or "213-Rate." The school year rate is the daily rate used to provide a uniform payment for each biweekly pay period. Multiply the school year rate by 10 days to determine the educator's biweekly basic pay amount. Educators may elect biweekly payments over 260, 261, or 262 days (depending on how many workdays are in the fiscal year). Determine the school year rate by dividing the school year salary by either 260, 261, or 262 days.

3. Formula for Educator's Biweekly Pay. An educator's salary normally pays out over 21 full and 1 partial pay periods. To calculate the biweekly pay, use the following formula:

a. $\text{School Year Salary} \div (213, 214, 215, 260, 261, \text{ or } 262 \text{ School Year Days}) = \text{School Year Rate, and}$

b. $\text{School Year Rate} \times 10 \text{ Days} = \text{Biweekly Pay.}$

B. Educator Post Allowance. In computing the post allowance for educators paid on a 190-day school year basis, divide the total annual amount of post allowance payable by the number of calendar days in the school year (i.e., school year days plus weekend days) to obtain the daily rate. Multiply the daily rate by the number of calendar days in the pay period (normally, 14 days). See also paragraph 070506 regarding post allowances.

C. Reducing Pay for Absences Without Pay. For educators on non-paid absence (e.g., LWOP or absence without leave (AWOL)), the biweekly pay is reduced by 1/190th of the school year salary for each scheduled duty day that the educator is in a non-paid status. Since educators do not receive pay for federal holidays or recess periods, there is no reduction in biweekly pay when the educator is in a non-paid status before or after an exception day.

D. Biweekly Pay for Educators Beginning Work After Start of School Year. When an educator's appointment begins after the start of the school year, the school year salary adjusts according to the number of duty days remaining in the school year. Multiply the daily rate ("190-Rate") by the number of duty days remaining in the school year to obtain the adjusted school year salary. To determine the biweekly pay, divide the adjusted school year salary by the remaining number of school year days, and then multiply by 10 days. To calculate the biweekly pay for educators who begin work after the start of the school year, use the following formula:

1. $"190\text{-Rate"} \times \text{Duty Days Remaining} = \text{Adjusted School Year Salary,}$

2. $\text{Adjusted School Year Salary} \div \text{School Year Days Remaining} = \text{Adjusted School Year Daily Rate, and}$

3. $\text{Adjusted School Year Daily Rate} \times 10 \text{ Days} = \text{Biweekly Pay.}$

Example: An educator reports for work after the beginning of the school year and receives a salary of \$38,000 for working a full school year (i.e., 190 duty

days). The educator would have a “190-Rate” (daily rate) of \$200.00 ($\$38,000 \div 190$). This salary normally would be paid out over 213 school year days. However, the educator in this example begins work on October 1. Due to the late start, 23 duty days (August through September) will not be worked. The school year calendar indicates that 167 ($190 - 23$) duty days remain in the school year. Thus, the “adjusted school year salary” would be \$33,400 ($\200.00×167). To determine how the adjusted school year salary of \$33,400 will be paid biweekly, the remaining school year days must be identified. In this example, 188 school year days remain (167 duty days + exception days). The adjusted school year daily rate is computed as follows: $\$33,400 \div 188 = \177.66 . The biweekly pay equals the adjusted school year daily rate multiplied by 10: $\$177.66 \times 10 = \$1,776.60$.

E. Educators Who Separate Before the End of the School Year. When an educator separates (i.e., resigns, retires, or dies) before the end of a school year, the school year salary adjusts according to the number of duty days worked. Determine the adjusted school year salary by multiplying the daily rate (“190-Rate”) by the number of duty days worked (include any days in a paid leave status). To calculate the adjusted school year salary for educators who separate before the end of the school year and to reconcile difference(s) in the salary actually paid, use the following formula:

1. “190 Rate” \times Duty Days Worked = Adjusted School Year Salary,
and
2. Adjusted School Year Salary \div School Days Completed (Duty Days + Exception Days) = Adjusted School Year Daily Rate.

Example: An educator separates before the end of the school year. The educator has been receiving a school year salary of \$38,000 at the “190-Rate” (daily rate) of \$200.00 ($\$38,000 \div 190$). This salary normally would be paid out over 21 full and 1 partial pay periods at the school year daily rate of \$178.40 ($\$38,000 \div 213 = 178.40$). Should the educator resign after working only 120 of the scheduled 190 duty days in the school year, the adjusted school year salary would be \$24,000 ($\200.00×120). In this example, the number of school days completed by the educator (duty days worked + exception days) for the school year was 123 (120 duty days worked + 3 exception days). The adjusted school year daily rate would be \$195.12 ($\$24,000 \div 123$). Any difference between the adjusted school year salary and the salary actually paid to date must be reconciled. Reconcile the adjusted school year salary and the salary actually paid by recomputing the entire school year using the adjusted school year daily rate to determine what the educator should have been paid from the start of the school year to the date of separation. In this example, the employee was actually paid \$21,900 ($\178.40×123). The educator should have been paid \$24,000 ($\195.12×123).

070502. Administrators with a 222-Day School Year.

A. Daily/Biweekly Rate. Administrators earn pay at a rate that differs from the typical rate used to pay employee salaries. If the usual pay calculations were used, the administrator's seasonal work schedule, in conjunction with recess periods, would cause pay to fluctuate during each pay period of the school year. Therefore, to provide consistency, the biweekly pay for administrators is calculated using the following information and formulas:

1. Duty Days and "Daily Rate" or "222 Rate" for Administrators. The number of duty days in the school year for administrators is 222. The administrator's daily rate, or "222-Rate," is the school year salary divided by 222 days.

2. School Year Days and "School Year Rate" or "260 Rate" for Administrators. The school year days for administrators will total between 260 and 262 days, depending on the calendar year. The days during the school year include days that fall within and outside of the school year for educators. School year days for administrators include 222 duty days and all other exception days that occur on Monday through Friday during the school year. Exception days include federal holidays (e.g., Labor Day) and school recess days (e.g., spring recess) when administrators are not normally scheduled to work. Use the number of school year days to determine an administrator's school year rate, or "260-Rate." The school year rate is the daily rate used to provide a uniform payment for each biweekly pay period. Multiply the school year rate by 10 days to determine the administrator's biweekly basic pay amount.

3. Formula for Administrator's Biweekly Pay. Administrator's typically receive compensation over 26 pay periods. Use the following to calculate biweekly pay:

a. School Year Salary ÷ (260, 261, or 262 School Year Days)
= School Year Rate, and

b. School Year Rate × 10 Days = Biweekly Pay.

B. Administrator Post Allowance. In addition to basic pay, administrators are entitled to a post allowance for employees assigned to foreign areas where the cost of goods and services is substantially higher. See 20 U.S.C. § 906. To compute the foreign post allowance for an administrator, divide the total annual amount of post allowance payable by 365 calendar days (366 days for a leap year). See paragraph 070506 for information regarding post allowance.

C. Reducing Pay for Absences Without Pay. For administrators in a non-paid absence (e.g., LWOP or AWOL), reduce the biweekly pay by 1/222th of the school year salary for each scheduled duty day in a non-paid status. Since administrators do not receive pay for exception days, there is no reduction in biweekly pay when the administrator is in a non-paid status before or after a federal holiday or recess day.

D. Biweekly Pay for Administrators Beginning Work After Start of School Year. When an administrator's appointment begins after August 1 and will not work 222 duty days by July 31, the school year salary adjusts according to the number of actual duty days

remaining in the school year. Multiply the daily rate (“222-Rate”) by the number of duty days remaining in the school year in order to obtain the “adjusted school year salary.” To determine the biweekly pay, divide the adjusted school year salary by the remaining number of school year days and then multiply by 10 days. To calculate biweekly pay for administrators who begin work after the start of the school year, use the following formula:

1. “222-Rate” \times Duty Days Remaining = Adjusted School Year Salary,
2. Adjusted School Year Salary \div School Year Days Remaining = Adjusted School Year Daily Rate, and
3. Adjusted School Year Daily Rate \times 10 Days = Biweekly Pay.

Example: An administrator reports for work after the beginning of the school year and receives a salary of \$55,500 for working a full school year (i.e., 222 duty days). The administrator has a “222-Rate” (daily rate) of \$250.00 ($\$55,500 \div 222$). This salary would be paid out in even payments over 26 pay periods. However, the administrator in this example begins work on September 15. Due to the late start, 33 duty days are not worked. The administrator will work only 189 of the duty days remaining by July 31. Thus, the adjusted school year salary is \$47,250 ($\250.00×189). To determine how the adjusted school year salary of \$47,250 will be paid biweekly, the remaining school year days must be identified. In this example, 228 school year days remain (189 duty days + **exception** days). The adjusted school year daily rate is computed as follows: $\$47,250 \div 228 = \207.24 . The biweekly pay equals the adjusted school year daily rate multiplied by 10 **days**: $\$207.24 \times 10 = \$2,072.40$.

E. Administrators Separating Before End of School Year. When an administrator separates (i.e., resigns, retires, or dies) before the end of a school year, the school year salary must be adjusted according to the number of duty days already worked. The adjusted school year salary is determined by multiplying the daily rate (“222-Rate”) by the number of duty days worked (including days in a paid leave status). To calculate the adjusted school year salary for administrators who separate before the end of the school year, use the following formula:

$(\text{School Year Salary} \div 222 \text{ Days}) \times \text{Duty Days Worked} = \text{Adjusted School Year Salary for Separated Administrators}$

Example: An administrator separates before the end of the school year. The administrator has been receiving a school year salary of \$55,500 at the “222-Rate” (daily rate) of \$250.00 ($\$55,500 \div 222$). This salary normally would be paid out over 26 pay periods. Should the administrator resign after working only 120 of the scheduled 222 duty days in the school year, the adjusted school year salary would be \$30,000 ($\250.00×120). Any difference between the adjusted school year salary and the salary actually paid to date must be reconciled.

070503. ISS Employees with a 222-Day School Year

A. Daily/Biweekly Rate. ISS employees build their own calendar to schedule 222 duty days out of the 260 to 262 school year. The remaining 38 (or 39) days in the school year are considered non-work days for the purposes of this regulation. The ISS employee establishes the schedule; then, **receives** supervisor approval. If the ISS employee schedules work on a federal holiday, then the employee will not receive holiday pay and will still have the same number of non-work days (**either** 38 or 39) in the school year. However, if the employee schedules work on a holiday or a Sunday when normal school operations are in session, the employee is entitled to the appropriate premium pay. For example, if school is in session on Sundays due to local custom and the ISS employee's approved schedule allows for Sunday as a workday, the employee is entitled to Sunday premium pay. However, if Sunday is not normally a workday for school staff and the ISS employee schedules Sunday as a workday, the employee is not entitled to Sunday premium pay. To provide consistency, calculate biweekly pay as follows:

1. Duty Days and "Daily Rate" or "222 Rate" for ISS Employees. The number of duty days in the school year to ISS employees is 222. The ISS employee's daily rate, or "222-Rate," is the school year salary divided by 222 **days**.

2. School Year Days and "School Year Rate" or "260 Rate" for ISS Employees. The school year days for ISS employees will total between 260 and 262 days, depending on the calendar year. Thus, the days during the school year include days that fall within and outside of the school year for educators. The school year days for ISS employees include 222 duty days and **exception** days that occur on Monday through Friday during the regular school year. **Exception** days include federal holidays (e.g., Labor Day) and school recess days (e.g., spring recess) when ISS employees are not normally scheduled to work. However, due to the schedule flexibility, ISS employees may elect to work on a federal holiday (but will not receive holiday pay) and schedule non-work days on days that other educators generally work. **Use** the number of school year days to determine an ISS employee's school year rate, or "260-Rate." The school year rate is the daily rate used to provide uniform payment for each biweekly pay period. Multiply the school year rate by 10 days to determine the ISS employee's biweekly basic pay amount.

3. Formula for ISS Employee's Biweekly Pay. ISS employees typically receive compensation over 26 pay periods. Use the following to calculate the biweekly pay:

- a. School Year Salary \div (260, 261, or 262 **School Year Days**)
= School Year Rate, **and**
- b. School Year Rate \times 10 **Days** = Biweekly Pay.

B. ISS Employee Post Allowance. In addition to basic pay, ISS employees are entitled to a post allowance under 20 U.S.C. § 906. To compute the foreign post allowance for an ISS employee, divide the total annual amount of post allowance payable by 365 calendar days (**366 days for a leap year**).

C. Reducing Pay for Absences Without Pay. For ISS employees on non-paid absence (e.g., LWOP or AWOL) the biweekly pay reduces by 1/222th of the school year salary for each scheduled duty day that the ISS employee is in a non-paid status. Since ISS employees **do not receive compensation** for scheduled non-work days, **no reduction of biweekly pay is necessary** when the ISS employee is in a non-paid status before or after an **exception** day.

D. Biweekly Pay for ISS Employees Beginning Work After Start of School Year. When an appointment is after August 1 and the ISS employee will not work 222 duty days by July 31, the school year salary must adjust according to the number of actual duty days remaining in the school year. Multiply the daily rate (“222-Rate”) by the number of duty days remaining in the school year in order to obtain the adjusted school year salary. To determine the biweekly pay, divide the adjusted school year salary by the remaining number of school year days. Then, multiply by 10 days. To calculate biweekly pay for ISS employees who begin work after the start of the school year, use the following formula:

1. “222-Rate” \times Duty Days Remaining = Adjusted School Year Salary,

2. Adjusted School Year Salary \div School Year Days Remaining = Adjusted School Year Daily Rate, and

3. Adjusted School Year Daily Rate \times 10 Days = Biweekly Pay.

Example: An ISS employee reports for work after the beginning of the school year and receives a salary of \$55,500 for working a full school year (i.e., 222 duty days). The ISS employee has a “222-Rate” (daily rate) of \$250.00 (\$55,500 \div 222). This salary normally pays out in even payments over 26 pay periods. However, the ISS employee in this example begins work on September 15. **Due to the** late start, it may be difficult to schedule all 222 duty days by July 31 (in this example, the employee can only schedule 189 duty days for the rest of the school year). The adjusted school year salary equals the daily rate multiplied by the total number of scheduled duty days remaining. Thus, the adjusted school year salary is \$47,250 (\$250.00 \times 189). To determine how the adjusted school year salary of \$47,250 is paid biweekly, the remaining school year days must be identified. In this example, 228 school year days remain. The adjusted school year daily rate is computed as follows: \$47,250 \div 228 = \$207.24. The biweekly pay equals the adjusted school year daily rate multiplied by 10 **days**: \$207.24 \times 10 = \$2,072.40.

E. ISS Employee Separating Before End of School Year. When an ISS employee separates (i.e., resigns, retires, or dies) before the end of a school year, the school year salary must be adjusted according to the number of actual duty days already worked. The adjusted school year salary is determined by multiplying the daily rate (“222-Rate”) by the number of duty days worked including any days in a paid leave status. To calculate the adjusted school year salary for ISS employees who separate before the end of the school year, use the following formula:

(School Year Salary ÷ 222 Days) × Duty Days Worked = Adjusted School Year Salary for Separated ISS Employees

Example: An ISS employee separates before the end of the school year. The ISS employee has been receiving a school year salary of \$55,500 at the “222-Rate” (daily rate) of \$250.00 ($\$55,500 \div 222$). This salary would normally be paid out over 26 pay periods. Should the employee resign after working only 120 of the scheduled 222 duty days in the school year, the adjusted school year salary would be \$30,000 ($\250.00×120). Any difference between the adjusted school year salary and the salary actually paid to date must be reconciled.

F. ISS Step Increases. While ISS employees work a 222-day school year, step increases are similar to regular school year appointments for classroom educators. ISS employees have 18 steps, of which the first 14 are similar to step increases for GS employees and provided the employee works at least 175 days. Steps 15 through 18 are longevity steps. See paragraph 070205 for other rules on step increases that apply to ISS employees.

070504. Premium Pay, Sunday Work, and Holiday Work

A. Overtime and Compensatory Time. Educators and administrators are ineligible for overtime pay or compensatory time off.

B. Work Performed on Sunday. Educators appointed to a 190-day position whose regular tour of duty requires them to work on a Sunday are entitled to basic pay, plus a premium of 25 percent of the daily rate (“190-Rate”). Administrators on a 222-day position whose regular tour of duty requires them to work on a Sunday (providing that is part of the 190-duty day school year or within summer school session) are entitled to basic pay, plus premium pay at a rate equal to 25 percent of the regular daily rate (“222-Rate”). If an ISS educator works on a Sunday when normal school operations are in session, the employee is entitled to the appropriate premium pay. See paragraph 070503.

C. Work Performed on a Federal Holiday. Educators appointed to a 190-day position whose regular tour of duty requires them to work on any of the federal holidays are entitled to basic pay, plus premium pay at a rate equal to the daily rate. Administrators on a 222-day position whose regular tour of duty requires them to work on any of the federal holidays (providing that is part of the 190-duty day school year or within summer school session) are entitled to basic pay, plus premium pay at a rate equal to the daily rate. If an ISS employee schedules work on a federal holiday, then the employee typically will not receive holiday pay. However, if the ISS employee schedules work on a federal holiday when normal school operations are in session, the ISS employee is entitled to the appropriate premium pay. See paragraph 070503.

070505. Employment during the Summer Recess Period

A. Educators. Educators are in a non-pay/non-duty status during the summer recess period. However, educators may receive pay for certain duties performed during the summer recess period. An educator who participates in a non-summer school related activity

(e.g., agency sponsored and approved training, early return, and late departure) during the summer recess period receives compensation at a daily rate of 1/190th of the prior school year salary. An educator who participates in a summer school related activity (e.g., teaching) typically receives two-thirds of the daily rate of their prior school year salary. However, exceptions are possible, and the educator may receive a different salary amount as stated on the employee's notification for teaching summer school. The minimum increment earned and paid for summer recess activities is one-half day. Educators who work an academic enrichment K-8 program during the summer recess period **receive** a stipend as authorized by the MOU. An educator receives payment for **participating** in summer recess activities via the submission of a memorandum by **the DoDEA** to the **PRO**, similar to the one used to authorize payment for extra duty assignments. This period of employment is exempt from dual pay provisions, as provided by [5 U.S.C. § 5533\(d\)\(7\)\(D\)](#) and is not subject to CSRS, FERS, FEGLI, or TSP deductions.

B. Administrators and ISS Employees. An administrator or ISS employee who participates in a non-summer school related activity (e.g., agency sponsored and approved training) during the summer recess period that is in excess of the 222-day work year, receives compensation at a daily rate of 1/222nd of the prior school year salary. An administrator or ISS employee who participates in a summer school related activity receives two-thirds of the daily rate of the prior school year salary. The minimum increment earned and paid for summer recess activities is one-half day. An administrator or ISS employee receives payment for **participating** in summer recess activities via the submission of a memorandum by **the DoDEA** to the **PRO**, similar to the one used to authorize payment for extra duty assignments. This period of employment is exempt from dual pay provisions, as provided by 5 U.S.C. § 5533(d)(7)(D) and is not subject to CSRS, FERS, FEGLI, or TSP deductions.

070506. Post Allowance and Foreign Post Differential

Payment of allowances and/or differentials is determined in accordance with the DSSR, and [the DoD Instruction 1400.25-V1250](#), DoD Civilian Personnel Management System: Overseas Allowances and Differentials.

A. Post Allowance. In addition to basic pay, under 20 U.S.C. § 906 full-time educators, administrators, and ISS employees are eligible to receive a post allowance for employees assigned to a foreign area where the cost of goods and services is substantially higher. The amount paid is a flat rate based on the employee's basic salary, family size, and post assignment. The amount of the annual foreign post allowance is located on the [SF 1190](#), Foreign Allowances Application, Grant and Report. If an employee's annual salary is adjusted, the post allowance may also be adjusted and if so, the daily rate should be recomputed. **Compute** daily rates as follows:

1. Educator Post Allowance Daily Rate. To compute the post allowance for educators paid on a 190-day school year basis, divide the total annual amount of post allowance payable (as shown on the SF 1190) by the number of calendar days in the school year (i.e., school year days plus weekend days) to obtain the daily rate. Multiply the daily rate by the number of calendar days in the pay period (normally, 14 **days**).

2. Administrator Post Allowance Daily Rate. To compute the foreign post allowance for an administrator, divide the total annual amount of post allowance payable (as shown on the SF 1190) by 365 calendar days (366 days for a leap year).

3. ISS Employee Post Allowance Daily Rate. To compute the foreign post allowance for an ISS employee, divide the total annual amount of post allowance payable (as shown on the SF 1190) by 365 calendar days (366 days for a leap year).

B. Foreign Post (Hardship) Differential. An educator, administrator, or ISS employee may receive compensation for a foreign post (hardship) differential under DSSR, Chapter 500. The foreign post differential is additional compensation paid to an eligible employee in a foreign area where conditions of the environment differ substantially from conditions in the United States and additional compensation is available as a recruitment and retention incentive. The foreign post differential is 5 to 35 percent over basic compensation. The Department of State periodically reviews and updates rates based on changes in living conditions at various foreign posts. Rates are subject to change at any time. Additionally, any adjustment in an employee's annual salary may cause adjustments to foreign post differential.

*070507. Extra Duty Program for Educators

A. Eligibility. This program applies to certain DoDEA employees who are employed under the pay plan who are assigned extra duty assignments, such as coaching, or activity sponsorship, in addition to regular school duties. See DS Regulation 5550.9, Compensation for Extra Duty Assignments. Educators receive extra duty compensation for extra duty assignments conducted and completed outside the educator's duty day. When a selected educator performs an extra duty assignment, the educator and school principal will sign an MOU. The MOU identifies the extra duty assignment, and includes a description of duties, hourly range, amount of compensation, and a statement that prohibits performing duties during regular duty hours. Administrators are not eligible for extra-duty assignments and any extra-duty activities performed by an administrator will be considered voluntary. Compensatory time and holiday pay are not authorized forms of extra duty compensation.

B. Compensation.

1. Requirements for Pay. The DoD WSD publishes the compensation rate for completing an extra duty assignment as part of the yearly DoDEA salary schedules (Schedule for Other Compensation). Before receiving extra duty compensation, the educator must complete the activity and perform the minimum number of established hours for the activity. The administrator certifies satisfactory completion of the extra duty assignment and authorization for compensation. The administrator forwards a memorandum to the PRO as soon as possible, no later than May 31, to facilitate payment by the end of the school year.

2. Hourly Range of Assigned Duties. The Director of DoDEA determines an appropriate hourly range for the completion of each type of authorized extra duty activity. Hourly ranges established by the DoD WSD for extra duty compensation are as follows:

- a. 1 - 19 hours,
- b. 20 - 39 hours,
- c. 40 - 79 hours,
- d. 80 - 119 hours,
- e. 120 - 159 hours,
- f. 160 - 199 hours, and
- g. 200 hours and over.

3. Reducing Compensation for Fewer Hours Worked. If the administrator determines the extra-duty assignment has been completed satisfactorily in less time than identified in the approved MOU, compensation must be reduced and the educator should be compensated at the rate established for the appropriate lower hourly range. The educator receives compensation at the rate established for the appropriate lower hourly range. When the hours worked fall short of the original range, or completion of an extra duty assignment is less than acceptable to the administrator, a lesser payment, than the amount indicated in the approved MOU pays on a pro rata basis. To compute a lesser payment, divide the mid-point hour of the appropriate hourly range by the hours actually worked. Then, multiply by the dollar value assigned to the regular hourly category. (For 200 hours and over, the mid-point is 220 hours.)

Example: An educator works 10 hours towards a 20-39 hourly range extra-duty assignment (\$910 for school year 2016-2017). When the mid-point (30 hours) is divided into the hours worked (10 hours), and the results rounded to 2 decimal places (.33) and is multiplied by the dollar value of the hourly range for the duty (.33 × \$910), the payment due will be \$300.30.

4. Substitutes. Substitute teachers receive compensation for completing an extra duty assignment at the rate of compensation published by the DoD WSD.

070508. Accelerated Deductions of Premiums and Allotments for Educators

A. FEGLI and Federal Employees Health Benefits (FEHB) Accelerated Premium Deductions. Deductions for FEGLI and FEHB premiums from an educator working a 190-day work schedule accelerate to allow the total annual premiums to pay in 22 pay periods, rather than 26 pay periods. Accelerated premium deductions over the course of 22 pay periods allow the employee to maintain coverage and pay no additional premiums during the summer recess when the educator is in non-pay status. The coverage period typically runs from the first

duty day of the school year until the day prior to the first duty day of the next school year. Accelerated premium deductions are not required for an administrator or ISS employee assigned to a 222-day work schedule.

B. Calculation of Accelerated Premium Deduction for FEGLI and FEHB.

1. FEGLI. To determine the amount of the accelerated biweekly premium deduction for FEGLI, first determine the normal (i.e., 26 pay periods) biweekly premium rate deducted for other federal employees in the same salary bracket. Convert the biweekly rate to an annual rate by multiplying the biweekly rate by 26 (to arrive at the amount paid over the entire calendar year). Second, divide the annual rate by 22 (or the number of pay periods over which the educator is normally paid) in order to determine the accelerated premium deduction for each pay period for the educator. The calculation applies to both basic and optional insurance. For optional insurance, use the age band rate to convert the biweekly rate to an annual rate. Use the following to calculate the accelerated premium deduction amount:

a. $\text{Biweekly Premium Rate} \times 26 \text{ Pay Periods} = \text{Annual Premium Rate, and}$

b. $\text{Annual Premium Rate} \div 22 \text{ Pay Periods} = \text{Accelerated Premium Deduction.}$

2. FEHB. To determine the accelerated biweekly premium amount deducted from an educator's pay for FEHB, first determine the normal (i.e., 26 pay periods) biweekly premium rate deducted for other federal employees. Convert the biweekly rate to an annual rate by multiplying the biweekly rate by 26 (to arrive at the amount paid over the entire calendar year). Second, divide the annual rate by 22 (or the number of pay periods over which the educator is normally paid) in order to determine the accelerated premium deduction for each pay period for the educator.

3. Accelerated Deductions Beginning After the Start of the School Year. If the educator begins work after the first scheduled duty day of the school year, the total annual premium rate for FEGLI and FEHB must be reduced by a proportionate amount for the coverage period remaining (i.e., through the day prior to the first scheduled duty day of the next school year). Divide the reduced annual premium rate by the number of pay periods remaining to determine the accelerated premium deduction amount. To calculate the accelerated premium deduction amount, use the following:

$\text{Reduced Annual Premium Rate} \div \text{Pay Periods Remaining} = \text{Accelerated Premium Deduction.}$

C. Coverage Upon Separation or Movement Under FEGLI and FEHB. If an educator resigns at the close of the school year and he or she has elected coverage under FEGLI and/or FEHB, the actual date of separation will be delayed. The delayed separation date provides the employee with FEGLI and/or FEHB benefits throughout the period covered by accelerated premium deductions. Thus, the period of coverage for an educator employed for a full school year

continues until the day prior to the first duty day of the next school year. If the educator separates earlier than the end of the school year, the resignation will specify an earlier date for termination of coverage, and require employee acknowledgement that FEGLI and/or FEHB coverage will continue for only 31 days after the date of separation. An educator who separates before the end of the school year will be reimbursed proportionately if the separation date is earlier than the end of the extended period of prepaid FEHB coverage. If an educator converts to or is appointed to a 222-day or calendar year work schedule, accelerated premium deductions may need refunded, if the effective date of the conversion or appointment occurs during the prepaid coverage period and withholding for the employee's new position results in duplicate premium payments.

D. Deductions for Federal Flexible Spending Account (FSAFEDS) and Long Term Care (LTC). Educators, enrolled in the FSAFEDS Program and paid over 21 pay periods, may elect the option to accelerate these allotments. The Federal LTC Program does not offer accelerated payments to educators paid over 21 pay periods. For periods of non-pay status, the educator receives a "Bill for Uncollected Payroll Premium."

070509. Other Deductions

A. Allotments of Pay.

1. Labor Organization Dues

a. Allotments of pay for labor organization dues are effective the second pay period in October of each school year for an educator who is a bargaining unit member. The amount of the allotment will be the dues amount identified by the employee on the SF 1187, Request for Payroll Deductions for Labor Organization Dues, or the amount identified on a list issued by each local or regional bargaining unit, divided by 12 full pay periods unless otherwise agreed to by all parties.

b. Educators who enter the dues withholding agreement at a time when less than 12 full pay periods remain in the school year will have their dues allotments prorated over the remaining full pay periods within the dues withholding period.

c. An SF 1187 authorization for dues withholding remains in effect when a "Not-to-Exceed" (NTE) employee converts to an excepted service position in the bargaining unit prior to the expiration of the NTE appointment.

d. After each pay period, the PRO will prepare and forward the remittance to the designated labor organization electronically. A report that lists names and amounts withheld accompanies each remittance.

e. An educator's authorization for dues withholding is carried forward automatically to the next school year unless notification to stop the deduction is received from the employee. No later than September 1, educators may request cancellation of labor organization dues deductions by submitting a SF 1188, Cancellation of Payroll Deductions for Labor Organization Dues, to the PRO. Proper completion and timely submission of the SF 1188

is the employee's responsibility. If the SF 1188 is late (received after September 1), it processes for the next school year.

f. No later than 2 weeks prior to the date withholding is to begin, the local or area units of the labor organization will forward a list of employees who have requested dues withholding. The list will identify the bargaining unit name or number, location, address, point(s) of contact and phone number(s). The list will also include the following employee information: name, Social Security Number, location assigned, and amount of dues to withhold for that school year.

2. Savings Allotments and Allotment Allowed for 190-Day Educators Assigned in Overseas Areas. Savings and other allotments, as authorized in Chapter 11, deduct over the number of full pay periods in the school year.

B. TSP. An educator, administrator, or ISS employee may elect to have either a percentage or a dollar deduction for TSP in accordance with guidelines in Chapter 11. If the educator, administrator, or ISS employee specifies a percentage withholding, the employee receives TSP deductions taken from the annual retroactive salary adjustment each year.

070510. Educators Appointed as Junior Reserve Officer Training Corps (JROTC)

The DoDEA employs retired military officers and noncommissioned officers as educators in its JROTC overseas program. The school year salary of JROTC instructors is set using the comprehensive Schedule for Educators and Specialist (Schedule C).

070511. Waiver of Erroneous Payments of Pay and Allowances

DoDEA employees may apply for a waiver of erroneous payments of pay and allowances by following procedures outlined in Chapter 8. However, the PRO forwards DoDEA employee applications to the DoDEA Human Resources Regional Service Center for adjudication rather than to the Defense Debt and Claims Management Office at DFAS.

VOLUME 8, CHAPTER 8: “UNDERPAYMENTS, COLLECTION OF NON-DEPARTMENT OF DEFENSE (DoD) DEBTS, GARNISHMENTS, BANKRUPTCY ACTION, AND TAX LEVIES”

SUMMARY OF MAJOR CHANGES

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [December 2018](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
All	Deleted reference(s) to Department of Defense (DD) Form 592, Payroll for Personal Services Certification and Summary, per Defense Finance and Accounting Service, Office of General Council’s Cancellation Memo.	Deletion
080102	Updated Authoritative Guidance to address new reference listing at the end of the chapter.	Revision
0803	Renamed section to include moved content.	Revision
080304	Moved previous paragraph 080402 for improved organization and clarity.	Revision
0804	Renamed section for clarity.	Revision
080401	Added content for clarity.	Revision
080403.E	Revised content specific to administration fees to align with regulatory guidance.	Revision
References	Added References section.	Addition

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CHAPTER 8

**UNDERPAYMENTS, COLLECTION OF NON-DEPARTMENT OF DEFENSE (DoD)
DEBTS, GARNISHMENTS, BANKRUPTCY ACTION, AND TAX LEVIES**

0801 GENERAL

080101. Purpose

This chapter establishes policy pertaining to underpayments, special payments, collection of non-DoD debts, processing garnishments, bankruptcy actions, tax levies, and processing and tax reporting on pay corrections. For regulations governing the collection of debts owed to the DoD, see Volume 16.

*080102. Authoritative Guidance

The pay policies and requirements established by the DoD in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), including Titles 5, 11, and 31. The specific statutes, regulations, and other applicable guidance that govern each section are listed in a reference section at the end of this chapter.

0802 UNDERPAYMENTS

080201. General

Salary underpayments to employees or former employees may result from computation or time and attendance errors. Current or former employees who believe they have not been credited with the proper amount of pay or leave should contact their timekeeper to make time and attendance corrections or personnel office to make pay or allowance changes. Employees may also file a claim for additional earnings. For more information on the process for filing a claim, see Chapter 6.

A. Computation Errors. Underpayments may be the result of computation errors involving federal withholding tax, retirement or other employee benefit deductions, Social Security/Medicare tax, or the rate of pay. Every effort should be made to correct the underpayments by increasing or decreasing the pay factors affected on the first payroll prepared after the error is discovered.

B. Time and Attendance Errors. Underpayments may also be the result of time and attendance errors. All salary payments to employees must be paid in accordance with the time and attendance reported and certified by the employee's supervisor. Reported time and attendance, which is less than an employee's normal work schedule, is presumed to accurately reflect the employee's hours of work and non-work. Any errors in time and attendance must be corrected and certified in order to adjust underpayments.

080202. Special Payments

Special payments are defined as payments made outside of the normal payroll-processing schedule and are used to correct salary underpayments. Special payments are processed manually. Employees do not receive a Leave and Earnings Statement (LES) at the time of the special payment, but the Civilian Payroll Office (PRO) should notify the employee that the payment is being made. [After the special payment is processed through the payroll system](#), an LES will reflect the gross amount of the special pay and all applicable deductions.

A. Guidelines for Issuing Special Payments

An employing activity must submit a request to the PRO for a special payment. The PRO may receive special payment requests via interfaced action(s). The PRO must request copies of substantiating and supporting documentation in order to process the special payment. The PRO makes the final determination on whether a special payment is appropriate and will process a special payment only under the following circumstances:

1. Employee Receives Less Than 90 Percent of Pay. A special payment may be issued to correct a salary underpayment when an employee has received less than 90 percent of their regular biweekly pay and allowances. The request for the special payment must be made by the commanding officer/director and must include a certified time and attendance report (or corrected time and attendance report). The PRO Directors may waive the 90 percent rule for making special payments when extenuating circumstances exist.

2. Employee Erroneously Omitted From Payroll. A special payment may be issued to pay an employee erroneously omitted from the payroll. Before the special payment is processed, the PRO must verify an individual's employment using the Standard Form [\(SF\) 50](#), Notification of Personnel Action. The request for the special payment must be made by the commanding officer/director and must include a certified and corrected time and attendance report and any necessary source documents to support deductions.

3. Employee on Leave Without Pay (LWOP). A special payment may be issued to pay an employee placed in an LWOP status for payroll processing when LWOP is approved for conversion to advanced annual, sick, and/or donated leave. The commanding officer/director may request a special payment after determining a financial hardship exists for the employee and that the employee has received less than 90 percent of their regular biweekly pay and allowances. The request must include a certified and corrected time and attendance report.

4. Special Payments to Beneficiaries. A special payment may be issued to pay a beneficiary entitled to receive a deceased employee's unpaid compensation under [5 U.S.C. § 5582](#). Beneficiaries of deceased employees may request a special payment by sending a letter to the PRO identifying the need for payment to defray expenses. The PRO may issue the special payment only after the employing activity's human resources office submits sufficient documentation to support the payment. For more information on deceased employee unpaid compensation and the computation of such payments, see Chapter 10.

B. Special Payments Not Authorized

Special payment requested for the following reasons will not be processed:

1. Partial Payment of Salary. The PRO will not honor a request for partial payment of salary before the regular pay date.

2. Special Payments of Premium Pay. The PRO will not process a request for special payments for overtime or other premium pay earned but not reported and, therefore, not paid in the corresponding pay period. However, authorization for a special payment for other reasons will include the payment of any unpaid premium pay for the corresponding pay period.

C. Computation of Special Payments to Employees

The PRO must compute the special payments to current and former employees using the “gross-to-net” method. Gross-to-net payments represent the regular biweekly pay and allowances normally due the employee (plus unpaid premium pay for the corresponding pay period, if applicable), less required deductions and withholdings withheld from the employee’s biweekly pay. Gross-to-net special payment computations should be applied as follows:

1. Biweekly Payment of Less Than 90 Percent. If the employee received less than 90 percent of their biweekly pay, the employee is entitled to the difference between what was paid and what should have been paid. The PRO will deduct additional amounts for applicable items, such as those identified in subparagraph 080202.F, unless previous payroll processing has satisfied those deductions. The employee is responsible for existing voluntary allotments not deducted during the previous processing. All deductions and withholdings must resume the following pay cycle, including voluntary allotments.

2. No Pay Received. If the employee received no biweekly pay, the gross entitlements, less applicable deductions and withholdings, are payable to the employee. The PRO must exclude deductions for voluntary allotments. The employee is responsible for existing voluntary allotments. All deductions and withholdings must resume on the following pay cycle, including voluntary allotments.

3. Final Pay as Special Payment. An employee’s final pay may be issued as a special payment. The gross entitlements, less required deductions and withholdings in subparagraph 080202.E, is payable to the employee. The employee is responsible for voluntary allotments. Under [5 U.S.C. § 5514](#), when an employee separates by resignation, retirement, death, or termination of appointment, the employee’s final pay (including lump-sum leave payments) will be applied to the extent necessary to liquidate any previously established debt. See Volume 16, Chapter 3.

D. Disbursement of Special Payments

Employees will receive special payment disbursements in the same manner as their net pay, by electronic funds transfer (EFT). If the employee has received a waiver of the EFT requirement for payroll disbursements, the PRO will send the employee a Treasury check via express mail to the employee's address of record. Payments are normally issued within 3 business days following the PRO's receipt of the special payment request and required supporting documentation.

E. Processing Special Payments Made After the Last Regular Pay Period of the Tax Year, But Prior to the End of the Calendar Year

1. Federal, State, and Local Taxes and Social Security/Medicare. For special payments made after the last regular pay period of the tax year, but prior to the end of the calendar year, the PRO must withhold federal, state, and local taxes, and Social Security/Medicare from the special payments. When computing or making deductions for Social Security, the PRO must ensure the employee has not reached maximum withholdings for the year. The PRO must forward the withholdings to the applicable offices as soon as possible. The PRO will include all deductions and contributions for Social Security/Medicare, federal, state, and local taxes for canceled checks or special payments.

2. Internal Revenue Service (IRS) Form W-2, Wage and Tax Statement. The PRO will process updates to ensure special payments or canceled checks are included in the history totals. After the final pay period of the tax year, if the PRO identifies incorrect reporting on the W-2, the PRO will issue the W-2c and the IRS Form 941-X, Adjusted Employer's Quarterly Federal Tax Return or Claim for Refund, in accordance with the IRS Publication 15 (Circular E), Employer's Tax Guide.

3. Thrift Savings Plan (TSP). Special payments for TSP participants are subject to TSP deductions provided the employee has not reached the maximum contribution level established by law. TSP deductions withheld from special payments after the last regular pay period in the tax year, but before the end of the calendar year, will be combined with the next pay cycle for reporting and submission to the Federal Retirement Thrift Investment Board.

F. Tax Rates for Special Payments

1. Tax Rate. The PRO must use the tax rate associated with the current IRS Form W-4, Employee's Withholding Certificate, when processing all time and attendance retroactive transactions. The PRO must combine the retroactive wages with the wages from the last pay period (i.e., the pay period prior to the current pay period) to determine the basis for recomputing tax withholdings. The PRO must recompute the taxes and determine the retroactive tax withholdings by subtracting the taxes withheld during the last pay period from the recomputed taxes.

2. Retroactive Wage Increases. In accordance with Circular E, retroactive wage increases are supplemental wages, not regular wages. The amount of federal tax withheld will depend on how the supplemental wages are paid. For prior year retroactive payments, the amount of federal tax withheld is calculated using the supplemental tax rate, which

is updated by the IRS annually. For current year retroactive payments, the amount of federal tax withheld is calculated using the employee's current tax rate.

***0803 COLLECTION OF NON-DOD DEBTS BY SALARY OFFSET; JUDGMENTS AGAINST EMPLOYEES FOR DEBTS OWED TO THE FEDERAL GOVERNMENT**

080301. Non-DoD Federal Creditor Agencies

A. Request for Salary Offset. A non-DoD federal creditor agency is a non-DoD agency to which an employee owes a debt. When non-DoD federal creditor agencies (except the IRS or U.S. Courts) identify DoD employees as having outstanding debts, those agencies must address their salary offset requests to the Secretary of Defense designee for such collection, which is the Defense Finance and Accounting Service (DFAS) Cleveland (CL):

DFAS-AHADC/CL
1240 East 9th Street
Cleveland, OH 44199-8002

A request for offset must include certification that due process rights have been afforded to an indebted employee by the non-DoD creditor agency. Debts established in the payroll system for collection from non-DoD employees serviced by DFAS, who later transfer and become DoD employees, should be transferred systematically to the employing DoD agency for continued collection.

B. Statute of Limitations. There is no statute of limitations for collection of a debt by salary or administrative offset. Debts more than 10 years delinquent as of December 31, 2009, that were previously ineligible for collection may now be collected by administrative offset. Additional notice and due process requirements must be met. For further information, see Volume 16, Chapter 2.

080302. Government Travel Charge Card (GTCC) Contractor

A. Authority. [*Public Law \(P.L.\) 105-264*](#) authorizes federal agencies to collect undisputed delinquent amounts incurred on an individually billed GTCC from the DoD employee's disposable pay. The amount deducted may not exceed 15 percent of an employee's disposable pay for each pay period, unless the employee has provided written consent for a greater amount. For further information, see the Federal Travel Regulation (FTR), [*Part 301-54*](#); and [*Part 301-76*](#); and Title 41, Code of Federal Regulations (CFR), [*Part 301-76*](#).

B. Request for Collection. After undisputed debts become 90 days delinquent, the travel charge card contractor must send a 90-day demand letter to the employee that includes all due process requirements for initiating salary offset. If the debt is not disputed or paid, or arrangements are not made for payment by installment agreement within the 30-day period following the final debt letter, then the travel charge card contractor may request initiation of the salary offset process through payroll deduction.

C. Responsibilities

1. Travel Charge Card Contractor

a. Request for Offset. The travel charge card contractor must forward delinquent debts to the Salary Offset Project Office:

DFAS-AHADC/CL
1240 E. 9th Street
Cleveland, OH 44199-8002

b. Record of Charges, Late Fees, and Costs. The undisputed 120-day old delinquent accounts referred for salary offset must contain the full balance of the account, regardless of whether some of the individual charges relate to an official travel document. In addition to the delinquent charges, the amount referred for salary offset must include any late fees assessed and costs of collection.

c. Financial Institution Information. The file must include the travel charge card contractor's financial institution and account routing information to facilitate electronic transmission of delinquent amounts collected.

d. Private Collection Agency Referrals. Any delinquent debt the travel charge card contractor has already forwarded to a private collection agency for collection must not be included in the salary offset process. Likewise, a travel charge card contractor must not refer any delinquent debt already submitted to DFAS for collection by salary offset to a private collection agency.

2. Salary Offset Project Office

a. Processing Requests. The Salary Offset Project Office (DFAS-AHADC/CL) must process the request for initiation of travel charge card delinquent debt salary offset in the same manner as is done for federal salary offset requests from other federal agencies.

b. Debt Balance. The Salary Offset Project Office (DFAS-AHADC/CL) must manage the debt balance during the salary offset process. If for any reason changes to the debt balance occur, the travel charge card contractor must immediately advise the Salary Offset Project Office of those changes.

c. Reports From the PRO. The PROs must provide reports listing the collection transactions to the Salary Offset Project Office for each collection file in order to monitor amounts collected and remaining debt balances due.

3. Due Process - Inquiries, Disputes, and Hearing Process. Any inquiries or disputes regarding the debt and the 90-day demand notice, which are received by the travel charge card contractor prior to forwarding the debt to DFAS for collection, will be handled

and resolved by the travel charge card contractor. If the employee wants to negotiate an installment agreement prior to the referral of the debt for salary offset, the employee will make any such agreement with the travel charge card contractor. If the employee is not satisfied with the travel charge card contractor's disposition of the dispute, he or she may submit a petition to the travel charge card contractor for a debt hearing.

080303. Collection of State Debts

Under [31 U.S.C. § 3716\(h\)](#) and [31 CFR 285.6](#), a state may enter into a reciprocal agreement with the Department of Treasury to collect unpaid state debt by offset of federal non-tax payments. DFAS does not offset non-tax state debts from federal employee salaries.

*080304. Judgment Against an Employee

When a court of the United States determines that a federal employee is indebted to the United States and enters a judgment against the employee, section 124 of P.L. 97-276 (published as a note to 5 U.S.C. § 5514), allows collection of the debt by deduction from the employee's current pay account. The employee's consent is not required. Any federal agency requesting salary offset under this authority must send a request for offset to the PRO with a copy of the judgment entered against the employee. The PRO may request the DFAS Office of General Counsel (OGC) to review the judgment if questions arise. After confirmation of the validity or interpretation of the judgment, the PRO will:

A. Compute the amount to be collected each pay period using the percentage specified in the offset request. The maximum amount deducted for a pay period may not exceed 25 percent of the employee's disposable pay, unless a greater percentage is necessary to recover the amount owed within the time of the anticipated employment. Deductions may be made from basic pay, special pay, incentive pay, or in the case of an individual not entitled to basic pay, other authorized pay.

B. Collect the total unpaid balance as specified in the offset request. This amount may include accumulated interest and administrative charges. The agency requesting offset should notify the PRO approximately 90 days before completion of the judgment offset with the final judgment amount, which includes the balance of accrued interest charges.

C. Forward a copy of the offset request to the employee with written notification advising the employee of the deduction amount and pay period the deduction will start.

D. Apply final pay (salary and lump-sum leave) to any unliquidated debt balance if the employee retires, resigns, dies, or if employment otherwise ends.

E. Forward payment each pay period to the agency requesting salary offset.

0804 CHILD SUPPORT, ALIMONY AND COMMERCIAL GARNISHMENTS**080401. General**

The DFAS serves as the paying agency for the DoD, as well as non-DoD federal agencies, including the Department of Energy, the Department of Health and Human Services, and the Department of Veterans Affairs. In this capacity, the DFAS OGC, Garnishment Law Directorate is the designated agent for service of personal bankruptcy cases and garnishment legal process for agencies paid by DFAS.

Submit court orders for child support, alimony, commercial garnishments, and bankruptcies to the Garnishment Law Directorate.

DFAS Office of General Counsel
Attn: Garnishment Law Directorate
PO Box 998002
Cleveland, OH 44199-8002

Toll free fax (877) 622-5930
Commercial fax (216) 367-3675

Upon review of the court order, DFAS will process the garnishment deduction in the payroll system. A cancellation to the order will be automatic on the date of separation from DoD, upon death of the employee, or upon notification from the court that the garnishment is terminated. The employee cannot voluntarily stop court-ordered deductions.

080402. Child Support and Alimony Garnishments

A. Authority. [Title 42, U.S.C. § 659](#) provides consent by the United States to garnishment and similar proceedings for enforcement of child support and alimony obligations against employees. The PRO must deduct court-ordered garnishment under this section from the employee's pay in accordance with [5 CFR Part 581](#).

B. Pay Subject to Garnishment. All moneys due employees, the entitlement to which is based upon "remuneration for employment," are subject to court-order garnishment. The term "remuneration for employment" means all compensation paid or payable for personal services performed by an individual, whether such compensation is denominated as wages, salary, commission, bonus pay, or otherwise, and includes, but not limited to, those items as defined in [5 CFR 581.103](#).

C. Pay Not Subject to Garnishment. Moneys paid as reimbursement (normally defined by law or regulations as allowances, awards paid for making suggestions, and injury compensation payments) are not deemed "remuneration for employment" and, therefore, are not subject to garnishment. Amounts not subject to garnishment are defined in [5 CFR 581.104](#). Other exclusions to pay subject to garnishment are deductions, as defined in [5 CFR 581.105](#).

D. Maximum Garnishment Limitations. Aggregate disposable earnings means the amount of any pay that is due or payable to an employee as “remuneration for employment” minus the deductions that are listed as exclusions. Unless a lower maximum garnishment limitation is provided by applicable state or local law, the maximum part of the aggregate disposable earnings subject to garnishment to enforce a support order ([5 CFR 581.402](#)) will not exceed the percentages specified in the following subparagraphs:

1. Up to 50 percent of the employee’s aggregate disposable earnings for any workweek if the employee is supporting a spouse, a dependent child, or both, other than the former spouse, child, or both for whose support is required by the garnishment order. An additional 5 percent of the employee’s disposable earnings is subject to garnishment in each case if the outstanding arrearages are over 12 weeks old; or

2. Up to 60 percent of the employee’s aggregate disposable earnings for any workweek if the employee is not supporting a spouse, dependent child, or both, other than the former spouse, child or both for whose support is required by the garnishment order. An additional 5 percent of the employee’s disposable earnings are subject to garnishment in each case if the outstanding arrearages are over 12 weeks old.

*080403. Commercial Garnishments

A. Authority. The public law, as codified in [5 U.S.C. § 5520a](#) and enabled by [5 CFR Part 582](#), authorizes the pay of federal civilian employees to be garnished for commercial obligations in accordance with state law. Commercial obligations and garnishments do not include those for child support or alimony.

B. Pay Subject to Commercial Garnishment. Pay due to employees, as defined in 5 U.S.C. § 5520a, is subject to commercial garnishment.

C. Pay Not Subject to Commercial Garnishment. Suggestion awards and injury compensation payments are not subject to garnishment. Other amounts excluded from pay subject to garnishment are payroll deductions as defined in [5 CFR 582.103](#).

D. Maximum Garnishment Limitations. Under [15 U.S.C. § 1673\(a\)\(1\)](#), involuntary withholding for the collection of a commercial debt is limited to a maximum of 25 percent of the employee's disposable earnings. However, state law prevails when it provides a maximum collection percentage less than 25 percent. If the employee already has a child support or alimony withholding order in effect, and the total deduction for child support and alimony equal or exceeds 25 percent of an employee's disposable pay, then do not process a deduction for a commercial debt. Further, limitations on the amount to be garnished are found in [5 CFR 582.402](#). There is no limit on the percentage amount for garnishment for federal, state, or local tax obligations, or for bankruptcy court orders.

*E. Administrative Fee. For each commercial garnishment received and processed, an administrative fee may be added to the garnishment amount and collected from the

employee in full before any payments are remitted to the creditor. [In accordance with 5 CFR 582.301\(k\), the agency may retain administrative fees as offsetting collections.](#)

080404. State Tax Levies

Involuntary state tax levies will be processed similar to commercial garnishments. Involuntary state tax levies are submitted to the Garnishment Law Directorate to begin legal process, whereas the PRO can establish voluntary state tax levies as allotments.

0805 BANKRUPTCIES

080501. General

This section applies to DoD employees who have filed a bankruptcy petition under either [Chapter 7](#) or [Chapter 13](#) of Title 11 of the U.S.C. (Bankruptcy Code). The law waives the U.S. Government's sovereign immunity for purposes of compliance with payroll deduction orders issued by the bankruptcy courts ([11 U.S.C. § 106](#)). Therefore, collections will be processed in accordance with the court order. Submit bankruptcy notices and Chapter 13 withholding orders to [the Garnishment Law Directorate](#).

DFAS [Office of General Counsel](#)
Attn: Garnishment Law Directorate
PO Box 998002
Cleveland, OH 44199-8002

Toll free fax (877) 622-5930
Commercial fax (216) 367-3675

A. [Automatic Stay Provisions](#). Collecting an amount of indebtedness owed to the United States that incurred prior to the filing date of the petition is described as a prepetition debt. Collecting debts by offset from the employee's pay account is authorized only through the day prior to the date the bankruptcy petition is filed. Continuing deductions from the employee's pay after the filing of a petition in a bankruptcy is improper and violates the automatic stay provisions of the bankruptcy statute. Amounts withheld after the date the bankruptcy petition is filed must be refunded to the employee. Child support and alimony garnishments are not terminated unless the bankruptcy order specifically directs termination. Coordinate with the DFAS OGC, Garnishment Law Directorate, if there are questions about collecting a debt when a debtor has filed bankruptcy, [as there may be exceptions that affect the collection of a debt or refund due a debtor.](#)

B. [Proof of Claim](#). Upon notice or actual knowledge of the filing of a bankruptcy petition, when the employee has listed the United States as a creditor, the PRO files a proof of claim with the bankruptcy court concerned for all Chapter 13 filings and, if requested by the bankruptcy trustee, for Chapter 7 cases.

C. [Post-Petition Debt](#). If the bankruptcy is completed and the employee receives a discharge, then generally, the listed indebtedness to the United States [for pre-petition debts](#) is

discharged with few exceptions. Any new debt incurred after the filing of the bankruptcy petition is known as a post-petition debt. Typically, the bankruptcy proceedings do not affect post-petition debts. However, prior to taking any collection action on post-petition debts, the PRO should coordinate with the Garnishment Law Directorate.

D. Court Dismissal. If the court dismisses the bankruptcy case, all debt collection and garnishments should resume because there is no longer a valid bankruptcy case.

080502. Chapter 13 Bankruptcies (The Plan)

A. Under the Chapter 13 Bankruptcy Code, an employee may file a petition with the court to enter into a Plan. Title 11, U.S.C. § 1325 permits an indebted individual who has a regular income to file a Plan with the bankruptcy court designed to liquidate all or part of the creditor's claim. When a Plan has been approved, the court may order DoD to pay all or part of the employee's wages to a trustee for the employee.

B. When the court confirms the Plan, its provisions are binding upon the employee and all creditors of the employee, regardless of whether they are affected by the Plan or have been included in the Plan.

C. Once the bankruptcy court confirms a Plan, it usually orders the employer to pay a specific amount of an employee's income to the trustee named in the order. Payment to the trustee will be made in accordance with your normal pay cycle. Bankruptcy law authorizes us to withhold up to 100 percent of the employee's disposable earnings, as directed by court-ordered, wage order.

D. The pay of an employee is subject to payment to the trustee appointed by the court pursuant to Chapter 13 of the Bankruptcy Code. Compliance with the court order gives the government valid acquittance against the employee since the court order is binding on the employee.

E. If the United States is both the employer and creditor when the individual files bankruptcy under Chapter 13, then the government's priority under 31 U.S.C. § 3713 may be asserted in the absence of a judicial determination to the contrary. An Official Form 410, Proof of Claim, should be filed with the appropriate PRO and the bankruptcy court.

0806 TAX LEVY FOR UNPAID FEDERAL INCOME TAX

080601. Authority

The IRS District Directors are authorized under 26 U.S.C. § 6331 to collect delinquent federal income taxes by levy on the salary or wages of any United States or Washington, D.C. employee. When the employee fails to pay federal income tax due within 30 days after the IRS issues a notice and payment demand, a levy against the employee's wages may be issued. The levy is served against the take home pay of the employee and attaches only to the salary check or cash disbursement the employee would receive on payday if it were not for the levy.

A. Allotments. After the PRO receives a levy, the PRO must not allow employees to increase or add any voluntary allotments. Changes that increase existing voluntary allotments are only authorized after the total tax liability is paid or arrangements are made with the IRS.

B. Time Limits. The IRS has the authority to collect outstanding federal taxes for 10 years from the date the tax liability was assessed. However, the 10-year collection period can be suspended and the amount of time the suspension is in effect will be added to the time remaining in the 10-year period. For example, if the 10-year period is suspended for 6 months, the time left in the period the IRS will have to collect will increase by 6 months.

080602. Procedures

When the IRS serves Form 668-W, Notice of Levy on Wages, Salary, and Other Income, the PRO will take immediate action to implement the levy. Once the PRO processes the levy, the levy will continue in effect until the collection is complete or until the IRS releases the levy.

A. Notice to Employee. The PRO must follow instructions as indicated on the 668-W and provide notice to the employee that a levy has been received.

B. Claiming of Exemptions. Employees may claim a biweekly personal exemption and a biweekly exemption for each dependent. The IRS updates exemption amounts annually. The PRO must use the IRS [Publication 1494](#), Tables for Figuring Amount Exempt from Levy on Wages, Salary, and Other Income, along with the 668-W for the current exemption amounts.

1. Employee Responsibilities. The employee must certify exemptions and provide the information to the PRO on the 668-W under "Statement of Exemptions and Filing Status." The employee must return the completed form to the PRO for processing. If the employee fails to provide exemption information to the PRO, a dependency exemption will not be allowed and only the minimum personal exemption for each pay period will be allowed. An employee may provide a new statement to the PRO at a later date to have the exempt amount recomputed. The employee does not have to return the form if they have no dependency exemptions to claim.

2. Court Judgment. If the employee is required by a court judgment (made before the date of the levy) to contribute to the support of minor children, that amount of salary, wages, or other income is already exempt from the levy and the employee may not claim the minor children as exemptions.

C. Computing Take Home Pay. The levy attaches to the employee's take home pay minus the allowable exceptions. Unless otherwise instructed by the IRS, the employee's payroll deductions in effect at the time the levy was received will be allowed when determining the employee's take home pay. However, a voluntary allotment may be disallowed if the deduction is so large it defeats the levy. The IRS may notify the PRO when different procedures should be followed for specific employees. To determine the employee's take home pay, the levy attaches to the gross amount of the employee's accrued wages or salary, less the following specified deductions:

1. Social Security/Medicare;
2. Retirement;
3. Federal Employees' Health Benefits;
4. Federal Employees' Group Life Insurance;
5. Pay attached or garnished for child support or alimony;
6. Overpayments due the U.S. Government; and
7. Allowable personal exemptions on the 668-W.

D. Return the 668-W to the IRS. After the PRO makes the first deduction for the levy against the employee's pay, the PRO must follow the instructions on the 668-W and return Part 3 of the form to the IRS.

E. Employee Transfers or Separation

1. Transfers Within DoD. If the employee has been reassigned to an organization serviced by another PRO, then the losing PRO must inform the IRS District Director of the employee's new address. The losing PRO must mail the complete levy package to the new PRO for processing.

2. Other Employee Transfers or Separation. If the employee has moved from overseas, transferred to another federal agency, separated or retired, then the PRO will return the levy to the IRS District Director and provide the employee's new address on the 668-W.

F. No Employee Record Found. If the PRO receiving the levy has no record that payroll service has been furnished for the employee, the PRO must annotate that fact on the bottom of the levy and return the levy to the IRS District Director.

080603. Voluntary Deductions for Unpaid Federal Income Tax

An employee may arrange with the IRS to liquidate a delinquent federal income tax debt through voluntary biweekly payroll deductions. The IRS Form [2159](#), Payroll Deduction Agreement, must be submitted to the PRO to initiate the deduction process.

0807 PAY CORRECTIONS AND TAX REPORTING

080701. General

A. Purpose. This section provides guidance on correcting tax reporting for underpaid or overpaid earnings.

B. Authoritative Guidance. The authority used to derive procedures for this section includes Circular E and corresponding statutes and regulations.

080702. Tax Reporting for Underpayment of Earnings

A payment made to correct an underpayment of earnings (“corrective payment”) is reported as wages in the year the corrective payment is issued, even if the underpayment occurred in a prior calendar year. The PRO must process the corrective payment in the current pay cycle. The PRO must report the corrective payment as gross wages subject to Social Security/Medicare taxes on the employee’s current year IRS Form [W-2](#), Wage and Tax Statement. Social Security/Medicare tax should be withheld from the corrective payment. The gross wages must be reported as current quarterly earnings on the IRS Form [941](#), Employer’s Quarterly Federal Tax Return. For separated employees, the PRO may be required to prepare the IRS Form [W-2c](#), Corrected Wage and Tax Statement, if a W-2 was previously issued.

080703. Tax Reporting for Overpayment of Earnings

If an employee has been overpaid earnings, the earnings are reported in the year the employee was overpaid (see paragraph A for adjustments to tax reporting if the employee repays the debt in the same year as the overpayment). If the employee repays a debt for an overpayment of earnings, the procedures for correcting tax reporting depend on whether the repayment was made in the same year as the overpayment, or in a subsequent year.

A. Repayment of Current Year Overpayments

If the employee was overpaid earnings and repaid the debt in the same year as the overpayment, the following applies:

1. Active Employees. For active employees, the PRO must follow debt collection procedures in Volume 16 in order to establish a debt for the overpaid earnings. If the employee repays the debt, in whole or in part, in the same year the overpayment occurs, the PRO will need to record the repaid amount as a reversal in the base pay, gross pay, net pay, or other pay as applicable. Such action is required to recover income tax withholding and Social Security and Medicare taxes for the repaid wages and to correct the yearly gross income. If the entire debt is not repaid in the same year in which the overpayment occurred, see paragraph B.

2. Separated Employees. The PRO must follow the same procedures for active employees outlined in subparagraph 080703.A.1, but must reestablish the employee on the payroll prior to processing the required reversals. If a W-2 was previously issued to the separated

employee, the PRO must prepare a W-2c. If the entire debt is not repaid in the same year in which the overpayment occurred, see paragraph B.

B. Repayment of Prior Year Overpayments

If the employee was overpaid earnings and repaid the debt in a year subsequent to the year of the overpayment, the following applies:

1. Active Employees.

a. Tax Reporting. If an active employee repays an overpayment of earnings paid in a prior year, Social Security/Medicare wages and taxes may need to be corrected. If the year of repayment is still within the 3-year statute of limitations for Social Security and/or Medicare tax refunds, the PRO must prepare a W-2c and W-3c for the prior year to reduce the gross wages subject to Social Security/Medicare (box 3). Wages reflected in box 1 of the W-2c should not be corrected. Additionally, no adjustments are made for income tax withholding or additional Medicare tax withholding. In accordance with the Circular E, the PRO will prepare the 941-X to correct errors on the 941 and retain copies of the corrected forms. If the repayment is beyond the 3-year statute of limitations, then the PRO will not make corrections to the prior year W-2 and the 941.

b. Tax Certificate. The PRO should prepare a tax certificate for the employee representing the repaid wages in the year of repayment. The amount entered on the certificate is the total amount of the reverse deductions plus the amount the employee repaid. The employee may be entitled to a deduction (or a credit, in some cases) for the repaid wages on the employee's income tax return for the year of repayment. For additional information, also see [26 U.S.C. § 1341](#) and IRS [Publication 525](#), Taxable and Nontaxable Income.

2. Separated Employees. For separated employees, the PRO will follow the procedures outlined for active employees, but will retain copies of the W-2c and the 941-X to balance annual federal tax deposits.

*REFERENCES

CHAPTER 8 – UNDERPAYMENTS, COLLECTION OF NON-DEPARTMENT OF DEFENSE (DoD) DEBTS, GARNISHMENTS, BANKRUPTCY ACTION, AND TAX LEVIES

0801 – GENERAL

0802 – UNDERPAYMENTS

080201	DoD FMR Volume 8, Chapter 6
080202.A.4	5 U.S.C. § 5582
	DoD FMR Volume 8, Chapter 10
080202.C.3	5 U.S.C. § 5514
	DoD FMR Volume 16, Chapter 3
080202.E.2	IRS Publication 15 (Circular E)
080202.F.2	IRS Publication 15 (Circular E)

0803 – COLLECTION OF NON-DOD DEBTS BY SALARY OFFSET; JUDGMENTS AGAINST EMPLOYEES FOR DEBTS OWED TO THE FEDERAL GOVERNMENT

080301.B	DoD FMR Volume 16, Chapter 2
080302.A	P.L.105-264
	41 CFR Part 301-76
080303	31 U.S.C. § 3716(h)
	31 CFR 285.6

0804 – CHILD SUPPORT, ALIMONY AND COMMERCIAL GARNISHMENTS

080402	P.L. 97-276, section 124
080403.A	42 U.S.C. § 659
	5 CFR Part 581
080403.B	5 CFR 581.103
080403.C	5 CFR 581.104
	5 CFR 581.105
080403.D	5 CFR 581.402
080404.A	5 U.S.C. § 5520a
	5 CFR Part 582
080404.B	5 U.S.C. § 5520a
080404.C	5 CFR 582.103
080404.D	15 U.S.C. § 1673(a)(1)
	5 CFR 582.402
080404.E	5 CFR 582.301(k)

REFERENCES (Continued)

0805 – BANKRUPTCIES

080501	11 U.S.C. Chapter 7 11 U.S.C. Chapter 13 11 U.S.C. § 106
080502	11 U.S.C. Chapter 13
080502.A	11 U.S.C. § 1325
080502.E	31 U.S.C. § 3713

0806 – TAX LEVY FOR UNPAID FEDERAL INCOME TAX

080601	26 U.S.C. § 6331
080602.B	IRS Publication 1494

0807 – PAY CORRECTIONS AND TAX REPORTING

080701	IRS Publication 15 (Circular E)
080703.B.1.b	26 U.S.C. § 1341 IRS Publication 525

VOLUME 8, CHAPTER 9: “RECORDS, FILES, AND REPORTS”**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **June 2018** is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
All	Removed procedural guidance throughout to comply with current administrative instructions and modernizations efforts.	Deletion
090303	Removed references to the Department of Defense 592, Payroll for Personal Services Certification and Summary throughout section due to this form no longer being used.	Deletion

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CHAPTER 9

RECORDS, FILES, AND REPORTS

0901 GENERAL

090101. Purpose

This chapter provides guidance on records, files, and reports kept by the Civilian Payroll Offices (PRO).

090102. Authoritative Guidance

Specific statutes, regulations, and other guidance are referenced under each section of this chapter.

0902 RECORDS AND FILES

090201. Payroll Documentation

A. Disbursement Documentation. Documentation in the form of a voucher must be prepared for each disbursement or group of disbursements authorized to be paid by any Department of Defense (DoD) Component. A voucher is the authority for payment and must be correctly prepared in accordance with all legal and regulatory guidance, supported with proper documentation, and certified by an authorized certifying official prior to disbursement submission. DoD agencies are not permitted to give an employee the authority to certify his or her own disbursements.

1. Disbursements to the Office of Personnel Management (OPM). Deductions for the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS), life insurance, and health benefit programs with employer contributions are routinely paid to OPM each pay period. The automated Standard Form (SF) 2812-A, Report of Withholdings and Contributions for Health Benefits by Enrollment Code, is used to report these deductions to OPM. A consolidated SF 2812-A must be submitted biweekly to OPM through the Retirement and Insurance Transfer System (RITS). For additional information on RITS, see subparagraph 090303.C.

2. Disbursements to Taxing Authorities. Federal income, Social Security, and Medicare taxes withheld must be paid to the Internal Revenue Service (IRS) as provided by the IRS Publication 15 (Circular E), Employer's Tax Guide. State or city/local income taxes withheld must be paid to the appropriate taxing authority in accordance with the Treasury Financial Manual (TFM), Volume I, Part 6, Chapter 5000 and Title 31, Code of Federal Regulations (CFR), part 215.

3. Disbursements to Thrift Savings Plan (TSP). Employee and employer contributions for traditional or Roth TSP accounts, and deductions for TSP loan repayments must be paid to the TSP Record Keeping Service Provider. See [TSP PRO Tools](#).

4. Other Disbursements. All other amounts withheld must be paid in accordance with applicable regulations or instructions furnished by the employee.

B. Deduction Documentation. Payments to those for whom deductions are authorized to be paid must be reconciled on a cyclical basis, at least annually, with the amounts withheld plus the related employer contributions, if any, as shown by the pay or other records. This procedure is necessary to determine whether the correct amounts are reported to those authorized to receive deductions and contributions withheld from the employee's pay. Payroll records must provide a clear audit trail from the gross pay calculation to the net pay received by the employee by pay period and by year-to-date totals.

1. Tax Withholding. The amounts reported on the annual [IRS Form W-2](#), Wage and Tax Statement must match the total amounts withheld during the year as shown by the PRO records.

2. Individual Retirement Record (IRR). A related control account and an [SF 2806](#), IRR (CSRS), or an [SF 3100](#), IRR (FERS), must be maintained in accordance with OPM requirements for each civilian employee for whom retirement deductions are made. For information on items reported on the IRR refer to the CSRS/FERS Handbook, [Chapter 81](#) and Benefits Administration Letter [15-102](#).

3. Federal Employees' Group Life Insurance (FEGLI). Each DoD PRO must keep a record of the total amounts withheld from employees' salaries and the total amount of the employer's contributions for FEGLI for each calendar year. These records must be kept in a ledger or other appropriate form or represented by file copies of vouchers that were used to report information to OPM.

4. Federal Employees Health Benefit (FEHB). A record of employee deductions and the employer's contributions for health benefits must be kept by each enrollment code number. The PRO and the health benefit carrier must submit the enrollee data included in this record to the National Finance Center's (NFC) FEHB Centralized Electronic Enrollment Reconciliation Clearinghouse ([CLER](#)) system on a quarterly basis. The Human Resources Office (HRO) and the PRO must review any error codes identified in the CLER system and resolve the discrepancies. The discrepancies are resolved by comparing the health benefits coverage reported by the PRO, the health benefits coverage reported by the carriers, the [SF 2809](#), Health Benefits Election Form, and the [SF 2810](#), Notice of Change in Health Benefits Enrollment, sent in support of the coverage.

5. TSP Deductions. The HROs must maintain a record of traditional and/or Roth TSP deductions and agency contributions for each employee.

090202. Retroactive Computations Involving Former PROs

A. General. When retroactive payroll computations are required that involve one or more former PROs, the consolidated PRO maintains overall responsibility for the adjustment process. If it is determined that a former PRO is involved, the consolidated PRO is responsible for contacting each former PRO to obtain the necessary information.

B. Documentation Requests. If the consolidated PRO is unable to obtain the documentation necessary to perform the retroactive calculation, the consolidated PRO may take one or more of the following steps:

1. Request Archived Documents From the National Personnel Records Center (NPRC). When copies of the [SF 135](#), Records Transmittal and Receipt, are unavailable at the employee's former office, the current PRO must complete a National Archives and Records Administration (NARA) [Optional Form 11](#), Reference Request - Federal Records Centers, with all available information. The employee's name, Social Security number (SSN), known places of employment, names and PRO numbers of applicable PROs, and year(s) for which the records are requested must be included in the description and remarks section of the form.

2. Contact the Appropriate HRO. If the NPRC cannot locate the records, the PRO must prepare a memorandum to the appropriate HRO requesting copies of the [SF 50](#), Notification of Personnel Action, or other related pay and/or leave information. Since there may have been consolidations of both the PRO and the appropriate HRO prior to the Defense Civilian Pay System (DCPS) consolidations, it is imperative that both offices work together to obtain information that will assist in the determination of pay and leave adjustments for the employee.

3. Contact the Employee. If the PRO cannot locate documentation from the NPRC or the appropriate HRO, the PRO must contact the employee for the necessary documentation. If the employee has copies of the SF 50 and/or the Leave and Earnings Statement (LES), the PRO may accept this information and use it to reconstruct the pay and/or leave records.

4. Contact OPM. If the transmittal letters to OPM and/or copies of the retirement records cannot be located, the PRO may submit a request to OPM in writing to procure the necessary copies of the records. The PRO may use the information on the retirement records for reconstruction of pay information for adjustments.

0903 REPORTS

090301. General

DoD civilian payroll systems must conform to various legal and regulatory requirements by generating reports at regular intervals, on an as-needed basis or by producing reports to meet special requirements. The PRO must support management by generating reports that provide the necessary information to ensure the system's integrity. Individuals who create reports are responsible for correcting errors due to inaccurate reading or entering of data. Discrepancies in reporting, transmitting, or depositing funds must be resolved promptly. Pursuant to the provisions

of the Government Accountability Office (GAO) publication Maintaining Effective Control Over Employee Time and Attendance Reporting, [GAO-03-352G](#), reports must be:

- A. Prepared accurately, promptly, and distributed to the appropriate recipients to ensure receipt when the information will be of maximum benefit;
- B. Based on, supported by, and periodically validated against appropriate detailed information in the payroll system;
- C. Sent in a timely manner to officials who authorized, or were responsible for, processing payroll transactions, and reviewed by those officials for completeness and accuracy;
- D. Discussed periodically with users and modified or eliminated as appropriate to meet user needs; and
- E. Retained and disposed of in accordance with NARA General Records [Schedule 2.0](#), Human Resources, which includes: [Schedule 2.4](#), Employee Compensation and Benefits Records, and [Schedule 2.5](#), Employee Separation Records, with sensitive data handled in accordance with the provisions of the Privacy Act. See [5 CFR 2606](#).

090302. As-Required Reports

A. Income and Employment Tax Reports. Income and employment tax reports are submitted to cities/localities that have an agreement with the Secretary of the Treasury and to cities/localities where voluntary deductions have been taken from employees. Reports are sent to the city/local taxing authorities based on the frequency prescribed by each municipality. See TFM, Volume I, Part 6, Chapter 5000.

B. State Income Tax Reports. These reports are required by states that have reached an agreement with the Secretary of the Treasury. These reports are submitted to the state taxing authorities based on the frequency prescribed by each state. See TFM, Volume I, Part 6, Chapter 5000.

C. Report on Transfer of Employee

1. SF 1150, Record of Leave Data. The losing PRO must prepare an [SF 1150](#) at the time of the employee's separation if the employee transfers within DoD to another PRO or to another Federal agency. All blocks on the SF 1150 must reflect accurate data. In addition to reporting transferred leave data, the form contains other pertinent information for the employee in the Remarks section. This includes, but is not limited to: year-to-date wages for Social Security and/or Medicare tax purposes, year-to-date TSP deductions, last deduction for FEHB and FEGLI, date through which the insurance deductions were made, and overseas or territorial differential data.

a. The losing PRO forwards the completed SF 1150 to the losing HRO.

b. The losing HRO includes it in the employee's Official Personnel Folder (OPF) and forwards it to the gaining HRO.

c. The gaining HRO then forwards the SF 1150 to the gaining PRO.

2. Delayed Receipt of SF 1150. If there is a delay of the OPF containing the SF 1150 reaching the appropriate gaining HRO, and the employee is taking leave, the leave balances from the employee's latest LES may be entered into DCPS. Once the gaining PRO receives the SF 1150, any transferred-in leave balances will be overridden if the SF 1150 data differs.

3. OPM Form 630, Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program (VLTP). Use version A, B, or C as appropriate for the VLTP action requested. This form records the transfer of leave for leave recipients covered by the VLTP. The OPM 630 is used when a current leave recipient transfers to another PRO or Federal agency without a break in service and will be attached to the SF 1150.

D. Request for Wage and Separation Information. The PRO must report wage data to the appropriate HRO in accordance with Chapter 6. The appropriate HRO maintains a file copy of all data furnished for 2 years in accordance with the General Records Schedule 2.0, and then the file copy is destroyed.

E. SF 2806 (IRR, CSRS) and SF 3100 (IRR, FERS). The PRO will prepare and maintain the SF 2806 and the SF 3100 in accordance with Chapter 4.

F. IRS Form W-2c, Corrected Wage and Tax Statement, IRS Form W-3c, Transmittal of Corrected Wage and Tax Statements, and IRS Form 941-X, Adjusted Employer's Quarterly Federal Tax Return or Claim for Refund (formerly 941c). The Defense Finance and Accounting Service (DFAS) is responsible for:

1. Preparing a W-2c in accordance with Circular E to correct prior year wages and tax withholdings as applicable;
2. Providing copies to the employee and copy A to the Social Security Administration (SSA);
3. Sending a separate W-3c with the corrected W-2c to the SSA upon completion of the correction;
4. Retaining the employer's copy of the W-2c in the PRO;
5. Preparing a 941-X to adjust the gross wages subject to Social Security and/or Medicare taxes;

6. Attaching a 941-X to the current quarterly [IRS Form 941](#), Employer's Quarterly Federal Tax Return, and entering the amount of the adjustment on the 941. The PRO must maintain copies of both forms;

7. Retaining a copy of the W-2c and the 941-X in the current year quarterly tax folder to balance annual Federal tax deposits;

8. Preparing the IRS [Form 1095-C](#), Employer-Provided Health Insurance Offer and Coverage, for the IRS and the employee for the previous tax year; and

9. Preparing the IRS [Form 1094-C](#), Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns. This form is sent to the IRS in conjunction with the 1095-C.

*090303. Biweekly Reports

A. [Civilian Leave and Earnings Statement \(LES\)](#). The LES must show gross pay, deductions, net pay, and employer contributions for the current pay period and cumulative totals for the current year. The LES must reflect the accrued and used leave balances for the pay period and year-to-date values. The LES must be made available electronically by accessing [myPay](#) or mailed to the employee's non-work address every pay period.

B. [SF 2812-A, Report of Withholdings and Contributions for Health Benefits by Enrollment Code](#). The amount collected for employee retirement (CSRS and FERS), FEHB, and FEGLI deductions, military service deposits, reemployment offsets, and the agency's contributions for retirement (CSRS and FERS), FEHB, and FEGLI are transferred to OPM. As prescribed by OPM, the PRO uses a "no-check-issue" as the means of payment to OPM. Funds are transferred to OPM using the SF 2812-A. The SF 2812-A reports the total employee deductions and agency contributions for health benefits by health benefits plan enrollment code for the pay period (see subparagraph 090201.A.1).

* C. [RITS](#).

1. RITS is part of the Intra-Governmental Payment and Collection (IPAC) system developed by OPM and the Department of the Treasury (Treasury) to report civilian retirement and insurance contributions. The automated RITS interface with the payroll system replaces the manual reporting to OPM of the SF 2812-A.

* 2. To process the RITS transactions, the PRO must provide the disbursing office with the payroll system generated hardcopy of the payroll for personal services certification and summary, the SF 2812-A and any disbursement vouchers for cash payments.

* a. Cash payments received from employees, such as military deposits and health benefits payments, are considered current transactions. The funds are collected and disbursed from a holding account. The total of the payroll for personal services certification and summary and cash disbursement vouchers must equal the total of the SF 2812-A. Cash collections

for health benefit indebtedness received from pay accounts not carried forward from former PROs must be reported to OPM separately on a supplemental SF 2812-A using the Off-Line Bulk Data Transfer RITS software.

b. The disbursing office must ensure the voucher amounts agree and the vouchers contain proper certifying signatures before authorizing the transmission of the file to OPM. The delay between the creation of the system file and transmission is a necessary step in the process to establish adequate internal controls for the disbursement of Government funds. If the file is transmitted before the payment date, OPM must warehouse the data until the settlement date.

c. The IPAC transaction is a direct payment to OPM. Report the transaction on the [SF 1219](#), Statement of Accountability.

3. RITS provides the capability to report on a regular biweekly basis, as well as to report adjustments in a supplemental off-cycle mode. Reporting during the regular biweekly cycle is the preferred method and automated capabilities of the payroll system must be fully utilized in order to do so. Use of a supplemental reporting cycle must be limited to the greatest extent possible.

4. Consolidated PROs using RITS may find it necessary to report adjustments related to former PROs as well as adjustments related to the consolidated office. In these situations, the following may be applicable:

a. Adjustments for Accounts That Have Not Been Transferred to the Consolidated PRO. These accounts were inactive on former PRO records and did not convert to the consolidated office. Responsibility for these adjustments is now with the consolidated payroll operation and is under the DFAS PRO operations. These adjustments could involve correction of a retirement plan, cash collection for military deposits, or health benefit indebtedness.

(1) Retirement Plan Correction. These adjustments must be reported to OPM via a hard copy SF 2812-A citing the PRO number that originally reported the deductions and contributions. Corrected retirement records and registers citing the former PRO must be prepared and forwarded to OPM. Copies of the SF 2812-A, registers, and records must be forwarded to the departmental reporter for the former PRO so that cumulative balances may be adjusted.

(2) Cash Collections for Military Deposits. The PRO must report cash collections for military deposits via a hard copy SF 2812-A citing the PRO number that originally reported the deductions and contributions. Corrected retirement records and registers citing the former PRO must be prepared and forwarded to OPM. Copies of the registers, records, and SF 2812-A must be forwarded to the departmental reporter for the former PRO so that cumulative balances may be adjusted.

(3) Cash Collections for Health Benefit Indebtedness. Cash collections for health benefit indebtedness must be reported via RITS as a supplemental SF 2812-A from the consolidated PRO using the consolidated PRO Number.

b. Adjustments for Accounts That Have Been Transferred to the Consolidated PRO. These accounts were active on former PRO records and converted to the consolidated office. Adjustments may be for accounts that have become inactive since consolidation or for those still in an active status. As part of the consolidated payroll operation, DFAS PRO is responsible for these adjustments. Records for both the former and consolidated PROs may need to be corrected, depending on the effective date of the correction involved.

(1) Retirement Plan Correction. The adjustment may involve both hard copy reporting via the SF 2812-A and reporting via RITS. Adjustments that are effective prior to the transfer to the consolidated office must be reported to OPM via the SF 2812-A citing the former PRO number. Corrected retirement records and registers for that portion applicable to the former PRO must be prepared and forwarded to OPM. A copy of the SF 2812-A, registers, and records must be forwarded to the departmental reporter for the former PRO so that cumulative balances may be adjusted. That portion of the adjustment applicable to the consolidated PRO must be corrected through the payroll system and reported via the RITS regular biweekly cycle. Adjustments for accounts that have become inactive since consolidation must be corrected through the payroll system by reactivating the account.

(2) Cash Collections for Military Deposits. Cash collections for military deposits must be reported via RITS during the regular reporting cycle. Collections for accounts that have become inactive since consolidation must be corrected through the payroll system by reactivating the account. Correction through the payroll system is necessary in order to maintain the proper sequencing of system-assigned register numbers.

(3) Cash Collections for Health Benefit Indebtedness. Cash collections for health benefit indebtedness must be reported via RITS during the regular biweekly reporting cycle.

D. TSP Form TSP-2, Certification of Transfer of Funds and Journal Voucher. A “no-check-issue” procedure is used to transfer the amount collected for employee TSP deductions as well as the agency contributions to NFC. Funds are transferred to NFC using the [TSP-2](#).

* E. Payroll for Personal Services Certification and Summary. The payroll for [personal services certification and summary](#) provides total payroll costs and detailed accounting data by appropriation and accounting activity in connection with the civilian payroll.

F. Reports of Salary Offsets for Non-DoD Federal Agencies

1. Report of Collections. The PRO must forward a biweekly report to each creditor agency of the collections made for the pay period. This report must include, at a minimum, the non-DoD agency to which the collections apply, the PRO name and address, the employee’s name, the amount collected for each employee, the period for which the collection applies, and the total amount of collections remitted to the non-DoD agency.

2. Report of Employees With Salary Offset. The PRO forwards a biweekly report of employees with salary offsets for non-DoD Federal agencies to the DFAS site

that originally forwarded the salary offset request to the PRO. This report must include, at a minimum, the employee's name, SSN, creditor agency, amount of the last biweekly collection amount, pay date of the last collection, and the debt balance amount. In the case of employees with more than one debt to a non-DoD Federal agency, the information required in this paragraph must be provided for each debt.

F. Reporting Union Dues to Labor Organizations or Associations of Management Officials or Supervisors. Each pay period, the PRO must prepare a listing for each recipient of withheld dues. At a minimum, the listing must include the name and address of the PRO, the labor organization or association for which the listing pertains, employee names and amount of dues deducted for each, total amount collected and system-generated remarks that explain the lack of deductions.

G. Combined Federal Campaign (CFC) Report. The PRO must provide a transmittal report to the Central Campaign Administrator to include:

1. The employing agency, e.g., Army, Navy, Air Force;
2. The employee names and deduction amounts per individual employee;
3. The pay period number; and
4. The pay period date of the CFC data. See [5 CFR 950.801](#).

090304. Quarterly Reports

A. Continuation of Pay (COP) for Disabling, Job-Related Traumatic Injuries Sustained by Federal Employees. The Department of Labor requires a quarterly report on COP. The requirement applies to all PROs including National Guard units. See [20 CFR 10.200](#).

B. Employment Statistics Program. Upon request, the PRO furnishes feeder data to the appropriate HRO on total wages paid to civilian employees for specific calendar quarters. The appropriate HRO must prepare and submit the final report.

C. IRS 941, Employer's Quarterly Federal Tax Return. Each PRO must report tax payment information to the IRS on the 941. The report must be completed and filed by the due date established by the IRS. This is normally the end of the month following the close of the quarter. If all taxes for the quarter are deposited when due, the PRO must file the 941 by the 10th day of the second month following the close of the quarter. The tax payment information required under [Schedule B \(Form 941\)](#), Report of Tax Liability for Semiweekly Schedule Depositors, must be derived from the payment records. The total amount of tax payments during a quarter must agree with the total taxes reported on the 941.

1. The PRO forwards the system generated IRS disbursement voucher, "In Lieu of SF 1049, Public Voucher for Refunds," to the disbursing office at an agreed upon time

preceding the payment date for transmitting the voucher data through the Electronic Federal Tax Payment System (EFTPS). EFTPS is a service offered by Treasury, which allows an agency to electronically file and make tax payments reported on the 941 each quarter. See the IRS information on [EFTPS](#).

2. The DFAS Cleveland Disbursing Office makes the daily tax deposits that are reported on the 941 through the EFTPS. The tax deposit information is entered on the 941, using a fillable form available from the IRS website. After the 941 is prepared, it is reviewed and signed by a supervisor then e-faxed to the IRS point of contact.

3. The disbursing office returns the 941 printout to the PRO the day following each IRS disbursement. This printout reflects the cumulative totals for the quarter.

4. The PRO must correct any discrepancies.

D. Health Benefits Reconciliation Data File. Each quarter, the OPM FEHB CLER data must be reported to NFC, which implements a system to reconcile health benefits data for government agencies. The quarterly report of enrollees must include enrollee names, the total amount for employee deductions, and the total amount for employer contributions. The quarterly report must include enrollment data for all health plans for the payroll paid during the 1st through the 15th of March, June, September, and December. If there are two payrolls paid during that period, the PRO reports only the enrollment data for the last payroll paid. The data in this report is first sorted by FEHB enrollment code and then SSN. The report must provide a subtotal for each enrollment code and a grand total for each plan.

E. Transportation Fringe Benefit Report. A fringe benefit is a form of pay for the performance of services that is in addition to the employee's regular salary or wages. Examples of transportation fringe benefits include the use of a business vehicle, transit passes, and the value of parking.

1. Employers are required to report the value of transportation fringe benefits as taxable income for amounts that exceed the established IRS threshold.

2. The parking fringe benefit valuation must be reported by the employing activity directly to the servicing PRO on a quarterly basis to ensure proper reporting of income and collection of taxable wages on the W-2.

3. The monthly value of the transportation fringe benefits and the reportable taxable benefit must be included in the report.

4. Certain qualified transportation fringe benefit amounts may be excluded from an employee's wages each month. See Chapter 3 for information on qualified transportation fringe benefits and [IRS Publication 15-B](#), Employer's Tax Guide to Fringe Benefits.

F. Civilian Direct Deposit Participation Report. When directed, the PRO must furnish data to the appropriate functional organization on civilian employees participating in Direct

Deposit/Electronic Funds Transfer (EFT). This feeder-type information is used by DoD managers to report payment volumes and the percentage of payments made by EFT to the Bureau of the Fiscal Services within 25 days after the end of each quarter.

G. Reporting Workforce Information. OPM collects data from agencies relating to civilian employees in a manner and at times prescribed by OPM. See [5 CFR 9.2](#). The data reported is primarily used by the Office of Management and Budget (OMB) as a baseline for making policy decisions on personnel budget requests.

1. SF 113-A, Monthly Report of Federal Civilian Employment. The PRO must submit this report to OPM on a quarterly basis covering 3 months for the quarter or on a pay period basis covering the quarter. If the PRO submits data on a pay period basis, the PRO must report total employment “as of” September 30 for their September (fiscal year) submission. The report must reflect lump sum payments, wages, and salaries earned during the reporting period. The turnover data must include accessions and separations when the effective data occurs during the period covered. See [SF 113-A](#).

2. SF 113-G, Monthly Report of Full-Time Equivalent/Work-Year Civilian Employment. The PRO must provide feeder data to the Defense Manpower Data Center for reporting to OMB. See [SF 113-G](#).

090305. Semiannual Reports

A. Semiannual Headcount Report. OPM requires that a report of the withholdings and contributions for retirement, FEGLI, and FEHB be sent in the form of a semiannual headcount report. This report is required for the last pay period paid during the 1st through the 15th of March and September, in conjunction with the quarterly reporting of enrollment in all health benefits plans.

B. Report of Work Years and Personnel Cost. This report provides information required by OMB to estimate the cost of proposed Federal pay increases, evaluate the financial effects of proposed legislation on civilian personnel compensation and benefits, and prepare analysis of pay and personnel benefits of Federal employees. The consolidated PRO provides feeder-type data on the leave data for part C of this report.

090306. Annual Reports

A. Wage and Tax Statements

1. Wage and Tax Statements to SSA. A W-2 is used to report taxable income to the SSA and the IRS. The PRO must issue a W-2 to employees no later than January 31 of the year following the applicable tax (calendar) year. This also applies to employees who died or separated during the year. Individuals may request the form at an earlier date by making their request in writing to the PRO. In such instances, the form is to be issued within 30 calendar days of receipt of the request or of the final payment, whichever is later. The DoD PROs are required to use the DFAS approved standardized W-2 each year.

2. Wage and Tax Statements to States

a. The PRO provides this information to states that have entered into a Standard Agreement with Treasury or as authorized pursuant to a published routine use statement. See [TFM Vol. 1, Part 6, Section 5070](#). The PRO will issue returns with respect to those employees who:

(1) Are employed in the state and subject to mandatory withholding of state income tax; or

(2) Have established voluntary allotments for the state's income tax.

b. The PRO provides annual information returns on a W-2. Other forms prescribed by states must not be used.

c. The PRO must include only the information on a W-2.

d. The PRO must submit the W-2 to the states in print or electronically. The PRO must file all returns in accordance with regulations issued by the state taxing authorities. A list of state taxing authority contacts is available at the IRS website.

e. The PRO may need to report information to more than one taxing authority for the same employee. If so, it must supply a copy of a W-2 to the proper state, city, or local taxing authorities on request. Those authorities will decide if the employee is liable for any tax.

f. A state requirement to file information returns monthly does not affect existing arrangements to submit the W-2 only once a year.

3. Wage and Tax Statements to Cities or Other Localities

a. In the case of an agreement with the city or locality, the PRO will issue returns with respect to those employees who are:

(1) Employed in the city or locality and subject to the tax (whether or not tax is withheld); or

(2) Residents of the city or locality and are subject to the tax (whether or not tax is withheld). If the city or locality has not entered into a Standard Agreement, with the prior written consent of the employee, or if authorized pursuant to a published routine use statement, the PRO will issue returns to the taxing authority with respect to an employee who has voluntary deductions for the city or locality's income tax.

b. The PRO provides annual returns on a W-2. Other forms prescribed by cities or localities must not be used.

- c. The PRO must include only the information on a W-2.
- d. The PRO must submit a W-2 in accordance with regulations issued by the city or locality taxing authorities.
- e. A city or locality requirement to file information returns monthly does not affect existing arrangements to submit a W-2 only once a year.

4. Wage and Tax Statements to Employees

a. If the employee has not yet transitioned to an electronic W-2 format, the PRO must mail a paper W-2 to each employee's non-work address by January 31 of the next year. The W-2 must include the:

- (1) Employee's name, SSN, and address;
- (2) Wages subject to Social Security/Medicare, federal, state, city, or local withholding;
- (3) Social Security and/or Medicare, federal, state, or local tax withheld, if any;
- (4) Name of state, city, or county; and
- (5) City and/or county assigned Employer Identification Number.

b. The PRO must mail corrections to the annual wage and tax statement(s) to an employee's non-work address as soon as an error is discovered. Refer to subparagraph 090302.F for information on the W-2c and W-3c.

c. The PRO must issue the 1095-C to employees no later than January 31 of the year following the applicable tax (calendar) year.

B. Student Loans. Agencies are required to report annually to OPM on their use of the student loan repayment authority. Before March 31 of each year, agencies must submit their reports for the previous calendar year. See [5 CFR 537.110](#). The reports must contain:

1. The number of employees, who received student loan repayment benefits;
2. The job classifications of the employees who received student loan repayment benefits; and
3. The cost to the Federal Government of providing student loan repayment benefits.

C. Telework. The Telework Enhancement Act of 2010, codified at Title 5, United States Code (U.S.C.), [Chapter 65](#), requires that agencies report an annual telework participation goal. OPM issues an annual report to Congress summarizing information provided by agencies on the status of their telework programs. See Status of Telework in the Federal Government [Report for Congress](#). The report provides a baseline for measuring each agency's progress toward meeting the requirements of the Telework Enhancement Act. Agencies are required to make an annual assessment of progress towards meeting participation goals. In cases where agencies do not meet goals, they must detail actions to be taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period. See 5 U.S.C., section 6506 and [Telework.gov](#). Each report submitted must include:

1. The total number of employees in the agency;
2. The number and percent of employees in the agency who are eligible to telework; and
3. The number and percent of eligible employees in the agency who are teleworking:
 - a. Three or more days per pay period;
 - b. One or two days per pay period;
 - c. Once per month; or
 - d. Occasional, episodic, or short-term basis.

D. Child Development Programs. Agencies initiating a child care subsidy program are required to track and report the utilization of their funds to OPM annually on a [DD Form 2605](#), Department of Defense Child Development Program Annual Summary of Operations. See [5 CFR 792.204](#).

E. Experts and Consultants. Each agency that used and paid experts and consultants is required to submit an annual report to OPM. See [5 U.S.C. § 3109](#) and 5 CFR [304.107](#). This report must cover the entire agency for the year ending December 31st and be submitted by February 28th of the following year. See [OPM Form 1623](#), List of Experts and Consultants Hired Under 5 U.S.C. 3109. This report must contain:

1. The number of days the agency employed each paid expert or consultant; and
2. The total amount paid by the agency to each expert and consultant, not including payments for travel and related expenses.

F. Affordable Care Act Reporting. Applicable Large Employers (ALE) must report to the IRS whether the employer has made an offer of coverage to their full-time employees.

An ALE is an employer with 50 or more employees. Reporting is made using the 1095-C and the 1094-C for the previous tax year. See the IRS Information Reporting by [Applicable Large Employers](#).

G. Foreign Language Pay Reporting. Each DoD Component with Defense Civilian Intelligence Personnel System (DCIPS) positions must submit to the Under Secretary of Defense for Intelligence through the Director, Human Capital Management Office a report on its foreign language pay program. See DoD Instruction [1400.25-V2016](#). These annual reports must:

1. Include a copy of the Component's current foreign language pay policy or guidance, and copies of any related documents or communications issued on foreign language pay since the previous report was submitted;
2. Identify the total number of language-coded authorizations and official tasking that requests language and proficiency in support of mission requirements;
3. Identify the total number of DCIPS employees receiving foreign language pay, and whether or not they are assigned to designated foreign language positions. Include a breakout of the number of DCIPS employees identified as receiving foreign language pay by each language;
4. Identify the total amount of foreign language payments made in the past calendar year and a breakout of the amounts by language;
5. Identify for Interagency Language Roundtable Level 3 proficiency and above (combined), the percentage of recipients paid, by language; and
6. Discuss the current state of recruitment and fill of foreign language positions, including overages, trends, shortfalls, recommendations regarding foreign language pay policy, trends in payments (by language and amount of payment) from the previous year, and a brief statement reflecting the effectiveness of incentive pay in the recruitment.

VOLUME 8, CHAPTER 10: “SPECIAL CATEGORY EMPLOYEES”**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [March 2019](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks, references, and formatting to comply with current administrative instructions.	Revision
100102	Updated the “Authoritative Guidance” paragraph in accordance with current guidance.	Revision
100302.A.4.a	Updated information for part-time employee’s eligibility for Federal Employees Group Life Insurance.	Revision
100303.B.2	Updated information for intermittent employees’ eligibility for Federal Employees Health Benefits (FEHB).	Revision
100304.C.2	Updated information for seasonal employees’ eligibility for FEHB.	Revision
100401.A.4.b	Updated information on redetermined annuities.	Revision
100403	Added reference.	Addition
100503	Updated office to send disputed claims.	Revision
100503.A	Updated information for undisputed claims for unpaid compensation.	Revision
100503.B	Added new subsection, “Other Claim Considerations” and renumbered section as appropriate.	Addition
100503.C	Updated information for undisputed claims for unpaid compensation.	Revision
100509.A.1	Added reference.	Addition
100601	Removed reference for the Office of the Deputy Chief Management Officer due to that office being repealed.	Deletion
100609	Updated information for experts and consultants eligibility for FEHB.	Revision
1011	Updated section with latest guidance for temporary and term employees.	Revision
References	Added “References” section.	Addition

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CHAPTER 10**SPECIAL CATEGORY EMPLOYEES**

1001 GENERAL

100101. Purpose

This chapter provides guidance on special category employees. Special category employees include those whose retirement, leave, or pay may be specific to an occupational series or tour of duty. Special category employees also include employees deemed legally incompetent, missing or deceased, and de facto employees.

*100102. Authoritative Guidance

The pay policies and requirements established by the DoD in this chapter are derived primarily from, and prepared in accordance with the United States Office of Personnel Management's (OPM) Pay and Leave, Title 5, United States Code (U.S.C.), Title 5, Code of Federal Regulations (CFR), and the DoD Instruction (DoDI) 1400.25, Civilian Personnel Management. Due to the subject matter in the chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each section are listed in a reference section at the end of this chapter.

1002 OVERSEAS EMPLOYEES

100201. General

The general pay provisions for General Schedule (GS) employees who work stateside also apply to GS employees stationed overseas. The DoDI 1400.25, [Volume \(V\)1250](#), Overseas Allowances and Differentials, authorizes and governs the payment of allowances and differentials to DoD civilian employees who are citizens of the United States and located in a foreign area. The Department of State Standardized Regulations ([DSSR](#)) prescribe eligibility requirements, the applicable rates to be paid, and the provisions to be observed in paying overseas foreign area allowances and differentials to employees.

100202. Foreign Nationals

A. **Authority.** [Title 22, U.S.C., section 3968](#) establishes the pay for foreign national employees. Delegation of authority is established by [DoDI 1400.25, VI231](#), Employment of Foreign Nationals. Authority is delegated to each military department to re-delegate to its Service Component Commanders the authority to establish salaries, wages, fringe benefits, related compensation items, and other terms of employment for foreign national employees. Additional guidance can be found in the [DoD Manual 1416.08](#), DoD Manual for Foreign National Compensation, which prescribes procedures and instructions for the development of compensation programs for foreign nationals employed by the U.S. Forces in foreign areas.

B. Entitlements. The Wage and Salary Division of the Defense Civilian Personnel Advisory Service (DCPAS) establishes wage schedules for foreign national employees based on locality wage surveys, or other available data, as provided by the activity labor agreement between the United States and the foreign country. The basis for salary determinations and deductions are contained in the employing activity's applicable inter-country agreements and personnel regulations.

100203. Canadian Employees

A. General. Canadian national direct-hire employees receive compensation comparable to that paid to Canadian government employees in the same locality and performing essentially the same work with relatively the same degree of responsibility.

B. Authority. DoDI 1400.25, V1231 contains the authority for the administration of foreign nationals, including Canadians.

C. Entitlements

1. Holidays. Canadian legal holidays are observed with no charge to leave. If an emergency requires work on a Canadian holiday, the employee must be paid premium pay at a rate of 1.5 times the employee's regular rate of pay (for example, if an employee is paid \$16 per hour, the employee will be paid premium pay of \$24 per hour for work on a Canadian holiday), in addition to receiving either holiday pay equal to regular wages earned by the employee in the four weeks before the Canadian holiday divided by 20 (for example, if an employee works a 5 day week and earns \$120 per day, the employee earns regular wages of \$600 per week; $\$600 \text{ per week} \times 4 \text{ weeks} = \$2,400 \div 20 = \$120 \text{ holiday pay}$), or compensatory time off (subject to local labor laws pursuant to DoDI 1400.25, V1231). The following are the legal Canadian holidays:

- a. New Year's Day (January 1),
- b. Good Friday (March-April),
- c. Easter Monday (March-April),
- d. Victoria Day (May 24),
- e. Canada Day (July 1),
- f. Civic Holiday (1st Monday in August),
- g. Labor Day (1st Monday in September),
- h. Thanksgiving Day (2nd Monday in October),
- i. Remembrance Day (November 11),

- j. Christmas Day (December 25), and
- k. Boxing Day (December 26).

2. Absence and Leave. Canadian employees accrue sick leave at a rate of 4.25 hours each pay period except for the last pay period of the leave year. During the last pay period, 6.25 hours accrue. The total annual accumulation is 112.5 hours or 15 days of sick leave.

3. Work-Related Injury or Illness. The Federal Employees' Compensation Act covers work-related injuries or illness.

D. Pay. Salaries are based on rates in approved agreements between the Treasury Board of Canada and the Public Service Alliance of Canada for Canadian Civil Service Employees. The effective dates are the same as in the basic Canadian agreements. Pay is in Canadian Dollars on a biweekly basis.

E. Hours of Duty. The workday is 7.5 hours, and the workweek is 37.5 hours.

F. Step Increases. Employees receive step increases until they reach the top step. Step increases require written certification by the supervisor that an employee has demonstrated an acceptable level of competence during the waiting period. Certification is completed and forwarded to the Human Resources Office (HRO) for processing prior to the effective date of the step increase. Step increases are effective at the beginning of the first pay period following the effective date of the anniversary.

G. Retroactive Pay. Retroactive pay adjustments are made based on agreements covering Canadian Civil Service employees. These adjustments are payable to employees separated during the retroactive period.

H. Leave Without Pay (LWOP). Aggregate periods of LWOP of more than 80 hours during the waiting period for a step increase will delay the increase. Extended periods of LWOP also affect leave accruals.

I. Awards. Canadian National employees generally are eligible for all awards, except quality step increases.

J. Canada Pension Plan. Employee contributions for the Canada Pension Plan are deducted from employee salaries. The U.S. Government pays the employer's contribution.

K. Registered/Retirement Pension Plan. The U.S. Government pays an amount equivalent to the employees' contributions up to a legal maximum of annual salaries.

L. Severance Pay. Employees are paid a lump-sum amount according to the following:

1. Lay-Off. Two weeks of pay for the first complete year of continuous employment and 1 week of pay for each complete additional year of continuous employment with a maximum benefit of 28 weeks of pay.

2. Resignation. When an employee resigns with 10 or more years of continuous employment, they will be paid one-half week of pay for each complete year of continuous employment up to a maximum of 26 years with a maximum benefit of 13 weeks of pay.

3. Retirement. Upon retirement, when an employee would be entitled to an immediate annuity, or to an immediate annual allowance had the employee been under the Canadian Government Public Service Superannuation Act, an employee is paid 1 week of pay for each complete year of continuous employment with a maximum benefit of 28 weeks of pay.

4. Death. Upon death, the employee's estate will be paid 1 week of pay for each complete year of continuous employment, with a maximum benefit of 28 weeks of pay.

M. Ontario Health Insurance Plan. Employees enrolled in the Ontario Health Insurance Plan are reimbursed an amount equivalent to the Canadian government contributions under the plan. Claims for reimbursement, supported by receipts, are submitted annually by the end of the calendar year.

N. Employment Insurance. The U.S. Government participates in the [Canadian Employment Insurance Program](#) for Canadians employed in Canada by the DoD. Any DoD installation that employs personnel in Canada should follow the guidance issued by the [Canada Revenue Agency](#). The U.S. Government contributes an amount equal to that paid by a Canadian government employer to the Canadian fund. The employee's contributions are deducted from his or her salary.

1. Deductions and Remittances. The Payroll Office (PRO) must use the Canada Revenue Agency T4001 [Employer's Guide - Payroll Deductions and Remittances](#) to determine insurable employment and earnings for withholding.

a. Employee's Share. Funds must be withheld from the pay of all insurable employees at the rate set in the Canada Revenue Agency T4001 Employer's Guide.

b. Employer's Share. The employer's share must equal 1.4 times the amount withheld from the employee's pay on each payroll voucher. The contribution is charged to the fund from which employees' salaries are paid.

2. Retroactive Payments. The DoD may not make retroactive payments of deductions to the Canada Revenue Agency if the employee concerned has not given correct information to the employing installation. This includes cases that have been adjudicated.

3. Audits and Record Retention. The DoD records of deductions, contributions, and remittances are subject to audit by Canadian authorities. The audit requirements may be met by sending copies of records of covered personnel and insurance remittance documents to the proper Canada Revenue Agency district office. The PRO must send copies of records required by Canadian authorities on request.

O. Canadian Income Tax. The employee's income tax contributions are deducted from his or her biweekly salary.

P. Accidental Life Insurance. This is a voluntary contribution deducted from the employee's biweekly salary at the employee's request.

1003 OTHER THAN FULL-TIME CAREER EMPLOYEES

100301. General

This section provides guidance regarding employees who do not work the typical 40-hour workweek established under [5 CFR 610.111](#). Such employees include part-time, intermittent, seasonal, and piecework employees.

*100302. Part-Time Employment

Part-time employment generally is no less than 16 hours and no more than 32 hours per week under a schedule consisting of an equal or varied number of hours per day. Agencies may permit employees to work less than the minimum 16 hours per week based on guidance provided in [5 CFR 340.202\(b\)](#). Employment may be between 32 and 64 hours in a biweekly pay period in the case of a flexible or compressed work schedule. See [5 U.S.C. § 3401\(2\)](#). Part-time employment does not include employment on a temporary or intermittent basis. A part-time employee must have a regular schedule of at least 1 hour, set in advance, in each administrative workweek in each biweekly pay period. See [5 CFR 340](#) and [5 U.S.C. §§ 3401-3408](#).

A. Benefits. Part-time permanent employees are eligible to receive the same benefits as full-time employees. On a prorated basis, part-time employees are eligible to receive leave, retirement, and health and life insurance coverage. See the OPM [Hiring Authorities](#).

1. Leave

a. Annual Leave. Part-time employees, who have a regular tour of duty established in advance of one or more days during each administrative workweek, earn annual leave on a prorated basis based on the total number of hours in a pay status in each biweekly pay period, excluding overtime hours. See [5 U.S.C. § 6302](#). Hours in a pay status include straight time and additional hours worked, up to a total 80 hours in the biweekly pay period. Maximum carryover at the end of the leave year is the same as for a full-time employee. Leave is charged for an absence during the hours an employee is regularly scheduled to work. See Chapter 5.

b. Sick Leave. Part-time employees with a regularly scheduled tour of duty will earn and be credited with 1 hour for each 20 hours in a pay status. See [5 U.S.C. § 6307](#).

c. Other Leave. Part-time employees are eligible for other leave categories (e.g., absent without leave (AWOL), LWOP, court leave, funeral leave, or excused absence) on the same basis as full-time employees. The rules governing the Family and Medical Leave Act of 1993 and the Federal Employees Family Friendly Leave Act also apply to part-time employees. See Chapter 5.

d. Military Leave. Each member of a Reserve Component who is an employee of the United States is entitled to a leave of absence from his or her duties without loss of pay, time, or efficiency rating for each day, but for no more than 15 days in any fiscal year in which he or she is on active duty or training. Eligible part-time employees accrue military leave that is prorated based on the tour of duty. See [5 U.S.C. § 6323\(a\)\(2\)](#) and Chapter 5.

e. Holiday Leave. When a holiday falls on a scheduled workday, a part-time employee is entitled to basic pay for the number of hours the employee is regularly scheduled to work on that day, not to exceed 8 hours, unless covered by a compressed work schedule. A part-time employee is not entitled to pay for a holiday that falls on a day the employee is not normally scheduled to work.

f. In Lieu of Holiday. An in lieu of holiday is granted to replace the day designated as a holiday by federal statute or executive order when the holiday falls on a full-time employee's non-work day. Under [DoDI 1400.25, V610](#), Hours of Duty, part-time employees are not entitled to in lieu of holidays. However, if a part-time employee is prevented from working because the activity is closed, he or she may either be placed in an appropriate leave category or be excused (placed on administrative leave at the agency's discretion) without loss of pay for the number of hours that he or she is regularly scheduled to work on that day.

2. Retirement. Part-time employees are subject to deductions for retirement benefits on the same basis as full-time employees.

3. Federal Employees Health Benefits (FEHB). Part-time employees are eligible to participate in the FEHB Program. See the [FEHB Handbook](#). The cost to the employee is the total cost of health benefits (both the employee and the employer's share) less the prorated government contribution. See Chapter 11 for more information on FEHB for part-time employees.

4. Federal Employees Group Life Insurance (FEGLI)

* a. Part-time Eligibility. A part-time employee is eligible to participate in the FEGLI Program. Participation is voluntary and eligible part-time employees are automatically covered under the basic insurance option unless they waive the insurance coverage. The part-time employee's basic insurance amount is the greater of their annual rate of basic pay rounded up to the next \$1,000 plus \$2,000, or a flat \$10,000. Basic life insurance coverage is

effective from the first day the employee is in an official duty status. Employees may elect additional optional insurance within 60 days from their appointment date. All new employees must complete a [Standard Form \(SF\) 2817](#), Life Insurance Election, or its electronic equivalent, to cancel basic insurance or to elect additional optional insurance. If a part-time employee becomes a full-time employee in the middle of a pay period, the amount withheld for basic life insurance is based on the amount of insurance last in force for the employee during the pay period (that is, the full-time rate). See the [FEGLI Program Handbook](#).

b. Nonpay Status. FEGLI coverage continues for up to 12 months when an employee enters nonpay status. FEGLI ends at the end of the 12 months with a 31-day extension of coverage and a right to convert to an individual policy. If the employee is in nonpay status for part of the pay period, withholding for premiums and the government contribution is still required. The employee is not required to pay premiums while on LWOP unless they are receiving benefits from the Department of Labor (DOL), Office of Workers' Compensation Program (OWCP). See the FEGLI Program Handbook for special nonpay situations during which the employee must continue to make premium payments.

c. Part-Time Annual Rate of Basic Pay. For life insurance purposes, the annual pay for a part-time employee is the annual rate of basic pay applicable to his or her tour of duty in a 52-week work year. For example, an employee whose pay is \$56,282 per annum, employed half-time, would have an annual pay for insurance purposes of \$28,141.

d. Concurrent Part-Time Employment. An employee may be employed on a part-time basis in more than one Federal agency and eligible for FEGLI coverage in one or both of the positions. However, an employee may not maintain more than one FEGLI election even if he or she is serving in more than one position. See the FEGLI Program Handbook (under Concurrent Employment) for exceptions including guidance concerning part-time employees in nonpay status at one of the agency positions. The amount of insurance is based on the sum of annual pay for all positions including annual pay for a position excluded from life insurance coverage. The agency must take the following steps to ensure that the correct premiums are applied:

(1) The agency that pays the greater of the two salaries withholds and pays the government contribution;

(2) The agency must contact the other employing office, confirm the salaries paid, and assume responsibility for withholding all of the required premiums from the salary; and

(3) The agency that pays the greater salary to the individual must also provide the government contribution for basic insurance based on the aggregate amount of basic coverage the employee has from all covered positions. This eliminates the need for the other employing office to make partial withholdings and government contributions.

B. Pay. Gross basic pay is computed by multiplying the employee's hourly rate of pay by the total number of hours worked and the hours of paid leave during the pay period.

1. Overtime Pay. Under [5 U.S.C. § 5542](#), overtime pay for eligible part-time employees is authorized only for work over 8 hours a day or 40 hours in a week.

2. Compensatory Time Off. Under [5 U.S.C. § 5543](#), part-time employees may elect to take compensatory time off in lieu of overtime pay. Under [5 U.S.C. § 5550\(a\)](#), part-time employees may elect to perform compensatory overtime work to replace time taken off for religious observances (see Chapter 5).

3. Sunday Premium Pay. Under [5 U.S.C. §§ 5544\(a\)](#) and [5546\(a\)](#), a part-time employee is entitled to pay at his or her rate of basic pay plus premium pay at a rate equal to 25 percent of his or her basic pay for each hour of Sunday work. Up to 8 hours of Sunday premium pay may be paid to a part-time employee who has Sunday as part of his or her non-overtime regularly scheduled tour of duty (i.e., Sunday through Thursday basic workweek). An employee with a tour of duty of Monday through Friday who works either regularly scheduled overtime or irregular or occasional overtime work on a Sunday is entitled to overtime pay and is not entitled to Sunday premium pay. An employee must perform actual work to receive Sunday premium pay. Employees who do not work during their Sunday tour of duty because they are on paid leave or excused absence, using compensatory time off or credit hours, or because Sunday is a holiday, are not entitled to Sunday premium pay. See the OPM Memorandum for [Administrative Claims for Sunday Premium Pay](#). Additional information pertaining to Sunday premium pay is located in Chapter 3.

4. Night Differential Pay. Under [5 U.S.C. § 5545](#), GS part-time employees are entitled to night pay for work performed between 6:00 p.m. and 6:00 a.m. as part of their regularly scheduled administrative workweek. See Chapter 3.

5. Night Shift Differential Pay. Under [5 U.S.C. § 5343\(f\)](#), Federal Wage System (FWS) part-time employees who work a regular scheduled shift of 8 hours or less are entitled to night shift differential. A majority of the hours worked, however, must be on the second or third shift. For information on pay for the second and third shifts, see Chapter 3.

6. Holiday Premium Pay. Under [5 U.S.C. § 5546](#), a part-time employee who works on a holiday that falls during his or her regularly scheduled hours is entitled to holiday premium pay only for those scheduled hours. However, part-time employees who are excused from work on a holiday may only receive their rate of basic pay for the hours they are regularly scheduled to work on that day. Additionally, part-time employees do not receive holiday premium pay for working on an in lieu of holiday that is scheduled for full-time employees. Part-time employees are not entitled to an in lieu of holiday and, therefore, they are not entitled to holiday premium pay for work performed on that day.

*100303. Intermittent Employment

A. General. The term intermittent relates to an employee's work schedule and not the appointment type. Intermittent employees can be either permanent or temporary employees. Intermittent employees work sporadically and have no fixed or guaranteed schedules. This is other than full-time employment in which employees serve under an excepted or competitive service appointment without a regularly scheduled tour of duty. See [5 CFR 340.403](#). An intermittent work schedule is appropriate for a position involving work that is sporadic and unpredictable such that a regular tour of duty cannot be scheduled in advance.

1. Pay. Intermittent employees are paid only for hours of work performed while in a duty status. The gross basic pay is computed by multiplying the employee's hourly rate of pay by the total of the hours worked during the pay period. Because employees working on an intermittent basis do not maintain a regularly scheduled workweek as defined in [5 CFR 610.102](#), intermittent employees are not eligible for pay for holiday work, night pay or night shift differential, or Sunday premium pay. See [5 CFR 532.509](#), [550.121](#), and [550.103](#). Intermittent employees are entitled to overtime when appropriate. Intermittent employees receive their normal salary for working holidays, Sundays, or during a night shift. An exception exists for an FWS intermittent employee assigned to a regularly scheduled shift of fewer than 8 hours. The FWS employee in this situation is entitled to night shift differential pay if a majority of the hours are worked during the period when night shift differential is payable. See the OPM Appropriated Fund Operating Manual for FWS Employees, [subchapter S8-4](#). A GS intermittent employee is not eligible for night pay differential unless temporarily assigned to a regular tour of duty with night work.

2. Leave. Intermittent employees do not earn annual or sick leave.

3. Sick Leave Recredit Upon Transfer. When a full or part-time employee transfers to an intermittent job to which he or she cannot transfer previously earned sick leave, the sick leave must be held in abeyance until the employee returns to the original leave system under which the leave was earned. The sick leave is recredited if the employee returns to the original leave system on or after December 2, 1994, without regard to the original date of transfer. See [5 CFR 630.502](#).

4. Lump-Sum Annual Leave Payment. When a full-time or part-time employee is changed to an intermittent employee, any unused annual leave is paid as lump-sum. A lump-sum payment is not required when the employee is part of a continuing program under which employees are required to return to full-time or part-time employment after a period of intermittent employment (e.g., student trainee). See [5 CFR 550.1203](#).

B. Deductions

1. Retirement. Intermittent employees are not eligible for retirement coverage except when the intermittent employment follows employment in a covered position, and there has not been a break in service of more than 3 days. Intermittent employees are subject to Social Security and Medicare deductions. See [5 CFR 831.201](#).

* 2. FEHB. Intermittent employees who are expected to work 130 hours or more per month for at least 90 days are eligible to enroll in an FEHB plan. These eligible employees will receive the same government contribution as full-time permanent employees. See [5 CFR 890.102\(c\)\(6\)](#) and [Benefits Administration Letter \(BAL\) 14-210](#).

3. FEGLI. Intermittent employees are excluded from FEGLI coverage by regulation, except when intermittent employment follows, with a break in service of no more than 3 days, a position in which the employee was eligible to be insured and to which the employee is expected to return. The agency makes this determination, not OPM. See the FEGLI Program Handbook. For insurance purposes, the annual pay for intermittent employees is the annual rate that they were receiving at the end of the pay period or, in the event of death or dismemberment, the annual rate they were receiving at the time of the death or accident. For example, if an intermittent employee is paid \$17.84 per hour, his or her rate of pay fixed by law is \$37,232 (\$17.84 per hour x 2,087 hours per year = \$37,232/year). If this employee works only 2 days or 16 hours during a particular pay period, the annual rate of pay for insurance purposes is based on actual time worked during that pay period. In this example, \$7,421 is the annual rate of pay for insurance purposes (\$17.84 per hour x 16 hours during the pay period x 26 pay periods per annum = \$7,421/year). However, insured employees whose annual pay is \$8,000 or less are covered for the minimum \$10,000 of basic insurance. See the FEGLI Program Handbook.

*100304. Seasonal Employment

The term “seasonal” relates to an employee’s work schedule and not the appointment type. Seasonal employment was established to allow agencies to recruit and train employees for duty that occurs on a predictable yearly basis and is expected to last less than 12 months each year. See [5 CFR 340.402](#). As with other career employees, seasonal employees are entitled to receive full benefits. At the end of the season, the employee is placed into a non-duty/nonpay status and will be recalled at the onset of the next season in accordance with a pre-established agreement between the agency and the employee. Because there is no difference in on-call employment and seasonal employment, OPM has eliminated the use of the term “on-call employment.”

A. Pay. Gross basic pay is computed by multiplying the employee’s hourly rate of pay by the total of the hours worked and the hours of paid leave during the pay period.

B. Leave. Employees in a seasonal position earn leave during the time in pay status and during the first 80 hours in nonpay status each year. A seasonal employee earns leave on the same basis as any other employee eligible to earn leave. See [5 CFR 630.208](#) for information on leave during nonpay status.

C. Deductions

1. Regularly scheduled seasonal employees under career or career-conditional appointments and who are expected to work at least 6 months per year are subject to FEGLI and retirement deductions. These deductions are made on the same basis as those of full-time employees.

* 2. Employees in a seasonal position who are expected to work 130 hours or more per month for at least 90 days are eligible to enroll in an FEHB plan. These eligible employees will receive the same government contribution as full-time permanent employees. See [5 CFR 890.102](#) and BAL 14-210.

100305. Piecework Employees

When Executive Agency employees are hired on a piecework basis, the employee's earnings are determined based on the amount of work produced. The general authority for entitlement of pay, scheduling of work, and excusing absences for piecework employees are granted under [5 U.S.C. § 6104](#) and [5 CFR 610.301-306](#). Employees working limited appointments of 1 year or less and being paid piecework rates are excluded from retirement coverage unless they are covered by an exception. See [5 CFR 831.201\(a\)\(5\)](#). To determine rates payable for piecework, see [5 CFR 532.241](#).

A. FEGLI. For life insurance purposes, the annual pay for a piecework employee is the total basic earnings for the previous calendar (52-week) year, not counting premium pay for overtime or holidays. See [5 CFR 870.204\(d\)](#).

B. FEHB. Piecework employees are excluded from FEHB coverage except for those with a work schedule that provides for full-time or part-time service with a regularly scheduled tour of duty. See [5 CFR 890.102\(c\)\(6\)](#).

1004 REEMPLOYED ANNUITANTS

*100401. General

A retired federal employee may be rehired in federal service as a reemployed annuitant. The retired employee's annuity may continue to be paid upon reemployment, or may be terminated or suspended. Reemployment may result in an increase in the employee's retirement and death benefits. Special provisions apply to annuitants reemployed by DoD on or after November 25, 2003, and to former [Members of Congress](#).

A. Employees Retired From Competitive Service

1. Regulations Governing Reemployment. Instructions governing the reemployment of employees retired from the regular competitive service under the Civilian Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) are contained in [5 U.S.C. §§ 8344, 8468, 9002, 5 CFR 837](#), and the CSRS/FERS Handbook for Personnel and Payroll Offices, [Chapter 100](#), Reemployed Annuitants. See subparagraph 100401.B for annuitants reemployed by DoD on or after November 25, 2003.

2. Treatment of Annuity Upon Reemployment. As a general rule, if a CSRS or FERS annuitant is reemployed, the annuity continues to be paid, but the annuity payment is offset from the reemployed annuitant's salary. Certain exceptions apply which may result in the CSRS or FERS annuity being terminated or suspended upon reemployment. The Director of OPM

may waive the reemployment provisions for CSRS or FERS annuitants on a case-by-case basis for a position where there is exceptional difficulty in recruiting or retaining a qualified employee.

a. Termination of a Disability Annuity. A CSRS or FERS disability annuitant may be reemployed in a temporary or permanent position and given the same type of appointment that would be given to any other person appointed to the position. Reemployment may cause the disability annuity to terminate if OPM determines the annuitant has recovered or been restored to earning capacity prior to reemployment. Additionally, reemployment may terminate the annuity of a CSRS or FERS disability annuitant who was medically disqualified for continued membership in the National Guard.

b. Termination of an Annuity Based on Involuntarily Separation. When involuntary separation such as for reduction-in-force and lack of funds is the basis for a CSRS annuitant's retirement, and the new appointment is subject to retirement coverage, the annuity payment is terminated upon reemployment and retirement deductions must be taken from the salary.

c. Termination Upon Presidential Appointment or Election to Congress. When a CSRS annuitant receives a Presidential appointment subject to retirement deductions, or is elected as a member of Congress, payment of the annuity terminates upon reemployment.

d. Suspension Upon Judicial Appointment. When a CSRS or FERS annuitant is appointed as a justice or a judge of the United States, payment of the annuity is suspended.

e. Suspension Upon Interim Appointment by Merit System Protection Board (MSPB). When a CSRS or FERS annuitant receives an interim appointment under [5 U.S.C. § 7702](#) by the MSPB, payment of the annuity is suspended.

3. Reemployment of Law Enforcement Officers (LEOs), Firefighters, and Air Traffic Controllers (ATCs). A retired LEO or firefighter mandatorily separated is generally barred from reemployment in a primary position involving law enforcement or firefighting duties after reaching age 57. However, he or she is not barred from reemployment in a secondary position or any other position. Similarly, a retired ATC is generally barred from reemployment in the same position after reaching age 56. He or she is not barred from reemployment in any other position not covered by the special retirement provisions for ATCs. The agency must withhold the required deductions from the reemployed annuitant's pay (.5 percent higher than the regular deduction rate). See [5 U.S.C. §§ 8335](#) and [8425](#).

4. Supplemental Annuity or Redetermined Annuity. A reemployed annuitant may earn future benefits either in the form of a supplemental annuity or a redetermined annuity.

a. Supplemental Annuity. A supplemental annuity is an annuity added to the reemployed annuitant's present annuity. An employee who works as a reemployed annuitant on a full-time basis for at least 1 year, or on a part-time basis for a proportionately longer period, may be entitled to a supplemental annuity. For a reemployed annuitant who qualifies for a supplemental annuity, the [SF 2806](#), Individual Retirement Record CSRS, or [SF 3100](#), Individual Retirement Record FERS, typically prepared for a new employee, is prepared at the time of separation rather than at the time of appointment.

* b. Redetermined Annuity. A redetermined annuity is a recomputed annuity that takes the place of the employee's present annuity. A redetermined annuity is computed using all of the reemployed annuitant's creditable service. A reemployed annuitant who completes at least five years of actual continuous full-time service and/or part-time service that is equivalent may elect to have their annuity computed as a redetermined annuity under the law in effect at the time of separation from reemployment, in lieu of a supplemental annuity.

c. Exception. The special retirement provisions for LEOs, firefighters, and ATCs do not apply to service from reemployment. Therefore, any service credit from reemployment that is used to calculate a supplemental or redetermined annuity is treated as regular service, even if the employee is reemployed in an approved LEO, firefighter, or ATC position.

B. Annuitants Reemployed by DoD on or After November 25, 2003. The Secretary of Defense was granted the authority to reemploy annuitants without a reduction in pay or of the annuity (see 5 U.S.C. § 9902). Instructions governing annuitants who are reappointed by DoD on or after November 25, 2003, are found in the [DoDI 1400.25, V300](#), Employment of Federal Civilian Annuitants in the DoD. Generally, annuitants hired by DoD prior to November 25, 2003, are subject to salary offset unless an exception is approved by OPM or DoD. However, reemployed annuitants hired by DoD after November 25, 2003, may continue to receive their full annuity and salary upon appointment and will not have their salary offset by their annuity or further retirement deductions. An exception applies for certain discontinued service retirement (DSR) annuitants who are receiving annuities based on involuntary separation for reasons other than for cause based on misconduct or delinquency. A DSR annuitant hired by DoD after November 25, 2003, may elect retirement contributions and earn further retirement credit in lieu of receiving their full salary plus annuity. See CSRS/FERS Handbook [Chapter 44](#).

C. Former Members of Congress

1. Suspension of Annuity Upon Reemployment. The CSRS annuity of a retired Member of Congress is generally suspended when the annuitant becomes reemployed or accepts an appointment. See 5 U.S.C. § 8344(d). Contact OPM Retirement and Insurance Programs, Annuitant Services Division, Washington, DC 20415 for further guidance regarding reemployment of Members.

2. Supplemental or Redetermined Annuities. Members of Congress are not covered under the provisions for supplemental or redetermined annuities. The agency

retirement counselor should contact OPM concerning the benefits for reemployed former Members.

100402. Prorating Annuities for Appropriate Reductions of Wage and GS Salaries

A. General. Upon reemployment, HRO provides the [SF 50](#), Notification of Personnel Action, data to the servicing PRO as to the amount of annuity paid to a reemployed annuitant.

B. Employees Retired From the Competitive Service. A reemployed annuitant, who retains his or her annuity, must have their salary reduced by a sum equal to the retirement annuity allocable to the period of actual employment. The appropriate reduction and adjusted salary must be determined as follows:

1. An annuitant reemployed on an annual pay basis must have his or her per annum salary reduced by the amount of the annual annuity. The remainder of the salary is computed in amounts payable on a biweekly pay period basis. Payment for overtime worked is based on an annuitant's full rate of basic pay before any reduction by the amount of their annuity.

2. An annuitant reemployed on an hourly pay basis must have his or her daily or hourly rate of pay converted to the per annum equivalent. The per annum rate is reduced by the total amount of the annuity being received by the employee. The remainder converts to a per diem or per hour rate, as appropriate.

3. The reimbursement to OPM is adjusted following increases in an annuity as provided in the CSRS and FERS Handbook and any OPM instructions issued with periodic cost-of-living adjustments.

C. Former Members of Congress. A former Member of Congress who is employed in an appointive position on an intermittent service basis, and who retains his or her annuity, must have his or her salary reduced by a sum equal to the retirement annuity allocable to the period of actual employment. The amount of annuity allocable to each pay period must be processed as a payroll deduction rather than as a reduction in pay period earnings, as is the case with reemployed competitive service annuitants. Therefore, annuities withheld must not reduce earnings for tax and other purposes. Annuities withheld in the case of former Members of Congress must be remitted to OPM.

*100403. Processing

Retirement deductions are optional for CSRS reemployed annuitants, and there is no requirement for a matching government contribution. [See the CSRS and FERS Handbook, Chapter 100](#). Retirement deductions are required for FERS reemployed annuitants, as are government contributions. These deductions are computed on the reemployed annuitant's basic pay before any offset due to receipt of an annuity. Deductions for Medicare (CSRS employees) or Social Security/Medicare (FERS employees) are computed on the amount remaining after subtracting the annuity offset, in accordance with Social Security Administration guidance.

Federal, state, and local taxes are computed on the amount remaining after subtracting the annuity offset. A reemployed annuitant may not be credited with sick leave that was reported to OPM for use in the calculation of the employee's annuity. Sick leave used in the annuity computation is charged against an employee's sick leave account and is considered used. The sick leave may not thereafter be used, transferred, or recredited. See [5 CFR 630.407](#).

100404. Computation of Lump-Sum Leave Pay

Under the provisions of 5 U.S.C. § 8344, the lump-sum payment for unused annual leave payable to a reemployed annuitant upon separation will be computed on the basis of the employee's wage or salary rate fixed for his or her position or occupation without reduction for the amount of annuity received by the employee. This includes reemployed annuitants who are retired from the competitive service or who are former Members of Congress.

1005 DECEASED EMPLOYEES

100501. General

Procedures governing the settlement of accounts of deceased civilian employees are set in [5 U.S.C. §§ 5581-5583](#) and [5 CFR 178.201-208](#). An employee may designate a beneficiary or beneficiaries to receive his or her unpaid compensation using an [SF 1152](#), Designation of Beneficiary Unpaid Compensation of Deceased Civilian Employee. If no beneficiary has been designated by the employee, payment is made pursuant to the order of precedence set out in 5 U.S.C. § 5582(b). Deceased civilian employees also include former employees who die after separation from the employing installation, but prior to receiving final pay and allowances. The procedures do not apply to the settlement of accounts for deceased Members of Congress or to the employees of certain federal banks. For death gratuity payments, refer to paragraph 100509.

100502. Unpaid Compensation

The settlement of a deceased employee's account includes payment of any unpaid compensation due the employee in the form of pay, allowances, or other amounts due at the time of death including, but not limited to:

- A. Current salary (including any retroactive salary), including cost-of-living allowances, overtime and premium pay;
- B. Unclaimed or unnegotiated checks;
- C. Cash awards;
- D. Foreign and non-foreign area differentials and allowances;
- E. Lump-sum annual leave payment;
- F. Travel reimbursement; or

G. Severance pay.

*100503. Payment of Unpaid Compensation Due a Deceased Employee

When the HRO is notified of the death of an employee they forward a copy of the employee's SF 1152 (if available) and all [SF 1153s](#), Claim for Compensation of Deceased Civilian Employee, submitted by the claimants to the servicing PRO. Claimants must provide supporting documentation as requested by the [servicing](#) PRO. Upon notice of the death of a civilian employee, an [SF 1154](#), Public Voucher for Unpaid Compensation Due a Deceased Civilian Employee, is prepared to permit prompt payment of the amounts due. If undisputed, the unpaid compensation due a deceased employee may be paid directly by the agency to the designated beneficiary/beneficiaries or, if none, to the person or persons eligible for payment under the order of precedence set out in 5 U.S.C. § 5582 and 5 CFR 178.204. Disputed claims for unpaid compensation due to a deceased employee are submitted to the OPM [Merit System Accountability and Compliance \(MSAC\)](#) for settlement.

* A. [Undisputed Claims for Unpaid Compensation](#). As soon as practicable after the death of an employee, the agency in which the employee was last employed will request the appropriate person or persons execute an SF 1153. See 5 CFR 178.205(a). Direct payment is permitted to the claimant(s) who is legally entitled to an employee's unpaid compensation. When paying more than one beneficiary, percentages are applied due each beneficiary as specified by the deceased employee on the SF 1152. If the SF 1152 does not specify percentages, the total amount of unpaid compensation should be divided equally among the eligible claimants. The SF 1152 must be signed by the employee and filed with the employee's employing activity prior to his or her death. [A properly executed and filed SF 1152 will be effective so long as employment with the agency continues. If the employee resigns and is reemployed or transferred to another agency, the employee must execute another SF 1152 with the employee's new employing agency, in accordance with 5 C.F.R. 178.203\(e\). However, if the employee's agency or site, function, records, equipment, and personnel are absorbed by another agency, then the employee's designation form may continue, and a new designation form is not required.](#) Money due an employee at the time death is paid to the person or persons surviving at the date of death, in the following order of precedence, and the payment bars recovery by another person of amounts so paid:

1. First, to the beneficiary or beneficiaries designated by the employee in writing (SF 1152) received in the employing agency before his or her death;
2. Second, if there is no designated beneficiary, to surviving spouse of the employee;
3. Third, if none of the above, to the child or children of the employee, and descendants of deceased children by representation;
4. Fourth, if none of the above, to the parents or surviving parent of the employee;

5. Fifth, if none of the above, to the duly appointed legal representative of the estate of the employee; and

6. Sixth, if none of the above, to the person or persons entitled under the laws of the domicile of the employee at the time of his or her death.

* B. Other Claim Considerations.

1. Claims by a Child(ren) of Deceased Employee. For purposes of claims of unpaid compensation under 5 U.S.C. § 5582(b), a “child” of a deceased employee includes a natural or legally adopted child of the employee. If another person adopts the employee’s natural child, the child is a beneficiary of the employee only in those states where an adopted child may still inherit from a natural parent. A stepchild is not an eligible beneficiary unless adopted by the employee or unless the stepchild is permitted to inherit pursuant to the intestacy laws of the employee’s domicile at death.

2. Additional Evidence Required. Where payment is to be made to the duly appointed legal representative of the estate of the employee or a person entitled under the law of the domicile of the deceased individual, the servicing PRO may require the claimant(s) to submit evidence of entitlement under state law. This includes, but is not limited to: funeral expense receipts, small estate affidavit, trust documents, court orders granting summary administration, letters of administration, and where necessary, the deceased person’s will.

3. Felonious Intent. If the beneficiary’s actions caused the death of the employee, the employee’s unpaid compensation will not be paid to that person unless evidence is received and determined by the servicing PRO to clearly absolve the beneficiary of any felonious intent.

4. Death of Beneficiary Prior to Final Settlement. If the beneficiary survives the employee but dies before receiving final settlement, upon presentation of a SF 1153 claim form, the unpaid compensation may be paid to the beneficiary’s estate or heirs at law.

* C. Disputed Claims. Disputed claims include those claims where doubt exists as to the amount or validity of the claim or as to the person properly entitled to payment. Disputed claims may also include unnegotiated or undelivered checks for money due to the decedent. Disputed claims are submitted to the MSAC in accordance with 5 CFR 178.102 and 178.207 either by the claimant or by the agency on the claimant’s behalf. After the MSAC settles the dispute and certifies the SF 1154, the claim will be paid.

100504. Computation of and Deductions From Final Pay

The employee’s pay earned and applicable deductions are computed through the date of death.

A. Retirement. If the employee was covered by a retirement system, the retirement contributions are deducted from the unpaid salary earned through the date of death.

B. Social Security and Medicare Portions of the Federal Insurance Contributions Act (FICA) Tax. If the employee was subject to Social Security/Medicare, deduct for Social Security/Medicare tax from unpaid salary paid in the same calendar year as the employee's death. See [Internal Revenue Service \(IRS\) Circular E](#). Gross wages paid in the calendar year through the date of death, subject to the statutory limitation, are subject to Social Security/Medicare. Social Security/Medicare taxes must be withheld from wages paid to a beneficiary or to the estate of the deceased employee in the same calendar year that the employee died. If the payment is made after the calendar year of employee's death, wages are exempt from Social Security/Medicare taxes.

C. Federal Income Tax. A deceased employee's unpaid wages are not subject to federal income tax withholding in either the calendar year in which the employee died or afterward. Federal income tax withholding is not deducted from unpaid salary earned by an employee through the date of death. See IRS Circular E.

D. State Tax. State, territory, or District of Columbia income tax is not deducted from the unpaid salary and lump-sum leave earned by an employee through the date of death.

E. Local Tax. Local taxes are not deducted from the unpaid salary and lump-sum leave earned by an employee through the date of death.

F. FEHB. If a survivor is eligible to continue enrollment, withholding for premiums are made using the daily proration rule according to Chapter 11. If there is no eligible survivor, or the employee self-only enrollment, a full premium deduction is withheld for the pay period during which the employee died.

G. FEGLI. If the employee was subject to FEGLI, premiums for the periods for which pay is due, must be withheld, including the pay period during which death occurred.

H. Thrift Savings Plan (TSP). Deductions for TSP contributions and any TSP loans outstanding must be withheld.

I. Allotments. Allotment deductions for the pay period in which death occurred are not withheld.

J. Other Deductions. Any other required deductions must be taken, such as for any indebtedness owed by the employee.

100505. Lump-sum Payment for Accrued Leave

The PRO does not deduct retirement, federal, state, or local income tax, health benefits, or life insurance from the lump-sum payment.

100506. Tax Reporting

A. Decedent *IRS Form W-2, Wage and Tax Statement*. Gross amounts of final pay for the pay period of death plus any lump-sum annual leave payments must be reported as Social Security wages (box 3) and Medicare wages (box 5) only if these amounts are paid to the estate or beneficiary in the same year that the death of the employee occurs. The Social Security and Medicare taxes withheld are reported in boxes 4 and 6. These amounts are not included as wages, tips, or other compensation in box 1. Payments made after the year of death on a W-2 and will not withhold Social Security and Medicare taxes.

B. Miscellaneous Income. The PRO will take the following actions:

1. Prepare an *IRS Form 1099-MISC*, Miscellaneous Income, for amounts payable to the decedent's estate or to beneficiary(s) whether the PRO makes the payment in the year of death or after the year of death;

2. Report the payment in box 3, "Other income";

3. Include the gross amounts of final pay for the pay period of death, lump-sum annual leave, and other moneys such as travel reimbursements; and

4. Enter the name and Social Security Number (SSN) of the individual if the recipient of the payment is an individual beneficiary. Enter the name and federal tax identification number for the estate if the recipient of the payment is the Employee's estate.

100507. Transfer of Funds

The unpaid compensation is placed in the deposit fund account pending receipt of a claim for the compensation. If after one year, a claim has not been paid out from the deposit fund account, the funds should be transferred according to the Treasury guidelines. Subsequent payment of claims from this account is made by preparing an SF 1154. See Department of Treasury Financial Manual, *Chapter 3000*.

100508. Life Insurance Status for Employee Death Cases Within the Department

When an employee dies, the *SF 2821*, Agency Certification of Insurance Status, is processed according to the guidance in the FEGLI Program Handbook.

*100509. Death Gratuity Payments for Federal Employees

A. \$10,000 Death Gratuity. *Public Law (PL) 104-208* (codified at *5 U.S.C. § 8133*) authorizes agencies to pay a death gratuity payment not to exceed \$10,000 to the personal representative of any federal employee who dies from an injury sustained in the performance of duty on or after August 2, 1990. The gratuity is also payable if the employee died after separating from service and the death was a direct result of injuries received in the line of

duty on or after August 2, 1990. The following information should be considered when making the \$10,000 death gratuity payment:

* 1. The gratuity payment, when combined with certain other payments, may not exceed \$10,000. Other payments include the \$200 payable under 5 U.S.C. § 8133(f) for reimbursement of the cost of termination of the decedent's status as an employee of the United States and up to \$800 payable under [5 U.S.C. § 8134\(a\)](#) for funeral and burial expenses. Pursuant to DCPAS guidance [Death in Service](#), the death gratuity is payable only if the death claim is approved by OWCP.

2. The gratuity payment is not considered wages for the purpose of Social Security, Medicare, or federal, state, or local tax withholding. An [IRS Form 1099-R](#), Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc., must be prepared by the Defense Finance and Accounting Service (DFAS) and forwarded to the personal representative.

B. Death Gratuity Under 5 U.S.C. § 9904. Under the provisions of [5 U.S.C. § 9904](#), DoD civilian employees who are assigned to certain activities outside the United States determined to be hazardous to life or health or that involve specialized security requirements may be eligible for benefits comparable to those provided under [22 U.S.C. § 3973](#) by the Secretary of State to members of the Foreign Services. Pursuant to 22 U.S.C. § 3973, a death gratuity is paid when an employee dies as a result of injuries received in the performance of duties. The amount of the gratuity is equal to Level II of the Executive Schedule under [5 U.S.C. § 5313](#), at the time of an employee's death. This gratuity payment must be made as follows, regardless of other beneficiaries designated to receive any other benefits:

1. First, to the widow or widower, as defined under [5 U.S.C. § 8101\(6\) and \(11\)](#);

2. Second, to the child, or children as defined under 5 U.S.C. § 8101(9), in equal shares, if there is no widow or widower; or

3. Third, to the dependent parent, or dependent parents, as defined under 5 U.S.C. § 8101(7), in equal shares, if there is no widow, widower, or child. If there are no survivors as indicated in subparagraph 100509.B, the death gratuity must not be paid. For additional information, see DoD DCPAS [Memorandum, December 27, 2011](#), Continuation of Certain Benefits, Allowances and Gratuities.

C. Death Gratuity for Service With Armed Forces in a Contingency Operation. [Title 5, U.S.C. § 8102\(a\)](#) provides a death gratuity of up to \$100,000 to the survivors of a federal employee who dies from injuries received in connection with services performed with an Armed Force in a contingency operation. The gratuity is reduced by the amount of any death gratuity payments that have been paid under any other law of the United States based on the same death. See [20 CFR 10.916](#). OWCP is responsible for administering and adjudicating all claims under this authority. For additional information, see 20 CFR 10, [Subpart J](#). See also [DOL Death Gratuity Page](#).

1006 EXPERTS AND CONSULTANTS

*100601. General

An agency may make excepted service appointments to hire experts and consultants. Agencies may appoint experts and consultants on a temporary basis (i.e., not to exceed 1 year) or an intermittent basis (i.e., without a regularly scheduled tour of duty) under [5 U.S.C. § 3109](#) and [5 CFR 304](#). Experts and consultants are paid based on the SF 50 data received from the HRO. Experts and consultants appointed under 5 U.S.C. § 3109 are considered to be federal civil service employees under 5 U.S.C. § 2105. See 5 CFR 304.101. Unless expressly provided otherwise, they are covered by laws applicable to federal employees, including pay and leave requirements.

100602. Setting Pay on Initial Appointment

Determining the appropriate rate of basic pay for experts and consultants, including a decision to pay no salary, is made on an individual case basis. The rate of basic pay may be an hourly or daily rate. Normally, pay is set equal to a GS rate in grades GS-13 through GS-15. Unless specifically authorized by an appropriation or other statute, the highest payable rate is the daily rate for GS-15, step 10, or if paid on a biweekly basis, the biweekly rate for GS-15, step 10 (both excluding locality pay or any other additional pay). See 5 CFR 304.105 for daily and biweekly basic pay limitations.

100603. Overtime and Premium Pay

A. Overtime. Experts and consultants paid on a daily rate basis are not normally entitled to overtime pay under 5 U.S.C. § 5542, regardless of the number of hours worked. Nevertheless, the designation of a regular tour of duty in the appointment documents does not necessarily preclude receipt of compensation at the agreed daily rate for work performed outside of that tour of duty. For example, if such an employee works 6 days a week, the 6th day is paid at the straight time rate rather than the overtime rate. Experts and consultants employed on a daily basis may be paid the rate of basic compensation for work on days outside the prescribed tour of duty, provided the compensation within any biweekly pay period does not exceed the rate of basic pay for Level V of the Executive Schedule. Experts and consultants who are nonexempt under the Fair Labor Standards Act (FLSA) may be entitled to overtime pay. Overtime must be authorized and approved in advance by an appropriate official.

B. Holiday Pay. Experts and consultants with a regularly scheduled tour of duty (i.e., not intermittent) are entitled to pay for any holiday occurring on a workday on which they perform no work, provided that workday is part of the basic workweek. Those employed on an intermittent basis do not earn leave and are not entitled to paid holidays. See 5 CFR 304.106.

100604. Salary Increases

Experts and consultants are not automatically entitled to an equivalent pay increase when the GS is adjusted under [5 U.S.C. § 5303](#) unless noted in an appointment document. However,

agencies may adjust expert or consultant pay on an ad hoc basis, subject to the limitations of 5 CFR 304.105, with an SF 50 action.

100605. Exception From Dual Pay Restriction

Generally, an individual is prohibited by statute from receiving basic pay from more than one position for more than an aggregate of 40 hours of work in 1-calendar week. An exception to this restriction is provided for an individual who earns pay for service on an intermittent basis from more than one consultant or expert position, provided the pay is not received for the same hours of the same day. See [5 U.S.C. § 5533\(d\)\(1\)](#).

100606. Annual and Sick Leave

A. An expert, consultant, or other employee who serves on an intermittent or other basis without a prearranged regular tour of duty does not earn annual and sick leave. See [5 U.S.C. § 6301\(2\)\(B\)\(ii\)](#).

B. An expert or consultant who serves on a regularly prescribed tour of duty, full-time or part-time, earns annual and sick leave. HRO must determine the regular tour of duty in advance and annotate the appointment document specifically to show whether the employee earns leave. The accrual rate is the same as for other full-time and part-time federal employees as discussed in [5 CFR 630](#). See 5 CFR 304.106.

100607. Retirement

Experts and consultants are appointed on a temporary or an intermittent basis and therefore, they are not covered under the federal retirement systems. See 5 CFR 831.201 and [842.105](#). However, coverage is continued for an employee who is currently covered by a federal retirement system and who is later appointed as an intermittent or temporary (full-time or part-time) expert or consultant without a break in service or after a separation from the service of 3 days or less.

100608. FEGLI

Experts and consultants are ineligible for FEGLI due to their temporary or intermittent appointment status. However, coverage is continued if an employee currently covered by FEGLI is appointed as an intermittent or temporary appointment (full-time or part-time) expert or consultant without a break in service or after a separation from the service of 3 days or less. To continue life insurance coverage for an intermittent employee, there must be an expectation that the employee will return to the previous position on a full-time basis.

*100609. FEHB

Employees in an expert or consultant position who are expected to work 130 hours per month **or more** for at least 90 days will be eligible to enroll in an FEHB plan. These eligible employees will receive the same government contribution as full-time permanent employees. See 5 CFR 890.102 and BAL 14-210.

1007 LEGALLY INCOMPETENT EMPLOYEES

100701. General

An SF 50 action showing the employee's separation because of mental incompetence is initiated by the servicing HRO. The agency may also place the employee on an extended leave of absence by means of an SF 50 action. No payments will be made to the employee once the servicing PRO has been notified that the employee is declared legally incompetent. A claim must be filed on the employee's behalf before the pay account can be settled. No specific form is required to file a claim for amounts due mentally incompetent or former employees. The claim must be filed in writing over the signature of the person claiming on behalf of the legally incompetent employee. If the claim is from a claimant other than a guardian or committee, the servicing PRO's OGC should be consulted prior to making payment.

A. Guardian or Committee. The initial claim filed by the guardian or committee of the estate of a legally incompetent employee must be accompanied by a certificate of the court showing the appointment and qualification of the claimant as guardian or committee. After making the first payment, subsequent recurring payments may be made to the same payee without further claim as long as the appointment as guardian or committee remains in effect and the matter is otherwise free from doubt. Each subsequent payment voucher must include a citation to the voucher upon which the initial claim was paid.

B. Other Than Guardian or Committee. If a guardian or committee has not been appointed and will not be appointed, a sworn statement that includes the following information to support the initial claim:

1. The claimant's relationship to the legally incompetent employee, if any;
2. The name and address of the person having care and custody of the legally incompetent employee;
3. A remark that any amount paid to the claimant must be applied only to the use and benefit of the legally incompetent employee; and
4. A remark that no appointment of a guardian or committee is contemplated.

100702. Claim Action

Upon receipt of a claim, the proposed date of separation is considered to determine whether compensation is due currently or a payroll voucher for final settlement should be processed. To avoid invalid payments when the employee is on extended paid leave, the HRO monitors the case for any changes in the employee's condition and immediately advises the servicing PRO.

100703. Claims

Claims for unpaid amounts owed to legally incompetent employees may be paid once the claim and claimant's entitlement have been verified.

A. Any unclaimed, undelivered, or uncashed salary checks drawn in favor of the employee must be returned to the disbursing officer for cancellation and credited to the appropriation fund originally charged.

B. The net amount of any returned check must be posted to the appropriate pay record. Adjustment of the items originally deducted from the gross pay is not required if the proceeds of the check are due the employee. If the proceeds of the check are not due an [SF 1098](#), Schedule of Canceled or Undelivered Checks to cancel the check and must adjust entries for the deductions from gross pay.

C. The amount to be paid to the claimant must be computed and must include any further payments due to the employee for each pay period in the regular payroll cycle, such as payments due when the employee is carried on sick leave.

100704. Doubtful Claims

Doubtful claims are submitted to OPM for certification.

1008 MISSING PERSONS, CAPTURED OR INTERNED

100801. General

Civilian personnel who are determined officially to be missing are entitled to continued pay and allotments from their pay under the Missing Persons Act ([5 U.S.C. §§ 5561-5568](#)) and the Terrorism Compensation Act ([5 U.S.C. § 5569](#)). Missing status includes persons:

- A. Missing;
- B. Missing-in-action;
- C. Interned in a foreign country;
- D. Captured, beleaguered, or besieged by a hostile force; or
- E. Detained in a foreign country against the employee's will.

100802. Pay, Allotments, and Leave Accounts

An employee in a missing status is entitled to receive or have credited to his or her account, for the period while in that status, the same pay and allowances to which he or she was entitled at

the beginning of that period or may become entitled thereafter. The servicing PRO retains responsibility for the employee's pay, leave, and retirement records. See 5 U.S.C. § 5562.

A. Pay. The employee's pay account is maintained on a pay-period basis. Standard deductions are applied for retirement, FICA, federal and state income tax withholding, FEHB, and FEGLI in the totals for the regular payroll voucher. Upon receipt of an official determination that a civilian employee is in a missing status, any unclaimed or uncashed checks must be returned to the disbursing office.

B. Allotments. The initiation, continuance, discontinuance, increase, decrease, suspension, or resumption of an allotment from the pay and allowances of an employee in a missing status, is authorized when that action is in the interest of the employee, the dependents, or the United States. See 5 U.S.C. § 5563.

1. Allotments authorized by an employee before the missing status began normally continue for the period of absence.

2. The missing employee's dependents may receive an allotment of the employee's pay. Dependent payments cannot exceed the employee's net pay. The needs of the dependents, the number of dependents and their relationship to the employee, however, should be considered when determining the payment amount. If possible, reserve a reasonable amount each pay period to ensure that the employee will have funds available upon return.

3. The pay and allowances of a missing employee in a captive status may be allotted to an interest bearing savings fund established by the Secretary of the Treasury. See 5 U.S.C. § 5569. Captive status means a missing status, which, as determined by the President, arises, because of a hostile action and is a result of the individual's relationship with the government. All or any portion of the employee's pay and allowances may be allotted to the extent that such pay and allowances are not subject to an allotment under 5 U.S.C. § 5563 as outlined in subparagraph 100802.C.

C. Leave. A special leave account should be established to restore any annual leave forfeited by an employee while in a missing status. Notwithstanding any other provision of law, an employee in a missing status on or after January 1, 1965, is entitled to:

1. Payment for annual leave which accrued to his or her account on or after January 1, 1965, but which was forfeited under [5 U.S.C. § 6304](#) because he or she was unable to use that leave by virtue of the missing status; or

2. Have all of that leave restored and credited to a separate leave account in accordance with the provisions of 5 U.S.C. § 6304(d)(2).

100803. Termination of Absence

Employees should not be separated from federal service while they are entitled to pay and allowances under the Missing Persons Act (see 5 U.S.C. §§ 5561-5568).

A. If an employee returns from a missing status, future salaries are paid using normal payroll procedures.

B. If the employee returns from missing status, a statement of the special leave account balance must be furnished to his or her HRO. The employee must elect, in writing, to receive either a payment or credit for the leave. If the employee requests payment, the payment is made using the employee's rate of pay in effect at the time of the forfeiture of the leave.

C. If the HRO receives an official notice of the employee's death or presumed death, the servicing PRO will take action as outlined in section 1005.

D. If the employee returns from missing status, the agency must charge the pay adjustment or final settlement, including local allotment payments to dependents, to the employee's appropriated fund account.

1009 AUTHORITY FOR TEMPORARY ASSIGNMENTS

The authority for temporary assignments of employees between executive agencies and State, local, and Indian Tribal governments, institutions of higher education, and other eligible organizations is found in [5 U.S.C. §§ 3371-3376](#) and [5 CFR 334](#). An employee's pay and leave provisions will be included in the employee's written assignment agreement as required by 5 CFR 334.106.

1010 EMPLOYEES TRANSFERRED TO INTERNATIONAL ORGANIZATIONS

101001. General

An agency may detail or transfer an employee to any organization that the Department of State has designated as an International Organization (IO). See [5 U.S.C. §§ 3581-3584](#) and [5 CFR 352, Subpart C](#). A detail or transfer may not exceed 5 years; however, this may be extended 3 additional years upon the approval of the head of the agency. A detail or combination of details and transfers must not exceed 8 years in the aggregate throughout an employee's Federal career. See 5 CFR 352.306. An employee who transfers is entitled to be reemployed in his or her former position, or one of like status, within 30 days of his or her application for reemployment.

101002. Deductions

Under [5 U.S.C. § 3582](#), an employee who transfers to an IO may elect to keep coverage for retirement, FEGLI, and FEHB. The agency continues to make the agency contributions to the funds, and the employee's coverage continues as long as the employee's share of the payments remains current. At the time an employing Federal agency consents to the transfer of an employee, the agency must advise the employee in writing of the employee's right to continue retirement, health benefits, and group life insurance coverage, as applicable, for the duration of the assignment or transfer. The notice must explain the conditions for continued coverage and the employee's obligations and responsibilities with regard to continued coverage. The notice must also explain that, if the employee elects to retain coverage, the agency will continue to make the agency

contributions to the funds, and the employee's coverage will continue as long as employee payments are currently deposited in the respective funds. See 5 CFR 352.309(a).

A. Retirement and FEGLI. Contributions must be based on the salary that the employee would have received had he or she remained in the position from which he or she transferred. If these amounts are changed by law, regulation, or a change in basic pay while an employee is serving with an IO, the amounts will be recomputed and the IO will be notified (if applicable) of the effective date and new amount. For regulations on retirement and FEGLI, refer to 5 CFR 352.309

B. FEHB. Deductions are based on the cost of the plan of the employee's choice. If the enrollment cost changes while the employee is serving with an IO, the amount is recomputed based on notification from the HRO.

C. TSP. An employee who transfers to an IO is not eligible to participate in the TSP while employed by the IO even if he or she elects to retain Federal retirement coverage. However, upon reemployment, an employee who elected to retain Federal retirement coverage while employed by the IO and has made all deposits required for such coverage may make contributions to the TSP which he or she missed as a result of the service with an IO, and receive make-up agency contributions and lost earnings on the agency contributions, as provided under 5 CFR 352.311(e).

D. FICA. Effective January 1, 1995, [PL 103-296, Section 319](#), the Social Security Independence and Program Improvements Act of 1994, required that FERS and CSRS Offset employees who transfer to an IO continue their FICA coverage (including the Old-Age, Survivors, and Disability Insurance and Medicare taxes), if both of the following conditions are met:

1. The transferring employee must have been employed at a Federal agency and subject to FICA immediately prior to the transfer; and
2. The employee must retain Federal reemployment rights under 5 U.S.C. § 3582.

Note: FICA tax is required for these transferred employees even if they are not continuing CSRS Offset or FERS coverage during the transfer. While employed by an IO, an employee's FICA tax is based on the amount of pay the employee would have received had he or she remained at the transferring agency.

101003. Payments From Transferred Employees

The agency advises transferred employees to make payments for retirement, FEHB, and FEGLI promptly for each pay period. Payments are current if received within 3 months after the end of the pay period covered by the payment. See 5 CFR 352.309(d). If payments are not timely, coverage terminates on the last day of the pay period for which the required payment was timely, subject to a 31-day extension of FEGLI and FEHB as provided in Chapter 11.

101004. Accounting for Payments

A [DD 1131](#), Cash Collection Voucher, is used to deposit amounts received from either the individual or the employing organization into a deposit fund established for such purposes. An [SF 1080](#), Voucher for Transfers Between Appropriations and/or Funds, or [SF 1081](#), Voucher and Schedule of Withdrawals and Credits, is used to transfer the employer's contribution, if required, from the appropriation which would have been charged for the employee's pay to the proper deposit fund account. Total amounts (employee payments and government contributions) are included on the [SF 2812-A](#), Report of Withholdings and Contributions for Health Benefits by Enrollment Code, submissions to OPM through the Retirement and Insurance Transfer System (RITS). RITS calculates and tracks obligation due dates and payment timeliness.

101005. Leave Account

Employees who are transferred to an IO may elect to receive payment for accumulated annual leave or have it remain to their credit until they return to federal employment. Employees also may request payment at any time before reemployment. Upon reemployment, sick and annual leave will be recredited to the employee when applicable. If the employee is paid the balance of his or her leave and is reemployed within 6 months after transfer, he or she must refund to the agency the amount of the lump-sum payment. See 5 U.S.C. § 3582(a)(4) and Chapter 3.

101006. Pay Upon Reemployment

Agencies are required to provide an employee who is reemployed after transfer to an IO with the rate of basic pay to which the employee would have been entitled had the employee remained in the civil service. See [PL 105-277, Section 2504](#) and 5 U.S.C. 3582(b).

101007. Retirement

An employee who transfers from a position covered by CSRS, CSRS-Offset, or FERS to a public IO may continue retirement coverage for up to 5 years of such service or up to 8 years if authorized by the Secretary of State. See CSRS and FERS Handbook, [Chapter 12, § 12A3.1-4](#).

*1011 TEMPORARY AND TERM EMPLOYMENT

*101101. General

* **A.** Temporary and term appointments are used to fill positions when there is not a continuing need for the job to be filled. Employees occupying either category of appointment are not entitled to competitive status nor reinstatement eligibility, based on this type of service. Within the DoD, temporary and term appointments may be permitted to last longer than the time restrictions of [5 CFR, Part 316](#) and may also allow such employees consideration for permanent employment.

* **B.** For further information regarding paragraph 101101.A, see the following memorandums:

1. Deputy Secretary of Defense Memorandum, “Noncompetitive Temporary and Term Appointments to Meet Critical Hiring Needs in the Department of Defense”, dated July 17, 2017,
2. Office of the Under Secretary of Defense (Personnel & Readiness) Memorandum "Modification of Temporary and Term Appointments Within the Department of Defense", dated June 12, 2017,
3. Office of the Under Secretary of Defense (Personnel & Readiness (P&R)) Memorandum "Modification of Temporary and Term Appointments Within the Department of Defense", dated June 12, 2017 as modified by Deputy Secretary of Defense Memorandum "Extensions of Term Appointments in the Competitive Service in the DoD", dated August 10, 2018; and
4. Office of the Under Secretary of Defense (P&R) Memorandum, "Modification of Direct-Hire Authority for the Department of Defense for Post – Secondary Students and Recent Graduates", dated January 15, 2019.

*101102. Temporary Employment

A. Appointments. Pursuant to DoD policy, a component may make a temporary appointment to:

1. Noncompetitively fill a short-term position based on a critical hiring need that is not expected to last more than 1 year. A critical hiring need means the need to fill the position(s) to meet mission requirements brought about by circumstances such as, but not limited to, extraordinary workload or unusual or unanticipated event(s) or circumstances creating the need to fill the position(s). Such appointment may be extended up to 6 additional months but may not exceed a total of 18 months and does not convey noncompetitive conversion to any other appointment. See Deputy Secretary of Defense Memorandum, “Noncompetitive Temporary and Term Appointments to Meet Critical Hiring Needs in the Department of Defense”, dated July 17, 2017; and
2. Temporarily fill a position for less than 1 year and may extend such appointment in increments of up to 1, not to exceed a total of 3 years. See the Office of the Under Secretary of Defense (Personnel & Readiness (P&R)) Memorandum "Modification of Temporary and Term Appointments Within the Department of Defense", dated June 12, 2017 as modified by Deputy Secretary of Defense Memorandum “Extensions of Term Appointments in the Competitive Service in the DoD”, dated August 10, 2018 and 5 CFR 316.401.

* B. Benefits. Temporary employees are eligible to earn annual and sick leave and are covered by Social Security and unemployment compensation, but do not receive the other benefits provided to career civil service employees. Employees in a temporary position who are expected to work 130 hours or more per month for at least 90 days are eligible to enroll in an FEHB plan. These eligible employees will receive the same government contribution as full-time permanent employees. See 5 CFR 890.102 and BAL 14-210. Temporary employees are generally ineligible for coverage under FEGLI or FERS.

*101103. Term Employment

A. Appointments. Pursuant to DoD policy, a component may make a term appointment to:

1. Noncompetitively fill a short-term position based on a critical hiring need that is expected to last more than 1 year. Critical hiring need means the need to fill the position(s) to meet mission requirements brought about by circumstances such as, but not limited to, extraordinary workload or unusual or unanticipated event(s) or circumstances creating the need to fill the position(s). Such appointment may not exceed a total of 18 months and does not convey noncompetitive conversion to any other appointment. See Deputy Secretary of Defense Memorandum, "Noncompetitive Temporary and Term Appointments to Meet Critical Hiring Needs in the Department of Defense", dated July 17, 2017;

2. Fill a position initially for more than 1 year, but not more than 6 years. Components may extend term appointments beyond 6 years and up to 8 years in increments of up to 1 year according to policy. Under certain conditions as prescribed in policy, an employee in a term position may be noncompetitively converted to a career or career-conditional appointment. See the Office of the Under Secretary of Defense (Personnel & Readiness (P&R)) Memorandum "Modification of Temporary and Term Appointments Within the Department of Defense", dated June 12, 2017 as modified by Deputy Secretary of Defense Memorandum "Extensions of Term Appointments in the Competitive Service in the DoD", dated August 10, 2018; and

3. Pursuant to the direct hire authority, initially appoint a current post-secondary student for a period expected to last more than 1 year and not to exceed the time limits stated in section 5 CFR 316.301, to include any future legislative and/or regulatory modification to those time limits. Within 120 days of successful completion of their academic program, the student may be noncompetitively converted into a career or career-conditional appointment. See the Office of the Under Secretary of Defense (Personnel & Readiness) Memorandum the "Modification of Direct-Hire Authority for the Department of Defense for Post - Secondary Students and Recent Graduates", dated January 15, 2019.

B. Benefits. Term employees are eligible to earn annual leave and sick leave. Term employees are also eligible for coverage under FERS, FEHB, and FEGLI. Term employees can work full or part-time work schedules and are eligible for promotions and within-grade increases upon satisfying the required waiting period.

1012 EMPLOYEES WHOSE WHEREABOUTS ARE UNKNOWN

In the event an employee's whereabouts are unknown and payment cannot be made to the employee, refer to Volume 5, Chapter 7 for guidance.

1013 AIR TRAFFIC CONTROLLERS (ATC)

101301. General

ATCs are employees in an ATC facility (i.e., tower, ground-controlled approach, and approach control), actively engaged in the separation and control of air traffic or in providing preflight, in-flight, or airport advisory service to aircraft operations, or the immediate supervisor of any such employee. See [DoDI 1400.25, V331](#).

101302. Overtime

All overtime work scheduled in advance of the administrative workweek on a day containing part of an ATC's basic 40-hour workweek must be compensated under [5 CFR 550.111](#).

101303. Premium Pay

Differential pay is authorized for certain DoD employees. The Secretary of Defense has authorized five percent ATC premium pay under [5 U.S.C. § 5546a\(a\)\(1\)](#). The payment of the premium is mandatory for DoD ATCs who are in the GS-2152 occupational series and occupy a position no lower than GS-9 at air traffic control centers, terminal or flight service stations. The HRO provides this information to the servicing PRO via an SF 50.

101304. Leave

Leave accruals are based on guidelines published in 5 CFR part 630.

101305. Mandatory Separation

Generally, under 5 U.S.C. § 8335(a) for CSRS employees and 5 U.S.C. § 8425(a) for FERS employees, an ATC who is otherwise eligible for immediate retirement must be separated from the federal service on the last day of the month in which the employee becomes 56 years of age. However, if the ATC has been granted a waiver of the mandatory separation age based on exceptional skills and experience, an ATC may delay separation until the day he or she becomes age 61. Additionally, an ATC who has received a waiver of the maximum entry age under [5 U.S.C. § 3307\(b\)](#) may delay separation until the last day of the month he or she completes 20 years of service.

101306. Retirement

ATCs have unique retirement deduction percentages for CSRS and FERS coverage. OPM publishes the rates in the CSRS and FERS Handbook, [Chapter 30](#).

1014 PERSONNEL ON LONG-TERM, FULL-TIME TRAINING

101401. General

Long-term, full-time training is defined as a training period of 120 consecutive workdays or more. See [5 U.S.C. Chapter 41](#) and [5 CFR 410](#). Employees on long-term, full-time training are authorized payment of salary.

101402. Leave

If salary payments continue during the training period, annual and sick leave regulations apply. Leave is reported via the time and attendance reporting mechanism and is administered as specified for the following leave types:

A. Annual Leave. Personnel on long-term, full-time training will continue to accrue annual leave. Ordinarily, an employee will be charged with annual leave during school vacation periods that fall on government workdays unless he or she returns to the work site or has made documented arrangements with his or her DoD point of contact to be actively involved in academic work. These documented arrangements should be accomplished well in advance of the vacation periods. Annual leave charges are reported on the employee's time and attendance report. See the [OPM Training and Development Policy](#).

B. Sick Leave. Personnel on long-term, full-time training continue to accrue sick leave. The agency should charge sick leave on the time and attendance report when the employee is unable to attend classes due to illness.

1015 EMERGENCY MEDICAL TECHNICIAN (EMT)

101501. General

This section applies to EMTs or paramedics who are not classified as firefighters.

101502. Tour of Duty

EMTs and paramedics work various schedules including the basic 40-hour workweek, compressed work schedules, and uncommon tours of duty. An uncommon tour of duty means an established tour of duty that exceeds 80 hours of work in a biweekly pay period. See 5 CFR 630.201. Schedules and changes to tours of duty for an EMT or paramedic working uncommon tours must be on file in the employing activity/timekeeper site. Sleep and meal time also must be documented. The EMT's hourly rate is multiplied by 40 hours, and the base pay and premium pay is based on this weekly rate regardless of the hours in the scheduled tour of duty for that week.

101503. Overtime Computation

A. Standby Duty Pay

1. FLSA nonexempt EMTs and paramedics are compensated for regularly scheduled overtime hours in excess of 40 hours in a week by the payment of annual premium pay for standby duty plus .5 times the employee's hourly regular rate for all overtime hours worked. If an EMT performs an additional 24-hour shift during a pay period, and the shift is scheduled in advance of the workweek, standby duty pay covers all regularly scheduled overtime hours, but the employee is entitled to .5 times the employee's hourly regular rate for all overtime hours worked. Sleep and meal periods during regularly scheduled tours of duty are hours of work for EMTs who receive annual premium pay for regularly scheduled standby duty. EMTs and paramedics are compensated for irregular or occasional hours of work in excess of 40 hours in a week by payment of the straight-time rate of pay for all irregular or occasional overtime hours of work plus .5 times the employee's hourly regular rate of pay times the overtime hours. When an employee works an additional 24-hour shift, which is irregular or occasional overtime work, the two-thirds rule will apply. Up to 8 hours of sleep and meal time (a shift of 24 hours or more) are excluded from irregular overtime hours providing all regulatory conditions under [5 CFR 551.432](#) are met.

2. FLSA exempt EMTs and paramedics are compensated for regularly scheduled overtime hours in excess of 40 hours in a week by the payment of annual premium pay for standby duty. If an EMT performs an additional 24-hour shift during a pay period and the shift is scheduled in advance of the workweek, standby duty pay covers all regularly scheduled overtime hours. When an employee works an additional 24-hour shift that is irregular or occasional overtime work, overtime is paid in accordance with [5 CFR 550.113](#) or [114](#). The two-thirds rule will apply providing all regulatory conditions under [5 CFR 550.112\(m\)](#) are met.

3. On-duty sleep and meal periods during regularly scheduled hours for which standby duty premium pay under 5 U.S.C. § 5545(c)(1) are payable may not be excluded from hours of work. See [5 CFR 551.432\(e\)](#).

B. Compressed Work Schedule. The customary FLSA standard of compensating an employee with overtime pay for all hours of work in excess of 8 hours in a day and 40 hours in a week does not apply to an employee covered by a compressed work schedule under [5 U.S.C. § 6128](#). For example, an EMT with a 12-hour day in their schedule will not be entitled to FLSA overtime until they work over the 12-hour schedule for the day.

101504. Charging Leave

One hour (or an appropriate fraction thereof) of leave must be charged for each hour (or an appropriate fraction thereof) of absence from the uncommon tour of duty. For additional guidance on leave accruals for EMTs refer to [DoDI 1400.25, V630](#), Leave, and 5 CFR 630.210. When an employee takes 24 hours of leave, 8 hours of sleep and meal time for that employee are deducted from actual hours of work under FLSA. Sleep and meal time for days of partial leave must be documented on the time and attendance report so that actual hours of work are shown. Sleep and

meal time scheduled during leave periods must be added to total sleep and meal time so that total hours of actual work and total hours of sleep and meal time will be shown. Employees with uncommon tours of duty, established under 5 CFR 630.201 and 210, may be charged leave for regularly scheduled overtime hours outside the 40-hour basic workweek. Thus, such employees may receive applicable premium pay and FLSA overtime pay during hours of paid leave.

101505. Accruing Leave

Employees on uncommon tours of duty accrue and use leave on the basis of that uncommon tour. Accrual rates for such employees are directly proportional to the standard leave accrual rates for employees on an 80-hour biweekly tour of duty. See 5 CFR 630.210(a). The number of hours in the uncommon tour is multiplied by the accrual rate divided by 80 ((uncommon tour of duty hours) x (accrual rate/80) = uncommon accrual rate). See [the table](#) in DoDI 1400.25, V630. Employees on uncommon tours of duty repeating a cycle of more than 1 biweekly pay period (e.g., a 3 biweekly pay period cycle) accrue leave based on the average hours in the biweekly tour. For example, an emergency medical technician on a tour of duty of 96 hours for 1 biweekly pay period and 120 hours for each of the following 2 biweekly pay periods works an average tour of 112 hours per pay period, and accrues leave based on a 112-hour tour of duty.

101506. Premium Pay

The HRO determines the amount of the premium pay for the irregular tour of duty and reports it on the SF 50. An EMT employed as an intermittent employee is not entitled to premium pay on an annual basis, nor is he or she entitled to paid leave. An EMT is paid under regular overtime rules. Refer to [5 CFR 551](#) for additional guidance on pay administration for EMTs under FLSA.

1016 FIREFIGHTERS

101601. General

Firefighter pay is governed under 5 U.S.C. §§ 5542(f), and 5545(b), and 5 CFR 550, [subpart M](#). A firefighter is an employee classified in the GS-0081, Fire Protection and Prevention Series, which includes line firefighters, supervisory firefighters, and fire inspectors whose regular tour of duty averages at least 106 hours per biweekly pay period. Newly hired firefighters going through initial basic training with a 40-hour basic workweek are covered by the GS classification and pay system and classified in the GS-0099 General Student Trainee Series (as required by [5 CFR 213.3202\(b\)](#)). Uniform allowances may be authorized for firefighters, refer to Chapter 3.

101602. Regular Tour of Duty

The term “regular tour of duty” means a firefighter’s official work schedule as established by the employing agency on a regular recurring basis. The regular tour of duty may consist of a fixed number of hours each week or a fixed recurring cycle of work schedules in which the number of hours per week varies in a repeating pattern. The regular tour of duty includes only those overtime hours that are part of the fixed recurring work schedule. However, irregular hours are

deemed included in a firefighter's regular tour of duty if those hours are substituted for hours in the regular tour of duty for which LWOP is taken, as provided in 5 CFR 550.1303(d). There are generally two types of official work schedules for firefighters:

A. 24-Hour Shift Firefighters. Most commonly, firefighters work a 72-hour workweek consisting of three 24-hour shifts. These shifts include periods of actual work and substantial periods of time during which firefighters are in a standby status. In standby status, firefighters are free to eat, sleep, and engage in personal activities, but are confined to the worksite and remain in a state of readiness to perform actual work as required.

B. 40-Hour Plus Firefighters. Other firefighters, (most commonly supervisors) have a regular 40-hour workweek consisting of five 8-hour days in addition to regularly scheduled standby duty (e.g., an extra 16-hour standby shift).

101603. Uncommon Tour of Duty

An agency must establish an uncommon tour of duty for each firefighter compensated under 5 CFR part 550, subpart M, for the purpose of leave use and accrual. The uncommon tour of duty must correspond directly to the firefighter's regular tour of duty so that each firefighter accrues and uses leave based on that tour. See 5 CFR 630.210.

101604. Hourly Rate of Basic Pay

The firefighter's regular tour of duty is used in determining the appropriate pay computation method. Firefighters are paid on an hourly rate basis. A firefighter's daily, weekly, or biweekly rate of basic pay must be computed using the applicable hourly rates derived under 5 CFR 550.1303(a) and (b). Premium pay caps apply to the additional nonovertime pay received by firefighters with schedules exceeding the basic 40-hour workweek. Nonovertime pay is considered as basic pay and is not subject to reduction, but is included in the aggregate pay when determining the overtime pay cap. See 5 CFR 550.1305 and [5 CFR 550.107](#).

A. 24-Hour Shift Firefighters. For firefighters with a regular tour of duty that does not include a basic 40-hour workweek (firefighters whose schedules generally consist of 24-hour shifts with a significant amount of designated standby and sleep time), the hourly rate of basic pay is computed by dividing the applicable annual rate of basic pay by 2,756 hours.

B. Basic 40-Hour-Plus Firefighters. For firefighters with a regular tour of duty that includes a basic 40-hour workweek plus additional nonovertime hours, the hourly rate of basic pay is computed by dividing the applicable annual rate of basic pay by:

1. 2,087 hours, for hours within the basic 40-hour workweek (or an 80-hour biweekly pay period); and
2. 2,756 hours, for any additional nonovertime hours.

C. Training. Firefighters are entitled to pay for their regular tour of duty during training. A firefighter should receive basic pay and overtime pay for the firefighter's regular tour of duty in any week in which attendance at agency-sanctioned training reduces the hours in the firefighter's regular tour of duty. This guidance does not pertain to student trainee employees in the GS-0099 series. A firefighter is not prohibited from receiving a higher amount of pay if he or she is entitled to that higher amount based on hours of actual work. See 5 CFR 410.402(b)(6).

101605. Meal and Sleep Time

For firefighters compensated under 5 U.S.C. § 5545(b), meal time and on-duty sleep time may not be excluded from hours of work.

101606. Overtime Computation

Under 5 U.S.C. § 5542, for firefighters compensated under 5 CFR 550, subpart M, overtime work means officially ordered or approved work in excess of 106 hours in a biweekly pay period, or in excess of 53 hours in an administrative workweek if the agency establishes a weekly basis for overtime pay computations. See 5 CFR 550.111(g). Overtime pay is considered part of continuation of pay (COP) for firefighters. Overtime hourly rates of pay are calculated as follows:

A. FLSA-exempt (FSLA noncovered). For a firefighter who is exempt from FLSA, the overtime hourly rate is computed as provided in 5 CFR 550.113(e). Generally, the overtime hourly rate is capped at 1-1/2 times the GS-10 minimum rate, but the rate may not fall below the firefighter's own hourly rate of basic pay.

B. FLSA-nonexempt (FLSA covered). For a firefighter who is covered by nonexempt from the overtime provisions of FLSA, the overtime hourly rate of pay equals 1-1/2 times the firefighters hourly rate of basic pay for that particular firefighter as established under 5 CFR 550.1303(a) or 1303(b)(2).

101607. Premium Pay

Except for overtime pay in accordance with paragraph 101606, a firefighter is barred from being paid any other premium pay including night pay, Sunday premium pay, holiday pay, and hazardous duty pay. Premium pay for overtime in the firefighter's regular tour of duty covered by 5 U.S.C. § 5545(b) is subject to a biweekly limitation rather than an annual limitation. See 5 CFR 550.107.

101608. Leave Accrual

The leave accrual rates for firefighters are established based on an uncommon tour of duty. See paragraph 101603. Leave accrual for firefighters is directly proportional based on the number of hours in the biweekly tour of duty and the accrual rate of the corresponding leave category to the standard leave accrual rates for employees who accrue and use leave on the basis of an 80-hour biweekly tour of duty. One hour or an appropriate fraction thereof of leave is charged for each

hour or appropriate fraction thereof of absence from the uncommon tour of duty. See 5 CFR 630.210(c).

101609. Mandatory Separation

A firefighter, who is otherwise eligible for immediate retirement under [5 U.S.C. §§ 8336\(c\)](#) (CSRS) and [8412\(d\)](#) (FERS), must be separated from the federal service on the last day of the month in which the employee becomes 57 years of age unless he or she has not yet completed 20 years of service. In that case, the employee must be separated on the last day of the month in which he or she completes 20 years of service. See 5 U.S.C. § 8335(b) and 5 U.S.C. § 8425(b).

101610. Retirement

Firefighters have a unique retirement deduction percentage for CSRS and FERS employees. These rates are published by OPM in the CSRS and FERS Handbook, Chapter 30. Percentages of basic pay for withholding and contributions for FERS employees are described in [5 U.S.C. § 8422\(a\)\(2\)\(B\)](#) and [§ 8423\(a\)\(1\)\(B\)](#). Percentages of basic pay for withholdings and contributions for CSRS employees are described in [5 U.S.C. § 8334\(a\)](#). Additionally, a firefighter's special retirement coverage provides for an enhanced annuity formula and reduced age/service requirements as follows:

A. CSRS Coverage. Under 5 U.S.C. § 8336(c) once an employee reaches 50 years of age and completes 20 years of service as a firefighter or LEO, or any combination of such service totaling at least 20 years, they are entitled to a special annuity computation as provided under [5 U.S.C. § 8339\(d\)](#).

B. FERS Coverage. Under 5 U.S.C. § 8412(d), an employee is entitled to a special annuity computation as provided under [5 U.S.C. § 8415\(d\)](#) after:

1. Completing 25 years of service as an LEO or a firefighter, or any combination of such service totaling at least 25 years; or
2. Reaching the age of 50 and completing 20 years of service as an LEO or firefighter, or any combination of such service totaling at least 20 years.

1017 JUDGES

101701. Administrative Law Judges (ALJs)

A. Authority. Under [5 U.S.C. § 3105](#), the Department may appoint ALJs for proceedings conducted in accordance with administrative procedures under [5 U.S.C. §§ 556-557](#). These employees may not perform duties inconsistent with their duties and responsibilities as administrative law judges.

B. Pay for ALJs. There are three levels of basic pay for ALJs (designated as AL-1, AL-2, and AL-3, respectively), and each ALJ is paid at one of the levels as established under

[5 U.S.C. § 5372](#). The ALJ positions are (lowest to highest): AL-3, Rate A; AL-3, Rate B; AL-3, Rate C; AL-3, Rate D; AL-3, Rate E; AL-3, Rate F; AL-2; and AL-1. The minimum rate for an ALJ (AL-3, Rate A) is set at 65 percent of Level IV of the Executive Schedule. The maximum rate for an ALJ (AL-1) is set at 100 percent of Level IV of the Executive Schedule.

101702. Judges of the U.S. Court of Appeals for the Armed Forces

The U.S. Court of Appeals for the Armed Forces (formerly the U.S. Court of Military Appeals) is established under [10 U.S.C. §§ 941-946](#). See [DoDI 1400.25, V805](#), Special Retirement and Survivor Benefits for Judges of the U.S. Court of Appeals for the Armed Forces. The President, with the advice and consent of the U.S. Senate, appoints the judges for a term of 15 years. The court, consisting of five judges, is located within the DoD for administrative purposes. Washington Headquarters Services (WHS) is the employing office for the judges. For pay purposes, the judges are civilian employees as defined in [5 CFR 213](#). The judges are entitled to the same salaries and travel allowances provided to the judges of the U.S. Courts of Appeals (GS Salary Table, Schedule 7, for Judicial Salaries). The maximum annual salary is that of Level I of the Executive Schedule.

A. Entitlements. Judges are entitled only to regular base pay. Judges are excluded from the leave provisions of 5 U.S.C. § 6301(2). As federal judges under [5 U.S.C. § 5541\(2\)\(i\)](#), they also are excluded from the provisions of premium pay under [5 U.S.C. § 55, subchapter V](#).

B. Deductions

1. Judges under CSRS are required to contribute eight percent of basic pay for retirement. Judges under FERS have the same deduction rate as other FERS employees. See the CSRS and FERS Handbook, Chapter 30.

2. The FEGLI for the judges is based on Level II of the Executive Schedule.

3. Judges are subject to the Social Security tax wage base limit as published yearly by the IRS. There is no wage base limit for Medicare tax, and all covered wages are subject to Medicare tax.

C. Special Retirement and Survivor Benefits for Judges of the U.S. Court of Appeals for the Armed Forces. Upon becoming eligible for retirement, judges may elect to receive a retirement annuity from the DoD Military Retirement Fund (MRF) in lieu of an annuity under CSRS or FERS. See [10 U.S.C. § 945](#). Survivor and former spouse annuities may also be elected. The DFAS Indianapolis site serves as the PRO for retiree and survivor entitlements. DFAS must perform functions such as:

1. Maintaining individual retirement records of individuals who elect annuity benefits under 10 U.S.C. § 945;

2. Issuing annuity payments from moneys in the DoD MRF, including the collection of applicable federal and state income taxes, and collections of debts owed the U.S. Government;

3. Arranging with OPM for transfer of moneys, including interest payments authorized under 10 U.S.C. § 945(a)(3)(A), from the Civil Service Retirement and Disability Fund (CSRDF) to the DoD MRF;

4. Withholding, as appropriate, contributions from the annuity for payment of FEHB, FEGLI, making correct agency contributions, and transmitting these moneys to the CSRDF;

5. Readjusting the annuity payment when events change the retiree or survivor entitlements;

6. Accounting for retirement moneys received from OPM and disbursing to benefit recipients, insurance carriers, and federal and state tax entities; and

7. Ceasing annuity payment if the employee elects judiciary retirement benefits under 10 U.S.C. § 945(g).

D. Notifications. Judges in receipt of an annuity under 10 U.S.C. § 945 are responsible for notifying WHS of their election of judicial retirement benefits under 10 U.S.C. § 945(g).

E. Dual Compensation. [*PL 114-328, December 23, 2016*](#) (2017 National Defense Authorization Act (NDAA)) removed the dual compensation prohibition for retired judges. As of December 27, 2016, a retired judge who returns to federal service in a position other than that of a senior judge, may receive both their retirement annuity and any pay he or she earns as a federal employee.

F. Senior Judges of the U.S. Court of Appeals for the Armed Forces. Under [*10 U.S.C. § 942\(e\)*](#), a retired judge who formerly served on the Court of Appeals for the Armed Forces may be called upon to perform judicial duties for the court as a senior judge. When performing duties, a senior judge is considered an employee or official of the government. Senior judges receive their full retirement annuity. Senior judges are also paid an additional amount equal to the difference between the sitting judge's pay and the senior judge's annuity pay for each day judicial duties are performed. The additional amount is calculated using the difference between the daily equivalent of the annual rate of pay for a sitting judge and the daily equivalent of the retired judge's annuity. See 10 U.S.C. 942(e)(2) and PL 114-328 (2017 NDAA). A senior judge may also continue to receive his or her retired and annuity pay if the senior judge performs non-judicial duties for the court and receives no pay other than per diem and travel expenses. See U.S. Court of Appeals for the Armed Forces [*Rules of Practice and Procedure*](#).

1018 AUXILIARY CHAPLAINS AND WEST POINT MILITARY ACADEMY CHAPLAINS

101801. Auxiliary Chaplains

Civilian clergy may be assigned to perform essential religious services of the chapel program that are beyond the staffing capabilities of the commissioned officer Armed Forces chaplains. Auxiliary chaplains normally perform their services on military installations. To serve as auxiliary chaplains, civilian clergy must be ordained or accredited by a faith group recognized by the [Armed Forces Chaplains Board](#). They must meet any additional qualifications required by the Armed Forces.

101802. Appointing and Paying Auxiliary Chaplains

A. Auxiliary chaplains may be appointed by the HRO on an intermittent basis. They are paid on a fee basis from the employing activity's appropriated funds for civilian personnel such as Operation and Maintenance funds. The HRO may appoint auxiliary chaplains under the excepted service authority in 5 CFR 213.3101.

B. Work Schedules. Auxiliary chaplains employed on an intermittent basis have no work schedule. They are paid for religious services performed.

C. Absence and Leave. There is no entitlement for leave.

D. Entitlements. The pay scale for auxiliary chaplains is determined by the employing activity's HRO. Social Security, Medicare, federal and state income tax withholdings are made in accordance with the tax documents filed by the chaplain. Social Security, Medicare, federal and state income tax withholdings do not apply to chaplains under non-personal service contracts.

101803. West Point Military Academy Chaplain

Under [10 U.S.C. § 4337](#), the President may appoint a chaplain to serve at the United States Military Academy at West Point. The civilian chaplain is entitled to a monthly housing allowance, in the same amount as the basic allowance for housing (BAH) allowed to a lieutenant colonel and to fuel and light for quarters. However, because utility costs are already factored into the BAH rate, no separate allowance for fuel and light should be paid. The chaplain's salary is taxable and is subject to the withholding of income, Social Security, and Medicare taxes. The BAH is not subject to the withholding of income taxes under [26 U.S.C. § 107](#) which excludes from a minister's gross income the value of rental allowances he or she receives for a home. However, Social Security and Medicare taxes must be withheld from the BAH.

1019 SERVICE SECRETARIES

101901. General

Effective the pay period beginning November 30, 2003, [5 U.S.C. § 5504](#) was amended to allow the Cabinet Secretaries (e.g., the Secretary of Defense) and the Secretaries of the Military Departments to be paid on a biweekly basis.

101902. Time and Attendance

Time and attendance is not reported for Service Secretaries. Accrual or usage of annual and sick leave is not authorized. Military Department Secretaries are not eligible for premium pay.

1020 ADDITIONAL PAY FOR CERTAIN HEALTHCARE PROFESSIONALS

102001. General

OPM has delegated to DoD the discretionary use of certain Title 38 provisions that are primarily available to the Department of Veterans Affairs (VA). If DoD uses one of these authorities in the delegation agreement, the comparable authority in Title 5 is waived. The following Title 38 provisions as provided in [5 U.S.C. § 5371](#) have been delegated:

- A. Special Salary Rate Authority ([38 U.S.C. § 7455\(a\)\(2\)\(A\)](#)) and (B), (b), (c), and (d));
 - B. Baylor Plan and Alternate Work Schedules ([38 U.S.C. § 7456](#) and 7456A);
 - C. Premium Pay ([38 U.S.C. § 7454](#) and 38 U.S.C. § 7456(a) and (b));
 - D. Authority to Establish Qualifications ([38 U.S.C. § 7402\(a\)](#), (b), (d), and (f));
 - E. Qualification-based Grading System ([38 U.S.C. § 7403\(a\)](#), (b)(4), (c), (e), and (f)(1));
 - F. Head Nurse Pay and Nurse Executive Special Pay ([38 U.S.C. § 7452\(a\)\(2\)](#) and (g));
 - G. Hours of Employment ([38 U.S.C. § 7421\(a\)](#));
 - H. Pay for Physicians and Dentists ([38 U.S.C. § 7431\(a\)](#), (b), (c), (d)(1)-(5), (e)(2)-(4), (f) and (h); [38 U.S.C. § 7432](#) and [§ 7433\(a\)](#));
 - I. Nurse Locality Pay System ([38 U.S.C. § 7451\(a\)](#), (b), (c), (d), (e), and (f));
- and

J. Special Incentive Pay for Pharmacist Executives ([38 U.S.C. § 7410 \(b\)](#)).

102002. Premium Pay

The authority to compensate certain DoD healthcare professionals with additional pay is used to recruit and retain qualified employees in specific medical fields. For additional guidance, see [DoDI 1400.25, V540](#), Pay Pursuant to Title 38--Additional Pay for Certain Healthcare Professionals.

102003. Baylor Plan Nurses

Baylor Plan nurses work at DoD Health facilities and are hired to work a Baylor workweek consisting of two regularly scheduled 12-hour tours of duty. The tours are worked entirely between the last day and the first day of the administrative workweek (Friday midnight to Sunday midnight) authorized under 38 U.S.C. § 7456. The Baylor workweek is considered to be a full 40-hour workweek for pay and leave accrual purposes. For additional guidance on Baylor Plan nurses see [DoDI 1400.25, V541](#), Pay Pursuant to Title 38-Special Rules for Nurses Pursuant to the Baylor Plan.

102004. On-Call Employees

Health care professionals are eligible to receive on-call pay when assigned to a work unit that has been officially designated as requiring employees to be on-call. On-call pay is a premium paid to certain professionals for working under circumstances or conditions authorized by [38 U.S.C. § 7457](#). The employee must be officially scheduled to be on-call outside of his or her regular duty hours. An employee, who is excused from regular duty on a holiday, or in-lieu-of holiday, may be scheduled to be on-call and receive on-call pay.

102005. Physicians and Dentists Pay Plan (PDPP)

A. General. The [DoDI 1400.25, V543](#), Pay Plan for DoD Civilian Physicians and Dentists Covered by the General Schedule, establishes policy and provides guidance to establish the PDPPs for eligible DoD civilian physicians and dentists who:

1. Work full-time or part-time with tours of at least 20 hours per pay period at grade GS-15 equivalent or below, and

2. Provide direct patient care and services.

B. Pay. Every 2 years, the VA publishes the minimum and maximum amounts of annual pay for the PDPP in the Federal Register. Under the PDPP, a physician or dentist's annual pay is the sum of base pay plus market pay. Base pay is the GS rate for the physician or dentist before any deductions and without additional pay of any kind. Market pay reflects the recruitment and retention needs for the specialty or assignment of a particular physician or dentist. Annual pay is basic pay for all purposes, including the computation of retirement benefits, lump-sum annual leave payments, life insurance, TSP, and other benefits. See 38 U.S.C. § 7431(f).

C. Pay Limitation. [Title 38, U.S.C. § 7431\(e\)](#) provides that in no instance should the total amount of compensation paid in any year to a physician or dentist under Title 38 exceed the salary of the President of the United States as in effect on the last day of that calendar year. Section 7431 does not allow pay over the cap to be deferred and paid the next calendar year. Payments that exceed the salary of the President may not be made at any time. For further information and a discussion of limitations on market pay, see DoDI 1400.25, V543 and Chapter 3.

1021 LEOs

102101. General

LEOs as defined by [5 U.S.C. § 8331\(20\)](#), are employees whose primary responsibility is the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the United States.

102102. Premium Pay

The majority of LEOs are covered by the standard premium pay provisions established in 5 U.S.C. Chapter 55, subchapter V (including provisions that reflect overtime pay entitlements under FLSA for covered nonexempt employees). Premium pay with specific implications for LEOs includes:

A. Availability Pay. LEOs, as defined by 5 U.S.C. § 8331(20) and 5 CFR 550.103, are authorized to receive premium pay in the form of availability pay in accordance with 5 U.S.C. § 5545a and 5 CFR 550.185. Availability pay was established to compensate the employee for unscheduled duty in excess of a 40-hour workweek based on the needs of the employing agency. An exception under 5 CFR 550.181(b) allows any Office of Inspector General employing less than five investigators to elect not to cover their employees under the provisions of 5 U.S.C. § 5545(a). Availability pay recipients are not covered by FLSA. Availability pay is subject to a biweekly limitation under 5 CFR 550.107. Under 5 CFR 550.186, LEOs receiving availability pay are not entitled to other types of premium pay based on unscheduled duty hours.

B. Annual Premium Pay for Standby Duty. The rate of annual premium pay for standby duty is determined by the HRO and sent via SF 50 to the servicing PRO. (See Chapter 4, Table 4-1 for a list of deductions withheld). Standby duty pay is generally not used for federal law enforcement employees however, for more information concerning standby duty pay, refer to Chapter 3. Standby duty pay under 5 CFR 550.141 may not be paid to an LEO, who is receiving availability pay. See 5 CFR 550.163.

C. Overtime Computation. Overtime work scheduled in advance of the administrative workweek on a day containing part of a criminal investigator's basic 40-hour workweek must be compensated under 5 CFR 550.111.

D. Administratively Uncontrollable Overtime (AUO). Information concerning AUO for LEOs is located in Chapter 3 and on the OPM Fact Sheet: [Guidance on Applying FLSA Overtime Provisions to Law Enforcement Employees Receiving AUO Pay.](#)

102103. Leave Accrual

Leave accrual guidance for LEOs is based on the guidelines published in 5 CFR 630.

102104. Mandatory Separation

LEOs eligible for immediate retirement must separate from the federal service on the last day of the month in which the employee becomes 57 years of age unless he or she has not yet completed 20 years of service. In that case, the employee separates on the last day of the month in which he or she completes 20 years of service. See 5 U.S.C. §§ 8335(b), 8425(b), 8336(c), and 8412(d).

102105. Retirement

LEOs have a unique retirement deduction percentage rate for CSRS and FERS employees, which are published by OPM in the CSRS and FERS Handbook, Chapter 30.

1022 MILITARY SEALIFT COMMAND (MSC)

The pay of officers and members of crews of vessels shall be fixed and adjusted from time-to-time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry. See [5 U.S.C. § 5348](#). Hours of work and premium pay policy for MSC civil service mariners are covered by Department of the Navy Civilian Marine Personnel Instruction 610, [Hours of Work and Premium Pay](#), which has been approved by the Department of the Navy's Office of Civilian Human Resources. Base wage and premium pay scales for MSC civil service mariners are approved by the DoD Wage Setting Authority, in coordination with OPM.

1023 DE FACTO EMPLOYEES

102301. General

A de facto employee is an individual who, in good faith, renders services to the government but who was never properly appointed or never actually appointed as an employee. There are four common de facto employment situations:

A. When an individual performed services, but was not recorded as an employee in the pay system because either the record was not yet established or the individual began working prior to their official starting date,

B. When a current employee received pay for an erroneous promotion,

C. When an employee performed services after their official separation date or after the end date of their service appointment, or

D. When an individual was hired and performed services under an erroneous appointment, but is not expected to receive a legal appointment.

102302. Payment of De Facto Employees

A. General. Under the principles of quantum meruit (i.e., the actual value of services performed) an individual whose appointment is found to be improper or erroneous is entitled to receive compensation earned, service credit for purposes of accrual of annual leave, and lump-sum payment for unused leave upon separation, unless:

1. The appointment was made in violation of an absolute statutory prohibition, or

2. The employee was guilty of fraud in regard to the appointment or deliberately misrepresented or falsified a material matter. See 58 Comptroller General (Comp. Gen.) 734 [B-191977](#), August 17, 1979 and 61 Comp. Gen. 127 [B-197400](#), December 10, 1981.

B. De Facto Determination and Payment Processing. Payment of de facto employees for services rendered to the government will depend on the facts of each individual's situation. The employing agency must make a determination identifying the employee as a de facto employee who acted in good faith and must convey that determination to DFAS. The employing agency must submit a payroll processing request to initiate the payment of a de facto employee. A de facto determination from the agency will invalidate any debt that may have been established for wages paid.

C. De Facto Guidance. The payment of de facto employees has been addressed in the following Comptroller General opinions:

1. Individual Serving Before Appointment. Individuals serving in a de facto status before officially appointed should be compensated for the reasonable value of their services performed during that period. Payment is established at the rate of basic compensation set for the positions to which they are ultimately appointed. See Comp. Gen. [B-191397, September 6, 1978](#) and [B-189741, April 4, 1978](#).

2. Individual Never Appointed. The reasonable value of the services of an individual who was never in fact appointed to the position which the individual purportedly filled, should be established at the rate of basic compensation for the position that was ultimately advertised and filled. See Comp. Gen. [B-193605, January 8, 1979](#).

3. Premium Pay. The rule that a de facto employee is entitled to the reasonable value of his or her services does not limit the employee to receipt of basic compensation only. The reasonable value of his services includes premium pay, including holiday pay. See Comp. Gen. [B-188574, December 29, 1977](#).

4. Termination and Reemployment. In the event an individual is terminated from employment after the appointment was found to be erroneous and is then

reemployed after a break in service, the individual is entitled to compensation earned, lump-sum payment for accrued annual leave, service credit for annual leave accrual purposes, and recredit of accrued sick leave. If OPM denies service credit for the period of the improper appointment, the employee would be entitled to a refund of the retirement deductions made from his or her salary during the period of the erroneous appointment, less any necessary Social Security deductions. See Comp. Gen. [B-197400, December 10, 1981](#).

5. Dual Compensation Prohibition. De facto status may not be applied to nullify the effect of a statutory provision that prohibits dual compensation. See Comp. Gen. [B-157983, December 13, 1965](#).

6. Erroneous Promotions. A current employee who receives an erroneous promotion may be regarded as a de facto employee. For example, an employee is regarded as a de facto employee if the employee is promoted but it is later determined the employee did not meet the general requirements of the higher position. The employee is entitled to retain the compensation received for the services performed in good faith as a de facto employee during the period of the erroneous promotion unless there is a statutory bar prohibiting such payment. See Comp. Gen. [B-221745, April 28, 1986](#).

D. Tax Reporting. Pay to a de facto employee should be reported as if the individual had been a correctly appointed employee during the de facto period. De facto status has no impact on how pay is reported. Any pay that includes wages should be reported on a W-2 form for the year in which payment is made.

1. Example: An employee was erroneously promoted and performed duties and received pay associated with the erroneous promotion in 2013. The error was not discovered until 2014. The payments for the de facto employment were reported as taxable income on the 2013 W-2. There should be no adjustment to the 2013 W-2 even though the error was discovered in 2014.

2. Example: An employee was erroneously promoted and performed duties and received pay associated with the erroneous promotion in 2013. The error was discovered in 2013 and the full amount paid was collected as a debt from the employee in 2013. A de facto determination was submitted in 2014, which authorized the employee to be paid for the services performed as a de facto employee. The wages for the de facto period were repaid to the employee in 2014. The wages for the de facto period are reported in the year actually paid, or 2014.

E. FEHB and FEGLI Deductions

1. FEHB. Under the Affordable Care Act, health insurers may not cancel coverage retroactively if premiums have already been paid, even when an employer has erroneously allowed an ineligible employee to enroll in FEHB. Premiums should not be refunded to the de facto employee.

2. FEGLI. If the error is discovered before 2 years have passed, incontestability does not apply and the erroneous coverage is not valid. Any erroneous coverage should be voided and the premiums should be refunded. See FEGLI Program Handbook and Chapter 11.

F. TSP. The regulations at [5 CFR 1605.12](#) set out procedures for removing erroneous contributions received by TSP from employees and employers.

G. Retirement Credit. The question of whether a de facto employee is entitled to service credit for retirement purposes should be referred to OPM. If OPM denies service credit for the period the de facto employee worked, the de facto employee is entitled to a refund of retirement contributions made during the de facto period, less any Social Security deductions. See 61 Comp. Gen. 127 (1981).

102303. Variations

OPM assists Federal agencies with correcting errors made during the competitive hiring process. Variations are used to correct errors made in the competitive hiring process when no other remedy exists within the regulation. See OPM Guidance, Hiring Authorities and [5 CFR 5.1](#).

1024 HIGHLY QUALIFIED EXPERTS (HQEs) AND HIGHLY QUALIFIED EXPERTS-SENIOR MENTORS (HQEs-SMs)

102401. General

Employees appointed as an HQE must possess an uncommon level of expertise and recognition. Such expertise, with the exception of HQE-SMs, is generally not available within the federal workforce at the time of need, nor is it typically gained within the civil service or uniformed services. HQE-SMs, by nature, have the expertise and experience required to fulfill their intended roles, having been recruited from former or retired civil service or uniformed service personnel. See 5 U.S.C. § 9903 and [DoDI 1400.25, V922](#).

102402. Appointments

Employees hired as HQEs will be given “Excepted Not-to-Exceed” appointments (up to 5 years) under an Experts Other (EE) pay plan. The HQE or HQE-SM must sign a written service agreement.

102403. Pay

Compensation for an HQE or HQE-SM should reflect the salary paid in the labor market for comparable positions, taking into account such factors as applicant’s skills, professional and educational accomplishments, and the complexity of the work the applicant is asked to perform. See DoDI 1400.25, V922 for other relevant factors. Basic pay for an HQE or HQE-SM typically will be within the range from GS-15, step 1 (or equivalent) up to the statutory limit of Level IV of the Executive Schedule. In addition to basic pay, HQEs and HQE-SMs may receive locality-based

comparability payments applicable to the geographic location of their position of record as prescribed by [5 U.S.C. § 5304](#). When added to the rate of basic pay, locality-based comparability payments may not exceed Level III of the Executive Schedule as described in 5 U.S.C. § 5304(g)(2)(C). See DoDI 1400.25, V922 for additional pay information.

102404. Performance Awards

HQEs and HQE-SMs are not eligible to receive performance awards.

102405. Leave

HQEs and HQE-SMs are subject to the annual leave accrual provisions of 5 U.S.C. § 6304(a), which sets the maximum number of annual leave hours carried forward from one leave year to another at 240 hours. Full-time HQEs and HQE-SMs accrue 8 hours of annual leave per pay period and at a prorated rate for other eligible part-time employees.

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Nationals
DoD Manual 1416.08, DoD Manual for Foreign
National Compensation

100203.B DoDI 1400.25, V1231

100203.C DoDI 1400.25, V1231

100203.N Canadian Employment Insurance Program
Canada Revenue Agency

100203.N.1 Canada Revenue Agency T4001 Employer’s Guide
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101101.B.2	Office of the Under Secretary of Defense (Personnel & Readiness) Memorandums "Modification of Temporary and Term Appointments Within the Department of Defense", dated June 12, 2017
101101.B.3	Office of the Under Secretary of Defense (Personnel & Readiness (P&R)) Memorandum "Modification of Temporary and Term Appointments Within the Department of Defense", dated June 12, 2017 as modified by Deputy Secretary of Defense Memorandum “Extensions of Term Appointments in the Competitive Service in the DoD”, dated August 10, 2018
101101.B.4	Office of the Under Secretary of Defense (Personnel & Readiness) Memorandum Modification of Direct-Hire Authority for the Department of Defense for Post - Secondary Students and Recent Graduates", dated January 15, 2019
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VOLUME 8, CHAPTER 11: “ALLOTMENTS AND VOLUNTARY DEDUCTIONS”**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **August 2018** is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
All	Revised information for clarity.	Revision
110103	Updated the “Authoritative Guidance” paragraph in accordance with current guidance.	Revision
110202.E.1	Added information regarding the Financial Management Service (FMS) 2231, Fast Start Direct Deposit Form.	Addition
110202.E.2	Added information regarding the FMS 2231, Fast Start Direct Deposit Form.	Addition
110302.F.4.a(2)	Removed references to the Department of Defense Form 592, Payroll for Personal Services Certification and Summary throughout section due to this form no longer being used.	Deletion
110302.F.6.a	Updated information on Student Trainees and reference.	Revision
110602.A	Clarified information concerning waivers for Basic Insurance.	Revision
110610	Moved paragraph from 110609.C due to inconsistency with the previous section content and renumbered remainder of section.	Revision
111002.A	Updated information and references regarding employees hired between August 1, 2010 and September 30, 2020.	Revision
111002.B	Added paragraph concerning employees hired on or after October 1, 2020.	Addition
111003.B	Updated information regarding default contribution rates.	Revision
111003.B.3.d	Added subparagraph for spill-over contributions.	Addition
111005	Added subparagraphs to address elimination of suspending employee contributions for 6 months.	Addition
111101.D	Added the option of pay.gov for making POST-56 military deposit payments.	Addition
References	Added References section.	Addition

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CHAPTER 11

ALLOTMENTS AND VOLUNTARY DEDUCTIONS

1101 GENERAL

110101. Overview

Allotments and voluntary payroll deductions are made from an employee's gross pay. Both allotments and voluntary deductions are executed at the employee's request and require written authorization from the employee prior to withholding the deduction. Authorized deductions may be made through automated computer programs, such as myPay, using a personal identification code. See Chapter 4 for information on mandatory deductions.

110102. Purpose

The purpose of this chapter is to provide guidance on mandatory, discretionary, and voluntary deductions as they may be applied to an employee's gross pay.

*110103. Authoritative Guidance

The pay policies and requirements established by the Department of Defense (DoD) in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), including Titles 5, 10, 31, and 38. Due to the subject matter in the chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each section are listed in a reference section at the end of this chapter.

1102 ALLOTMENTS

110201. Overview

An allotment is a recurring deduction from an employee's pay that is authorized by the employee. An allotment is paid to a specific person or institution as directed by the employee. An agency must permit an employee to make certain mandatory allotments as discussed in paragraph 110202. Additionally, an agency may permit an employee to make additional discretionary allotments that have been deemed appropriate by the agency. For additional information, see Title 5, U.S.C. [section 5525](#), Title 5, Code of Federal Regulations (CFR), [Part 550, subpart C](#), and paragraph 110203. For information concerning the order of precedence for processing both mandatory and voluntary deductions and allotments, see Chapter 4.

A. Allotment Processing. An allotment must be requested in writing by the employee. The request may be made electronically or by regular mail. The allotment request must identify the authority under which the allotment is permitted, the specified amount to be deducted, the period of time over which the deduction is to be made, and the name and address of the person or institution to whom the allotment is payable.

B. General Limitations on Allotments. Any allotment is subject to the following limitations:

1. The employee must designate the amount of the allotment and the person or institution to whom the allotment is made payable,
2. The total amount of allotments may not exceed the pay due to the employee for a particular pay period,
3. The employee must personally authorize a change or cancellation of an allotment,
4. The agency has no liability in connection with any authorized allotment disbursed by the agency in accordance with the employee's request, and
5. Any disputes regarding any authorized allotment are a matter between the employee and the allottee.

C. Allotments Not Authorized. The following allotments are not authorized:

1. Collection of debts to private creditors and nongovernmental agencies;
2. Contributions to charities, except as authorized in subparagraph 110202.C and 110203.B;
3. Payment of insurance premiums, except as authorized in subparagraph 110202.G; and
4. Payment of dues to civic, fraternal or other organizations, except as authorized in subparagraphs 110202.A, 110202.B, and 110203.B.

*110202. Mandatory Allotments

Mandatory allotments are those allotments an agency must permit an employee to make as authorized under [5 CFR 550.311\(a\)](#).

A. Allotments for Labor Organization (Union) Dues. An allotment for dues payable to a labor organization is authorized under [5 U.S.C. § 7115](#). Any eligible employee has the right to make a voluntary allotment for the payment of dues to labor organizations. Employees must submit a Standard Form [\(SF\) 1187](#), Request for Payroll Deductions for Labor Organization Dues, to request and authorize the allotment of pay. The allotment is effective the first pay period beginning after receipt of the properly executed SF 1187.

1. Deductions for Dues. Unless the negotiated collective bargaining agreement states otherwise, the amount of the dues deduction indicated on the SF 1187 will remain

the same until the appropriate official in the labor organization certifies the dues amount has changed. When an employee is in a nonpay status for an entire pay period, the Payroll Office (PRO) will not deduct a missed allotment for that pay period from future earnings. The PRO will not take a partial deduction if an employee is in a nonpay status for part of a pay period and the employee's earnings are not sufficient to cover the full deduction. An employee's biweekly deductions for labor organization dues should be calculated as follows:

a. If the amount stated on the SF 1187 refers to a total annual deduction for a 12-month period, then divide the total annual deduction by 26 to determine the biweekly deduction.

b. If the amount stated on the SF 1187 refers to a monthly deduction, then multiply the monthly deduction by 12 to determine the total annual deduction. Divide the total annual deduction by 26 to determine the biweekly deduction.

2. Cancellation of Dues Allotment by Employee. An employee may submit a request to cancel the allotment for payment of labor organization dues at any time.

a. Written Cancellation Required. An employee may file an [SF 1188](#), Cancellation of Payroll Deductions for Labor Organization Dues, to cancel an allotment. However, any written request signed by the employee for the cancellation of an allotment that contains sufficient information may be acceptable. Unless the collective bargaining agreement states otherwise, the employing activity is responsible for furnishing the SF 1188 to employees upon request.

b. Effective Date. Under 5 U.S.C. § 7115(a), an employee may cancel a union dues allotment at yearly intervals (or as negotiated in a collective bargaining agreement as long as the intervals are consistent with section 5 U.S.C. § 7115(a)). An employee may not be prevented from cancelling a dues allotment for a period of greater than one year.

3. Automatic Termination of Allotment. An allotment for payment of labor organization dues is automatically terminated pursuant to 5 U.S.C. § 7115(b) when any of the following events occurs:

a. The collective bargaining agreement between the agency and the labor organization ceases to be applicable to the employee. For example:

(1) When an employee is no longer a member of the bargaining unit due to separation from the employing activity, the termination of the allotment will be effective with the employee's final pay from the activity;

(2) When an employee is no longer eligible to be a member of the bargaining unit due to a promotion or reassignment to a supervisory position, the termination of dues will be effective at the beginning of the first pay period after the employee loses eligibility to be a member; or

(3) When the labor organization loses eligibility for exclusive recognition, the termination of the allotment will be effective at the beginning of the first pay period after notification is received concerning the loss of recognition.

b. The employee is suspended or expelled from membership in the labor organization. Termination of dues will be effective the first pay period after the Defense Finance and Accounting Service (DFAS) receives the written notification from the labor organization indicating that an employee was suspended or expelled from membership.

4. Erroneous Deduction of Dues After Automatic Termination of Allotment. The agency must automatically terminate an allotment for labor organization dues when the employee ceases to be a member of the bargaining unit. There is no additional requirement for the employee to submit a cancellation form or to take any other action to terminate the allotment. If the agency does not terminate the allotment for labor organization dues in a timely manner, the PRO must refund any erroneously deducted labor organization dues, without interest, to the employee. The agency has a claim against the labor organization for the overpayment amount.

B. Allotments for Association of Management Officials and/or Supervisors Dues. An allotment for dues payable to an association of management officials and/or supervisors is authorized under [5 CFR 550.331](#). An employee is eligible to make a voluntary allotment for the payment of dues if the employee is a supervisor or management official and is a member of the association. The agency and the association of management officials and/or supervisors must maintain a written agreement allowing for the deduction of allotments for the payment of dues.

C. Allotments for Charitable Contributions. An agency must permit an employee to make an allotment for charitable contributions through the Combined Federal Campaign (CFC) under [5 CFR 550.341](#). For additional information, see Department of Defense Instruction ([DoDI 5035.01](#)) and [DoDI 5035.05](#). The CFC is a charitable fundraising program established and administered by the Office of Personnel Management (OPM) and is the only authorized solicitation for charitable contributions from employees in the Federal workplace. OPM designates a Local Federal Coordinating Committee (LFCC) to conduct the CFC in a particular community. For additional information, see [5 CFR 950](#) and Executive Orders [12353](#) and [12404](#).

1. Geographic Boundaries of the Local Campaign. An employee may participate in a particular CFC only if that employee's official duty station is located within the geographic boundaries of that CFC. The Director, OPM may grant permission for solicitations of Federal employees, outside the CFC, in support of victims in cases of emergencies and disasters. Any special solicitations will be managed through a Disaster Relief Program developed by OPM. See 5 CFR [950.102\(a\)\(2\)](#) and 79 Federal Register [21581](#).

2. CFC Pledge Form. The CFC Pledge Form, in conformance with 5 CFR 950.402, is the only form an employee may use to authorize a CFC payroll allotment. Agencies will make the form available to employees electronically, along with other campaign materials including the official charity list, when the charitable contributions are solicited. The electronic

pledge is completed by the employee and transmitted to the employee's servicing PRO in real time via the centralized pledge system in order to establish a CFC payroll allotment. Employees may also submit a paper pledge form. Paper pledge forms may be given to the campaign manager or mailed directly to: CFC Processing Center, P.O. BOX 7820, Madison, WI 53707-7820. The CFC Processing Center will input the pledge into the centralized pledge system which then will be transmitted to the employee's servicing PRO. An agency must conduct a campaign during the period determined by the LFCC, which will not begin before September 1 and will not extend beyond January 15. New employees may make pledges within 30 days of entry on duty, if outside of the campaign period. See 5 CFR 950.102 and 950.601.

3. CFC Allotments Are Voluntary. A CFC allotment is voluntary and based on the employee's authorization. See 5 CFR 950.701(c).

4. 1-Year CFC Allotment Term. A CFC allotment term begins with the first full pay period after January 15 and ends with the last pay period that includes January 15 of the following year. See 5 CFR 950.701(d).

5. Central Campaign Administrator (CCA). OPM has established that a CCA will administer the CFC donor pledging system. Any pledges made must be pledged through the centralized administrator. See [OPM Memorandum: 2017 Combined Federal Campaign](#) dated August 3, 2017 and 5 CFR 950.106.

6. CFC Allotment Amount. Employees specify an allotment amount to be deducted each pay period during the year. Allotments will not be less than \$1 per biweekly pay period. There is no restriction on the size of the increment above the minimum amount. The amount of the allotment may not be adjusted during the 1-year term. See 5 CFR 950.701(e).

7. Discontinuance of CFC Allotments. Allotments discontinue automatically after the expiration of the 1-year term, or upon the death, retirement, or separation of the employee from Federal service. CFC payroll deductions may be cancelled at any time via the centralized pledge system, but this is the only change permitted outside the official solicitation period. If a pledge is cancelled during the official solicitation period, a new pledge cannot be submitted. See 5 CFR 950.701(f).

8. Transfer of CFC Allotment Authorization. If an employee transfers during the 1-year term of the allotment, the allotment authorization must be transferred to the new PRO. See 5 CFR 950.701(g).

D. Allotments for Income Tax Withholding. An employee may make an allotment for income tax withholding when the employee has a legal obligation to pay, but the agency has no legal obligation to withhold taxes. The allotment for payment of taxes authorized by [5 CFR 550.351](#) applies to State, District of Columbia, and local income or employment taxes.

E. Allotments for Personal Accounts at Financial Organizations. An employee may authorize two or more allotments for a personal account(s) at a financial organization. The

allotment deductions must be a fixed amount for each biweekly pay period and will continue until canceled by the employee.

* 1. Initiation. To initiate an allotment to a personal account at a financial organization, an employee submits an SF 1199A, Direct Deposit Sign-Up Form and a Financial Management Service (FMS) 2231, Fast Start Direct Deposit Form. Employees may also initiate an allotment to a financial organization through an automated computer program that allows employees to process allotments using a personal identification code. To initiate the allotment, the employee must provide a routing transit number, the employee's account number, account type, and the biweekly amount.

* 2. Changes. To change the amount of the allotment or the financial organization or account, the employee must submit a new SF 1199A and an FMS 2231. The employee may also make a change through an available automated computer program.

3. Cancellations. An employee may cancel an allotment to a financial organization at any time by submitting the appropriate form to the Customer Service Representative (CSR) for processing. The employee may also cancel the allotment through an available automated computer program.

4. Deductions

a. If the salary is sufficient to cover the deduction, the PRO will deduct the full allotment amount each pay period even if an employee is in a pay status for only part of a pay period. No deductions will be made if the salary amount is insufficient to cover the full allotment deduction.

b. Retroactive deductions will not be made for a period during which the employee's net pay was insufficient to cover the allotment. The PRO will not make adjustments during future pay periods for amounts it failed to deduct during a current pay period.

F. Child Support and/or Alimony Payments. Employees are permitted to make an allotment for child support and/or alimony when he or she voluntarily elects to do so as authorized by 5 CFR 550.361. This provision for a voluntary allotment does not apply to garnishment orders issued to enforce child support or alimony obligations.

G. Flexible Benefits Plan Allotments. The PRO permits eligible employees to make an allotment as part of a flexible benefits plan established by OPM. The Federal Flexible Benefits Plan (FedFlex) is OPM's cafeteria plan that offers pretax benefits to employees in accordance with Internal Revenue Service (IRS) regulations. The FedFlex offers the following options:

1. Premium Conversion. Premium conversion for medical, dental, and vision plans allows employees to pay premiums using pretax dollars. See subparagraph 110302.H.

2. [Flexible Spending Accounts \(FSAs\)](#). FedFlex offers employees the opportunity to participate in the Federal Flexible Spending Accounts Program (FSAFEDS). See section 1105.

3. [Health Savings Accounts \(HSAs\)](#). Eligible employees enrolled in a high deductible health plan (HDHP) may establish an HSA with an HSA trustee or custodian and may request allotments to fund the HSA. An HSA is funded with pretax monies and may be used to cover current and future qualified medical expenses. The allotment continues until the employee revokes or modifies the allotment election. An employee may modify an HSA allotment at any time in order to effect a prospective change. Any balance remaining in an HSA at the end of a plan year automatically carries forward in the account and no HSA account is subject to forfeiture. Employees are responsible for ensuring their enrollment and contributions are in accordance with IRS rules and within annual limits. Payroll providers are not responsible for verifying employee eligibility or checking to ensure employee contributions are within annual limits.

110203. Discretionary Allotments

In addition to the mandatory allotments that an agency is required to accept from employees, an agency may also permit employees to authorize discretionary allotments made at the employee's request for any legal purpose deemed appropriate by the head of the agency (or designee). The authority to accept discretionary allotments does not constitute independent authority by an agency to permit pretax allotments in addition to those authorized by OPM under subparagraph 110202.G. See 5 CFR 550.311(b).

A. [Purchase of Savings Bonds](#). The United States (U.S.) Department of Treasury has discontinued the issuance of paper savings bonds through federal agency payroll savings plans. Savings bonds may be purchased in the following manner:

1. An employee must open a [TreasuryDirect](#) account. As instructed by the TreasuryDirect payroll savings plan, the employee must submit a request to the civilian PRO for a payroll deduction in the form of an allotment. The employee's request must include the TreasuryDirect account and the amount to be deducted biweekly.

2. Savings bonds purchased in TreasuryDirect post to the employee's account one business day after the scheduled purchase date.

B. [Foreign Affairs Agency Organizations](#). An employee may elect to make an allotment to pay dues to a foreign affairs agency organization in accordance with [5 CFR 550.371](#).

1. The employee is allowed to revoke the authorization at least every 6 months; and

2. The allotment terminates when the dues withholding agreement between a foreign affairs agency and the organization is terminated or ceases to be applicable to the employee.

C. Military Welfare Societies (MWSs). An employee may elect to contribute voluntarily to the MWSs as an authorized charitable campaign. The MWSs include, Army Emergency Relief Society, Navy-Marine Relief Society, and the Air Force Aid Society. With the exception of CFC (see subparagraph 110202.C), MWSs are prohibited from soliciting Federal civilian employees.

1103 FEDERAL EMPLOYEES HEALTH BENEFITS (FEHB)

110301. General

The FEHB Program was originally authorized in 1960 and is governed under [5 U.S.C., Chapter 89](#) and [5 CFR 890](#). FEHB is an employer-sponsored group health insurance program for eligible Federal civilian employees, retirees, former employees, family members, and former spouses. In January 2016, the Self Plus One enrollment type became available. See Benefits Administration Letter ([BAL](#)) [15-210](#). Employees are eligible to enroll themselves and eligible family members in a health plan offered by FEHB. An employee's participation in the program is voluntary. OPM sets the amount that the government contributes toward an employee's health plan cost, and the employee is responsible for paying the remaining balance of the premium cost through salary withholding. OPM designates a three-digit enrollment code to identify health plans. The first two digits identify the plan and the third digit identifies the option (high or standard) and the type of enrollment (self only, self and family, or self plus one). For more information, visit [FEHB Facts](#).

A. Authorized FEHB Forms

1. The [SF 2809](#), Health Benefits Election Form, must be completed by the employee in order to:

- a. Switch designated eligible family member,
- b. Enroll or reenroll in the FEHB Program,
- c. Elect not to enroll in the FEHB Program,
- d. Change FEHB enrollment,
- e. Cancel FEHB enrollment, or
- f. Suspend FEHB enrollment (only annuitants or former spouses).

2. The [SF 2810](#), Notice of Change in Health Benefits Enrollment, must be completed by the employee for the purpose of:

- a. Termination,
- b. Transfer in,

- c. Reinstatement, or
- d. Change in name of an enrollee.

B. Effective Dates. Except for open season, or unless otherwise provided, most enrollments and changes to enrollments are effective the first day of the pay period after the employing office receives the SF 2809 enrollment or SF 2810 change request. An employee must be in a pay status at least part of the pay period preceding the effective date of enrollment or change request. If an employee was not in a pay status during the pay period preceding the request, the enrollment or change becomes effective on the first day of the pay period after the employee returns to pay status. Open season begins the Monday of the second full workweek in November and ends the Monday of the second full workweek in December. OPM sets the effective date for enrollments and changes made during the annual open season.

*110302. FEHB Premium Contributions and Withholdings

Information concerning government employer contributions (Government contribution) and employee withholdings for FEHB premiums can be found in 5 CFR 890, subpart E. See [the FEHB Handbook](#). Premium contributions and withholdings begin the first pay period that the enrollment is effective. The PRO forwards the contributions and withholdings to OPM using the Retirement and Insurance Transfer System (RITS) on the same date payroll is paid.

A. Government Premium Contributions. The Government's contribution must be paid every biweekly pay period during which an employee's enrollment continues, whether the employee is in a pay or nonpay status. The Government contribution for eligible employees is paid out of agency appropriations or other funds available for payment of salaries.

B. Full-Time Employee Premium Withholding. Unless otherwise provided, full-time employees are responsible for paying their share of the premium for every pay period that enrollment continues. The PRO deducts the withholding amount each pay period from the employee's pay. The amount is determined by the rate applicable to the plan, option, and coverage selected by each employee. The plan brochure describes the benefits, biweekly deduction, and other major features of each participating plan. If the withholding is insufficient, the employee incurs a debt to the United States in the amount of the proper withholding required for each pay period. Employees must check their Leave and Earnings Statements (LES) to verify the premium withholding is correct and must report discrepancies to their employing office immediately.

C. Part-Time Employees Premium Withholding and Contributions. Part-time employees, as defined in [5 U.S.C. § 3402](#), may elect coverage under FEHB and must pay the employee share of the FEHB premium. The agency pays the employer contribution in whole or in part depending on the following, as determined by the Human Resources Office (HRO).

1. A part-time career employee hired after April 8, 1979, who works 16 to 32 hours a week (or 32 to 64 hours biweekly) is entitled to a partial Government contribution toward the FEHB premium that is in proportion to the number of hours scheduled to work in a pay period. The partial contribution is determined as follows:

a. The prorated share of the Government's contribution is determined by dividing the number of scheduled hours the part-time employee works as indicated on the [SF 50](#), Notification of Personnel Action, by the number of hours worked by a full-time employee serving in the same or comparable position (normally 80 hours per biweekly pay period).

b. The resulting percentage is applied to the Government contribution made for full-time employees enrolled in that plan.

c. The amount of the Government contribution is deducted from the total premium (Government contribution plus employee share), and the remaining amount is withheld from the employee's pay. See [5 U.S.C. § 8906\(b\)\(3\)](#) and refer to the FEHB Handbook.

2. Employees who served on a part-time basis before April 8, 1979, and who have continued to serve on a part-time basis without a break in service, are eligible for the full Government contribution.

D. Temporary Employee Premium Withholdings and Contributions.

1. Effective November 17, 2014, employees on temporary appointments, employees on seasonal schedules who will be working a schedule of less than six months per year, and intermittent employees who are expected to work 130 hours per month or more for at least 90 days will be eligible to enroll in an FEHB plan. These newly eligible employees will receive the same government contribution as full-time permanent employees. See BAL [14-210](#). Temporary employees who had worked for 12 consecutive months, were already eligible to enroll in the FEHB Program, and who were expected to work for 130 hours per month for at least 90 days also became eligible to receive the same government contribution as full-time permanent employees.

2. The Federal Employees Health Benefits Amendments Act of 1988 provides FEHB coverage for certain temporary employees excluded from coverage under subparagraph 110302.D.1. To be eligible for coverage, a temporary employee must have completed 1 year of current continuous employment, excluding any break in service of 5 days or less. See 5 U.S.C. § 8906a(a). The employee must pay both the employee and the government share of the FEHB premium.

E. Withholding and Contributions Under Certain Conditions

1. Withholding From Lump-Sum Leave (LSL) Payment. The PRO will not deduct the regular biweekly withholding for FEHB premiums from an employee's LSL payment. However, the PRO may collect from the LSL payment any previously established debt that is the result of an employee's underpayment or failure to pay premiums.

2. Withholdings and Contributions Upon Transfer. An employee's health plan enrollment and coverage continue without change when the employee transfers from one PRO to another without a break in service of more than 3 days. Each PRO is responsible for FEHB premium withholdings and contributions during the time the employee was in a position serviced by

the PRO. The PRO will prorate the withholdings and contributions using the Daily Proration Rule if the employee transfers to a different PRO at any time other than the first day of the pay period. See subparagraph 110302.G.

3. Withholding and Contributions Upon Retirement. If an employee retires and is eligible to continue enrollment in a health plan as an annuitant, the PRO's responsibility for FEHB premium withholdings and contributions is based on the date the annuity starts. If the annuity starts after the end of the employee's final pay period, the PRO makes withholdings and contributions for the entire final pay period. If the annuity starts before the end of the employee's final pay period, the PRO makes withholdings and contributions through the day before the starting date of the annuity using the Daily Proration Rule discussed in subparagraph 110302.G. OPM will make withholdings beginning with the effective date of the annuity.

4. Withholding and Contributions Upon Death. If an employee dies and there is no survivor annuity, or if the employee maintained self only enrollment, the PRO must make full FEHB premium withholdings and contributions for the pay period in which the employee dies. If a survivor annuitant is eligible to continue enrollment, the PRO will prorate the calculation using the Daily Proration Rule and the employee's date of death.

5. Withholding and Contributions Upon Retroactive Reinstatement. An employee who is restored to duty retroactively after an erroneous suspension or removal may elect to have his or her enrollment retroactively reinstated, or may enroll in the plan and option of their choice in the same manner as a new employee. If the employee elects to have the enrollment retroactively reinstated, the PRO must take deductions for the period of suspension or removal from the retroactive pay adjustment (i.e., back pay award) and the Government premium contributions should be made as though the suspension or removal had not occurred.

6. Withholding and Contributions Upon Termination or Reinstatement for Military Service. If enrollment is terminated or reinstated because of an employee's entry into or return from military service, the Daily Proration Rule is applied. The effective date of the action is the date the employee entered into or returned from military service.

* F. Withholding and Contributions During Leave Without Pay (LWOP) or Insufficient Pay Status

1. 365-Day Limit. Enrollment may continue while an employee is in a nonpay status for up to 365 days. The 365 days of continuous enrollment is not considered to be broken by any period of less than 4 consecutive months in pay status. If an employee has 4 consecutive months in pay status after a period of nonpay status, the employee is entitled to begin a new 365-day period of continuous enrollment. See 5 CFR 890.303(e).

2. PRO Forwards Premium Payments Each Pay Period. An employee is responsible for continuing to pay the employee's share of the FEHB premium during periods of LWOP or insufficient pay, unless the employee terminates the enrollment. The PRO will not withhold the employee's share of premiums for a pay period when an employee is on LWOP or has insufficient pay to cover the full FEHB premium. However, the PRO must continue to forward the

full FEHB premium (both the Government contribution and the employee's share) to OPM each pay period. The PRO must advance salary to cover the employee's share of the FEHB premium and the employee will incur a debt for the advance payments.

3. Notification to Employee. The payroll system must be capable of identifying all employees on LWOP or who have insufficient pay to cover premiums. Written notice must be provided to an employee by the PRO as soon as the PRO becomes aware that premium payments cannot be withheld from the employee's salary. Notice should be provided in accordance with instructions in the FEHB Handbook and 5 CFR 890.502(b) and sent by first-class mail or delivered in person. If mailed, the notice is considered to be received 5 days after the date of the notice. The notice must advise the employee of the following:

- a. Options for continuing or terminating enrollment;
- b. Effect of termination;
- c. If the employee decides to continue coverage, the employee must agree to pay the premium directly, incur a debt, or pre-pay premiums;
- d. If the employee elects to incur a debt or fails to pay the entire amount due, the employee thereby agrees to repay the debt in full and allow the debt to be collected by salary offset. The notice should indicate that if the debt cannot be collected by salary offset, it will be recovered from a LSL payment, income tax refunds, retirement payments, or any other source available for the recovery of a debt due the government; and
- e. If the employee does not complete the election indicating whether the employee chooses to continue or terminate enrollment and return the notice within 31 days after receipt (45 days if the employee lives overseas), enrollment will automatically terminate.

4. Employee Must Continue or Terminate Enrollment. If the employee enters LWOP or pay is insufficient, the employee must either terminate enrollment or agree to pay the premium (or incur a debt) in order to continue enrollment. See the FEHB Handbook for additional information.

a. Terminating Enrollment

(1) Coverage. If the employee elects to terminate enrollment, the termination is effective at the end of the last pay period in which the PRO withheld the premiums from pay. Upon termination, FEHB coverage continues for an additional 31 days at no cost to the employee. During the 31-day period, the employee and covered family members may convert to an individual contract with the insurance carrier (commonly referred to as the "conversion right").

* (2) Reenrollment. If the employee returns to a pay status, or at the end of the first pay period that pay becomes sufficient to cover premiums, the employee

must reenroll within 60 days if the employee wishes to elect FEHB coverage again. If the PRO has forwarded the Government contribution to OPM using RITS and an adjustment is required in a subsequent pay period due to the late receipt of the FEHB cancellation, appropriate changes must be made to the payroll for personal services summary and the [SF 2812-A](#), Report of Withholdings and Contributions for Health Benefits by Enrollment Code. See the CSRS and FERS Handbook.

b. Continuing Enrollment. If the employee elects to continue coverage, the employee may pay premiums directly to the employing agency while on leave (“pay-as-you-go” option), incur a debt for the unpaid premiums while on leave (“catch-up” option), or pre-pay the premiums before the employee goes on LWOP. The PRO must notify the employee of choices available (using the notification discussed at subparagraph 110302.F.3) and provide the employee with a method to make direct premium payments. If the employee elects to incur a debt, the employee must repay the debt in full or the employee will be subject to debt collection action. If the employee pre-pays the premiums, the amount may be deducted from pay or may be paid out-of-pocket. Out-of-pocket payments are after-tax monies

c. Employee Takes No Action. If the employee does not sign and return the written notice within 31 days of receiving the notice (45 days for overseas employees), the PRO must terminate the enrollment on the SF 2810, Notice of Change in Health Benefits Enrollment. The effective date of enrollment termination is retroactive to the end of the last pay period that premiums were withheld from pay.

5. Coordinating Withholding From Disability Retirement or Workers’ Compensation

a. Pending Applications

(1) General. An employee’s period of LWOP may be associated with an employee’s pending application for disability retirement or workers’ compensation benefits. Generally, if the employee’s application is approved, the disability retirement annuity or workers’ compensation benefits will be payable from the day following the last day of pay.

(2) PRO Actions. If the employee does not continue to make premium payments during LWOP, the PRO must recover the employee’s share of the FEHB premium from the annuity or workers’ compensation benefits payment. If the employee paid his or her share of FEHB premiums during LWOP and withholding is also made from the annuity or workers’ compensation benefits for the same period, the PRO will refund the amounts to the employee to avoid double premium payments. If the disability retirement annuity does not begin on the day following the last day of pay, the PRO will not refund premium payments until the office receives a notice from OPM indicating the disability retirement application has been approved.

b. Withholding While Receiving Workers’ Compensation. Health benefits enrollment continues while an employee is receiving compensation through the Office of Workers’ Compensation Programs (OWCP). Historically, if compensation lasted fewer than 29 days, FEHB enrollment remained with the PRO. In August of 2010, OWCP discontinued

the practice of delaying deductions for the 28-day period and began making the FEHB deductions effective the first day of LWOP to prevent interruptions in insurance deductions. See Federal Employees Compensation Act ([FECA Circular No. 09-04](#)) and [FECA Circular No. 12-05](#). Enrollment continues during the first 365 days in LWOP status while an employee is receiving compensation. After 365 days, an employee must meet certain participation requirements (see FEHB Handbook) and enrollment eligibility is determined by OWCP.

* 6. Special Circumstances Involving Employees on LWOP. An employee may elect to continue their benefits and pay the employee share of their premiums under the following special circumstances:

* a. Student Trainees on LWOP. Enrollment for student trainees with a career or career conditional appointment continues during LWOP as long as the student is participating in the [Pathways Program](#) under [5 CFR 362](#). The student must continue to pay the employee share of FEHB premiums during LWOP status.

b. Part-Time Employees on LWOP. During LWOP, a part-time career employee who receives a prorated Government contribution toward FEHB premiums must continue to pay the same amount of health benefits premiums that were withheld from the employee's pay when the employee was in pay status.

c. Temporary Employees on LWOP. A temporary employee enrolled in FEHB must pay both the employee share and the Government share of premiums during periods of LWOP. An employee who accepts a temporary position with another employing office must have the enrollment transferred from their original employing office to the new employing office. If the employee is still in LWOP status when the temporary position at the new employing office ends, enrollment must be transferred back to the original employing office. The original employing office must determine the remaining time the employee is entitled to continue FEHB coverage under LWOP. If the employee's temporary position in the original employing office has expired, the FEHB enrollment must be terminated. Both offices must coordinate the action so that withholdings and contributions are made in a timely manner.

d. Employees on Family and Medical Leave. An employee is entitled to 12 weeks of unpaid leave under the Family and Medical Leave Act (FMLA). See [5 U.S.C. § 6382](#). The 12 weeks of FMLA leave usually runs concurrently with the 365-day period for FEHB coverage during LWOP status. During the 12 weeks of FMLA leave, the general requirements for premium withholding and contributions described in paragraph 110302 apply. During any FMLA leave period that extends beyond 365 days (for example, if the employee has used an extensive amount of LWOP before beginning FMLA leave), the employee must pay the employee's share of FEHB premiums directly to the PRO on a current basis.

e. Employees Appointed to Employee Organizations

(1) Eligibility. An employee who is authorized LWOP status in order to serve as a full-time officer/employee of an employee organization may continue health benefit coverage if elected within 60 days from the start of LWOP. Coverage continues for

the entire length of the appointment, even if LWOP lasts longer than 365 days. The employee pays the full cost of the health plan premium (both the employee and Government share). The employee must make the premium payment to the PRO before, during, or within 3 months after the end of each pay period.

(2) Termination. Coverage terminates if the employee does not pay premiums within this timeframe (subject to the 31-day extension of coverage and conversion right). Coverage will not resume until the employee enters pay and duty status in Federal service. Coverage may be restored retroactively if the employing agency finds that the employee was unable to make premium payments for reasons beyond the employee's control and payment is made at the first opportunity.

f. Appointments to State or Local Governments, Institutions of Higher Education, Indian Tribal Government, or Other Organizations. An employee granted LWOP for the purpose of an appointment to a State or local government, an institution of higher education, Indian tribal government, or certain other organizations specified in [5 CFR 334](#), may elect to continue health benefits coverage for the duration of the assignment. Employees are entitled to continue coverage even if LWOP lasts longer than 365 days. The employee must pay the employee's share of the premiums to the PRO before, during, or within 3 months after the end of each pay period. The employing office must continue to pay the Government share of the premiums as long as the employee continues to make premium payments. If the employee does not make premium payments in a timely manner, coverage:

(1) Terminates if the employee does not pay premiums in a timely manner (subject to the 31-day extension of coverage and conversion right);

(2) Will not resume until the employee enters pay and duty status in Federal service; and

(3) May be restored retroactively if the employing agency finds that the employee was unable to make premium payments for reasons beyond the employee's control and payment is made at the first opportunity.

g. Transfer to International Organization. An employee who is transferred to an international organization under [5 U.S.C. § 3582](#) may elect to continue health benefits coverage and must pay the employee share of premiums to the employing office before, during, or within 3 months after the end of each pay period. The employing office must continue to pay the Government contribution as long as the employee pays their share of the premium. Coverage terminates if the employee does not pay premiums within this timeframe (subject to the 31-day extension of coverage and conversion right). Coverage will not resume until the employee enters pay and duty status in Federal service. Coverage may be restored retroactively if the employing agency finds that the employee was unable to make premium payments for reasons beyond the employee's control and payment is made at the first opportunity. See [5 CFR 352.309](#).

h. Employee Salary Paid in Less Than 12 Months. If an employee's salary is paid over a period of less than 12 months (for example, a teacher who is paid over 10 months), the employing office should prorate the annual premium installments over the

number of salary installments during the year so that the employee does not owe additional premiums during the nonpay period. If the employee is on LWOP status during the normal work period, the employee must pay premiums for that period.

G. Daily Proration Rule

1. General. The Daily Proration Rule is a formula used to calculate partial employee withholdings and Government contributions for FEHB premiums. Unless otherwise provided, the full withholding and contributions must be made for each pay period even if the employee is in pay status for only part of the period. The PRO uses the Daily Proration Rule to compute partial withholdings and contributions under the following circumstances:

a. The employee transfers to a position serviced by a different PRO other than at the beginning of a pay period;

b. The employee retires other than at the end of a pay period and is eligible to continue FEHB enrollment;

c. The employee dies, and there is a survivor annuitant eligible to continue FEHB enrollment; or

d. The employee terminates or reinstates enrollment because of entry into or return from military service.

2. Application of the Daily Proration Rule. The FEHB Handbook provides examples for computing a prorated amount of withholdings and contributions using the Daily Proration Rule. Each PRO (gaining and losing) is responsible for FEHB withholdings and contributions for the actual time the employee occupied a position serviced by the PRO. The PRO must compute daily FEHB premium withholdings and contribution rates as follows:

a. Daily Withholding Rate. To determine the daily withholding rate for partial employee withholding, multiply the employee's biweekly withholding rate by 26 and divide by 364; the result will equal the daily withholding rate. Multiply the daily withholding rate by the number of days on the payroll, the result will equal the amount of withholding for which the PRO is responsible. Use the denominator of 364 even during a leap year.

b. Daily Contribution Rate. To determine the daily contribution rate for partial Government contributions, multiply the biweekly Government contribution rate by 26 and divide by 364; the result will equal the daily contribution rate. Multiply the daily contribution rate by the number of days on the payroll, the result will equal the amount of contributions for which the PRO is responsible. Use the denominator of 364 even during a leap year.

H. FEHB Premium Conversion. Premium conversion is a method for reducing taxable income by the amount of an employee's contribution to his or her FEHB premium. Premium conversion reduces the employee's taxable income thereby lowering the employee's Federal income tax, Social Security and Medicare taxes, and state and local taxes. See [5 CFR 892.102](#). The HRO

automatically enrolls eligible employees in premium conversion. Before the effective date of coverage, an employee may waive participation in the premium conversion benefit by filing an FEHB [Premium Conversion Waiver/Election Form](#). Thereafter, an employee may file a waiver of participation in premium conversion only under the limited circumstances set out at [5 CFR 892.205](#). See 5 CFR 892, subpart B for additional information.

I. Collection of Unpaid FEHB Premiums Debt

1. Debt Collection. Debt collection actions will be made pursuant to the debt collection authority in Volume 16. If the employee received a salary advance to cover FEHB premiums (using the “catch-up option”) and the employee signed a statement agreeing that the debt may be withheld from future pay, then the agency is not required to offer the employee a hearing before beginning salary offset, but notice of the intent to collect the debt must be provided. See [5 CFR 550.1102\(b\)](#).

2. Payments and Offsets. The PRO will note payments received or payroll deductions withheld and record those payments in the OPM deposit fund for FEHB withholdings. If the employee separates, the amount owed must be offset against any entitlements due. If the employee retires and final pay is not sufficient to cover the debt, then the OPM Form [1522](#), Request for Offset for Health Benefits Premiums from Monies Payable Under the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS), must be used to offset against a CSRS or FERS annuity. In addition, note on the [SF 2806](#), Individual Retirement Record, or [SF 3100](#), Individual Retirement Record (FERS), that the separating employee has been indebted. There is no minimum amount subject to offset. If the employee has made any duplicate payments that are later offset, the duplicate payments must be refunded.

3. Debt Collection After Transfer to a Different PRO. The date of last withholding and amount due must be shown on the [SF 1150](#), Record of Leave Data, when an employee has a debt for unpaid FEHB premiums and transfers to a different PRO. Amounts due from employees transferring to another PRO should be collected by the gaining PRO and paid to the former employing office and reported to OPM by the gaining PRO.

4. Employees Erroneously Allowed to Continue FEHB Coverage Beyond 365 Days of Leave Without Pay. The Affordable Care Act does not allow a health insurer to cancel coverage retroactively if premiums have been paid, including if an employer has erroneously allowed an ineligible employee to enroll. Where an employee who was on LWOP elected to incur a debt for the employee portion of the premium, and the employee’s enrollment was erroneously allowed to continue for an extended period of time beyond the 365th day, the premium debt incurred by the employee for coverage may be significant. Therefore, OPM has directed agencies that in such a case, the agency must allow the employee to choose whether to:

a. Terminate the enrollment prospectively effective last day of the pay period in which the error was discovered and keep the coverage during the erroneous enrollment period. This means, if the employee incurred a debt, the employee owes the employee share of the premiums to the agency for that period, however the employee is entitled to full benefits during the period of the erroneous enrollment; or

b. Terminate the enrollment retroactively back to the date the FEHB enrollment should have terminated (meaning the employee owes no premiums for the erroneous enrollment period, but was not covered during that period and is responsible for any claims paid). This will allow the employee to avoid a large premium debt if little or no services were used due to the agency's error.

110303. FEHB for Employees Entering Active Military Service

A. General. Federal law allows up to 24 months of continued FEHB benefits for Federal employees, and their covered dependents, who separate or enter into nonpay status to serve in the uniformed services, referred to as Absent-Uniformed Service (AUS). See 38 U.S.C. § [4317\(a\)\(1\)\(A\)](#) and [5 U.S.C. § 8905a](#).

1. Active Duty 30 Days or Less. If the employee is on active duty for 30 days or less and is in pay status, the employee's FEHB enrollment continues without change to the employee withholding or Government contributions.

2. Active Duty Over 30 Days. An employee who enters active duty for more than 30 days may continue enrollment for up to 24 months unless the employee terminates enrollment.

3. Cost of FEHB Coverage. As discussed in subparagraph 110303.B, the cost of FEHB is dependent upon the nature and length of the employee's active duty. Eligible DoD employees called to active duty in support of a contingency operation receive an enhanced benefit that results in the agency paying both the employee and government shares of the premiums for up to 24 months. However, if status changes to non-contingency during the employee's active duty service, a debt will incur. See also 5 CFR 890.303(i), 5 CFR 890.304, and 5 CFR 890.502(f).

B. Premium Payments General Information

1. First 365 Days. For the first 365 days AUS (12 months), the employee must pay the employee share of the FEHB premium (the employee may elect to postpone payment using the "catch up option").

2. After 365 Days. After 365 days on AUS, the employee must pay both the employee share and the government share of the FEHB premium, plus an administrative charge of 2 percent of the total plan premiums. Payment is made directly to the PRO on a current basis (each pay period). See 5 CFR 890.502 (f). As discussed in subparagraph 110303.C, DoD Components pay both the employee and government's share of the FEHB premium if the employee is called or ordered to active duty in support of a contingency operation.

3. Enrollment Termination and Reenrollment. An employee's enrollment ends 24 months after absence for military service began, or 90 days after service ends, whichever is earlier. At the end of the 24 months, FEHB coverage will continue for an additional 31 days during which the employee and covered family members may convert to an individual

contract with the insurance carrier. If the employee has terminated enrollment during active duty, they may enroll again within 60 days after returning to civilian employment.

4. Additional Guidance. See OPM Guidance on Coverage for Federal Civilian Employees Called to Military Duty.

C. Premium Payments When Service is in Support of a Contingency Operation. Eligible Federal employees called to active duty in support of a contingency operation, as defined in 10 U.S.C. § 101(a)(13), on or after September 14, 2001, are allowed an extension of coverage under the FEHB Program for up to 24 months. See 5 U.S.C. § 8905a and 5 CFR 890.502(f). DoD agencies may pay both the employee's share and the government's share of the FEHB premiums (in addition to any administrative charges the employee may otherwise be required to pay) for up to 24 months for eligible employees. See 5 U.S.C. § 8906(e) (3). When an employee moves from a contingency to non-contingency operation, the agency is required to cease paying the employee share of premiums.

1. Eligibility Requirements. To be eligible for continued FEHB coverage and payment of the employee's share of the FEHB premium under these authorities, the employee must be:

- a. Enrolled in FEHB and elect to continue that enrollment;
- b. A member of a Reserve component of the Armed Forces, which includes the Army National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard, the Air Force Reserve, and the Coast Guard Reserve;
- c. Called or ordered to active duty (voluntarily or involuntarily) in support of a contingency operation as defined in 10 U.S.C. § 101(a)(13);
- d. Placed on AUS or separated from civilian service to perform active duty; and
- e. On active duty for a period of more than 30 consecutive days.

2. Effective Date. Continued coverage and agency full premium payment for eligible employees will be effective the date the employee is initially placed on AUS or separated from civilian service to perform active duty. Eligibility continues for up to 24 months while the employee is on active duty. The 24-month period will not be extended by the employee's intermittent use of paid leave during a period of military service.

D. Historical Information

1. Service in Support of a Contingency Operation on or After December 8, 1995, but Before September 14, 2001. Title 5 U.S.C. § 8906(e)(3) provided an extension of coverage under FEHB for no longer than 18 months for eligible employees. Under the law, agencies were authorized to pay the full FEHB premium (employee share and government

share) for a period no longer than 18 months for eligible employees. The period of continued FEHB coverage began on the date of the employee's absence from their civilian position. The agency paid full FEHB premiums during periods of AUS or separation, but not during any pay period the employee used paid leave.

2. Service Not in Support of a Contingency Operation on or After December 12, 1994 and Before December 10, 2004. The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects all employees serving on active duty in the uniformed services, including those serving under non-contingency orders. See 38 U.S.C. § 4317(a)(1)(A). Under USERRA, employees called to active duty under Title 32 or Title 10 between the aforementioned dates, were entitled to continued coverage of FEHB for 18 months. The period of continued FEHB coverage began on the date of the employee's absence from their civilian position.

a. First 12 Months. The employee was responsible for payment of the employee's share of the FEHB premium for the first 12 months.

b. 12 to 18 Months. The employee was responsible for the full FEHB premium (employee share and government share) plus an administrative charge of 2 percent of the total plan premiums after 12 months and up to the 18-month limitation.

110304. Retroactive Changes and Adjustment of Errors

A. Retroactive Changes in Enrollment. If the employee does not participate in premium conversion, the employee may change enrollment from self and family to self plus one or from self and family or self plus one to self only at any time. An employee who participates in premium conversion is limited to changing their enrollment from self and family to self plus one or from self and family or self plus one to self only during open season, or within 60 days after the employee has a qualifying life event. Generally, a qualifying life event is an increase or decrease in the number of eligible family members as described in the FEHB Handbook.

1. The HRO may make enrollment changes retroactively to the first day of the pay period that began after the employing office received the employee's enrollment change request.

2. The retroactive change, and corresponding adjustments to health benefits withholdings and contributions, may be made only upon the employee's written request. The request must identify the event and date when the employee became the only person covered by family enrollment.

3. If an employee retroactively changes from self and family to self only, the PRO must make corrective adjustments to refund premiums back to the beginning date of the change in coverage provided by the employing agency. The Barring Act (Statute of Limitations) under [31 U.S.C. § 3702 \(b\)\(1\)](#) does not apply to these specific changes.

B. Adjustment of Errors

1. Underdeduction. An underdeduction of FEHB withholding represents an overpayment of the employee's pay. Collection of the overpayment is exempt from due process if the amount was accumulated over four pay periods or less immediately preceding the current pay period. See [5 CFR 550.1104\(c\)](#). Collection is subject to due process procedures when the amount accumulated is for a period of more than four pay periods. The PRO must collect the overpayment from a separated employee's final pay. See Volume 16, section 030207 for additional information.

2. Overdeduction. If the PRO overdeducts the FEHB premium amount owed by the employee, the PRO must refund the overdeduction to the employee and adjust the Government contribution on a subsequent pay period.

110305. Temporary Continuation of Coverage (TCC)

A. General. An employee who loses FEHB coverage because he or she separates from Federal service may enroll under the TCC of FEHB. TCC allows an employee to continue health benefits coverage for up to 18 months from the date of separation. An employee's family member (child or former spouse) who loses coverage because he/she is no longer eligible may also enroll under TCC and may continue coverage for up to 36 months from the date of their change in status as a family member. HRO provides the employee with a notification of TCC election rights. For specific details regarding TCC, see 5 CFR 890, subpart K.

B. Notification. Once the employee's HRO establishes TCC eligibility, the HRO will forward the election form to the National Finance Center (NFC), which administers the TCC program for the DoD. The NFC will notify eligible individuals and provide further information on benefits, and will process enrollment changes and cancellations. NFC will collect premiums and send them to OPM.

C. Premium Payments. Individuals eligible for TCC must pay the full premium for the health benefit plan, which includes the employee withholding amount and the Government contribution plus an administrative charge of 2 percent of the total plan premiums. However, if the individual has TCC based on a separation due to a reduction in force under 5 U.S.C. § 8905A(d)(4), the employee only pays their share, and the agency continues to pay the Government contribution amount plus the administrative charge of 2 percent of the total plan premiums.

1104 FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM (FEDVIP)

110401. General

FEDVIP provides dental and vision insurance to Federal employees at competitive group rates. While FEDVIP enrollment occurs during the annual Federal benefits open season process, FEDVIP is separate from the FEHB Program. For additional information, see [5 CFR 894](#).

110402. FEDVIP Eligibility and Participation

A. Eligibility. Generally, in order to be eligible to enroll in FEDVIP, employees must be eligible for enrollment in the FEHB Program however; enrollment is not required. Certain employees, such as some temporary employees or intermittent employees, are not eligible for FEDVIP even though they may be eligible for FEHB. Enrollees in the FEHB TCC are not eligible for FEDVIP. Coverage of FEDVIP continues each year, and employees do not need to re-enroll each year to continue current coverage. Employees may enroll in FEDVIP through BENEFEDS, which administers enrollment for the FEDVIP program. Employees can utilize the secure enrollment site [BENEFEDS](#), or by calling the BENEFEDS customer service at 1-877-888-3337.

B. Enrollment. Employees may enroll in FEDVIP:

1. During the annual open season;
2. Within 60 days after first becoming eligible as a new employee, or a previously ineligible employee who transfers to a covered position;
3. Within 60 days after returning to work following a break in service of at least 30 days; or
4. From 31 days before the employee (or eligible family member) loses other dental/vision coverage to 60 days after a qualifying life event allowing the employee to enroll. See 5 CFR 894.502 and BENEFEDS for information on qualifying life events.

C. Types of Enrollment. Under the FEDVIP, employees may select from the following types of enrollment:

1. Self only, which covers only the employee;
2. Self plus one, which covers the employee plus one eligible family member as specified by the employee; or
3. Self and family, which covers the employee and all eligible family members.

D. Cancellation, Termination and Extension of Enrollment

1. Cancellation of Enrollment. Generally, an employee may only cancel FEDVIP participation during open season. An employee may cancel FEDVIP participation outside of open season only under the following two circumstances and the cancellation is effective at the end of the pay period in which the employee submits the cancellation request:

- a. When the employee or employee's spouse is called to active military duty; or

b. When the employee transfers to an eligible position with another Federal Agency that provides dental and/or vision coverage and the employer pays 50 percent or more of the premium.

2. Ineligibility. When an employee who no longer meets the definition of an eligible employee, FEDVIP coverage stops at the end of the pay period in which the employee was last eligible.

3. Extension of Coverage and TCC. Upon termination, there is no extension of coverage or right to convert to an individual contract with the insurance carrier. There is no TCC for employees or family members when FEDVIP coverage stops or family members become ineligible.

110403. FEDVIP Premiums

A. General. Employees who elect to participate in FEDVIP pay the entire premium, as there is no Government contribution for FEDVIP. Part-time employees pay the same premium as full-time employees.

B. Premium Conversion. The PRO withholds FEDVIP premiums from the employee's biweekly salary on a pre-tax basis using premium conversion, the method for reducing taxable income by the amount of the employee's contribution to their FEDVIP premium. Unlike the FEHB program, an employee may not opt out of premium conversion for FEDVIP. Premiums are not paid on a pre-tax basis if the employee has insufficient pay to cover the premium or is in a nonpay status. An employee who pays a premium directly to the FEDVIP administrator is not eligible for premium conversion. When an employee's enrollment is retroactively changed and additional premium withholding is required, the employee is not eligible for premium conversion unless the change is the result of a birth or adoption of a child.

C. Insufficient Pay or Nonpay Status. If an employee misses a premium payment for FEDVIP, they must make up the payment in subsequent pay periods or FEDVIP coverage will stop on the last day of the pay period in which FEDVIP received an allotment. An employee who is in a nonpay status, or who has insufficient pay to cover premiums, may also arrange to pay premiums directly to the FEDVIP administrator. If the employee stops making direct premium payments, FEDVIP coverage stops at the end of the pay period in which the employee last made a payment. If FEDVIP coverage stops, the employee will not be able to reenroll until the next open season after the employee is in pay status or the employee's pay is sufficient to pay the premium.

1105 ALLOTMENTS FOR FEDERAL FLEXIBLE SPENDING ACCOUNT PROGRAM (FSAFEDS)

110501. General

FSAFEDS offers three different Flexible Spending Accounts (FSAs). Eligible employees under this program open a FSA and make an annual election to deposit a portion of

their pay into the account for the upcoming benefit period. The PRO withholds allotments from the employee's biweekly salary on a pretax basis and deposits the funds into the FSA. Employees may request to accelerate allotments over fewer pay periods. The employee may use their FSA for reimbursement of out-of-pocket costs for health care (such as co-payments and expenses not covered by insurance). Employees may also set up an account for dependent care expenses for a qualifying dependent. FSAFEDS is not a part of the FEHB program.

A. Open Season. Eligible employees must enroll in FSAFEDS each year during the Federal Benefits Open Season. Open season enrollments are effective January 1 of the following year. Enrollment does not carry forward year-to-year, and an employee must reenroll each year. New and newly eligible employees must enroll in the program within 60 days (but no later than October 1) of their entry on duty.

B. Enrollment. Employees must enroll directly with FSAFEDS either through [FSAFEDS](#) online or by calling FSAFEDS at 1-877-372-3337.

110502. Types of Flexible Spending Accounts

A. Health Care Flexible Spending Account (HCFSA). An eligible employee may make an allotment to an HCFSA to pay for qualified health care costs not covered by FEHB. If an employee maintains an HCFSA and enrolls in an HDHP, the employee may not maintain a HSA.

B. Dependent Care Flexible Spending Account (DCFSA). An eligible employee may make an allotment to a DCFSA to pay for qualified dependent care (such as day care) expenses.

C. Limited Expense Health Care Flexible Spending Account (LEX HCFSA). The LEX HCFSA is only available to employees who enroll in an FEHB HDHP with an HSA. Eligible expenses are limited to dental and vision care services.

110503. Allotments for FSAs

A. Payment of Allotments. Allotments withheld from the employee's pay are forwarded to BENEFEDS on the same date payroll is paid.

B. Carryover

1. Prior to 2015. Any unused FSA allotments were forfeited if the employee did not incur an eligible expense and file a timely claim for reimbursement.

2. After 2015. In October 2013, the Treasury and the IRS modified the forfeiture ("use-or-lose") rule for health care FSAs. Effective January 1, 2015, FSA programs allowed participants to carry over up to \$500 of unused health care FSA funds to the next plan year (as long as they re-enroll in health care FSAs). Each year, by January 15, a carryover account will be established with their remaining funds from the prior calendar year, up to \$500. Any

amount over \$500 will remain in the prior year account and will be forfeited if prior year claims are not submitted by the April 30 deadline. The carryover funds can be used for prior year expenses that are submitted by April 30 or current year expenses. The carryover balance will be set to a “secondary priority” for claim reimbursement; this means that the carryover balance will be used only if the prior and/or current year balances have been depleted. See BAL [14-801](#). For additional information on carry over rules, see FSAFEDS website.

C. LWOP and Nonpay Status

1. Effect of Nonpay Status. The Government will not make up the employee’s allotments to an FSA if the employee is on LWOP or in a nonpay status. However, the employee may prepay allotments for periods of LWOP. If allotments are not prepaid, the HCFSA or LEX HCFSA account will be frozen. The employee will not be eligible for reimbursement of expenses incurred during LWOP or while in a nonpay status until the employee returns to pay status and allotments have restarted (even if the government continues to pay the employee’s FEHB premiums for medical coverage). If an employee maintains a DCFSA during nonpay status, certain dependent care expenses that meet IRS guidelines for eligible expenses may continue to be reimbursed up to the account balance.

2. Return to a Pay Status. Upon the employee’s return to pay status, the PRO will restart the allotment. FSAFEDS will recalculate any future allotment amounts based on the number of pay dates remaining in the benefit period to ensure the employee reaches their annual election amount.

D. Separation From Employment and Termination of FSAFEDS Participation. Participation in FSAFEDS stops as of the employee’s separation date, or the last day of the pay period in which FSAFEDS received an allotment. HCFSA or LEX HCFSA expenses incurred after participation ends are not eligible for reimbursement. Reimbursement is only available for expenses incurred prior to the date of termination. However, the employee may continue to use the remaining balance in a DCFSA for eligible dependent care expenses until the end of the Benefit Period or until the depletion of the account balance, whichever comes first. Termination may be due to a change in employment status causing the employee to lose eligibility, separation from Federal employment, or transfer to a Federal agency not covered by FSAFEDS.

1106 FEDERAL EMPLOYEES GROUP LIFE INSURANCE (FEGLI) PROGRAM

110601. General

The FEGLI Program is a term life insurance program that provides life insurance coverage for Federal employees and their families. See [5 U.S.C., Chapter 87](#). The FEGLI Act of 1954, P.L. 83-598, created the FEGLI Program. OPM administers the Program and sets the amounts for employee withholdings and Government contributions. For additional information, see 5 CFR [Part 870](#) or the [FEGLI Handbook](#). FEGLI benefits are payable regardless of the cause of death. The employee’s SF 50 (in block 27) reflects the employee’s current FEGLI enrollment code. See [SF50 Insurance Code Translator](#) for a description of the FEGLI code.

*110602. Types of Life Insurance

There are two types of life insurance coverage under the FEGLI Program, Basic and Optional. The employee and the government share the cost of Basic insurance. The employee pays the entire cost for any of the three additional types of Optional insurance. Additionally, accidental death and dismemberment coverage is an automatic part of Basic and Option A insurance at no additional cost to employees.

* A. Basic Insurance. On the date the eligible employee is initially placed in pay and duty status, the HRO automatically enrolls the employee in Basic insurance, unless the employee specifically waives Basic insurance coverage. A new employee may opt out of Basic insurance by filing a waiver of Basic insurance with the employing office before the end of the first pay period. [A transferred employee or an employee who returns after 12 months in a non-pay status](#) may also use a previously filed waiver from earlier employment which remains in effect. See 5 CFR 870.501.

1. Basic Insurance Amount (BIA). The amount of an employee's Basic insurance coverage is equal to their BIA multiplied by a factor based on the employee's age. An employee's BIA is either the annual rate of basic pay, rounded to the next higher thousand (plus \$2,000) or \$10,000, whichever is higher. An employee's BIA automatically changes whenever an employee's pay changes. Effective October 30, 1998, there is no maximum BIA. Note: if the employee's salary is limited or "capped" by law, the amount of Basic insurance is based on the capped amount, not on the amount of pay without the cap. See 5 CFR 870.202.

2. Annual Rate of Basic Pay for Determining BIA. BIA is based on the employee's annual pay as fixed by law or regulation. See 5 CFR 870.204. An employee's annual pay for life insurance purposes includes the following pay:

- a. Interim geographic adjustments and locality-based comparability payments;
- b. Premium pay for standby duty under [5 U.S.C. § 5545\(c\)\(1\)](#);
- c. For a law enforcement officer as defined under 5 U.S.C. § [8331\(20\)](#), [5 CFR 831.902](#), and [5 CFR 842.802](#), premium pay for administratively uncontrollable overtime is authorized under 5 U.S.C. § 5545(c)(2);
- d. Night Shift differential pay for wage employees;
- e. Environmental differential pay for employees exposed to danger or physical hardship;
- f. Special pay adjustments for law enforcement officers;
- g. Availability pay for criminal investigators under 5 U.S.C. § 5545a;

h. Market pay for physicians and dentists of the Department of Veterans Affairs under [38 U.S.C. § 7431](#); and

i. Straight-time pay for regular overtime hours for firefighters.

3. Annual Rate of Pay for Employee Paid Multiple Rates. An employee may be paid for work using different pay rates. The annual rate of pay for such employees for life insurance purposes is based on their work schedule as follows:

a. Regular Schedule. Annual pay for employees regularly scheduled to work at different pay rates, such as day and night rates or two positions at different rates for each position, is the weighted average of the rates at which the employees are paid, projected to an annual basis. A regular schedule may exist even though the schedule varies within a year or even within a pay period.

b. No Regular Schedule. The annual pay of employees, who work at different pay rates but not on a regular schedule, is the annual rate the employee was receiving at the end of the pay period. In the event of death or dismemberment, it is the annual rate at the time of the death or accident.

4. Annual Rate of Pay for Part-Time Employees. A part-time employee's annual pay for life insurance purposes is the employee's basic pay applied to the tour of duty on record, based on the most recent SF 50, in a 52-week work year.

5. Annual Rate of Pay for Employees Serving in More Than One Position at the Same Time. If the employee legally services in more than one position at the same time and the employee is entitled to FEGLI for at least one of the positions, the annual rate of basic pay for life insurance purposes is the sum of the annual rate of basic pay fixed by law or regulation for each position. Certain exceptions apply. See 5 CFR 870.204(g) and 110605.G.

B. Optional Insurance. An employee who has not waived Basic insurance may elect additional Optional life insurance. Optional insurance is not automatic, and employees must specifically elect coverage within 60 days after becoming eligible for coverage, unless a previous election or waiver from earlier employment remains in effect. The cost of Optional coverage depends on the employee's age and is based on 5-year age bands beginning at age 35. Changes in rates based on age are effective on the first day of the first pay period following the pay period during which the employee's birthday occurs. See 5 CFR 870.504.

1. Eligibility to Elect Optional Insurance. An employee may elect one or more types of Optional life insurance coverage provided that:

a. The employee is enrolled in Basic life insurance coverage;

b. The employee does not have a waiver of that type of Optional insurance still in effect (or a waiver of that number of Option B or Option C multiples still in effect); and

c. The employee's pay, after all other deductions, covers the full cost.

2. Types of Optional Life Insurance. There are three types of optional insurance. See 5 CFR 870.201.

a. Option A (Standard Optional Insurance). Option A coverage is available only for the employee and is fixed in the amount of \$10,000.

b. Option B (Additional Optional Insurance). Option B coverage is available only for the employee and is an amount equal to 1, 2, 3, 4 or 5 times the employee's annual basic pay after rounding to the next higher thousand if not an even thousand. The amount of coverage under this option automatically changes whenever the employee's annual pay increases or decreases by an amount sufficient to raise or lower pay to a different \$1,000 bracket.

c. Option C (Family Optional Insurance). Option C provides coverage for the death of an employee's spouse or eligible dependent children. Eligible family members are automatically covered. The employee elects either 1, 2, 3, 4 or 5 multiples of coverage. Each multiple is equal to \$5,000 for the spouse and \$2,500 for each eligible dependent child. Payment is made to the insured employee.

110603. Effective Dates for Withholding Premiums and Coverage

Withholding of premiums for new employees begins with the same pay period during which coverage begins as follows:

A. Basic Insurance. Coverage is effective on the first day the employee enters on duty in pay status. See 5 CFR 870.501(a)(1).

B. Optional Insurance (all options). Coverage is effective the first day the employee enters on duty in pay status on or after the date the HRO receives the election. See 5 CFR 870.504(d).

110604. Effective Date of Waiver or Cancellation of FEGLI

At any time, an employee may waive Basic insurance, cancel any or all Optional insurance, or reduce the number of multiples under additional Optional insurance. Cancellation of Basic insurance automatically cancels all forms of Optional insurance. Coverage and deductions stop or are reduced effective the last day of the pay period in which the employee files an [SF 2817](#), Life Insurance Election: Federal Employees' Group Life Insurance Program. See 5 CFR 870.502 to 870.505.

110605. FEGLI Premium Withholdings and Contributions

A. General. The cost of Basic insurance is shared between the insured employee and the Government. The employee pays two-thirds of the cost, and the government

pays one-third. See 5 CFR 870.401. The employee pays the full cost of all Optional insurance. OPM periodically reviews the cost of insurance and notifies agencies of premium rate changes.

B. Amount of FEGLI Premium Withholding. During each pay period in which an insured employee is in pay status for any part of the period, the PRO must withhold the employee's share of the FEGLI premium from their biweekly pay. Premium withholding is subject to the following requirements.

1. The amount of premium withholding is based on the amount of insurance last in force during the pay period.

2. If the employee dies or separates during a pay period, the PRO bases the withholding on the amount of insurance in force on the date of death or separation.

3. If the employee's BIA changes during the pay period, the PRO bases the withholding amount on the BIA last in force during the pay period.

4. If an employee works only a partial pay period, there is no pro-rated premium withholding.

5. If the employee works less than 52 weeks per year, the PRO must convert the biweekly rate to an annual rate. The PRO then prorates the annual rate over the number of pay periods in the year to determine the withholding amount.

6. The PRO must report withholdings and contributions for FEGLI to OPM each pay period as described in Chapter 9. See 5 CFR 870, subpart D.

C. Withholding FEGLI Premiums During Periods of Insufficient Pay

1. Short-term Periods of Insufficient Pay. Withholdings will be made from an employee's salary when the employee is in pay status for any part of a pay period. If the salary is insufficient to permit all payroll deductions, the PRO must use the order of precedence for deductions in Chapter 4. After all other required deductions are made, if pay for a particular period is not enough to cover the full withholdings for life insurance premiums, the amount withheld must first be applied to Basic insurance. Any balance of pay remaining must then be applied to Optional insurance (first to Option B, then Option A, then Option C). See 5 CFR 870.404(f).

2. Extended Periods of Insufficient Pay. A review and determination of insufficient pay must be made by the HRO when it is expected that an employee's pay, after all other applicable deductions, is insufficient to cover the cost of the premiums for a period of 6 months or more. The HRO must notify the employee if an employee's pay will be insufficient to cover FEGLI premiums over the course of 6 months or more. See FEGLI Handbook. The employee may wish to reduce or cancel other deductions from pay or may reduce FEGLI coverage in order to increase pay to cover the withholdings. An employee may elect to make direct payments to the employing office for periods when the pay is insufficient to cover the cost of the

premiums. If the employee does not make direct payments, adjust, or cancel coverage, the HRO will terminate coverage as follows:

a. The HRO will terminate all coverage if pay is not sufficient for any premium withholding.

b. If the employee has pay available to cover part of the premiums, the HRO will administratively terminate as much coverage as necessary to allow for premium withholdings in the following order:

(1) Multiples of Option C,

(2) Option A,

(3) Multiples of Option B, then

(4) Basic insurance.

c. Coverage terminates at the end of the last pay period during which premiums were withheld.

3. Reinstating FEGLI Premium Withholding When Pay is Sufficient.

If the HRO terminated coverage administratively, the HRO will automatically reinstate FEGLI coverage when the employee's pay becomes sufficient to cover the withholdings. If an employee paid premiums directly, the employing office must start withholding premiums from the employee's pay as soon as the pay becomes sufficient.

D. Withholding FEGLI Premiums and FEGLI Coverage During Nonpay Status

1. Twelve Months of Free Coverage. When an employee enters a nonpay status, the employee is entitled to 12 months of free FEGLI coverage from the last date of pay. No premium payments are required if the employee is in a nonpay status for an entire pay period (unless the employee is receiving benefits from OWCP). See subparagraph 110605.F. Make-up withholdings from future salary payments are not required.

a. The employee's coverage stops on the date the employee completes 12 months in a nonpay status, subject to the 31-day extension of coverage and right of conversion under subparagraph 110605.C. The 12 months in a nonpay status may be broken by periods of less than 4 consecutive months in a pay status.

b. The employee is entitled to begin a new period of 12-month coverage if the employee has at least 4 consecutive months in pay status after a period of nonpay status.

c. If the employee has exhausted the 12 months of FEGLI coverage while in a nonpay status and returns to duty for less than 4 consecutive months, the Basic

insurance stops 32 days after the last day of the last pay period [in a pay status](#). See 5 CFR 870.601(d).

2. Partial Pay Period. If an employee is in a nonpay status for part of a pay period, the full premium (for both Basic and Optional coverage) is withheld, and the Government contribution is paid.

3. Withholding Premiums From Back Pay Awards. Except under the circumstances described at subparagraph 110610.A, no FEGLI premium withholdings are made by the PRO from back pay awarded to an employee who was determined to be erroneously suspended or terminated from employment.

4. Withholding Premiums When Employee on LWOP Accepts Temporary Employment in Another Position. If an employee, who is entitled to 12 months of free coverage while in a nonpay status, accepts a temporary appointment to another position, in which he or she normally would be excluded from insurance coverage, insurance (Basic and Optional) continues.

a. The amount of Basic insurance is based on whichever position's salary is higher. The PRO takes withholdings from pay earned in the temporary position.

b. When the employee has completed the 12 months of nonpay status from the first position that entitled the employee to free coverage, FEGLI coverage will terminate, even if the employee remains in the temporary position. If the temporary position ends before the 12-month period and the employee is still on LWOP from the first position, the free coverage under the first position continues until the employee is separated or until the end of the 12-month nonpay status. After the 12-month period, an employee is eligible for the 31-day extension period and the right to convert to private insurance. See 5 CFR 870.508(b).

5. Special Nonpay Situations. Special nonpay situations involve employees appointed to employee organizations, state or local government, Indian tribal organizations, institutions of higher education, or when an employee transfers to an international organization. Employees in these special nonpay situations may elect to continue their FEGLI coverage for the duration of their appointment. If elected, coverage continues even if the employee remains in a nonpay status for more than 12 months.

a. Payment of Premiums. If the employee elects to continue coverage, the employee must pay the premiums from the beginning of the nonpay status, and the employee is not eligible for 12 months of free coverage. Whether the government continues contributing depends on the appointment. See FEGLI Handbook and 5 CFR 870.508.

b. Continued Coverage Not Elected. If the employee does not elect to continue coverage, the employee is still eligible for 12 months of free coverage and coverage will terminate at the end of the 12-month period, the same as for any other employee in a nonpay status.

E. Withholding FEGLI Premiums From LSL Payments Upon Separation. No insurance premium is withheld from the LSL payment when the employee separates from Federal service. However, if the employee has an established debt that is being collected due to the underpayment of premiums, the agency may collect the debt from the LSL payment.

F. Withholding FEGLI Premiums While Employee is Receiving Office of Workers' Compensation Program (OWCP) Payments

1. Twelve Months of Coverage as Employee. If an employee is in a nonpay status while receiving workers' compensation benefits, the employee receives 12 months of coverage. HRO must notify OWCP of the type and amount of life insurance the employee has in effect. OWCP will make withholdings from workers' compensation benefits when compensation begins, even during the first 12 months of nonpay status, at the same rate that was withheld from the employee's salary. OWCP deductions for FEGLI will begin effective the first day of LWOP. See FECA Circular No. 12-05. The employing agency continues to pay the Government contribution until the employee separates from service or completes 12 months in nonpay status, whichever happens first. Thereafter, OPM pays the Government contribution. See FEGLI Handbook.

2. Continuing Coverage as an OWCP Compensation. If FEGLI coverage stops after 12 months in a nonpay status or due to separation, under 5 CFR 870.701, an OWCP compensation may be eligible to continue Basic coverage (but not accidental death or dismemberment) and may continue or reinstate Optional insurance if:

a. The compensation was insured during the 5 years of service immediately before the date of entitlement to compensation, or for the full period of service during which the employee was eligible to be insured if less than 5 years; and

b. The compensation has not converted to an individual policy.

3. Requesting Continuation of Coverage. The compensation must complete an [SF 2818](#), Continuation of Life Insurance Coverage, as an Annuitant or Compensation. The HRO must provide the compensation with a copy of the [SF 2819](#), Notice of Conversion Privilege, Federal Employee's Group Life Insurance Program. The HRO must complete an [SF 2821](#), Agency Certification of Insurance Status. The HRO must send the SF 2818 and SF 2821, a copy of the SF 2819, and all pertinent life insurance information from the employee's file to OPM for verification of eligibility to continue coverage. If eligible, OPM's Retirement Operations Center will serve as the "employing office" and will maintain the compensation's life insurance file. See 5 CFR 870, subpart F.

4. Notice of Ineligibility. If the employee does not meet the requirements for continuation of life insurance (subparagraph 110605.F.2), HRO must notify OWCP by completing a "Notice of Life Insurance Ineligibility" and issue a copy to the employee. OWCP will stop withholding at the end of the 12 months of free coverage. If the employee separates before the end of the 12 months, the agency must notify OWCP so that withholdings will end. See FEGLI Handbook.

G. Withholding FEGLI Premiums for Employees in Concurrent Employment Positions. An employee who legally serves in more than one position at the same time, in either the same agency or different agencies, is eligible for coverage if at least one position is a covered position. The amount of Basic and Option B insurance is based on the sum of annual pay for both positions (salaries are added together before rounding up to the next even thousand and before adding the additional \$2,000 for Basic insurance). The agency paying the higher salary withholds the employee's premium share and pays the Government contribution. If the employee goes into a nonpay status in an excluded position, at the end of 12 months in nonpay status, the amount of coverage is no longer based on the combined salary but is based solely on the salary from the covered position. If one of the positions is excluded from coverage, see the FEGLI Handbook.

110606. FEGLI Daily Proration Rule

A. General. The FEGLI Daily Proration Rule is a formula used to calculate partial employee withholdings and Government contributions for FEGLI premiums. Unless otherwise provided, the PRO deducts full withholdings and contributions for each pay period even if the employee is in pay status for only part of the pay period. The PRO uses the FEGLI Daily Proration Rule to compute partial withholdings and contributions under the following circumstances:

1. The employee transfers to a position serviced by a different PRO other than at the beginning of a pay period or, the transfer involves two agencies that are on different pay schedules; or

2. The employee retires other than at the end of a pay period.

B. Application of the FEGLI Daily Proration Rule. The FEGLI Handbook provides examples for computing a prorated amount of withholdings and contributions using the Proration Rule. Each PRO is responsible for withholdings and contributions for the actual time the employee occupied the position that the PRO serviced. Each PRO (gaining and losing) must compute daily FEGLI premium withholding and contribution rates as follows:

1. Determine the Daily Rate. To determine the Daily Rate for partial employee withholdings and Government contributions (for Basic insurance), multiply the biweekly employee withholding and Government contribution rates by 26, then divide by 364, the results will equal the daily rate. Use the denominator of 364 even during a leap year. The formula is as follows:

Biweekly Employee Withholdings x 26 ÷ 364 = Daily Rate, and

Biweekly Government Contributions x 26 ÷ 364 = Daily Rate.

2. Apply the Daily Rate to Formulas for Insurance Types. The PRO computes the Daily Rate using the formula discussed in subparagraph 110606.B.1. Once computed, the PRO must use the following formulas to determine the amount of withholdings and contributions (for Basic insurance) for which losing and gaining PROs are responsible:

a. For Option A, the formula is:

Daily Rate x Days on Payroll.

- b. For Basic Insurance and Option B the formula is:

Daily Rate x Coverage Amount ÷ \$1,000 x Days on Payroll.

- c. For Option C, the formula is:

Daily Rate x Number of Multiples x Days on Payroll.

C. Active Employees. Use the FEGLI Daily Proration Rule to determine the PRO's (gaining and losing) responsibility for withholdings and contribution.

D. Retiring Employees. Withholdings and contributions depend on the employee's age at the time of retirement.

1. If the employee is under 65 years of age on the starting date of the annuity, the PRO will make Basic insurance withholdings and contributions and Optional insurance withholdings based on the following:

a. If the annuity starts after the end of the pay period, the PRO will make full withholdings and contributions for the entire pay period. Withholdings and contributions are not required for the period between the end of the pay period in which the employee separates and the date the annuity begins. See 5 CFR 870.404(b).

b. If the annuity starts before the end of the pay period, the PRO will make withholdings and contributions through the day before the annuity commencement date using the FEGLI Daily Proration Rule.

2. If the employee is 65 or older on the starting date of the annuity, the PRO will make Basic insurance withholdings and contributions and Optional insurance withholding based on the post-65 election chosen by the employee.

a. If the employee elects Basic insurance with the 75 percent reduction, the PRO will make withholdings and contributions through the end of the pay period in which the employee separates for retirement without any proration.

b. If the employee elects Basic insurance with the 50 percent reduction, or no reduction, the PRO will make withholdings and contributions based on the starting date of the annuity, the same as for retiring employees under age 65.

c. If the employee has Option A, the PRO will make the withholdings through the end of the pay period in which the employee separates for retirement without any proration.

d. If the employee has Option B or Option C and elects full reduction, the PRO will make withholdings through the end of the pay period in which the employee separates for retirement without any proration. If the employee elects no reduction for Option B or Option C, the PRO will make the withholdings based on the starting date of the annuity, the same as for retiring employees under age 65.

110607. FEGLI Termination, Cancellation, Extension or Conversion

A. Termination. Termination of FEGLI coverage is an involuntary action. An employee whose life insurance terminates receives a 31-day extension of coverage and a right to convert coverage. Termination does not affect an employee's eligibility to continue coverage into retirement. Life insurance terminates when the following occurs:

1. The employee separates from service (see FEGLI Handbook for exceptions);
2. Pay is insufficient to make any premium withholdings, and the employee does not elect to make direct payments;
3. The employee completes 12 months in nonpay status, and the employee is not eligible to continue coverage;
4. The employee moves to a position that is excluded **by law** from FEGLI coverage; or
5. Upon the death of the employee.

B. Cancellation of FEGLI Coverage. Cancellation of life insurance coverage is voluntary. Employees who cancel coverage are not eligible to receive the 31-day extension of coverage or a right to convert the coverage. Cancellation of life insurance may affect an employee's eligibility to continue life insurance coverage after retiring. See also section 110604.

1. Cancellation of Basic Insurance. An employee may cancel Basic insurance at any time by filing a waiver of Basic insurance coverage with their HRO. Coverage is canceled at the end of the pay period in which the waiver is properly filed. Cancellation of Basic insurance automatically cancels all forms of Optional insurance.

2. Cancellation of Optional Insurance. An employee may cancel Optional life insurance, or reduce the number of multiples under Option B, at any time by filing a waiver of Optional insurance coverage with their HRO. An employee will not receive a refund of premiums paid prior to the effective date of cancellation. Coverage terminates at the end of the pay period in which the employee files the waiver. Exception: If Option C is canceled because there are no eligible family members, the effective date is retroactive to the end of the pay period in which there were no longer any eligible family members. See 5 CFR 870.505(b). Cancellation of Optional insurance does not cancel Basic insurance. The Barring Act (Statute of Limitations) at 31 U.S.C. § 3702 (b)(1) does not apply to retroactive refunds for Option C.

3. Reinstating Insurance. For detailed information concerning cancelling a waiver of coverage, see the FEGLI Handbook and [5 CFR 870.503 - 870.505](#).

C. 31-Day Extension of Coverage and Conversion. When Basic and Optional insurance terminates, except by an employee's waiver or cancellation, coverage automatically continues without cost for an additional 31 days. No withholding or Government contributions are required during the 31-day extension. An employee may convert to an individual policy and may convert any or all of his or her Basic and Optional coverage. Conversion is effective at the end of the 31-day extension of coverage. The employing agency must notify the employee of the loss of coverage and the right to convert to an individual policy either before or immediately after the event causing loss of coverage. See [5 CFR 870.603](#).

110608. Office of Federal Employees' Group Life Insurance (OFEGLI) Requests for Pre-Payment Verification

PROs must cooperate with the OFEGLI when it requests pre-payment verification. The OFEGLI is required to obtain verification before making payment to beneficiaries of enrollees with \$200,000 or more of FEGLI coverage. OFEGLI will request the insured's current salary, annual salary (if different) and details on enrollment in Optional insurance, if applicable.

110609. Continuation of Coverage for Federal Employees Called to Active Duty

Effective January 28, 2008, for Federal employees called to active duty or active duty for training, FEGLI coverage continues for up to 24 months. See 5 CFR 870.601(d)(3). Coverage applies to a member of a Reserve component of the Armed Forces called or ordered to active duty for greater than 30 days and is on approved AUS to perform active duty or active duty for training.

A. Months 1 through 12. An employee called to active duty maintains continued FEGLI coverage for up to 12 months just as any other employee in a nonpay status. Employees do not pay for coverage during this 12-month period.

B. Months 13 through 24. An employee called to active duty must elect to have life insurance continue for an additional 12 months and must pay the employee and agency share of the premium from the beginning of the additional 12 months of coverage. An employee may cancel some or all of the coverage during this period. See [5 U.S.C. § 8706 \(d\)\(1\)](#).

C. Termination. At the end of the first 12 months, or 90 days after the military service ends, whichever is earlier, coverage will terminate unless the employee elects to continue coverage for the additional 12 months, subject to the 31-day extension of coverage and right to convert to an individual policy. An employee may cancel an election at any time, in which case insurance will stop upon receipt of notice of cancellation.

D. Return to Federal Service. When the employee returns to active Federal service after military duty, the employee is afforded the same level of life insurance that was in place before the employee entered nonpay status or separated for military service, as long as the position is not excluded from coverage. HRO reinstates the same type of insurance even if the

employee declined to continue coverage for the additional 12 months, reduced some or all of the coverage, or allowed coverage to terminate due to nonpayment.

***110610. Increasing Coverage for Employees Deployed in Support of a Contingency Operation**

Civilian employees eligible for FEGLI, who are deployed in support of a contingency operation, as defined at 10 U.S.C. § 101(a)(13), or DoD employees eligible for FEGLI, who are designated as emergency essential under 10 U.S.C. § [1580](#), may elect Basic, Option A and Option B, up to 5 multiples, within 60 days after the date of notification of deployment. See 5 CFR 870.503(e) and (f).

110611. Retroactive Changes and Adjustment of Errors

A. Retroactive Changes to Pay

1. **Erroneous Suspension/Removal and Back Pay Awards.** If an employee is retroactively restored to duty with back pay after an erroneous suspension or removal, no life insurance premium withholding is made from the back pay award. However, if death or dismemberment occurred during the period of suspension or separation, the PRO must withhold premiums from the back pay. Additionally, if the employee had Option C coverage and a covered family member dies during the period of separation or removal, the PRO must withhold Option C premiums from the back pay award. See 5 CFR 870.404(e) and the FEGLI Handbook.

2. **Retroactive Pay Increase.** If an employee receives a retroactive pay increase that was delayed beyond the effective date due to administrative error or oversight, and the pay increase resulted in higher life insurance premiums, deductions for the increased premium adjustment must be applied retroactively.

B. Adjustment of Errors for Overdeductions and Underdeductions of FEGLI Premiums

1. Current Employees

a. **Overdeduction of FEGLI Premiums Owed.** When the PRO erroneously overwithholds premiums from the salary of an employee, the PRO must refund the erroneous withholding to the employee the next pay period. This automatically corrects the excess Government contribution.

b. **Underdeduction of FEGLI Premiums Owed.** When less than or none of the proper amount of FEGLI premiums are withheld from the salary of the employee, the underdeduction represents an overpayment to the employee that must be collected as a debt. The collection of the debt may be exempt from due process requirements under 5 CFR 550.1104(c). See Volume 16, section 030207 for additional information. The agency must submit the uncollected amount due, including the Government contributions, to OPM within 60 calendar days after the date the agency discovers the underdeduction, regardless of whether collection from the

employee has been made. Government contributions must be adjusted when payment is received from the employee.

c. OWCP Compensationers. The procedures for refunding overdeductions and collecting underdeductions are the same for employees who are receiving compensation from the OWCP.

2. Separated Employees. When it is necessary for the PRO to make an adjustment in withholdings for a separated employee, the adjustment is withheld from the final salary payment to the employee (or if deceased, to the employee's beneficiary or estate).

C. Incontestability

1. General. Incontestability is a provision of law that allows erroneous coverage to remain in effect under certain conditions. See 5 CFR 870.104. Coverage allowed to stand due to incontestability becomes valid coverage. Erroneous coverage always involves more coverage than an employee is entitled to receive or more than the employee elected. Incontestability does not apply to premiums being withheld for less coverage than an employee elected since such underwithholding is considered an overpayment of salary, annuity, or compensation. For purposes of incontestability, erroneous coverage may occur under the following circumstances:

a. The employee was allowed to elect coverage when not entitled to do so;

b. The SF 50 was coded incorrectly, giving the employee more coverage than he or she elected;

c. The PRO collected premiums for a coverage that the employee did not elect on the election form; or

d. OPM erroneously continued an employee's coverage beginning when the employee became an annuitant or compensationer.

2. Requirements of Incontestability. An employee becomes insured under the provision of incontestability only if both of the following conditions are met:

a. The erroneous coverage was in effect for at least 2 years between the time the error was made and the time the error is discovered, and

b. The employee paid the applicable premiums for the erroneous coverage while it was in effect.

3. If Incontestability Applies and the Individual Does Not Want Coverage. When incontestability applies, an employee may cancel the coverage, but only prospectively. The PRO will not refund the premiums for the erroneous coverage period unless the employee had erroneous Option C coverage and did not have any eligible family members.

An employee may cancel erroneous Option C coverage retroactively and the PRO must refund any erroneous Option C premiums retroactive to when the employee ceased having eligible family members. The Barring Act does not apply.

4. When Incontestability Does Not Apply. If the erroneous coverage is discovered before 2 years, incontestability does not apply and the coverage is not valid. The PRO must void the coverage and refund the premiums.

1107 FEDERAL LONG TERM CARE INSURANCE PROGRAM (FLTCIP)

110701. General

The Long-Term Care Security Act authorized OPM to design a long-term care insurance program for Federal employees and their families. See [5 U.S.C., Chapter 90](#). OPM created the [FLTCIP](#) and contracted with the John Hancock Life Insurance Company as the carrier that provides Long Term Care (LTC) insurance. Long Term Care Partners, LLC (LTCP), a subsidiary of John Hancock, is the exclusive administrator of FLTCIP. See [5 CFR Part 875](#) for additional information. LTC insurance provides coverage for eligible employees, annuitants, and qualified family members. Coverage applies to those who can no longer perform activities of daily living without assistance due to a chronic illness, injury, disability or the aging process as determined by the LTCP. LTC insurance pays a portion of the cost of covered services, such as home health care, adult day care, or nursing home or assisted living facility costs.

A. Duties of LTCP. The LTCP administers all aspects of the program. Eligible employees must submit their application directly to the LTCP for approval of coverage. The LTCP is responsible for:

1. Accepting and approving employee applications,
2. Answering employee questions about the program,
3. Maintaining their web site to include current information, and
4. Transmitting applicable payroll data for automatic payroll deductions.

B. Duties of Federal Agencies. Federal agencies are responsible for the following:

1. Providing access to information about the FLTCIP to eligible employee,
2. Responding to questions from the LTCP including questions on the employment status of an applicant or enrollee,
3. Providing reports as OPM requires,

4. Complying with BALs and other OPM issuances, and
5. Deducting premiums as authorized by employees and remitting those payments on a biweekly basis to the LTCP.

110702. Eligibility and Cost

A. Eligibility. Participation is voluntary and elections must be made through LTCP. Most Federal civilian employees are eligible to apply for the LTC coverage. If an employee is eligible for the FEHB program, the employee is also eligible to apply for LTC insurance through FLTCIP, even if not enrolled in FEHB. Retirees are eligible to apply. Eligibility also extends to qualified relatives including spouses and adult children of eligible employees and retirees, as well as parents, parents-in-law, and stepparents of current employees. Qualified relatives may apply for coverage even if the employee does not apply.

B. Cost of Coverage. The employee pays the full cost of LTC insurance and there are no Government contributions toward LTC insurance premiums. LTC premiums are based on both the employee's age and the cost of options that the employee selects.

110703. Coverage and Payment Options

A. Effective Date of Coverage. If LTCP approves the employee's application for coverage, the LTCP will send approval notification to the employee and provide the employee with an effective date of coverage. If enrollment occurs during open season, the effective dates of coverage are announced. If enrollment occurs any time outside of open season, coverage is effective the first day of the month after the approval date of the application. Additional requirements apply for active workforce members who apply for coverage under abbreviated underwriting and for those employees whose eligibility changes prior to their announced effective date of coverage. See [5 CFR 875.404](#).

B. Payment of Premiums

1. Payment Options. An employee who qualifies for participation in the LTCIP may choose from three payment options:

- a. Payroll deduction,
- b. Automatic bank withdrawal, or
- c. Direct billing.

2. Payroll Deductions. If premiums are paid through payroll deductions, deductions begin on the first full pay period on or after the effective date of coverage. Payroll deductions for LTC premiums occur each biweekly pay period until the employee separates, transfers, or elects a different payment option.

3. Correcting Underpayments and Overpayments. If the carrier determines that the employee has underpaid premiums, the employee will pay retroactive premiums to the carrier for the amount due. If the Carrier determines that the employee has overpaid premiums, the Carrier will reimburse the employee or reduce future premium payments by the amount of the overpayment. See 5 CFR 875.303.

C. Transferring Employees. Employees transferring to a new agency must notify LTCP regarding where and when the transfer will occur. The employee's current payroll deductions will continue until the separation action processes. An employee will automatically receive a direct bill from the LTCP for any premiums not collected through payroll deduction due to the transfer. Payroll deductions are not adjusted to "catch-up" uncollected premiums.

1108 DISABILITY INSURANCE FOR EMPLOYEES OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES (USUHS)

Full-time civilian faculty members appointed to an Administratively Determined (AD) position of the USUHS School of Medicine receive mandatory coverage under a long-term disability insurance plan. In order to participate in the long-term disability insurance plan, the employee must be covered under the Teachers Insurance and Annuity Association College Retirement Equities Fund (TIAA-CREF) or the Fidelity Investments program. The employer and employee share the cost of the disability insurance and each contributes 50 percent of the premium. USUHS AD employees covered under FERS or CSRS are not eligible for the long-term disability insurance plan.

1109 NATIONAL GUARD ASSOCIATION OF UNITED STATES (NGAUS) INSURANCE TRUST (IT) PROGRAM

Army and Air National Guard Technicians (Title 32 Technicians) may choose to participate in the NGAUS-IT, which provides disability and life insurance products through its underwriter, ReliaStar Life Insurance Company. Technicians should contact their HRO or NGAUS-IT for enrollment instructions and forms. Technicians who participate agree to have premiums deducted from their biweekly pay on the NGAUS-IT enrollment form. CSRs work closely with ReliaStar Life Insurance Company, which confirms the approval of enrollment and provides the CSR with start dates and amounts of payroll deductions. ReliaStar will notify CSRs of any revisions to premium deductions due to age or salary changes. CSRs enter the appropriate premium deduction information into the Defense Civilian Pay System. PRO deducts premiums for the entire pay period, regardless of the day of termination, and proration is not required.

1110 THRIFT SAVINGS PLAN (TSP)

111001. General

The Federal Employees' Retirement System Act of 1986 established the TSP, a retirement savings and investment plan for Federal employees. See 5 U.S.C., [Chapter 83](#), [Chapter 84](#), and [5 CFR Part 1600](#). TSP offers eligible employees traditional tax deferral advantages as well as a Roth-TSP option. The Federal Retirement Thrift Investment Board administers the plan. FERS, CSRS, and CSRS-Offset employees are eligible to participate in the TSP. TSP benefits depend on

an employee's retirement system. If the employee's coverage is under CSRS, TSP is a supplement to the CSRS annuity. If the employee's coverage is under FERS, TSP is part of the three-part retirement package that includes the FERS basic annuity and Social Security. See also [TSP](#) for additional information.

*111002. Establishing a TSP Account, Contribution Elections, and Automatic Enrollment

* A. [Employees Hired Between August 1, 2010 and September 30, 2020.](#) Employees (including FERS or CSRS rehired employees) hired after July 31, 2010, are automatically enrolled in TSP. The PRO deducts 3 percent of the employee's basic pay each pay period and deposits the funds into the employee's TSP account. The employee must make a contribution election to stop or change the contribution. FERS employees also receive contributions from the Government. TSP invests all contributions in the age appropriate Lifecycle (L) Fund until the employee changes the contribution allocation with the TSP. See TSP Bulletins [10-7](#), [15-2](#), and [19-4](#).

* B. [Employees Hired on or After October 1, 2020.](#) Employees (including FERS or CSRS rehired employees) hired after October 1, 2020 are automatically enrolled in TSP. The PRO deducts 5 percent of the employee's basic pay each pay period and deposits the funds into the employee's TSP account. This change will not affect the contribution rates for existing employees who were enrolled in TSP prior to October 1, 2020. See TSP Bulletin 19-4.

C. [FERS Employees Hired Before August 1, 2010.](#) The agency establishes a TSP account accruing Agency Automatic (1 percent) Contributions for FERS employees hired before August 1, 2010. Employees must make a contribution election in order to begin employee contributions and to receive Agency Matching Contributions.

D. [CSRS Employees.](#) CSRS employees may make a TSP contribution election at any time through their HRO in order to establish a TSP account. CSRS employees do not receive Agency Automatic (1 percent) Contributions or Agency Matching Contributions.

E. [Contribution Elections.](#) A contribution election is used by an employee to start, stop, or change employee contributions. The employee may elect to contribute at any time as instructed by the employing agency, by submitting a paper election form or by using electronic media (such as the Employee Benefits Information System). An election may not exceed the maximum contribution limit under 5 CFR 1600.22. The contribution election may be a percentage of basic pay or a dollar amount that is deducted each biweekly pay period. Percentages and dollar amounts must be expressed in whole numbers. Contribution elections are effective the first full pay period after the agency receives the election. For more information on TSP forms, visit the [Civilian Forms](#) section on the TSP's website.

*111003. TSP Contributions

A. [General.](#) TSP contributions come from three sources: employee contributions, Agency Automatic (1 percent) Contributions, and Agency Matching Contributions.

Additional information on employee contribution elections, contribution allocations, and agency automatic and matching contributions can be found in 5 CFR 1600 and [1601](#) or on the TSP website.

*B. Employee Contributions. Employee Contributions are payroll deductions taken from an employee's basic pay before taxes are withheld. The PRO withholds contributions each pay period in the amount directed by the employee (or the automatic enrollment amount if no election is made). See 5 CFR 1600.34. An employee is immediately vested in his or her own contributions and any accrued earnings on such contributions. Maximum contribution limits are as follows:

1. Internal Revenue Service (IRS) Limits. Contribution amounts are subject to the Internal Revenue Code (IRC) limitations on the maximum dollar amount of contributions. The limits set by the IRS may change annually and are published on the TSP website. See 5 CFR 1600.22 and TSP's [Contribution Limits](#).

2. Contribution Limits Through 2005. The maximum employee contribution for FERS, CSRS and CSRS-Offset participants was limited through 2005 to a percentage of basic pay. After 2005, the IRS began setting contribution limits. Additional information regarding FERS limits for 2005 and before can be found at [5 U.S.C. § 8432\(a\)\(2\)](#), [5 U.S.C. § 8351\(b\)\(2\)\(B\)](#), and 5 CFR 1600.22.

*3. Catch-up Contributions. A TSP participant age 50 or older may be eligible to make tax-deferred or Roth catch-up contributions from basic pay that are separate from the participant's regular contribution election. Except as provided in subparagraph 111003.B.3.d, catch-up contributions for FERS employees are not eligible for Agency Matching Contributions. Catch-up contributions may be made at any time during the calendar year if the employee is:

- a. At least age 50 by the end of the calendar year,
- b. Making regular TSP contributions at a rate that will result in the participant making the maximum regular contributions permitted under the IRC, and
- c. The catch-up contribution does not exceed the contribution catch-up annual limit. See 5 CFR 1600.23.

*
d. Beginning the first pay period of calendar year 2021, the Spillover Method will take over for catch-up contributions. Eligible employee's will no longer need to make a separate contribution election for catch-up contributions. Once the contribution limit has been reached, the employee's contributions will "spill over" toward the catch up limit. Contributions spilling over toward the catch-up limit are eligible for Agency Matching Contributions, but only up to the 5 percent of pay to which participants are already entitled under subparagraph 111003.D. See TSP Bulletins [19-5](#) and [20-1](#).

C. Agency Automatic (1 Percent) Contributions. Beginning with an employee's first pay period, an agency contributes an amount equal to 1 percent of the employee's basic pay to the employee's TSP account each pay period. For employees hired on or after

December 1, 2008, The TSP Enhancement Act of 2009 (established with [Public Law 111-31](#)) eliminated the waiting period for FERS employees to receive the Agency Automatic Contributions. See TSP Bulletin 10-7. The agency contribution is not deducted from the employee's pay, nor is it used to determine tax owed by the employee. CSRS employees do not receive an agency contribution. Generally, most FERS employees become vested and entitled to the Agency Automatic Contributions, and associated earnings, after completing 3 years of service. If an employee:

1. Dies before separating from service, he or she is automatically vested in all of the money in the employee's TSP account; or
2. Separates from Federal service, the employee must meet the TSP vesting requirement in order to keep Agency Automatic Contributions and associated earnings.

D. Agency Matching Contributions. Employees covered under FERS will receive Agency Matching Contributions on the first 5 percent of pay that the employee contributes each pay period to their TSP account. The agency matches the first 3 percent of pay the employee contributes dollar for dollar. The agency matches the next 2 percent of pay at 50 cents per dollar. The agency does not match the employee contributions above 5 percent. Employees covered under CSRS do not receive Agency Matching Contributions.

E. Contribution Allocations. Employees may make a contribution allocation directing how money deposited into the employee's TSP account is to be invested. This applies only to future deposits and does not affect funds already in the account (an Interfund Transfer reallocates existing investments). The allocation directs the investment of employee contributions, Agency Automatic (1 percent) Contributions, and Agency Matching Contributions. The allocation remains in effect until superseded by a subsequent contribution allocation submitted by the employee. Allocations must be in 1 percent increments and the sum of the percentages elected must equal 100 percent. An employee may change an allocation using the TSP website or using ThriftLine (the automated system or speaking to a TSP Participant Service Representative). Employees may allocate investments among any of the following [TSP investment funds](#):

1. Government Securities Investment (G) Fund,
2. Fixed Income Index Investment (F) Fund,
3. Common Stock Index Investment (C) Fund,
4. Small Capitalization Stock Index Investment (S) Fund,
5. International Stock Index Investment (I) Fund, and
6. Lifecycle (L) Funds.

111004. TSP Loan Program

A. General. The TSP Loan Program allows employees to borrow money from their TSP account while actively employed by the Federal government. TSP participants must apply for a TSP loan and must meet the eligibility criteria set forth in 5 CFR 1655.2. Employees may not have more than two outstanding loans (one general purpose and one residential loan) at any time and must set-up loan payments through payroll deduction. Repayment must restore the original loan amount, plus interest. Deductions for repayment each pay period is in the amount set out in the Loan Agreement. An employee may make additional payments and may pay off the loan early by making payment directly to TSP.

B. Types of TSP Loans. There are two types of TSP loans authorized under the TSP loan program, the general purpose loan and the residential loan.

1. General Purpose Loans. General purpose loans may be used for any purpose. Obtaining the loan requires no documentation. The repayment term is 1 to 5 years.

2. Residential Loans. Residential loans may be used only for the purchase or construction of a primary residence. Residential loans require documentation regarding the cost of purchasing or constructing the residence and other documentation as requested by TSP. The repayment term is 1 to 15 years.

C. Borrowing Limits for TSP Loans

1. Minimum Loan Amount. The initial principal amount of any loan cannot be less than \$1,000.

2. Maximum Loan Amount. The principal amount of a new loan must be less than or equal to the smallest of the following:

a. The employee's own contributions and earnings on those contributions in the employee's TSP account balance, not including any outstanding loan balance;

b. Fifty percent of the employee's vested account balance, including outstanding loan balance or \$10,000, whichever is greater, minus any outstanding loan balance; or

c. \$50,000 minus the employee's highest outstanding loan balance, if any, during the last 12 months.

*111005. In-Service Hardship Withdraw

Employees who meet eligibility requirements may make a financial hardship withdrawal from their TSP account. An employee cannot return or repay the money removed from the TSP account. See 5 CFR 1650.32, TSP In-Service Withdrawal Basics, and In-Service Withdrawals.

* A. Prior to September 15, 2019. After making the withdrawal, the employee cannot make employee contributions to their TSP account for 6 months. FERS participants will not receive any Agency Matching Contributions for the period during which the employee is not making employee contributions. However, Agency Automatic (1 percent) Contributions will continue.

* B. On or After September 15, 2019. The rule requiring employee contributions to be suspended for 6 months is eliminated. A financial hardship withdrawal will have no effect on an employee's contributions. After making the withdrawal, restarting the TSP contributions is the employee's responsibility. See TSP Bulletin 19-9.

111006. Correction of Late Contributions.

A. Late Contributions. A late contribution is a contribution that is timely deducted from an employee's basic pay, but is not timely reported to the TSP for investment. A late contribution may also result from an employee contribution that was timely reported to TSP, but was not timely posted to the participant's account by TSP because the payment record submitted contained errors. See 5 CFR 1605.2.

B. Corrections. The PRO must submit late contributions to TSP as soon as the error is discovered. The PRO must show the "as of" date for the contributions. Breakage for both the employee and agency contributions is calculated by TSP. See 5 CFR 1605.15.

111007. Correction of Employing Agency Errors

A. General. Agency errors occur when an agency either erroneously submits less contributions to a TSP participant's account than it should have or more than it should have. An error is an act or omission by TSP or the employing agency that is not in accordance with applicable statutes, regulations, or administrative procedures. It does not mean an act or omission caused by events that are beyond the control of TSP or the employing agency. It is the responsibility of the employing agency to determine whether it has made an error that entitles a TSP participant to a correction for missed or insufficient contributions. See 5 CFR 1605, subpart B.

B. Missed or Insufficient Contributions. Types of errors resulting in missed or insufficient contributions include, but are not limited to, when the agency actions prevent an employee from making an election to contribute, when the agency fails to implement an election properly submitted, or when the agency fails to make agency automatic or matching contributions. See 5 CFR 1605.11. If, as a result of an agency error, a participant does not receive all of the TSP contributions to which he or she is entitled, the following applies:

1. Employer Makeup Contributions. An agency is required to correct any agency automatic (1%) contributions and agency matching contributions it failed to make. The PRO should promptly submit all missed contribution to TSP. TSP will calculate breakage due the participant and post the contributions and breakage to the participant's account. See 5 CFR 1605.11. See subparagraph 111006.B for information concerning breakage.

2. Employee Makeup Contributions. Missed or insufficient contributions that are the result of an agency error are corrected prospectively. The agency must notify the TSP participant if he or she is eligible to make up the missed contributions and receive matching agency contributions (if applicable). Employee contributions may only be made through future payroll deductions from basic pay. Contributions by check, money order, cash or other form of payment directly from the participant to TSP or to the employing agency for deposit into TSP are not permitted. There is no payment of breakage on makeup employee contributions for missed or insufficient contributions. The employee will receive the tax benefit in the year the contributions are made up.

3. Notification to Employee. The PRO should issue a written notification to the employee indicating that the agency acknowledges that an error has occurred which has caused a smaller amount of employee contributions to be made to the participant's account than should have been made. The agency must advise the employee that he or she may, but is not required, to elect to establish a schedule to make up the deficient contributions through future payroll deductions. An employee has 30 days from the date the notification was received to set up a schedule to make up any deficient contributions.

4. Repayment Schedule. An agency may not require a TSP participant to make up contributions in less than twice the number of pay periods over which error occurred. The maximum length of the repayment schedule may not exceed four times the number of pay periods over which the error occurred.

C. Removal of Excess or Erroneous Contributions. Generally, an agency must submit a negative adjustment record to TSP in order to identify and remove excess or erroneous contributions for each pay date. TSP will credit the agency with the actual value of the adjusted contribution. The agency must return the original amount of the employee contribution to the participant if applicable. Any positive earnings on employee contributions remain in the participant's account. Positive earnings on agency contributions are forfeited to TSP. Excess or erroneous contributions submitted to TSP before January 1, 2000, may not be returned and remain in the participant's account. See 5 CFR 1605.12.

111008. Corrections Following an Award of Back Pay or Retroactive Pay Adjustment

A. Erroneously Separated Employee. An erroneously separated employee may request that any employee contributions not made during the period of erroneous separation be deducted from his or her back pay award. See [5 CFR 1605.13](#). If the employee elects to make up contributions for the back pay period, the HRO will either reinstate the employee's contribution election on file at the time of separation, or the employee may submit a new contribution election if he or she would have been eligible to make such an election but for the erroneous separation. The TSP makeup contributions are subject to the following requirements:

1. Breakage is paid on all makeup contributions, both employee and agency. Unless otherwise required by the employing agency or the court or other tribunal with jurisdiction over the back pay case, breakage will be invested according to the participant's

contribution allocation on the posting date. If there is no contribution allocation on file, breakage will be calculated using the share prices for the default investment fund in effect for the participant. See [5 CFR 1605.2](#).

2. The employee will receive the tax benefit in the year the contributions are made. The PRO must annotate retroactive employee contributions by year on the IRS Form W-2, Wage and Tax Statement.

3. TSP will not accept retroactive contributions for erroneous separations directly from the Department of Justice Judgment Fund or by check, money order, cash or other form of payment directly from the participant or agency.

4. If, by error, back pay is paid to an employee prior to making TSP contribution deductions, an individual who is still employed with the agency may make up the missed contributions through future payroll deductions.

B. Other Retroactive Pay Adjustments. The agency must deduct TSP contributions from the pay adjustment using the employee's election on file for the period of the pay award. Breakage is calculated based on the contribution allocation on file when the contribution would have been made. See 5 CFR 1605 and subparagraph 111010.

111009. Corrections Due to Misclassification of Retirement System Coverage

An employee that has his or her retirement system coverage misclassified by the employing agency is entitled to have their record corrected.

A. Misclassified as FERS. When the CSRS employee is misclassified as a FERS participant, the following applies to the corrected record:

1. Employee contributions that exceed any applicable contribution percentage for the pay periods involved may remain in the employee's account. The employee may request the return of excess employee contributions made on or after January 1, 2000, but contributions made before January 1, 2000, must remain in the employee's account.

2. TSP will forfeit agency contributions made to the CSRS employee's account.

B. Misclassified as CSRS. When the HRO misclassifies a FERS employee as a CSRS participant, the following applies to the corrected record:

1. The employee may not elect to have the contributions made while misclassified as a CSRS participant removed from the account.

2. The employee may elect to make up contributions that he or she would have been eligible to make as a FERS employee during the period of misclassification.

3. The employing agency must make Agency Automatic (1 percent) Contributions and Agency Matching Contributions on employee contributions made while the employee was misclassified.

4. If the misclassified coverage is a Federal Erroneous Retirement Coverage Corrections Act (FERCCA) correction, the employing agency must submit makeup employee contributions on late payment records. The employee is entitled to breakage on employee contributions, Agency Automatic (1 percent) Contributions, and Agency Matching Contributions.

5. If the misclassification coverage is not a FERCCA correction, the employing agency must submit makeup employee contributions on current payment records. The employee is not entitled to breakage on employee contributions, but breakage is required for retroactive agency contributions.

6. If employee contributions were made up before OPM implemented regulations on FERCCA corrections and the correction is considered to be a FERCCA correction, an amount to replicate TSP lost earnings will be calculated by OPM and provided to the employing agency for transmission to the TSP record keeper.

C. Misclassifications That are Corrected to Federal Insurance Contribution Act (FICA) Only. If the HRO misclassifies the employee as either FERS or CSRS and later corrects the retirement coverage to FICA only, the employee is no longer eligible to participate in TSP. For regulations regarding employee and agency contribution in the employee's account, see 5 CFR 1605.14(c).

D. Misclassified as FICA Only. If the HRO misclassifies the employee as FICA only and later corrects the retirement coverage to either FERS or CSRS, the employee may elect to make up contributions that he or she would have been eligible to make as a FERS or CSRS employee during the period of misclassification.

111010. Breakage

A. General. Breakage, also referred to as "lost earnings," is the loss incurred or the gain realized on makeup or late contributions. Breakage for both the employee and agency contributions is calculated, posted and charged to the agency or forfeited to TSP in accordance with 5 CFR 1605.2. This includes breakage on late contributions, makeup agency contributions, and loan payments. When breakage is payable, breakage calculations are subject to the following requirements:

1. The contribution is submitted to TSP for deposit more than 30 days from the original pay date.

2. The net contribution (employee and agency combined) is at least \$1.00.

B. Posting of Multiple Contributions. If the TSP posts multiple makeup or late contributions, or late loan payments with different "as of" dates for a participant on the same

business day, the amount of breakage charged to the employing agency or forfeited to the TSP will be determined separately for each transaction, without netting any gains or losses attributable to different “as of” dates. In addition, gains and losses from different sources of contributions or different TSP Funds will not be netted against each other. Instead, breakage will be determined separately for each “as of” date, TSP Fund, and source of contributions. This is done to provide clarity due to multiply occurrences and to provide the employee complete information in order to make accurate and sound decisions.

111011. Contributions Missed as a Result of Military Service Under USERRA

A. Employee Contributions. Upon their return to service, FERS and CSRS Employees who separated from Federal civilian service or who were on AUS in order to perform military service may be eligible to make up employee contributions (including any catch-up contributions for employees age 50 or older) missed because of their military service. FERS employees are eligible to receive matching agency contributions.

1. The PRO must deduct employee contributions from future pay. Employees must meet conditions specified in [5 CFR 1620.40](#). The allowable amount of any makeup contributions will be offset by the dollar amounts an employee contributed to TSP while [performing military service](#). Total contributions may not exceed the IRS limit in effect the year the contribution would have been made.

2. Upon reemployment or return to a pay status after military service, an employee has 60 days to elect to make up any missed contributions. Missed employee contributions are made up in accordance with 5 CFR 1605.11(c). Employees who wish to makeup contributions under this authority should review the information on the TSP website regarding [Resuming and Making Up Contributions](#) and 5 CFR 1605.31.

B. Agency Automatic (1 percent) Contributions. The agency must deposit the Agency Automatic (1 percent) Contribution a FERS employee would have been eligible to receive during the period of AUS or separation. The contribution is based on the basic pay the employee would have earned and is entitled to breakage.

C. Agency Matching Contributions. The agency must deposit matching contributions based on the amount a FERS employee contributed to the uniformed services account from his or her military basic pay. Amounts contributed from other sources (such as uniformed services incentive, special, or bonus pay) are not used to determine Agency Matching Contributions. The agency pays matching contributions on any makeup employee contributions made after the employee returns from military service (unless the maximum matching has already been received). Agency Matching Contributions are entitled to breakage.

1111 POST-56 MILITARY DEPOSIT

*111101. General

A. Background. On January 1, 1957, Social Security began using military service in the computation of Social Security benefits. As a result, Federal (employee) retirees with an annuity that included credit for military service performed after 1956 lost credit for time spent in military service when they became entitled to Social Security benefits. In 1982, Congress enacted a law allowing Federal employees who were also veterans with post-1956 military service to pay a deposit into FERS or CSRS to avoid the loss of their military service credit.

B. Post-56 Military Deposit. An employee must pay a deposit prior to retirement for military service performed after December 31, 1956, or the military service will not count toward the CSRS or FERS retirement annuity. This deposit is referred to as the Post-56 Military Deposit. Making the Post-56 Military Deposit allows an employee to receive credit for military service under both Social Security and CSRS or FERS.

C. Authoritative Guidance. See [5 U.S.C. § 8334\(j\)](#) and [8422\(e\)\(1\)\(A\)](#), 5 CFR 831.2101-2107 and 842.307, and [Chapter 23 of the CSRS and FERS Handbook](#).

* D. Post-56 Deposit Payments. The employee may make a Post-56 Military Deposit in installment payments or a lump sum payment. Installment payments must be in whole dollar amounts not less than \$25 per pay period, except for the last payment that may be in any amount to complete repayment. Unpaid balances are subject to interest calculations, and OPM issues [BALs](#) concerning the [rate of interest](#) to use. The employee must submit payments, other than payroll deductions, directly to [either pay.gov](#) or:

DFAS-Cleveland
ATTN: J3DCBB/559
1240 E. 9th Street
Cleveland, OH 44199

The payment must be in the form of a negotiable instrument made payable to “Disbursing Officer.” Mailed payments must be received by the disbursing officer by the close of business on the last regular business day before the interest accrual date. The date of receipt by the disbursing officer will constitute the date of payment, not the date of the postmark. The PRO computes interest on the unpaid balance on the employee’s interest accrual date.

1. Timing of Payment. Employees must complete the deposit for military service prior to separation from service. If an employee dies, but was eligible at the time of death to make a deposit, the employee's survivor may make the deposit in one lump sum to the former employing agency before OPM completes adjudication of the survivor annuity application.

2. Administrative Errors. An employee, who was eligible to make a deposit for military service but failed to complete the deposit prior to separation due to an administrative error may complete the deposit in a lump sum if OPM determines an agency error

occurred. If, after separation, a retiree requests to make a deposit and OPM determines that an agency error occurred, OPM will issue a letter to the agency. This letter will explain the administrative error in detail and advise the agency to compute and accept the Post-1956 Military Service Deposit. See [BAL 13-103](#).

111102. FERS Post-56 Military Deposit (“Buy Back”)

A. General. A FERS employee may receive credit for post-1956 military service under FERS rules only if he or she makes a Post-56 Military Deposit equal to the applicable percentage rate based on the period of service and the military basic pay he or she earned during the period of military service, plus interest. (See [Credit for Military Service](#).) The deposit is required in order to receive credit for military service performed after December 31, 1956. The deposit is necessary to get credit for both FERS eligibility and annuity computation purposes. No deposit is due for military service performed before January 1, 1957. The employee is not charged interest if the deposit is paid in full before the first interest accrual date (IAD). Interest accrual starts and is compounded annually beginning 2 years from the date of the first employment under FERS.

B. IAD. For FERS employees first employed prior to January 1, 1987, interest started to accrue on January 1, 1989. Therefore, the initial IAD for these employees is January 1, 1990. For employees first employed on or after January 1, 1987, interest began to accrue 2 years from the date the employee was first employed and subject to FERS. Therefore, the initial IAD for these employees is 1 year after the 2-year interest free grace period ends.

111103. CSRS Post-56 Military Deposit (“Buy Back”)

A. General. A CSRS employee first employed on or after October 1, 1982, will receive credit for post-1956 military service only if he or she makes a Post-56 Military Deposit equal to 7 percent of the military basic pay earned during the post-1956 military service, plus interest. Employees first employed under CSRS before October 1, 1982, have the option of making deposits for post-1956 military service and avoiding a possible annuity reduction.

B. Interest Accrual Dates. For CSRS employees, interest begins to accrue on the military service deposits on October 1, 1985, or 2 years after an employee is first employed or reemployed after a period of military service in a position subject to CSRS. The IAD is the date each year when the PRO adds the accrued interest to the amount owed by the employee. The initial IAD is the date 1 year after the end of the interest free grace period. Thereafter, the IAD falls on the anniversary of the first IAD until the employee pays the deposit in full. The employee is not charged interest if the deposit is paid in full before the first IAD.

*REFERENCES

CHAPTER 11 – ALLOTMENTS AND MANDATORY DEDUCTIONS

1102 – ALLOTMENTS

110201	5 U.S.C §5525 5 CFR 550, part C
110202	5 CFR 550.311
110202.A	5 U.S.C. § 7115
110202.B	5 CFR 550.331
110202.C	5 CFR 550.341 DoDI 5035.01 DoDI 5035.05 5 CFR 950 Executive Order 12353 Executive Order 12404 79 Federal Register 21581 Campaign, August 3, 2017
110202.D	5 CFR 351
110202.F	5 CFR 550.361
110203	5 CFR 550.311(b)
110203.B	5 CFR 550.371

1103 – FEDERAL EMPLOYEES HEALTH BENEFITS (FEHB)

110301	5 U.S.C., Chapter 89 5 CFR 890 BAL 15-210
110302.C	5 U.S.C. § 3402
110302.C.1.c	5 U.S.C. § 8906(b)(3)
110302.D.1	BAL 14-210
110302.D.2	5 U.S.C. § 8906
110302.F.1	5 CFR 890.303(e)
110302.F.3	5 CFR 890.502.b
110302.F.5.b	FECA Circular No. 09-04 FECA Circular No. 12-05
110302.F.6.d	5 U.S.C. § 6382
110302.F.6.f	5 CFR 334
110302.F.6.g	5 U.S.C. § 3582 5 CFR 352.309
110302.H	5 CFR 892.102
110302.H	5 CFR 892.205 5 CFR, subpart B
110302.I.1	5 CFR 550.1102(b)

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110303.A	38 U.S.C. § 4317(a)(1)(A)
	5 U.S.C. § 8905a
110303.A.3	5 CFR 890.303(i)
	5 CFR 890.304
	5 CFR 890.502(f)
110303.B.2	5 CFR 890.502(f)
110303.B.4	OPM Guidance on Coverage for Federal Employees Called to Military Duty
110303.C	10 U.S.C. § 101(a)(13)
	5 U.S.C. § 8905a
	5 CFR 890.502(f)
	5 U.S.C. § 8906 (e)(3)
110303.C.1.c	10 U.S.C. § 101(a)(13)
110303.D	5 U.S.C. § 8906(e)(3)
110303.D.2	5 U.S.C. § 4317(a)(1)(A)
110304.A.3	5 U.S.C. § 3702(b)(1)
110304.B.1	5 CFR 550.1104.(c)
110305.A	5 CFR 890, subpart K
110305.C	5 U.S.C. § 8905A(d)(4)

1104 – FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM (FEDVIP)

110401	5 CFR 894
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1105 – ALLOTMENTS FOR FEDERAL FLEXIBLE SPENDING ACCOUNT PROGRAM (FSAFEDS)

110503.B.2	BAL 14-801
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1106 – FEDERAL EMPLOYEES GROUP LIFE INSURANCE (FEGLI) PROGRAM

110601	5 U.S.C., Chapter 87
	5 CFR 870
	FEGLI Program
110602.A	5 CFR 870.501
110602.A.1	5 CFR 870.202
110602.A.2	5 CFR 870.204
110602.A.2.b	5 U.S.C. § 5545(c)(1)
110602.A.2.c	5 U.S.C. § 8331(20)
	5 CFR 831.902
	5 CFR 842.802
	5 U.S.C. § 5545 (c)(2)

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110602A.2.h	38 U.S.C. § 7431
110602.A.5	5 CFR 870.204
110602.B	5 CFR 870.504
110602.B.2	5 CFR 870.201
110603.A	5 CFR 870.501(a)(1)
110603.B	5 CFR 870.504(d)
110604	5 CFR 870.502-505
110605	5 CFR 870.401
110605.B.6	5 CFR 870, subpart D
110605.C	5 CFR 870.404(f)
110605.D.1.c	5 CFR 870.601(d)
110605.D.4.b	5 CFR 870.508.(b)
110605.D.5.a	5 CFR 870.508
110605.F.1	FECA Circular No. 12-05
110605.F.2	5 CFR 870.701
110605.F.3	5 CFR 870, subpart F
110606.D.1.a	5 CFR 870.404(b)
110607.B.2	5 CFR 870.505(b)
	31 U.S.C. § 3702(b)(1)
110607.B.3	5 CFR 870.503-870.505
110607.C	5 CFR 870.603
110609	5 CFR 870.601(d)(3)
110609.B	5 U.S.C. § 8706(d)(1)
110610	10 U.S.C. § 101(a)(13)
	10 U.S.C. § 1580
	5 CFR 870.503 (e) and (f)
110611.A.1	5 CFR 870.404(e)
110611.B.1.b	5 CFR 550.1104(c)
110611.C.1	5 CFR 870.104

1107 – FEDERAL LONG TERM CARE INSURANCE PROGRAM (FLTCIP)

110701	5 U.S.C., Chapter 90
	5 CFR, Part 875
110703.A	5 CFR 875.404
110703.B.3	5 CFR 875.303

1110 – THRIFT SAVINGS PLAN (TSP)

111001	5 U.S.C., Chapter 83
	5 U.S.C., Chapter 84
	5 CFR, Part 1600
111002.A	TSP Bulletin 10-7
	TSP Bulletin 15-2

References (Continued)

	TSP Bulletin 19-4
111002.B	TSP Bulletin 19-4
111002.E	5 CFR 1600.22
111003.A	5 CFR 1600
	5 CFR 1601
111003.B	5 CFR 1600.34
111003.B.1	5 CFR 1600.22
111003.B.2	5 U.S.C. § 8432(a)(2)
	5 U.S.C. § 8351(b)(2)(B)
	5 CFR 1600.22
111003.B.2.c	5 CFR 1600.23
111003.B.2.d	TSP Bulletin 19-5
	TSP Bulletin 20-1
111003.C	Public Law 111-31
	TSP Bulletin 10-7
111004.A	5 CFR 1655.2
111005	5 CFR 1650.32
	TSP Withdrawal Basics
	TSP In-Service Withdrawals
111005.B	TSP Bulletin 19-9
111006.A	5 CFR 1605.2
111006.B	5 CFR 1605.15
111007.A	5 CFR 1605, subpart B
111007.B	5 CFR 1605.11
111007.B.1	5 CFR 1605.11
111007.C	5 CFR 1605.12
111008.A	5 CFR 1605.13
111008.A.1	5 CFR 1605.2
111008.B	5 CFR 1605
111009.C	5 CFR 1605.14(c)
111010.A	5 CFR 1605.2
111011.A.1	5 CFR 1620.40
111011.A.2	5 CFR 1605.11(c)
	TSP Resuming and Making up Contributions
	5 CFR 1605.31

1111 – POST-56 MILITARY DEPOSIT

111101.C	5 U.S.C. § 8334(j)
	5 U.S.C. § 8422(e)(1)(A)
	5 CFR 831.2101-2107
	5 CFR 842.307
	OPM Service Credits for Post-1956 Military Service
111101.D.2	BAL 13-103

References (Continued)

111102.A

OPM Credit for Military Service

VOLUME 8, “DEFINITIONS”**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (*) preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **February 2018** is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with current administrative instruction.	Revision
All	Revised information for clarity.	Revision
Absent-Uniformed Services (AUS)	Updated and revised definition for clarity.	Revision
Administrative Offset	Updated and revised definition for clarity.	Revision
Federal Wage System (FWS)	Added a definition for federal wage system.	Addition
Flexible Hours	Added a definition for flexible hours.	Addition
Flexible Work Schedule (FWS)	Added a definition for flexible work schedule.	Addition
Fiscal Year (FY)	Updated and revised definition for clarity.	Revision
General Schedule (GS)	Added a definition for general schedule.	Addition
Human Resource Office (HRO)	Added a definition for Human Resource Office.	Addition
Overtime Hours	Added a definition for overtime hours.	Addition
Panama Canal Commission	Deleted definition since it ceased to exist on December 31, 1999.	Deletion
Tour of Duty	Updated and revised definition for clarity.	Revision
Waiver	Updated and revised definition for clarity.	Revision

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DEFINITIONS

Absent Without Leave (AWOL)

Absence from a place of duty without permission or authorization.

*Absent-Uniformed Service (AUS)

An employee is absent (whether in pay or non-pay status) to perform duty with the uniformed services and has reemployment rights under Uniformed Services Employment and Reemployment Rights Act (USERRA). See Title 38 United States Code (U.S.C.), Chapter 43.

*Administrative Offset

Withholding funds payable by the United States (including funds payable by the United States on behalf of a state government) to, or held by the United States for, a person to satisfy a claim. See 31 U.S.C. § 3701(a)(1). This includes offset from disposable pay (salary).

Administrative Workweek

Any period of 7 consecutive 24-hour periods designated in advance by the head of the agency. See 5 U.S.C. § 6101, Title 5 Code of Federal Regulations (CFR), section 532.501, and section 550.103.

Advance of Pay

Single lump-sum payment authorized for payment in advance of an employee's scheduled pay date in accordance with Chapter 3 of this Volume.

Agency

See Federal Agency.

Advanced Compensatory Time for Religious Reasons

Compensatory time requested by the employee and granted by the supervisor for the employee to meet religious requirements. See 5 U.S.C. § 5550a.

Allotment

A recurring, specified deduction from pay, authorized by a civilian employee, paid to an allottee.

Allottee

A person or institution to whom an allotment is made payable.

Alternative Work Schedule (AWS)

An arranged tour of duty that varies from a regular tour of duty and includes flexible and compressed work schedules. See the U.S. Office of Personnel Management's (OPM) [Handbook on AWS](#) for more information.

Annuitant

A retired federal employee or his/her survivor who is receiving payments from OPM.

Appropriated Fund

The amount that agencies may obligate during the period of time specified in a particular appropriation act.

Availability Pay

Premium pay provided for criminal investigators in job series 1811 and 1812 who are required to work, or be available to work, substantial amounts of unscheduled overtime duty based on the needs of the employing activity.

Base Realignment and Closure (BRAC)

The congressionally authorized process under 10 U.S.C. § [2687](#) that gives the Secretary of Defense the authority to reorganize the base structure to more efficiently and effectively support the forces, increase operational readiness, and facilitate new ways of doing business.

Basic Pay

Also referred to as "base pay." Basic pay is the total amount of pay received at a rate fixed by law or administrative action for the position held by the employee. Basic pay does not include certain types of pay, for example: bonuses, allowances, overtime or holiday pay.

Basic Work Requirement

The number of hours, excluding overtime hours, which an employee must work or otherwise account for by leave, credit hours, holiday hours, excused absences, compensatory time off, or time off as an award. See 5 U.S.C. § [6121](#).

Basic Workweek

For a full-time employee, a basic workweek is the 40-hour workweek established in accordance with 5 CFR [610.111](#). Unless specifically designated, a basic workweek for full-time employees is five 8-hour days, Monday through Friday. See 5 CFR [610.121](#).

Beneficiary

For purposes of Volume 8, a beneficiary is the person or persons authorized by law to receive the employee's unpaid compensation. Person or persons may include a legal entity, or the estate of the deceased employee. See 5 CFR [178.203](#) and 5 U.S.C. § [5582](#).

Buy-Back of Leave

The process by which an employee makes arrangements with the civilian payroll office (PRO) to repurchase sick or annual leave that was used by the employee, prior to the approval of his or her claim for compensation under the Federal Employees' Compensation Act at 5 U.S.C., [Chapter 81](#).

Calendar Year (CY)

The period starting January 1 and ending December 31.

Civil Service Retirement System (CSRS)

A defined benefit retirement and disability benefits system for federal government employees and members of Congress under 5 U.S.C. §§ [8331 to 8351](#). The Federal Employees Retirement System (FERS) replaced CSRS under 5 U.S.C., [Chapter 84](#) for federal employees who first entered covered service on or after January 1, 1987.

Civil Service Retirement System Offset (CSRS-Offset)

The plan for federal employees whose service is subject to CSRS deductions and Social Security taxes, as described under 5 U.S.C. § 8349. CSRS-Offset employees are covered by Social Security because they were separated from CSRS covered federal employment for more than 1 year and returned to a position in which they were covered by CSRS after 1983. Old-Age, Survivors, and Disability Insurance (OASDI) withholdings are offset from their CSRS contributions so that the combined Social Security and CSRS contributions are the same as for employees who have CSRS coverage only.

Commercial Garnishment

For purposes of Volume 8, a commercial garnishment is the process by which a federal agency withholds pay from a federal civilian employee pursuant to 5 U.S.C. § [5520a](#) in order to honor a garnishment order or similar legal process issued by a court of competent jurisdiction in the enforcement of a commercial debt against the employee.

Compensatory Time Off

Time off granted in lieu of pay for an equal amount of time spent in irregular or occasional overtime work. See 5 U.S.C. § [5543](#).

Compressed Work Schedule

For a full-time employee, consists of an 80-hour biweekly basic work requirement scheduled by an agency for less than 10 workdays. For a part-time employee, denotes a biweekly basic work requirement of less than 80 hours scheduled by an agency for less than 10 workdays. See 5 U.S.C. § 6121(5).

Continental United States (CONUS)

The 48 contiguous states and the District of Columbia.

Continuation of Pay (COP)

Payment made to an employee during an absence from the job due to a traumatic on-the-job injury.

Core Hours

Designated hours and days during which an employee covered by a flexible work schedule is required to be present for duty. See 5 U.S.C. § [6122\(a\)\(1\)](#).

Credit Hours

Hours an employee elects to work with supervisory approval that are in excess of the employee's basic work requirements under a flexible work schedule. See 5 U.S.C. § 6121(4).

Customer Service Representative (CSR)

The liaison between the employee and the PRO and/or the HRO that provides assistance in resolving payroll and leave issues.

Data Element

A named identifier and attributes for each of the entities represented within the Defense Civilian Pay System (DCPS).

Debt

Any amount of money or any property owed to a Department of Defense (DoD) Component or another federal agency by any person, organization, or entity except another federal agency. Debts include insured or guaranteed loans and any other amounts due from fees, leases, rents, royalties, services, sales of real or personal property, or overpayments; penalties, damages, interest, fines and forfeitures; and all other claims and similar sources. Delays in processing employee-elected coverage or a change in coverage under federal benefits programs are not normally debts if processing delays did not exceed 2 monthly or 4 biweekly pay periods. Amounts

due a non-appropriated fund instrumentality are not debts owed the United States unless specifically included by this Regulation. See 31 U.S.C. § 3701(b)(1).

Deductions

Monies withheld, by law (mandatory deductions) or voluntarily (voluntary deductions), from an employee's pay (salary). The three basic types of deductions are:

- a. Those required by law, regulations, or decision issued by a court or administrative body;
- b. Those for benefits specifically authorized by law, such as health and life insurance; and
- c. Voluntary personal allotments to a designated allottee.

Defense Civilian Pay System (DCPS)

The standard DoD civilian pay system approved by the Under Secretary of Defense (Comptroller) Chief Financial Officer to pay employees from appropriated, revolving, or trust funds.

Departmental Reporter

The Defense Finance and Accounting Service (DFAS) organizational entity serving as the focal point for a Military Service, when dealing with the OPM and the Thrift Investment Board concerning retirement or Thrift Savings Plan (TSP) reporting.

Disposable Pay

The amount that remains after pay (salary) reduced by amounts that are:

- a. Required by law for deduction;
- b. Properly withheld for federal, state, and local income taxes;
- c. Deducted as health insurance premiums;
- d. Deducted as normal retirement contributions; and
- e. Deducted as normal life insurance premiums.

Disabled Veteran Leave (DVL)

Leave granted to a newly hired civilian employee who is a military veteran with a service-connected disability rated at 30 percent or more. Such leave may be used in the first year of civil

service duty to receive treatment for service-connected injuries. See Chapter 5 of this Volume; 5 U.S.C. § [6329](#); 5 CFR 630, [subpart M](#); and the OPM Fact Sheet, [Disabled Veteran Leave](#).

Due Process

For purposes of Volume 8, due process refers to legal proceedings carried out in accordance with established law and regulations in connection with the collection of debts due the United States.

Emergency Medical Technician (EMT)

A specialist in the technical details of medical treatment responding to an urgent need for assistance requiring immediate action.

Employee

An employee refers to an individual appointed to a position in DoD and paid from appropriated, revolving, or trust funds. See 5 U.S.C. § [2105](#).

Employer Identification Number (EIN)

A nine-digit number the Internal Revenue Service assigns to identify the tax accounts of employers, sole proprietors, corporations, partnerships, non-profit associations, trusts, estates, government agencies, and other business entities pursuant to 26 U.S.C. § [6109](#).

Entitlement

Legally established benefit available to any person or unit of the federal government meeting eligibility requirements established by law.

Environmental Differential Pay (EDP)

Pay for duty involving unusually severe hazards or working conditions. See 5 U.S.C. § [5343\(c\)\(4\)](#).

Executive Schedule (EX) Employees

Position is appointed and paid to a federal employee according to the Executive Schedule under 5 U.S.C. §§ [5311 to 5318](#).

Fair Labor Standards Act (FLSA)

The federal law, codified at 29 U.S.C., [Chapter 8](#), establishes minimum wage, overtime pay, recordkeeping, and child labor standards for full-time and part-time workers in the private sector and in federal, state, and local governments.

Family and Medical Leave Act (FMLA)

Sets an entitlement **for** a total of 12 administrative workweeks of unpaid leave for family and medical needs during any 12-month period. FMLA allows employees to use or substitute up to 26 weeks of accrued or accumulated sick leave for unpaid FMLA leave to care for a seriously injured/ill covered Service member as authorized by the fiscal year (FY) 2008 National Defense Authorization Act (NDAA) including up to 30 days (240 hours) of advance sick leave. See 5 CFR 630, [subparts D and F](#).

Federal Agency

Any executive agency as defined by 5 U.S.C. § 105, including the U.S. Postal Service and the Postal Rate Commission; a Military Department as defined by 5 U.S.C. § 102; an agency of the legislative branch, including the U.S. Senate and U.S. House of Representatives; and an agency or court of the judicial branch.

Federal Employees' Retirement System (FERS)

The retirement plan for employees, described in 5 U.S.C., [Chapter 84](#), and effective January 1, 1987.

*Federal Wage System (FWS)

The FWS is a uniform pay-setting system that covers federal appropriated fund and non-appropriated fund blue-collar employees paid by the hour. "Wage grade" is the term used to describe non-supervisory FWS employees. "Wage supervisors" are supervisory FWS employees.

*Flexible Hours

The times during the workday, workweek, or pay period within the tour of duty during which an employee covered by a flexible work schedule may choose to vary his or her times of arrival to and departure from the work site consistent with the duties and requirements of the position. See 5 U.S.C. § 6122(a)(2).

*Flexible Work Schedule (FWS)

A work schedule established under 5 U.S.C. § 6122. In the case of a full-time employee, has an 80-hour biweekly basic work requirement that allows an employee to determine his or her own schedule within the limits set by the agency. In the case of a part-time employee, has a biweekly basic work requirement of less than 80 hours that allows an employee to determine his or her own schedule within the limits set by the agency.

Financial Institution

Bank, savings association, or credit union eligible under 31 CFR [210](#) to serve as a government depository.

*Fiscal Year (FY)

For the federal government, a fiscal year refers to the customized, 12-month period, starting October 1 and ending September 30, used for accounting purposes and preparing financial statements.

Foreign Areas

Geographical locations defined in the Department of State Standardized Regulations ([DSSR](#)) as any area situated outside of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the possessions of the United States.

Foreign National

A foreign national is a person who is not a citizen or national of the United States.

Foreign National Employee

For the purposes of Volume 8, a foreign national employee is an individual employed by or performing work for U.S. forces outside the United States, its territories, and possessions in a system of employment. See DoD Instruction (DoDI) 1400.25, [Volume 1231](#).

Garnishment

Written notification concerning the attachment of monies to satisfy a debt that results in the withholding of a specified amount from the employee's pay (salary).

*General Schedule (GS)

The classification and most common pay scale for the majority of federal government employees, especially employees in professional, technical, administrative, or clerical positions. Administered by the OPM, the system consists of 15 grades, from GS-1, the lowest level, to GS-15, the highest level. There are 10 pay steps within each grade.

Holiday Work

Non-overtime work performed by an employee during a regularly scheduled daily tour of duty on a holiday designated in accordance with 5 CFR [610.202](#). See 5 U.S.C. § [5546](#).

*Human Resource Office (HRO)

For the purposes of Volume 8, a federal agency's HRO includes any entity, department, or personnel responsible for managing human resource activities related to its employees. These activities may include recruiting and hiring of new employees, orientation and training of current employees, employee benefits, and retention.

Intermittent Work Schedule

Employment on an irregular or occasional basis, without a regularly scheduled tour of duty. See 5 CFR [340.401](#).

Involuntary Repayment

Recovery of debt owed to the federal government by means of salary offset under 5 U.S.C. § [5514](#) by deduction from the current pay of employee without his or her consent.

Irregular or Occasional Overtime Work

Overtime work that is not part of an employee's regularly scheduled administrative workweek. See 5 CFR 532.501.

Leave and Earnings Statement (LES)

A document provided to each employee showing gross pay, deductions, net pay for a pay period and cumulative totals for the year to date, along with leave balances at the end of the pay period.

Leave Record

The amounts of leave earned and used, and the balance available.

Leave Without Pay (LWOP)

A temporary non-pay status and absence from duty *and*, in most cases, granted at the employee's request.

Leave Year

The period beginning with the first complete pay period in a calendar year and ending with the day immediately before the first day on the first complete pay period of the following calendar year.

Limitations on Premium Pay or Pay Caps

The maximum biweekly and aggregate limitations for premium pay. See 5 CFR [550.105](#).

Locality Payment

A locality-based comparability payment, payable to General Schedule (GS) employees under 5 U.S.C. § [5304](#) and 5 CFR 531, *subpart F*. See 5 CFR [531.602](#).

Lump-Sum Leave Pay

Payment for accumulated annual leave upon separation or change to a nonconvertible leave system.

Military Leave

An approved absence with pay authorized under 5 U.S.C. § [6323](#).

National Guard

The Army or Air National Guard of a state.

National Guard Technician

A federal employee of the National Guard hired under 32 U.S.C. § [709](#) and does not include National Guard Bureau employees hired under Title 5 of the U.S. Code or other authority.

Net Pay

The [remaining](#) amount of wages or salary due after all payroll deductions.

Non-appropriated Funds (NAFs)

Monies that are not appropriated by the Congress to incur obligations and make payments out of the U.S. Treasury. NAFs come primarily from the sale of goods and services to DoD military and civilian personnel and their family members.

Non-appropriated Fund (NAF) Employee

A civilian employee who is paid from non-appropriated funds of the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical and mental improvement of members of the Armed Forces. See 5 U.S.C. § 2105(c) and DoDI 1400.25, [Volume 1401](#).

Non-foreign Areas

The states of Alaska and Hawaii, the Commonwealths of Northern Mariana Island and Puerto Rico, territories and possessions of the United States that the Secretary of State has designated as being within the scope of Part II of [Executive Order 10000](#).

*Overtime Hours

For flexible work schedule, refers to all hours in excess of 8 hours in a day or 40 hours in a week officially ordered in advance and excludes credit hours. For compressed work schedules,

overtime hours refers to any hours in excess of those specified hours for full-time employees that constitute the compressed work schedule. For part-time employees, overtime hours are hours in excess of the compressed work schedule for a day (must be more than 8 hours) or, for a week (must be more than 40 hours).

Pay (Salary)

Pay and salary have the same meaning. They include basic, premium, and any other authorized pay and allowances other than travel and transportation expenses.

Pay Period

A segment of time during which employees perform work and receive pay. For most federal civilian employees, a pay period covers 14 consecutive days, which normally begins on Sundays.

Pay Record

Part of each civilian employee's master pay record that contains all transaction information on payments and deductions with an audit trail to the authorizing documents. The pay record includes information such as pay grade, record of payments, all earnings separately identified by type (e.g., basic pay, bonuses, premium pays, and allowances), allotments, any deductions, year-to-date gross earnings, taxable earnings, and taxes withheld.

Payroll Certifying Officer

A person appointed to certify the accuracy and propriety of payroll for compensation for personal services.

Permanent Change of Station (PCS)

The assignment, detail, or transfer of an employee to a different permanent duty station (PDS) under a competent travel authorization that does not specify the duty as temporary, provide for further assignment to a new PDS, or direct the employee to return to the old PDS.

Premium Pay

The dollar value of earned hours of compensatory time off and additional pay authorized by 5 U.S.C., Part III, subpart D, [Chapter 55, subchapter V](#), and includes pay for overtime, night, Sunday, or holiday work, stand by duty, administratively uncontrollable overtime work or availability duty. See 5 CFR 550.103.

Prevailing Rate Employee

An individual employed in a particular trade or craft, or other skilled mechanical craft; or in an unskilled, semiskilled, or skilled manual labor occupation; or any other individual in a

position having trade, craft or laboring experience and knowledge as the paramount requirement. Also referred to as “federal wage employees.” See 5 U.S.C. § [5342](#).

Rate of Basic Pay

The rate of pay fixed by law or administrative action for the position held by the employee, to include locality pay, and special pay adjustments for law enforcement officers, but does not include any other types of pay. See 5 CFR [531.203](#).

Reemployed Annuitant

A person who is receiving a CSRS or FERS retirement annuity and, at the same time, is earning a paycheck as a federal government employee.

Regularly Scheduled Work

Work scheduled in advance of an administrative workweek under an agency’s procedures for establishing workweeks in accordance with 5 CFR 610.111, excluding any such work to which availability pay under 5 CFR [550.181](#) applies. See 5 CFR 550.103.

Salary Offset

An administrative offset under 5 U.S.C. § 5514 to collect a debt owed by a federal government employee through deductions, at one or more officially established pay intervals, from the current pay account of the employee without his or her consent.

Scheduled Overtime Work

Overtime work scheduled and approved prior to the beginning of the employee’s regularly scheduled administrative workweek.

Severance Pay

Pay authorized for eligible employees involuntarily separated from federal service. See 5 U.S.C. § [5595](#).

State

A state or territory of the United States, including the Commonwealth of Puerto Rico.

Thrift Savings Plan (TSP)

The tax-deferred savings plan established under 5 U.S.C. §§ [8431 to 8440f](#). The Thrift Savings Plan Enhancement Act of 2009, Thrift Savings Plan [Bulletin 11-U-4](#), authorized TSP to add a Roth feature to the plan, in addition to the current traditional contribution plan. See [TSP](#) for additional information.

TSP Loan

Funds borrowed by employees and members of the Uniformed Services from their **individual** TSP accounts in accordance with the requirements at 5 U.S.C. § [8433\(g\)](#).

*Tour of Duty

The hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that **creates** an employee's regularly scheduled administrative workweek. See 5 CFR [610.102](#). Under a flexible work schedule means the limits set by an agency within which an employee must complete his or her basic work requirement. Under a compressed work schedule or other fixed schedule, tour of duty is synonymous with basic work requirement.

United States (U.S.)

The 50 states and the District of Columbia, unless otherwise qualified.

Voluntary Deduction

Deductions from an employee's pay requiring written authorization from the employee to affect withholding.

*Waiver

In the context of debt collection, the cancellation, forgiveness, or non-recovery of a debt owed by an employee to an agency as permitted or required by law. See [Volume 16 for waiver standards](#).