

CONTROL FORM FOR DOE/ORO DIRECTIVE

PART A (To be completed by the ORO DIRECTIVES MANAGEMENT GROUP, AD-440):

1. DIRECTIVE NUMBER, TITLE, AND DATE:

ORO O 320, CHAPTER XI, CHANGE 1, PAY AND LEAVE ADMINISTRATION AND HOURS OF DUTY, dated 07/18/2007

2. PURPOSE OF TRANSMITTAL: New Directive Revised Directive Revised Control Form

3. DOES THIS DIRECTIVE CANCEL OR EXTEND ANY OTHER DIRECTIVES? Yes No
If "Yes," list what action (cancel or extend) and list the Directive(s) number(s), title(s), and date(s):

This Directive cancels and replaces ORO O 320, Chapter XI, PAY AND LEAVE ADMINISTRATION AND HOURS OF DUTY, dated 06/12/2003.

The attached Directive is forwarded for review and action. Complete Part B and forward a completed hard copy of this form to ORO DMG, AD-440, by **08/02/2007**.

PART B (To be completed by the DIVISION OF PRIMARY INTEREST [DPI]):

COMPLETE FOR DOE DIRECTIVES ONLY:

4. SUPPLEMENTAL ORO DIRECTIVE REQUIRED?

Is a new or revised supplemental ORO Directive required? Yes No

If "Yes," target date for submission of supplemental ORO Directive is _____.

COMPLETE FOR BOTH DOE AND ORO DIRECTIVES:

5. CONTRACTOR APPLICABILITY.

Does this Directive affect the work performed by ORO Contractors? Yes No

If "Yes," whom? Bechtel Jacobs Company LLC ORAU

UT-Battelle, LLC ISOTEK (Bldg. 3019, ORNL)

Foster Wheeler (FWENC)

Other Contractors (list by name)

6. SUBJECT MATTER EXPERT: Carol Aytes Federal Human Resources Branch, AD-442
Name Organization

Original Signed By

7. APPROVED BY: Melanie Kent, Chief Federal Human Resources Branch, AD-442 07/24/2007
Signature Organization Date

PART C (To be completed by the ORO DIRECTIVES MANAGEMENT GROUP, AD-440):

APPROVED FOR DISTRIBUTION IN ACCORDANCE WITH OFFICIAL DIRECTIVE DISTRIBUTION LIST:

Original Signed By

Wayne H. Albaugh

07/26/2007

DMG Team Leader, AD-440

Date

INSTRUCTIONS TO ADDRESSEES: THIS FORM IS TO BE FILED WITH THE DIRECTIVE AND RETAINED.

(Revised 02/10/2006)

U.S. Department of Energy

Oak Ridge Office

ORO O 320
Chapter XI
Change 1

DATE: 07/18/2007

SUBJECT: PAY AND LEAVE ADMINISTRATION AND HOURS OF DUTY

1. PURPOSE. This Chapter correlates to DOE O 322.1B, PAY AND LEAVE ADMINISTRATION AND HOURS OF DUTY, dated January 14, 2005, by assigning responsibility and accountability and providing administrative guidance to the Oak Ridge Office (ORO) and those organizations for which ORO is the Servicing Personnel Office (SPO). Nothing in this issuance changes any requirements contained in any Department of Energy (DOE) Directive.
2. CANCELLATION. This Chapter cancels and replaces ORO O 320, Chapter XI, PAY AND LEAVE ADMINISTRATION AND HOURS OF DUTY, dated June 12, 2003.
3. APPLICABILITY. The provisions of this Chapter apply to all employees for which ORO is the SPO, as applicable, except where terms of a Negotiated Bargaining Unit Agreement provide for different requirements or where the Code of Federal Regulations (CFR) prohibits inclusion of employees (e.g., Senior Executive Service).
4. RESPONSIBILITIES.
 - a. Manager, ORO; Managers, Site Offices; and Director, Office of Scientific and Technical Information (OSTI).
 - (1) Perform those tasks identified in DOE O 322.1B, subparagraph 5g(2), (4), (5); and subparagraph 5h(1) and (3).
 - (2) Determine administrative dismissals of all or part of the organization and relieving non-essential employees from duty in his/her organization's commuting area.
 - (3) Determines that an emergency situation exists permitting up to 2 hours of excused absence for tardiness and a liberal leave policy.
 - (4) Approve Leave Without Pay (LWOP), excused absences, and absences-in-duty status exceeding the delegated authority of subordinate managers and supervisors.
 - (5) Approve requests for recruitment, relocation, and retention bonuses up to authorized amounts.
 - (6) Approve requests for optional grade and pay retention.

- b. Senior Staff Members, ORO and Site Offices; and Assistant Directors, OSTI.
 - (1) Approve justifications for overtime pay, compensatory time, and premium pay.
 - (2) With the concurrence of the Human Resources Division (HRD), approve employee participation in the Telecommuting Program.
 - (3) With the concurrence of the HRD, render the final decision on employee requests for reconsideration of determinations to withhold within-range increases (WRI).
 - (4) Approve Irregular Performance Pay Increases (IPPI) (formally known as Quality Step Increases).

- c. Managers of Site Offices; Assistant Manager for Administration (AMA), ORO; and Associate Director for Administration and Information Services, OSTI.
 - (1) Approve the restoration of annual leave:
 - (a) Canceled as the result of a previously declared exigency of the public business, or
 - (b) Lost as a result of illness or of administrative error.
 - (2) Coordinate administrative dismissals of employees in the local commuting areas with local authorities and other nearby Federal offices, as appropriate.

- d. Principal Staff.
 - (1) Approve deviations of more than 1 hour from the established hours of work for individual employees.
 - (2) Approve, after obtaining a regulatory review from the HRD, the following types of absences, without power of further re-delegation.
 - (a) The use of sick leave when an employee will engage in outside employment during the period of absence.
 - (b) Excused absences not exceeding 3 days to take a professional examination which is not required as a condition of continued employment.
 - (c) Excused absences to attend a professional meeting or conference which is not formal training or part of an employee's regular duties, provided that such attendance is primarily for DOE's benefit.
 - (d) Court leave to the extent officially requested for the purpose of appearing as a witness in a nonofficial capacity, provided that a government entity is a party to the proceedings.

- (e) Funeral leave not exceeding 3 days to attend the funeral or memorial service for an immediate relative who died as a result of a wound, disease, or injury incurred while serving as a member of the armed forces in a combat zone.
 - (f) Excused absences not exceeding 4 hours in a day for an employee who was a veteran or a member of a veteran's organization, for the purpose of participating in the return from overseas of the remains of a veteran.
 - (g) Excused absences up to 3 days for emergency rescue or protective work.
 - (h) Excused absences up to 3 days for interviews or tests outside DOE, provided that the employee has been formally notified of a reduction in force or transfer of function affecting his/her position.
 - (i) Excused absences not exceeding 1 full workday, when the office is open but a prohibition or restriction of traffic by public authority would result in one-way travel time of more than 4 hours.
- e. Supervisors.
- (1) Approve:
 - (a) Annual leave, including what will accrue during the remainder of the current leave year.
 - (b) Sick leave not exceeding the amount that the employee has already earned.
 - (c) Advance sick leave not exceeding a balance of 30 days at any one time.
 - (d) Sick leave in accordance with 5 CFR, Part 630, Subpart D to care for a family member, make arrangements necessitated by the death of a family member, or attend the funeral of a family member.
 - (e) Leave for religious observances.
 - (f) Military leave not exceeding 30 accumulated days during each fiscal year.
 - (g) Court leave to serve as a juror to the extent of the court summons.
 - (h) LWOP not exceeding 30 days and including the following special situations:
 - 1 Employees who are awaiting approval of their disability retirement applications.
 - 2 Employees entitled to LWOP under the Federal Employees Compensation Act.
 - 3 Disabled veterans who are entitled to LWOP for medical treatment under Executive Order 5396.

- (i) LWOP for Cooperative Education students while they are attending school between periods of DOE employment.
- (j) Up to 12 weeks of unpaid leave during any twelve-month period under the Family and Medical Leave Act for certain family and medical needs.
- (k) Excused absences for the following purposes:
 - 1 Up to 3 hours for registration and voting.
 - 2 Up to 4 hours for blood donation.
 - 3 Up to 8 hours to allow for recuperation from overnight travel.
 - 4 Up to 2 hours for tardiness when an emergency situation has been declared (see Paragraph 4a(3) above of this Chapter.)
 - 5 Less than 1 hour for tardiness or brief absences during the workday.
 - 6 Up to 8 hours for employer-sponsored medical examinations.
 - 7 Up to 3 days to await or arrange for the transportation of household goods and activities incident to a change in official duty station.
 - 8 Up to 7 workdays in a calendar year to serve as a bone marrow donor and 30 days for organ donation.
 - 9 Up to 4 hours in a leave year for preventive health screenings.
- (l) Absence-in-duty status for all absences which are part of an employee's official job performance, including:
 - 1 Interviews or tests for placement within DOE.
 - 2 Medical attention at an employee health station for up to 1 hour.
 - 3 House hunting trips authorized by change-of-station orders.
 - 4 Professional examinations required as a condition of continued employment.
 - 5 Attendance at meetings or conferences which are authorized as training.
 - 6 Appearance as a witness in an official capacity as a representative of DOE.
- (m) Employee work schedules.
- (n) Work schedule variations for education purposes.
- (o) Withholding of regular WRI, with the concurrence of the HRD.

- (p) Official time for an employee to develop a request for reconsideration when a WRI is denied.
 - (q) Compensatory time off for travel.
 - (2) Certify Time and Attendance reports that overtime or compensatory time has been performed or that non-overtime premium pay (e.g., night pay) is appropriate.
 - (3) Propose IPPIs for employees whose performance meets criteria in their established performance standards.
 - (4) Recommend approval/disapproval of an employee's request for participation in the Telecommuting Program.
 - (5) Delegate specific and limited responsibilities in the above areas to team leaders under their supervision, except for Paragraphs 4e(1)(c), (j), (l), and (n) through (q); and 4e(4) of this Chapter.
- f. Team Leaders perform a limited number of the responsibilities listed under Paragraph 4e of this Chapter as specifically delegated to them by their supervisors.
- g. Director, Human Resources Division.
- (1) Reviews and concurs in proposals for:
 - (a) Requests for determination of exigency of the public business.
 - (b) Requests for restoration of forfeited annual leave.
 - (c) Withholding of regular WRI.
 - (d) Denials of absences of religious observances.
 - (e) IPPIs.
 - (f) Recruitment, relocation, and retention bonuses.
 - (g) Excused absences for community service activities of more than 1 hour.
 - (h) Telecommuting arrangements.
 - (2) Approves or coordinates Department of Labor approval of the disallowance of Continuation-of-Pay during an employee's temporary total disability.
 - (3) Determines rates of basic pay, including application of highest previous rate.
 - (4) Approves appointments at GS-11 and above at rates above the minimum because of a candidate's superior qualifications.
5. REQUIREMENTS AND PROCEDURES. See Attachment 1 of this Chapter.

6. REFERENCES.

- a. FAIR LABOR STANDARDS ACT.
- b. FAMILY AND MEDICAL LEAVE ACT.
- c. FEDERAL EMPLOYEES COMPENSATION ACT.
- d. Title 5, Code of Federal Regulations (CFR), Part 531, PAY UNDER THE GENERAL SCHEDULE.
- e. Title 5, CFR, Part 550, PAY ADMINISTRATION (GENERAL).
- f. Title 5, CFR, Part 610, HOURS OF DUTY.
- g. Title 5, CFR, Part 630, ABSENCE AND LEAVE.
- h. Executive Order 5396, "*Special Leaves of Absence to be Given Disabled Veterans in Need of Medical Treatment,*" dated July 17, 1930.
- i. U.S. Office of Personnel Management (OPM) Form, OPM-71, "*Request for Leave or Approved Absence.*"
- j. U.S. OPM, Standard Form (SF) 52, "*Request for Personnel Action.*"
- k. U.S. Department of Labor, Employment Standards Administration, Office of Worker's Compensation Program, Form CA-1, "*Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation.*"
- l. ORO Form, "*Request for Determination of Exigency of Public Business and Leave Restoration.*"
- m. DOE O 331.1B, Change 1, EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM, dated March 14, 2001.
- n. ORO O 340, Chapter I, Change 5, ALTERNATIVE WORK SCHEDULE PROGRAM, dated March 13, 2006.
- o. "*The negotiated agreement with Local No. 2001, Office and Professional Employees International Union,*" dated July 2002, which prescribes policies and procedures for approving official time and LWOP for union officials.

7. DEFINITIONS. None.

8. CONTRACTOR REQUIREMENTS DOCUMENT. None.

9. ATTACHMENTS.

- a. Attachment 1 - Requirements and Procedures for Pay and Leave Administration and Hours of Duty.

- b. Attachment 2 – Form, “*Compensatory Time for Travel Worksheet for Non-Local Travel.*”
- c. Attachment 3 – Form, “*Request for Determination of Exigency of Public Business.*”
- d. Attachment 4 – Form, “*Request for Restoration of Leave.*”

**REQUIREMENTS AND PROCEDURES FOR PAY AND
LEAVE ADMINISTRATION AND HOURS OF DUTY**

1. Within-Range Increases (WRI) (formally called Within-Grade Increases) for GS Employees.
 - a. Acceptable Level of Competence.
 - (1) The first-level supervisor will communicate a level of competence determination to each employee as soon as possible after completion of the prescribed waiting period or other period upon which it is based. The Human Resources Division (HRD) will verify data and refer the WRI Notices to the appropriate certifying supervisor.
 - (2) At least 60 days prior to the proposed effective date of a WRI, if possible, the certifying supervisor will notify an employee in writing of any defect in the quantity and/or quality of his/her work which may result in a negative determination. If circumstances prevent a 60 day prior notice, and the increase is withheld, the certifying official will complete a supplementary determination 60 days after the date the WRI was originally due.
 - (3) Any negative determination must be concurred in by the HRD. In addition to the WRI Notice, the official having authority to withhold a regular increase will notify the employee in writing of (see Paragraph 4b(3) of this chapter):
 - (a) The reasons for the negative determination and the areas in which the employee must improve his/her performance to receive an increase.
 - (b) The employee's right to secure reconsideration from the appropriate Senior Staff member.
 - (c) The need to request reconsideration in writing within 15 calendar days.
 - b. Reconsideration.
 - (1) All requests for reconsideration must:
 - (a) Be in writing.
 - (b) Be submitted within 15 calendar days after the notice of negative determination is received.
 - (c) State the reasons why the negative determination should be overturned.

- (2) If in a duty status, an employee who intends to request a reconsideration is entitled to a reasonable amount of official time to review the material which supports the negative determination and to prepare his/her response. Whenever the total time off requested will exceed 8 hours, the request must:
 - (a) Be in writing.
 - (b) Explain why additional time is necessary.
 - (3) An employee has the right to have a representative of his/her own choosing in presenting a request for reconsideration.
 - (a) Any employee representative must be designated in writing.
 - (b) If a DOE employee is selected as a representative, the choice will be allowed unless the requestor's and/or the representative's supervisor determine that the choice:
 - 1 Conflicts with the priority needs of DOE.
 - 2 Would result in unreasonable costs.
 - 3 Represents a conflict of interest/position.
 - (4) The official responsible for making the final decision will determine whether an additional investigation is necessary. If the employee and/or the personnel representative make a presentation, a written summary or transcript will be prepared by the responsible official in addition to the written report of the overall investigation.
 - (5) The HRD will establish and maintain an employee reconsideration file as soon as a request is received.
 - (a) The file will include copies of the written negative determination; the employee's request for reconsideration; the report of any investigation; a summary or transcript of any personal presentation; and the final decision on the request.
 - (b) All documents in this file will be made available to the employee or his/her representative.
 - (c) If the employee makes a personal presentation, and a summary rather than a transcript is made, he or she will be given an opportunity to submit a written exception to the summary within 5 calendar days after it is provided to him/her.
- c. Irregular Performance Pay Increases (IPPI) (formally known as Quality Increases).
- (1) The immediate supervisor will prepare a Standard Form 52, "*Request for Personnel Action*," through the

DOE Corporate Human Resources Information System (CHRIS) Workflow feature and submit to the HRD for processing.

- (2) Following approval, the HRD will complete the necessary documentation.
 - (3) An IPPI will be effective the first full pay period following the date of approval unless the recipient requests it be held until a later date which is to not exceed 12 weeks from the approval date. The recipient must submit this request in writing to the HRD with the concurrence of his/her immediate supervisor.
2. Premium Pay - General.
 - a. Entitlements. Premium pay will be administered in accordance with 5 CFR, Part 550.
 - b. Time Units. All forms of premium pay will be approved and compensated for in units of full hours and 15-minute intervals.
 3. Overtime Pay.
 - a. Definitions.
 - (1) For employees subject to the Alternative Work Schedule Program, "overtime hours" are all hours worked in excess of 8 hours in a day (9 hours for employees who have selected a Variable Week Schedule [VWS]) or 40 hours in a week (80 hours in a pay period for employees who have selected a VWS), which are officially ordered in advance, but not including credit hours.
 - (2) Other employees are subject to the provisions of 5 CFR, Part 550, and if nonexempt, to the provisions of the Fair Labor Standards Act (FLSA) as well. At a minimum, supervisors must be thoroughly familiar with the fact that overtime which is only "suffered or permitted" is nevertheless a basis for premium pay under FLSA.
 - b. Approval. Adequate written justification to the appropriate Senior Staff member with a copy to the HRD is required to demonstrate that overtime is actually needed and is cost-effective. The explanation must be in writing and must be specific as to the tasks to be performed and the reason(s) why the work could not be accomplished during the regular workday. The explanation must be detailed and vague phrases avoided.
 - c. Compensatory Time.
 - (1) Premium pay provisions under Title 5, U.S. Code, and under the FLSA do not apply to compensatory overtime work performed to make up for absences for religious observances.
 - (2) Provisions for the payment, scheduling, and requesting use of compensatory time, and the statutory limit on overtime earnings, are described in DOE O 322.1B and CFR 550.

These provide that, with certain exceptions, employees are required to use compensatory time to their credit by no later than the 26th pay period following the pay period in which it was earned, or they will be paid for it at the end of that period, or it will be forfeited (depending on their exempt/non-exempt status).

- (3) Information pertaining to compensatory time balances and expiration dates will continue to appear on the DOE Year-to-Date Report furnished to supervisors and team leaders.
- d. Reporting. Written justification will be prepared by the immediate supervisor prior to the actual overtime/compensatory time to be worked. The justification will show the amount of overtime/compensatory time that is approved and the explanation/reasoning for it. Once overtime/compensatory time has been authorized, the certifying official may approve its use merely by signing the appropriate Time and Attendance (T&A) Report.
- e. Scheduling of Travel. Earning of overtime pay while on travel will be administered in accordance with 5 CFR, Part 550, and, where applicable, the Negotiated Bargaining Unit Agreement. Office of Personnel Management (OPM) regulations provide that time in travel status away from the official duty station is deemed hours of employment for overtime pay purposes only under limited circumstances. Operating officials will consult with their Human Resources Specialists (HRS) before authorizing overtime pay for travel purposes.

Time in travel status which is (a) outside of normal working hours and (b) entitles an employee to compensatory time off for travel must be approved in accordance with Paragraph 4e(1)(q) of this Chapter and documented on the attached "*Compensatory Time for Travel Worksheet for Non-Local Travel*" (see Attachment 2). This form may also be found at <http://www.oro.doe.gov/pmab/Forms/Forms.htm>.

4. Continuation of Pay (COP). The Federal Employees Compensation Act (FECA) provides that an employee who sustains a temporary total disability from a job-related traumatic injury is entitled to continuation of regular pay for a period not to exceed 45 calendar days from date of injury without charge to annual or sick leave. An employee who has suffered such an injury will complete a Form CA-1, "*Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation.*" The Form CA-1 may be completed by another person, including (but not limited to) the supervisor, acting on behalf of an injured employee who is incapacitated. This form must be completed within 30 calendar days of the injury regardless of whether the disability is expected to continue more than 45 calendar days. The HRD Workers Compensation Program Coordinator serves as the central point of contact for all FECA claim matters and assists employees and supervisors in discharging their responsibilities under all aspects of the FECA.
5. Leave.
 - a. Minimum Leave Charge. All authorized leave, including Leave Without Pay (LWOP), will be taken and charged in multiples of 15 minute increments.

- b. Absence-Without-Leave (AWOL). Unapproved employee absences must be recorded as AWOLs as outlined in DOE O 322.1B.
- c. Scheduling of Annual Leave. Supervisors will prepare a tentative leave schedule for their organizations no later than May 1 of each year, and employees assigned after that date will be integrated into this schedule within one full pay period after their assignment. Subsequent adjustments may be made based on mission requirements and employee requests. Priority will be given to the scheduling of annual leave which will be forfeited if not used within the current leave year ("use or lose" leave).
- d. Restoration of Forfeited Annual Leave - Exigency of the Public Business.
 - (1) The employee will properly schedule all annual leave in excess of the 240 hour maximum carry over at least 3 pay periods prior to the end of the leave year. His/her supervisor will approve annual leave subject to the work requirements of the organization.
 - (2) If unforeseen work requirements dictate that properly scheduled annual leave will have to be canceled, the supervisor will recommend that a determination be made that an exigency of the public business exists and document the nature of the work requirements and the specific dates and times that cancellation was necessitated by circumstances. The form "*Request for Determination of Exigency of Public Business and Leave Restoration*" will be used for this purpose (see Attachment 3). This form may be accessed at: <http://www.oro.doe.gov/pmab/Forms/Forms.htm>. An approved and dated leave request OPM-71, "*Request for Leave or Approved Absence*," signed by both the employee and his/her supervisor, will be attached.
 - (3) The exigency request will be submitted to the HRD for concurrence not later than the ending date of the first pay period following the end of the previous leave year. The HRD will review the request for regulatory requirements and forward the request to the Manager, ORO; Managers, Site Offices; or Director, OSTI, as appropriate, for approval.
 - (4) After the beginning of the new leave year, the employee may request that leave lost due to the exigency may be restored. This request is to be made by submitting the attached form entitled "*Request for Restoration of Leave*" (see Attachment 4) which may also be found at <http://www.oro.doe.gov/pmab/Forms/Forms.htm>. The request is to be submitted to the employee's HRS in the HRD. The HRS will ensure that all applicable regulatory requirements are met and will forward the request to the Director, HRD, for concurrence and to the Assistant Manager for Administration, ORO, or to the Associate Director, Administration and Information Services, OSTI, or the Manager of the applicable Site Office, for approval.
- e. Granting Sick Leave. A medical certificate is always required for sick leave in excess of 3 consecutive workdays, and supervisors may require such a certificate for shorter periods if prior notice is given. Where the Negotiated Agreement for employees represented by the Bargaining Unit provides for alternate provisions, the Agreement will prevail. If the evidence of illness is judged to be partially or wholly inadequate, the undocumented absence may be charged as AWOL. Medical certificates may be completed on OPM-71 and/or on a separate document

signed by the person providing the required examination or treatment. When an employee has insufficient sick leave credit to cover an entire period of absence, the uncovered absence will be charged to earned leave (e.g., annual, credit time, compensatory time) and/or LWOP unless advanced sick leave has been approved.

- f. Sick Leave to Care for a Family Member.
- (1) The guidelines of 5 CFR, Part 630, Subpart D, will be followed for sick leave requested to care for a family member.
 - (2) To apply for sick leave to care for a family member, an employee will submit form OPM-71 which includes and/or transmits the identity of the person under care and the nature of the relationship as described in the CFR.
 - (3) If the conditions of 5 CFR, Part 630, Subpart D, are met, sick leave may be approved for the lesser of:
 - (a) The time requested by the employee.
 - (b) The period of care recommended by the attending physician.
- g. Outside Employment During Sick Leave. Employees will obtain prior approval from the responsible member of the Principal Staff before engaging in any outside employment during a period of sick leave. Requests must be in writing, and they must clearly identify the nature of the duties involved in the prospective outside employment. Approval must be based on specific health-related reasons describing why the employee cannot perform his/her regular duties despite the ability to perform outside work.
- h. Leave under the Family and Medical Leave Act (FMLA). The FMLA will be administered in accordance with 5 CFR, Part 630, Subpart L. The 12 weeks may be taken on an intermittent basis or on a reduced leave schedule with supervisory approval.
- i. Application for Leave. Form OPM-71 is always required to request annual or sick leave, LWOP, compensatory time usage, or excused absence in excess of the number of hours in the employee's tour of duty for 1 day. Use of OPM-71 is encouraged when requesting any absence from the workplace. In addition, OPM-71 is required for briefer periods of absence as follows:
- (1) When a supervisor requires a medical certificate.
 - (2) When an employee requests sick leave to care for a relative.
 - (3) When an employee requests leave or excused absence which exceeds the delegated authority of T&A Certifying Officials.
 - (4) When a supervisor otherwise determines that a period of excused absence should be documented on OPM-71 for T&A reporting purposes.

6. Administrative Dismissals During Emergency Situations.

- a. In those relatively rare situations in which an emergency situation (e.g., hazardous weather) results in the official dismissal of all nonessential employees within a commuting area for an entire workday or the closing of offices in an area and dismissal of nonessential DOE personnel prior to the end of normal office hours, essential personnel who provide critical services will adhere to their established work schedules during administrative dismissals unless expressly excused.
- b. When the official facilities are closed for an entire workday, it becomes a non-workday for leave purposes and nonessential employees at the official facilities will be excused without charge to leave or loss of pay. Absences may not be excused for employees who are in a non-pay status for which an SF-50, "*Notification of Personnel Action*," has been processed immediately before and after the day on which the offices are closed. On the closed workday, employees who are scheduled to telecommute at an alternate site (e.g., home) will not be excused unless the appropriate Manager/Director has the authority to close the alternate site and chooses to do so.
- c. When the official facilities are closed during a normal workday and nonessential employees are dismissed from the official facilities, the charging of leave and/or the approval of excused absences will be charged as indicated below. If the employee:
 - (1) Is on active duty at the time of dismissal, excused absence should be granted for the remainder of the work shift following departure.
 - (2) Departs prior to the established dismissal time he/she should be charged with an appropriate leave category from the time they departed the workplace to the end of their work schedule. However, if the dismissal is approved within an hour of the employee's departure, the paid leave/LWOP may be changed to excused leave.
 - (3) Is scheduled to report for duty on that workday following a period of leave, but dismissal occurs prior to the scheduled reporting time, excused absence should be granted.
 - (4) Is absent on approved leave prior to the time dismissal is ordered, the appropriate leave category should be charged for the entire shift (i.e., no period of excused absence).
- d. When the offices in a commuting area are open but an emergency situation is officially declared, tardiness which is caused by that situation (e.g., adverse road conditions) need not be approved in advance, and will be accounted for as follows:
 - (1) Up to 2 hours may be excused, such as when a hazardous weather situation is officially declared.
 - (2) Tardiness in excess of 2 hours must be charged to annual leave, LWOP, credit hours, or accrued compensatory time. Supervisors will ensure that this special tardiness provision is applied only when the emergency situation is the cause of an employee's late arrival. Tardiness for any other valid reason may only be excused to a maximum of less than 1 hour, and tardiness which is unjustified should be charged as AWOL.

7. Administrative Leave.

- a. General. In exercising their delegated authorities to approve excused absences and absence-in-duty status, members of the Principal Staff and other T&A Certifying Officials shall ensure that all conditions specified in DOE O 322.1B and this chapter have been met. Individual absences should never exceed the lesser of:
- (1) The time actually required to perform the activity for which an excused absence or absence-in-duty status is authorized, or
 - (2) The maximum time specified in the approving official's delegation of authority, unless an extension is approved by higher management.
- b. Professional Examinations. Absences-in-duty status are authorized for professional examinations which are a condition of continued employment (e.g., a bar examination for a Law Clerk). With the concurrence of the HRD, members of the Principal Staff may also approve an excused absence not exceeding three workdays, including travel time, for the purpose of taking an examination which, although it is not required as a condition of continued employment:
- (1) Is directly related to the employee's current position and
 - (2) Will result in official certification within a profession by a recognized professional association.
- NOTE:** For purposes of this chapter, the term "profession" refers to work which (a) requires specialized knowledge and skills, and (b) is associated with a specific occupational series under OPM qualification standards.
- c. Recuperation Following Travel. Employees may be permitted to delay their arrival at work if the time between their arrival at home and their normal reporting time for duty is less than 8 hours. When this occurs, an employee will be permitted excused absence for that amount of tardiness which will provide the opportunity for a total of 8 hours of rest prior to reporting for work.
- d. House Hunting Trips. The Federal Travel Regulations require that an employee be granted absence-in-duty status during a "house hunting trip" prior to a change of official station. Such absences may be granted only if the following conditions are met:
- (1) The trip was authorized in advance on official change-of-station orders. The employee must submit a copy of such orders no later than the first workday following his/her return.
 - (2) The period of absence-in-duty status does not exceed the lesser of:
 - (a) The time authorized in the orders, or
 - (b) Ten consecutive calendar days.

- e. Preventive Health Screenings. Employees may be granted up to 4 hours of excused absence each leave year in order to participate in preventive health screenings. Employees should use the Remarks section of OPM-71 to document such requests.

Examples of preventive health screenings include, but are not limited to: screening for breast, cervical, colorectal, and prostate cancer; sickle cell anemia; blood pressure level; blood cholesterol level; immune system disorders (such as HIV); and blood sugar level testing for diabetes.

- f. Community/Volunteer Service Activities.
 - (1) Excused absence for a community/volunteer service activity may be authorized when the activity is directly related to DOE's mission, is officially sponsored or sanctioned by the Secretary or Head of the Departmental Element, or will clearly enhance an employee's professional development or skills in his/her current position. Reasonable limits are to be established based on the activity.
 - (2) Requests of more than 1 hour are to be approved by the appropriate Manager of the Office or Site Office, or Director, OSTI, after concurrence of the HRD.

8. Hours of Duty.

- a. Normal Basic Workweek. Monday through Friday, 8:15 a.m. to 5:00 p.m., with a 45-minute lunch break to be taken between 11:00 a.m. and 2:00 p.m. This schedule does not allow for the earning and using of credit hours.
- b. Alternative Work Schedules. Employees eligible to select an Alternative Work Schedule, should refer to ORO O 340, Chapter I, Change 5, ALTERNATIVE WORK SCHEDULE PROGRAM, dated March 13, 2006.
 - (1) Flextour: Eight hours a day, 40 hours a week, and 80 hours a pay period. Credit hours may be earned and used under this schedule.
 - (2) Variable Week: Eighty hours biweekly work requirement which consist of eight 9-hour days, one 8-hour day, and one scheduled day off in the pay period. Credit hours may be earned and used under this schedule.
- c. Part-Time Employment. Bi-weekly tour of duty for part-time employees shall be in whole hour increments.
- d. Educational Variations. If a course will equip an employee for more effective work within DOE, he or she may request an exception to the normal basic workweek. No deviation will be approved if it would result in overtime pay to either the employee or his/her supervisor. Other forms of premium pay (e.g., night pay) will not be paid if the deviation is authorized solely to enable the employee to attend school.

e. Absences for Religious Observances.

- (1) The adjustment of work schedules for religious observances will follow the guidelines of 5 CFR, Part 550, Subpart J.
- (2) To the extent that modifications in work schedules do not interfere with the efficient accomplishment of the Agency's mission, an employee whose personal religious beliefs require that he or she abstain from work at certain times of the workday or workweek must be permitted to work alternative work hours so that the employee can meet the religious obligation. The hours worked in lieu of the normal work schedule do not create any entitlement to premium pay (including overtime pay and compensatory pay).
- (3) Employees may work compensatory overtime either before or after the absence being made up. However, when the absence is granted in advance, it will normally be made up by a corresponding amount of compensatory overtime by the end of the second full pay period following that in which the absence occurred. If a longer repayment period is permitted, the reasons will be documented on the T&A report for the pay period during which such a "late" repayment is made.
- (4) The concurrence of the HRD is required when any request is denied.

f. Telecommuting Program. The Telecommuting Program covers employees who work at sites other than their official workplace for a specified period of time or on an established basis. Employees interested in participating in the Telecommuting Program should contact the HRD to obtain the appropriate information. While the Telecommuting Program has significant advantages, it may not be appropriate for all types of job responsibilities or in all situations. The Telecommuting Program should be utilized as a mutually beneficial management tool, and is not an employee entitlement.

**Compensatory Time for Travel Worksheet
For Non-Local Travel**

Time Periods	Actual Timeⁱ	Net Timeⁱⁱ
Part I – Travel to TDY Station		
Travel from home or office to terminal ⁱⁱⁱ		
Time waiting at terminal ^{iv}		
- Additional time due to delay or cancellation of scheduled flight/train, if applicable ^v		
Travel time from first terminal to the next one ^{vi}		
Time between flights/trains, if applicable ^{vii}		
Travel time from second terminal to the next one, if applicable ^{viii}		
Time at final terminal and travel from terminal to final destination ^{ix}		
Part II – Travel from TDY Station		
Travel from hotel or worksite to terminal and time waiting at terminal ^x		
- Additional time due to delay or cancellation of scheduled flight/train, if applicable ^{xi}		
Travel time from first terminal to the next one ^{xii}		
Time between flights/trains, if applicable ^{xiii}		
Travel time from second terminal to the next one, if applicable ^{xiv}		
Time at final terminal ^{xv}		
Travel from terminal to final destination ^{xvi}		
Total		

Reduce the total hours by:

- a. Time that overlaps regular duty hours.
- b. Personal time for sleep, shopping, etc. during the waiting periods.
- c. Regular commuting time for trips to and from the initial and final departure terminal and home.

(Front side)

Footnotes:

- ⁱ Record the local time in 15-minute increments; times should be the same as the times used for completing the associated travel voucher
- ⁱⁱ Record the net (elapsed) creditable time after any adjustments; recorded in 15-minute increments
- ⁱⁱⁱ Reduce time by the amount for employee's regular commute time to his/her office (which is _____) and by the amount that overlaps regular duty hours
- ^{iv} Actual time at terminal (not to exceed 2 hours); includes time waiting in line to check in, but not in the parking lot or traveling from the parking lot to the terminal; reduce time by the amount that overlaps regular duty hours
- ^v Reduce time by the amount that overlaps regular duty hours
- ^{vi} Reduce time by the amount that overlaps regular duty hours
- ^{vii} Actual time at terminal (not to exceed 2 hours, 3 hours for international travel); reduce time by the amount that overlaps regular duty hours; if flight/train is cancelled, waiting time may be credited up to the time that the employee is notified or becomes aware of the cancellation (time of notification: _____); travel time to and from a hotel may be credited for an overnight stay
- ^{viii} Reduce time by the amount that overlaps regular duty hours; when more than 1 intervening stop is involved, insert additional rows below this one
- ^{ix} For picking up baggage, making transportation arrangements, and travel time to the hotel or work site; reduce time by the amount that overlaps regular duty hours
- ^x Actual time at terminal (not to exceed 2 hours, 3 hours for international travel); reduce time by the amount that overlaps regular duty hours
- ^{xi} Reduce time by the amount that overlaps regular duty hours
- ^{xii} Reduce time by the amount that overlaps regular duty hours
- ^{xiii} Reduce time by the amount that overlaps regular duty hours; if flight/train is cancelled, waiting time may be credited up to the time that the employee is notified or becomes aware of the cancellation (time of notification: _____); travel time to and from a hotel may be credited for an overnight stay
- ^{xiv} When more than 1 intervening stop is involved, insert additional rows below this one which duplicate periods 4 and 5
- ^{xv} For picking up baggage and making transportation arrangements; reduce time by the amount that overlaps normal duty hours
- ^{xvi} Reduce time by the amount for employee's normal commute time from his/her office to home, that overlaps normal duty hours

(Back side)

REQUEST FOR DETERMINATION OF EXIGENCY OF PUBLIC BUSINESS

This is to request that a determination be made that an exigency of the public business exists. The nature of the exigency is described in detail below and in attachments, if needed. Previously approved annual leave for the affected employee was cancelled for reasons stated below.

Employee Affected: _____ Social Security Number:

Organizational Unit: _____ Number of Hours Requested: _____

Beginning and Ending Dates of Exigency: _____

Copies of approved forms OPM-71, Request for Leave or Approved Absence, are attached to document that leave was scheduled before the beginning of the third pay period prior to the end of the leave year.

What work prevented the employee from using previously approved leave: (Discussion must include specific work assignments and related dates and must specifically state why the work could not have been delayed.)

Reason previously approved leave could not have been rescheduled: (Discussion must cover the entire period between the time of the exigency and the end of the leave year. Reasons based on use of previously restored leave are insufficient.)

Recommended by: _____ Date: _____
(Division Director or Above)

Concur: _____ Date: _____
Chief, Federal Human Resources Branch

Approved: _____ Date: _____
Manager, Office, Site Office, or Director, OSTI

Forward approved forms to the ORO Federal Human Resources Branch , AD-442
Leave lost as a result of approved exigencies of the public business cannot be restored prior to the beginning of the next
leave year. A Request for Restoration of Leave must be submitted by the requesting office in order to initiate the
restoration process. Forms are available at <http://www.oro.doe.gov/pmab/forms>

REQUEST FOR RESTORATION OF LEAVE	
<p>An employee whose annual leave has been scheduled and approved by his/her supervisor in writing before the start of the third biweekly pay period prior to the end of the leave year is eligible to request restoration of leave forfeited due to a declaration of an exigency of the public business. An <u>approved Request for Determination of Exigency of the Public Business</u> must be attached. Forms are available at http://www.oro.doe.gov/pmab/forms</p>	
<p><i>I concur with this request for restoration of leave for (employee) _____ for _____ hours of leave based on a previously approved exigency of the public business.</i></p> <p>Concurrence: _____ Date: _____ Division Director/Office Head</p>	
<p><i>This request for restoration of leave complies with applicable regulatory requirements.</i></p> <p>Compliance Review: _____ Date: _____ Chief, Federal Human Resources Branch</p>	
<p><i>I concur in this request for restoration of leave.</i></p> <p>Concurrence: _____ Date: _____ Director, ORO Human Resources Division</p>	
<p>Approval: _____ Date: _____ Assistant Manager for Administration, ORO Manager, Site Office Associate Director for Administration and Information Services, OSTI</p>	
<i>Forward approved forms to the Federal Human Resources Branch, AD-442</i>	
FOR INTERNAL USE ONLY	
<input type="checkbox"/> <i>Copy to Originating Office</i>	<i>Initials: _____ Date: _____</i>
<input type="checkbox"/> <i>Copy to Payroll</i>	<i>Initials: _____ Date: _____</i>
<input type="checkbox"/> <i>Copy to Files</i>	<i>Initials: _____ Date: _____</i>