

DIRECTIVES CONTROL FORM - ORO O FINAL DIRECTIVE

PART A (To be completed by the Division of Primary Interest (DPI))

1. **NUMBER AND TITLE OF DIRECTIVE:** **ORO O 320, Chapter IV, Chg. 1, PAY ADMINISTRATION AND HOURS OF DUTY**
2. **PURPOSE OF TRANSMITTAL:** New Directive Revised Directive Page Change
3. **THIS DOCUMENT MAY AFFECT THE WORK PERFORMED BY THE FOLLOWING CONTRACTORS:** (Check appropriate boxes)
- No (all contractors)
- Yes If yes, whom? LMES LMER ORAU SURA
 Bechtel Jacobs Company
- Other contractors (list by type)

Many ORO contractors have approved S/RIDs or WSS sets that may affect applicability of contractor requirements from this directive. Applicability of contractor requirements must take into account the approved standards set for each particular contract.

4. **SIGNIFICANT PROVISIONS:** Are there any significant changes or impact?
 No Yes If yes, describe: This ORO Chapter is part of the ORO sunset review process. Changes to this Chapter include editorial revisions to reflect the correct number of the correlating DOE Order (DOE O 322.1A) and the current organizational title of the ORO Human Resources Division (formerly the Personnel Division). Previous subparagraphs 4e(4), 4e(6), 4e(9), and subparagraph 2c in Attachment 1 have been deleted; and subparagraphs 4a(1), and subparagraphs 4a(2) and 4c(2) on Attachment 1 have been revised to reflect current requirements and policies. The references given in paragraph 6 have also been updated.
5. **CONTACT POINT:** Michael Blaylock Personnel & Management Analysis Branch, AD-442 576-0130
Name Organization Telephone

PART B (To be completed by the Directives Management Group (DMG)):

6. **FILING INSTRUCTIONS:**
- | <u>Remove</u> | <u>Dated</u> | <u>Insert</u> | <u>Dated</u> |
|-------------------------|--------------|---|--------------|
| ORO O 320, Chapter IV | 09/30/1996 | ORO O Control Form | 09/10/1999 |
| Pages IV-1 through IV-9 | | ORO O 320, Chapter IV,
Chg. 1, Pages IV-1 through IV-9 | 09/10/1999 |

ORO Orders are available on the ORO Directives Management Home Page [http://www.ornl.gov/doe_oro_dmg/orchklst.htm] within 5-10 working days after receipt of this Control Form. The ORO Orders will no longer be mailed in printed copy unless you do not have Internet capabilities.

7. **APPROVED FOR DISTRIBUTION IN ACCORDANCE WITH THE OFFICIAL DIRECTIVES DISTRIBUTION LIST:**

Original signed by
Jennifer H. Cusick, AD-440 09/10/1999
Signature Management Analyst, AD-440 Date

INSTRUCTIONS TO ADDRESSEES: THIS FORM IS TO BE FILED WITH THE DIRECTIVE AND RETAINED
Rev. 08/04/1998

U.S. Department of Energy

Oak Ridge Operations

ORO O 320
Chapter IV
Change 1

DATE: 09/10/1999

SUBJECT: PAY ADMINISTRATION AND HOURS OF DUTY

1. PURPOSE. This Chapter correlates to DOE O 322.1A, PAY AND LEAVE ADMINISTRATION AND HOURS OF DUTY, dated May 8, 1998, by assigning responsibility and accountability and providing administrative guidance to Oak Ridge Operations (ORO) and Office of Scientific and Technical Information (OSTI). Nothing in this issuance changes any requirements contained in any DOE Order.
2. CANCELLATION. This Chapter cancels and replaces ORO O 320, Chapter IV, PAY ADMINISTRATION AND HOURS OF DUTY, dated September 30, 1996.
3. APPLICABILITY. The provisions of this Chapter apply to all ORO and OSTI employees in grades 1 through 15 of the General Schedule, including excepted service employees in equivalent grades (e.g., GW), and all employees in the Federal Wage System (FWS).
4. RESPONSIBILITIES.
 - a. Manager, ORO, and Manager, OSTI.
 - (1) Perform those tasks identified in DOE O 322.1A, subparagraph 5e(1).
 - (2) Determine administrative dismissals for employees in the Oak Ridge commuting area.
 - (3) Approve all deviations from established hours of work for the basic workweek for entire organizations.
 - b. ORO and OSTI Assistant Managers, with the concurrence of the Human Resources Division, approve the final decision on employee requests for review of determinations to withhold within-grade increases and approve quality-step increases (QSI).
 - c. Manager, Thomas Jefferson National Accelerator Facility Site Office; Manager, Paducah Site Office; Manager, Portsmouth Site Office; and Manager, Weldon Spring Site Office.
 - (1) Determine administrative dismissals for their commuting areas.
 - (2) Advise the AMA of administrative dismissals.
 - d. Principal Staff, ORO and OSTI, approve deviations of more than one hour from the established hours of work for individual employees.

- e. Supervisors.
 - (1) Approve work schedule variations for educational purposes.
 - (2) Approve withholding of regular within-grade increases, with the concurrence of the Human Resources Division.
 - (3) Approve or deny absences for religious observances.
 - (4) Approve other deviations, for other than educational variations and religious observances, of not more than one hour from the established hours of work for individual employees.
 - (5) Certify Time and Attendance reports that overtime or compensatory time has been performed or that nonovertime premium pay (e.g., night pay) is appropriate.
 - (6) Approve official time for an employee in a duty status to develop a request for reconsideration when a within-grade increase is denied.
 - (7) Approve establishment of rest periods for situations in which the flow of work cannot be interrupted at the discretion of the employee.
 - (8) Recommend a convalescing employee's home as an official duty station.
 - (9) Propose QSI for employees whose performance meets criteria in their established performance standards.
 - (10) Delegate specific and limited responsibilities in the above areas to team leaders under their supervision.

- f. Team Leaders perform a limited number of the responsibilities listed under subparagraph 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) Withholding of regular within-grade increases.
 - (b) Absences of more than one full workday for religious observances.
 - (c) All denials of absences for religious observances.
 - (d) Official time exceeding a total of 8 hours to develop a request for reconsideration when a within-grade increase is denied.

- (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:
 - (a) Application of the highest previous rate rule.
 - (b) Rate adjustments for General Schedule supervisors of Federal Wage System employees.
- (4) Approves appointments at GS-11 and above at rates above the minimum because of a candidate's superior qualifications.
- (5) Reviews and concurs in proposals for QSI.

5. REQUIREMENTS AND PROCEDURES. See Attachment 1 of this Chapter.

6. REFERENCES.

- a. 5 CFR Part 550, which provides regulations governing pay administration.
- b. DOE 3330.2, PRIORITY PLACEMENT AND CONSIDERATION, dated October 8, 1986.
- c. DOE O 331.1A, EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM, dated June 15, 1999.
- d. ORO O 530, Chapter IV, TIME AND ATTENDANCE REPORTING, dated July 15, 1996, and any subsequent revisions.

7. DEFINITIONS. None.

8. CONTRACTOR REQUIREMENTS DOCUMENT. None.

9. ATTACHMENTS.

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

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

1. 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. Certifications will be completed on a Within-Grade Notice. The determination will be done in accordance with ORO O 330, Chapter I, DEPARTMENTAL PERFORMANCE APPRAISAL SYSTEM, to be published.

Upon receiving each level of competence determination form from Headquarters, the Human Resources Division will verify all preprinted data and refer the Within-Grade Notice to the appropriate certifying supervisor.

- (2) At least 60 days prior to the proposed effective date of a within-grade increase, 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 within-grade increase was originally due.
- (3) Any negative determination must be concurred in by the Human Resources Division. In addition to the Within-Grade Notice, the official having authority to withhold a regular increase will notify the employee in writing of (see subparagraph 4e(2) 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 Assistant Manager.
 - (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.
 - (c) Be concurred in by the Human Resources Division.
- (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 personal presentation, a written summary or transcript will be prepared in addition to the written report of the overall investigation.
- (5) The Human Resources Division 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. Quality Increases.

- (1) The immediate supervisor will prepare the DOE F 3550.2, "Nomination for Quality Increase," and a Standard Form 52, "Request for Personnel Action," and submit to the Assistant Manager for approval. The nomination will be coordinated through the appropriate members of the Principal Staff.
- (2) Following approval, the Personnel and Management Analysis Branch will complete the necessary documentation, including a DOE F 3550.1, "Quality Step Increase Certificate," for presentation to the employee.
- (3) A QSI will be effective the first full pay period following the date of approval.

2. Hours of Duty.

a. Normal Basic Workweek.

- (1) Workdays: 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.
- (2) Nonworkdays: Saturday and Sunday.

b. Alternative Work Schedules. For employees eligible to select an Alternative Work Schedule, see ORO O 340, Chapter I, ALTERNATIVE WORK SCHEDULE PROGRAM, dated September 7, 1996, and any subsequent revisions.

c. 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.

- d. Absences for Religious Observances.
 - (1) If the requested absence exceeds 1 full workday, it must be submitted through the Human Resources Division, for approval.
 - (2) The concurrence of the Human Resources Division, is required when any request is denied.

- 3. Premium Pay - General.
 - a. Entitlements. Premium pay will be administered in accordance with 5 CFR 550.
 - b. Time Units. All forms of premium pay will be approved and compensated for in units of full hours and 6-minute intervals.

- 4. 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 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 the provisions of 5 CFR 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 is required to demonstrate that overtime is actually needed and is cost-effective. The explanation must be recorded on the electronic overtime authorization form 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. Employees may work such 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 Time and Attendance (T&A) report for the pay period during which such a "late" repayment is made.

- (2) Provisions for the payment, scheduling, and requesting use of compensatory time, and the statutory limit on overtime earnings, are described in DOE O 322.1A. 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. A copy of the electronic form, "Overtime Request and Authorization for Payment," will be prepared at least one week prior to the actual overtime/compensatory time to be worked. The form will show the amount of overtime/compensatory time that is approved and the explanation/justification for it. Once regularly scheduled overtime/compensatory time has been authorized, the certifying official may approve its use merely by signing the appropriate T&A Report.
- e. Scheduling of Travel. Even when the employee's work schedule, the length of the trip, and/or the availability of commercial transportation make it impossible to travel entirely during regular working hours, premium pay for overtime/compensatory time is usually not payable. Travel should be scheduled during regular working hours insofar as it is practicable.

OPM regulations provide that time in travel status away from the official duty station is deemed hours of employment for overtime pay purposes only in a few specific circumstances. Operating officials will consult with their Personnel Management Specialists before authorizing overtime/compensatory time for travel purposes.

Time in travel status which is (a) outside of normal working hours and (b) entitles an employee to overtime/compensatory time must be approved in accordance with subparagraph 4e(5) of this Chapter.

5. Continuation of Pay (COP).

- a. General. 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 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 the supervisor, acting on behalf of an injured employee who is incapacitated. This form must be completed within 30 days of the injury and regardless of whether the disability is expected to continue more than 45 days.

The FECA is administered in accordance with Department of Labor regulations, and this section is restricted to procedures which implement the COP provisions of the FECA. The 45 days do not have to be continuous or consecutive. Any day or fraction of a day on which the employee is absent counts against the 45-day maximum. The 45 days will start on the first full day when disability begins. COP must be used within 90 days of the first return to work after an injury.

- b. Initiation. When an employee sustains a traumatic, disabling injury in the performance of duty, it is his/her responsibility to report that fact to the supervisor at the earliest opportunity. Failure to do so can result in a rejection of claims for FECA benefits, including COP. Once the report is made, the employee and the supervisor both have responsibilities under the FECA for preparing the appropriate claim forms. The ORO/OSTI Occupational Health Nurse 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.

If COP is allowed, and all requirements are clearly met (i.e., notification, traumatic injury, work-relatedness, etc.), the appropriate certifying official need only annotate the T&A report for that employee and attach a completed CA-1. No additional approvals for COP are required in these cases.

- c. Disallowance of Claim. Based on information submitted by the employee and/or obtained on investigation, the responsible member of the Principal Staff must recommend disallowance of COP when one of the conditions specified in Department of Labor criteria is believed to exist.

If the Human Resources Division concurs that one of or more of these conditions exists, he or she will approve termination of pay, make the necessary notifications, and execute any required personnel actions. In all other cases, COP will not be denied without the prior concurrence of the Department of Labor.

- d. Computation of COP Payments. If the employee has stopped work due to the disabling effects of the injury, the period starts at the beginning of the first full day on which the disability begins. The day on which the injury occurs is counted as administrative leave.