# United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

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DEC 12 2005

Memorandum

To: Solicitor
Inspector General
Assistant Secretaries
Heads of Bureaus and Equivalent Offices
Bureau/Equivalent Office Human Resources Officers

From: Scott J. Cameron
Deputy Assistant Secretary for Performance, Accountability and Human Resources and Chief Human Capital Officer

Subject: Departmental Policy on Compensatory Time Off for Official Travel

The Office of the Deputy Assistant Secretary of the Interior for Performance, Accountability and Human Resources is issuing a new Personnel Bulletin to all Department Offices establishing policy on compensatory time off for official travel. This new guidance provides for systematic practices and procedures across the entire Department. The new guidance is intended to clarify program changes implemented by the U. S. Office of Personnel Management for Section 203 of the Federal Workforce Flexibility Act of 2004 (Public Law 108-411) dated October 30, 2004.

The attached Personnel Bulletin offers bureaus and equivalent organizations an important human resource flexibility to help retain highly qualified personnel. This provision of the Federal Workforce Flexibility Act of 2004 provides the Department with the authority to offer compensatory time off for official travel which takes place outside the employee's normal tour of duty.

All Department of the Interior Human Resource Office's will now use this guidance when determining eligibility for compensatory time off which can be offered to an employee. If you have any questions please contact Michael Ballew on (202) 208-7765 or michael_ballew@ios.doi.gov.

Attachment

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**PERSONNEL BULLETIN NO.** 06-06

**SUBJECT**: Department Policy on Compensatory Time off for Official Travel

1. **Purpose.** This bulletin establishes the Department of the Interior's policy on compensatory time off for time spent by an employee in a travel status away from the employee's official duty station when such time is **not otherwise compensable**.

2. **Authorities.** Title 5, United States code (U. S. C.), Part 550 – Pay Administration (General), Subpart N; Section 203 of the Federal Workforce Flexibility Act of 2004 (Public Law 108-411, October 30, 2004).

3. **Policy.** The Department of the Interior hereby establishes policy for employees to earn, on an hour-for-hour basis, compensatory time off for time in a travel status away from the employee's official duty station when the travel time is not otherwise compensable. Heads of bureaus and equivalent organizations will be responsible for administering this policy in accordance with this Personnel Bulletin and the regulations issued by the Office of Personnel Management (OPM) in 5 CFR, Part 550, Subpart N. Readers are also encouraged to review the additional guidance issued by OPM (i. e., Civilian Personnel Memoranda).

a. **Approving Officials**. The heads of bureaus, equivalent offices or their designees are granted authority to identify and approve hours which will be creditable toward the accrual of compensatory time off. This authority may be further delegated at the discretion of the head of the bureau or equivalent office to the level that best serves the interest of the organization. Managers and supervisors must be aware of their employees' accumulation of compensatory time off for travel, especially as the end of the leave year approaches. OPM has emphasized that there is no provision for carrying over or restoring unused compensatory time off for travel.

b. **Documentation**. Bureaus and executive offices must track and manage compensatory time off granted under this Personnel Bulletin separately from other forms of compensatory time off. Employees must comply with their respective office's procedures for requesting credit for compensatory time off. Employees must file such requests within the time period established by their office.

c. **Creditable Travel Time**. Bureaus and equivalent offices must credit employees with compensatory time off for time in a travel status if the employees are required to travel away from the official duty station and the travel time is not otherwise compensable hours of work under legal authority. For clarity, the following definitions are established for use in implementing this Personnel Bulletin:

(1) ***Compensatory time off*** means compensatory time off for travel that is credited under the authority of this Personnel Bulletin.

(2) ***Employee*** means 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 Fair Labor Standards Act of 1938, as amended. This definition includes employees in senior-level (SL) and scientific or professional (ST) positions, but not members of the Senior Executive Service or prevailing rate employees.

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

(4) ***Regular working hours*** means the days and hours of an employee's regular hours for which the employee may be charged leave under 5 CFR part 630 when absent.

(5) ***Travel*** means officially authorized travel, i.e., travel for work purposes that is approved by an authorized bureau or equivalent office official or otherwise authorized under established agency policies. Local travel is not covered under these provisions.

(6) ***Travel status*** means travel time as described in section 550.1404 that is creditable in accruing compensatory time off for travel under this Personnel Bulletin, excluding travel time that is otherwise compensable under legal authority.

(7) ***Usual waiting time*** means the time passengers are required to arrive at a transportation terminal that precedes or interrupts official travel. As used in this Personnel Bulletin, ***usual waiting time*** is two hours prior to the scheduled departure time for domestic flights, and three hours prior to the departure time for international flights.

d. **Travel Status**. Compensatory time off will be given to employees for all time in a travel status which is not otherwise compensable and includes the time an employee actually spends traveling between the official duty station and a temporary duty station, or between two temporary duty stations, along with the usual waiting time that precedes or interrupts such travel. Compensatory time off will not be given for bona fide meal periods during actual travel time or waiting time. Nor will compensatory time off be given to an employee for waiting time between actual periods of travel during which the employee is free to rest, sleep, or otherwise use the time for their own purposes. This extended waiting time is considered as "not usual" and is not creditable as time in a travel status.

e. **Travel Between Home and a Temporary Duty Station**. If an employee is required to travel directly between their home and a temporary duty station outside the limits of the employee's official duty station, the travel time is creditable as time in a travel status and is qualifying for compensatory time off under this Personnel Bulletin. The bureau or equivalent

office must deduct from such travel hours the time the employee would have spent in normal home-to-work or work-to-home commuting.

f. **Alternate Mode of Transportation**. When an employee is offered one mode of transportation by the Federal government, but is permitted by management to use an alternative mode of transportation, or the employee travels at a time or by a route other than that selected by the employing office, the employing office must determine the estimated amount of time in a travel status the employee would have had if the employee had used the mode of transportation offered by the agency or traveled at the time and by the route selected by the employing office. In determining time in a travel status for compensatory time off, the bureau or equivalent office must credit the employee with the lesser of the estimated time in a travel status or the actual time in a travel status (if it can actually be determined).

g. **Multiple-Day Travel**. When an employee chooses not to use temporary lodgings at the temporary duty station, but chooses to return to their home of record at night, e.g., "red-eye flight" or on a weekend, only the travel from home to the temporary duty station on the first day and travel from the temporary duty station to home on the last day is credited for compensatory time off, subject to the deduction of normal commuting time. Travel to and from home on other days is not creditable travel time unless the bureau or equivalent office, at its discretion, determines that credit should be given based on the net savings to the Federal government from reduced lodging costs and the value of the labor time attributable to compensatory time off. The dollar value of an hour of compensatory time off is equal to the employee's hourly rate of basic pay.

h. **Travel to a Transportation Terminal**. Time spent traveling from the employee's home to a transportation terminal as part of travel away from the official duty station is creditable for compensatory time off only if the terminal is outside the limits of the employee's official duty station. Travel time outside regular working hours to or from the terminal is considered to be equivalent to commuting time and is not creditable time in a travel status. If the transportation terminal is outside the limits of the employee's official duty station, the travel time to or from the terminal outside of regular working hours is creditable as time in a travel status, but is subject to an offset for the time the employee would have spent in normal home-to-work or work-to-home commuting. If the employee travels between a worksite and a transportation terminal outside the limits of the employee's official duty station and the travel time outside regular working hours is creditable as time in a travel status, no commuting time offset applies.

i. **Usage and/or Forfeiture of Accrued Compensatory Time Off**. An employee must comply with the established policies and procedures of their bureau or equivalent office for requesting credit for and usage of compensatory time off. Bureaus and equivalent offices may authorize credit in increments of one-quarter of an hour (15 minutes). All employees must use accrued compensatory time off by the end of the 26th pay period after the pay period during which it was credited. When an employee separates from Federal service, any unused compensatory time off is forfeited. If the employee who has separated, been called to active duty or placed on the long-term rolls for an on-the-job-injury and later returns to service with the Department of the Interior the compensatory time off will be re-credited and the employee will be obligated use all of the compensatory time off by the end of the 26th pay period following the

pay period in which the employee returns to duty, or such compensatory time off will be forfeited.

j. **Cash Payment for Compensatory Time Off**. An employee of a bureau or equivalent office may not receive cash payment under any circumstances for any unused compensatory time off earned under this Personnel Bulletin. This prohibition against cash payment also applies to surviving beneficiaries in the event of the employee's death.

4. The Department point of contact on this policy is Michael Ballew, (202) 208-7765 or michael_ballew@ios.doi.gov.

Marilia A. Matos
Director, Office of Human Resources