Department of Energy

Washington, DC 20585

March 17, 2011

MEMORANDUM FOR HUMAN RESOURCES DIRECTORS

FROM: SARAH J. BONILLA, DIRECTOR
OFFICE OF HUMAN CAPITAL MANAGEMENT

SUBJECT: GUIDANCE MEMORANDUM #20
CREDITING DIRECTLY-RELATED SERVICE FOR ANNUAL LEAVE

The following replaces the DOE supplemental guidance on this subject dated August 2007.

One of the provisions of the Federal Workforce Flexibilties Act of 2004 (PL 108-411) provided for crediting military, previous Federal, and non-Federal service for newly appointed or reappointed employees if the employee's experience is directly related to the position for which selected. The Office of Personnel Management (OPM) issued implementing regulations (5 Code of Federal Regulations (CFR) 630.205), which are available athttp://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi, and guidance, which is available at http://www.opm.gov/oca/compmemo/2005/2005-07_QA.asp.

The OPM supplemental information to the regulations in *Federal Register* Vol.71 No. 180 dated September 18, 2006, and the guidance clarify that (1) credit must be approved prior to an employee's entrance on duty (EOD) date (there are no exceptions available); (2) hiring officials should not use this benefit as a recruitment tool across the board for all new hires; and (3) this is a discretionary benefit, not an employee entitlement. Therefore, the use of this benefit should be examined carefully and should only be considered when absolutely necessary.

The following is the Departmental guidance on the discretionary issues that are left up to agencies to determine. In addition, attached is guidance that will assist with the preparation of a request for approval.

1. **Departmental element's determination.** The hiring official in conjunction with the servicing human resources staff should make the determination as to whether or not crediting the related experience is "necessary to achieve an important agency mission or performance goal." The following questions should be addressed in making this determination.

   (a) **Acceptance.** If the selectee is not offered this benefit, will the seclectee accept the position any way? If not, the selectee should indicate to the servicing human resources staff either verbally or in writing that s/he will not accept the position in the absence of such benefit.

   (b) **Impact on the organization.** If the selectee declines the position because s/he wasn't offered this benefit, what is the impact on the organization; i.e., would the organization, with reasonable time and effort, be able to find another well-qualified candidate? Provide the recruitment efforts and, if applicable discuss why this position is critical to the organization.

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(c) **Consideration of other candidates.** Are there any other available well qualified candidates on the best qualified list or any other highly qualified candidates within reach for consideration by other recruitment efforts for this position?

If the answer to any one or all of these questions is "yes," then it would be inappropriate to offer the benefit. If the answer is "no" to the questions, then it would be appropriate to recommend approval.

2. **Critical or difficult-to-fill positions.** Although this benefit should not be arbitrarily offered to all selectees as a recruitment tool, it is recognized that under very unique or uncommon circumstances there may be certain positions and vacancies that are critical to the agency's mission or are hard to fill. In such cases a tentative offer letter may include a statement such as *"credit may be given for directly-related experience" or* the vacancy announcement may include the following statement: *"The candidate selected for this position may be credited with directly-related experience for annul leave purposes if eligible and deemed appropriate"*

3. **Amount of service credit.** Selectees may receive credit for time that provided directly-related experience to the position being filled. Such time is to be credited using calendar days without any deduction for non-workdays consistent with the way credit is given for determining leave based on service computation dates (SCD). The following describes how to credit uniformed service time and previous federal and private sector experience:

   (a) **Military service.** When military service is creditable fully towards an employee's SCD for leave purposes, it is not necessary to determine what portion is directly-related experience. However, for retired military, only applicable service for certain campaigns or expeditions is creditable for determining an employee's SCD for leave purposes, so a separate determination must be made to calculate the directly-related experience portion of service. In the latter cases, a DD-214 and other appropriate documentation should be provided from the selectee before recomputing their SCD accordingly.

   (b) **Previous Federal and non-Federal service.** A separate determination must be made as to what time period(s) is creditable. This may result in crediting only a portion of the total time at a particular company or portion of a job described in a resume. Other reasons for not providing full credit are (1) an organization is matching a selectee's existing leave/vacation benefit consistent with their current position, (2) the minimum that is acceptable to the selectee is less than full credit, or (3) credit is consistent with other selectees' credits and benefits. When full credit is not warranted, an explanation should be provided in the justification.

4. **Service agreement.** Although the regulations do not require a service agreement, one should be used to ensure adherance to the 1-year service requirement at 5 CFR 630.205(f) and adjustment in credit if the service is not fully satisfied in accordance with paragraph (g). A sample service agreement is attached.

5. **SF-50 remarks entry.** The following statement should be in the Remarks section of the SF-50: *The employee has a 1-year service requirement as a result of granting credit for service for annual leave.*

Attachments:
Guidance on submissions
Sample service agreement

Guidance on Submissions

1. **Submission procedures.** Servicing human resources offices (HROs) should send their request in the form of a memorandum addressed to either the Director, Office of Human Capital Management via the Human Capital Policy Division or, for the National Nuclear Security Administration (NNSA), the Director, Office of Human Capital Management Programs via the Director, Workforce Planning and Policy Division.

2. **Documentation.** The following information should be included in a request to ensure that (1) appropriate consideration is given to the request and (2) the determination can be fully reconstructed in the event of a third party review.

   a) **SF-144A.** OPM requires that the SF-144A or an equivalent form be used to document the time that is credited. To assist with the completion of the SF-144A, the use of the Department of Army's updated service computation date (SCD) calculator is available at http://www.chra.army.mil. Because creditable service must be determined prior to an employee's EOD, the calculators in CHRIS cannot be used because they are not available until after an employee's EOD when a record is entered. In the event that the SCD calculator from the Department of Army is not available, refer to the Guide to Processing Personnel Actions, Chapter 6, section 6-4, to assist with the computation of the selectee's projected SCD. *Please note that the SF-144A must be consistent with the information provided in the justification and employee's resume and or other documentation.* In the event that the selectee will be a "rehire" and previous Federal service is creditable, then the time served in the qualifying Federal position(s) should be on the SF-144A.

   b) **Justification.** A written justification from a subject matter expert or supervisor must include the following:

      1) Departmental Element's Determination. The three determination questions in the transmittal memorandum must be addressed.

      2) Comparison to Competencies. The request must also describe the specific competencies required of the position and how the selectee's experience is directly related to the competencies of the position.

      3) Comparison to Other Candidates. If the slection is a result of a vacancy announcement, a detailed analysis of the selectee's specialized skills compared to the other candidates listed on the certificate of eligibles is needed, along with the reason(s) for not considering any of the other candidates on the certificate.

   c) **Application.** A copy of the selectee's resumé and, if available, responses to any job-related (KSA) questions.

   d) **Position description.** A copy of the position description for the position being filled and, if available, a job analysis.

e) **Other documents**. Any other relative information that will justify and support the selectee's request for creditable service. Examples of other documentation (when applicable) may include a current copy of the selectee's Leave and Earning Statement (LES) to support the basis for matching or exceeding the selectee's existing leave or vacation benefit; tentative offer letter(s); the selectee's written declination(s); and/or a copy of other bona fide offers.

Notes:

Any time that is creditable towards annual leave must be demonstrated in the selectee's application package or supplemental documentation provided by the selectee. Either of the two documents must provide the relative experience that coincides with the selecting official's request for creditable service and SF-144A.

The request memorandum from the HRO should address the impact to the organization if the selectee declines the position; what recruitment efforts, if any, were made to fill this position; and a detailed analysis of the selectee's specialized skills compared to the other candidates (if applicable). Similar to an advance-in-hire request, the request and justification must clearly identify how this benefit will benefit the organization as well as the selectee.

SAMPLE

U.S. DEPARTMENT OF ENERGY
CREDITABLE SERVICE FOR ANNUAL LEAVE ACCRUAL SERVICE AGREEMENT

Employee's Name: _____

Position Title, Series, Grade: _____

Organization: _____

As a result of the approved creditable service benefit, I understand and agree that:

1. In return for the credit of non-Federal and/or uniformed service, in the amount of *(insert the time that has been granted toward annual leave service computation date in years, months, and days)*, I will have *(insert 4, 6, or 8)* hours of annual leave per pay period, and I will remain employed with the Department of Energy (DOE) for 1 consecutive year from the effective date of my appointment;

2. If I fail to fulfill the terms of this agreement (e.g., if I transfer to another agency or if I separate from DOE) before the end of the 1-year period, I will not retain service credit for prior non-Federal service and/or uniformed service and the additional service credit will be subtracted from my total creditable service. If I transfer to another agency before the end of the 1-year period, a new service computation date for leave accrual will be calculated.

3. Any annual leave that I accrue or accumulate will remain to my credit, even if I fail to complete 1 full year of continuous service with DOE. DOE will transfer my annual leave balance to the new employing agency if I transfer to a position to which annual leave may be transferred, or DOE will provide a lump-sum payment for unused accrued annual leave if I separate from Federal service or move to a new position to which annual leave cannot be transferred.

Employee's Signature: _____ Date: _____

CERTIFICATION:

I certify that the employee reported for duty at _____ on _____

Human Resource Specialist's Signature: _____ Date: _____

(File the completed agreement in the employee's eOPF on the left-hand side.)