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DEPARTMENT OF COMMERCE
OFFICE OF HUMAN RESOURCES MANAGEMENT

HUMAN REOURCES (HR) BULLETIN #065, FY 07

SUBJECT: Compensatory Time Off for Travel

EFFECTIVE DATE: Final regulations effective May 17, 2007. The provisions of this HR bulletin were effective January 28, 2005, the date of the Office of Personnel Management's (OPM) interim regulations.

EXPIRATION DATE: Effective until canceled or superseded.

SUPERCEDES: Interim guidance issued by the Office of Human Resources Management, Office of Policy and Programs, via e-mail on January 28, 2005.

BACKGROUND: On January 27, 2005, OPM published interim regulations in 5 Code of Federal Regulations (CFR), Part 550, Subpart N, to implement Section 203 of the Federal Workforce Flexibility Act of 2004. Section 203 of the Act amended 5 United States Code (U.S.C.) Chapter 55, Subchapter V, by adding Section 5550b, which established a new form of 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.

PURPOSE: The purpose of this HR Bulletin is to provide updated policy guidance on crediting and using compensatory time off for time spent in a travel status away from the employee's official duty station when the travel time is not otherwise compensable. In accordance with current delegated authority, Heads of Operating Units have the authority to administer the provisions of this policy.

COVERAGE: The provisions of this HR Bulletin apply to an "employee" as defined in Title 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 (FLSA). This definition includes employees in the Senior Level (SL) and Scientific or Professional (ST) positions, but not members of the Senior Executive Service, Senior Foreign Service, Foreign Service Officers, or prevailing rate (wage grade) employees.

POLICY: In addition to the requirements outlined in 5 U.S.C. Chapter 55, Subchapter V, Section 5550b and 5 CFR Part 550, Subpart N, the following applies to all 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.

(1) The travel must be officially authorized for work purposes and approved by an authorized agency official or otherwise authorized under established agency policies.

(2) Time in a travel status includes the time the employee actually spends traveling between the official duty station and a temporary duty station (or his or her lodging in the temporary duty station) or between two temporary duty stations (or his or her lodging in the temporary duty station) and the "usual waiting time" that precedes or interrupts such travel.

(3) The "usual waiting time" includes the time required by air carriers or transportation terminals for travelers to arrive at the airport/terminal prior to departure, and the time spent waiting for a connecting plane, train, or bus. In the Department, "usual waiting time" is 2 hours for domestic travel and up to 4 hours for international travel.

(4) When an employee's travel involves two or more time zones, the time zone from the point of first departure must be used to determine how many hours the employee actually spent in a travel status for the purposes of accruing compensatory time off.

(5) When an employee is offered one mode of transportation and is permitted to use an alternate mode of transportation, or who travels at a time or route other than what is initially approved by the agency, creditable time for travel must be estimated. The estimated creditable time is based on the amount of time the employee would have had if the employee used the mode of transportation offered by the agency or traveled at the time or by the route initially approved by the agency.

(6) Compensatory time off for travel is credited and used in 15 minute increments.

(7) To receive credit for compensatory time off for travel, employees must:

- Be on authorized official travel during hours that are not otherwise compensable;
- Submit a request for compensatory time prior to the actual travel or within 10 calendar days of termination of the travel using the webTA Leave and Premium Pay Request functionality or via Form CD-81, "Authorization for Paid Overtime and/or Holiday Work, and for Compensatory Overtime", electronic mail, or memorandum; and
- Provide a chronological record of specific travel information including the:
  - Duration of the normal home-to-work commute;

- time and place of departure (i.e., the employee's home or official duty station);
- actual time spent traveling to and from the transportation terminal if the terminal is outside of the employee's official duty station;
- time spent waiting at the transportation terminal (or the "usual waiting time" indicated above); and
- time of arrival at and departure from the temporary duty station.

(8) An employee's request for credit of compensatory time off for travel may be denied if the request is not filed within the 10 calendar day timeframe unless due to circumstances beyond the employee's control which prevented the employee from requesting the time. Decisions on circumstances beyond an employee's control will be made on a case-by-case basis.

(9) Employees must request permission from their supervisor or leave approving official to schedule the use of accrued compensatory time off via the webTA Leave and Premium Pay Request functionality, a SF-71, Application for Leave, or Form OPM-71, Request for Leave or Approved Absence.

(10) Documentation for requesting credit and using compensatory time off for travel must be maintained with the employee's timekeeping records for a period of 6 years.

(11) Compensatory time off for travel must be used in the chronological order in which it was earned, with compensatory time off for travel earned first being charged first.

(12) An employee must use accrued compensatory time off by the end of the 26th pay period after the pay period during which it was earned. If an employee fails to use the compensatory time off within 26 pay periods after it was earned, he or she must forfeit such compensatory time off. If an employee fails to use his or her compensatory time earned by the end of the 26th pay period after the pay period during which it was earned due to an exigency of the service beyond the employee's control, the time limit may be extended for up to an additional 26 pay periods.

(13) If an employee with unused compensatory time off for travel separates from Federal service, is placed in a leave without pay status to perform service in the uniformed services with restoration rights (as defined under 38 U.S.C. 43043 and 5 CFR 353.102), or is entitled to injury compensation under 5 U.S.C. Chapter 81 due to an on-the-job injury, and later returns to duty with the Department, the employee must 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 is forfeited.

(14) When an employee voluntarily transfers to another agency or separates from Federal service (for reasons other than those listed in No. 13 above), his or her unused compensatory time off for travel must be forfeited.

(15) Under no circumstances may an employee receive payment for unused compensatory time for travel.

(16) Compensatory time off for travel is not considered in applying the bi-weekly pay cap, annual premium pay cap, or aggregate limitation on pay.

The following is not creditable for the purpose of earning compensatory time off for travel.

(1) Time spent traveling in connection with union activities.

(2) Time spent traveling during basic (non-overtime) holiday hours since the employee is entitled to his or her rate of basic pay for those hours.

(3) Time spent at a temporary duty station between arrival and departure.

(4) An extended waiting time (i.e., not "usual waiting time') between actual periods of travel during which the employee is free to rest, sleep, or otherwise use the time for his or her own purposes.

(5) Travel time in connection with an employee's permanent change of duty station.

REFERENCES: 5 U.S.C. Chapter 55, Subchapter V, Section 5550b; 5 CFR Part 550 Subpart N; OPM Compensation and Policy Memorandum (dated April 17, 2007). See www.opm.gov/oca/compmemo/2007/2007-02.asp.

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