

U.S DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C. 20250

<b>DEPARTMENTAL REGULATION</b>		<b>NUMBER:</b> 4050-550-02
<b>SUBJECT:</b> Pay Administration – Compensatory Time Off for Travel	<b>DATE:</b> June 20, 2008	
	<b>OPI:</b> Office of Human Capital Management	

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1. PURPOSE

The purpose of this directive is to set forth the Department of Agriculture’s (USDA) policy on Compensatory Time Off for Travel.

2. REFERENCES

This directive must be used in conjunction with:

- a. Public Law 108-411, Section 203(a), Federal Workforce Flexibility Act of 2004, October 30, 2004, Title 5, United States Code, section 5550b ([5 U.S.C. 5550b](#)); and
- b. Title 5, Code of Federal Regulations, part 550, Subpart N, Compensatory Time Off for Travel, ([5 CFR part 550, subpart N](#)).

### 3. SPECIAL INSTRUCTIONS

This directive implements a new USDA policy for selected issues related to Compensatory Time Off for Travel. The Federal Workforce Flexibility Act of 2004 established a new form of compensatory time off for time spent by an employee in travel status away from the employee's official duty station when such time is not otherwise compensable.

### 4. POLICY

It is USDA's policy to authorize and approve compensatory time off for travel in accordance with the above referenced law and regulation and with the procedures set forth in this directive. Whenever possible, an employee's travel should be scheduled within regular working hours.

### 5. DELEGATIONS OF AUTHORITY

The authority to make determinations concerning compensatory time off for travel presently resides with the Assistant Secretary for Administration (ASA) and the Director, Office of Human Capital Management (OHCM). The authority is hereby delegated to Agency and Staff Office Heads, as defined below, to administer the program within their respective organizations. Agency and Staff Office Heads are encouraged to re-delegate the authority to approve compensatory time off for travel to the lowest supervisory level practical.

### 6. DEFINITIONS

- a. Agency. An organizational unit of the Department, other than a Staff Office as defined below, whose head reports to an Under Secretary.
- b. Agency Head. The head of a USDA Agency or an official who has been delegated the authority to act for the head of the Agency in the matter concerned.
- c. Compensable. Time that is creditable as hours of work for the purpose of determining pay entitlement, even when that work time may not actually generate additional compensation because of applicable pay limitations.
- d. Compensatory Time Off. Travel time that is credited under the authority of this directive.
- e. Official Duty Station. The geographic area surrounding an employee's regular work site that is the same as the area designated by the Agency/Staff 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 [5 CFR 551.422\(d\)](#).

- f. Regular Working Hours. The days and hours of an employee's regularly scheduled administrative workweek established under [5 CFR part 610](#).
- g. Scheduled Tour of Duty. An employee's regular hours for which he or she may be charged leave under [5 CFR part 630](#) when absent. For full-time employees, it is the 40-hour basic workweek as defined in 5 CFR 610.102. For employees with an uncommon work schedule, as defined by 5 CFR 630.201, it is the uncommon tour of duty.
- h. Staff Office. A Departmental administrative office whose head reports to the Secretary.
- i. Staff Office Head. The head of a Staff Office or an official who has been delegated the authority to act for the head of the Staff Office in the matter concerned.
- j. Travel. Officially authorized travel for work purposes that is approved by an authorized Departmental official or otherwise authorized under established Departmental or Agency/Staff Office policies. Time spent traveling by union officials in connection with representational activities is excluded.
- k. Travel Status. Travel time, as described in Section 10 of this directive, that is creditable in accruing compensatory time off for travel, excluding travel time that is otherwise compensable under other legal authorities.
- l. Usual Waiting Time. The time normally required by airlines for passengers to arrive before departing flights, to catch connecting flights, and to claim baggage at the final destination.

## 7. RESPONSIBILITIES

- a. The Director, OHCM, is responsible for:
  - (1) Establishing USDA's Compensatory Time Off for Travel policy and providing technical assistance and advice on issues that arise;
  - (2) Monitoring compliance with Departmental policy; and
  - (3) Reporting to the Office of Personnel Management (OPM), as required.
- b. Agency and Staff Office Heads are responsible for:

- (1) Establishing written procedures that address how compensatory time off for travel determinations will be made in their individual Agencies and Staff Offices and how employees may request credit for compensatory time off for travel under this directive;
- (2) Ensuring that compensatory time off for travel determinations in their Agencies or Staff offices are made in accordance with the requirements set forth in this directive;
- (3) Selecting the time and mode of transportation for the traveler;
- (4) Monitoring and assessing the program; and
- (5) Reporting to OHCM, as requested.

## 8. APPLICABILITY

This directive is applicable to all USDA employees as defined in 5 U.S.C. 5541(2) 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 includes employees in senior-level; scientific or professional; and prevailing rate (wage) positions. It excludes members of the Senior Executive Service and Senior Foreign Service or Foreign Service Officers.

## 9. CREDITABLE TRAVEL TIME

- a. General. Subject to the conditions specified in this directive, Agency and Staff Office Heads must credit an employee with compensatory time off for travel for time in travel status if:
  - (1) The employee is required to travel away from his or her official duty station for work related purposes; and
  - (2) The travel time is not otherwise compensable hours of work under other legal authorities.
- b. Travel Status.
  - (1) Time in travel status includes the time an employee actually spends traveling between the official and a temporary duty station, or between two temporary duty stations, and the usual waiting time that precedes or interrupts such travel, subject to the following exclusions:

- (a) Travel time in connection with an employee's permanent change of duty station is not time in travel status.
  - (b) Extended (i.e., not usual) waiting time in the actual period of travel during which the employee is free to rest, sleep, or otherwise use the time for his or her own purposes is not time in travel status.
  - (c) Actual time spent at a temporary duty station is not time in travel status.
- (2) Time in travel status ends when the employee arrives at the temporary duty worksite or his or her lodging in the temporary duty station, wherever the employee arrives first. Time in travel status resumes when an employee departs from the temporary duty worksite or his or her lodging in the temporary duty station, wherever the employee departs last.
  - (3) 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 travel status for the purpose of accruing compensatory time off.
- c. Travel from home to temporary duty station.
- (1) If an employee is required to travel directly between his or her home and a temporary duty station outside the limits of the employee's official duty station, the travel time is creditable as time in travel status if otherwise qualifying under this section. However, Agency and Staff Office Heads must deduct from such travel hours the time the employee would have spent in normal home-to-work or work-to-home commuting.
  - (2) In the case of an employee who is offered one mode of transportation and who is permitted to use an alternative mode of transportation, or who travels at a time or by a route other than that selected by the Agency and Staff Office Head, the Agency and Staff Office Head must determine the estimated amount of time in travel status the employee would have had if the employee had used the mode of transportation offered by the Agency and Staff Office Heads or traveled at the time or by the route selected by the Agency and Staff Office Heads. The employee must be credited with the lesser of the estimated time in travel status or the actual time in travel status.
  - (3) Employees who choose, for personal reasons, to return home at night or on a weekend, while on a multiple-day assignment, rather than using temporary lodging at the temporary duty station will only receive credit for travel from home to the temporary duty station on the 1<sup>st</sup> day and travel from the temporary duty station to home on the last day that otherwise qualifies as time in travel status. This credit is subject to the deduction of normal commuting time. Travel to and

from home on other days is not creditable travel time unless the Agency and Staff Office Head, at his or her discretion, determines that credit should be given based on the net savings to the Government from reduced lodging costs, considering the value of lost labor time attributable to compensatory time off. The dollar value of an hour of compensatory time off for this purpose is equal to the employee's hourly rate of basic pay, as defined in 5 CFR 550.103.

- d. Time spent traveling to or from a transportation terminal as part of travel away from the official duty station.
- (1) If an employee is required to travel between home and a transportation terminal located within the limits of his or her official duty station as part of travel away from that duty station, the 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 travel status.
  - (2) If the transportation terminal is located outside the limits of the employee's official duty station, the travel time outside regular working hours to or from the terminal is creditable as time in 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 on the day(s) of travel.
  - (3) If the employee travels between a worksite and a transportation terminal, the travel time outside regular working hours is creditable as time in travel status and no commuting time offset applies.

#### 10. CREDITING COMPENSATORY TIME OFF FOR TRAVEL

- a. Employees must file requests in accordance with their Agency/Staff Office procedures within six pay periods of the ending date of travel or their requests may be denied. The date this request is made will not affect the time limit on forfeiture of unused compensatory time off for travel discussed in Section 12 of this directive.
- b. If an employee files a request in accordance with the conditions set forth in this directive and the procedures established under Section 10a, that employee is entitled to credit for compensatory time off for travel under the conditions specified in this directive.
- c. Agency/Staff Office Heads may authorize credit in increments of one-quarter of an hour (15 minutes).
- d. Agency/Staff Office Heads must track compensatory time off for travel under this directive separately from other forms of compensatory time off.

## 11. USAGE OF ACCRUED COMPENSATORY TIME OFF FOR TRAVEL

- a. An employee must request approval from his or her supervisor to schedule the use of his or her accrued compensatory time off for travel in accordance with procedures established by the Agency/Staff Office Head.
- b. Compensatory time off may be used when the employee is granted time off from his or her scheduled tour of duty established for leave purposes.
- c. An employee must use earned compensatory time off for travel in increments of one-quarter of an hour (15 minutes).
- d. Compensatory time off for travel must be charged in the chronological order in which it was earned. Supervisors should take all necessary steps to avoid situations that might result in an employee accumulating compensatory time that cannot be used within the period specified in Section 14 below.
- e. Compensatory time must be used by an employee before he or she may use annual leave, provided this shall not result in the employee losing any accumulated annual leave.
- f. Except as provided in Section 12, an employee must use compensatory time off for travel by the end of the 26<sup>th</sup> pay period after the pay period during which it was accrued.

## 12. FORFEITURE OF UNUSED COMPENSATORY TIME OFF FOR TRAVEL

- a. If an employee fails to use the compensatory time off for travel within 26 pay periods after it was accrued, he or she must forfeit the compensatory time off for travel.
- b. Except as provided in (1) and (2) below, when an employee separates from Federal Service, any unused compensatory time off for travel is forfeited. An employee who separates or is placed in a leave without pay status in the following circumstances and later returns to service with USDA will hold his or her leave in abeyance:
  - (1) The employee separates or is placed in a leave without pay status to perform service in the uniformed services (as defined in 38 U.S.C. 4303 and 5 CFR 353.102) and later returns to service through the exercise of a reemployment right provided by law, Executive Order, or regulation; or
  - (2) The employee separates or is placed in a leave without pay status because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C. Chapter 81 and later recovers sufficiently to return to work.

Leave held in abeyance for the above reasons must be used by the end of the 26<sup>th</sup> pay period following the pay period in which the employee returns to duty, or such compensatory time off for travel will be forfeited.

- c. When an employee voluntarily transfers to another Federal Department or Agency outside USDA, he or she must forfeit his or her unused compensatory time off for travel.
- d. When an employee transfers to another Agency/Staff Office within the Department, the compensatory time off for travel will transfer with the employee subject to the limitations set forth in this directive.
- e. If an employee fails to use his or her compensatory time off for travel by the end of the 26<sup>th</sup> pay period after the pay period during which it was earned due to an exigency of the service beyond the employee's control, Agency and Staff Office Heads may extend the time limit for using such compensatory time off for travel for up to an additional 26 pay periods. Extension must be documented, in writing, and approved before the earned compensatory time period expires. Compensatory time off for travel not used in this 26 pay period extension will be forfeited.
- f. If an employee moves to a Federal position not covered by this directive, the employee forfeits any unused compensatory time off; however, this requirement does not prevent the use of another legal authority to give the employee credit for compensatory time off equal to the forfeited amount. (See 5 CFR 550.1407(d))

### 13. PROHIBITION AGAINST PAYMENT FOR UNUSED COMPENSATORY TIME OFF FOR TRAVEL

As provided by 5 U.S.C. 5550b, an individual may not receive payment under any circumstances for any unused compensatory time off for travel he or she earned under this directive. This prohibition against payment applies to surviving beneficiaries in the event of the individual's death.

### 14. INAPPLICABILITY OF PREMIUM PAY AND AGGREGATE PAY CAPS

Accrued compensatory time off for travel under this directive is not considered in applying the premium pay limitations established under 5 U.S.C. 5547 and 5 CFR 550.105 through 550.107 or the aggregate limitation on pay established under 5 U.S.C. 5307 and 5 CFR part 530, subpart B.