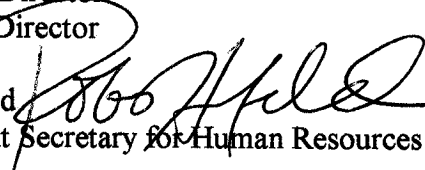




TO: HR Center Directors  
NIH HR Office Director  
IHS HR Office Director

FROM: Robert Hosenfeld   
Deputy Assistant Secretary for Human Resources

SUBJECT: Compensatory Time for Travel

Section 203 of the Federal Workforce Flexibility Act of 2004 (Public Law 108-411, October 30, 2004) authorized 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. The Office of Personnel Management (OPM) has issued interim regulations implementing this new provision and provided a series of questions and answers and some examples (available at <http://www.opm.gov/oca/compmemo/2005/2005-03.asp>).

Although the new provisions are effective as of January 28, 2005, the regulations are not completely clear. OPM has indicated that additional guidance and clarification will be forthcoming. While Agencies have sole and exclusive discretion to set policy relating to some of these new regulations, the unions may request limited negotiations over a few aspects of implementation. Until OPM regulations become clearer and the union notice process reaches completion, OHR has developed the attached interim HHS guidance to assist supervisors and managers in implementing this new type of compensatory time. Please disseminate the attached information to supervisors and managers in your customer organizations.

As additional guidance is received from OPM, it will be disseminated. As HHS policy decisions are made we will inform you of how the policies will be implemented. If you or your customer organizations have additional questions, please forward them to [nancy.ward@hhs.gov](mailto:nancy.ward@hhs.gov).

cc: PSC

**Compensatory Time off for Travel**  
**Additional Q&As for HHS**

- Q1. Does Compensatory Time off for Travel (CTT) apply to employees appointed under Title 42?
- A. Yes. In accordance with current HHS policy, Title 42 employees receive the same benefits as Title 5 employees.
- Q2. Does CTT apply to employees receiving Physician Special Pay (PSP) under Title 38?
- A. No. In accordance with HHS Instruction 590-1, physicians who receive PSP may not receive premium pay or compensatory time.
- Q3. In what increments can HHS employees earn and use CTT?
- A. As with other types of leave, HHS employees may earn and use CTT in 15 minute increments.
- Q4. Does eligibility to earn CTT need to be annotated on an employee's travel order?
- A. Yes. Supervisors are responsible for determining the method(s) of transportation most advantageous to the Government, considering cost, timing, and other relevant factors. To the extent possible, travel should be arranged so that the need for CTT will be eliminated or minimized. If compelling business reasons require that travel be scheduled such that the employee might be eligible for CTT, the travel orders should reflect such eligibility. If CTT is not authorized and travel plans change to the extent that the employee becomes eligible for CTT, the employee must submit written documentation supporting his/her eligibility. If the documentation is sufficient, the supervisor may authorize CTT.
- Q5. How is CTT approved?
- A. After travel is complete, employees must submit a written request with supporting explanation that documents driving time, airport wait time, transportation departure times, meal periods, etc. Supervisors may request that the employee provide further breakdown of the amounts claimed if necessary. The approved request and supporting documentation must be retained with the travel records for the trip.
- Q6. When must an employee request that earned CTT be credited?
- A. Employees should submit the request to credit CTT at the same time other travel-related claims are submitted (normally 5 days after completion of travel).
- Q7. How is CTT tracked?
- A. Until the Time and Attendance (T&A) system is modified, manual tracking is required. Supervisors and/or timekeepers need to manually track both the earned and used compensatory time for travel. This may be done using a spreadsheet. The information to be maintained for each employee should include: the pay period ending dates; the amount of time and date(s) compensatory time was earned, the date compensatory time was credited, the amount of time and date(s) compensatory time was

used, and the ending balance. Please note that the pay period ending dates are important in order to establish a forfeiture date. Once the T&A system is modified, retroactive T&A adjustments will be processed to update CTT earned and used, compute balances, and establish appropriate date(s) of forfeiture.

Q8. When may CTT be used?

A. As with other types of compensatory time, CTT may not be advanced (*e.g.*, an employee may not use 3 hours of CTT at the beginning of a pay period in anticipation of earning that CTT on a trip that occurs a few days later). It may be used in the same pay period it is credited, but only after it has been posted on the (manual) accounting. Use of CTT must be requested and scheduled so that it is used prior to the forfeiture date (the end of the 26<sup>th</sup> pay period after the pay period in which it was credited); it may not be restored the way annual use-or-lose leave may be.

Q9. What is the HHS interpretation of "usual waiting time"?

A. Travelers are generally required to arrive at the airport at a designated pre-departure time, normally 1 or 2 hours before the scheduled departure. For HHS employees, usual waiting time at airports is 1 hour prior to a domestic flight or 2 hours prior to an international flight. Supervisors have the discretion to adjust these times in unusual circumstances (*e.g.*, a traveler whose flight is cancelled and who must wait in a line designated by the airline to make alternate arrangements may be authorized additional CTT for the extended wait time). The employee must provide written documentation to the supervisor before CTT may be granted for extended wait time. Usual waiting time for other modes of transportation (bus, train, etc.) should follow this same criteria; *i.e.*, if the railroad or bus line requires riders to arrive 30 minutes prior to boarding, then the usual wait time would be 30 minutes. As stated in 5 CFR 550.1404, certain exclusions (*e.g.*, bona fide meal periods) constitute deductions from the usual waiting time.

Q10. If an employee is not able to use earned CTT within the 26 pay period time frame, what is the HHS procedure for requesting to extend the period for its use?

A. In general, extensions or restoration of CTT are not permitted. Authorized exceptions to the 26 pay period forfeiture of unused CTT are found at 5 CFR 550.1407. Supervisors should seek assistance from the servicing HR Center to determine if one of these very limited situations applies. An employee who has use-or-lose annual and use-or-lose CTT cannot use the CTT and then request restoration of the annual leave based on having had to use the CTT. In other words, use or lose annual leave will not be restored based on an employee having scheduled use-or-lose CTT first.

Q11. When does the 26 pay period time frame for using CTT begin?

A. It begins on the date the time is CREDITED, not the day it is earned. An employee will not be permitted to delay submission of a request for crediting of CTT in order to have a later forfeiture date.

Q12. What if an employee earns excessive amounts of CTT?

A. As with other types of leave, supervisors should manage use of leave so that mission needs are not impacted. In addition, supervisors should closely monitor and manage employee travel plans to ensure the most prudent schedule for the Government is used. For example, if the employee could reasonably take a 3:00 p.m. flight home from the temporary duty site but chooses to wait until after dinner and take a later flight, the supervisor should either disapprove the later flight or annotate the Travel Order appropriately to indicate ineligibility for CTT after the point s/he would have arrived based on the 3:00 flight time.

Q13. Can CTT be earned by an employee who travels on a compressed work day?

A. No. Employees on Compressed Work Schedules (e.g. 5/4-9) are not permitted to earn CTT by traveling on a compressed work day.

Q14. If an employee is required to serve on jury duty and such service causes the employee to run out of time to use accrued CTT, can the CTT be restored?

A. No.

Q15. When are the provisions of the new CTT rules effective?

A. The provisions are effective as of January 28, 2005. Claims for crediting CTT earned from January 28, 2005 to present should be documented and, if approved, credited by March 31, 2005.

Q16. When arriving at a temporary duty location, when does eligibility for CTT stop?

A. Eligibility to earn CTT stops when the traveler reaches the hotel or the meeting site, whichever comes first.

Q17. How is HHS applying the concept of "official duty station" for purposes of CTT?

A. For certain purposes in the CTT regulations (e.g., compensable driving time to an airport), OPM uses the term "official duty station," which it defined in section 550.1403, in relation to its definition of the term for overtime pay purposes (*see* 5 C.F.R. 550.112(j) and 551.422(d)). In its guidance on CTT, HHS will use the term "CTT official duty station" (or "CODS") instead, to differentiate between concepts. This is done to avoid

confusion, because OPM's definition of "official duty station" differs from GSA's definition of the same term for travel purposes.<sup>1</sup>

An employee's CODS is defined as any destination while on TDY travel (*e.g.*, conference or meeting site, transportation terminal, etc.), which is within a 50-mile radius from the employee's permanent duty station (assigned work site such as office, hospital, etc.), driving by the most direct route possible. The time spent traveling outside regular duty hours to this destination from the employee's home or permanent work site may be considered time in travel status for the purpose of determining CTT. For example:

- 1) If you go from your home to a destination (*e.g.*, airport terminal) that is within 50 miles driving distance from your permanent work site, as part of TDY travel, the time spent driving is considered equivalent to commuting time and is not creditable as CTT. *E.g.*: You will be on TDY travel in Chicago, IL. You reside in Frederick, MD, and your permanent work site is Bethesda, MD. You are driving outside regular duty hours to Dulles Airport, which is less than 50 miles driving distance from Bethesda. You would not be eligible for CTT while driving to the airport.
- 2) If you go, outside regular duty hours, from your home to a destination (*e.g.*, conference site), that is within 50 miles driving distance from your permanent work site, the time spent traveling to the conference site is considered equivalent to commuting time and is not creditable as CTT. *E.g.*: You will be attending a meeting in Baltimore, MD, on a week-end. You reside in Falls Church, VA, and your permanent work site is Rockville, MD. Baltimore is less than 50 miles driving distance from Rockville. You would not be eligible for CTT while driving to the conference site.

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<sup>1</sup> OPM's definition in 5 C.F.R. 550.112(j) and 551.422(d) refers to an outdated provision in the GSA Federal Travel Regulation (FTR). The OPM definition also merges the GSA concepts of "official duty station" and "vicinity [or] local travel area." As explained in the HHS Travel Manual, GSA makes a critical distinction between those two concepts:

- The corporate or city limits of the city or town where the employee's permanent duty station (permanent assigned work site) is situated constitutes the "official duty station." (For permanent duty stations not within a city/town having such defined limits, refer to 41 C.F.R. 300-3.1.)
- The "vicinity [or] local travel area" is defined by the agency pursuant to authority granted in the FTR. HHS defines "local travel area" as all points within a driving distance of 50 miles, by the most direct route possible, from the employee's work site/permanent duty station.

The OPM definition in sections 550.112(j) and 551.422(d) permits agencies to define "official duty station" for overtime purposes as anywhere up to a distance of 50 miles from the employee's office. HHS is therefore using its Travel Manual definition of the local travel area as its CODS definition, which seems consistent with OPM's intent.

3) If you go, outside regular duty hours, from your home to a destination (*e.g.*, airport terminal) that is over 50 miles driving distance from your permanent work site, as part of TDY travel, the time spent driving to the airport terminal is considered time in travel status for which you may earn CTT. However, you must deduct the time that you normally would have spent commuting from home-to-work and work-to-home, as that time is not compensable. *E.g.*: You will be conducting TDY travel in Boston, MA. You reside in Hagerstown, MD, and your permanent work site is Frederick, MD. You are driving outside regular duty hours from Hagerstown to Reagan Airport in Arlington, VA. Because Reagan Airport is over 50 miles from Frederick, you are eligible for CTT for the time spent driving from home to the airport, less your normal commuting time from Hagerstown to Frederick.

4) If you go, outside regular duty hours, from your permanent work site to a destination (*e.g.*, airport terminal), regardless of the distance to that airport, the time spent traveling to the airport is considered time in travel status for which you may earn CTT. Because you are leaving from work, you **do not** have to deduct the time that you normally would have spent commuting from home-to-work and work-to-home. *E.g.*: You will be conducting TDY travel in Denver, CO. You reside in Frederick, MD, and work in Baltimore, MD. You are driving outside regular duty hours from your Baltimore office to Reagan Airport. The time spent driving from Baltimore to the airport is creditable as CTT. In this case, you do not have to deduct normal commuting time from home-to-work and work-to-home.