

<p>U.S. DEPARTMENT OF EDUCATION</p> <p>PERSONNEL MANUAL INSTRUCTION</p>	<p>PMI: <u>630-11</u></p> <p>DATE: <u>April 19, 2007</u></p> <p>APPROVED: <u>Colleen S. Lanza</u> ACTING DIRECTOR, HUMAN RESOURCES SERVICES</p>
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**SUBJECT: CREDITABLE SERVICE FOR ANNUAL LEAVE
ACCRUAL PURPOSES**

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I. AUTHORITY

- A. Federal Workforce Flexibility Act of 2004 [Pub. Law No. 108-411, Section 202(a), (2004)]
- B. 5 U.S.C., Chapter 6303
- C. 5 C.F.R., Chapter 630, Section 630.205.

II. POLICY

The Department of Education (ED) may grant credit for annual leave accrual purposes to a newly appointed employee, or an employee who has had a break of at least 90 days from the date of his/her last civilian employment, for prior non-federal or active duty military work experience, which otherwise would not have been creditable, when the skills and experience the employee possesses are: 1) essential to the new position and were acquired through performance in a prior position having duties that directly relate to the duties of the position to which he/she is being appointed; and 2) are critical to achieve an important ED mission or performance goal.

III. APPLICABILITY

- A. This Instruction applies only to an employee who is newly appointed or who is reappointed, after a break of at least 90 days from the date of his/her last Federal civilian employment, to the Department on or after the effective date of this PMI, and meets all of the requirements stated in this Instruction.
- B. The employee must be appointed in a position covered by the Federal annual and sick leave program, under 5 U.S.C., Chapter 63.
- C. This PMI **does not** apply to employees appointed to positions in ED **prior to the effective date of this Instruction. Retroactive credit for annual leave accrual under this PMI is not permitted.**

IV. CREDITABLE SKILLS AND/OR EXPERIENCE

- A. An employee may be eligible for service credit for prior non-federal or active duty military work experience, when selected for a mission-critical position at the Department, if the employee's skills and experience:
 - 1. Are essential to the new position and were acquired through performance in a prior position that directly relate to the duties of the position to which he/she is being appointed; and
 - 2. Are critical to achieve an important ED mission or performance goal.

- B. Credit may be awarded for the entire period of time the employee performed duties **directly** related to the new position (e.g. full-time credit for full-time service; part-time credit for part-time service.) Service credit for less than full-time service should be based on the number of hours and the percentage of time the employee actually performed the duty.
- C. The amount of credit granted to an employee **cannot** exceed the actual amount of time during which the employee performed duties directly related to the position for which s/he has been selected.
- D. An employee who receives approval for additional service credit under the parameters of this PMI will have the additional service creditable **only** for the purpose of determining the employee's annual leave accrual rate.
- E. An employee who is a retired member of the uniformed service may receive credit for any period of active duty military service during which s/he performed duties directly related to the mission-critical position to which the employee is being appointed. Previously, credit was given to a retired member of a uniformed service only for a period of active duty served during a campaign or expedition for which a campaign badge was issued.
- F. Non-paid volunteer work, formerly noncreditable work experience in a quasi-Federal organization, or a combination of prior work experience and experience in a uniformed service performed by the prospective employee may be considered if it meets all of the conditions set forth in this PMI.
- G. Under no circumstance should an employee receive dual credit for the same period of employment or for a service that is otherwise creditable under existing leave regulations. If an employee meets the conditions of this PMI, receives additional service credit, and completes one year of continuous service, but later separates from ED (and retains that additional service credit), that period of time cannot be credited to him/her again at a later date.
- H. The selecting official must submit all required documentation for review and approval through his or her Executive Officer (EO) to Human Resources Services (HRS), for a written decision by the Director, HRS, on whether the candidate meets the requirements of this PMI, **prior to the candidate's official starting date at ED.** (See Section V for additional information.) **Justification packages will not be processed retroactively.**
- I. An employee who meets all requirements of this PMI and receives approval from the Director, HRS, shall have the annual leave credit adjustment made as of the effective date of his or her appointment or reappointment to ED.

V. RESPONSIBILITIES

A. The Director, HRS, will:

1. Advise the Assistant Secretary for Management or his/her designee, on all aspects of the Department's policy for creditable service for annual leave accrual purposes when filling mission-critical positions, as reflected in this PMI;
2. Ensure that this policy is implemented consistently throughout ED and is communicated to management;
3. Provide administrative support and establish controls to ensure effective implementation of the policy;
4. Review and approve or disapprove requests submitted under the parameters of this PMI.

B. The Personnel Policy Team Leader will:

1. Review and evaluate individual requests to ensure they meet all of the requirements of this PMI;
2. Recommend approval or disapproval to the Director, HRS, for each request;
3. Monitor program operations; submit reports to OPM, as required in Section IX, below; and recommend changes as necessary to ensure responsible administration of the policy;
4. In coordination with the HRS Customer Service Team (CST) Leader or Regional Human Resources Officers (HROs):
 - a. Request initial preparation of an SF-144A, Statement of Prior Federal Service Worksheet, **or** comparable ED service computation worksheet, to show the amount of annual leave being recommended to be credited to employee, as part of the request package going to the Director, HRS, for review;
 - b. Advise the HRS CST Leader or Regional HRO when the Director, HRS, has approved a request under this PMI, to ensure that the appropriate paperwork is prepared timely and that the employee receives the additional service credit at time of appointment. See Section VI, Part D(2) for additional information.

- C. The Senior Officer of each Principal Office (PO) is responsible for encouraging appropriate use of this authority by managers in the PO and for monitoring its use for consistency with the PO's human capital strategies, strategic plans and organizational goals.
- D. The Executive Officer (EO) of each PO will:
 - 1. Coordinate with selecting officials to ensure that only candidates selected for important mission critical positions in ED who possess a high level of directly related work experience in non-federal or active duty military service are referred for consideration under the conditions of this PMI;
 - 2. Ensure that the justification fully meets the criteria cited in Section VI, Part A, of this PMI;
 - 3. Submit the completed request to the HRS Personnel Policy Team as soon as possible, but **no less than one full week** prior to a selectee's tentative reporting date at ED.
- E. A Selecting Official, who wishes to have a candidate whom he/she has **tentatively** selected for a mission critical position to be considered for creditable service under this PMI, shall prepare the required justification, along with all necessary documentation, as cited in Section VI, Part A, of this PMI for review and approval **at least one full week prior** to any final arrangements for the candidate's official reporting date at ED. The Selecting Official shall work closely with HRS to determine a reasonable reporting date for the candidate, and with the EO to coordinate processing of the request package as required by this PMI. **Retroactive approvals will NOT be given, and late/incomplete submissions will be returned without action.**

VI. PROCEDURES FOR REQUESTING APPROVAL

- A. Justification:
 - 1. As soon as the selecting official has tentatively selected a candidate for a mission critical position who meets all conditions of this PMI, the selecting official will prepare the following justification with supporting documentation. **Incomplete packages will be returned without action and retroactive approvals will not be given.** Selecting officials are advised to contact HRS for any guidance needed in preparing timely and accurate packages, and to ensure timely coordination of the candidate's official starting date at ED.

2. The justification should include a brief description of the mission-critical position to be filled and a brief description of how the candidate's high level of unique qualifications and/or experience would benefit ED in such a position, along with brief description of the candidate's prior work experience, and how it is directly related to the current position to be filled.

B. Documentation Required:

The following documentation must accompany each request for annual leave credit for prior work experience for mission-critical positions:

1. Justification from the selecting official as described in Section VI.A. above;
2. A copy of the Position Description of the mission critical position to be filled;
3. A copy of the candidate's resume that was submitted for the mission-critical vacancy. If the resume does not clearly demonstrate that the experience gained in the prior position directly relates to the current position, additional documentation from the candidate will be necessary. Failure to provide additional documentation to substantiate the granting of service credit under the conditions of this PMI, if requested by HRS, will result in a negative determination;
4. If a candidate has uniformed service that is being considered under the conditions of this PMI, he/she must obtain and submit written documentation from the military, before any credit is given for any uniformed service;
5. The amount of time that the selecting official is requesting to have credited to employee, as shown on an SF-144A or ED equivalent form (service computation worksheet) prepared by HRS;
6. EO recommendation.

C. Clearance and Approval

1. The justification and approval required by Sections VI.A and B above must be submitted for clearance and approval as follows:

TO: Director, Human Resources Services

THROUGH: Executive Officer

FROM: Selecting Official

2. The justification/documentation submission cited in Paragraph 1 above must be cleared and signed by the officials listed below. Each signed clearance represents certification of that official's fulfillment of responsibility to ensure complete staff work, reasonable action, and any other responsibilities set forth in Section VI of this PMI. The transmittal document must include signed certifications from each of the following:

- Selecting Official or Supervisor
- Executive Officer
- HRS Personnel Policy Team Leader
- Director, HRS

Selecting officials in the regions should also obtain the advice and assistance of their servicing Regional Personnel Office to help avoid unnecessary delays caused by incomplete packages and missing documentation.

D. Authorization

1. Each request for additional annual leave service credit that is approved shall be based upon the written approval of the Director, HRS, as specified in Section VI.C above. Decisions will be made on a case-by-case basis. Determinations will be made before the employee actually enters on duty for the position for which he or she was recruited. **Retroactive requests will be returned without action.**
2. The Director, HRS, will approve or disapprove requests and send a copy to the appropriate EO. The copy of the approval letter will be filed on the right side of the employee's Official Personnel Folder (OPF), along with all other supporting documentation and a copy of the SF-144A, or ED's equivalent service computation worksheet. The SF-50, Notification of Personnel Action, used to appoint the employee to their position at ED, will be annotated to include remarks to show that the employee received additional service credit for annual leave purposes. See the Office of Personnel Management's (OPM's) *Guide to Processing Personnel Actions* for complete remarks and appropriate coding information.

VII. FORFEITURE OF SERVICE CREDIT

An employee who received service credit under the parameters of this PMI for prior non-federal or active duty military experience, but **does not complete one full year of continuous service at ED** prior to separation or transfer from ED,

will forfeit such credit. Prior to separation from ED, the employee's service computation date (SCD) will be recomputed to subtract the additional service credit previously given to the employee under this PMI, and a new SCD will be established. See Section VIII for additional information.

VIII. NONPAY STATUS, TRANSFERS AND SEPARATIONS

A. If an employee meets the conditions set forth in this PMI and receives credit for the prior nonfederal or active duty military skills and experience, the service time will become a permanent part of the employee's record.

If the employee fails to complete one continuous year at ED before separation or transfer:

1. Any service credit granted to the employee under Section I of this PMI **must** be subtracted from his/her total creditable service. **A new SCD for leave accrual purposes must be calculated prior to the employee's separation or transfer,** an SF-50 must be processed to change the SCD, and the change must be documented in the employee's OPF.

2. If an employee accrues or accumulates any annual leave as a result of receiving credit under the conditions of this PMI, but separates prior to completing one continuous year of service at ED, **that leave will remain to the employee's credit and shall not be reduced or forfeited.** ED must:

- a. Transfer the annual leave balance to the new employing agency, if the employee transfers to another federal agency; or
- b. Make a lump-sum payment for any unused annual leave if the employee is separating from Federal service or is transferring to a position where annual leave cannot be transferred.

B. If an employee is placed in a leave without pay status during the 1-year period of continuous service required by Section VII of this PMI, the 1-year period of continuous service must be extended by the amount of time in a leave without pay status unless:

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. Section 4303 and 5 C.F.R Section 353.102) and later returns to civilian service through the exercise of a reemployment right provided by law, Executive order, or regulation;
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.

- C. If an employee loses service credit for non-federal or active duty military experience because s/he failed to serve one full year of continuous service with the appointing agency, **but is later reappointed to federal service after a break of at least 90 days**, ED may choose to provide service credit to the employee for that period of time.

IX. EVALUATION

The HRS Personnel Policy Team will submit reports to OPM on the use of this authority as required by OPM (data source: Federal Personnel Payroll System (FPPS)).

Attachment I - Questions and Answers on Providing Credit for Determining an Employee's Annual Leave Accrual Rate

These Questions and Answers are excerpted from OPM document CPM 2005-03, Attachment 1

Q1. May an employee receive credit for non-Federal service or active duty uniformed service for determining his or her annual leave accrual rate?

A. Yes. Under 5 U.S.C. 6303, which was amended by section 202(a) of the Federal Workforce Flexibility Act of 2004 (Public Law 108-411, October 30, 2004), a newly appointed or reappointed employee may receive service credit for prior non-Federal service or active duty uniformed service that otherwise would not be creditable for the purpose of determining his or her annual leave accrual rate. The head of the agency or designee must determine that the skills and experience the employee possesses were acquired through performance in a non-Federal or active duty uniformed service position having duties which directly relate to the duties of the position to which he or she is being appointed and are necessary to achieve an important agency mission or performance goal.

Q2. When did this provision become effective?

A. This provision became effective on April 28, 2005. OPM's regulations implementing this provision are available at <http://www.opm.gov>.

Q3. Are all employees covered by this provision?

A. No. This provision applies only to a newly appointed employee or an employee who is reappointed following a break in service of at least 90 calendar days from the date of his or her last period of Federal civilian employment.

Q4. How much service credit may be granted for prior non-Federal or active duty uniformed service work experience?

A. The amount of service credit that may be granted to an employee is determined at the sole and exclusive discretion of the head of the agency or designee. However, the amount of service credited to an employee may not exceed the actual amount of service during which he or she performed duties directly related to the position to which he or she is being appointed. An employee has no entitlement to credit for non-Federal service or active duty uniformed service that otherwise would not be creditable for the purpose of determining his or her annual leave accrual rate.

Q5. May an agency retroactively apply this provision to an employee who was newly appointed or reappointed to a position prior to April 28, 2005?

A. No. This provision may only be applied upon an employee's appointment to a position on or after April 28, 2005.

Q6. What documentation is required from an employee to receive credit for prior non-Federal service or active duty uniformed service?

A. Each agency is responsible for determining what constitutes acceptable written documentation of an employee's qualifying non-Federal service. An employee must submit such written documentation consistent with the agency's procedures. An employee must provide written documentation from the military services to receive credit for active duty honorable uniformed service. All written documentation must be approved by the head of the agency or designee prior to the effective date of the employee's entry on duty.

Q7. When does the employee receive credit for non-Federal service or active duty uniformed service?

A. Credit for non-Federal service or active duty uniformed service is granted to the employee upon the effective date of his or her initial appointment or reappointment to Federal service.

Q8. How long does service credit granted to an employee remain creditable for annual leave accrual purposes?

A. Credit granted to an employee for non-Federal service or active duty uniformed service remains to the credit of the employee unless he or she fails to complete one full year of continuous service with the appointing agency. If an employee separates from Federal service or transfers to another Federal agency prior to completing one full year of continuous service with his or her appointing agency, the employee is not entitled to retain service credit for prior non-Federal service or active duty uniformed service. The appointing agency must subtract the additional service credit from the employee's total creditable service, and a new service computation date for leave must be established before the employee separates or transfers to the new agency.

Q9. What happens to an employee's annual leave balance if he or she fails to complete one full year of continuous service with the appointing agency?

A. Any annual leave accrued or accumulated by an employee remains to the credit of the employee, even if he or she fails to complete one full year of continuous service with the appointing agency. The agency must transfer the annual leave balance to the new employing agency if the employee is transferring to a position to which annual leave may be transferred, or provide a lump-sum payment for unused annual leave if the employee is separating from Federal service or moving to a new position to which annual leave cannot be transferred.

Q10. May an employee receive service credit for non-Federal work experience for purposes other than determining an employee's annual leave accrual rate?

A. No. Non-Federal service or active duty uniformed service is creditable only for the purpose of determining an employee's annual leave accrual rate.

Q11. May an employee receive credit for the same period of non-Federal service or active duty uniformed service on more than one occasion?

A. An employee may not receive dual credit for service. Once an employee is permanently credited with a period of non-Federal service or active duty uniformed service (after completion of one full continuous year with the appointing agency), that period of service may not be considered for further credit if the employee has a future break in service.

If an employee loses service credit for non-Federal service or active duty uniformed service because he or she fails to complete one full continuous year of service with the appointing agency, an agency may choose to provide credit for that period of time to the employee in the future if and when he or she is reappointed to a Federal position. An agency may provide credit for the same period of non-Federal service or active duty uniformed service if the employee has had a break in service of at least 90 calendar days and meets all of the conditions for receiving credit for such service.

Q12. What happens to service credit granted to an employee if he or she separates from Federal service or transfers to another Federal agency after completing one full year of continuous service?

A. Once an employee completes one full year of continuous service with the appointing agency, the period of service for which he or she was granted service credit for his or her non-Federal or active duty uniformed service work experience is permanently creditable for the purpose of determining his or her annual leave accrual rate for the duration of the employee's career.

Processing Actions

Q13. How should an agency document credit for non-Federal service or active duty uniformed service so that it may be verified throughout the employee's Federal career?

A. Non-Federal service or active duty uniformed service must be documented on the SF-144A or an agency equivalent form used in lieu of the SF-144A. Agency equivalent forms may be variations on the SF-144A or printouts from computer programs that calculate service computation dates. Such credit is to be granted in terms of years and months, and the exact number of years and months of credit being granted is recorded in Part I, Column B, of the SF-144A. Additionally, include a reference in the "Remarks" section of the SF-144A indicating that the SCD-Leave includes creditable non-Federal service or active duty uniformed service work experience that otherwise would not be credited.

Q14. How is credit for non-Federal service and active duty uniformed service documented on the SF-50?

A. The period of service being credited must be included in Block 31 of the SF-50 that effects the appointment of the individual with the agency. Remark codes B73, B74, and M39 (include in remark M39 the total of all periods of active duty uniformed service for which the employee is receiving credits towards the Service Computation Date (SCD) for leave) also must be included on the SF-50, as appropriate.

Q15. If the service to be credited is properly documented and approved in advance, but the agency inadvertently does not include the credit in Block 31 on the SF-50 that was processed to effect the appointment, how is the oversight corrected?

A. The agency must process a personnel action to change the employee's SCD (Nature of Action (NOA) code 882/Change in SCD) showing the revised date in Block 31 of the SF-50. The NOA 882 action must show remark code B35 and include remark codes B73, B74, and M39 (include in remark M39 the total of all periods of active duty uniformed service for which the employee is receiving credit towards the SCD-Leave), as appropriate. The effective date of the NOA 882 action is the date the employee entered on duty.

Q16. What is the text of new remark codes B73, B74, and B75?

A. B73 - You are receiving (enter yrs. and mos., e.g. "2 yrs., 6 mos.") credit towards your SCD-Leave as shown in Block 31 for non-Federal service from (date) to (date). This credit will not hereafter cease to be creditable unless you fail to complete one full year of continuous service with this agency.

B74 - You are receiving (enters yrs. and mos., e.g., "2 yrs., 6 mos.") credit towards your SCD-Leave as shown in Block 31 for active duty uniformed service from (date) to (date).

This credit will not hereafter cease to be creditable unless you fail to complete one full year of continuous service with this agency.

B75 - Changes SCD-Leave from (date) because employee failed to complete one full year of continuous service with the appointing agency.

Q17. If the service to be credited is properly documented and approved in advance and is included in Block 31 of the SF-50 that effects the appointment, but a mathematical error is detected once the action has been processed and distributed, how is the oversight corrected?

A. The agency must process a personnel action to correct the SF-50 that effected the appointment (NOA 002/Correction).

Q18. What action must an agency take to withdraw service credit if an employee fails to complete one year of continuous service?

A. Prior to processing the personnel action that separates the employee from Federal service or transfers the employee to another Federal agency, the agency must process a personnel action to change the employee's SCD-Leave (NOA 882/Change in SCD) subtracting out the referenced credit. The NOA 882/Change in SCD action must include remark code B75. Alternatively, the agency may choose to process both the NOA 882/Change in SCD and the separation action on the same SF-50. If the agency processes both actions on the same SF-50, NOA 882/Change in SCD must be shown in Blocks 5-A and 5-B and the separation action in Blocks 6-A and 6-B.