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Acquisition & Assistance Policy Directive (AAPD)

From the Director, Office of Acquisition & Assistance Issued: November 14, 2005

AAPD 05-10

CALCULATION OF VACATION LEAVE FOR U.S. PERSONAL SERVICES CONTRACTORS (USPSCs)

Subject Category: PERSONAL SERVICES CONTRACTS
Type: POLICY

AAPDs provide information of significance to all agency personnel and partners involved in the Acquisition and Assistance process. Information includes (but is not limited to): advance notification of changes in acquisition or assistance regulations; reminders; procedures; and general information. Also, AAPDs may be used to implement new requirements on short-notice, pending formal amendment of acquisition or assistance regulations.

AAPDs are EFFECTIVE AS OF THE ISSUED DATE unless otherwise noted in the guidance below; the directives remain in effect until this office issues a notice of cancellation.

This AAPD: Is New Replaces/ Amends CIB/AAPD No:

Applicable to:

- Existing awards; Modification required
 No later than
 As noted in guidance below
 RFPs/RFAs issued on or after the effective date of this AAPD; all other Pending Awards, i.e., 8(a), sole source, IQC
 Other or N/A

Precedes change to:

- AIDAR Part(s) Appendix D
 USAID Automated Directives System (ADS) Chapter
 Code of Federal Regulations
 Other
 No change to regulations

New Provision/Clause Provided Herein: If checked, scheduled update to Prodoc: 1/2006

/s/ Michael F. Walsh (signed copy is on file)

PURPOSE: The purpose of this AAPD is to change the process of calculating vacation leave for US. Personal Services Contractors (USPSCs) to include previous US Government (USG) direct hire service - civilian and/or military.

BACKGROUND: Appendix D of the Agency for International Development Acquisition Regulations (AIDAR) stipulates that the calculation of vacation leave for USPSCs be based on the number of years the individual has been a USAID personal services contractor. Prior USG direct hire service - civilian and/or military, could not be used in calculating such leave.

The Agency has decided to change the existing mechanism for calculating vacation leave so that former USG experience as a direct hire employee-civilian and/or military, as well as experience as a USAID personal services contractor, will be used in calculating the vacation leave for personal services contractors. This change will apply to all new personal services contracts (including renewals and extensions) which are signed on or after the effective date of this AAPD.

GUIDANCE: The following are changes to AIDAR Appendix D:

1. Section 4 Policy, paragraph (c) (2) (ix) is revised to read as follows:

(ix) PSCs are eligible to earn four hours of sick leave for each two week period of contract service. In addition, PSCs are eligible to earn vacation leave. Calculation of vacation leave is based on previous USAID PSC service and/or US Government direct hire service - civilian and/or military. Leave is calculated based on time in service as follows:

Time in Service	Calculated Vacation Time
Up to 3 years of service	Four hours of vacation leave for each two week period
over 3 years and up to 15 years of service	Six hours of vacation leave for each two week period (including 10 hours vacation leave for the final pay period of a calendar year)
over 15 years of service	Eight hours of vacation leave for each two week period

2. General Provision 5, Leave and Holidays, paragraph (a) is modified to read as follows:

5. Leave and Holidays (November 2005)

(a) Vacation Leave

(1) The contractor shall earn vacation leave at the rate of 13 workdays per annum or 4 hours every 2 weeks. However, no vacation shall be earned if the tour of duty is less than 90 days.

(2) Notwithstanding paragraph (a) (1) above, if the contractor has had previous USAID PSC service (i.e., has served under other personal services contracts (PSCs) covered by Sec. 636(a) (3) of the FAA or other statutory provision applicable to USAID), and/or former U.S. Government (USG) direct hire service - civilian and/or military), he/she will earn vacation leave based on time in service as follows:

Time in Service	Calculated Vacation Time
Up to 3 years of service	Four hours of vacation leave for each two week period

over 3 years and up to 15
years of service

Six hours of vacation leave for each
two week period (including 10 hours
vacation leave for the final pay period
of a calendar year)

15+ years of service

Eight hours of vacation leave for each
two week period

(3) Vacation leave is provided under this contract for the purposes of affording necessary rest and recreation during the tour of duty in the Cooperating Country. The contractor in consultation with the USAID Mission shall develop a vacation leave schedule early in his/her tour of duty taking into consideration project requirements, employee preference and other factors. All vacation leave earned by the contractor must be used during his/her tour of duty. All vacation leave earned by the contractor, but not taken by the end of his/her tour of duty, will be forfeited, unless the Contracting Officer approves one of the following alternatives:

(i) Taking leave during the concluding weeks of the contractor's tour, or

(ii) Lump-sum payment for leave not taken, provided such leave does not exceed the number of days which can be earned by the contractor during a twelve month period.

(iii) To approve either alternative (i) or (ii) set out above, the Contracting Officer must be provided a signed, written Determination and Findings by the PSC's supervisor. The Determination must set out the facts and circumstances that prevented the contractor from taking vacation leave and the Contracting Officer must find that these facts and circumstances were not caused by and were beyond the control of the contractor.

(4) With the approval of the Mission Director, and if the circumstances warrant, a Contracting Officer may grant the contractor advance vacation leave in excess of that earned, but in no case may the Contracting Officer grant advance vacation leave in excess of that earned in one year or over the life of the contract, whichever is less. The contractor agrees to reimburse USAID for any outstanding balance of advance vacation leave provided during the contractor's assignment under the contract.

(5) Applicants for PSC positions will provide evidence of their PSC and/or USG direct hire service - civilian and/or military experience, as applicable, on their signed and dated SF-171 or OF-612. By signing the appropriate form, the applicant attests to the accuracy of the information provided. Any applicant providing incorrect information is subject to the penalty provisions in the form. If required to satisfy due diligence requirements on behalf of the Contracting Officer, PSCs may be required to furnish evidence that verifies length of service, e.g., SF 50, DD Form 214, and/or signed contracts.

A revised General Provision 5 will be issued in another AAPD to follow, which will incorporate the above changes and other forthcoming changes affecting leave for PSCs.

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