



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

Chief Immigration Judge

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041

April 14, 2008

MEMORANDUM

TO: All Assistant Chief Immigration Judges
All Counsel to the Chief Immigration Judge
All Immigration Judges
All Court Administrators
All Attorney Advisors and Judicial Law Clerks
All Support Staff

FROM: David L. Neal 
Chief Immigration Judge

SUBJECT Operating Policies and Procedures Memorandum No. 08-02: Claims for
Compensatory Time Off for Travel

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I. Introduction

This Operating Policies and Procedure Memorandum (OPPM) establishes procedures for requesting, processing, and approving claims for compensatory time off resulting from official travel for immigration judges, court administrators, and OCIJ attorney advisors, judicial law clerks, and support staff (hereinafter, “employees”). This OPPM supercedes OPPM 05-05 (April 29, 2005).

The Federal Workforce Flexibility Act of 2004, codified at 5 U.S.C. § 5550b (compensatory time off for travel), as amended, authorizes 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 final regulations that implement this law at 5 C.F.R. §§ 550.1401 - 550.1409.

To help agencies implement and administer the law and regulations, OPM has issued helpful questions and answers (first website) and illustrative examples (second website) at:

<https://www.opm.gov/oca/compmemo/2005/2005-03-att1.asp>

<https://www.opm.gov/oca/compmemo/2005/2005-03-att2.asp#top>

Additional guidance on compensatory time off for travel is set forth in the Executive Office for Immigration Review’s (EOIR’s) *Administrative Manual*, at the section on “Compensatory Time Off for Travel.” Nothing in this OPPM shall be construed to conflict with and/or amend the law or implementing regulations related to compensatory time off for travel.

II. Eligibility

Pursuant to the Federal Workforce Flexibility Act, as amended, employees are eligible for compensatory time off for travel.

III. General Rule

As a general rule, travel will continue to be accomplished, to the greatest extent practicable, during normal business hours.

IV. Specific Situations

A. Case-Related Detail Travel

Immigration judges are expected to complete cases expeditiously while on detail. That often requires judges to begin hearing cases on Monday mornings. Generally, it should not be necessary to have support staff present for cases that start on Monday mornings (for example, legal assistants are not usually required to be present in court during merits hearings).

B. Court Evaluations

The Chief Clerk of the Immigration Court, with the concurrence of the Chief Immigration Judge or his designee, establishes the dates for court evaluations. All requests for employee travel outside of regular working hours for court evaluation purposes shall be forwarded in advance of travel to the Chief Clerk of the Immigration Court for written approval by the Chief Immigration Judge or his designee.

C. Other Travel

Other travel, such as to attend conferences, training, or approved speaking engagements, will occur, to the maximum extent practicable, during regular working hours. Any such requests for other travel outside of regular working hours shall be forwarded in advance of such travel to the responsible Assistant Chief Immigration Judge (ACIJ) for approval. For personnel within the Office of the Chief Immigration Judge, authority for other travel outside of regular working hours must be forwarded in advance of travel to the Chief Immigration Judge or his designee.

V. Procedure

As set forth above, employee travel authorizations that involve travel outside of regular working hours must be forwarded to, and approved by, the responsible ACIJ (that employee's supervising ACIJ, or the Chief Immigration Judge or his designee for personnel within OCIJ) prior to the commencement of travel. Employees who intend to request compensatory time off for travel must submit both a travel authorization form and a completed Travel Comp Time Authorization Form (Attachment A). Employees must complete the Travel Comp Time Authorization Form to show:

- (1) the reason why travel outside regular working hours is required; and
- (2) an estimate of the amount of compensatory time off for travel involved.

The responsible ACIJ will then approve or disapprove the proposed travel plan. If approved, the employee may travel outside regular working hours and receive compensatory time off for that travel within the limitations of the approved authorization form. Note that securing an approval for compensatory time off for travel does not excuse the employee from the proper preparation and timely submission of a travel voucher for approval by the responsible ACIJ.

Upon completion of official travel, the employee must calculate the exact amount of compensatory time off for travel claimed by completing the Travel Comp Time Worksheet/Approval Form (Attachment B). The employee shall complete the Travel Comp Time Worksheet Approval Form following the regulations, guidelines and the OPM illustrative examples mentioned previously. The employee's accounting of compensatory time on this form must include, among other things: the employee's regular working hours (e.g., 8:30 a.m. to 5:00 p.m.), and the distance (in miles) and the time (to nearest 15 minutes) from the employee's home to his/her official duty station (as applicable). 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 purpose of accruing compensatory time off.

The employee's claim for compensatory time off for travel must be submitted to the responsible ACIJ within 15 calendar days of the time the employee ends official travel. The employee's claim must include a copy of the Travel Comp Time Authorization Form, a completed Travel Comp Time Worksheet/Approval Form, and a copy of the approved travel voucher.

When compensatory time off for travel is approved, the claim will then be transmitted to the appropriate Timekeeper for recording purposes. Timekeepers: Prefix 78, TC 32, is keyed when recording compensatory time off for travel earned, and Prefix 78, TC 64, is keyed when recording compensatory time off for travel used.

Attachments: A-B

Attachment A

Travel Comp Time Authorization Form

Name of Employee/Traveler: _____

Proposed Travel Dates: _____

Travel Destination: _____

Purpose of trip: _____

Reason(s) for requiring travel outside normal hours:

Estimated amount of travel comp time to be earned on this trip: _____

Approved/Disapproved

DATE

Attachment B

Travel Comp Time Worksheet/Approval Form

Name of Employee/Traveler: _____

Travel Destination: _____

Dates of travel: _____

Time of departure: _____

Departed from (home, office, etc.): _____

Employee=s tour of duty (e.g., 8:30 a.m. to 5:00 p.m.): _____

Distance (in miles) and the time (to nearest 15 minutes) from the employee's home to normal duty location: _____miles_____hours/minutes

Time of arrival back home from travel: _____

Time used for the employee's own purposes during travel outbound and on return: _____

Total amount of travel comp time being claimed: _____

Calculations:

Approved _____ hours

DATE