



Approved for Release  
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Date

**DEPARTMENT OF COMMERCE  
OFFICE OF HUMAN RESOURCES MANAGEMENT**

**HUMAN RESOURCES (HR) BULLETIN #052, FY07**

**SUBJECT:** Extending Higher Annual Leave Accrual Rates for Members of the Senior Executive Service and Employees in Senior-Level and Scientific and Professional Positions

**EFFECTIVE DATE:** Final regulations effective November 20, 2006. The provisions of this HR Bulletin were effective October 30, 2004, resulting from the enactment of the Workforce Flexibility Act of 2004. In accordance with Office of Personnel Management (OPM) guidance, the Department implemented the provisions of this HR Bulletin for members of the Senior Executive Service (SES), employees in senior-level (SL) and scientific and professional (ST) positions, and members of the Senior Foreign Service (SFS) in 2004.

**EXPIRATION DATE:** Effective until canceled or superseded

**APPENDS:** 5 U.S.C. 6303 by adding and amending Section 630.301(b).

**BACKGROUND:** On March 21, 2005, the Office of Personnel Management (OPM) issued interim regulations to implement section 202(b) of the Federal Workforce Flexibility Act. This Section of the Act allows members of the SES, employees in SL and ST positions, and employees covered by a pay system equivalent to the SES pay system or the SL/ST pay system, to accrue annual leave at the rate of 1 day (8 hours) for each full biweekly pay period. This additional leave benefit is designed to assist agencies in recruiting well-qualified, experienced individuals for senior positions.

**PURPOSE:** The purpose of this HR bulletin is to provide updated policy guidance on annual leave accruals for members of the SES, employees in SL and ST positions, and members of the SFS.

**COVERAGE:** Provisions of this HR bulletin are applicable to members of the SES and the SFS, employees in SL and ST positions, and to additional categories of employees who receive approval for extended coverage in accordance with the provisions described below (see Extending Coverage).

**POLICY:** Members of the SES, employees in SL and ST positions, and employees covered by a pay system equivalent to the SES pay system or the SL/ST pay system, are entitled to accrue annual leave at the rate of 1 day (8 hours) for each full biweekly pay period without regard to their length of Federal service. This policy is also applicable to members of the SFS.

When an employee moves to a position not covered by the provisions of this HR Bulletin, he/she will no longer be entitled to the higher annual leave accrual rate. Upon movement to a noncovered position the employee's annual leave accrual rate will be determined based on his/her years of creditable service as provided in 5 U.S.C. 6303(a).

**EXTENDING COVERAGE:** Coverage of the provisions of this HR Bulletin may be extended to employees covered by a pay system equivalent to the SES pay system or the SL/ST pay system upon approval from the Office of Personnel Management (OPM). All requests for extension of this coverage must first be submitted through the Departmental Office of Human Resources Management (OHRM) and must document that the affected pay system is equivalent to the SES or SL/ST pay system and meet all three of the following:

- (1) Pay rates are established under an administratively determined (AD) pay system under a separate statutory authority outside of 5 U.S.C. chapters 51 and 53, and the AD position has a:
  - o single rate of pay (excluding locality pay) which is higher than the rate of pay for a GS-15, step 10 (excluding locality pay); or
  - o rate range where the minimum rate (excluding locality pay) of the rate range is at least equal to the minimum rate for the SES and SL/ST pay systems (120 percent of the rate for GS-15, step 1, excluding locality pay) and the maximum rate (excluding locality pay) of the rate range is at least equal to the rate for Level IV of the Executive Schedule.
- (2) Covered positions are equivalent to an SES positions as defined in 5 U.S.C. 3132(a)(2), a senior-level position (i.e., a non-executive position classified above GS-15, such as a high-level special assistant or a senior attorney in a highly-specialized field who is not a manager, supervisor, or policy advisor), or a scientific or professional position as defined in 5 U.S.C. 3104.
- (3) Covered positions are subject to a performance appraisal system established under 5 U.S.C. Chapter 43 and 5 CFR part 430, subparts B and C, or other applicable legal authority, for planning, monitoring, developing, evaluating, and rewarding employee performance.

The OHRM will review all requests for extension of coverage to additional categories of employees and, if in agreement, will forward such requests to OPM for approval. If

OPM approves a request, the higher annual accrual rate will become effective during the pay period in which OPM approves the request.

**TIME AND ATTENDANCE PROCESSING:** Upon appointment or conversion to a covered position, timekeepers must update the DOS time and attendance (T&A) software or webTA, as appropriate, to ensure an accurate annual leave accrual rate as follows:

- (1) DOS T&A Software – Timekeepers must update the Annual Leave Accrued field on the Leave Balance Screen to an “8” to reflect the new accrual rate.
- (2) WebTA Users – Timekeepers must access the T&A Profile Screen and adjust the Service Computation Date (SCD) field so that the Annual Leave Category on the T&A Profile Screen changes to 8 hours. WebTA generates the annual leave accrual rate based on the SCD, so once the SCD is adjusted to update the accrual rate, it will not be a true SCD for the employee. However, once the new version of webTA (#3.2.9e) is released in pay period 24, 2006, timekeepers will be required to enter the true SCD for affected employees and an override code which will allow webTA to generate the “8” hour annual leave accrual and maintain the true SCD. (Bureau contacts will receive separate guidance to implement these changes once the new version of webTA is released.)

**REFERENCES:** Title 5 CFR, Part 630, Section 630.301(b). Federal Register: October 19, 2006, (Volume 71, Number 202)

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