

W. J. Fleming

Approved for Release

William J. Fleming

Acting Deputy Chief Human Capital Officer and
Acting Director for Human Resources Management

8-16-10

Date

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

HUMAN RESOURCES (HR) BULLETIN #114, FY10

SUBJECT: Creditable Service for Annual Leave Accruals

EFFECTIVE DATE: Upon release of this HR Bulletin

EXPIRATION DATE: Effective until canceled or superseded

SUPERSEDES: HR Bulletin #049, FY07 "Creditable Service for Annual Leave Accruals," dated October 24, 2006.

REVISIONS: A statement on appeal/claims has been added; the determination of service credit is at the discretion of the appropriate Principal Human Resources Manager (PHRM) or their designee; and "bureau human resources offices" has been replaced with "servicing human resources offices."

PURPOSE: In the spirit of the President's hiring reform agenda, it is important to reissue this bulletin to remind HR professionals and hiring managers of this flexibility, which can be used to promote employment with the Federal Government. This bulletin provides policy guidance on crediting prior non-Federal work experience for determining an employee's annual leave accrual rate. This flexibility is intended to continue to help agencies recruit individuals with the skills and experience necessary to achieve an important agency mission or performance goal.

COVERAGE: Provisions of this HR Bulletin are applicable to an individual (1) receiving his or her first appointment (regardless of tenure) as a civilian employee of the Federal Government, or (2) being reappointed following a break in service of at least 90 calendar days from his or her last period of civilian Federal employment.

POLICY: The determination to give service credit for leave for prior non-Federal work experience is at the discretion of hiring managers in consultation with the appropriate PHRM or their designee, and must be made before an employee enters on duty; it cannot be made retroactively. Employees will receive credit for non-Federal service or active duty uniformed service upon the effective date of their initial appointment or reappointment to Federal service.

The determination not to provide creditable service is not appealable to the Office of Personnel Management. However, a claim can be filed with the Office of Special Counsel if a claim is made that the action falls under prohibited personnel practices (Title 5, United States Code 2302).¹

The series and occupations for which servicing human resources offices (SHROs) may give credit for prior non-Federal work experience in determining an employee's annual leave accrual rate are limited to the Department of Commerce's (Department) 23 mission-critical occupations², which are as follows:

- 0110 – Economist
- 0201 – Human Resources Management
- 0301 – Miscellaneous Administration and Program Management
- 0343 – Management Program Analyst
- 0482 – Fishery Biologist
- 0500 – Accounting and Budgeting
- 0800 – All Professional Engineers
- 0905 – General Attorney
- 1101 – General Business and Industry
- 1102 – Contract Specialist
- 1140 – Trade Specialist
- 1224 – Patent Examiner
- 1301 – Physical Scientist or General Physical Scientist
- 1310 – Physicist
- 1315 – Hydrologist
- 1320 – Chemist
- 1340 – Meteorologist
- 1360 – Oceanographer
- 1529 – Mathematical Statistician
- 1530 – Statistician
- 1550 – Computer Scientist
- 1801 – General Inspections, Investigations and Compliance
- 2210 – Information Technology Specialist

Determination: The skills and experience the individual possesses must be necessary to achieve an important agency mission or performance goal. In addition:

1. The skills and experience the individual possesses must be essential to the new position, and must have been acquired through performance in a non-Federal position that has duties directly related to the duties of the position to which the employee is being appointed.
2. The skills and experience of a retired employee of the uniformed service must be essential to the new position, and must have been acquired through performance in a position in the uniformed services, that has duties directly related to the duties of the position to which the employee is being appointed.

¹ [Federal Register: September 18, 2006 (Volume 71, Number 180)] [Rules and Regulations] [Page 54568]

² The Department list of mission critical occupations may be subject to change.

Amount of Service Credited: The amount of service credited may not exceed the actual amount of service during which the individual performed duties directly related to the position to which he or she is being appointed. The amount of service credit granted is at the sole and exclusive discretion of hiring managers, with approval from the appropriate PHRM or their designee.

Permanence of Service Credit: Prior non-Federal service or active duty uniformed service remains creditable for annual leave purposes unless the employee fails to complete one full year of continuous service with the Department. If an employee separates from Federal service or transfers to another Federal agency (i.e., not a Department operating unit) before completing one full year of continuous service, the employee is not entitled to retain the service credit and the additional service credit must be subtracted from the employee's total creditable service. Any annual leave accrued by the employee remains in the employee's credit and the operating unit must transfer the annual leave balance to the new employing agency if the employee transfers to a position to which annual leave may be transferred. If the annual leave cannot be transferred, or the employee is separating from Federal service, a lump-sum payment for unused annual leave must be provided. A new service computation date (SCD) for leave must be established before the employee's separation or transfer.

The amount of creditable service is not affected by periods of non-pay status (leave without pay, absence without leave, etc.). The completion date of the one full year of continuous service must be extended for periods of non-pay status. Any period of non-pay status due to active duty uniformed service or a compensable injury must be credited as though the employee had remained in a pay-and-duty status.

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 cannot be considered for further credit if the employee has a future break in service and returns to Federal service. However, an employee who loses service credit for prior non-Federal service or uniformed service (and is subsequently reappointed to a Federal position) may receive credit for that same period of non-Federal or active duty uniformed service, if he or she meets all the conditions for receiving such credit.

Documentation: An individual must provide written documentation outlining the non-Federal or uniformed service work experience that directly relates to the duties of the position to which he or she is being appointed. A written self-certification from the individual stating that he or she was not fired from the position upon which the creditable service is based **may** be requested.

SHROs must maintain documentation justifying the use of this flexibility to include (at a minimum):

- The skills and experiences the individual possesses that are essential to the new position and the duties the individual performed in the non-Federal position or uniformed service that directly relate to the duties of the new position;
- Why the use of this authority is necessary to achieve an important agency mission or performance goal;
- Inclusive dates of the time period covering the experience to be credited; and
- A copy of the position description or statement of duties the individual is expected to perform.

SHROs may require additional documentation to justify and/or document the conditions (e.g., a service agreement) of the service credit.

To receive credit for active duty uniformed service, the individual must provide written documentation for his or her military service.

Personnel Action Documentation: Non-Federal service or active duty uniformed service must be documented on Standard Form (SF) 144A, Statement of Prior Federal Service – Worksheet, and must 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. The period of non-Federal or active duty uniformed service being credited to the employee must be included in Block 31 (Service Computation Date) on the SF-50, Notification of Personnel Action, upon appointment with the bureau/operating unit as follows:

- B73 – You are receiving XX years and XX months (enter the number of years and months) credit towards your SCD-Leave as shown in Block 31 for non-Federal service from (enter date) to (enter date). You will lose entitlement to this service credit if you fail to meet one full year of continuous service with the Department.
- B74 – You are receiving XX years and XX months (enter the number of years and months) credit towards your SCD-Leave as shown in Block 31 for active duty uniformed service from (enter date) to (enter date). You will lose entitlement to this service credit if you fail to meet one full year of continuous service with the Department.
- M39 – Creditable Military Service (enter the number of years and months). Include the total of all periods of active duty uniformed service for which the employee is receiving credit towards the SCD for leave.

Once the SHRO processes the SF-50 in the National Finance Center (NFC) payroll/personnel system, they must contact the employee’s timekeeper and provide the correct SCD and the annual leave accrual rate for entry on the time and attendance (T&A) record.

Time and Attendance (T&A) Processing: Upon notification from the SHRO, timekeepers must enter the SCD (adjusted to include the service credit) on the Employee T&A Profile Screen in the SCD field. The webTA system will automatically generate the annual leave accrual rate in the Leave Data Screen.

REFERENCES: Title 5, Code of Federal Regulations (CFR) § 630.205; *Federal Register*: September 18, 2006 (Volume 71, Number 180); OPM’s “Questions and Answers on Providing Credit for Determining an Employee’s Annual Leave Accrual Rate”; Office of Management and Budget Memorandum “Planning for the President’s Fiscal Year 2011 Budget and Performance Plans”

OFFICE OF POLICY AND PROGRAMS: Pamela Boyland, Director, PBoyland@doc.gov, (202) 482-1068

PROGRAM MANAGER: Dafna Silberfeld, dsilberfeld@doc.gov, (202) 482-0767