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Annual Leave Accrual for Non-Federal Work Experience

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Creditable Service for Annual Leave Accrual for Non-Federal Work Experience and Experience in the Uniformed Service

Description

The head of an agency, or his or her designee, may at his or her sole discretion provide service credit that otherwise would not be creditable under 5 U.S.C. 6303(a) for the purpose of determining the annual leave accrual rate to –

- a newly-appointed or reappointed employee with a break of at least 90 calendar days after his or her last period of civilian employment; or
- a retired member of the active duty uniformed service as defined by 38 U.S.C. 4303.

This is a discretionary flexibility agencies can use to meet their strategic human capital needs — an employee has no entitlement to this credit.

Agency Determination

The head of an agency must determine that the skills and experience the employee possesses are –

- essential to the new position and 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
- necessary to achieve an important agency mission or performance goal.

The head of an agency must make the determination to approve an employee's qualifying prior work experience ***before the employee enters on duty — the determination cannot be made retroactively.***

Amount of Service Credited

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.

- 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.

- Once an employee is permanently credited with a period of non-Federal service or active duty uniformed service (after completion of 1 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.

Documentation

An employee must submit written documentation acceptable to the agency of –

- the employee's qualifying non-Federal service; or
- written documentation from the military services of the employee's uniformed service.

Granting of Service Credit

Credit for prior work experience or experience in a uniformed service is granted to the employee upon the effective date of his or her initial appointment to the agency or reappointment after a 90-day break in service.

Permanence of Service Credit after 1 Full Year of Continuous Service

Once an employee completes 1 full year of continuous service with the appointing agency, the period of service for which the employee was granted service credit for non-Federal or active duty uniformed service work experience is permanently creditable for the purpose of determining the employee's annual leave accrual rate for the duration of the employee's career.

Effects of Leave Without Pay on Service Credit

If an employee is placed in a leave without pay status during the required 1-year period of continuous service, the 1-year period of continuous service must be extended by the amount of time in a leave without pay status unless –

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

Failure to Complete 1 Full Year of Continuous Service with Appointing Agency

If an employee separates from Federal service or transfers to another Federal agency prior to completing 1 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;
- any annual leave accrued or accumulated by the employee remains to the employee's credit; and
- 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.

References

- 5 U.S.C. 6303(e)
- 5 CFR 630.205

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

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 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 1 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 1 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 1 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 1 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 1 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 1 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 1 full year of continuous service?

A. Once an employee completes 1 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 1 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 1 full year of continuous service with this agency.

B75 - Changes SCD-Leave from (date) because employee failed to complete 1 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 1 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.