

DOE/ORO CONTROL FORM - ORO FINAL DIRECTIVE

PART A (To be completed by the Division of Primary Interest (DPI))

1. NUMBER AND TITLE OF DIRECTIVE: **ORO O 320, Chapter XI, PAY AND LEAVE ADMINISTRATION AND HOURS OF DUTY**

2. PURPOSE OF TRANSMITTAL: New Directive Revised Directive

3. THIS DOCUMENT MAY AFFECT THE WORK PERFORMED BY THE FOLLOWING CONTRACTORS: (Check appropriate boxes)

No (all contractors)

Yes If yes, whom? Bechtel Jacobs Co. ORAU UT-Battelle

Other contractors (list by type)

Many ORO contractors have approved S/RIDs or WSS sets that may affect applicability of contractor requirements from this directive. Applicability of contractor requirements must take into account the approved standards set for each particular contract.

4. SIGNIFICANT PROVISIONS: Are there any significant changes or impact? No Yes
If yes, describe: This is a new chapter in the 320 series. It cancels and replaces ORO O 320, Chapter IV, Change 1, PAY ADMINISTRATION AND HOURS OF DUTY, dated 09/10/1999 and ORO O 320, Chapter V, Change 2, LEAVE ADMINISTRATION, dated 05/18/1999.

5. CONTACT POINT: Carol Aytes Personnel & Management Analysis Branch, AD-442 576-9586
Name Organization Telephone

PART B (To be completed by the Directives Management Group (DMG)):

6. FILING INSTRUCTIONS:

<u>Remove</u>	<u>Dated</u>	<u>Insert</u>	<u>Dated</u>
ORO Control Form	09/10/1999	ORO Control Form	06/12/2003
ORO O 320, Chapter IV, Chg. 1, Pages IV-1 thru IV-9	09/10/1999	ORO O 320, Chapter XI, Pages XI-1 thru XI-17	06/12/2003
ORO Control Form	05/18/1999		
ORO O 320, Chapter V Chg. 2, Pages V-1 thru V-11	05/18/1999		

ORO Directives are available on the ORO Directives Management Home Page at http://www.ornl.gov/doe_oro_dmg/oro_dir.htm. The ORO Directives will no longer be mailed in printed copy unless you do not have Internet capabilities.

7. APPROVED FOR DISTRIBUTION IN ACCORDANCE WITH THE OFFICIAL DIRECTIVES DISTRIBUTION LIST:

Original Signed By
Wayne H. Albaugh 06/12/2003
Signature: DMG Team Leader, AD-440 Date

INSTRUCTIONS TO ADDRESSEES: THIS FORM IS TO BE FILED WITH THE DIRECTIVE AND RETAINED

Rev. 01/10/2003

NNSA/YSO DIRECTIVES CONTROL FORM – FINAL DIRECTIVE

PART A (To be completed by the ORO DIRECTIVES MANAGEMENT GROUP, AD-440):

DIRECTIVE NUMBER, TITLE, AND DATE:

ORO O 320, CHAPTER XI, PAY AND LEAVE ADMINISTRATION AND HOURS OF DUTY, dated 06/12/2003

PURPOSE OF TRANSMITTAL: New Directive Revised Directive

DOES THIS DIRECTIVE **CANCEL/REPLACE OR EXTEND** ANY OTHER DIRECTIVES? Yes No
If "Yes," list what action (cancel/replace or extend) and list the directive(s), including the number(s), title(s), and date(s):

This chapter cancels and replaces the following chapters in the 320 series:
ORO O 320, Chapter IV, Change 1, PAY ADMINISTRATION AND HOURS OF DUTY, dated 09/10/1999 and
ORO O 320, Chapter V, Change 2, LEAVE ADMINISTRATION, dated 05/18/1999.

The attached directive is forwarded for review and action. Complete Part B and forward this form to ORO DMG, AD-440, by **07/09/2003**.

PART B (To be completed by the NNSA Y-12 SITE OFFICE, Y12-01):

CONTRACTOR APPLICABILITY:

Does this directive affect the work performed by BWXT Y-12, L.L.C.? Yes No

Does this directive affect the work performed by BWXT Y-12, L.L.C., subcontractors? Yes No

If "Yes," list the subcontractors:

Many contractors have approved S/RIDs or WSS sets that may affect applicability of contractor requirements from this directive. Applicability of contractor requirements must take into account the approved standards set for each particular contract.

SIGNIFICANT PROVISIONS: Are there any significant changes or impact? Yes No

List summary of directive changes and, if "Yes" above, describe the significant changes or impact:

IMPLEMENTATION: Does the directive contain special implementation requirements and/or dates? Yes No

If "Yes," describe:

FOR DOE DIRECTIVE – SUPPLEMENTAL DIRECTIVE REQUIRED?

Is a new or revised supplemental directive required? Yes No

If "Yes," target date for submission of draft supplemental directive is _____.

IDENTIFY CONTACT POINT: James R. Martin 576-0868
Name Telephone

APPROVED BY COR FOR DIRECTIVES: Diane McCarten, COR for Dir. 07/03/2003 576-9330
Signature Date Telephone

PART C (To be completed by the ORO DIRECTIVES MANAGEMENT GROUP, AD-440):

*DOE Directives are available on the DOE Directives, Regulations, Policies, and Standards Portal at <http://www.directives.doe.gov/>.
ORO Directives are available on the ORO Directives Management Group Home Page at http://www.ornl.gov/doe_oro_dmg/oro_dir.htm.
Directives will no longer be mailed in printed copy unless you do not have Internet capabilities.*

APPROVED FOR DISTRIBUTION IN ACCORDANCE WITH OFFICIAL DIRECTIVE DISTRIBUTION LIST:

Original Signed By
Jennifer G. Hamilton, AD-440 07/08/2003
Name Date

INSTRUCTIONS TO ADDRESSEES: THIS FORM IS TO BE FILED WITH THE DIRECTIVE AND RETAINED.

(Revised 01/10/2003)

U.S. Department of Energy

Oak Ridge Operations

ORO O 320 Chapter XI

DATE: 06/12/2003

SUBJECT: PAY AND LEAVE ADMINISTRATION AND HOURS OF DUTY

1. PURPOSE. This chapter correlates to DOE O 322.1A, PAY AND LEAVE ADMINISTRATION AND HOURS OF DUTY, dated May 8, 1998, by assigning responsibility and accountability and providing administrative guidance to Oak Ridge Operations (ORO) and Office of Scientific and Technical Information (OSTI). Nothing in this issuance changes any requirements contained in any Department of Energy (DOE) directive.
2. CANCELLATION. This chapter cancels and replaces the following chapters in the 320 Series:
 - (1) ORO O 320, Chapter IV, Change 1, PAY ADMINISTRATION AND HOURS OF DUTY, dated September 10, 1999.
 - (2) ORO O 320, Chapter V, Change 2, LEAVE ADMINISTRATION, dated May 18, 1999.
3. APPLICABILITY. The provisions of this chapter apply to all ORO and OSTI employees, except where terms of the Negotiated Bargaining Unit Agreement provide for different requirements or where the Code of Federal Regulations (CFR) prohibits inclusion of employees (e.g., Senior Executive Service.)
4. RESPONSIBILITIES.
 - a. Manager, ORO, and Director, OSTI.
 - (1) Perform those tasks identified in DOE O 322.1A, subparagraph 5e(2), (4), (5); and subparagraph 5f(1), (5), and (6).
 - (2) Determine administrative dismissals of all or part of the organization and relieving non-essential employees from duty in the Oak Ridge commuting area.
 - (3) Determines that an emergency situation exists permitting up to 2 hours of excused absence for tardiness and a liberal leave policy.
 - (4) Approve Leave Without Pay (LWOP), excused absences, and absences-in-duty status exceeding the delegated authority of subordinate managers and supervisors.
 - (5) Approve requests for recruitment, relocation, and retention bonuses.
 - (6) Approve requests for optional grade and pay retention.

- b. ORO Assistant Managers and OSTI Assistant Directors.
 - (1) Approve justifications for overtime pay, compensatory time, and premium pay.
 - (2) With the concurrence of the Human Resources Division (HRD), approve employee participation in the Flexiplace Program.
 - (3) With the concurrence of the HRD, render the final decision on employee requests for reconsideration of determinations to withhold within-grade increases.
 - (4) Approve Quality-Step Increases (QSI).

- c. Assistant Manager for Administration (AMA), ORO; and Assistant Director for Administration and Information Services, OSTI.
 - (1) Approve the restoration of annual leave:
 - (a) Canceled as the result of a previously declared exigency of the public business, or
 - (b) Lost as a result of illness or of administrative error.
 - (2) Coordinate administrative dismissals of employees in the Oak Ridge commuting area with local authorities and other nearby Federal offices, as appropriate.

- d. Manager, Thomas Jefferson National Accelerator Facility Site Office; Manager, Paducah Site Office; and Manager, Portsmouth Site Office.
 - (1) Determine administrative dismissals for their commuting areas.
 - (2) Advise the ORO AMA of the administrative dismissals.

- e. Principal Staff, ORO and OSTI.
 - (1) Approve deviations of more than 1 hour from the established hours of work for individual employees.
 - (2) Approve, after obtaining a regulatory review from the HRD, the following types of absences, without power of further re-delegation:
 - (a) The use of sick leave when an employee will engage in outside employment during the period of absence.
 - (b) Excused absences not exceeding 3 days to take a professional examination which is not required as a condition of continued employment.
 - (c) Excused absences to attend a professional meeting or conference which is not formal training or part of an employee's regular duties, provided that such attendance is primarily for DOE's benefit.

- (d) Court leave to the extent officially requested for the purpose of appearing as a witness in a nonofficial capacity, provided that a government entity is a party to the proceedings.
- (e) Funeral leave not exceeding 3 days and excused absences for military funerals not exceeding 4 hours, when funerals are for military members whose deaths are related to their military service.
- (f) Excused absences up to 3 days for emergency rescue or protective work.
- (g) Excused absences up to 3 days for interviews or tests outside DOE, provided that the employee has been formally notified of a reduction in force or transfer of function affecting his/her position.
- (h) Excused absences not exceeding 1 full workday, when the office is open but a prohibition or restriction of traffic by public authority would result in one-way travel time of more than 4 hours.

f. Supervisors.

(1) Approve:

- (a) Annual leave, including what will accrue during the remainder of the current leave year.
- (b) Sick leave not exceeding the amount that the employee has already earned.
- (c) Advance sick leave not exceeding a balance of 30 days at any one time.
- (d) Sick leave in accordance with 5 CFR, Part 630, Subpart D to care for a family member.
- (e) Leave for religious observances.
- (f) Military leave not exceeding 30 accumulated days during each fiscal year.
- (g) Court leave to serve as a juror to the extent of the court summons.
- (h) LWOP not exceeding 30 days and including the following special situations:
 - 1 Employees who are awaiting approval of their disability retirement applications.
 - 2 Employees entitled to LWOP under the Federal Employees Compensation Act.
 - 3 Disabled veterans who are entitled to LWOP for medical treatment under Executive Order 5396.

- (i) LWOP for Cooperative Education students while they are attending school between periods of DOE employment.
- (j) Up to 12 weeks of unpaid leave during any twelve-month period under the Family and Medical Leave Act for certain family and medical needs.
- (k) Excused absences for the following purposes:
 - 1 Up to 3 hours for registration and voting.
 - 2 Up to 4 hours for blood donation.
 - 3 Up to 5 hours to allow for recuperation from overnight travel.
 - 4 Up to 2 hours for tardiness when an emergency situation has been declared (see subparagraph 4a(3) above of this chapter.)
 - 5 Less than 1 hour for tardiness or brief absences during the workday.
 - 6 Up to 8 hours for employer-sponsored medical examinations.
 - 7 Up to 3 days to await or arrange for the transportation of household goods and activities incident to a change in official duty station.
 - 8 Up to 7 workdays in a calendar year to serve as a bone marrow donor and 30 days for organ donation.
 - 9 Up to 4 hours in a leave year for preventive health screenings.
- (l) Absence-in-duty status for all absences which are part of an employee's official job performance, including:
 - 1 Interviews or tests for placement within DOE.
 - 2 Medical attention at an employee health station for up to 1 hour.
 - 3 House hunting trips authorized by change-of-station orders.
 - 4 Professional examinations required as a condition of continued employment.
 - 5 Attendance at meetings or conferences which are authorized as training.
 - 6 Appearance as a witness in an official capacity.
- (m) Work schedule variations for education purposes.
- (n) Withholding of regular within-grade increases, with the concurrence of the HRD.
- (o) Official time for an employee to develop a request for reconsideration when a within-grade increase is denied.

- (2) Certify Time and Attendance reports that overtime or compensatory time has been performed or that non-overtime premium pay (e.g., night pay) is appropriate.
 - (3) Propose QSIs for employees whose performance meets criteria in their established performance standards.
 - (4) Recommend approval/disapproval of an employee's request for participation in the Flexiplace Program.
 - (5) Delegate specific and limited responsibilities in the above areas to team leaders under their supervision, except for paragraphs 4f(1)(c), (j), (l), and (m) through (o); and 4f(4) of this chapter.
- g. Team Leaders perform a limited number of the responsibilities listed under subparagraph 4f of this chapter as specifically delegated to them by their supervisors.
- h. Director, Human Resources Division.
- (1) Reviews and concurs in proposals for:
 - (a) Requests for determination of exigency of the public business.
 - (b) Requests for restoration of forfeited annual leave.
 - (c) Withholding of regular within-grade increases.
 - (d) Denials of absences of religious observances.
 - (e) Quality Step Increases.
 - (f) Recruitment, relocation, and retention bonuses.
 - (g) Excused absences for community service activities of more than 1 hour.
 - (h) Flexiplace arrangements.
 - (2) Approves or coordinates Department of Labor approval of the disallowance of Continuation-of-Pay during an employee's temporary total disability.
 - (3) Determines rates of basic pay, including application of highest previous rate.
 - (4) Approves appointments at GS-11 and above at rates above the minimum because of a candidate's superior qualifications.
5. REQUIREMENTS AND PROCEDURES. See Attachment 1 of this chapter.
6. REFERENCES.
- a. FAIR LABOR STANDARDS ACT.

- b. FAMILY AND MEDICAL LEAVE ACT.
 - c. FEDERAL EMPLOYEES COMPENSATION ACT.
 - d. 5 CFR, Part 531, PAY UNDER THE GENERAL SCHEDULE.
 - e. 5 CFR, Part 550, PAY ADMINISTRATION.
 - f. 5 CFR, Part 610, HOURS OF DUTY.
 - g. 5 CFR, Part 630, ABSENCE AND LEAVE.
 - h. Executive Order 5396, dated July 17, 1930.
 - i. U.S. Officer of Personnel Management (OPM) Form, OPM-71, "*Request for leave or Approved Absence.*"
 - j. U.S. OPM, Standard Form (SF) 52, "Request for Personnel Action."
 - k. U.S. Department of Labor, Employment Standards Administration, Office of Worker's Compensation Program, Form CA-1, "*Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation.*"
 - l. Electronic Form, "*Overtime Request and Authorization for Payment.*"
 - m. Form, "*Request for Determination of Exigency of Public Business and Leave Restoration.*"
 - n. DOE O 331.1A, EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM, dated June 15, 1999.
 - o. DOE O 331.1B, Change 1, EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM, dated March 14, 2001.
 - p. *DOE Time and Attendance Manual.*
 - q. *ORO O 340, Chapter I, Change 3, ALTERNATIVE WORK SCHEDULE PROGRAM*, dated July 13, 2001.
 - r. ORO O 530, Chapter IV, Change 2, TIME AND ATTENDANCE REPORTING, dated September 11, 2001.
 - s. "*The negotiated agreement with Local No. 2001, Office of Professional Employees International Union,*" dated July 2002, which prescribes policies and procedures for approving official time and LWOP for union officials.
7. DEFINITIONS. None.
8. CONTRACTOR REQUIREMENTS DOCUMENT. None.

9. ATTACHMENT.

- a. Attachment 1 - Requirements and Procedures for Pay and Leave Administration and Hours of Duty.

**REQUIREMENTS AND PROCEDURES FOR PAY AND
LEAVE MINISTRATION AND HOURS OF DUTY**

1. Within-Grade Increases for GS Employees.

a. Acceptable Level of Competence.

- (1) The first-level supervisor will communicate a level of competence determination to each employee as soon as possible after completion of the prescribed waiting period or other period upon which it is based. The Human Resources Division (HRD) will verify data and refer the Within-Grade Notices to the appropriate certifying supervisor.
- (2) At least 60 days prior to the proposed effective date of a within-grade increase, if possible, the certifying supervisor will notify an employee in writing of any defect in the quantity and/or quality of his/her work which may result in a negative determination. If circumstances prevent a 60-day prior notice, and the increase is withheld, the certifying official will complete a supplementary determination 60 days after the date the within-grade increase was originally due.
- (3) Any negative determination must be concurred in by the HRD. In addition to the Within-Grade Notice, the official having authority to withhold a regular increase will notify the employee in writing of (see subparagraph 4b(3) of this chapter):
 - (a) The reasons for the negative determination and the areas in which the employee must improve his/her performance to receive an increase.
 - (b) The employee's right to secure reconsideration from the appropriate Assistant Manager.
 - (c) The need to request reconsideration in writing within 15 calendar days.

b. Reconsideration.

- (1) All requests for reconsideration must:
 - (a) Be in writing.
 - (b) Be submitted within 15 calendar days after the notice of negative determination is received.
 - (c) State the reasons why the negative determination should be overturned.

- (2) If in a duty status, an employee who intends to request a reconsideration is entitled to a reasonable amount of official time to review the material which supports the negative determination and to prepare his/her response. Whenever the total time off requested will exceed 8 hours, the request must:
 - (a) Be in writing.
 - (b) Explain why additional time is necessary.
 - (3) An employee has the right to have a representative of his/her own choosing in presenting a request for reconsideration.
 - (a) Any employee representative must be designated in writing.
 - (b) If a DOE employee is selected as a representative, the choice will be allowed unless the requestor's and/or the representative's supervisor determine that the choice:
 - 1 Conflicts with the priority needs of DOE.
 - 2 Would result in unreasonable costs.
 - 3 Represents a conflict of interest/position.
 - (4) The official responsible for making the final decision will determine whether an additional investigation is necessary. If the employee and/or the personnel representative make a presentation, a written summary or transcript will be prepared by the responsible official in addition to the written report of the overall investigation.
 - (5) The HRD will establish and maintain an employee reconsideration file as soon as a request is received.
 - (a) The file will include copies of the written negative determination; the employee's request for reconsideration; the report of any investigation; a summary or transcript of any personal presentation; and the final decision on the request.
 - (b) All documents in this file will be made available to the employee or his/her representative.
 - (c) If the employee makes a personal presentation, and a summary rather than a transcript is made, he or she will be given an opportunity to submit a written exception to the summary within 5 calendar days after it is provided to him/her.
- c. Quality Increases.
- (1) The immediate supervisor will prepare the required nomination form for a Quality Step Increase (QSI), and a Standard Form 52, "Request for Personnel Action," through the

DOE Corporate Human Resources Information System (CHRIS) Workflow process and submit to the HRD for concurrence. The HRD will coordinate the signature of the approving official.

- (2) Following approval, the HRD will complete the necessary documentation.
- (3) A QSI will be effective the first full pay period following the date of approval.

2. Premium Pay - General.

- a. Entitlements. Premium pay will be administered in accordance with 5 CFR, Part 550.
- b. Time Units. All forms of premium pay will be approved and compensated for in units of full hours and 6-minute intervals.

3. Overtime Pay.

- a. Definitions.
 - (1) For employees subject to the Alternative Work Schedule Program, "overtime hours" are all hours worked in excess of 8 hours in a day (9 hours for employees who have selected a Variable Week Schedule [VWS]) or 40 hours in a week (80 hours in a pay period for employees who have selected a VWS), which are officially ordered in advance, but not including credit hours.
 - (2) Other employees are subject the provisions of 5 CFR, Part 550, and if nonexempt, to the provisions of the Fair Labor Standards Act (FLSA) as well. At a minimum, supervisors must be thoroughly familiar with the fact that overtime which is only "suffered or permitted" is nevertheless a basis for premium pay under FLSA.
- b. Approval. Adequate written justification is required to demonstrate that overtime is actually needed and is cost-effective. The explanation must be recorded on the electronic form "Overtime Request and Authorization for Payment" and must be specific as to the tasks to be performed and the reason(s) why the work could not be accomplished during the regular workday. The explanation must be detailed and vague phrases avoided.
- c. Compensatory Time.
 - (1) Premium pay provisions under Title 5, U.S. Code, and under the FLSA do not apply to compensatory overtime work performed to make up for absences for religious observances.
 - (2) Provisions for the payment, scheduling, and requesting use of compensatory time, and the statutory limit on overtime earnings, are described in DOE O 322.1A. These provide that, with certain exceptions, employees are required to use compensatory time to their credit by no later than the 26th pay period following the pay period in which it was earned, or they will be paid for it at the end of that period, or it will be forfeited (depending on their exempt/non-exempt status).

(3) Information pertaining to compensatory time balances and expiration dates will continue to appear on the DOE Year-to-Date Report furnished to supervisors and team leaders.

- d. Reporting. A copy of the electronic form, "Overtime Request and Authorization for Payment," will be prepared by the immediate supervisor prior to the actual overtime/compensatory time to be worked. The form will show the amount of overtime/compensatory time that is approved and the explanation/justification for it. Once overtime/compensatory time has been authorized, the certifying official may approve its use merely by signing the appropriate Time and Attendance (T&A) Report.
- e. Scheduling of Travel. Earning of overtime pay/compensatory time while on travel will be administered in accordance with 5 CFR, Part 550, and, where applicable, the Negotiated Bargaining Unit Agreement. Office of Personnel Management (OPM) regulations provide that time in travel status away from the official duty station is deemed hours of employment for overtime pay purposes only under limited circumstances. Operating officials will consult with their Human Resources Specialists (HRS) before authorizing overtime pay/compensatory time for travel purposes.

Time in travel status which is (a) outside of normal working hours and (b) entitles an employee to overtime pay/compensatory time must be approved in accordance with subparagraph 4b(1) of this chapter.

4. Continuation of Pay (COP). The Federal Employees Compensation Act (FECA) provides that an employee who sustains a temporary total disability from a job-related traumatic injury is entitled to continuation of regular pay for a period not to exceed 45 calendar days from date of injury without charge to annual or sick leave. An employee who has suffered such an injury will complete a Form CA-1, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation." The Form CA-1 may be completed by another person, including (but not limited to) the supervisor, acting on behalf of an injured employee who is incapacitated. This form must be completed within 30 days of the injury regardless of whether the disability is expected to continue more than 45 days. The HRD Workers Compensation Program Coordinator serves as the central point of contact for all FECA claim matters and assists employees and supervisors in discharging their responsibilities under all aspects of the FECA.

5. Leave.

- a. Minimum Leave Charge. All authorized leave, including Leave Without Pay (LWOP), will be taken and charged in multiples of 15 minute increments. Absence-Without-Live (AWOL) will only be charged for the actual period of unauthorized absence.
- b. Scheduling of Annual Leave. Supervisors will prepare a tentative leave schedule for their organizations no later than May 1 of each year, and employees assigned after that date will be integrated into this schedule within one full pay period after their assignment. Subsequent adjustments may be made based on mission requirements and employee requests. Priority will be given to the scheduling of annual leave which will be forfeited if not used within the current leave year ("use or lose" leave).

- c. Restoration of Forfeited Annual Leave - Exigency of the Public Business.
- (1) The employee will properly schedule all annual leave in excess of the 240 hour maximum carry over at least 3 pay periods prior to the end of the leave year. His/her supervisor will tentatively approve annual leave subject to the work requirements of the organization.
 - (2) If unforeseen work requirements dictate that properly scheduled annual leave will have to be canceled, the supervisor will recommend that a determination be made that an exigency of the public business exists and document the nature of the work requirements and the specific dates and times that cancellation was necessitated by circumstances. The form "Request for Determination of Exigency of Public Business and Leave Restoration" will be used for this purpose. An approved and dated leave request OPM-71, "Request for Leave or Approved Absence," signed by both the employee and his/her supervisor, will be attached.
 - (3) The exigency request (Part 1 of the form) will be submitted to the HRD for concurrence not later than the ending date of the first pay period following the end of the previous leave year. The HRD will review the request for regulatory requirements and forward the request to the Manager, ORO, or Director, OSTI, for approval.
 - (4) After the beginning of the new leave year, Part 2 of the form entitled "Restoration of Leave," will be submitted to the employee's HRS in the HRD. The HRS will ensure that all applicable regulatory requirements are met and will forward the request to the Director, HRD, for concurrence and to the Assistant Manager for Administration, ORO, or to the Assistant Director, Administration and Information Services, OSTI, for approval.
- d. Granting Sick Leave. A medical certificate is always required for sick leave in excess of 3 consecutive workdays, and supervisors may require such a certificate for shorter periods if prior notice is given. Where the Negotiated Agreement for employees represented by the Bargain Unit provides for alternate provisions, the Agreement will prevail. If the evidence of illness is judged to be partially or wholly inadequate, the undocumented absence may be charged as AWOL. Medical certificates may be completed on OPM-71 and/or on a separate document signed by the person providing the required examination or treatment. When an employee has insufficient sick leave credit to cover an entire period of absence, the uncovered absence will be charged to earned leave and/or LWOP.
- e. Sick Leave to Care for a Family Member.
- (1) The guidelines of 5 CFR, Part 630, Subpart D, will be followed for sick leave requested to care for a family member.
 - (2) To apply for sick leave to care for a family member, an employee will submit form OPM-71 which includes and/or transmits the identity of the person under care; his/her age if a child; and the nature of the relationship as described in the CFR.

- (3) If the conditions of 5 CFR, Part 630, Subpart D, are met, sick leave may be approved for the lesser of:
 - (a) The time requested by the employee.
 - (b) The period of care recommended by the attending physician.
 - f. Outside Employment During Sick Leave. Employees will obtain prior approval from the responsible member of the Principal Staff before engaging in any outside employment during a period of sick leave. Requests must be in writing, and they must clearly identify the nature of the duties involved in the prospective outside employment. Approval must be based on specific health-related reasons why the employee cannot perform his/her regular duties despite the ability to perform outside work.
 - g. Leave under the Family and Medical Leave Act (FMLA). The FMLA will be administered in accordance with 5 CFR, Part 630, Subpart L. The 12 weeks may be taken on an intermittent basis or on a reduced leave schedule with supervisory approval.
 - h. Application for Leave. Form OPM-71 is always required to request annual or sick leave, LWOP, compensatory time usage, or excused absence in excess of the number of hours in the employee's tour of duty for 1 day. In addition, OPM-71 is required for briefer periods of absence as follows:
 - (1) When a supervisor requires a medical certificate.
 - (2) When an employee requests sick leave to care for a relative.
 - (3) When an employee requests leave or excused absence which exceeds the delegated authority of T&A Certifying Officials.
 - (4) When a supervisor otherwise determines that a period of excused absence should be documented on OPM-71 for T&A reporting purposes.
6. Administrative Dismissals During Emergency Situations.
- a. In those relatively rare situations in which an emergency situation (e.g., hazardous weather) results in the official dismissal of all nonessential ORO and/or OSTI employees within a commuting area for an entire workday or the closing of offices in an area and dismissal of nonessential DOE personnel prior to the end of normal office hours, essential personnel who provide critical services will adhere to their established work schedules during administrative dismissals unless expressly excused.
 - b. When the ORO and OSTI official facilities are closed for an entire workday, it becomes a nonworkday for leave purposes and nonessential employees at the official facilities will be excused without charge to leave or loss of pay. Absences may not be excused for employees who are on a nonpay status immediately before and after the day on which the offices are closed. On the closed workday, employees who are scheduled to work at a flexiplace alternate

site (e.g., home) will not be excused unless the appropriate Manager/Director has the authority to close the alternate site and chooses to do so.

- c. When the ORO and OSTI official facilities are closed during a normal workday and nonessential employees are dismissed from the official facilities, the charging of leave and/or the approval of excused absences will be charged as indicated below. If the employee:
 - (1) Is on active duty at the time of dismissal, excused absence should be granted for the remainder of the work shift following departure.
 - (2) Departs prior to the established dismissal time he/she should be charged with an appropriate leave category from the time they departed the workplace to the end of their work schedule. However, if the dismissal is approved within an hour of the employee's departure, the paid leave/LWOP may be changed to excused leave.
 - (3) Is scheduled to report for duty on that workday following a period of leave, but dismissal occurs prior to the scheduled reporting time, excused absence should be granted.
 - (4) Is absent on approved leave prior to the time dismissal is ordered, the appropriate leave category should be charged for the entire shift (i.e., no period of excused absence).

7. Administrative Leave.

- a. General. In exercising their delegated authorities to approve excused absences and absence-in-duty status, members of the Principal Staff and other T&A Certifying Officials shall ensure that all conditions specified in DOE O 322.1A and this chapter have been met. Individual absences should never exceed the lesser of:
 - (1) The time actually required to perform the activity for which an excused absence or absence-in-duty status is authorized, or
 - (2) The maximum time specified in the approving official's delegation of authority, unless an extension is approved by higher management.
- b. Professional Examinations. Absences-in-duty status are authorized for professional examinations which are a condition of continued employment (e.g., a bar examination for a Law Clerk). With the concurrence of the HRD, members of the Principal Staff may also approve an excused absence not exceeding three workdays, including travel time, for the purpose of taking an examination which, although it is not required as a condition of continued employment:
 - (1) Is directly related to the employee's current position and
 - (2) Will result in official certification within a profession by recognized professional association.

NOTE: For purposes of this chapter, the term "profession" refers to work which (a) requires specialized knowledge and skills, and (b) is associated with a specific occupational series under OPM qualification standards.

- c. Recuperation Following Travel. Employees may be permitted to delay their arrival at work if the time between their arrival at home and their normal reporting time for duty is less than 8 hours. When this occurs, an employee will be permitted excused absence for that amount of tardiness which will provide the opportunity for a total of 8 hours of rest prior to reporting for work.
- d. Emergency Situations. When the offices in a commuting area are open but an emergency situation is officially declared, tardiness which is caused by that situation (e.g., adverse road conditions) need not be approved in advance, and it will be accounted for as follows:
- (1) Up to 2 hours may be excused, such as when a hazardous weather situation is official declared.
 - (2) Tardiness in excess of 2 hours must be charged to annual leave, LWOP, credit hours, or accrued compensatory leave. Supervisors will ensure that this special tardiness provision is applied only when the emergency situation is the cause of an employee's late arrival. Tardiness for any other good reason may only be excused to a maximum of less than 1 hour, and tardiness which is unjustified should be charged as AWOL.
- e. House Hunting Trips. The Federal Travel Regulations require that an employee be granted absence-in-duty status during a "house hunting trip" prior to a change of official station. Such absences may be granted only if the following conditions are met:
- (1) The trip was authorized in advance on official change-of-station orders. The employee must submit a copy of such orders no later than the first workday following his/her return.
 - (2) The period of absence-in-duty status does not exceed the lesser of:
 - (a) The time authorized in the orders, or
 - (b) Ten consecutive calendar days.
- f. Preventive Health Screenings. Employees may be granted up to 4 hours of excused absence each leave year in order to participate in preventive health screenings. Employees should use the Remarks section of OPM-71 to document such requests.
- Examples of preventive health screenings include, but are not limited to: screening for breast, cervical, colorectal, and prostate cancer; sickle cell anemia; blood lead level; blood cholesterol level; immune system disorders (such as HIV); and blood sugar level testing for diabetes.
- g. Community Service Activities.
- (1) Excused absence for a community service activity may be authorized when the activity is directly related to DOE's mission, is officially sponsored or sanctioned by the Secretary or Head of the Departmental Element, or will clearly enhance an employee's professional development or skills in his/her current position. Reasonable limits are to be established based on the activity.

- (2) Requests of more than 1 hour are to be approved by the Manager, ORO, or Director, OSTI, after concurrence of the HRD.

8. Hours of Duty.

- a. Normal Basic Workweek. Monday through Friday, 8:15 a.m. to 5:00 p.m., with a 45-minute lunch break to be taken between 11:00 a.m. and 2:00 p.m. This schedule does not allow for the earning and using of credit hours.
- b. Alternative Work Schedules. For employees eligible to select an Alternative Work Schedule, should refer to ORO O 340, Chapter I, Change 3, ALTERNATIVE WORK SCHEDULE PROGRAM, dated July 13, 2001.
 - (1) Flextour: Eight hours a day, 40 hours a week, and 80 hours a pay period. Credit hours may be earned and used under this schedule.
 - (2) Variable Week: Eighty hours biweekly work requirement which consist of eight, 9-hour days, one, 8-hour day, and one scheduled day off in the pay period. Credit hours may be earned and used under this schedule.
- c. Educational Variations. If a course will equip an employee for more effective work within DOE, he or she may request an exception to the normal basic workweek. No deviation will be approved if it would result in overtime pay to either the employee or his/her supervisor. Other forms of premium pay (e.g., night pay) will not be paid if the deviation is authorized solely to enable the employee to attend school.
- d. Absences for Religious Observances.
 - (1) The adjustment of work schedules for religious observances will follow the guidelines of 5 CFR, Part 550, Subpart J.
 - (2) To the extent that modifications in work schedules do not interfere with the efficient accomplishment of the Agency's mission, an employee whose personal religious beliefs require that he or she abstain from work at certain times of the workday or workweek must be permitted to work alternative work hours so that the employee can meet the religious obligation. The hours worked in lieu of the normal work schedule do not create any entitlement to premium pay (including overtime pay and compensatory pay).
 - (3) Employees may work compensatory overtime either before or after the absence being made up. However, when the absence is granted in advance, it will normally be made up by a corresponding amount of compensatory overtime by the end of the second full pay period following that in which the absence occurred. If a longer repayment period is permitted, the reasons will be documented on the T&A report for the pay period during which such a "late" repayment is made.
 - (4) The concurrence of the HRD is required when any request is denied.

- e. Flexiplace Program. Flexiplace is a program that covers employees who work at sites other than their official workplace for a specified period of time or on an established basis. ORO and OSTI employees interested in participating in the Flexiplace Program should contact the HRD to obtain the appropriate information. Flexiplace is a management option rather than an employee benefit or entitlement.