

U.S. Department of Energy

Oak Ridge Operations

ORO O 320 Chapter IV

DATE: 09-30-96

SUBJECT: PAY ADMINISTRATION AND HOURS OF DUTY

1. PURPOSE. This Chapter correlates to DOE 3550.1A, PAY ADMINISTRATION AND HOURS OF DUTY, dated December 22, 1987, 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 DOE Order.
2. CANCELLATION. This Chapter cancels and replaces OR 3550.1B, PAY ADMINISTRATION AND HOURS OF DUTY, dated June 3, 1988.
3. APPLICABILITY. The provisions of this Chapter apply to all ORO and OSTI employees in grades 1 through 15 of the General Schedule, including excepted service employees in equivalent grades (e.g., GW), and all employees in the Federal Wage System (FWS).
4. RESPONSIBILITIES.
 - a. Manager, ORO, and Manager, OSTI.
 - (1) Perform those tasks identified in DOE 3550.1A, subparagraph 6d(8).
 - (2) Determine administrative dismissals for employees in the Oak Ridge commuting area.
 - (3) Approve all deviations from established hours of work for the basic work week for entire organizations.
 - b. ORO and OSTI Assistant Managers, with the concurrence of the Personnel Division, approve the final decision on employee requests for review of determinations to withhold within-grade increases and approve quality step increases (QSI).
 - c. Manager, Thomas Jefferson National Accelerator Facility Site Office; Managers, Paducah Site Office, Portsmouth Site Office, and Weldon Spring Site Office.
 - (1) Determine administrative dismissals for their commuting areas.
 - (2) Advise the AMA of administrative dismissals.
 - d. Principal Staff, ORO and OSTI, approve deviations of more than one hour from the established hours of work for individual employees.
 - e. Supervisors.
 - (1) Approve work schedule variations for educational purposes.

- (2) Approve withholding of regular within-grade increases, with the concurrence of the Personnel Division.
 - (3) Approve or deny absences for religious observances.
 - (4) Approve educational variations.
 - (5) Approve other deviations, for other than educational variations and religious observances, of not more than one hour from the established hours of work for individual employees.
 - (6) Authorize overtime and standby work weeks and authorize compensatory time in lieu of overtime pay.
 - (7) Certify Time and Attendance reports that overtime or compensatory time has been performed or that nonovertime premium pay (e.g., night pay) is appropriate.
 - (8) Approve official time for an employee in a duty status to develop a request for reconsideration when a within-grade increase is denied.
 - (9) Establish the basic work week for shift workers and approve their scheduling periods.
 - (10) Approve establishment of rest periods for situations in which the flow of work cannot be interrupted at the discretion of the employee.
 - (11) Recommend a convalescing employee's home as an official duty station.
 - (12) Propose QSI for employees whose performance meets criteria in their established performance standards.
 - (13) Delegate specific and limited responsibilities in the above areas to team leaders under their supervision.
- f. Team Leaders perform a limited number of the responsibilities listed under subparagraph 4f of this Chapter as specifically delegated to them by their supervisors.
- g. Director, Personnel Division.
- (1) Reviews and concurs in proposals for:
 - (a) Withholding of regular within-grade increases.
 - (b) Absences of more than one full workday for religious observances.
 - (c) All denials of absences for religious observances.

- (d) Official time exceeding a total of 8 hours to develop a request for reconsideration when a within-grade increase is denied.
 - (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:
 - (a) Application of the highest previous rate rule.
 - (b) Rate adjustments for General Schedule supervisors of Federal Wage System employees.
 - (4) Approves appointments at GS-11 and above at rates above the minimum because of a candidate's superior qualifications.
 - (5) Reviews and concurs in proposals for QSI.
5. REQUIREMENTS AND PROCEDURES. See Attachment 1 of this Chapter.
6. REFERENCES.
- a. 5 CFR Part 550, which provides regulations governing pay administration.
 - b. DOE O 324.1 (formerly DOE 3330.2), PRIORITY PLACEMENT AND CONSIDERATION, dated October 8, 1986.
 - c. DOE O 331.1 (formerly DOE 3430.3A), DEPARTMENTAL PERFORMANCE APPRAISAL SYSTEM, dated August 14, 1986.
 - d. DOE 3630.1B, LEAVE ADMINISTRATION, dated December 31, 1986.
 - e. ORO O 530, Rev. 1, Chapter IV, TIME AND ATTENDANCE REPORTING, dated July 15, 1996.
7. DEFINITIONS. None.
8. CONTRACTOR REQUIREMENTS DOCUMENT. None.
9. ATTACHMENTS.

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

**REQUIREMENTS AND PROCEDURES FOR
PAY ADMINISTRATION AND HOURS OF DUTY**

1. Within-Grade Increases for GS Employees.

a. Acceptable Level of Competence.

- (1) The first level supervisor shall 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. Certifications will be completed on a Within-Grade Notice. The determination shall be done in accordance with ORO O 330, Rev. 1, Chapter I, DEPARTMENTAL PERFORMANCE APPRAISAL SYSTEM, to be published.

Upon receiving each level of competence determination form from Headquarters, the Personnel Division shall verify all preprinted data and refer the Within-Grade Notice 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 shall 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 shall 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 Personnel Division. In addition to the Within-Grade Notice, the official having authority to withhold a regular increase shall notify the employee in writing of (see subparagraph 4f(2) 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.
 - (c) Be concurred in by the Personnel Division.
- (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 personal presentation, a written summary or transcript will be prepared in addition to the written report of the overall investigation.
- (5) The Personnel Division shall establish and maintain an employee reconsideration file as soon as a request is received.
- (a) The file shall 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 shall 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/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 shall prepare the DOE F 3550.2, "Nomination for Quality Increase," and a Standard Form 52, "Request for Personnel Action," and submit to the Assistant Manager for approval. The nomination will be coordinated through the appropriate members of the Principal Staff.
- (2) Following approval, the Personnel and Management Analysis Branch will complete the necessary documentation, including a DOE F 3550.1, "Quality Step Increase Certificate," for presentation to the employee.
- (3) A QSI will be effective the first full pay period following the date of approval.

2. Hours of Duty.

a. Normal Basic Work Week.

- (1) Workdays: Monday through Friday, 8:15 a.m. to 5 p.m., with a 45-minute lunch break to be taken between 11 a.m. and 2 p.m.
- (2) Nonworkdays: Saturday and Sunday.

b. Alternative Work Schedules. For employees eligible to select an Alternative Work Schedule, see ORO O 340, Chapter I, ALTERNATIVE WORK SCHEDULE PROGRAM, dated September 7, 1996.

c. Continuous Shift Operations. Work schedules will conform to the requirements of DOE 3550.1A, subparagraph 12c, to the maximum extent consistent with operational necessities. Whenever possible, shifts will be overlapped to permit a minimum, uncompensated lunch break of 30 minutes. When the work responsibility is such that an employee must spend his/her time in close proximity to the work station, a lunch period not to exceed 20 minutes may be counted as part of the time worked, for which compensation is allowed.

d. Educational Variations. If a course will equip an employee for more effective work within DOE, he/she may request an exception to the normal basic work week. 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.

- e. Absences for Religious Observances.
 - (1) If the requested absence exceeds 1 full workday, it must be submitted through the Personnel Division, for approval.
 - (2) The concurrence of the Personnel Division, is required when any request is denied.
- 3. Premium Pay - General.
 - a. Entitlements. Premium pay shall be administered in accordance with 5 CFR 550.
 - b. Time Units. All forms of premium pay shall be approved and compensated for in units of full hours and 6-minute intervals.
- 4. 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 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 to the provisions of 5 CFR 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 DOE 3550.1A, paragraph 10, with emphasis on 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 overtime authorization form 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. Employees may work such 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 Time and Attendance (T&A) report for the pay period during which such a “late” repayment is made.

- (2) Provisions for the payment, scheduling, and requesting use of compensatory time, and the statutory limit on overtime earnings, are described in DOE 3550.1A. These provide that 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.
 - (3) Information pertaining to compensatory time balances and expiration dates shall 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,” shall be prepared at least one week prior to the actual overtime/compensatory time to be worked. The form shall show the amount of overtime/compensatory time that is approved and the explanation/justification for it. Once regularly scheduled overtime/compensatory time has been authorized, the certifying official may approve its use merely by signing the appropriate T&A Report.
 - e. Scheduling of Travel. Even when the employee’s work schedule, the length of the trip, and/or the availability of commercial transportation make it impossible to travel entirely during regular working hours, premium pay for overtime/compensatory time is usually not payable. Travel should be scheduled during regular working hours insofar as it is practicable.

OPM regulations provide that time in travel status away from the official duty station is deemed hours of employment for overtime pay purposes only in a few specific circumstances. Operating officials shall consult with their Personnel Management Specialists before authorizing overtime/compensatory time for travel purposes.

Time in travel status which is (a) outside of normal working hours and (b) entitles an employee to overtime/compensatory time must be approved in accordance with subparagraph 5d(4) of this Chapter.

5. Continuation of Pay (COP).

- a. General. 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 without charge to annual or sick leave. An employee who has suffered such an injury shall 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 the supervisor, acting on behalf of an injured employee who is incapacitated. This form must be completed within 30 days of the injury and regardless of whether the disability is expected to continue more than 45 days.

The FECA is administered in accordance with Department of Labor regulations, and this section is restricted to procedures which implement the COP provisions of the FECA. The 45 days do not have to be continuous or consecutive. Any day or fraction of a day on which the employee is absent counts against the 45-day maximum. The 45 days will start on the first full day when disability begins. COP must be used within 90 days of the first return to work after an injury.

- b. Initiation. When an employee sustains a traumatic, disabling injury in the performance of duty, it is his/her responsibility to report that fact to the supervisor at the earliest opportunity. Failure to do so can result in a rejection of claims for FECA benefits, including COP. Once the report is made, the employee and the supervisor both have responsibilities under the FECA for preparing the appropriate claim forms. The ORO/OSTI Occupational Health Nurse 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.

If COP is allowed, and all requirements are clearly met (i.e., notification, traumatic injury, work-relatedness, etc.), the appropriate certifying official need only annotate the T&A report for that employee and attach a completed CA-1. No additional approvals for COP are required in these cases.

- c. Disallowance of Claim. Based on information submitted by the employee and/or obtained on investigation, the responsible member of the Principal Staff must recommend disallowance of COP when one of the conditions specified in Department of Labor criteria is believed to exist.

If the Personnel Division concurs that one or more of these conditions exists, he/she shall approve termination of pay, make the necessary notifications, and execute any required personnel actions. In all other cases, COP will not be denied without the prior concurrence of the Department of Labor.

- d. Computation of COP Payments. If the employee has stopped work due to the disabling effects of the injury, the period starts at the beginning of the first full day on which the disability begins. The day on which the injury occurs is counted as administrative leave.