

Interim Policy Statement 2-05

Compensatory Time Off for Travel

MS 625, Premium Pay

Effective Date: January 7, 2013

Responsible Office: M/HRM

Supersedes: 01/28/2005

Issuance Memo (01/07/2013)

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1.0 Authority

Federal Workforce Flexibility Act of 2004 (Pub. L. 108-411, October 30, 2004); 5 CFR Part 550.

2.0 Purpose

This Interim Policy Statement (IPS) is issued to set out the Agency's policy and procedures for use by eligible Peace Corps employees of the new compensatory Time Off for Travel (TOT) benefit authorized under the Federal Workforce Flexibility Act of 2004.

3.0 Background

Section 203 of the Federal Workforce Flexibility Act of 2004 authorizes compensatory time off for time spent by an employee in an official travel status away from the employee's official duty station when such time is not otherwise compensable for pay under another statute. It does not apply to any other travel, including leave-related travel, funeral leave, or medevac travel. The U.S. Office of Personnel Management (OPM) recently issued interim regulations in 5 CFR Part 550, subpart N, implementing this new form of compensatory time off effective on January 28, 2005. After a public comment period, OPM will issue final regulations which

may affect the administration of this new employee benefit. If any changes are made by OPM, this policy will be revised, as necessary. This is a separate category of compensatory time. It is reported, accrued, and used independently of "regular" comp time.

4.0 Applicability

This policy applies to Peace Corps U.S. Direct Hire employees and personal services contractors, without regard to provisions of the Fair Labor Standards Act of 1938, as amended.

This policy does not apply to Senior Executives, Senior Foreign Service Executives or Foreign Service National Direct Hire employees.

5.0 Policy

5.1 It is the policy of the Agency to encourage eligible employees to make use of the TOT benefit. However, employees do not have a right to use all accrued TOT time except to the extent such use is approved by their supervisors. Requests for TOT leave shall be approved or authorized only if such leave is necessary and does not interfere with the effectiveness of the Agency, and if the otherwise eligible travel will not incur additional costs for the Agency, such as per diem.

5.2 There is no limitation on the amount of compensatory time off for travel an employee may earn. However, use of earned compensatory time off in lieu of accrued annual leave in excess of the employee's annual leave ceiling does not constitute an exigency of the public business, and management may not approve restoration of excess annual leave forfeited at the end of the leave year.

5.3 Current laws prohibit payment for unused compensatory time off for travel under any circumstances.

6.0 Procedures

6.1 Compensatory time off for travel may be earned for time spent in an official travel status away from the employee's official duty station when such time is not otherwise compensable as hours of work and is not otherwise compensable for pay under another statute. "Otherwise compensable" periods of time mean periods of time that are creditable as hours of work for the purpose of determining a specific pay entitlement. For example, hours of travel are not creditable if the hours are

compensated by basic pay or under other premium pay provisions, even if there are compensation caps that limit the payment of premium pay for those hours.

6.2 Official travel should be scheduled, whenever possible, during the employee's regular duty hours. For most employees, regular duty hours are 8:30 AM to 5:00 PM Monday through Friday. If an employee's regularly scheduled workweek is different from this -- for example, Sunday through Thursday -- official travel should be scheduled during those days, whenever possible.

6.3 Supervisors are responsible for approving the travel itineraries of their employees, including ensuring that any itinerary that will result in the earning of comp time under this provision is necessary for business purposes. Supervisors are also responsible for approving the use of TOT leave.

6.4 Employees are responsible for scheduling and tracking their eligible travel time, as well as for requesting and using earned TOT compensatory time. Due to the complexity of the Federal regulations, employees performing travel need to track the following line items:

- (a) The drive time to the airport from home or worksite;
- (b) The wait time at the airport before departure (and/or layover);
- (c) The flight time from departure to disembarking;
- (d) The drive from the airport to the hotel;
- (e) The return drive from the hotel to the airport;
- (f) The wait time at airport before departure (and/or layover); and
- (g) The drive time home.

6.5 Travel Status

6.5.1 "Travel status" includes only official travel (not other forms of travel, including leave-related travel, funeral leave and medevac travel) and generally includes only the time actually spent traveling between the official duty station and a temporary duty station, or between two temporary duty stations, and the usual waiting time that precedes or interrupts such travel. "Temporary duty station" means any work site away from an employee's official duty station, including, e.g., Volunteer sites and recruitment events.

6.5.2 Generally passengers are required to arrive at the airport at a designated pre-departure time (e.g., one to two hours before the scheduled departure, depending on whether the flight is domestic or international). Such waiting time at the airport is considered usual waiting time and is creditable time in a travel status.

6.5.3 Time spent at an airport waiting for a connecting flight to continue traveling to a temporary duty station also is creditable time in a travel status, subject to exclusions for bona fide meal periods. For example, if an employee spends an uninterrupted hour eating a meal at an airport restaurant waiting for a connecting flight, that hour is not considered time in a travel status.

6.5.4 Once an employee arrives at the temporary duty station, the employee is no longer considered to be in a travel status. Any time spent at a temporary duty station between arrival and departure cannot be credited as time in a travel status for the purpose of earning compensatory time off. However, time spent traveling from a transportation terminal (e.g., airport or train station) to a hotel, office or work site is creditable time.

6.5.5 If an employee travels directly between his or her home and a temporary duty station outside of the limits of the employee's official duty station (e.g., driving to and from a three-day conference), the agency must deduct the employee's normal home-to-work/work-to-home commuting time from the creditable travel time. In addition, the commuting time deduction will apply if an employee is required to travel between home and a transportation terminal (e.g., airport or train station) outside the limits of the employee's official duty station.

6.5.6 An employee's time spent traveling outside of regular working hours to or from a transportation terminal within the limits of the employee's official duty station is considered equivalent to home commuting time and is not creditable time in travel status for the purpose of earning compensatory time off. If an employee travels between a worksite and a transportation terminal, the travel time outside regular duty hours is creditable as time in a travel status and no deduction for commuting time applies.

6.5.7 Paid holidays are considered "working hours" for purposes of computing comp time; thus, an employee who travels on a paid holiday during what would be their regular work hours (e.g., 8:30 AM to 5:00 PM) is not entitled to comp time for that travel time.

6.5.8 Compensatory time off for travel is earned and used in 15-minute increments.

6.6 Request, Authorization, Approval

6.6.1 Request for Credit

Employees must make a request for credit for compensatory time off in writing to their supervisor no later than 30 days after issuance of this IPS or upon completion of their qualifying official travel, whichever is later, attaching appropriate documentation to support their request. Employees are instructed to complete OPM Form SF 71, *Request for Leave or Approved Absence*, for their supervisor's approval or disapproval. Upon approval, the supervisor will forward the employee's written request to the responsible timekeeper for recording of the employee's compensatory time off for travel. The timekeeper will retain the request with the employee's other time and attendance documents.

6.6.2 Employees must request permission from their supervisor to schedule the use of their accrued compensatory time off for travel. In requesting to use compensatory time off, employees are instructed to follow the normal procedures that are used in requesting and scheduling leave. Completion of the OPM Form 71 is required to schedule their accrued compensatory time off.

6.6.3 Forfeiture of TOT

Compensatory time off for travel will be forfeited for the following reasons:

- (a) If not used within 26 pay periods after it is earned;
- (b) Upon voluntary transfer to another agency;
- (c) Upon movement to a position in the same or another agency that is not covered by the compensatory time off for travel provision (e.g., movement to an SFS/SES position, movement to a position in the U.S. Postal Service, etc.); and
- (d) Upon separation from the Federal Government.

7.0 Effective Date

This new benefit is effective for officially authorized travel on or after January 28, 2005. Only the qualifying travel hours occurring on or after January 28, 2005, are creditable for the purpose of earning the travel compensatory time off.