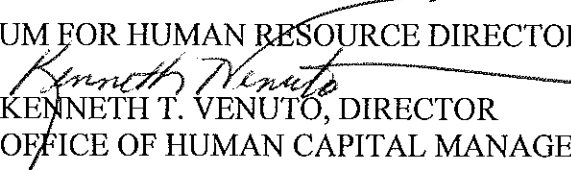




Department of Energy
Washington, DC 20585

FEB 10 2015

MEMORANDUM FOR HUMAN RESOURCE DIRECTORS

FROM: 
KENNETH T. VENUTO, DIRECTOR
OFFICE OF HUMAN CAPITAL MANAGEMENT

SUBJECT: POLICY GUIDANCE MEMORANDUM #20A
CREDITING DIRECTLY-RELATED EXPERIENCE FOR ANNUAL
LEAVE

This memorandum provides policy guidance on how to consistently credit military, previous Federal and non-Federal service for positions within the Department and supersedes Policy Guidance Memorandum 20 "Crediting Directly-Related Experience for Annual Leave" dated March 11, 2011.

Background: A provision of the Federal Workforce Flexibilities Act of 2004 (PL 108-411) provides agencies the authority to credit military, previous Federal, and non-Federal service for newly appointed or reappointed employees if the employee's experience is directly related to the position for which selected.

Authorities: Federal Workforce Flexibilities Act of 2004 (PL 108-411) The OPM supplemental information to the regulations in *Federal Register* Vol.71 No. 180 dated September 18, 2006 and 5 Code of Federal Regulations (CFR) 630.205, which are available at <http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi>, and guidance, which is available at http://www.opm.gov/oca/compmemo/2005/2005-07_QA.asp.

Requirements:

1. Credit must be approved prior to an employee's entrance on duty (EOD) date (there are no exceptions available);
2. Hiring officials should not use this benefit as a recruitment tool across the board for all new hires;
3. Credit is used as a discretionary benefit, not an employee entitlement. The use of this benefit should be examined carefully and should only be considered when absolutely necessary.

Responsibilities:

1. Servicing Human Resources Offices:

- (a) Ensure creditable service requests are promptly processed in accordance with the below guidance.

2. Office of the Chief Human Capital Office:

- (a) Conduct periodic audits of the administration of creditable service requests.

Guidance: The following is the Departmental guidance on the discretionary issues that are left up to agencies to determine as well as supplemental information that will assist with the preparation of a request for approval.

1. **Departmental element's determination.** The hiring official in conjunction with the servicing human resources staff should make the determination as to whether or not crediting the related experience is "necessary to achieve an important agency mission or performance goal." The following questions should be addressed in making this determination.

- (a) **Acceptance.** If the selectee is not offered this benefit, will the selectee accept the position anyway? If not, the candidate should indicate to the servicing human resources staff either verbally or in writing that s/he will not accept the position in the absence of such benefit.
- (b) **Impact on the organization.** If the selectee declines the position because s/he wasn't offered this benefit, what is the impact on the organization; i.e., would the organization, with reasonable time and effort, be able to find another well-qualified candidate? Provide the recruitment efforts and, if applicable, discuss why this position is critical to the organization.
- (c) **Consideration of other candidates.** Are there any other available well qualified candidates on the best qualified list or any other highly qualified candidates within reach for consideration by other recruitment efforts for this position?

If the answer to any one or all of these questions is "yes", then it would be inappropriate to offer the benefit. If the answer is "no" to the questions, then it would be appropriate to recommend approval or, if delegated the authority to approve these requests, approve it if all the documentation identified in this guidance is provided and supports the recommendation.

2. **Critical or difficult-to-fill positions.** Although this benefit should not be arbitrarily offered to all candidates as a recruitment tool, it is recognized that under very unique or uncommon circumstances there may be certain positions and vacancies that are critical to the agency's mission or are hard to fill. In such cases a tentative offer letter may include a statement such as "*credit may be given for directly-related experience*" or the vacancy announcement may include the following statement: "*The candidate selected for this position may be credited with directly-related experience for annual leave purposes if eligible and deemed appropriate*".
3. **Amount of service credit.** Candidates may receive credit for time that provided directly-related experience to the position being filled. Such time is to be credited using calendar days without any deduction for non-workdays consistent with the way credit is given for determining leave based on service computation dates (SCD). The following describes how to credit uniformed service time and previous federal and private sector experience:
 - (a) **Military service.** When military service is creditable fully towards an employee's SCD for leave purposes, it is not necessary to determine what portion is directly-related experience. However, for retired military, only applicable service for (1) certain campaigns or expeditions or (2) when retirement is based on a service-connected disability is creditable for determining an employee's SCD for leave purposes, so a separate determination must be made to determine the directly-related experience portion of service. In the latter cases, a DD-214 and other appropriate documentation should be provided from the candidate before re-computing their SCD accordingly.
 - (b) **Training for military non-retirees.** For non-retired members, full service credit for uniformed service (including active duty for training) performed under honorable conditions is given for annual leave accrual purposes.
 - (c) **Previous Federal and non-Federal service.** A separate determination must be made as to what time period(s) is creditable. This may result in crediting only a portion of the total time at a particular company or portion of a job described in a resume. If full credit is not warranted, an explanation should be provided in the justification. Examples of reasons for not providing full credit are (1) an organization is matching a selectee's existing leave/vacation benefit consistent with their current position, (2) the minimum that is acceptable to the selectee is less than full credit, (3) credit is consistent with other selectees' credits and benefits, or (4) only a portion of the time is directly-related to position being filled.
4. **Service agreement.** Since granting service credit is an employee benefit and for recordkeeping procedures sufficient to allow reconstruction of each action, the use of a service agreement is required to ensure adherence to the 1-year service requirement at 5 CFR 630.205(f) and adjustment in credit if the service is not fully satisfied in accordance with paragraph (g). A sample service agreement is attached.

5. **SF-50 remarks entry.** The following statement must be in the Remarks section of the SF-50: *The employee has a 1-year service requirement as a result of granting credit for service for annual leave.*

Any questions concerning this guidance may be directed to Jennifer Ackerman, Director, Human Capital Policy Division (HC-11) at Jennifer.Ackerman@hq.doe.gov or Ahtora Brooks, Human Resource Specialist (HC-11) at Ahtora.Brooks@hq.doe.gov.

Attachments:

Sample Service Agreement

SAMPLE
U.S. DEPARTMENT OF ENERGY
CREDITABLE SERVICE FOR ANNUAL LEAVE ACCRUAL
SERVICE AGREEMENT

Employee's Name: _____

Position Title, Series, Grade: _____

Organization: _____

As a result of the approved creditable service benefit, I understand and agree that:

1. In return for the credit of non-Federal and/or uniformed service, in the amount of *(insert time that has been granted toward annual leave service computation date in years, months, and days)*, I will have *(insert 4, 6, or 8)* hours of annual leave per pay period, and I will remain employed with the Department of Energy (DOE) for 1 consecutive year from the effective date of my appointment;
2. If I fail to fulfill the terms of this agreement (e.g., if I transfer to another agency or if I separate from DOE) before the end of the 1-year period, I will not retain service credit for prior non-Federal service and/or active duty uniformed service and the additional service credit will be subtracted from my total creditable service. If I transfer to another agency before the end of the 1-year period, a new service computation date for leave accrual will be calculated.
3. Any annual leave that I accrue or accumulate will remain to my credit, even if I fail to complete 1 full year of continuous service with DOE. DOE will transfer the annual leave balance to the new employing agency if I transfer to a position to which annual leave may be transferred, or DOE will provide a lump-sum payment for unused accrued annual leave if I separate from Federal service or move to a new position to which annual leave cannot be transferred.

Employee's Signature: _____ Date: _____

CERTIFICATION:

I certify that the employee reported for duty at _____ on _____

Human Resource Specialist's Signature: _____ Date: _____

File completed agreement in employee's eOPF on the left-hand side.