



**CIVILIAN PERSONNEL ADVISORY CENTER**  
**670 Lee Blvd**  
**Fort Eustis, Virginia 23604-5096**



**EMPLOYEE/SUPERVISOR INFORMATION BULLETIN**

**#10-05 NOVEMBER 2005**

*This bulletin is designed to inform employees and supervisors of new civilian Human Resource issues and refresh their knowledge of existing policies and procedures. If you have topics you would like us to address, please contact your Human Resource Specialist.*

**TOPICS:**

**The Hatch Act (Political Activity)**

**Excused Leave for Voting**

**Annual Leave – Use It – Don't Lose It**

**OPM Delays Rollout of Enhanced Dental and Vision Benefits**

**Army National Security Personnel System (NSPS)**

**Implementation**

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# Adjusted Work Schedules for Religious Observances

## Compensatory Time for Travel

### [The Hatch Act \(Political Activity\)](#)

It's election time again, and time to review the "MAYs and MAY NOTs" for federal employees who may engage in partisan political activity.

Under the 1939 Hatch Act, federal employees faced significant restrictions on their ability to participate in political activities. In 1993, Congress amended the Hatch act to permit more political activity by federal employees. The penalties for violating the Hatch Act are very severe, up to and including removal from government service. Therefore, it is very important that employees understand these restrictions. Below is a list of permitted/prohibited activities:

#### Federal Employees **May**:

- Be candidates for public offices in nonpartisan elections
- Register and vote as they choose
- Assist in voter registration drives
- Express opinions about candidates and issues
- Contribute money to political organizations
- Attend political fundraising functions
- Attend and be active at political rallies and meetings
- Join and be an active member of a political party or club
- Sign nominating petitions
- Campaign for or against referendum questions, constitutional amendments and municipal ordinances
- Campaign for or against candidates in partisan elections
- Make campaign speeches for candidates in partisan elections
- Distribute campaign literature in partisan elections
- Hold office in political clubs or parties

#### Federal Employees **May Not**:

- Use official authority or influence to interfere with an election
- Solicit or discourage political activity of anyone with business before their agency
- Solicit or receive political contributions (may be done in certain limited situations by Federal or other employee organizations)
- Be candidates for public office in partisan elections
- Engage in political activity while on duty, in a government office, wearing an official uniform, or using a government vehicle
- Wear partisan political buttons on duty

## Excused Leave for Voting

Employees who are scheduled to work on an election day may be granted limited excused absence to vote. The excused absence is subject to supervisory approval and employees must request excused absence before Election Day, 8 November 2005. The excused absence should permit the employee to report for work 3 hours **after the polls open** or leave work 3 hours **before the polls close, whichever requires the lesser amount of time off.** Supervisors should consult the appropriate union agreement before approving excused leave. The CPAC HR Specialist can assist with any questions.

**Examples:** Polls open at 0700 hours and close at 1900 hours in all of the following examples.

- 1) Employee reports to work at 0700 and leaves at 1600.  
The employee is not entitled to excused absence. The polls are open 3 hours after the end of the employee's tour.
- 2) Employee's tour of duty is 0730 to 1630.  
Employee granted 30 minutes of excused absence at the end of their tour.
- 3) Employee's tour is 0800 to 1700.  
Employee is granted excused absence for one hour at the end of their tour.
- 4) Tour begins at 0830 and ends 1700.  
Excused absence for one hour at the end of the tour would be granted.
- 5) Tour begins at 0900 and ends at 1730.  
Excused absence for 30 minutes at the end of the tour.
- 6) Tour begins at 0900 and ends at 1800.  
Excused absence for one hour at the beginning of the tour.

Information on this subject is also available on the CPAC web page [www.eustis.army.mil/cpac](http://www.eustis.army.mil/cpac) under Leave.

## Annual Leave - Use It – Don't Lose It

Civilian employees normally forfeit unused annual leave in excess of 240 hours at the end of the leave year.

### **Leave Year Beginning and Ending Dates**

A leave year begins on the first day of the first full biweekly pay period in a calendar year. A leave year ends on the day immediately before the first day of the first full biweekly pay period in the following calendar year.

The beginning and ending dates of leave year 2005 shown below apply to **most employees.**

<b>Leave Year</b>	<b>Leave Year Beginning Date</b>	<b>Leave Year Ending Date</b>	<b>Date for Scheduling "Use or Lose" Annual Leave</b>
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2005	January 09, 2005	January 07, 2006	November 26, 2005
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Employees may have forfeited leave restored to them if the leave was scheduled in advance with the employee subsequently being denied the opportunity to take that scheduled leave due to the exigencies of public business, a lengthy period of illness, or an administrative error. In cases of the leave being denied due to an exigency of public business, the leave must have been **scheduled/rescheduled in writing, prior to the beginning of the 3<sup>rd</sup> bi-weekly pay period before the end of the leave year i.e., 26 November 2005**. A Standard Form 71, Application for Leave, may be used for this purpose.

As an alternative to having your “use or lose” annual leave restored, please consider donating the excess to the employees enrolled in the Voluntary Transfer of Annual Leave Program. The Administrative Point of Contact for your organization should have a list of all employees enrolled in the program. Someone will appreciate the gesture and the leave will not be wasted. Donation of use or lose leave is limited to the lesser of the following:

- One-half of the annual leave to be accrued during the leave year in which it is donated OR,
- Hours donating employee is scheduled to **work and receive pay** (not on leave) in the remainder of the leave year.

Questions concerning the restoration of forfeited leave should be addressed to the CPAC Human Resources Specialist assigned to your organization.

### [OPM Delays Rollout of Enhanced Dental and Vision Benefits](#)

Federal employees and retirees who were expecting to have enhanced dental and vision benefits beginning in July 2006 are going to have to wait an additional five months. OPM announced yesterday that it is delaying rollout of the new benefits until December 2006.

OPM officials say that implementation of the new program is being postponed so that the Open Season enrollment period for the new dental and vision benefits program can be held at the same time as the Open Seasons for two related programs—the Federal Employees Health Benefits (FEHB) Program and the Flexible Spending Accounts (FSA) program. This means that the Open Season for all three programs—dental/vision benefits, FEHB, and FSAs—will run from mid-November until mid-December of 2006.

We'll keep you updated.

### [Army National Security Personnel System \(NSPS\) Implementation](#)

The Defense Department's new pay and personnel system regulations were published in the Federal Register 1 November 2005. Approximately 700,000 DoD civilian employees will be affected by NSPS. Among other things, the new system is designed to transition employees to a more challenging flexible personnel system that uses pay-for-performance, streamlines the dispute and adverse action process and respects the collective bargaining rights while meeting DoD's need to respond to operational priorities.

The new regulations are expected to go into effect within 30 days from the date published. DoD officials say that once that 30-day period has ended the department plans to collaborate with employee unions on the “implementing details.” The new labor relations system is scheduled for implementation first.

A robust training plan for employees and supervisors is in place and will be provided within each organization prior to implementation. To learn as much as possible and actively participate in implementing NSPS, employees should periodically review the website [http://www.eustis.army.mil/cpac/NSPS/national\\_security\\_personnel\\_syst.htm](http://www.eustis.army.mil/cpac/NSPS/national_security_personnel_syst.htm). As with any new program knowledge is critical to successful implementation.

### *Probationary Periods*

A report from the Merit Systems Protection Board (MSPB) finds Federal supervisors are not making good use of the probationary period for new employees. According to the report, supervisors often treat probationers as if their appointments were final and invest resources and provide opportunities that are more appropriate for fully appointed employees rather than probationers.

The report explains that by law, an appointment to the federal competitive service is not finalized until a probationary period has been completed. But according to the MSPB report, “The Probationary Period: A Critical Assessment Opportunity,” of those supervisors surveyed who said they would not select their probationary employee again, over half said that they intended to retain the employee after the probationary period ended.

“The probationary period can be a highly effective tool to evaluate a candidate’s potential to be an asset to the Government before an appointment becomes final. However, the probationary period is effective only if agencies use it to appropriately assess their candidates and act upon those assessments,” notes MSPB Chairman Neil A.G. McPhie.

Moreover, the MSPB says, many probationary employees do not realize the probationary period exists, what the period is supposed to achieve, or the consequences of being a probationer. Comments from probationers indicated that many thought their agency did not take the probationary period seriously and doubted their agency intended to use it to assess them or their peers.

Its findings have prompted the MSPB to recommend changing the law so that agencies can be permitted to impose a probationary period of more than one year when the nature of the work makes it appropriate. The MSPB is also recommending that the law be changed to better reflect that a probationer must earn a finalized appointment and the rights associated with such an appointment, rather than obtaining those rights through the passage of time and a lack of intervening action by the employing agency.

The MSPB report titled “The Probationary Period: A Critical Assessment Opportunity,” is available on their website at [http://www.mspb.gov/studies/rpt\\_sept05\\_probationary/MSPBProbationaryPeriod508.pdf](http://www.mspb.gov/studies/rpt_sept05_probationary/MSPBProbationaryPeriod508.pdf). To learn more about the probationary period contact your Human Resource Specialist.

## [In Case of Emergency \(ICE\)](#)

Paramedics will turn to a victim's cell phone for clues to that person's identity. You can make their job much easier with a simple idea that paramedics are trying to get everyone to adopt: ICE. ICE stands for In Case of Emergency. If you add an entry in the contacts list of your cell phone under ICE, with the name and phone number of the person that the emergency services should call on your behalf, you can save them a lot of time and have your loved ones contacted quickly. It only takes a few minutes and paramedics already know what ICE means and will be looking for it immediately.

## [Federal Employees Health Benefits \(FEHB\) Open Season](#)

The Federal Employees Health Benefits and Flexible Spending Accounts Open Seasons will be held this year from 14 November 2005 through 12 December 2005. During the open season, eligible employees can enroll or make changes to their health benefits and flexible spending accounts. To enroll/change health benefits, employees must access the Army Benefits Center - Civilian website at <https://www.abc.army.mil> or call the toll-free number at 1-877-276-9287. To enroll in the Federal Flexible Spending Account Program access [www.fsafeds.com](http://www.fsafeds.com) or call the toll free number 1-877-372-3337.

## [Army To Offer Rosetta Stone Foreign Language Training](#)

The U.S. Army announced last week it will offer all active Army, National Guard, Reservists and Department of Army civilian personnel Rosetta Stone (RS) foreign-language training for free.

RS was created by educators and technologists who aimed to "create the world's only comprehensive language-learning software based exclusively on immersion instruction in the target language."

The foreign-language training will be available through the Army's Distributed Learning System's Army e-Learning, under the Program Executive Office Enterprise Information Systems.

"Critical foreign language capability and skills are increasingly important to our Army.

Rosetta Stone provides the Army with an immediate, interactive language training tool to train our soldiers, leaders and civilians for operational deployments and professional development," said Director of Training Brigadier General James M. Milano.

Through RS's language program, the Army will offer 26 languages including: Arabic, Chinese (Mandarin), Danish, Dutch, French, Farsi (Persian), German, Greek, Hebrew, Hindi, Indonesian, Italian, Japanese, Korean, Pashto, Polish, Portuguese (Brazil) Russian, Spanish (Latin America), Spanish (Spain), Swahili, Swedish, Thai, Turkish, Vietnamese and Welsh. Access to RS will be available within 30 days.

## [BRAC Decisions](#)

The final decision on the BRAC will be issued soon and employees will want to know how the decision will impact their positions. The Installation Garrison Commander sponsors a monthly BRAC town hall to inform all personnel of the latest information available and allow attendees to ask questions. The next scheduled Town hall is 17 November 2005 at 1400 hours (2:00 p.m.) Wylie Hall located in the U.S. Army Transportation School, Building 705. Mission permitting and with supervisory approval employees are encouraged to attend this informative town hall.

## Leave and Earnings Statements

Did you receive an email from [SmartDocs@dfas.mil](mailto:SmartDocs@dfas.mil) during the month of October 2005 offering you a new way to view your civilian Leave and Earnings Statement (LES) using the new Defense Finance and Accounting Service's (DFAS) product called the Smart Leave and Earnings Statement (SmartLES)? Most employees started receiving email notifications on 7 October 2005. If you didn't receive an email notification but received a hard copy LES through the mail, you should go to the myPay web page at <https://mypay.dfas.mil> and check to see if your email address is in the system. If it isn't, you may enter a personal email address under the "Secure Personal Email Address" area to ensure you will receive the email. You can enter a home email address in the Secure Personal Email address area on the same page but be sure to enter the address twice for confirmation purposes and click the primary button to designate this as your primary email address for correspondence from myPay and associated applications. When you're finished, click the Accept/Submit button and then exit myPay.

The SmartLES uses the DFAS' SmartDocs application to deliver e-mail notices to civilian employees (normally through AKO) when their leave and earnings statements are available to be viewed. If you receive an email and would like to view your LES in this manner, just click on the link provided in the email. You will then be directed to the DFAS' myPay website where you will log-in using your social security number and myPay PIN. Once in the application, you can view your SmartLES.

The SmartLES contains two types of links embedded in the document. One type of link (highlighted in blue) provides explanatory text about specific blocks on the LES. The other type of link (highlighted in green) allows employees to compare changes in data from the previous pay period with the current pay period, e.g. gross pay, taxes, etc. Another good feature of the Smart LES is that it will have links to other applications and web sites, such as the OPM website.

SmartDocs does not replace information currently contained in myPay and there are no additional user-IDs or passwords; however, to receive the emails and access SmartLES, you must have an email address within the myPay system and a customized myPay PIN. If you don't have a PIN, simply go to the myPay web page at <https://mypay.dfas.mil> and request a PIN.

## PROCESSING CIVILIAN HONORARY AWARDS

The Civilian Human Resources Agency has issued new guidance to ensure consistency in processing civilian honorary awards and ensure they are properly filed.

Effectively immediately the following procedures will apply:

The manager will forward the award documentation (DA 1256-after approval) to the CPAC for transmittal to the CPOC. The CPOC will update the employee record in DCPDS and file the DA 1256 on the left hand side of the Official Personnel File in the performance envelope.

The above procedures will remain in effect until Headquarters, Department of the Army (DA), finalizes the "DRAFT" Army Regulation 672-20, Incentive Awards Policy. The

revised regulation will also include operational guidance on processing awards to ensure consistency in updating employee records.

### *Adjusted Work Schedules for Religious Observances*

Subject to supervisory approval and to the extent that modifications in work schedules do not interfere with the efficient accomplishment of an agency's mission, an employee may request a temporary alternate work schedule to accommodate personal religious beliefs that require he/she abstain from work at certain times of the workday or workweek. The hours worked in lieu of the normal work schedule do not create any entitlement to premium pay (including but not limited to night pay and overtime pay).

Employees must submit a written request to their supervisor prior to the beginning of the observed period, for an adjusted work schedule. The request should specifically state an adjusted work schedule is desired for religious purposes and acceptable documentation of the need to abstain from work should also be provided.

A supervisor should not make any judgment about the employee's religious beliefs or their affiliation with a religious organization. If an employees request is approved, a supervisor may determine whether the alternative work hours will be scheduled before or after the religious observance. An employee's request may be disapproved if modifications of the work schedule would interfere with the efficient accomplishment of the agency mission.

An employees request for time off should not be granted without simultaneously scheduling the hours during which the employee will work to make up the time. This provides a clear record of the employees adjusted work schedule. An employee should be allowed to accumulate only the number of hours of work needed to make up for previous or anticipated absences from work for religious observances.

If an employee is absent when he or she is scheduled to perform work to make up for a planned absence for a religious observance, the employee must take appropriate leave, request leave without pay, or be charged absent without leave. These are the same options that apply to any other absence from an employees basic work schedule.

### *Compensatory Time for Travel*

The Federal Workforce Flexibility Act of 2004 authorized the accrual of compensatory time for most employees for time spent in an officially authorized travel status, when such time is not otherwise compensable. Certain categories of employees are specifically excluded (e.g. prevailing rate or Wage Grade (WG/WL/WS), members of the Senior Executive Service, etc.) DoD issued implementing regulations 12 August 2005. This is a separate category of compensatory time and must be used within 26 pay periods or it will be lost. Travel compensatory time earned will NOT convert to pay at the end of 26 pay periods and will not be transferred to another agency. Compensatory time for travel may be earned and taken in 15 minute increments. Employees entitled to compensation, under another rule or regulation, for time spent traveling outside their regular tour hours, will not be eligible for compensatory time covered by this act. Travel time includes the time spent traveling between the official duty station and a temporary duty station or between two duty stations and the usual waiting time. Usual waiting time is the time required to get to the

airport, prior to a flight, and time waiting for a connecting flight. Meal periods are excluded. DOD documentation procedures state:

Eligible employees must request compensatory time and provide documentation of time spent in official travel status, including meal periods and waiting times.

Within 5 workdays after returning employees must submit their travel itinerary or other acceptable documentation supporting their requested compensatory time.

Supervisors/Managers authorized to direct travel or approve time and attendance may approve compensatory time for travel.

For every 8 ½ hours of compensatory time off the supervisory will deduct a minimum ½ hour bona fide meal period, unless travel in a conveyance is continuous.

Approved compensatory time will be officially credited by the timekeeper as compensatory time for travel.

Contact your Human Resource Specialist if additional information or assistance is needed for entitlement determinations. Below are a few examples of creditable time.

Examples:

(1) An employee is required to travel to a temporary duty station on a workday for a 1-day training session. The training location is a 2-hour drive from the employee's home. The employee's regular working hours are 8:00 a.m. to 4:30 p.m. In total, the employee spends 4 hours (6:00 a.m. to 8:00 a.m. and 4:30 p.m. to 6:30 p.m.) driving to and from the training session. If an employee travels directly between home and a temporary duty station outside the limits of his or her official duty station, the time spent traveling outside regular working hours is creditable travel time. However, the agency must deduct the time the employee would have spent in normal home-to-work/work-to-home commuting, (5 CFR 550.1404(c)). In this case, the employee's normal daily commuting time is 2 hours (1 hour each way). Therefore, 2 hours must be deducted from the employee's creditable travel time. The employee's compensatory time off for travel entitlement is as follows:

Total travel time - 4 hours, Minus Normal commuting time – 2 hours, **Compensatory time off for travel – 2 hours**

(2) On a Friday (workday), an employee is required to travel from a temporary duty (TDY) station to home. However, due to severe weather, the employee's connecting flight is cancelled until Saturday morning (non-workday). On Friday, the employee's regular working hours are 8:00 a.m. to 4:30 p.m. In total, the employee spends 17.5 hours (5:30 a.m. to 4:30 p.m. on Friday and 6:30 a.m. to 1:00 p.m. on Saturday) traveling from the TDY worksite. However, the time between 8:00 a.m. and 4:30 p.m. is compensable as part of the employee's regular working hours. (For the purpose of this example, we are assuming the employee has a 30-minute bona fide meal period during his regular working hours.) The extended waiting period from 4:30 p.m. until the employee departs for the airport on Saturday morning is not creditable travel time, since the employee is free to use the time for his own purposes, (5 CFR 550.1404(b) (3)). Also, an employee's time spent traveling outside of regular working hours to or from a transportation terminal (e.g., an airport or train station) within the limits of his or her official duty station is considered to be equivalent

to commuting time and is not creditable travel time, (5 CFR 550.1404(d)). In this case, the employee spent 1 hour traveling from an airport within the limits of his official duty station. In this example, the employee's compensatory time off for travel entitlement is as follows:

Total travel time – 17.5 hours, Minus Travel time within regular working hours – 8.5 hours, Minus Travel from airport within limits of official duty station - 1 hour, **Compensatory time off for travel – 8 hours**

On Friday the employee is credited 2 ½ hours of compensatory travel time - (1 hour (5:30-6:30 am) driving from the TDY site to the airport; 1 ½ hours (6:30-8:00 am) while waiting at the airport. Travel to the hotel is not creditable).

On Saturday the employee is credited 5 ½ hours of compensatory travel time – (½ hour (6:30-7:00) driving to the airport; 1 ½ hour (7:00-8:30) waiting at the airport and 3 ½ hours (8:30-12:00) flight time. Travel from the airport to home is not creditable).