



DEPARTMENT OF DEFENSE
WASHINGTON HEADQUARTERS SERVICES

1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155



AUG 12 2006

MEMORANDUM FOR: SEE DISTRIBUTION

Subject: WHS Implementation Guidance and Delegation – Credit for Non-Federal and Uniformed Service for Determining Annual Leave Accrual Rate

The Under Secretary of Defense (Personnel and Readiness) memorandum dated May 04, 2006, provides guidance and procedures (attached) for implementing the discretionary authority allowing credit for non-federal and uniformed service in determining annual leave accrual rate. This authority is provided by Title 5, United States Code (U.S.C.) Section 6303, and amended by section 202 of the Workforce Flexibility Act of 2004 (PL 108-411). The attached guidance and procedures are the Department's interim policy.

In accordance with the attached guidance, I hereby delegate this authority to the Director, Human Resources Directorate, to authorize service credit for purposes of annual leave accrual under this authority for positions at grades GS-15 and below (and equivalent). This authority may be redelegated to the Assistant Director for Personnel Services. This memorandum is effective immediately.

This is not an entitlement for all new or reappointed employees. It is designed as a recruitment incentive to attract applicants with skills and experience essential to the position and which were acquired through performance in a non-Federal position or uniformed services position that directly relates to the duties of the position for which the individual has been selected or when the use of this authority is essential to an important mission or performance goal. Officials requesting approval must be cognizant that documentation is critical to the success of this authority and may be subject to external review for compliance. The documentation with the approval of this benefit for the new or re-appointed employee must clearly delineate how the experience for each time period being credited is essential or how the experience prepared the employee for the Federal job. The documentation must also specify the timeframes being credited. Based on what is approved, Personnel Services/WHS will compute the employee's adjusted service computation date (SCD) on a Standard Form 144, process the appointment action that effects the new SCD, and place the following remark on the employee's appointment Notification of Personnel Action: "The date in block 31 has been adjusted by __ years and __ months based on the employee's prior military or private sector experience as allowed by Public Law 108-411."



This recruitment incentive is available as appropriate to employees who were newly appointed or reappointed retroactively to April 28, 2005. Consequently, any employee who had been appointed with the understanding that he or she was going to receive this benefit pursuant to Federal employment may have his or her SCD adjusted to reflect the non-Federal and uniformed services experience provided the above referenced documentation is provided. Also, you, as the requesting official, must include in the documentation a statement that the employee was offered and accepted Federal employment with your organization given the condition that he or she would receive this benefit. Since the opportunity to apply this benefit retroactively is a consequence of how it is being implemented, this will be offered for a limited period. As a result, all actions to effect this benefit retroactively to the appointment date must be received in Personnel Services and processed no later than August 31, 2006.

If you have any questions concerning the attached guidance and procedures, please contact Ms. Susan Whitfield, Acting Assistant Director, Personnel Services at (703) 604-6090 or Mr. David Bauer, Chief, Policy and Programs Division at (703) 604-6160.


Ralph E. Newton
Acting Director

Attachment:
As stated

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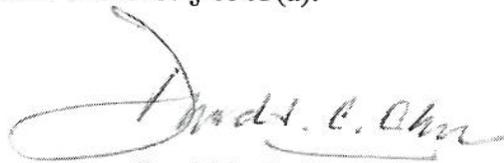
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SUBJECT: Credit for Non-Federal and Uniformed Service for Determining Annual
Leave Accrual Rate

Title 5, United States Code (U.S.C.) § 6303, as amended by section 202 of the Workforce Flexibility Act of 2004 (Pub.L. 108-411), provides the Secretary of Defense the discretionary authority to afford credit for work experience that otherwise would not be creditable under 5 U.S.C. § 6303(a) in determining a newly appointed or reappointed employee's annual leave accrual rate. This hiring flexibility augments the existing package of recruiting incentives that may be utilized in attracting highly qualified candidates into hard-to-fill or mission critical positions.



The attached guidance establishes Department of Defense policy and procedures for crediting prior work experience that otherwise would not be creditable for purposes of annual leave accrual as authorized under 5 U.S.C. § 6303(a).

A handwritten signature in black ink, appearing to read "David S. C. Chu", with a large, sweeping initial flourish.

David S. C. Chu

Attachment:
As stated

Department of Defense

Credit for Non-Federal and Uniformed Service for Determining Annual Leave Accrual Rate Guidance and Procedures

A. General Information

1. Title 5, United States Code (U.S.C.) § 6303, as amended by Section 202 of the Workforce Flexibility Act of 2004 (Pub. L. 108-411), permits a newly appointed civilian employee or a civilian employee reappointed following a break in service of at least 90 calendar days (hereafter referred to as “reappointed”) to earn service credit for prior work experience that otherwise would not be creditable for the purpose of determining the employee’s annual leave accrual rate.
2. The Office of Personnel Management issued interim regulations implementing the change in the law in 5 Code of Federal Regulations (CFR) part 630. The guidance contained in this memorandum serves as DoD's interim policy on this new hiring flexibility.
3. This new flexibility gives the Secretary of Defense the discretionary authority to afford service credit for annual leave purposes to newly appointed or reappointed civilian employees for work experience, including honorable, active duty uniformed service, that otherwise would not be creditable under 5 U.S.C. § 6303(a).
 - a. Secretaries of the Military Departments and heads of Defense Agencies, and DoD Field Activities with independent appointing authority for themselves and their serviced organizations are delegated authority to authorize service credit for purposes of annual leave accrual under this authority for positions at grades GS-15 and below (and equivalent). This authority may be redelegated in writing to the level of managers and supervisors.
4. The provisions of this policy may be applied retroactively to April 28, 2005, the effective date of the OPM interim regulations.
5. The provision applies to The Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense (DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter collectively referred to as the “DoD Components”).

B. Eligibility Criteria

1. Components delegated this authority may determine the amount of service credit to be granted to an employee using the following criteria:
 - a. The skills and experience of the selectee are essential to the new position and were required through performance duties in a non-Federal position or an active duty uniformed services position that directly relate to the duties of the position for which the individual has been selected; and
 - b. This use of this authority is necessary to achieve an important mission or performance goal.
2. In exercising this authority, Components may wish to consider such factors as recent relevant experience and difficulty in filling the position.
3. Service credited under this guidance is not creditable for retirement or reduction in force.
4. An employee has no entitlement to credit for non-Federal service or active duty uniformed service under this policy.

C. Determination to Provide Credit

1. Service credit, when authorized, will be computed on a one-for-one (month-for-month) basis for all service creditable under these provisions. The minimum amount of service that may be credited is 1 year. The amount of service credited may not exceed the actual amount of service during which the current expertise was attained and the directly related duties were performed.
2. Credit for prior non-Federal or honorable, active-duty uniformed service that otherwise would not be creditable under title 5, U.S.C. section 6303(a) is granted on the date of initial appointment or reappointment and remains creditable for annual leave purposes unless the employee fails to complete 1 full year of continuous service within the Department of Defense.

D. Procedures for Separating Prior to 1 Year

1. An employee who separates from Federal service or transfers to another Federal agency (outside DoD) before completing 1 full year of continuous service with the DoD, is not entitled to retain service credit for non-Federal or active duty work experience earned under this provision.
2. Prior to such separation or transfer of the employee, the service computation date (SCD) leave must be adjusted by subtracting the credit that was provided for the non-Federal or active duty work experience.
3. All unused annual leave accrued and accumulated by such employee under this provision remains following the deduction of credits under section D.2, above, to the credit of the employee. The remaining annual leave balance must either be transferred to the new Federal agency in accordance with 5 CFR 630.501 if the employee is transferring to a position to which annual leave may be transferred; or paid in a lump-sum payment under 5 CFR 550.1205 if the employee is separating from Federal service or moving into a position to which annual leave cannot be transferred.

E. Documentation

1. Components exercising this authority will justify and document the reasons for granting service credit under this guidance. Such documentation will include the following:
 - a. A copy of the position description for the position being filled and the vacancy announcement for the position.
 - b. The selectee's application or resume, which in the case of non-Federal personnel, must clearly document the length and nature of the service to be credited or be supplemented by supporting documentation to show this effect. The documentation must clearly distinguish the claimed creditable service; provide specific beginning and ending dates (month, day, and year); and provide evidence that the duties performed directly relate to those of the position being filled.
 - c. For each period of service for which credit is requested, an explanation of how the duties relate to the position being filled with respect to requirements in paragraph B.1.a., above.
 - d. In the case of active duty uniformed service credit, the selectee will also provide a copy of his or her form DD 214, Report of Separation, or other

official documentation from the uniformed service concerned if the DD-2214 cannot be obtained, documenting his or her honorable, active duty service.

2. Creditable non-Federal or honorable, active duty uniformed service must be documented on the Standard Form (SF) 144 or agency equivalent form. An equivalent form may be a variation of the SF-144 or a printout from a computer program that calculates the service computation date for leave (SCD-LEAVE). A remark must be included indicating that the SCD-LEAVE includes creditable non-Federal or active-duty uniformed service work experience that would otherwise not be credited.
3. All written documentation must be approved by the authorizing official prior to the effective date of the employee's entry on duty. The documentation package must be retained permanently on the right side of the employee's Official Personnel Folder.

F. Accountability

1. Designees are responsible for the appropriate and effective use and oversight of this authority to support mission requirements.