



**HEADQUARTERS  
DEFENSE HUMAN RESOURCES ACTIVITY  
4800 MARK CENTER DRIVE, SUITE 06J25-01  
ALEXANDRIA, VA 22350-4000**

**OPERATING INSTRUCTION**

Subject: Defense Human Resources Activity Work Life Program

References: See Enclosure 1

1. PURPOSE

This Operating Instruction (OI) prescribes procedures and responsibilities for Hours of Work and Work Life Programs within the Defense Human Resources Activity (DHRA).

2. APPLICABILITY

This OI applies to the DHRA. Enterprise. DHRA consists of a Headquarters function and individual Components with unique missions.

3. DEFINITIONS

See Enclosure 2.

4. POLICY

It is DHRA's intent to provide civilian personnel policies and procedures that support, and are consistent with, merit system principles, equal compensation and employment opportunities, workforce diversity goals and objectives, and permit flexible work arrangements that allow employees to better balance work-life programs. This OI will enable directors, managers, and supervisors to meet program goals while allowing employees flexibility to work schedules for a better quality of life.

5. RESPONSIBILITIES

5.1 The Director, Manpower Management (MM), DHRA, under the authority, direction, and control of the Director, DHRA shall:

5.1.1 Provide advice and guidance for civilian employees of the DHRA-serviced Components regarding hours of work and work life programs.

5.1.2 Review statutory and regulatory changes in the Federal compensation policies that may impact DoD and implement changes if necessary.

5.2 The Component Directors shall:

5.2.1 Terminate all or any part of the alternative work schedules authorized under this OI, at any time, upon determination that it is in the best interest of the organization to do so or as required herein.

5.2.2 Approve requests for changes in employee administrative work week and/or hours of duty or designate an official to perform this function.

5.2.3 Ensure that records of approved changes in administrative work weeks or prescribed hours of duty are appropriately maintained.

5.2.4 Manage hours of work and work life programs within the context of this OI and establish controls to ensure staff accountability for hours worked and assure adequate staff and supervisory coverage to provide essential services

- during designated core hours.
- 5.2.5 Ensure fiscal responsibility by verifying availability of funds to cover overtime costs and limiting the amount of overtime to what is necessary to perform the work.
- 5.2.6 Approve or disapprove requests for overtime work or designate an official to perform this function, ensuring that the amount of overtime or compensatory time in lieu of overtime payment does not exceed any applicable premium pay limitations before approval
- 5.2.7 May exclude Directorates/Divisions, groups of employees, or individual employees from eligibility for flexible (FWS) or compressed work schedules (CWS).
- 5.2.8 Exclude specific positions from participation in alternative work schedules based on functional requirements. Individual employees may be excluded at the discretion of the Component Director or other designated member of management.
- 5.2.9 Will comply with the requirements of Title 5, United States Code (U.S.C.), and the Fair Labor Standards Act for nonexempt employees.
- 5.3 Managers and Supervisors are responsible to:
  - 5.3.1 Plan, assign, and schedule the work of employees under their supervision within each employee's basic work week and consider alternatives to the assignment of overtime work whenever practical.
  - 5.3.2 Establish a basic work requirement for each employee on a CWS or FWS that states the number of hours, excluding overtime hours, that an employee is required to work (or account for by leave or otherwise).
  - 5.3.3 Plan and approve or disapprove travel for their employees. To the maximum extent practicable, the supervisor shall schedule the time to be spent by an employee in travel status within the basic workweek of the employee. Manage hours of work and work life programs within the context of this OI and establish controls to ensure staff accountability for hours worked and assure adequate staff and supervisory coverage to provide essential services during designated core hours.
  - 5.3.4 Approve or disapprove requests to use compensatory time off and, when disapproved, furnish an explanatory statement to the employee in writing.
  - 5.3.5 Ensure that work assignments and responsibilities are accomplished effectively, and that required coordination with other offices is maintained.
  - 5.3.6 Counsel employees who may deviate from guidance or established procedures and undertake disciplinary action when necessary and appropriate.
- 5.4 DHRA employees are responsible to:
  - 5.4.1 Request permission to work an alternate work schedule (AWS), seek approval from the appropriate authority using the Defense Agencies Initiative (DAI) Time and Labor System "Request a Tour of Duty Change" feature.
  - 5.4.2 Ensure work assignments and responsibilities are accomplished and accurately record their attendance, leave, credit hours, overtime, and compensatory time daily.
  - 5.4.3 Keep supervisors informed of, and obtain prior approval of, their anticipated work schedules, as necessary.
  - 5.4.4 Notify the supervisor of unscheduled leave on the day of absence by the

- beginning of, but no later than, the core time for employee.
- 5.4.5 Follow established time and attendance accounting procedures.
- 5.4.6 Notify the supervisor of unscheduled leave on the day of absence by the beginning of, but no later than, the core time for employee.
- 5.4.7 Follow established time and attendance accounting procedures.

## 6. OVERVIEW AND PROCEDURES

### 6.1 TELEWORK

#### 6.1.1 PURPOSE

- 6.1.1.1 This guidance implements the requirements of Department of Defense Instruction (DoDI) 1035.01 (Reference (h)), Sections 6501 through 6506 of Title 5, U.S.C. , as added by Public Law 111-292 (also known as the “Telework Enhancement Act of 2010); Section 359 of Public Law 106-346, and Sections 101 and 206 of Title 37, U.S.C.
- 6.1.1.2 Promotes telework as a legitimate flexibility for civilian employees and Service members assigned to DHRA. Contractors should adhere to their company policies. This guidance also serves as a supporting capability to DHRA’s Continuity of Operations Program (COOP).

#### 6.1.2 TELEWORK APPLICABILITY

Telework is an effective strategy for mission accomplishment, ensuring COOP in a crisis, and recruiting and retaining valued talent. Telework also benefits the environment by reducing traffic congestion and decreasing energy consumption and pollution. Telework can be used:

- 6.1.2.1 On a regular and recurring basis. An employee works at an alternate workplace on an approved day, or days, during a bi-weekly pay period.
- 6.1.2.2 On a situational, non-routine or ad-hoc basis:
  - 6.1.2.2.1 To perform large projects or tasks that require concentration and uninterrupted blocks of time for successful completion, or to accomplish routine job tasks when practicable.
  - 6.1.2.2.2 For supervisor-directed web-based distance and continuous learning, including educational requirements required by law or regulation. Training requested by an employee is subject to the supervisor’s approval, as applicable, and must conform to the provisions of applicable regulations.
  - 6.1.2.2.3 When the regular worksite is closed during adverse and/or inclement weather conditions or with supervisor approval when OPM announces that government offices are open with the option for unscheduled telework. More information on unscheduled telework options can be found in OPM’s Washington D.C. Dismissal and Closure Procedures.
- 6.1.2.3 As a regular or situational arrangement for employees or Service members with impairments, as appropriate. The DoD Computer/Electronic Accommodations Program provides services and accommodations (i.e., assistive devices and technology) for employees or Service members with impairments teleworking under an approved

telework arrangement. In the case of covered employees, telework arrangements may be a form of reasonable accommodation pursuant to Sections 791 and 794a of Title 29, U.S.C. (the Rehabilitation Act of 1973, as amended). (The Rehabilitation Act of 1973, as amended, does not apply to military personnel.) For telework to comprise a reasonable accommodation, the employee concerned must be eligible to telework in accordance with this Instruction. Paragraphs 6.1.3.3 and 6.1.3.3.5, below, takes precedence over any existing reasonable accommodation.

6.1.2.4 Periodically (as practice), to prepare for COOP and an efficient transition to telework in the event of an emergency situation.

### 6.1.3 EMPLOYEE ELIGIBILITY

6.1.3.1 DHRA supervisors shall determine the eligibility of their employees to participate in telework and notify these employees of their eligibility. To the extent that mission requirements are not jeopardized, employees who exhibit suitable work performance and conduct and occupy eligible positions (i.e., those positions that involve portable work and are not dependent on the employee's presence at the traditional worksite) shall be permitted to telework to the maximum extent possible. Telework eligibility criteria should be applied impartially and consistently.

6.1.3.2 Employees eligible for telework should display the following characteristics:

6.1.3.2.1 Dependable, responsible, and conscientious.

6.1.3.2.2 Able to work independently and without supervision.

6.1.3.2.3 Highly motivated and self-disciplined.

6.1.3.2.4 Ability to prioritize work and manage time wisely.

6.1.3.2.5 Consistently demonstrate an acceptable level of performance.

6.1.3.3 Telework is a discretionary workplace flexibility. Although use of telework is encouraged, employees cannot be ordered to telework, unless the employee's duties are designated as mission-critical and the employee is required to report to an alternative worksite or the employee's telework agreement addresses this requirement. In certain situations based on the following criteria, positions or employees are ineligible to telework unless telework is identified on the employee's Position Description as required. In such instances, if management has lost confidence in the employee to effectively telework, then management should consider removal or reassignment.

6.1.3.3.1 Employees in positions that require, on a daily basis, direct handling of classified materials.

6.1.3.3.2 Employees in positions that require, on a daily basis, on-site activity or face-to-face personal contacts that cannot be handled remotely.

6.1.3.3.3 Employees whose performance or conduct warrants more close supervisory direction than telework may provide; whose rating of record is below fully successful (or its equivalent); whose conduct has resulted in disciplinary

action within the past 12 months; or who have unresolved security issues that might influence telework eligibility (e.g., based on personal conduct, handling protected information, or use of information technology information systems).

- 6.1.3.3.4 Employees recently assigned or newly appointed to trainee or entry-level positions such as internships.
- 6.1.3.3.5 Employees shall not be authorized to telework if:
  - 6.1.3.3.5.1 Employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year.
  - 6.1.3.3.5.2 Employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct of Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal or government computer or while performing Federal government duties consistent with the guidance set forth in Section 2635.704 of Title 5, Code of Federal Regulations.

#### 6.1.4 TELEWORK REQUIREMENTS

##### 6.1.4.1 Supervisor Functions:

- 6.1.4.1.1 Determine employee eligibility for regular and recurring or situational telework.
- 6.1.4.1.2 Notify employees of their eligibility to telework.
- 6.1.4.1.3 Participate in telework training prior to approving employees' telework agreements and allow them to telework consistent with requirements of this guidance.
- 6.1.4.1.4 Approve or deny requests for telework based upon mission requirements, employee performance, current disciplinary actions, inappropriate work habits, and the needs of the organization.
- 6.1.4.1.5 Ensure adequate worksite coverage during business hours so that mission operations continue to be carried out efficiently and effectively and teleworkers and onsite employees are treated equitably.
- 6.1.4.1.6 Ensure teleworkers are held accountable for government furnished equipment.
- 6.1.4.1.7 Terminate telework arrangements if an employee's performance or conduct does not comply with the terms of the telework agreement or if the teleworking arrangement fails to meet organizational needs.

##### 6.1.4.2 Employee Functions:

- 6.1.4.2.1 Participate in telework training prior to entering into a written telework agreement.
- 6.1.4.2.2 Complete DD Form 2946 detailing the location of the alternative worksite. If requesting telework at home,

designate one area in the home as the official workstation for purposes of telework.

- 6.1.4.2.3 Protect all controlled unclassified information as defined in DoDI 5200.01 including Privacy Act or For Official Use Only data and classified data.
- 6.1.4.2.4 Safeguard and ensure appropriate use of government furnished equipment.
- 6.1.4.2.5 Work at the regular worksite on scheduled telework days if called for by mission requirements.
- 6.1.4.2.6 Contact the supervisor to request unscheduled telework when government employees are provided this option.
- 6.1.4.2.7 Maintain a required performance level of at least the fully successful level or equivalent.
- 6.1.4.2.8 Code and report approved telework time in the time and attendance system.
- 6.1.4.2.9 Report any work related accident or injury occurring at the alternative worksite and provide the supervisor with medical documentation related to the accident or injury.

#### 6.1.5 TELEWORK AGREEMENT

- 6.1.5.1 Upon approval or eligibility to telework by the supervisor, and in agreement with the employee, the following will be accomplished:
  - 6.1.5.1.1 Employee will complete telework training and submit a DD Form 2946 to their supervisor. The form will be signed and dated by the employee and supervisor and maintained by the supervisor.
  - 6.1.5.1.2 Employees with mission-critical duties and those who designated to telework in the case of a COOP event, office closure, or pandemic health crisis will have a DD Form 2946 on file.
  - 6.1.5.1.3 All telework agreements, regardless of the employee's emergency response status, should contain:
    - 6.1.5.1.3.1 Specific work arrangement agreed upon and address the logistics of alternative workplace arrangements such as the employee's work schedule, security requirements for DoD information, safety requirements for the alternative worksite, supplies and equipment issued, protection of government furnished equipment, the supervisor's expectations of a teleworker's performance, and the employee's emergency response telework responsibilities.
    - 6.1.5.1.3.2 Employee's telework location (e.g., the employee's home or other approved alternative worksite, when appropriate).
    - 6.1.5.1.3.3 Telework requirements when the regular worksite is closed (e.g., emergency dismissal due to adverse weather conditions such as snow emergencies, floods, hurricanes, or any

other type of emergency situation) or when OPM announces that government offices are open with the option for unscheduled telework when severe weather conditions or other circumstances disrupt commuting and compromise employee safety. Employees having a regular, recurring telework agreement are required to agree to situational telework as well.

6.1.5.1.3.4 Statement that classified data is not authorized for use at the telework location.

6.1.5.1.3.5 That the employee may not be authorized to telework if the employee's performance does not comply with the terms of the telework agreement.

6.1.5.2 If the employee's home is the telework location, it is the responsibility of the employee to make certain that a safe work environment is maintained while teleworking. Employees should designate one section of the home as the telework workstation for purposes of the telework agreement and complete and sign a self-certification safety checklist as part of the initial submittal of the DD Form 2946 prior to beginning the telework arrangement.

6.1.5.3 Telework agreements shall be reviewed by the supervisor and teleworker, revalidated at least every 2 years, and revised when appropriate. A new DD Form 2946 should be completed when a new supervisor is responsible for the employee.

6.1.5.4 Teleworkers may be required to return to the regular worksite on scheduled telework days based on operational requirements (e.g., to attend a specific meeting). Requests by teleworkers to change their scheduled telework day(s) in a particular week or biweekly pay period should be accommodated by the supervisor where practicable, consistent with mission requirements. A permanent change of the telework agreement must be reflected by approval of a new DD Form 2946.

#### 6.1.6 OFFICIAL WORKSITE

6.1.6.1 The official worksite for an employee covered by the telework agreement is the location of the regular worksite for the employee's position (i.e., the place where the employee would normally work absent a telework agreement), as long as the employee is scheduled to report physically at least twice each biweekly pay period on a regular and recurring basis to the regular worksite. The employee's official worksite may involve an arrangement where the employee has no dedicated space at the worksite, but uses alternative arrangements when working at the official worksite location (e.g., desk sharing, hoteling). In the case of a telework employee whose work location varies on a recurring basis, the employee does not need to report at least twice each biweekly pay period to the regular worksite established by DHRA, the Component or Division, as long as the

employee is performing work within the same geographic area as the regular worksite.

6.1.6.2 When an employee's worksite is changed from the official worksite to the telework location in a permanent arrangement, the telework location becomes an alternate work location, potentially triggering a change in locality pay. A Standard Form 50, "Notification of Personnel Action," must be completed by the servicing human resources office, the Defense Logistics Agency (DLA). Supervisors and employees should be aware of the implications of this arrangement and such an arrangement should not be made unless driven by mission requirements.

6.1.6.3 Employees are entitled to reimbursement for official business travel to the regular worksite when the employee teleworks full-time from a location outside of the local commuting area, and his or her alternative worksite has been determined as his or her official duty station.

6.1.6.3.1 Reassignment of the employee from the official worksite to the telework site may also have implications for a reduction in force (e.g., the telework site may be a different competitive area than the regular worksite).

#### 6.1.7 TERMINATION OF TELEWORK AGREEMENT

6.1.7.1 A telework request may be denied by the supervisor. Additionally, a telework agreement may be terminated at the discretion of the supervisor or at the employee's request.

6.1.7.2 Telework-eligible employees are expected to telework for the duration of an emergency situation when (1) regular worksite is closed, or (2) offices are open with option for unscheduled telework.

6.1.7.3 Positions that are "mission essential" will be so designated in the relevant Position Description and the incumbent of such a position will be required to enter into a telework agreement as a condition of employment.

6.1.7.4 Telework-eligible employees who choose not to telework will, in the unusual case of being approved not to telework during a Continuity of Operations event, be charged leave for the duration of time away from the office.

6.1.7.5 Employees unable to work due to personal situations (e.g., illness or dependent care responsibilities) must take appropriate leave. If an employee chooses to take unscheduled leave but has no leave balance, the employee is required to take Leave Without Pay. Advance leave is not permitted during emergency situations.

6.1.7.6 If the worksite is closed, employees may be granted administrative leave, on a case-by-case basis, when other circumstances (e.g., power failure) prevent working at the telework site.

6.1.7.7 Dismissal or closure due to severe weather or other emergencies. Administrative leave may be granted to employees who are prevented from reporting for work or faced with a personal emergency because of a weather emergency and its aftermath and who can be spared from their usual responsibilities. (See OPM's Handbook on "Pay and Leave Benefits for Federal Employees Affected by Severe Weather

Conditions or Other Emergency Situations.”).

- 6.1.7.8 Managers will include a description of emergency duties with the telework agreement if the duties are different from the employee’s prescribed duties and responsibilities.

#### 6.1.8 CONTINUITY OF OPERATIONS DURING EMERGENCY SITUATIONS

- 6.1.8.1 Telework-eligible employees are expected to telework for the duration of an emergency situation when (1) regular worksite is closed, or (2) offices are open with option for unscheduled telework.
- 6.1.8.2 Positions that are “mission essential” will be so designated in the relevant Position Description and the incumbent of such a position will be required to enter into a telework agreement as a condition of employment.
- 6.1.8.3 Telework-eligible employees who choose not to telework will, in the unusual case of being approved not to telework during a Continuity of Operations event, be charged leave for the duration of time away from the office.
- 6.1.8.4 Employees unable to work due to personal situations (e.g., illness or dependent care responsibilities) must take appropriate leave. If an employee chooses to take unscheduled leave but has no leave balance, the employee is required to take Leave Without Pay. Advance leave is not permitted during emergency situations.
- 6.1.8.5 If the worksite is closed, employees may be granted administrative leave, on a case-by-case basis, when other circumstances (e.g., power failure) prevent working at the telework site.
- 6.1.8.6 Dismissal or closure due to severe weather or other emergencies. Administrative leave may be granted to employees who are prevented from reporting for work or faced with a personal emergency because of a weather emergency and its aftermath and who can be spared from their usual responsibilities. (See OPM’s Handbook on “Pay and Leave Benefits for Federal Employees Affected by Severe Weather Conditions or Other Emergency Situations.”)
- 6.1.8.7 Managers will include a description of emergency duties with the telework agreement if the duties are different from the employee’s prescribed duties and responsibilities.

#### 6.1.9 PERFORMANCE MANAGEMENT

- 6.1.9.1 Teleworkers and non-teleworkers shall be treated the same for the purpose of work requirements, periodic appraisals of job performance, training, rewarding, reassigning, promoting, reducing in grade, retaining and removal, and other acts requiring management discretion.
- 6.1.9.2 Effective performance management is as important with telework as it is with work performed at the traditional worksite. In order to efficiently manage employees they do not see daily and whose work they may not be able to review readily, supervisors shall set and outline clear work requirements and job expectations. Supervisors and employees should discuss the work to be performed and establish clear goals, job objectives, and work products to be accomplished through telework. Open communication should be maintained by the

supervisor in order to ensure that they are available to provide feedback, guidance, and direction. Employees should keep their supervisors apprised of their work accomplishments and/or obstacles preventing them from completing their objectives.

#### 6.1.10 TIME AND ATTENDANCE REPORTING

Time spent in a telework status must be accounted for and reported in the DAI Civilian Time and Labor module as if the employee reported for work at the traditional worksite. The code for regular telework is “TW” and for situational/ad hoc telework it is “TS.” Telework hours recorded in DAI will be used to track telework usage across DHRA.

#### 6.1.11 TRAINING

Employees participating in telework are required to take telework training prior to teleworking. Supervisors should also take part in telework training. Comprehensive OPM telework training courses for supervisors and employees are available at the joint OPM/GSA telework website: <https://www.telework.gov/training-resources/telework-training/>. Telework coordinators may provide training and consultation on telework matters to employees.

### 6.2 ALTERNATE WORK SCHEDULES

#### 6.2.1 INTRODUCTION

6.2.1.1 An AWS is an adjustment to the traditional fixed schedule of 8 hours per day, Monday through Friday, which begins and ends at the same time each day. There are two categories of AWS:

6.2.1.1.1 Flexible Work Schedules - allows an employee to work an eight hour day starting at a time agreed to by the employee and supervisor and to work more than eight hours on some days and less on others.

6.2.1.1.2 Compressed Work Schedule – enables an employee to fulfill their basic work requirements in less than 10 days during the biweekly pay period.

6.2.1.2 DHRA does not require employees to participate in the AWS Program, nor is participation an employee right. Implementation of an AWS is optional and may be undertaken only after careful consideration by the employee and supervisor. Because this is a management tool, there is no automatic right of the employee to continue participation in the event of a change of supervisor. An employee’s participation in the program may end if their performance declines, or if the program is detrimental to organizational needs. In addition, the employee may end participation at any time without cause.

6.2.1.3 Supervisors will make a reasonable effort to accommodate an employee’s work schedule request consistent with mission requirements.

6.2.1.4 The AWS may not put a burden on office operations or the staff. Supervisors must ensure that there is an equitable distribution of workload, as well as maintain adequate coverage of office operations. Employees are responsible to meet these requirements by being flexible to ensure that work is covered and accomplished and by coordinating their plans and schedules with fellow employees

- prior to providing them to the Component or Division Director.
- 6.2.1.5 Employees who choose not to work an AWS or whom management does not approve to participate in the program should work regular office hours, Monday through Friday, as determined by management.
- 6.2.2 HOURS OF OPERATION
- 6.2.2.1 Basic Work Requirement. For full-time employees, there is an 8-hour daily work requirement, 40-hour weekly basic work requirement, and an 80-hour biweekly work requirement.
    - 6.2.2.1.1 Will have scheduled workdays on weekdays Monday through Friday.
    - 6.2.2.1.2 Normally, will not begin work earlier than 6:00AM and end no later than 6:00PM.
    - 6.2.2.1.3 Must be at work between 9:00AM and 3:00PM (core hours), except for approved leave, approved credit hours, excused absence, holiday hours, compensatory time off, or time off as an award.
    - 6.2.2.1.4 Must take a minimum 30-minute unpaid lunch period between the hours of 11:00am and 2:00pm. The lunch period will not be taken at the end of the workday to allow employees to leave early without being charged leave.
- 6.2.3 OVERTIME  
Hours of work an employee performs which are in excess of the employee's basic work requirement, and which management officially orders and approves in advance. Overtime will only be approved on a selected basis.
- 6.2.4 COMPENSATORY TIME
- 6.2.4.1 Compensatory time off is:
    - 6.2.4.1.1 Time off with pay in lieu of overtime pay for irregular or occasional overtime work; or
    - 6.2.4.1.2 When permitted under DHRA flexible work schedule programs, time off with pay in lieu of overtime pay for regularly scheduled or irregular or occasional overtime work.
  - 6.2.4.2 Compensatory time off may be approved in lieu of overtime pay for irregular or occasional overtime work for both Fair Labor Standards Act (FLSA) exempt and nonexempt employees who are covered by the definition of "employee" at 5 U.S.C. 5541(2). Compensatory time off can also be approved for a "prevailing rate employee," as defined at 5 U.S.C. 5342(2), but there is no authority to *require* that any prevailing rate (wage) employee be compensated for irregular or occasional overtime work by granting compensatory time off. Compensatory time off may be approved (not required) in lieu of regularly scheduled overtime work only for employees, including wage employees, who are ordered to work overtime hours under flexible work schedules. See 5 U.S.C. 6123(a)(1).
  - 6.2.4.3 DHRA requires that an FLSA-exempt employee (as defined at 5 U.S.C. 5541(2)) receive compensatory time off in lieu of overtime pay for irregular or occasional overtime work, but only for an FLSA-

exempt employee whose rate of basic pay is above the rate for GS-10, step 10. No mandatory compensatory time off is permitted for wage employees or in lieu of FLSA overtime pay.

- 6.2.4.4 An FLSA-exempt employee will use accrued compensatory time off by the end of the 26th pay period after the pay period during which it was earned. Compensatory time will be exhausted before annual leave will be approved.
- 6.2.4.5 DHRA requires that an FLSA-exempt employee who (1) fails to take earned compensatory time off within 26 pay periods or (2) transfers to another agency or separates from Federal service before the expiration of the 26 pay period time limit will forfeit the unused compensatory time off, unless failure to use the compensatory time off is due to an exigency of the service beyond the employee's control. (An FLSA-exempt employee whose earned compensatory time off would otherwise be forfeited due to an exigency of service beyond the employee's control must receive payment for the unused compensatory time off at the overtime rate in effect when earned.)
- 6.2.4.6 Hours earned as a result of work that management orders and management approves in advance, which are in excess of the employee's basic work requirement. Management must approve the use of compensatory time in advance and must follow direction as outlined in Administrative Instruction 28, "Overtime, Administrative Workweek, and Prescribed Hours of Duty for Civilian Employees" (Reference (a)) and any other applicable policy. Employees are required to use compensatory time off before using annual leave.

## 6.2.5 CREDIT HOURS

- 6.2.5.1 Credit hours are hours that an employee elects to work, with supervisory approval, in excess of the employee's basic work requirement under a flexible work schedule. (Information on flexible work schedules is available in OPMs Handbook on Alternative Work Schedules.)
- 6.2.5.2 Employees are not paid basic pay or overtime pay for credit hours when they earn them. An employee may use credit hours during a subsequent day, week, or pay period, with supervisory approval, to allow the employee to be absent from an equal number of hours of the employee's basic work requirement with no loss of basic pay. (See the definitions of *basic work requirement* and *credit hours* in 5 U.S.C. 6121(3) and (4), respectively.)
- 6.2.5.3 Full-time or part-time employees under flexible work schedules may earn credit hours if DHRA, Component or Division policies for flexible work schedules or union agreements permit. Agencies may permit GS employees, wage employees, senior level or scientific professional employees (SL/ST), and DoD nonappropriated fund employees under flexible work schedules to earn credit hours. Members of the Senior Executive Service (SES) may not earn credit hours. See 5 U.S.C. 6121(2) and 5 CFR 610.408.
- 6.2.5.4 An employee's election to work a flexible work schedule and earn credit hours is subject to limitations prescribed by DHRA policy to

ensure that the duties and responsibilities of a position are fulfilled – DHRA policy allows a maximum of 24 Credit Hours to be accumulated by an employee at any given point in time. The DHRA Director or delegated Component Director may determine that any organization within DHRA, Component or Division, is being substantially disrupted in carrying out its functions or is incurring additional costs because of use of flexible work schedules. If such a finding is made, DHRA or the Component may restrict the use of credit hours, limit flexible time bands, or exclude any employee or group of employees from using flexible work schedules. Even without such a finding, DHRA may establish limitations on how credit hours are earned and the number of credit hours that may be earned. (See 5 U.S.C. 6122(b)).

- 6.2.5.5 The definition of *credit hours* in law (5 U.S.C. 6121(4)) provides that credit hours may be earned only within an employee’s flexible work schedule. This means that an employee may earn credit hours only by working within the flexible time bands established by DHRA, Component or Division. Hours that will count toward the basic work requirement may not be considered credit hours. For example, if an employee would otherwise complete 9 hours of his or her 80-hour basic work requirement on a workday, the ninth hour is not a credit hour. If DHRA, Component or Division’s flexible time bands are broad enough, DHRA, Component or Division, may permit the employee in this situation to work a tenth hour voluntarily and earn one credit hour.
- 6.2.5.6 For a full-time employee, only 24 credit hours may be carried over to the next pay period. For a part-time employee, not more than one-fourth of the hours in the employee’s biweekly basic work requirement may be carried over to the next pay period. Only 1 credit hour is earned for each hour of voluntary work in excess of the basic work requirement. (See 5 U.S.C. 6126(a)).
- 6.2.5.7 General Credit Hour Guidelines:
  - 6.2.5.7.1 Credit hours are hours that a full-time or part-time employee elects to work, with supervisory approval, in excess of their basic work requirement under a FWS program.
  - 6.2.5.7.2 Employees may earn and use credit hours in 15-minute increments.
  - 6.2.5.7.3 Employees must earn credit hours before using the credit hours.
  - 6.2.5.7.4 Maximum carryover of credit hours from one pay period to the next is 24 hours.
  - 6.2.5.7.5 Supervisors must approve credit hours in advance before employees earn them.
  - 6.2.5.7.6 Supervisors must approve the use of credit hours before employees use them.

- 6.2.5.7.7 Employees may not substitute credit hours for annually scheduled use or lose leave. Employees and supervisors must execute annual leave plans to meet employee leave requirements and balance mission responsibilities.
- 6.2.5.7.8 Supervisors and employees may apply time worked in excess of the maximum 24 hours as compensatory time or overtime if the supervisor approves in advance.
- 6.2.5.7.9 An employee receives pay for a maximum of 24 unused credit hours at his or her current rate of basic pay when federal employment ends, when the employee transfers to another government agency, or when the employee otherwise is no longer subject to a DHRA, Component or Division's flexible work schedule program. The premium pay limitations in 5 U.S.C. 5547 do not apply to payment for credit hours even though they apply to payments for unused compensatory time off.
- 6.2.5.7.10 Credit hours may not be earned for travel.
- 6.2.5.8 Supervisors retain the authority to approve DAI requests for leave, compensatory time, or credit hours in advance. Supervisors may approve requests at any time as long as adequate coverage is available to meet operational needs.
- 6.2.6 RESTRICTIONS
  - AWS will not apply during periods of Temporary Duty (TDY) and training periods.
- 6.3 CIVILIAN FITNESS/WELLNESS PROGRAM
  - 6.3.1 PURPOSE
    - The Civilian Fitness/Wellness Program (CFWP) is designed to encourage and motivate employees to develop healthy lifestyles and enhance the quality of work-life and productivity.
  - 6.3.2 AUTHORITY
    - 6.3.2.1 DoD Directive 1010.10, "Health Promotion and Disease/Injury Prevention," April 28, 2014
    - 6.3.2.2 Office of the Secretary of Defense/Joint Chiefs of Staff/Washington Headquarters Services Civilian Fitness/Wellness Program
  - 6.3.3 EMPLOYEE ELIGIBILITY
    - 6.3.3.1 Participation in the CFWP is limited to full-time and part-time federal, civilian employees and is contingent upon supervisory approval and subject to workload or mission requirements.
    - 6.3.3.2 Individuals serving on a Performance Improvement Plan, who are subject to leave restrictions, or who have been formally disciplined for misconduct related to dishonesty, or lack of candor within the past year are ineligible to participate in the program.
  - 6.3.4 ADMINISTRATIVE LEAVE (WELLNESS) CEILINGS
    - 6.3.4.1 Full-time employee ceilings. A supervisor may approve a maximum of one hour of Administrative Leave per day for up to three regularly scheduled work days per week. Unused time from a previous week

may not be carried over from week to week. The three hours per week consists of the total time away from the worksite to include time for changing clothes, showering, and traveling to and from the fitness/wellness program location. If an employee is unexpectedly away from the office for longer than the approved period, he/she may request the use of annual leave subject to supervisory approval. If the employee does not request, or the supervisor denies the request for annual leave, the employee should be charged absent without leave (AWOL).

6.3.4.2 Part-time employee ceilings. A supervisor may approve a pro-rated amount of Administrative Leave based on the number of hours worked per pay period, applying the following formula:

Number of hours regularly scheduled to work biweekly divided by 80 hours = % of (maximum 3 hours per week) time allowed for the part-time employee. (All calculations should be rounded to the nearest timekeeping increment (i.e., 15 minutes)).

Example: A part-time employee working 32 hours per week/64 hours per pay period ( $64/80 = 80\%$ ).  $80\%$  of 3 hours per week = 2.4 hours per week, rounded to the nearest timekeeping increment (15 minutes/.25 hours) = 2.5 hours a week.

#### 6.3.5 PARTICIPATION PROCEDURES

6.3.5.1 An employee and his/her supervisor must establish a signed “OSD/JCS/WHS Civilian Fitness/Wellness Program Agreement” (SD Form 824) prior to an employee’s participation in the CFWP. The employee and supervisor should retain a copy of this Agreement for his/her records.

6.3.5.2 After an employee submits a request for Administrative Leave (Wellness), the employee will be notified by his/her supervisor whether the request has been approved or denied. If denied, a supervisor must document the reason for denying an employee’s participation in the CFWP or a specific request for Administrative Leave (Wellness) and communicate the reason to the employee.

6.3.5.3 Participants must physically report to work before going to their fitness/wellness activity and must physically report back to work if the fitness/wellness activity is the last thing done before the end of their work day.

6.3.5.4 Supervisors are encouraged to allow employee participation in the CFWP, when possible. Overtime and/or compensatory time may not be approved to allow for participation in the CFWP. If work requirements do not allow for an employee to use Administrative Leave (Wellness) during the work day, the use of AWS is encouraged in accordance with AWS program guidance. This includes allowing the employee to participate in wellness/fitness activities before or after work in a non-paid, non-duty status. (For example, if a peak period of workload requires an employee to work for a full 8 hour period, and,

therefore, he/she cannot be spared for Administrative Leave (Wellness), the employee may be allowed to change his/her schedule from 8:00am – 4:30pm to 9:00am – 5:30pm.) Note: any change in work schedule is subject to supervisory approval.

- 6.3.5.5 Administrative Leave (Wellness) can be combined with authorized breaks or in conjunction with the regularly scheduled lunch period with supervisory approval. Administrative Leave (Wellness) may not, however, be used before an employee reports for duty or to allow for an employee's early departure.
- 6.3.5.6 Supervisors of a newly assigned employee who is already participating in the CFWP should review an employee's scheduled participation to determine if there are any conflicts with the mission of the organization.
- 6.3.5.7 Supervisors are responsible for ensuring the program is not compromised or abused and have the authority to revoke privileges based on a finding of an employee's failure to fully participate in the approved fitness/wellness program, or subsequent to approval of the employee to participate in such program, the employee is placed on a PIP, a leave restriction plan, or is formally disciplined for misconduct related to dishonesty or lack of candor.
- 6.3.5.8 Supervisors may cancel an employee's Administrative Leave (Wellness) when required to accomplish the mission. (This includes the right to cancel an employee's use of Administrative Leave (Wellness) on a day where the employee has been approved the use of administrative, sick, annual leave, or leave without pay (unrelated to CFWP) and the supervisor believes the combined time away from work would negatively impact the mission). However, whenever possible, supervisors should try to reschedule the Administrative Leave (Wellness) for another time.
- 6.3.5.9 Copies of all active "OSD/JCS/WHS Civilian Fitness/Wellness Program Agreements" must be kept by supervisors, and organizations are to provide copies to WHS upon request to satisfy reporting requirements. Periodic reviews and reports may be required.
- 6.3.6 **FITNESS/WELLNESS CRITERIA**
  - 6.3.6.1 Fitness activities suitable for Administrative Leave (Wellness) address cardiovascular/aerobic endurance, muscular strength, endurance, flexibility, and body composition. Wellness program activities include, but are not limited to, classes in the following areas: health education, nutrition, stress management, weight management, and tobacco cessation or on-site Component sponsored health screenings. Services provided by the Pentagon Athletic Center, the Employee Assistance Program (EAP) (including counseling services provided by an EAP employee), or preventative services provided by the DiLorenzo TRICARE Health Clinic are also included.
    - 6.3.6.1.1 Muscular strength and endurance exercises increase lean body mass and increase the body's metabolism. (Activities

include the use of machines and free weights and general calisthenics.)

6.3.6.1.2 Flexibility exercises involve stretching all major muscles in the body to help reduce risk of injury and promote flexibility and mobility at each joint. Stretching sequences at the beginning and end of exercise sessions promote this result. (Activities include Yoga, Pilates, etc.)

6.3.6.1.3 Body composition relates to the amount of muscle tissue and fat tissue in the body.

#### 6.3.7 TIMEKEEPING REQUIREMENTS

Employees and time and attendance certifiers must ensure that Administrative Leave (Wellness) used is accounted for in DAI by entering "LN" in the "Type Hour" column and "PF" in the "EHO Code" column. This data will be used to fulfill reporting requirements.

#### 6.3.8 INJURY

If injury occurs during a fitness/wellness activity while on Administrative Leave (PF), the employee must immediately notify his/her supervisor and must also complete Form CA-1 or CA-2.

7. EFFECTIVE DATE: The Effective Date of this OI is on the date of the signature below.

William H. Booth  
Director

#### Enclosures:

1. References
2. Glossary

ENCLOSURE 1

REFERENCES

- (a) Administrative Instruction No. 28, "Overtime, Administrative Workweek, and Prescribed Hours of Duty for Civilian Employees," June 27, 1984
- (b) Title 5, United States Code, Chapter 63
- (c) Title 5, Code of Federal Regulation, Part 630
- (d) Title 5, Code of Federal Regulations, Part 610
- (e) DoD 7000.14.R, "Department of Defense Financial Management Regulation (DoD FMR)"
- (f) DoD Directive 1400.25, Volume 610, "DoD Civilian Personnel Management System: Hours of Duty," November 28, 2014
- (g) OPM Handbook on Alternative Work Schedules
- (h) DoD Instruction 1035.01, "Telework," April 4, 2012

## ENCLOSURE 2

### GLOSSARY

#### PART I. ABBREVIATIONS AND ACRONYMS

|      |                                     |
|------|-------------------------------------|
| AWS  | Alternate Work Schedule             |
| CWS  | Compressed Work Schedule            |
| FLSA | Fair Labor Standards Act            |
| FWS  | Flexible Work Schedule              |
| GS   | General Schedule                    |
| MM   | Manpower Management                 |
| LMER | Labor Management Employee Relations |
| OPM  | Office of Personnel Management      |
| SF   | Standard Form                       |

#### PART II. DEFINITIONS

These terms and their definitions are for the purpose of this OI.

1. Administrative Workweek. A period of seven consecutive calendar days usually coinciding with a calendar week – Sunday through Saturday.
2. Alternate Work Schedule (AWS). An arranged tour of duty that varies from the regular tour of duty. AWS includes both flexible and compressed work schedules.
3. Basic Workweek. The 40-hour workweek for full-time employees that includes the officially prescribed days and hours during which full-time employees are entitled to basic pay. Unless otherwise designated, the basic workweek for full-time employees consists of five 8-hour days, Monday through Friday.
4. Basic Workweek Requirement. The number of hours, excluding overtime hours, which an employee is required to work or is required to account for by leave or otherwise (i.e., an 8-hour day, a 40-hour workweek, or an 80-hour pay period).
5. Commuting time. Normal daily travel by an employee to and from work before and after the regular workdays.
6. Compensable. Periods of time that are creditable as hours of work for the purpose of determining a specific pay entitlement, even when that work time may not actually generate additional compensation because of applicable pay limitations.
7. Compensatory time off. Time off granted in lieu of payment for an equal amount of time spent in irregular or occasional overtime work.
8. Core hours. The designated hours during which an employee covered by an FWS is required by the agency to be present for work.
9. Credit hours. Hours that an employee elects to work with supervisory approval, in excess of the employee's basic work requirements under an FWS.
10. CWS. A work schedule in which a full-time employee elects to work an 80-hour biweekly basic work requirement in less than 10 workdays. In the case of a part-time employee, a biweekly basic work requirement of less than 80 hours that is scheduled for

less than 10 workdays and that may require the employee to work more than 8 hours in a day.

11. Exempt employee. An employee who is not covered by the minimum wage and overtime provisions of the FLSA. The exempt status is determined by the nature of the officially assigned duties performed by the employee.
12. Flexible hours. The times during the workday, workweek, or pay period within the tour of duty during which an employee covered by an FWS may choose to vary his or her times of arrival to, and departure from, the work site consistent with the duties and requirements of the position.
13. Fair Labor Standards Act (FLSA). Establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting full-time and part-time workers in the private sector and in Federal, State, and local Governments.
14. Flexible Work Schedule (FWS). A work schedule in which a full-time employee has an 80-hour biweekly basic work requirement that allows an employee to determine his or her own schedule within the limits set by the agency. In the case of a part-time employee, a biweekly basic work requirement of less than 80 hours that allows an employee to determine his or her own schedule within the limits set by the agency.
15. Holiday Pay. Pay for holidays on which no work is performed.
16. Hourly regular rate of pay. Rate is computed by dividing the total remuneration paid to an employee in the workweek by the total number of hours of work in the workweek for which such compensation was paid.
17. Hours of work. All time spent by an employee performing an activity for the benefit of the agency and under the control or direction of the agency.
18. Irregular or occasional overtime work. Overtime work that could not be scheduled and approved prior to the start of the administrative workweek in which it is performed.
19. Nonexempt employee. An employee who is covered by the minimum wage and overtime provisions of the FLSA. The nonexempt status is determined by the nature of the assigned duties performed by the employee.
20. Normal waiting time. For purposes of determining time in travel status, the period between arrival at a plane, train, or bus terminal and scheduled departure time is dependent upon current requirements for travel (e.g., during heightened security risk, travelers are required to arrive two hours prior to departure time).
21. Official duty station. The documented geographic location where an employee regularly works.
22. Official work site. The location of an employee's position of record where the employee regularly performs his or her duties, or, if the employee's work involves regular travel or the employee's work location varies on a daily basis, where his or her work activities are based, as determined by the Department of Defense.
23. Organization. An entity within an agency that is headed by an official with the authority to establish tours of duty.
24. Overtime work. Work, performed by an employee, in excess of 8 hours in a day or 40 hours in an administrative workweek that is officially ordered or approved in advance by management. It is work that is not part of an employee's regularly scheduled administrative workweek and for which an employee may be compensated.
25. Premium pay. The dollar value of earned hours of compensatory time off and additional pay authorized for overtime, night, Sunday, or holiday work; or for standby duty,

administratively uncontrollable overtime work, or availability duty. This excludes overtime pay paid to employees under the FLSA and compensatory time off earned in lieu of such overtime pay.

26. Rate of basic pay. The rate of pay fixed by law or administrative action for the position held by an employee for overtime pay purposes, including any applicable locality payment or special rate supplement.
27. Regular overtime work. Overtime work that is scheduled and approved prior to the start of the administrative workweek in which the overtime is performed.
28. Regularly scheduled work. The period an employee is regularly scheduled to work within an administrative workweek. For a full-time employee, it consists of the 40-hour basic workweek plus any periods of regularly scheduled overtime work. For a part-time employee, it means the officially prescribed days and hours during which the employee is regularly scheduled to work.
29. Straight time rate of pay. Employee's rate of pay for his or her position (exclusive of any premiums, differentials, or cash awards or bonuses) except for an employee who is authorized annual premium pay. For an employee who is authorized annual premium pay, straight time rate of pay is equal to basic pay plus annual premium pay divided by the hours for which the basic pay plus annual premium pay are intended.
30. Suffered or permitted work. Any work performed by an employee for the benefit of an agency, whether requested or not, provided the employee's supervisor knows or has reason to believe that the work is being performed and has an opportunity to prevent the work from being performed.
31. Tour of Duty. The hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek.
32. Travel. Officially authorized travel for work purposes that is approved by an authorized agency official or otherwise authorized under established agency policies.
33. Travel status. Travel time that is creditable in accruing compensatory time off for travel.