



Provision for Crediting Prior Service for Determining Annual Leave Accrual Rate

A Mandatory Reference for ADS Chapter 480

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This reference provides policy guidance on the provision for crediting prior service for annual leave accrual, in accordance with section 202(a) of the Federal Workforce Flexibility Act of 2004 (Public Law 108-411, October 30, 2004) and 5 CFR Part 630.

This provision applies only to employees receiving their first appointment as a civilian employee of the Federal Government, or reappointment following a break in service of at least 90 calendar days after their last period of Federal civilian service.

1. Effective Date

This policy is effective on 11/22/2010 and conforms to final regulations in 5 CFR Part 630 issued on September 18, 2006, by the Office of Personnel Management (OPM) on use of this authority. This policy guidance supersedes Interim Update 05-09, (originally issued as Policy Notice # 06109, dated 06/30/2005) which was based on OPM's interim regulations.

This authority is not retroactively applied to current employees, in compliance with the Federal Workforce Flexibility Act and OPM's final regulations.

2. Coverage

USAID applies this authority to permanent civil service employees, as well as those who receive temporary appointments that may be non-competitively converted to permanent employment (i.e. 30 percent or more disabled veterans and Schedule A appointments for people with mental retardation, severe physical disabilities, or psychiatric disabilities).

The Agency also applies this authority to candidates selected for career Foreign Service Officer appointments, as well as those selected for Foreign Service Limited appointments.

Employees may receive service credit for the following:

--Prior work experience in a non-Federal appointment;

--Prior work experience in a Federal appointment that would normally not be creditable;
or

--A period of active duty in a uniformed service that otherwise would not be credited in determining their annual leave accrual rate, if the conditions for crediting prior service have been met (see section no. 3 of this policy, Conditions for Crediting Prior Service).

Previously, employees who were retired members of a uniformed service under 5 USC 3501 could be granted credit only for periods of active duty served during a campaign or expedition for which a campaign badge was issued. Under this new authority, employees who are retired members of a uniformed service may be granted credit for

any period of active military service, if the conditions for crediting prior service have been met (see section no. 3 of this policy, Conditions for Crediting Prior Service).

USAID limits prior service credit to service performed in the last ten years prior to the candidate's appointment date to the Agency.

3. Conditions for Crediting Prior Service

The Chiefs of the Office of Human Resources, Civil Service Personnel Division (OHR/CSP) and the Foreign Service Personnel Division (OHR/FSP), or their designees, will make determinations, on a case-by-case basis, to grant service credit. Candidates do not have an automatic entitlement to receive prior service credit. Determinations by OHR to grant prior service credit are discretionary and are subject to the candidates meeting all of the following conditions:

- a. The skills and experience they possess are essential to the new position and were acquired in a prior position in which their duties directly relate to the position to which they are being appointed;
- b. The prior position is at or equivalent to no less than one grade level below the position to which they are being appointed; and
- c. The skills and experience they possess are necessary to achieve an important Agency mission or performance goal.

The amount of service credited includes only the actual amount of service where the duties performed directly relate to the position to which the candidates will be appointed. In addition, the prior service must meet the following conditions:

- a. The duties must be no less than one grade level or equivalent below the position to which the candidate will be appointed;
- b. Prior service must have been performed in the ten years prior to the candidate's appointment date to the Agency; and
- c. It must have been either full-time employment or part-time of at least 32 hours during a two-week period.

-Civil Service-

Generally, the series and occupations for which the Agency may approve credit for determining an employee's annual leave accrual rate are those at the GS-12 level and above and that have been identified as mission critical occupations. These are:

0201 - Human Resources Specialists
0601, 0602, 0685 - Health Specialists

1102 - Contract Specialists
2210 - Information Technology Specialists

Requests for prior service credit when the occupation has not been identified as mission critical will be considered on a case-by-case basis, and only under unusual circumstances.

-Foreign Service-

The Agency may approve credit for determining an employee's annual leave accrual rate for all Foreign Service Officers, as they have all been identified as mission critical occupations.

4. Responsibilities

a. OHR/CSP and OHR/FSP are responsible for administering all processes related to crediting prior service toward the annual leave accrual rate.

b. The servicing OHR/CSP Human Resources Specialist (HRS) is responsible for advising hiring officials on the use of crediting prior service toward the annual leave accrual rate. Candidates who have specific questions about crediting their prior service should likewise consult their servicing HRS.

c. For Civil Service candidates, the hiring official must concur with a request to credit prior service before OHR/CSP can make a final determination to approve the candidates' qualifying prior work experience.

5. Required Documentation

-Civil Service Candidates ONLY-

Each determination to authorize credit of prior service for determining the annual leave accrual rate must be documented on the Credit of Prior Service for Determining Annual Leave Accrual Rate Approval Form (AID Form 400-37). This form will not be used for the Foreign Service since all of their occupations have been identified as mission critical.

-Civil Service and Foreign Service Candidates-

To have a particular segment of prior service counted towards the annual leave accrual rate, the candidate's résumé or application must clearly document the specific beginning and ending dates (month, day, and year) in the prior position and the duties performed that are directly related to those of the position being filled. If this information is not clearly stated, additional documentation will be necessary. The additional documentation must include either a written official confirmation of work experience from a previous employer on the employer's official letterhead or the candidate's self-

certified statement. This additional documentation must clearly define the beginning and ending dates in the prior position, as well as duties performed that are directly related to those of the position being filled. This documentation must be attached to the AID Form 400-37, if it is for a Civil Service Candidate.

OHR must attach proof of creditable service documentation to the SF-144A, Statement of Prior Federal Service Worksheet, or equivalent form, and retain it permanently in the employee's Electronic Official Personnel Folder (e-OPF).

6. Crediting Service from a Prior Position

The Chiefs, OHR/CSP and OHR/FSP, or their designees, approve the documentation for crediting service in a prior position. OHR grants credit to employees on the effective date of their initial appointment or reappointment to a position in the Agency. OHR must make the determination to approve the candidates' qualifying prior work experience before they begin duty in the new position; the determination cannot be made retroactively.

The Agency grants credit for service in a prior position only for the purpose of determining an employee's annual leave accrual rate.

7. One-Year Service Requirement to Retain Service Credit

Service credit granted to an employee for prior work experience remains creditable for annual leave accrual purposes, unless the employee fails to complete one full year of continuous service with the Agency.

Once the employee completes one full year of continuous service with the Agency, the period of service for which the employee was granted service credit is permanently credited for annual leave accrual purposes for the duration of the employee's Federal career.

An employee must not receive dual credit for the same period of service. Once an employee is permanently credited with service in a prior position or a period of active military service (upon completion of one full continuous year with the Agency), that period of service may not be considered for further credit if the employee has a future break in service.

8. Separation before Completing One Year of Service

If an employee separates from the Agency or transfers to another Federal agency prior to completing one full year of continuous service with the Agency, the employee is not entitled to retain credit for the prior work experience.

Prior to the transfer or separation of the employee, OHR staff will establish a new service computation date for leave, subtracting the credit that was provided for prior

work experience. Any annual leave earned by an employee remains to his or her credit, even if the employee fails to complete one full year of continuous service with the Agency. The Agency must transfer the annual leave balance to the new employing agency, or provide a lump-sum payment for unused annual leave if the employee is separating from Federal service or moving to a new position to which annual leave cannot be transferred.

If an employee loses service credit for service in a prior position or a period of active military service because he or she fails to complete one continuous year of service with USAID, an agency may elect to provide credit for that same period of time to the employee in the future, if and when the employee is reappointed to a Federal position. An agency may provide credit for the same period of service in a prior position if the employee has had a break in service of at least 90 calendar days and meets all the requirements for receiving credit for such service.

9. References

- a. Section 202(a) of the Federal Workforce Flexibility Act of 2004 (Public Law 108-411, dated October 20, 2004)
- b. Title 5, United States Code, Chapter 63, Subchapter I
- c. Part 630 of title 5, Code of Federal Regulations
- d. Federal Register, Volume 71, Number 180, dated September 18, 2006
- e. Chapter 6 of the U.S. Office of Personnel Management Guide, "Guide to Processing Personnel Actions," as amended
- f. Office of Personnel Management Memorandum at www.opm.gov/oca/compmemo/2006/2006-09.asp
- g. Office of Personnel Management Questions and Answers at www.opm.gov/oca/compmemo/2005/2005-07_QA.asp
- h. Office of Personnel Management Fact Sheet on Creditable Service for Annual Leave Accrual for Non-Federal Work Experience and Experience in the Uniformed Service at www.opm.gov/oca/leave/HTML/CreditableService-forAnnualLeaveAccrual.asp

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