

December 6, 2005

MEMORANDUM

TO: IRS Chapter Presidents

RE: Compensatory Time Off for Travel Agreement

SUMMARY: NTEU and the IRS have reached an agreement regarding the implementation of the new compensatory time off for travel regulations.

NTEU and the IRS have reached an agreement concerning the implementation of the new compensatory time off for travel regulations. These new regulations allow federal employees to be credited for time spent in an official travel status away from the employee's official duty station when that time is not otherwise compensable.

Although the parties have only recently reached accord, employees will be eligible to claim all instances that may have qualified under the interim regulations as of **January 28, 2005**. Consequently, I encourage all employees to review their travel, time and attendance records, and immediately submit them on for proper accreditation. Specifically, employees should be prepared to submit the following information for each trip: (a) the point of departure, (b) the time of departure, (c) the time spent traveling from one's official duty station to their temporary duty station, (d) the normal commute time between one's home and their official duty station, (e) the name and location of the transportation terminal, (f) the number of miles from one's official duty station to the transportation terminal, (g) the transportation terminal's recommended arrival time before departure, (h) the length of any bona fide meal period, (i) the length of any layover between any connecting flights, and (j) the length of any extended waiting periods or delays. (See the attached forms.) Given the amount of time that may have passed between when the employee traveled and the approval of this agreement, reasonable approximations regarding the aforementioned information should suffice. If employees experience any managerial resistance during this accreditation process, they should contact their stewards to discuss the prospect of a grievance.

Recently, the parties reached a comprehensive agreement. A copy of the final Letter of Understanding is attached for your reference.

Highlights of the agreement include the following:

- Under normal circumstances, the IRS will credit an employee's claim for compensatory time for travel within the same pay period that it is approved.
- For purposes of this agreement, the definition of "official duty station" is an employee's post-of-duty and the surrounding 50-mile radius, as opposed to any locally defined commuting areas.
- The IRS will post a copy of the Agreement, the correlated policy, "Frequently Asked Questions," and SETR Guidance on "IRS Headlines." (See attachments.) In addition, a separate e-mail containing these documents will be sent to employees who travel frequently.
- Either party can reopen negotiations in the event that OPM's final regulations or Treasury Department guidance alter the scope of the interim regulations.
- Grievances concerning compensatory time for travel will be processed under the streamlined grievance procedure.

I would especially like to thank Charlie Turek (NTEU Chapter 10 — Chicago, IL); Pamela Blanco (NTEU Chapter 97 — Fresno, CA); Steve Wilson (NTEU Chapter 30 — Seattle, WA); and Tom Schoenwetter (NTEU Chapter 79 — Rochester, NY) for their time, effort, and dedication in ensuring that this new initiative is used to the benefit of all employees. Without their input and diligence, the negotiation of this initiative would not have been nearly as successful.

If you have any questions or comments about this initiative or this agreement, please contact Jurmell James of the Negotiations department. You can reach Jurmell at (202) 572-5500, ext. 7020 or by e-mail at Jurmell.James@NTEU.org.

Colleen M. Kelley
National President

Attachments

NEGLOU



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

HUMAN CAPITAL OFFICE

DEC 06 2005

Jurmell James, Esq.
National Negotiator
The National Treasury Employees Union
1750 H Street N.W.
Washington, D.C., 20006

Dear Mr. James:

On January 28, 2005, the U.S. Office of Personnel Management (OPM) issued new interim regulations implementing a provision of the *Federal Workforce Flexibility Act of 2004* (Pub. L. No. 108-411), which established a new form of compensatory time off for time spent by a Federal employee in "travel status" away from the employee's official duty station when such time is otherwise not compensable. These regulations granted agencies the authority to immediately implement this change in time reporting for compensatory time.

As a result of the impact and implementation bargaining between the National Treasury Employees Union (NTEU) and the Internal Revenue Service (IRS) concerning compensatory time off for travel, the parties hereby agree as follows:

1. Following execution of this agreement, the Service will publicize it via an article in IRS Headlines. Additionally, the Service will post on the IR web a copy of this agreement, a link to OPM's "Frequently Asked Questions," examples, SETR guidance, and a copy of the Service's policy for compensatory time off for travel. Furthermore, the IRS will send an e-mail to all IRS travel credit card holders publicizing the agreement with a link to the information mentioned above and provide a copy of this information to employees who do not have access to the IRS intranet. Management has determined that employees will be given a reasonable amount of administrative time to review this information.
2. The Employer has determined that within thirty (30) calendar days following execution of this agreement, employees will submit to their immediate supervisor for approval any compensatory time for travel they may have accrued since January 28, 2005. The thirty calendar day period will apply only to requested compensatory time off for travel for the period of time from January 28, 2005, to the date of this agreement. In order to be evaluated for credit, employees must submit the following information for each trip: (a) Point of departure (e.g., official duty station, alternate worksite or home of residence), (b) time of departure, (c) time spent traveling from official duty station to

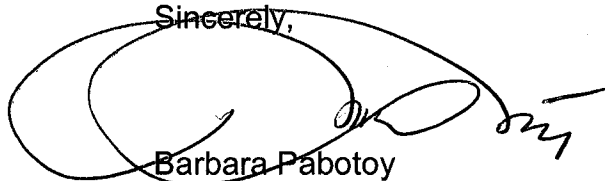
temporary duty station, (d) normal commute time between home and official duty station, (e) name and location of transportation terminal (e.g, Grand Central Train Station, New York, NY, (f) number of miles from official duty station to transportation terminal, (g) transportation terminal recommended arrival time before departure, (h) time spent in any bona fide meal periods, (i) time spent on any layover between connecting flights, (j) time spent in any extended waiting period or delay. All subsequent requests must be submitted in conformance with the IRS policy of five (5) work days following return to the official duty station.

3. The Employer has determined that when an employee returns from any officially directed travel, he or she must submit a request for compensatory time off for travel within five (5) work days following completion of travel. Failure to submit a request within the specified time period will result in denial of the request. The employee's immediate supervisor may make a case-by-case exception to the five (5) work day time limit due to unforeseen or extenuating circumstances that prevented the employee from submitting the request.
4. Under normal circumstances, compensatory time off for travel will be credited within the pay period approved.
5. Management has determined that if a request to earn compensatory time off for travel is denied, the immediate supervisor will notify the employee within a timely manner. Upon request, the immediate supervisor will provide a written explanation of the rationale behind the denial.
6. Grievances concerning compensatory time off for travel will be processed in accordance with the streamlined procedures in Article 41, Section 17 of the National Agreement.
7. The Employer has determined that for every consecutive eight and one half (8 ½) hours of creditable compensatory time off claimed by the employee, one half (½) hour will be deducted as a "Bona Fide Meal Period." Apart from the half (½) hour deduction, any other Bona Fide Meal Period reported by an employee will be deducted from creditable time.
8. The Employer has determined that, for purposes of this agreement, "Official Duty Station" is defined as the employee's "Post of Duty" as noted on their most current Notification of Personnel Action, SF-50. This term also refers to the fifty (50) mile geographic radius surrounding an employee's Post of Duty. This definition of "Official Duty Station" differs from that contained in IRM 6.500.1.11.2.2.

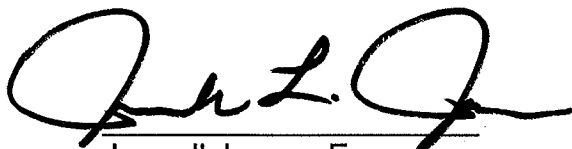
9. The Employer has determined that, for purposes of this agreement, "Usual Wait Time" is defined as the normal suggested time to arrive at a transportation terminal (e.g. an airport or train depot) before departure of a commercial flight or train. The suggested time varies usually from thirty (30) minutes to two (2) hours among airports or train stations. The IRS maximum time period considered usual wait time is two (2) hours for domestic flights and up to a maximum of three (3) hours for international travel. Usual wait time is applied to each leg of a travel segment (i.e, up to two hours before originating domestic flights and a maximum of two hours for any layover between connecting flights.) However, an employee's immediate supervisor may make case-by-case exceptions to this limit as long as the employee can demonstrate that a longer wait time was recommended by the transportation terminal (i.e. airport) and/or transportation carrier (i.e, commercial airline) and was not due to an extended or unusual delay.
10. The Employer has determined that employees may request a written explanation from their supervisor when a request to use accrued compensatory time off for travel is denied as well as an alternative date(s) for usage.
11. If the final regulations that are approved by OPM and/or the Department of Treasury are inconsistent with the interim regulations that went into effect on January 28, 2005, either party will have the option of re-opening negotiations to address those changes in the regulations.

If the above captures your understanding of the actions the Service intends to take to implement this initiative, please indicate that understanding below and return to this office. If you have any questions, please contact Bryan Allen of the Labor Relations Strategy and Negotiations Branch on (202) 927-7584.

Sincerely,



Barbara Pabotoy
Director
Workforce Relations Division



Jurmell James, Esq.
NTEU National Negotiator

DECEMBER 6, 2005

Date

Compensatory Time Off for Travel

Guidance for Approval of Travel between January 28, 2005 and January 21, 2006

The following guidance instructs employees and managers how to begin requesting and granting compensatory time off for travel in accordance with the recently released Compensatory Time Off for Travel, Policy 87, for management directed travel during non-duty hours between January 28, 2005 and January 21, 2006.

NOTE: Management directed travel during non-duty hours **after January 22, 2006**, will be requested and granted in accordance with the [policy](#).

IRS Policy 87, Compensatory Time Off for Travel, is effective as of the date signed; however, it is implementing law that was effective January 28, 2005. **Therefore, as [previously advised](#) by Chief HCO news letter February 14, 2005, managers and employees maintaining records of management directed travel time outside of duty hours may qualify for compensatory time off for travel.**

According to policy, employees normally have 5 work days following completion of travel in which to submit their claim for any compensatory time off for travel time. The delayed policy implementation has created an extenuating circumstance where 5 work days is not a sufficient amount of time for employees to prepare the attached worksheets for the retroactive claims. It is understood that employees have been manually tracking their management directed travel outside of non-duty hours during the period from January 28, 2005 through the policy implementation date.

Therefore, a one-time 30-calendar day submission period is being granted to allow employees to prepare their worksheets for the retroactive compensatory time being claimed between January 28, 2005 and December 10, 2005.

Worksheets for retroactive claims must be submitted to management by January 10, 2006.

The 5 workday claim submission will be required, in accordance with Department of Treasury policy, December 11, 2005, and thereafter.

Employee claims should be submitted on one of the worksheets below, for EACH travel event, and include:

1. Point of departure (e.g., official duty station, alternate worksite or home of residence)
2. Time of departure
3. Time spent traveling from official duty station to temporary duty station
4. Normal commute time between home and official duty station

5. Name and location of transportation terminal (e.g., Grand Central Train Station, New York, NY)
6. Number of miles from official duty station to the transportation terminal
7. Transportation terminal recommended arrival time before departure
8. Bona fide meal periods
9. Layovers between connecting flights
10. Extended waiting periods/delays
11. Employees are expected to report the information on the following documents depending on whether or not commercial, private or government owned transportation was used.

Before any requested time may be considered for approval, a manager must have directed that the employee's travel occur outside of normal duty hours for the benefit of the government. An example would be an employee directed to travel on a Sunday to attend an early Monday morning meeting.

Please note that the SETR programming to track compensatory time off for travel hours has not yet been completed. Therefore, two options have been created for employees to record earned and used time.

Option A: Employees who are either separating from the IRS, or would like to use a portion of their accumulated time off before January 7, 2006, may immediately submit their request to their managers for the specific amount of time being sought away from the workplace. The remaining balance of all compensatory time off earned between January 28, 2005 and January 7, 2006, must then be submitted to their manager by January 22, 2006, to have the time credited within the new SETR software.

Option B: Employees who choose not to use their approved time off until after January 22, 2006, should submit their balance claims as of January 22, 2006, to have the balance recorded in the new SETR software. It will have the capacity to keep track of usage rates and the 26 pay period forfeiture date.

See [SETR Alert #35](#) for timekeeping instructions.

Questions regarding SETR and posting of hours should be directed through your SETR contacts or you may contact the [Employee Resource Center](#). Questions on the policy document and its implementation guidance may be forwarded to the Workforce Retention and Transition office mailbox at: *IRS Personnel Policy.

Beverly Ortega Babers
Chief Human Capital Officer

Date



INTERNAL REVENUE SERVICE
WORKFORCE RETENTION AND TRANSITION DIVISION

NOTICE: This information is posted on the web @ <http://hco.web.irs.gov/1PerPolicy/Policies.asp>

SUBJECT:

Compensatory Time Off for Travel.

PURPOSE:

Establish policy, procedures, and definitions to administer Provision 203, Compensatory Time Off for Travel, of the Workforce Flexibilities Act of 2004 consistent with the Code of Federal Regulations and Treasury Policy Transmittal 05-002, Compensatory Time Off for Travel. The definitions are located at the end of this document.

SCOPE:

This policy applies to all IRS employees except the Commissioner, members of the Senior Executive Service (SES), employees paid via a prevailing rate system (i.e., wage grade), and employees on an intermittent appointment.

EFFECTIVE DATE:

This policy is effective as of the date approved and will be applied retroactively to the effective date of the provision of law, January 28, 2005.

IMPACT ON OTHER POLICIES/PROCEDURES:

This policy supplements IRM 6.500.1.11, IRM 6.600.1.4, Time and Leave Handbook (<http://erc.web.irs.gov/Displayanswers/AnswerType.asp?QuestionID=1640&SubCategoryID=188&CategoryID=3&FolderID=5>) and the Interim Travel Handbook (<http://erc.web.irs.gov/Displayanswers/AnswerType.asp?QuestionID=1347&SubCategoryID=0&CategoryID=81&FolderID=8>). It supersedes interim guidance published via Leaders Alert dated February 14, 2005.

POLICY:

It is the policy of IRS, that to the extent practicable, an employee will not be required to travel during non-duty hours. However, compensatory time off for travel will be granted when travel outside of regular working hours cannot be avoided and is directed by an employee's supervisor for the benefit of the government. To be eligible for consideration, time spent in travel status must meet the following requirements:

1. Travel outside of regular working hours must be directed by the employee's supervisor for the benefit of the government;
2. Travel must be outside of the employee's official duty station (i.e., more than 50 miles);
3. Time spent in a travel status must not be otherwise compensable hours of work under any other legal authority (e.g., availability pay, overtime pay); and,
4. Following management directed travel, employees must submit a request within 5 work days following completion of the travel to the immediate supervisor for final approval to earn the compensatory time off for travel.

Further, this policy delegates authority to approve compensatory time off for travel to no lower than an employee's immediate supervisor.

RESPONSIBILITIES:

Division Commissioners are responsible for ensuring that the compensatory time off for travel policy is implemented consistently within their respective divisions.

It is the responsibility of the immediate supervisor to:

1. Direct travel outside regular working hours and outside of the normal duty station prior to the travel occurring;
2. Document the reason for directing the travel outside of regular working hours;
3. Review employee requests to earn compensatory time off for travel and approve all time meeting regulatory and policy requirements;
4. Manage employee requests to use compensatory time earned;
5. Ensure accurate reporting of approved compensatory off for travel in the WEB Single Entry Time Reporting (SETR) timekeeping system;
6. Monitor the 26 pay period time limitation for using credited compensatory time off for travel; and,
7. Maintain official documentation of the earned and approved employee requests for a minimum of 6 years.

It is the responsibility of the employee to:

1. Plan directed travel in the most efficient manner;
2. Track all travel time performed outside regularly scheduled hours of work;

3. Track bona fide meal periods and unusual wait time taken outside of regular hours of work in a travel status;
4. Submit a request to earn compensatory time off for travel within 5 work days following completion of travel (failure to submit a request within the specified time period will result in denial of the request); and,
5. Use accrued compensatory time off for travel within 26 pay periods after the time is credited or the time will be lost.

INFORMATION EMPLOYEES MUST INCLUDE IN THEIR REQUEST:

An employee who plans to request compensatory time off for travel after completion of directed travel must report the following information to their manager:

1. Point of departure (e.g., official duty station, alternate worksite or home of residence)
2. Time of departure
3. Time spent traveling from official duty station to temporary duty station
4. Normal commute time between home and official duty station
5. Name and location of transportation terminal (e.g., Grand Central Train Station, New York, NY)
6. Number of miles from official duty station to transportation terminal
7. Transportation terminal recommended arrival time before departure
8. Bona fide meal periods
9. Layovers between connecting flights
10. Extended waiting periods/delays

Attachments A and B to this policy are worksheets developed to report, approve and record compensatory time off for travel. Completed worksheets are to be maintained with time and attendance records for a minimum of six years.

TIME NOT COMPENSABLE:

Time spent traveling to a new official duty station is not creditable for compensatory time for travel. An employee is traveling from one official permanent duty station to another permanent duty station and therefore the travel is not covered under the compensatory time off for travel provisions.

Bona fide meal periods are not creditable for compensatory time off for travel. Employees must report and deduct any meal periods taken from requests for compensatory time off for travel.

Extended or unusual waiting periods are not creditable for compensatory time off for travel (See definitions). Employees must report and deduct these extended time periods. This includes delays due to cancelled flights, inclement weather or missed connections. It is not compensable even though it is outside the control of the employee.

Commute time which an employee normally encounters on a daily basis and is considered usual home-to-work and work-to-home time is only creditable under certain circumstances as defined in the tables below. When commute time is not creditable it must be deducted from the requested time even if the travel is completed on a non-work day.

Time spent traveling in connection with union activities is not considered official travel and is not eligible for compensatory time off for travel.

DETERMINING COMPENSABLE TRAVEL:

In determining when travel may be considered for compensable time off for travel the following regulations apply. All travel referenced is during non-duty hours, is management directed, and is not otherwise compensable:

1. Travel To or From a Temporary Duty (TDY) Station or an Alternate Worksite

If travel originates from or ends at the employee's	and the employee travels to a location/alternate worksite	then is the time spent traveling creditable for compensable time off?
residence	within the official duty station	No. This is considered normal home-to-work or work-to-home commute time.
residence	outside the official duty station	Yes, minus the normal home-to-work or work-to-home commute time.
official duty station worksite	within the official duty station	No. This is considered normal home-to-work or work-to-home commute time.
official duty station worksite	outside the official duty station	Yes, minus the normal home-to-work or work-to-home commute time.

2. Travel To or From a Transportation Terminal (i.e., Airport or Train Depot)

If travel originates from or ends at the employee's	and the employee travels to a transportation terminal	then is the time spent traveling creditable for compensable time off?
residence	within the official duty station	No. This is considered normal home-to-work or work-to-home commute time.
residence	outside the official duty station	Yes, minus the normal home-to-work or work-to-home commute time.
official duty station worksite	within the official duty station	Yes. There is no commuting time offset. The employee has already commuted to the official duty station.
official duty station worksite	outside the official duty station	Yes. There is no commuting time offset. The employee has already commuted to the official duty station.

3. Multiple Day Travel

Only the first and last day of travel during non-duty hours may be considered for compensatory time off for travel. If an employee on a multiple-day travel assignment chooses to return home at night or on weekends rather than use the temporary lodging authorized at the TDY location, only travel from home to the TDY location and return on the first and last days of travel are creditable hours. These travel hours on the first and last days are subject to the deductions for normal commuting time (home-to-work and work-to-home).

The vast majority of instances of daily travel home is strictly at the employee's request and for personal benefit. However, in rare instances, a business unit may have a travel assignment for an employee where it would be advantageous to the government for the employee to return home rather than staying overnight at the temporary duty station. In these cases the manager must first compare the reduced lodging costs against the additional travel expenditures plus the lost labor time (hourly rate of employee's salary times the number of hours that would be approved and credited for compensatory time off for travel). If there is a net savings to the government, an exception to the first day/last day only policy may be granted only with approval of the second level manager.

4. Multiple Time Zone Travel

When travel involves two or more time zones, the time zone from the first point of departure must be used to determine how many hours the employee spends in a travel status and how many of those hours would be considered non-duty hours.

5. Alternate Mode of Transportation

Section 4.01 of the Interim Travel Handbook states "travel shall be by the method of transportation which will result in the greatest advantage to the Government." If an employee uses an alternate mode of transportation, it often results in additional time spent in a travel status. When a supervisor approves use of an alternate mode of transportation, it must be approved prior to the travel and a determination made on the estimated time in a travel status that would have been creditable for compensatory time for travel had the employee used the authorized mode of transportation.

When an alternative travel mode has been approved, the employee will be credited with the lesser of:

- the estimated number of creditable non-duty hours in a travel status for the authorized mode of travel; or;
- the actual time of creditable non-duty hours authorized as an alternative.

TIMEKEEPING INFORMATION:

Approved compensatory time off for travel accrued must be recorded in a separate account from other compensatory time. As with other official timekeeping records, documentation of approved employee requests must be maintained by supervisors for a minimum of 6 years. Timekeepers should follow the instructions listed on the [Employee Resource Center](#) website to record activity in the SETR software.

Compensatory time off for travel may be accrued and used in 15 minute increments.

Compensatory time off for travel is not considered when applying the biweekly and annual pay limitations in 5 U.S.C. 5547 (5 CFR 550.105-550.107) or the aggregate pay limitation on pay in 5 U.S.C. 5307 (5 CFR part 530 subpart B).

An employee's balance of earned compensatory time off for travel will be maintained if the employee transfers, is reassigned or detailed to Treasury or any other Bureau within the Department. The gaining Bureau will credit the balance to the employee within the same pay period as previously credited with the losing Bureau.

Employees must use accrued compensatory time off for travel by the end of the 26th pay period after the pay period in which it was credited.

Employees will forfeit any credited compensatory time off for travel when any of the following occurs:

1. Earned time is not used by the employee by the end of the 26th pay period from which it was credited.
2. An employee separates from Federal service. An employee may not receive payment for any unused compensatory time off for travel under any circumstances. Even in the event of the employee's death, surviving beneficiaries are not entitled to receive payment for the unused compensatory time off for travel earned.
3. An employee transfers to another agency in the Federal government.
4. An employee moves to a non-covered Federal position (e.g., SES position).

There are two exceptions to the requirement that an employee forfeit his or her unused compensatory time for travel upon separation from IRS.

1. An employee who separates or is placed in a leave without pay (LWOP) status to perform service in the uniformed services as defined under 38 U.S.C. 4303 and 5 CFR 353.102 and later returns to the Bureau through the exercise of a reemployment right provided by law, Executive Order, or regulations; or

2. An employee who separates or is placed in a LWOP status because of an on-the-job injury with entitlements to injury compensation under 5 U.S.C. Chapter 81 and later recovers sufficiently to return to work.

When an employee returns to duty following one of these exceptions, the employee must use all the compensatory time off restored by the end of the 26th pay period following the pay period the employee returns to duty.

DEFINITIONS:

These definitions apply only to the compensatory time off for travel policy.

Bona fide Meal Period – refers to any period of time where an employee takes time to eat a meal. This includes time during actual travel or during usual waiting periods.

Compensable Time – refers to periods of time that are creditable as hours of work for pay purposes.

Compensatory Time Off for Travel – refers to compensatory time off for travel that is credited under this policy. This compensatory time is a unique form of compensatory time, is earned and used in 15 minute increments, and does not fall under the overtime pay provisions in Title 5, Code of Federal Regulations, Part 550, Subpart A and J.

Extended or Unusual Waiting Times – refers to time between actual periods of travel in which an employee is free to rest, sleep, eat, or otherwise use this time for his or her own purposes and is not creditable as time in a travel status.

Official Duty Station – is the employee's "Post of Duty" as noted on the most current Notification of Personnel Action, SF-50. This term also refers to a 50 mile geographic radius of an employee's official duty station. (Note that this definition of official duty station differs from IRM 6.500.1.11.2.2.)

Regular Working Hours – means the regularly scheduled days and hours of an employee's regularly scheduled administrative work week. These hours vary for employees working straight 8, flexitour with credit hours, 5/4/9 or 4/10 work schedules.

Travel – means officially ordered and approved travel by IRS management.

Travel Outside the Duty Station – is defined as travel requiring an employee to travel more than 50 miles from the official duty station. Travel within the duty station is not creditable for compensatory time off for travel.

Travel Status – includes the time an employee actually spends traveling between the official duty station and a temporary duty station, or between two temporary duty stations.

Usual Wait Time – is defined as the normal suggested time to arrive at a transportation terminal (an airport or train depot) before departure of a commercial flight or train. The suggested time varies usually from 30 minutes to 2 hours among airports or train stations. The IRS maximum time period considered usual wait time is 2 hours for domestic flights and up to a maximum of 3 hours for international travel. Usual wait time is applied to each leg of a travel segment (i.e., up to 2 hours before originating domestic flights and a maximum of 2 hours for layover between connecting flights).

REFERENCES:

Provision 203, Workforce Flexibilities Act of 2004, Public Law 108-411, dated October 30, 2004
Title 5, United States Code, Section 5550b
Title 5, Code of Federal Regulations, Section 550, Subpart N
Treasury Human Resource Policy Transmittal 05-002, Compensatory Time Off for Travel
OPM website: http://fehb.opm.gov/oca/pay/HTML/compensatory_time.asp

BACKGROUND:

The Workforce Flexibilities Act of 2004, Public Law 108-411, was signed into law effective October 30, 2004. Provision 203 of the Act provided for compensatory time off for travel. This provision went into effect January 28, 2005. Interim regulations, 70 Federal Register 3855, were effective on January 28, 2005, to establish new requirements that allow an employee to earn creditable compensatory time off for travel while in an officially ordered and approved travel status away from the employee's official duty station.

Treasury established department policy for implementation of the law with the issuance of the Department of Treasury, Human Resources Issuance Notice, Transmittal 02-005, dated June 15, 2005. The Treasury policy document delegated authority for IRS to develop bureau policy to implement the law, regulation, and Department policy.

Attachments



**Internal Revenue Service
Compensatory Time Off for Travel
Commercial Transportation Worksheet**

It is the responsibility of management to direct, and document, travel outside of regular working hours and outside of the normal duty station prior to the travel occurrence.

Employee Name

Division/Official Duty Station

Employee's Regular Work Schedule (Monday -Friday, 8:00 am to 4:30 pm)

Period of Travel (include the dates of the entire TDY travel)

Temporary Duty Station

The reason for this directed travel is: _____

Management Approval Signature and Date

1. Departure to the TDY Location *You may only claim the amount of time spent traveling away from your official duty station that is outside your regular scheduled working hours.*

A. Date of Departure: _____

B. Name and Location of the commercial carrier used to begin your TDY travel: *(Reagan National Airport, Washington, DC)* _____

C. Where are you leaving from to begin the TDY travel? Circle **Home** (you may only claim this time if the commercial carrier you depart from is outside your official duty station) or **Official Duty Station Worksite**

D. Time of Departure and Estimated travel time on commercial carrier: _____

E. Connecting flight or other mode – Time of arrival from first flight to connecting flight or other mode:

F. If you experience any unusual delays or waiting times while traveling, you must explain below. Typically, unusual delays or waiting times are not creditable for compensatory time off for travel. You may discuss this time with your immediate supervisor/manager who is responsible for approving your request for creditable compensatory time off for travel to determine if any of the time may be creditable.

Time spent traveling from home to the commercial carrier that is located outside your official duty station to arrive at the TDY Location. (Commuting time offset applies).*	
Time spent traveling from official duty station worksite to the commercial carrier to arrive at the TDY Location. (No Commuting time offset applies)	
Usual Waiting Time at commercial carrier for first flight Usual Waiting Time at commercial carrier for connecting flight	
Time Spent Traveling on commercial carrier	
Time Spent Traveling from arrival commercial carrier terminus to TDY site (Example hotel, meeting location, conference)	
<i>Deduct any time spent in these non-travel activities. This is not an all inclusive list.</i>	
*Commuting Time Offset: Normal commuting time between home and official duty station worksite.	
Bona-Fide Meal Periods	
Extended waiting period/delays. Free to rest/sleep or otherwise use the time for his/her own purposes.	
Other (describe activities):	
Total Creditable Hours	

**You may only claim time spent traveling to the commercial carrier from home when the commercial carrier is outside your official duty station. If you departed from home and claim this travel time, you must deduct the commuting time offset (your normal home-to-work/work-to-home commuting time). If you departed from your official duty station worksite, no commuting time offset applies and you may claim the time spent traveling to the commercial carrier, regardless of the terminal location.*

2. Return to the Official Duty Station

You may only claim the amount of time spent traveling away from your official duty station that is outside your regular scheduled working hours.

A. Date of Departure: _____

B. Name and Location of the commercial carrier used to travel back to your official duty station and arrival commercial carrier (*i.e. Oakland Airport, Oakland, CA, to Reagan National Airport, Washington, DC*):

C. Where are you returning to end the TDY travel?

_____ Home (you may only claim this time if the arrival commercial carrier is outside your official duty station)

_____ Official Duty Station Worksite

D. Time of Departure and Estimated travel time on commercial carrier:

E. Connecting flight - Time of Arrival from First Flight to Departure of Connecting Flight

E. If you experience any unusual delays or waiting times while traveling, you must explain below. Typically, unusual delays or waiting times are not creditable for compensatory time off for travel. You may discuss this time with your immediate supervisor/manager who is responsible for approving your request for creditable compensatory time off for travel to determine if any of the time may be creditable.

Time spent traveling from the TDY site to the commercial carrier to return you to your official duty station (<i>Example hotel, meeting location, conference</i>)	
Usual Waiting Time at commercial carrier for first flight Usual Waiting Time at commercial carrier for connecting flight	
Time Spent Traveling on commercial carrier	
Time Spent Traveling from your arrival at commercial carrier (outside your official duty station) to return to your home. (Commuting time offset applies).*	
Time Spent Traveling from your arrival commercial carrier to return to your official duty station worksite. (Commuting time offset DOES NOT apply).	

<i>Deduct any time spent in these non-travel activities. This is not an all inclusive list.</i>	
*Commuting Time Offset: Normal commuting time between home and official duty station worksite.	
Bona-Fide Meal Periods	
Extended waiting period/delays. Free to rest/sleep or otherwise use the time for his/her own purposes.	
Other (describe activities):	
Total Creditable Hours	

**You may only claim time spent traveling from the commercial carrier to home when the commercial carrier is outside your official duty station. If you returned to your home and claim this travel time, you must deduct the commuting time offset (your normal home-to-work/work-to-home commuting time). If you returned to your official duty station worksite, no commuting time offset applies and you may claim the time spent traveling from the commercial carrier, regardless of the terminal location.*

Amount of Compensatory Time Off requested. *When computing the amount of time, please remember that you may NOT include any time due to the commuting time offset. Indicate the dates and amount of compensatory time off for travel.*

Use chart below to determine the amount of creditable compensatory time off

Point of Departure	Date of Travel	Creditable Hours for Travel
Departure to the TDY Location <i>Where did you depart from? (circle one: Home or Official Duty Station Worksite)</i>		
Return to the Official Duty Station <i>Where did you return to? (circle one: Home or Official Duty Station Worksite)</i>		
Other (<i>explain</i>):		
Total Amount of Compensatory Time Off for Travel Requested for Credit		

Remarks:

Employee's Signature and Date:

Management Approval Signature and Date:

RECORD of Creditable Hours for Compensatory Time Off for Travel

To be completed by the individual responsible for time and attendance keeping.

Number of Compensatory Time for Travel Approved and Credited	
Pay Period in which the Compensatory Time Off was Credited	
Signature of Timekeeper	Date

An employee must use his or her accrued compensatory time off within 26 pay periods after the compensatory time is credited. If not used within this time limit, the employee will forfeit the unused compensatory time off. In addition, when an employee separates from Federal service or transfers to another Federal agency, an employee's unused compensatory time off balance will be forfeited.



Internal Revenue Service
Compensatory Time Off for Travel
Privately Owned Vehicle (POV), Government Owned Vehicle (GOV) Worksheet

It is the responsibility of management to direct, and document, travel outside of regular working hours and outside of the normal duty station prior to the travel occurrence.

Employee Name

Division/Official Duty Station

Employee's Regular Work Schedule (Monday -Friday, 8:00 am to 4:30 pm)

Period of Travel (include the dates of the entire TDY travel)

Temporary Duty Station

The reason for this directed travel is: _____

Management Approval Signature and Date

1. Departure to the TDY Location *You may only claim the amount of time spent traveling away from your official duty station that is outside your regular scheduled working hours.*

A. Date of Departure: _____

B. What type of vehicle was used to travel to the TDY location (circle one): POV or Rental Vehicle GOV

C. What time did you depart: _____

D. What time did you arrive: _____ ; Total number of miles driven: _____

E. If you experience any unusual delays or waiting times while traveling, you must explain below. Typically, unusual delays or waiting times are not creditable for compensatory time off for travel. You may discuss this time with your immediate supervisor/manager who is responsible for approving your request for creditable compensatory time off for travel to determine if any of the time may be creditable.

Time spent traveling to the TDY site that is located outside your official duty station.*	
<i>Deduct any time spent in these non-travel activities. This is not an all inclusive list.</i>	
*Commuting Time Offset: Normal commuting time between home and official duty station worksite.	
Bona-Fide Meal Periods	
Extended waiting period/delays. Free to rest/sleep or otherwise use the time for his/her own purposes.	
Other (describe activities):	
Total Creditable Hours	

**You may only claim time spent traveling to the TDY site from home or your official duty worksite when the TDY site is outside your official duty station. If you do claim this travel time, you must deduct the commuting time offset (your normal home-to-work/work-to-home commuting time).*

2. Return to the Official Duty Station

You may only claim the amount of time spent traveling away from your official duty station that is outside your regular scheduled working hours.

A. Date of Departure: _____

B. What time did you depart: _____

C. What time did you arrive: _____

D. If you experience any unusual delays or waiting times while traveling, you must explain below. Typically, unusual delays or waiting times are not creditable for compensatory time off for travel. You may discuss this time with your immediate supervisor/manager who is responsible for approving your request for creditable compensatory time off for travel to determine if any of the time may be creditable.

Time spent traveling from the TDY site that is located outside your official duty station.*	
<i>Deduct any time spent in these non-travel activities. This is not an all inclusive list.</i>	
*Commuting Time Offset: Normal commuting time between home and official duty station worksite.	
Bona-Fide Meal Periods	

Extended waiting period/delays. Free to rest/sleep or otherwise use the time for his/her own purposes.	
Other (describe activities):	
Total Creditable Hours	

**You may only claim time spent traveling from the TDY site to your home or your official duty worksite when the TDY site is outside your official duty station. If you do claim this travel time, you must deduct the commuting time offset (your normal home-to-work/work-to-home commuting time).*

Amount of Compensatory Time Off requested. *When computing the amount of time, please remember that you may NOT include any time due to the commuting time offset. Indicate the dates and amount of compensatory time off for travel.*

Use chart below to determine the amount of creditable compensatory time off

Point of Departure	Date of Travel	Creditable Hours for Travel
Departure to the TDY Location <i>Where did you depart from? (circle one: Home or Official Duty Station Worksite)</i>		
Return to the Official Duty Station <i>Where did you return to? (circle one: Home or Official Duty Station Worksite)</i>		
Other (<i>explain</i>):		
Total Amount of Compensatory Time Off for Travel Requested for Credit		

Remarks:

Employee's Signature and Date:

Management Approval Signature and Date:

RECORD of Creditable Hours for Compensatory Time Off for Travel

To be completed by the individual responsible for time and attendance keeping.

Number of Compensatory Time for Travel Approved and Credited	
Pay Period in which the Compensatory Time Off was Credited	
Signature of Timekeeper	Date

An employee must use his or her accrued compensatory time off within 26 pay periods after the compensatory time is credited. If not used within this time limit, the employee will forfeit the unused compensatory time off. In addition, when an employee separates from Federal service or transfers to another Federal agency, an employee's unused compensatory time off balance will be forfeited.

IRS Compensatory Time Off for Travel Policy

Frequently Asked Questions and Answers

Q1. What is compensatory time off for travel?

A. Compensatory time off for travel is a new form of compensatory time off that may be earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable.

Q2. What is the effective date of this policy?

A. This policy is effective November 10, 2005, and is to be applied retroactively to the effective date of the provision of the law, January 28, 2005.

Q3. Are all employees covered by this provision?

A. The new compensatory time off provision applies to an "employee" as defined in 5 U.S.C. 5541(2) who is employed in an "Executive agency" as defined in 5 U.S.C. 105, without regard to whether the employee is exempt from or covered by the overtime pay provisions of the Fair Labor Standards Act of 1938, as amended. The definition includes employees in senior-level (SL) and scientific or professional (ST) positions, but not members of the Senior Executive Service or prevailing rate employees.

Q4. What qualifies as travel for the purpose of this provision?

A. To qualify for this purpose, travel must be officially authorized and directed to occur outside of normal duty hours by management. In other words, travel must be for work-related purposes and must be approved in writing by an authorized agency official in advance.

Q5. An employee receives compensatory time off for travel only for those hours spent in a travel status. What qualifies as time in a travel status?

A. Travel status includes only the time actually spent traveling between the official duty station and a temporary duty station, or between two temporary duty stations, and the usual waiting time that precedes or interrupts such travel.

Q6. What is meant by "usual waiting time"?

A. Airline travelers generally are required to arrive at the airport at a designated pre-departure time (e.g., 1 or 2 hours before the scheduled departure, depending on whether the flight is domestic or international). Such waiting time at the airport is considered usual waiting time and is creditable time in a travel status. In addition, time spent at an intervening airport waiting for a

connecting flight (e.g., 1 or 2 hours) also is creditable time in a travel status, subject to exclusions for bona fide meal periods. The IRS maximum time period considered usual wait time is 2 hours for domestic flights and up to a maximum of 3 hours for international travel.

Q7. What if an employee experiences an "extended" waiting period?

A. If an employee experiences an unusually long wait prior to his or her initial departure or between actual periods of travel during which the employee is free to rest, sleep, or otherwise use the time for his or her own purposes, the extended waiting time that is outside the employee's regular working hours is not creditable time in a travel status. An extended waiting period that occurs during an employee's regular working hours is compensable as part of the employee's regularly scheduled administrative workweek.

Q8. Do meal periods count as time in a travel status?

A. For the purpose of earning compensatory time off for travel, bona fide meal periods are not considered time in a travel status. For example, if an employee spends an uninterrupted 30 minutes eating a meal at an airport restaurant while waiting for a connecting flight, those 30 minutes are not considered time in a travel status.

Q9. What happens once an employee reaches a temporary duty station?

A. Once an employee arrives at the temporary duty station, he or she is no longer considered to be in a travel status. Any time spent at a temporary duty station between arrival and departure is not creditable travel time for the purpose of earning compensatory time off.

Q10. When is it appropriate for the IRS to offset creditable time in a travel status by the amount of time the employee spends in normal commuting between home and work?

A. If an employee travels directly between his or her home and a temporary duty station outside the limits of the employee's official duty station (e.g., driving to and from a 3-day conference), the IRS must deduct the employee's normal home-to-work/work-to-home commuting time from the creditable travel time. The IRS must also deduct an employee's normal commuting time from the creditable travel time if the employee is required-outside of regular working hours-to travel between home and a transportation terminal (e.g., an airport or train station) outside the limits of the employee's official duty station.

Q11. What if an employee travels to a transportation terminal within the limits of his or her official duty station?

A. An employee's time spent traveling outside of regular working hours to or from a transportation terminal within the limits of his or her official duty station is considered equivalent to commuting time and is not creditable time in a travel status for the purpose of earning compensatory time off.

Q12. What if an employee travels from a worksite to a transportation terminal?

A. If an employee travels between a work site and a transportation terminal, the travel time outside regular working hours is creditable as time in a travel status, and no commuting time offset applies. For example, after completing his or her workday, an employee may travel directly from the regular worksite to an airport to attend an out-of-town meeting the following morning.

Q13. How is compensatory time off for travel earned and credited?

A. Compensatory time off for travel is earned for qualifying time in a travel status. The IRS credits in increments of one-quarter of an hour (15 minutes) and keeps track of compensatory time off for travel separately from other forms of compensatory time off.

Q14. Is there a limitation on the amount of compensatory time off for travel an employee may earn?

A. No.

Q15. How does an employee request credit for compensatory time off for travel?

A. An employee must have initially obtained management approval in writing on the worksheet to travel outside of normal duty hours prior to commencement of the travel. Employees will complete and submit the previously approved management signed worksheet to their manager within 5 workdays after the travel event in order to claim credit for the compensatory time off.

Q16. How does an employee use accrued compensatory time off for travel?

A. An employee must request permission from his or her supervisor to schedule the use of his or her accrued compensatory time off for travel. Compensatory time off for travel may be used when the employee is granted time off from his or her scheduled tour of duty established for leave purposes. Employees must use accrued compensatory time off for travel in increments of one-quarter of an hour (15 minutes).

Q17. How long does an employee have to use accrued compensatory time off for travel?

A. An employee must use his or her accrued compensatory time off for travel by the end of the 26th pay period after the pay period in which it was credited or the employee must forfeit such compensatory time off, except in certain circumstances. (See Q18.)

Q18. Under what circumstances does an employee maintain credit for accrued compensatory time off for travel beyond the 26th pay period after the pay period in which it was credited?

A. Unused compensatory time off for travel will be held in abeyance for an employee who separates, or is placed in a leave without pay status, and later returns following (1) separation or leave without pay to perform service in the uniformed services (as defined in 38 U.S.C. 4303 and 5 CFR 353.102) and a return to service through the exercise of a reemployment right or (2) separation or leave without pay due to an on-the-job injury with entitlement to injury compensation under 5 U.S.C. chapter 81. The employee must use all of the compensatory time off held in abeyance by the end of the 26th pay period following the pay period in which the employee returns to duty, or such compensatory time off will be forfeited.

Q19. May unused compensatory time off for travel be restored if an employee does not use it by the end of the 26th pay period after the pay period in which it was credited?

A. Except in certain circumstances (see Q18), any compensatory time off for travel not used by the end of the 26th pay period after the pay period in which it was credited must be forfeited.

Q20. What happens to an employee's unused compensatory time off for travel upon separation from Federal service?

A. Except in certain circumstances (see Q18), an employee must forfeit all unused compensatory time off for travel upon separation from federal service.

Q21. May an employee receive a lump-sum payment for accrued compensatory time off for travel upon separation from an agency?

A. No. The law prohibits payment for unused compensatory time off for travel under any circumstances.

Q22. What happens to an employee's accrued compensatory time off for travel upon transfer to another agency?

A. When an employee voluntarily transfers to another agency outside of the Department of Treasury (including a promotion or change to lower grade action), the employee must forfeit all of his or her unused compensatory time off for travel. Employees who remain within the Department of Treasury, or one of its bureaus, will maintain their accrued compensatory time off for travel balance.

Q23. What happens to an employee's accrued compensatory time off for travel when the employee moves to a position that is not covered by the regulations in 5 CFR part 550, subpart N?

A. When an employee moves to a position in an agency that is not covered by the compensatory time off for travel provisions (e.g., the United States Postal Service), the employee must forfeit

all of his or her unused compensatory time off for travel. However, the gaining agency may use its own legal authority to give the employee credit for such compensatory time off.

Q24. Is compensatory time off for travel considered in applying the premium pay and aggregate pay caps?

A. No. Compensatory time off for travel may not be considered in applying the biweekly or annual premium pay limitations established under 5 U.S.C. 5547 or the aggregate limitation on pay established under 5 U.S.C. 5307.

Q25. When are criminal investigators who receive availability pay precluded from earning compensatory time off for travel?

A. Compensatory time off for travel is earned only for hours that are not otherwise compensable. The term "compensable" is defined at 5 CFR 550.1403 to include any hours of a type that are creditable under other compensation provisions, even if there are compensation caps that limit the payment of premium pay for those hours (e.g., the 25 percent cap on availability pay and the biweekly premium pay cap). For availability pay recipients, this means that hours of travel are not creditable as time in a travel status for compensatory time off purposes if the hours are (1) compensated by basic pay, (2) regularly scheduled overtime hours creditable under 5 U.S.C. 5542, or (3) "unscheduled duty hours" as described in 5 CFR 550.182(a), (c), and (d).

Q26. What constitutes "unscheduled duty hours" as described in 5 CFR 550.182(a), (c), and (d)?

A. Under the availability pay regulations, unscheduled duty hours include (1) all irregular overtime hours, i.e., overtime work that is not scheduled in advance of the employee's administrative workweek, (2) the first 2 overtime hours on any day that are part of the employee's basic 40-hour workweek, without regard to whether the hours are unscheduled or regularly scheduled, and (3) any approved nonwork availability hours. However, special agents in the Diplomatic Security Service of the Department of State may count only hours actually worked as unscheduled duty hours.

Q27. Why are criminal investigators who receive availability pay precluded from earning compensatory time off when they travel during unscheduled duty hours?

A. The purpose of availability pay is to ensure the availability of criminal investigators (and certain similar law enforcement employees) for unscheduled duty in excess of a 40-hour workweek based on the needs of the employing agency. Availability pay compensates an employee for all unscheduled duty hours. Compensatory time off for travel is earned only for hours that are not otherwise compensable. Thus, availability pay recipients may not earn compensatory time off for travel during unscheduled duty hours because the employees are entitled to availability pay for those hours.

Q28. When is it possible for criminal investigators who receive availability pay to earn compensatory time off for travel?

A. When an employee who receives availability pay is required to travel on a non-workday or on a regular workday (during hours that exceed the employee's basic 8-hour workday), and the travel does not meet one of the four criteria in 5 U.S.C. 5542(b)(2)(B) and 5 CFR 550.112(g)(2), the travel time is not compensable as overtime hours of work for regular overtime or availability pay. Thus, the employee may earn compensatory time off for such travel, subject to the exclusions specified in 5 CFR 550.1404(b)(2) and (b)(3) and the requirements in 5 CFR 550.1404(c) and (d).

Under the provisions in 5 U.S.C. 5542(b)(2)(B) and 5 CFR 550.112(g)(2), travel time is compensable as overtime hours of work if the travel is away from the employee's official duty station and —

- i. involves the performance of work while traveling,
- ii. is incident to travel that involves the performance of work while traveling,
- iii. is carried out under arduous conditions, or
- iv. results from an event which could not be scheduled or controlled administratively.

The phrase "an event which could not be scheduled or controlled administratively" refers to the ability of an agency in the executive branch of the United States Government to control the scheduling of an event which necessitates an employee's travel. If the employing agency or another executive branch agency has any control over the scheduling of the event, including by means of approval of a contract for it, then the event is administratively controllable, and the travel to and from the event cannot be credited as overtime hours of work.

For example, an interagency conference sponsored by the Department of Justice would be considered a joint endeavor of the participating executive branch agencies and within their administrative control. Under these circumstances, the travel time outside an employee's regular working hours is not compensable as overtime hours of work under regular overtime or availability pay. Therefore, the employee may earn compensatory time off for such travel, subject to the exclusions as specified in 5 CFR 550.1404(b)(2) and (b)(3) and the requirements in 5 CFR 550.1404(c) and (d).

Q29. If an employee is required to travel on a Federal holiday (or an "in lieu of" holiday), is the employee entitled to receive compensatory time off for travel?

A. Although most employees do not receive holiday premium pay for time spent traveling on a holiday (or an "in lieu of" holiday), an employee continues to be entitled to pay for the holiday in the same manner as if the travel were not required. Thus, employees may not earn compensatory time off for travel during basic (non-overtime) holiday hours because they are entitled to their rate of basic pay for those hours. Compensatory time off for travel may be earned by an employee only for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable.

Q30. If an employee's regularly scheduled tour of duty is Sunday through Thursday and the employee is required to travel on a Sunday during regular working hours, is the employee entitled to earn compensatory time off for travel?

A. Compensatory time off for travel may be earned by an employee only for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. Thus, an employee may not earn compensatory time off for traveling on a workday during regular working hours because the employee is receiving his or her rate of basic pay for those hours.

Q31. If an employee is eligible to receive overtime pay for a period of travel because the travel meets one of the four criteria in 5 CFR 550.112(g)(2), is the employee eligible to earn compensatory time off for any portion of the travel that may not be compensable because of the biweekly cap on premium pay?

A. No. Compensatory time off for travel may be earned by an employee only for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. The term "compensable" is defined at 5 CFR 550.1403 to make clear what periods of time are "not otherwise compensable" and thus potentially creditable for the purpose of earning the new compensatory time off for travel. Time is considered compensable if the time is creditable as hours of work for the purpose of determining a specific pay entitlement (e.g., overtime pay for travel that meets one of the four criteria in 5 CFR 550.112(g)(2)) even when that time may not actually generate additional compensation because of applicable pay limitations (e.g., biweekly premium pay cap). The capped premium pay is considered complete compensation for all hours of work creditable under the premium pay provisions.

In other words, even though an employee may not receive overtime pay for all of his or her travel hours because of the biweekly premium pay cap, all of the travel time is still considered to be compensable under 5 CFR 550.112(g)(2). Under these circumstances, the employee has been compensated fully under the law for all of the travel hours and the employee may not earn compensatory time off for any portion of such travel that may not generate additional compensation because of the biweekly cap on premium pay.

Q32. How is an employee's travel time calculated for the purpose of earning compensatory time off when the travel involves two or more time zones?

A. Under 5 CFR 550.1404(b)(1), time in a travel status includes the time an employee "actually spends traveling" and the usual waiting time that precedes or interrupts the travel, subject to certain exclusions as specified in section 550.1404 of the regulations. When an employee's travel involves two or more time zones, the time zone from point of first departure must be used to determine how many hours the employee actually spent in a travel status for the purpose of accruing compensatory time off. For example, if an employee travels from his official duty station in Washington, DC to a temporary duty station in San Francisco, CA, the Washington, DC, time zone must be used to determine how many hours the employee spent in a travel status. However, on the return trip to Washington, DC, the time zone from San Francisco, CA, must be used to calculate how many hours the employee actually spent in a travel status.

Q33. Are intermittent employees eligible to earn compensatory time off for travel?

A. No. Compensatory time off for travel may be used by an employee when the employee is granted time off from his or her scheduled tour of duty established for leave purposes. (See 5 CFR 550.1406(b).) Also see the definition of "scheduled tour of duty for leave purposes" in 5 CFR 550.1403. Employees who are on intermittent work schedules are not eligible to earn and use compensatory time off for travel because they do not have a scheduled tour of duty for leave purposes.

Q34. If a part-time employee's regularly scheduled tour of duty is Monday through Friday, 8:00 a.m. to 2:30 p.m., and the employee is required to travel on a Friday from 2:30 p.m. to 4:30 p.m., is the employee entitled to earn compensatory time off for those 2 hours?

A. No. For an employee on a part-time tour of duty, overtime work generally is work in excess of 8 hours in a day or 40 hours in a week. Work-related travel time outside a part-time employee's scheduled tour of duty, but not in excess of 8 hours in a day or 40 hours in a week, is credited as non-overtime hours of work. Thus, a part-time employee may not earn compensatory time off for traveling during non-overtime hours of work because the employee is receiving his or her rate of basic pay for those hours. Compensatory time off for travel is earned only for hours that are not otherwise compensable.

Q35. May an employee earn compensatory time off when he or she travels in conjunction with the performance of union representational duties?

A. No. The term "travel" is defined at 5 CFR 550.1403 to mean officially authorized travel, i.e., travel for work purposes that is approved by an authorized agency official or otherwise authorized under established agency policies. The term "travel for work purposes" is intended to mean travel for agency-related work purposes. Thus, employees who travel in connection with union activities are not entitled to earn compensatory time off because they are traveling for the benefit of the union, and not for agency-related work purposes.