

## U.S. OFFICE OF PERSONNEL MANAGEMENT

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# Creditable Service for Annual Leave Accrual for Non-Federal Work Experience and Experience in the Uniformed Service

## DESCRIPTION

The head of an agency, or his or her designee, may at his or her sole discretion provide service credit that otherwise would not be creditable under 5 U.S.C. 6303(a) for the purpose of determining the annual leave accrual rate to –

- a newly-appointed or reappointed employee with a break of at least 90 calendar days after his or her last period of civilian employment in the civil service\*; or
- a retired member of the active duty uniformed service as defined by 38 U.S.C. 4303.

This is a discretionary flexibility agencies can use to meet their strategic human capital needs — an employee has no entitlement to this credit.

\* The "civil service" consists of all appointive positions in the executive, judicial, and legislative branches of the Government of the United States, except positions in the uniformed services.

## AGENCY DETERMINATION

The head of an agency, or his or her designee, must determine that the skills and experience the employee possesses are –

- essential to the new position and were acquired through performance in a non-Federal or active duty uniformed service position having duties which directly relate to the duties of the position to which he or she is being appointed; and
- necessary to achieve an important agency mission or performance goal.

The head of an agency, or his or her designee, must make the determination to approve an employee's qualifying prior work experience ***before the employee enters on duty — the determination cannot be made retroactively.***

## AMOUNT OF SERVICE CREDITED

The amount of service credit that may be granted to an employee is determined at the sole and exclusive discretion of the head of the agency, or his or her designee.

- The amount of service credited to an employee may not exceed the actual amount of service during which he or she performed duties directly related to the position to which he or she is being appointed.
- Once an employee is permanently credited with a period of non-Federal service or active duty uniformed service (after completion of 1 full continuous year with the appointing agency), that period of service may not be considered for further credit if the employee has a future break in service.

#### DOCUMENTATION

An employee must submit written documentation acceptable to the agency of –

- the employee's qualifying non-Federal service; or
- written documentation from the military services of the employee's uniformed service.

The agency must establish documentation and recordkeeping procedures sufficient to allow reconstruction of each action.

#### GRANTING OF SERVICE CREDIT

Credit for prior work experience or experience in a uniformed service is granted to the employee upon the effective date of his or her initial appointment to the agency or reappointment after a 90-day break in service.

#### PERMANENCE OF SERVICE CREDIT AFTER 1 FULL YEAR OF CONTINUOUS SERVICE

Once an employee completes 1 full year of continuous service with the appointing agency, the period of service for which the employee was granted service credit for non-Federal or active duty uniformed service work experience is permanently creditable for the purpose of determining the employee's annual leave accrual rate for the duration of the employee's career.

#### EFFECTS OF LEAVE WITHOUT PAY ON SERVICE CREDIT

If an employee is placed in a leave without pay status during the required 1-year period of continuous service, the 1-year period of continuous service must be extended by the amount of time in a leave without pay status unless –

- the employee separates or is placed in a leave without pay status to perform service in the uniformed services (as defined in 38 U.S.C. 4303 and 5 CFR 353.102) and later returns to civilian service through the exercise of a reemployment right provided by law, Executive order, or regulation; or
- the employee separates or is placed in a leave without pay status because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C. Chapter 81 and later recovers sufficiently

to return to work.

#### FAILURE TO COMPLETE 1 FULL YEAR OF CONTINUOUS SERVICE WITH APPOINTING AGENCY

If an employee separates from Federal service or transfers to another Federal agency prior to completing 1 full year of continuous service with his or her appointing agency –

- the employee is not entitled to retain service credit for prior non-Federal service or active duty uniformed service;
- the appointing agency must subtract the additional service credit from the employee's total creditable service, and a new service computation date for leave must be established;
- any annual leave accrued or accumulated by the employee remains to the employee's credit; and
- the agency must transfer the annual leave balance to the new employing agency if the employee is transferring to a position to which annual leave may be transferred, 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.

#### REFERENCES

- 5 U.S.C. 2101(1)
- 5 U.S.C. 6303(e)
- 5 CFR 630.205
- [Questions and Answers on Providing Credit for Determining an Employee's Annual Leave Accrual Rate](#)

This page can be found on the web at the following url:

*<http://www.opm.gov/oca/leave/HTML/CreditableService-forAnnualLeaveAccrual.asp>*

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