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HRDG 4630 - Absence and Leave - Section G

Last Modified:

Subchapter 4630 - Absence and Leave
Section G - Compensatory Time

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Definition

Compensatory time is time off in an amount that is equal to the number of irregular or occasional overtime hours worked.

Applying to Earn Comp Time for Nonreligious Purposes

The conditions under which employees may earn compensatory time for nonreligious purposes are described in [MRP Directive 4550.2, Premium Pay](#) (96.35 KB), dated 03/18/02.

**Applying to Use
Comp Time for
Nonreligious
Purposes**

Employees must apply to use compensatory time for nonreligious purposes by submitting an application for leave to the appropriate approving official.

Beginning pay period 10, 2007 (May 14, 2007), compensatory time must be used within 26 pay periods after the pay period it was earned. Compensatory time that was earned by an employee before pay period 10, 2007 (May 14, 2007), must be used by the end of pay period 10, 2010. Pay period 10, 2010 ends on May 22, 2010 (Federal Register Volume 72, Number 50, dated March 15, 2007).

Also, compensatory time must be used before annual leave is used, unless this would result in forfeiture of annual leave.

Beginning pay period 10, 2007, (May 14, 2007), employees must be paid for:

- Any compensatory time not used within 26 pay periods after the pay period it was earned. For example, if during pay period 11, 2007, an employee earns 10 hours of compensatory time, and can not use it by the end of pay period 11, 2008, it must be paid out.
- Unused compensatory time that was earned before pay period 10, 2007, (May 14, 2007), and is not used by the end of pay period 10, 2010. Pay period 10, 2010, ends on May 22, 2010 (Federal Register Volume 72, Number 50, dated March 15, 2007). For example, if on May 11, 2007, an employee has 15 hours of unused compensatory time, he or she must use it by the end of pay period 10, 2010, or it must be paid out.
- Compensatory time before being transferred or separated from the agency in which the compensatory time was earned or transferred to a position in which leave cannot be used.

**Payment for Unused
Comp Time
(Nonreligious)**

The payment will be made at the overtime rate that was in effect when the compensatory time was earned. To initiate payment for unused compensatory time, the appropriate official should complete Form [**AD-581**](#) , Lump Sum Leave or Compensatory Time Payments. The signed form should be forwarded to the servicing personnel office for processing.

Employees may earn and use religious compensatory (comp) time to take time off without charge to leave when personal religious beliefs require their absence from work.

Religious Comp Time

The Office of Personnel Management (OPM) has stated that an employee's personal religious beliefs, "need not be officially mandated by a religious organization to which the employee belongs. It is sufficient that the employee's personal religious belief cause the employee to feel an obligation that he or she should be absent from work for a religious purpose."

Full time (FT) and part time (PT) employees in the following types of positions may earn religious comp time off:

Coverage

- General Schedule (GS)
- Administratively Determined (AD)
- Prevailing Rate (Wage Grade [WG,WL,WS])
- Scientific or professional (ST)
- Senior-Level (SL)
- Senior Executive Service (SES)

See: 84 Federal Register [FR] 17931 dated April 29, 2019 (FR is effective May 29, 2019); 5 USC 5550a; and Comptroller General Decision B-209327 dated July 26, 1983.

Religious comp time may be earned:

- Up to 13 pay periods in advance of the time off,
- Within 13 pay periods after the time off, or
- A combination of both.

Note: Employees performing import/export activities, must earn religious comp time during periods of non-reimbursable overtime.

Earning and Using Religious Comp Time

Employees may only earn religious comp time for specifically identified religious purposes. Employees may not:

- Earn religious comp time for the purpose of “stockpiling” hours for unidentified purposes.
- Earn additional hours until any unused hours to an employee’s credit are used. However, additional hours may be earned if an employee provides documentation (as noted within this section) establishing a need for additional hours.

Religious comp time may be used for a religious observance before it is actually earned.

Calculating the 13 Pay Periods if the Religious Comp Time is Used Prior to Earning

If the religious comp time is used prior to earning it, then the 13 pay period time frame begins on the first pay period after the date it was used.

For example, if an employee uses the religious comp time during pay period 9, then the employee has 13 pay periods starting in pay period 10 to earn the religious comp time.

Earning Religious Comp on a Holiday

With supervisory approval, an employee may work on a holiday during corresponding duty hours in order to earn religious comp time off. Approval to work during these hours in order to earn religious comp time off does not confer any entitlement to holiday premium pay.

Employee Responsibilities

Employees are responsible for:

- Submitting a written (or electronic) application to the approving official before the religious observance. Ideally, the request should be made as early as possible in order to accommodate necessary scheduling concerns without interfering with the Program's ability to efficiently carry out its mission. The request must include:
 - The name and/or description of the religious observance that is the basis for the request,
 - The date(s) and time(s) requested, and
 - The date(s) and time(s) the employee would like to work to earn the religious comp time.

Note: In the event an employee submits an oral request, s/he must submit a written (or electronic) request as soon as practicable.

- Submitting a subsequent updated and revised schedule request if, due to unforeseen circumstances, the supervisor requires an adjustment to the date(s) and/or time(s) originally requested in bullet 3 above.

Supervisory Responsibilities

Supervisors are responsible for:

- Reviewing employee requests. Supervisors will be liberal in approving requests for religious comp time, unless modification in the work schedule would adversely affect the efficient accomplishment of the agency's mission.
- Approving/disapproving employee requests which includes providing the employee with a written explanation as to the reason(s) if an oral or written request is denied.
- Deciding the specific times when an employee will be permitted to work and earn religious comp time off. This opportunity must be provided to the employee before the expiration deadline noted in this section.
- Notifying the Leave and Compensation Team, HRO, of any indebtedness in cases where an employee:
 - Fails to work to repay used religious comp time,
 - Separates from the Federal service, or
 - Transfers to another Agency.
- Maintaining a copy of the request and all documentation associated with the request with T&A files in accordance with T&A record keeping procedures as outlined in this subchapter.

Note: Supervisors may approve telework in such situations in accordance with the [Department's Telework Directive](#).

If an employee fails to earn religious comp time off within 13 pay periods after using it, then the Program may take corrective action to eliminate or reduce the negative balance by making a corresponding reduction to the employee's balance of earned:

**Failing to Earn
Religious Comp Time
Once It Is Used**

- Annual leave,
- Compensatory time off in lieu of overtime pay,
- Compensatory time off for travel,
- Time off awards, and/or
- Credit hours.

Any remaining balance must be charged to leave without pay (LWOP) which will result in an indebtedness to the Agency and will require HRO to initiate debt collection procedures.

Unused religious comp time remains to the employee's credit until:

- It is used for a future religious observance (even if that observance is more than 13 pay periods after the time it was originally earned),
- S/he separates from Federal service, or
- S/he transfers from the USDA to another Federal Agency. The losing Agency must pay the employee for the unused hours.

Payment for Unused Religious Comp Time

Upon separation or transfer, it will be paid out at the employee's basic hourly rate of pay in effect at the time the religious comp time was earned.

Religious comp time will not be:

- Forfeited,
- Paid out as overtime premium pay,
- Converted to compensatory time off in lieu of overtime pay, or
- Converted to any other forms of time off.

See 5 CFR 550.1008.

A separating or transferring employee must notify his or her supervisor, in writing, if any remaining negative balance is to be charged to earned leave or leave without pay (LWOP).

An employee may choose to repay a negative religious comp balance by having a corresponding reduction made to his/her earned:

**Negative Religious
Comp Balance Upon
Separation or
Transfer**

- Annual leave,
- Compensatory time off in lieu of overtime pay,
- Compensatory time off for travel,
- Time off awards, and/or
- Credit hours.

An employee may also have any balance charged to LWOP resulting in an indebtedness to the Agency that is subject to debt collection procedures which will be initiated by HRO.

OPM has indicated that the new religious comp time rules were effective on May 29, 2019.

**Transitional Rules for
Employees with
Positive or Negative
Religious Comp
Balances as of May
2019**

Employees with a negative (i.e., debt) religious comp time balance will have a full 13 pay periods to earn the needed number of religious comp time hours.

Employees with a positive religious comp time balance (i.e., unused hours) must document, in writing, that all of the earned hours are connected to one or more specific religious observances requiring the employee's absence from work in order to meet the employee's personal religious requirements. If an employee does not do this, then s/he may not earn additional religious comp time until s/he establishes a need for such time as required in this section.

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