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HIHRO-M

30 June 2005

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Compensatory Time Off for Travel (CTOT)

1. The Office of Personnel Management (OPM) recently issued *interim* regulations in accordance with Section 203 of the "*The Federal Workforce Flexibility Act of 2004*" (*Public Law 108-411*) establishing a new category of "compensatory time off" for time spent by *General Schedule (GS)* technicians in a "*travel status*" away from the technician's official duty station. These interim regulations were effective *28 January 2005*. GS technicians, who performed officially authorized travel on or after the effective date, need to be credited with compensatory time off for time spent in a travel status to which they are entitled under the new regulations.
2. Prior to this change, GS technicians could only accrue compensatory time off for travel if their travel fell within their normal duty hours on a non-duty day. However, with this new provision of law, GS technicians are now required to be compensated for time spent in *officially authorized travel* --"travel status"-- during non-duty hours presuming that there is no other way for them to be compensated. The term "travel status" does not include travel time that is otherwise compensable as hours of work. Travel must be required in the performance of their official *technician* duties. Required military travel in a military status is NOT an authorized form of travel eligible to receive this entitlement.
3. The current language written in the Act which defines an employee excludes Federal Wage Schedule (FWS) technicians from this new entitlement. The National Guard Bureau (NGB) has provided their comments to OPM regarding these interim regulations requesting that they seek Congressional legislative relief for inclusion of FWS technicians. NGB believes that this was a Congressional oversight and will continue to pursue equitable treatment for our FWS technicians.
4. This new form of compensatory time off for travel (CTOT) is a separate and distinct category from all other compensatory time off and must be recorded to reflect it is based on "official" travel. The following guidance is provided for implementing this new CTOT based on the interim regulations. The issuance of *final* regulations by OPM may later impact the guidance provided below.

5. **Creditable Travel Time.**

a. Travel status.

(1) Time spent in a travel status includes the time a technician actually spends 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. 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 also is creditable time in a travel status, *subject to exclusions for bona fide meal periods*. In all cases, determinations regarding what is creditable as "usual waiting time" should be determined on a case by case basis by the supervisor.

(2) Once the technician arrives at the temporary duty station, he or she is no longer considered to be in a travel status. Any time spent at the temporary duty station between the arrival and departure is NOT creditable travel time for the purpose of earning CTOT.

(3) Bona fide meal periods during actual travel time or time waiting are NOT creditable as time in a travel status. For example, if a technician spends an uninterrupted hour eating a meal at an airport restaurant while waiting for a connecting flight, that hour is not considered time in a travel status and should be deducted from the hours spent in travel. For every 8-1/2 hours of creditable CTOT claimed by the technician, the supervisor will deduct a half-hour as a bona fide meal period, unless the employee has already deducted a meal period. The only exception is a situation in which the technician is continuously traveling in a conveyance (aircraft, automobile, bus); in this situation, the automatic deduction of a half-hour does not apply. Apart from the automatic deduction, any meal period reported by a technician will be deducted from creditable time.

(4) If a technician experiences an extended (i.e., not usual) waiting time between the actual periods of travel during which the technician is free to rest, sleep, or otherwise use the time for his or her own purposes, the extended waiting time is NOT creditable as time in a travel status.

(5) The travel time must be during hours that aren't regular working hours or regular scheduled tour of duty since the technician is already being compensated for these hours. For instance, since a technician is being compensated for holidays or in-lieu of holidays, they cannot receive CTOT that occurs on holidays or in-lieu of holidays. Any holiday travel outside the regularly scheduled work hours can be credited as CTOT. For

example, the technician normally works from 0745 to 1630, Monday through Friday. The technician is required to travel on a holiday and is in a travel status from 1300 to 1800 hours. The technician would be entitled to 1-1/2 hours of CTOT for the period 1630 to 1800. The period from 1300 to 1630 are hours that are already compensated for in the regular holiday pay.

b. Travel between home and a temporary duty station.

(1) If a technician is required to travel "directly" between his or her home and a temporary duty station outside the limits of his or her official duty station (e.g., driving to and from a three-day conference), the travel time is creditable as time in a travel status if otherwise qualifying under these interim regulations. However, the supervisor must deduct from such travel hours the time the technician would have spent in normal home-to-work or work-to-home commuting.

(2) If the technician is offered one mode of travel by the agency and is permitted to use an alternate mode of transportation, or who travels at a time or by a route other than that selected by the agency, the supervisor must determine the estimated amount of time in a travel status the technician would have had if the technician had used the mode of transportation offered by the agency or traveled at the time and by the route selected by the agency. When determining the time spent in a travel status for this situation, the technician is entitled to the "lesser" of the estimated time in a travel status or the actual time in a travel status.

(3) If a technician, who is on a multiple-day travel assignment and who chooses, for personal reasons, not to use temporary lodgings at the temporary duty station, but to return home at night or on a weekend, only travel from home to the temporary duty station on the first day and travel from the temporary duty station to home on the last day that is otherwise qualifying as time in a travel status (less deduction of normal commuting time) will be creditable.

c. Time spent traveling to or from a transportation terminal as part of travel away from the official duty station.

(1) If a technician is required to travel between home and a transportation terminal (i.e., airport or bus station) within the limits of his or her official duty station as part of travel away from that duty station, the travel time outside regular working hours to or from the terminal is considered to be equivalent to commuting time and is NOT creditable time in a travel status.

(2) If the transportation terminal is outside the limits of the technician's official duty station, the travel time to or from the terminal outside regular working hours is creditable as time in a travel status, but is subject to an offset for the time the technician would have spent in normal home-to-work or work-to home commuting.

(3) If the technician travels between a worksite and the transportation terminal, the travel time outside regular working hours is creditable as time in a travel status, and no commuting time offset applies.

d. Encl 1 is information provided by OPM in question and answer format. Encl 2 is additional information provided by NGB in the same format. Encl 3 are examples of creditable travel time prepared by OPM.

6. Crediting Compensatory Time Off for Travel.

a. Technicians will complete the attached "Worksheet for Computing Compensatory Time Off for Travel (CTOT) Earned" (Encl 4) when calculating the amount of creditable CTOT. Crediting of CTOT will be in 15-minute increments for time and attendance purposes.

b. Request for and approval of CTOT will be done on NGB Form 46-14 (Request, Authorization, and Report of Compensatory Time) (Encl 5). A copy of the technician's CTOT worksheet, DD Form 1351-2 (Travel Voucher or Sub-Voucher), and flight itinerary will be attached to the NGB Form 46-14. *Approval authority for the NGB Form 46-14 continues to be at least one level higher than the first line supervisor.*

c. A technician should file his or her request for CTOT earned within five workdays after returning to the official duty station.

7. Usage of Accrued Compensatory Time Off for Travel. Technicians must request permission from his or her supervisor to schedule the use of their accrued CTOT in accordance with the established leave policies and procedures. Utilization of CTOT will be in 15-minute increments for time and attendance purposes. Technicians may use the CTOT in the same pay period as it was earned so long as it was earned before it was used.

8. Forfeiture of unused compensatory time off.

a. Technicians must use accrued CTOT by the end of the 26th pay period after the pay period in which it was credited. If the technician fails to utilize the CTOT within this period, he or she will forfeit such compensatory time off.

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b. The following technicians will have their unused CTOT held in abeyance until such time as they return to technician status. They must use their unused CTOT by the end of the 26th pay period following the pay period in which they return to duty or the CTOT will be forfeited.

(1) Technicians who separate or are placed on a leave without pay status to perform service in the uniformed services (as defined in 38 USC 4303 and 5 CRF 353.102) and later returns to duty through the exercise of reemployment rights provided by law, executive order, or regulation.

(2) Technicians who separate or are placed on a leave without pay status due to an on-the-job injury with entitlement to injury compensation under 5 USC Chapter 81 and later recovers sufficiently to return to work.

c. When a technician separates from federal service, any unused CTOT is forfeited. If the technician voluntarily transfers to another agency (outside of the DOD), he or she must forfeit his or her unused CTOT. Technicians, who transfer to other agencies within the DOD, will not forfeit their CTOT. The law prohibits payment for unused CTOT under any circumstances [5 USC 5550b(b)].

9. **Recordkeeping (Time and Attendance)**

a. The Defense Civilian Payroll System (DCPS) will implement two new DCPS codes for recording CTOT. The two new codes will be: **CB** for CTOT earned and **CF** for CTOT used. Again, the CTOT is a separate and distinct category from all other compensatory time off and must be recorded to reflect it is based on "official" travel. Do not confuse this type of compensatory time off with the codes for compensatory time earned (CE) and compensatory time used (CT).

b. Effective with the pay period beginning 12 June 2005, the pay system will be capable of accepting the new CTOT codes. Supervisors should review the time and attendance records of their GS technicians who may have been entitled to the new CTOT effective from 28 January 2005. DFAS Pensacola provided the enclosed Microsoft Excel spreadsheet to assist supervisors and timekeepers in the manual tracking of the CTOT (Encl 6). Retroactive time and attendance adjustments must be made to update the CTOT earned under the new provisions, any CTOT used, and CTOT balances including the appropriate date of forfeiture. The pay system will not accept any retroactive adjustments using the new codes prior to 28 January 2005.

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10. If there are any questions regarding this directive, please call Lt Col Randall Tom at (808) 733-4205 or Mrs. Sandy Hashimoto at (808) 733-4116.

FOR THE ADJUTANT GENERAL:

- 6 Encls
1. OPM FAQ on CTOT
 2. NGB's Q&A on CTOT
 3. Examples of CTOT
 4. Worksheet for Computing CTOT
 5. NGB Form 46-14
 6. Excel Spreadsheet for CTOT



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