

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC**

<h1 style="margin: 0;">FSIS DIRECTIVE</h1>	4630.7	4/25/08
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CREDITABLE SERVICE FOR ANNUAL LEAVE ACCRUAL

I. PURPOSE

This directive establishes a provision for granting newly appointed employees credit toward annual leave accrual for prior work experience that otherwise would not be creditable for determining the newly appointed employee's annual leave accrual rate.

II. (RESERVED)

III. (RESERVED)

IV. REFERENCES

5 CFR 630, Absence and Leave; Creditable Service
5 U.S.C. 63, Annual and Sick Leave
5 U.S.C. 6303, Federal Workforce Flexibility Act of 2004
DR 4060-630-001, Creditable Service for Annual Leave Accrual

V. ABBREVIATIONS AND FORM

The following appear in their shortened form in this directive:

ECPB	Employment and Classification Policy Branch, HRP
HRP	Human Resources Policy
PHS	Public Health Service
SCD	Service Computation Date
SHRO	Servicing Human Resources Office

FSIS Form 3530-9, Service Agreement, Creditable Service for Annual Leave Accrual

DISTRIBUTION:
All Offices

OPI:
HRP – Employment and Classification
Policy Branch

VI. **POLICY**

It is FSIS policy to use creditable service for annual leave accrual as an incentive to recruit and attract individuals for hard-to-fill positions, or individuals with unique or highly desirable skills to the Federal service. The incentive is discretionary and the provisions are available on a case-by-case basis for positions meeting the eligibility criteria.

VII. **DEFINITIONS**

A. **Continuous Service.** For the purposes of this directive, an employee's service is continuous if, during the period in question, the employee either has been working or has been in an approved leave category (**examples:** annual leave, sick leave, and holiday time). In addition, an employee on a part-time or full-time work schedule may accumulate up to 6 months per calendar year in a non-pay status (**example:** leave without pay) with their service still being considered continuous. If an employee is in a non-pay status for more than 6 months, their service will no longer be considered continuous.

B. **Hard-to-Fill Position.** A hard-to-fill position is a position (or group of positions) that, despite numerous job advertisements and attempts to fill, remains vacant, or a position (or group of positions) that has had a history of such.

C. **Newly Appointed Employee.** For the purposes of determining creditable service for annual leave, a newly appointed employee is a person who is newly appointed as a civil service employee of the Federal government, or reappointed following a break in service, regardless of the employee's tenure group. The break in service must be at least 90 calendar days from the date of the employee's last period of Federal employment.

D. **Uniformed Service.** Uniformed services include the Armed Forces; the Army National Guard and the Air National Guard engaging in active and inactive duty training or full-time National Guard duty; the commissioned corps of the PHS; and any other categories of persons the President designates in time of war or national emergency.

E. **SCD.** For the purposes of this directive, SCD refers only to SCD-leave. SCD-leave reflects the service that is creditable for leave accrual purposes, and is used to determine a person's leave category (4, 6, or 8 hours). If ECPB grants a service credit that impacts a person's SCD-leave, it does not impact other SCDs used in reduction in force (RIF) actions or work reductions, or determine eligibility for other benefits (**examples:** SCD-RIF, SCD-retirement, or SCD-Thrift Savings Plan). The other SCDs are determined independently.

F. **Service Agreement.** A written agreement between the Agency and the newly appointed employee. Through the service agreement, the newly appointed employee agrees to complete 1 year of continuous service with USDA in order to retain the service credit they obtained under this directive.

G. **Shortage Location.** A shortage location is a duty station location with a shortage of candidates despite numerous job advertisements and attempts to fill. In in-plant shortage locations, hiring flexibilities (**examples:** superior qualifications, recruitment incentives, relocation incentives, and payment of travel and transportation expenses to the first post of duty) must be deemed necessary and approved by ECPB.

H. **Tenure Groups.** Groups that categorize employees by status under their current appointments. Such groups include, but are not limited to, career employees, career conditional employees, indefinite employees, employees in status quo appointments, employees serving under other non-status non-temporary appointments, temporary appointments, excepted service appointments, and term employees.

VIII. **BACKGROUND**

A. Full-time employees earn annual leave as follows:

1. 4 hours per pay period for less than 3 years of Federal service.
2. 6 hours per pay period for 3, but less than 15, years of service.
3. 8 hours per pay period for 15 or more years of service.

B. The Federal Workforce Flexibility Act of 2004 permits newly appointed employees to receive service credit for non-Federal or active duty uniformed service experience. A newly appointed employee may have enough experience to receive service credit allowing placement into the 6 or 8-hour leave category at the time of appointment, or effectively reduce the waiting period before moving into the next leave category. This allows the employees to bypass the customary 3 or 15-year waiting periods.

IX. **COVERAGE**

This directive covers newly appointed employees. The Federal annual and sick leave program established under 5 U.S.C. Chapter 63 covers creditable service for annual leave accrual.

X. **CREDITABLE SKILLS OR EXPERIENCE**

A. Employees only receive credit for non-Federal work experience or active duty uniformed service which directly relates to the appointed position. Before granting credit, the requesting division or staff director must submit a written request to the servicing human resources specialist for review. See subparagraph XI. A. for the required information.

B. To be eligible for creditable service for annual leave accrual, the following criteria must be met:

1. The employee's prior experience and skills are essential to the new position and were acquired through performance in a non-Federal position or during active duty in a uniformed service.

2. The duties performed in a non-Federal position or during active duty in a uniformed service were directly related to the appointed position (see subparagraph XI.).

3. The use of creditable service for annual leave accrual is necessary to achieve an important Agency mission or performance goal.

4. At least one of the following conditions must be met:

a. It is a hard-to-fill position. (**EXAMPLE:** The position was advertised more than once without a successful appointment, or a limited number of candidates were referred.)

b. It is in a shortage location.

c. The appointee's background is unique and demonstrates that the employee will contribute significantly to the organization's mission, or it shows that the employee is highly qualified for the position. (**EXAMPLE:** The employee qualifies for a superior qualifications appointment.)

C. Newly appointed employees who performed directly related duties can receive full-time credit for full-time service and part-time credit for part-time service. Service credit for less than full-time service will be prorated based on the number of hours the newly appointed employees actually performed the duty.

D. Retired members of a uniformed service can receive credit for any period of active military service when they performed duties directly related to the appointed position. Previously, credit was given only to a retired member of a uniformed service for periods of active duty served during a campaign or expedition for which a campaign badge was issued.

E. Newly appointed employees cannot be awarded credit for service that is otherwise creditable under existing leave regulations.

F. Leave credit covered under this provision must be approved before the effective date of the newly appointed employee's entry on duty. Credit cannot be granted retroactively.

G. Newly appointed employees must sign a 1-year service agreement (FSIS Form 3530-9, Service Agreement, Creditable Service for Annual Leave Accrual). This agreement acknowledges that the employee understands that 1 year of continuous service with USDA must be completed to retain the service credit under this directive.

XI. REQUESTING SERVICE CREDIT

A. **Newly Appointed Employee.** The individual receiving the credit must provide all documentation supporting the timeframe and the duties of their prior work experience.

B. **Selecting Official.**

1. Submits a written justification statement to SHRO indicating each of the following:

a. How the individual's skills and experience are unique or essential to the new position.

b. Why the use of creditable service for annual leave accrual is necessary to achieve an important FSIS mission or performance goal.

c. The inclusive dates covering the period of time for experience credit.

d. How the duties performed in the non-Federal position are directly related to the subject position.

2. Attaches a copy of the position description to the written justification statement.

3. Attaches supporting documentation provided by the selectee to the written justification statement to support the prior work experience. This includes information that the servicing human resources specialist deems sufficient to document both the duties performed by the selectee and the time period the newly appointed employee performed the duties. Examples of documentation include:

a. Resume.

b. Position descriptions.

c. Military occupational specialty description.

d. Letters from supervisors indicating duties and time periods the newly appointed employee performed the duties.

e. Employment records.

f. Other documentation that verifies the service.

C. **SHRO.** Reviews the written request from the division or staff director for completeness. Forwards the justification and documentation package to ECPB for approval. Issues leave category information to the appropriate timekeeper.

D. **ECPB.** Approves or disapproves the request for service credit and notifies the supervisor or manager making the request and SHRO of the decision. If approved, ECPB prepares a service agreement and forwards it to SHRO for the individual's signature. If disapproved, ECPB notifies the supervisor or manager in writing. (**NOTE:** Approval must be received before the selectee is appointed to the position.)

XII. DURATION OF CREDIT FOR SERVICE

A. After 1 full year of continuous service (equivalent to 52 calendar weeks) with USDA, the employee will retain all service credit earned under this directive for the remainder of their Federal career.

B. Employees separating from Federal service, or transferring to another Federal agency before completing 1 full year of continuous service with USDA are not entitled to retain the service credit for prior non-Federal service or active duty uniformed service. Before the employee separates or transfers outside USDA, the additional service credit awarded under this directive is subtracted from the employee's total creditable service. A new SCD for leave is established. However, the employee retains the annual leave accrued while working in FSIS even if they fail to complete 1 full year of service with USDA. (**EXAMPLE:** A new employee qualifies to earn 6 hours of annual leave per pay period. The employee fails to complete 1 year of service with USDA and moves to a different Government agency. The entire service credit the employee received for work performed outside the Government is removed and a new SCD calculated. During the employee's time with FSIS, they earned 60 hours of annual leave. Although their SCD changes, they retain the 60 hours of annual leave earned under the previous leave category.)

XIII. ACTIVE DUTY IN A UNIFORMED SERVICE

Active duty in a uniformed service during a time of war and certain time periods is creditable under other Federal regulations. However, under this directive the Agency can credit an individual's time of active duty in a uniformed service outside of wartime or other time periods. Any service that the Agency credits under other regulations cannot be credited a second time under this directive.

XIV. **ADDITIONAL INFORMATION**

For additional information contact ECPB at (202) 720-6617.

A handwritten signature in black ink, appearing to read "William P. Miller". The signature is fluid and cursive, with a large, sweeping "M" and "L".

Assistant Administrator
Office of Management

Attachment

1 Sample FSIS Form 3530-9, Service Agreement, Creditable Service for
Annual Leave Accrual

**FSIS FORM 3530-9, SERVICE AGREEMENT
CREDITABLE SERVICE FOR ANNUAL LEAVE ACCRUAL**

<div>U.S. DEPARTMENT OF AGRICULTURE FOOD SAFETY AND INSPECTION SERVICE</div> <div>SERVICE AGREEMENT Creditable Service for Annual Leave Accrual</div>		DISTRIBUTION: 1 Copy - Employee retains 1 Copy - Employee's Official Personnel Folder
1. EMPLOYEE'S NAME		2. SOCIAL SECURITY NO.
3. POSITION TITLE		4. PAY PLAN/SERIES/GRADE
5. FSIS PROGRAM		
6. EFFECTIVE DATE OF THIS AGREEMENT		7. PD/SJ NUMBER

I understand that as a newly appointed or a reappointed employee with a break in service of at least 90 calendar days from the date of my last period of Federal civilian appointment, I may receive service credit for prior non-Federal service or active duty uniformed service that otherwise would not be creditable for the purpose of determining my annual leave accrual rate. Credit for non-Federal service or active duty uniformed service is granted upon the effective date of my initial appointment or reappointment to Federal Service.

I understand that credit granted for non-Federal service or active duty uniformed service remains to my credit unless I fail to complete 1 full year of continuous service with the U.S. Department of Agriculture (USDA). If I separate from Federal Service or transfer to another Federal agency prior to completing 1 full year of continuous service with USDA, I am not entitled to retain service credit for prior non-Federal service or active duty uniformed service. I also understand the agency must subtract the additional service credit from the Service Computation Date for Leave purposes and a new service computation date for leave must be established before I separate or transfer to a new agency.

SAMPLE

8. EMPLOYEE SIGNATURE	9. DATE
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FSIS FORM 3530-9 (12/18/2007)

PRIVACY ACT STATEMENT: Section 6311 of Title 5, United States Code, authorizes collection of this information. The following information is being provided in compliance with the Privacy Act of 1974 (Public Law 93-579). The primary use of the requested information by management is to maintain a record of this agreement. This information may also be shared with appropriate Federal, State, local or foreign agencies when relevant to civil, criminal or regulatory investigations, or prosecutions.

When the employee identification number is your Social Security Number (SSN), collection of this information is authorized by Executive Order 9397. Furnishing the information on this form, including your SSN, is voluntary, but failure to do so may result in delay or suspension of processing this request.