

Reclamation Manual

Directives and Standards

Subject:	Flexibilities Related to Creditable Service for Leave Accrual and Recruitment, Relocation, and Retention Incentives
Purpose:	This Directive and Standard (D&S) provides Bureau of Reclamation requirements for crediting non-Federal and uniformed service work experience toward service for annual leave accrual, and for determining and paying recruitment, relocation, and retention incentives. The benefit of this D&S is to ensure judicious and consistent use of these incentives.
Authority:	Pub. L. 108-411 (Sections 101 and 202(a) of the Federal Workforce Flexibility Act of 2004); 5 U.S.C. 5753, 5754, and 6303; title 5 CFR Parts 575 and 630; and Department of the Interior Personnel Bulletin Numbers 05-05 and 06-01
Approving Official:	Director, Policy and Administration (POLICY)
Contact:	Human Resources (HR) Policy and Programs Division (HRPPD) (84-58000)

1. **Introduction.** This D&S is intended to establish a consistent process to utilize and request flexibilities related to creditable service for leave accrual and recruitment, relocation, and retention incentives. The flexibilities and incentives must be limited to recruiting and retaining highly-qualified candidates who would otherwise seek employment outside of Reclamation for similar positions in the non-Federal, private, non-profit, and academic sectors. The use of incentives and flexibilities is not a substitute for traditional recruiting efforts that could yield a competent and qualified employee without the use of such incentives and flexibilities. These incentives are to be used to meet Reclamation's most significant staffing challenges. Specifically, they must only be offered when a position requires knowledge, skills, abilities, and education that are otherwise difficult to find in the Federal and/or non-Federal workforce.
2. **Applicability.** This D&S applies to Reclamation managers/supervisors and eligible employees.
3. **Definitions.**
 - A. **Creditable Service for Annual Leave Accrual for Non-Federal and Uniformed Service Work Experience.** A discretionary flexibility an agency may exercise to allow service credit time for non-Federal or uniformed service work experience that would otherwise not be creditable under 5 U.S.C. 6303(e) for the purpose of determining a newly appointed or reappointed employee's annual leave accrual rate.

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- B. **Newly Appointed.** The first appointment (regardless of tenure) as a civilian employee of the Federal Government; an appointment of a former civilian employee of the Federal Government following a break in Federal Government service of at least 90 days; or, in certain cases, an appointment following a break in service of less than 90 days from a previous appointment as a civilian employee of the Federal Government.
- C. **Rate of Basic Pay.** The rate of pay fixed by law or administrative action for the position to which the employee is or will be appointed, before deductions, and including:
- (1) any special rate under 5 CFR Part 530, Subpart C;
 - (2) any locality-based comparability payment under 5 CFR Part 531, Subpart F; or
 - (3) special pay adjustments for law enforcement officers under section 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509).
- D. **Reclamation Leadership Team (RLT).** Reclamation's Executive Schedule, Senior Executive Service, and Senior Level positions comprise the RLT.
- E. **Recruitment Incentive.** A payment made to a potential employee as an incentive to accept a Federal job in situations where Reclamation would otherwise have difficulty filling a position (or group of positions). The incentive may be up to 25 percent of the candidate's basic pay or up to 10 percent of basic pay for candidates in a specific group of positions that are similar or located in the same office.
- F. **Relocation Incentive.** A payment made to a current employee or group of employees to accept a position or positions that would require the employee(s) to move to a new commuting area or different geographical area. Relocation incentives are for situations in which Reclamation would otherwise have difficulty filling a position (or group of positions). The incentive may be up to 25 percent of the employee's basic pay or up to 10 percent of basic pay for employees in a specific group of positions that are similar or located in the same office.
- G. **Retention Incentive.** A payment made to retain a current employee or group of employees that possess unusually high qualifications or are essential to retain in Reclamation due to a critical need, whom Reclamation has determined would be likely to leave for employment outside the Federal Government. The incentive may be up to 25 percent of the employee's basic pay or up to 10 percent of the basic pay for each employee in a specific group of positions that are similar or located in the same office.

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- H. **Service Agreement.** A written agreement between Reclamation and an employee or potential employee where the individual agrees to complete a specified period of employment in return for payment of a recruitment or relocation incentive.
- I. **Statement of Understanding (SOU).** A written document provided to individuals who have been approved for service credit for annual leave accrual or to receive an individual or group retention incentive that details the terms and conditions of employment.
4. **Responsibilities.**
- A. **Commissioner.** The Commissioner is responsible for approving or denying requests for recruitment, relocation, and retention incentives in accordance with the authority retained in Paragraph 6.I.(1)(b)(iii)(aa) of the Reclamation Manual [Delegations of Authority](#).
- B. **Director, POLICY.** The Director, POLICY is responsible for:
- (1) ensuring consistency and equity in offering service credit for annual leave accrual and/or a recruitment, relocation, and retention incentive, taking into consideration the need to maintain a balanced workforce and manage budget constraints;
 - (2) ensuring, through consultation with the Manager, HRPPD, all applicable rules, regulations, and guidelines for allowing leave service credit and awarding incentives are met;
 - (3) reviewing and approving or denying requests to use flexibilities toward service credit for annual leave accrual in accordance with the authority delegated in Paragraph 6.I.(1)(b)(i) of the [Delegations of Authority](#);
 - (4) reviewing and approving or denying requests for recruitment, relocation, and retention incentives as delegated in Paragraph 6.I.(1)(b)(iii)(bb) of the [Delegations of Authority](#); and
 - (5) reviewing and forwarding recruitment, relocation, and retention incentive requests for which the Commissioner has retained authority in Paragraph 6.I.(1)(b)(iii)(aa) of the [Delegations of Authority](#).
- C. **RLT Members.** RLT members are responsible for:
- (1) reviewing and approving or denying requests to use flexibilities toward service credit for annual leave accrual in accordance with the authority delegated in Paragraph 6.I.(1)(b)(i) of the [Delegations of Authority](#);

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- (2) reviewing and approving or denying requests for recruitment, relocation, and retention incentives as delegated in Paragraph 6.I.(1)(b)(iii)(cc) of the [Delegations of Authority](#); and
- (3) reviewing and forwarding recruitment, relocation, and retention incentive requests, that exceed the authority delegated to them in Paragraph 6.I.(1)(b)(iii)(cc) of the [Delegations of Authority](#), and leave flexibility justification packets, that exceed the authority delegated to them in Paragraph 6.I.(1)(b)(i), through HR channels and the Manager, HRPPD to the Director, POLICY for approval.

D. Manager, HRPPD. The Manager, HRPPD is responsible for:

- (1) receiving and reviewing all requests to use flexibilities toward service credit for annual leave accrual, and for awarding incentives received from the servicing HR offices;
- (2) ensuring all applicable rules, regulations, and guidelines for allowing the service credit or receiving or awarding the incentives are met;
- (3) forwarding the requests that are complete and meet applicable criteria as stated in 5 CFR 575 and 630 and this D&S to the Director, POLICY for surname and review; and
- (4) providing the RLT and the Director, POLICY an annual fiscal year report on the use of incentives Reclamation-wide within 30 days of the end of the fiscal year.

E. Servicing HR Offices. Servicing HR offices are responsible for:

- (1) providing guidance to managers/supervisors on the requirements that must be met to use leave flexibilities or to offer incentives;
- (2) reviewing leave service credit and incentive requests to ensure they contain all required information;
- (3) forwarding completed requests to the RLT member for review and action/recommendation;
- (4) receiving requests back from the RLT member after review or decision;
- (5) sending incentive requests that exceed the authority delegated to RLT members in Paragraphs 6.I.(1)(b)(i) and 6.I. (1)(b)(iii)(cc) of the [Delegations of Authority](#) for leave flexibility or recruitment, relocation, and retention incentives respectively, to the Manager, HRPPD, to be sent to the Director, POLICY;

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- (6) notifying officials that have submitted requests to use the leave flexibility or award an incentive of the final decisions rendered on those requests;
- (7) maintaining information and reports associated with leave flexibilities and incentives utilized as required by the Office of Personnel Management (OPM) and the Department;
- (8) ensuring all -incentive information and the associated reports are available and accessible to individuals performing official accountability reviews;
- (9) processing and documenting personnel actions within the Federal Personnel and Payroll System (FPPS) to document the approved leave service credit or incentives to be paid (or stopped);
- (10) recalculating the service computation date for leave if the employee fails to meet the 1 full year of continuous service as required for leave service credit and processing the SF 50 in accordance with Chapter 6 of the Guide to Processing Personnel Actions; and
- (11) verifying recruiting difficulties as claimed.

F. Managers/Supervisors. Managers/supervisors are responsible for:

- (1) determining the need to offer the leave flexibility or an incentive;
- (2) working closely with their servicing HR office to develop official requests and justifications to request approval to use the leave flexibility and/or offer the incentives;
- (3) gathering and compiling information, and creating the written justification packets to request the use of the leave flexibility or incentive;
- (4) ensuring consistency and equity in offering and using leave flexibilities and incentives;
- (5) considering budget implications of offering an incentive; and
- (6) submitting complete justification packets through their servicing HR office to be sent to the appropriate management official for action.

G. Employees and/or Potential Employees. Employees and/or potential employees are responsible for:

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- (1) providing documentation and information to the manager/supervisor or potential manager/supervisor as required to support requests for incentives and/or leave flexibilities; and
- (2) signing and adhering to the terms of the Service Agreement that is required based on receipt of an incentive.

5. Creditable Service for Annual Leave Accrual for Non-Federal and Uniformed Serviced Work Experience.

A. **Eligibility.** The following individuals are eligible to be approved for creditable service:

- (1) newly appointed or reappointed permanent employees with previous non-Federal experience; and
- (2) newly appointed or reappointed permanent employees who are retired members of the active duty uniformed service as defined by 38 USC 4030.

B. **Positions.**

- (1) Covered positions include all appointive positions in the executive branch of the Government of the United States.
- (2) Excluded positions are those in the uniformed service, which are not eligible to be approved for creditable service.

C. **Requesting Approval.** To request approval to use this flexibility, managers/supervisors must submit a written request through management channels. See Appendix A for a checklist showing the specific documentation and information that must be contained within the written request and submitted before a decision will be made. Factors that must be addressed in the written request are:

- (1) the amount of service to be credited;
- (2) the special or unique qualifications/skills are required to successfully perform the duties of the position;
- (3) the skills and experience the individual possesses that are essential and directly related to the position;
- (4) the important Reclamation mission or performance goal will be achieved;
- (5) description of how the position would be or is difficult to fill with a highly qualified candidate to include recent turnover and labor market conditions; and

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- (6) the other types of incentives (both monetary and nonmonetary) that have been offered.

D. Other Requirements.

- (1) Use of this flexibility is discretionary.
- (2) The decision and approval/disapproval to allow the non-Federal and/or uniformed service work experience time to be credited toward annual leave accrual must be made before the individual enters on duty and cannot be made retroactively.
- (3) The service time must be credited toward annual leave accrual only.
- (4) The service time to be credited must not include any service that is already considered creditable for leave accrual, to include military campaign time.
- (5) For the individual to continue to receive credit for the service time throughout their Federal career, they must complete 1 full year of continuous service with Reclamation.
- (6) The employee will be required to sign an SOU acknowledging the 1 full year of continuous service requirement. A template for the SOU can be found in Appendix B.
- (7) If the individual leaves Reclamation before the 1 year service requirement is met, the servicing HR office must recalculate the service computation date for leave and process an SF 50 prior to the employee leaving Reclamation. The SF 50 will be processed in accordance with Chapter 6 of the Guide to Procession Personnel Actions.
- (8) All decisions to award extra credit toward annual leave accrual must be documented on a Standard Form 144a, Statement of Prior Federal Service Worksheet, within the personnel and payroll system used by Reclamation (currently FPPS), and the individual's official personnel folder by an SF 50, Notification of Personnel Action.

6. Recruitment, Relocation, and Retention Incentives.

A. Eligibility.

- (1) A recruitment incentive may only be paid to recruit individuals or groups of individuals for hard to fill positions who:
 - (a) will be newly appointed to the Federal Government; or

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- (b) will be reemployed in the Federal Government as explained in Section 3, Definitions, of this D&S; and
 - (c) will be employed in a permanent position with a full-time work schedule.
- (2) A relocation incentive may be paid to a current employee (or group of employees)
- (a) who must relocate to accept a position in a different geographic area, if the position has been determined to be likely difficult to fill in the absence of the incentive; and
 - (b) has a current official rating of record of at least “Superior”.
- (3) A retention incentive may be paid to a current employee (or group of employees) when:
- (a) the employee possesses unusually high or unique qualifications;
 - (b) the employee has a current official rating of record of at least “Superior”;
 - (c) is in a permanent position with a full time work schedule;
 - (d) a special need of Reclamation for the employee’s service makes it essential to retain the individual; and
 - (e) the employee(s) would be likely to leave the Federal Government in the absence of a retention incentive.

B. Positions.

- (1) Incentives may only be paid to individuals in the following eligible position categories:
- (a) general schedule (GS);
 - (b) law enforcement positions;
 - (c) prevailing rate positions (BB, BL, XE, WB, WG, WL, WS, etc.);
 - (d) senior level or professional positions;
 - (e) Senior Executive Service (SES) position paid under 5 U.S.C. 5383; and

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- (f) positions under the Executive Schedule paid under 5 U.S.C. 5311-5317 or a position the rate of pay for which is fixed by law at a rate equal to a rate for the Executive Schedule.
- (2) Incentives cannot be paid to individuals in the following excluded positions or appointments:
- (a) positions to which an individual is appointed by the President;
 - (b) positions in the SES as a noncareer appointee; or
 - (c) those in positions excepted from the competitive service by reason of confidentiality, policy determining, policy-making, or policy-advocating natures (Schedule C).
- C. **Requesting Approval.** To request approval to offer an incentive for either an individual or a group of individuals, managers/supervisors must submit a written request through management channels. See Appendix A for checklists that contain the documentation and information that must be included in the written request and submitted before a decision will be made.
- (1) The written request for a recruitment or relocation incentive must address the below factors:
- (a) the special or unique qualifications/skills the position requires;
 - (b) the special or unique qualifications/skills does the individual possess that makes him or her highly qualified for the position;
 - (c) the candidate's current salary plus benefits is and what would be the salary and benefits offered without the proposed incentive (recruitment incentive only);
 - (d) a description of how the position would be or is difficult to fill with a highly qualified candidate to include length of time required to fill similar positions, recent turnover and labor market conditions;
 - (e) the disparities between Federal and non-Federal salaries for the skills and competencies required in the position to be filled? One source for employment and wage estimates is the US Department of Labor's Bureau of Labor Statistics (BLS) at <https://www.bls.gov/OES/> (recruitment incentive only);
 - (f) the employee's current official rating of record (relocation incentive only); and

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- (g) the geographic location of the new position versus the old position (must be 50 or more miles apart) (relocation incentive only).
- (2) The written request for a retention incentive must address the below factors:
- (a) the extent to which the employee's departure would affect Reclamation's ability to carry out an activity or perform a function essential to the mission;
 - (b) the special or unique qualifications/skills the position requires;
 - (c) the special or unique qualifications/skills the individual possesses that makes him or her highly qualified for the position or Reclamation's special need to retain the employee;
 - (d) indication(s) management has that the employee is likely to leave Federal service;
 - (e) the employee's current official rating of record;
 - (f) the quality and availability of the potential sources of employees that are identified in any agency succession plan, who possess the competencies required for the position, and who, with minimal training, cost, and disruption of service to the public, could perform the full range of duties and responsibilities of the employee's position at the level performed by the employee; and
 - (g) a description of how the position would be or is difficult to fill with a highly qualified candidate to include length of time required to fill similar positions, recent turnover and labor market conditions.

D. Service Agreement/SOU.

- (1) Before a recruitment or relocation incentive may be paid, the employee(s) or potential employee(s) must sign a written service agreement. A sample service agreement template can be found in Appendix B.
- (2) The employee(s) must sign an SOU before receiving a retention incentive. A sample SOU can be found in Appendix B.
- (3) By signing the service agreement or SOU, the employee agrees to the conditions and terms of the agreement.
- (4) An incentive must be terminated when the employee:

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- (a) is demoted or separated for cause (i.e., for unacceptable performance or conduct);
 - (b) receives an official rating of record lower than “Fully Successful” or equivalent; or
 - (c) otherwise fails to fulfill the terms of the service agreement.
- (5) An incentive will be terminated when:
- (a) the employee’s position is affected by a reduction in force;
 - (b) there are insufficient funds to continue the planned incentive payments;
 - (c) conditions change such that the original determination to pay the incentive no longer applies (such as when the employee is assigned to a different position); or
 - (d) management has determined that Reclamation’s needs require the incentive to be terminated.
- (6) Reclamation must notify employees in writing when an incentive is terminated.
- (7) A relocation incentive service agreement cannot commence during the service period established by an individual’s recruitment or retention incentive service agreement.

E. Payment.

- (1) Performance appraisals for individuals receiving incentives will be verified yearly at the time new performance ratings are received, upon the anniversary date of the incentive approval, and/or anytime approval is requested to extend an incentive beyond 1 year. If any of these reviews shows that the individual has received a final rating of less than “fully successful,” the individual’s service agreement will be terminated and the individual will no longer receive the incentive.
- (2) The decision to offer individual or group incentives is discretionary.
- (3) Groups of similar positions previously approved for recruitment or relocation incentives must be reviewed annually to determine if the positions remain difficult to fill. This determination must be in writing and signed by the approval authority as designated in this D&S and the Delegations of Authority. If the positions are no longer difficult to fill, incentives will not be offered.

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- (4) The decision and approval or disapproval to pay an incentive (individual or group) must be made in writing. For recruitment and relocation incentives, the approval must be received before the individual enters on duty and cannot be made retroactively.
 - (5) The decision to approve, continue, reduce, or terminate a recruitment incentive cannot be appealed or grieved.
 - (6) Reclamation will pay approved retention incentives in biweekly installments only and will set those installment payments at the full retention incentive rate approved for the individual.
7. **Vacancy Announcements.** When a manager/supervisor identifies that they would consider paying a recruitment or relocation incentive, the following statements will be included in the announcement:
- A. The selectee(s) for the vacancy, if otherwise eligible and qualified, may be offered a recruitment or relocation incentive.
 - B. The decision to offer an incentive to the selectee(s) of this vacancy will be made on a case-by-case basis and is neither promised nor guaranteed.

RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: _____

Release No. _____

Ensure all employees needing this information are provided a copy of this release.

Reclamation Manual Release Number and Subject

Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

Filing instructions

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All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>

Filed by: _____

Date: _____