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Personnel and Training

**NONPERMANENT EMPLOYMENT AUTHORITIES
AND OTHER THAN FULL-TIME WORK SCHEDULES**

BY ORDER OF THE DIRECTOR



DONNA J. WILLIS
Executive Assistant
to the Director

RALPH R. TATE
Chief, Safety, Security and Administration

AUTHORITY: DOD Directive 5105.55, Defense Commissary Agency (DeCA),
November 9, 1990.

MANAGEMENT CONTROLS: This directive does not contain Internal Management Control Provisions that are subject to evaluation, testing and other requirements of DeCAD 70-2 and as specified by the Federal Manager's Financial Integrity Act.

APPLICABILITY: This directive applies to the Defense Commissary Agency (DeCA) activities.

HOW TO SUPPLEMENT: Regions may not supplement this directive.

HOW TO ORDER COPIES: Stores needing additional copies will submit requirements on DeCA Form 30-21 to Region/IM. Regions will consolidate requirements and order per published schedule.

SUMMARY: This directive contains guidance on the proper utilization of nonpermanent employment authorities and other than full-time work schedules.

OFFICE OF PRIMARY RESPONSIBILITY (OPR): HQ DeCA/DPC
COORDINATORS: Regions/HQ Directors & Office Chiefs/Operations Support Center/
servicing civilian personnel offices
DISTRIBUTION: E and servicing civilian personnel offices

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Chapter 1

**NONPERMANENT EMPLOYMENT AUTHORITIES
AND OTHER THAN FULL-TIME WORK SCHEDULES**

1-1. PURPOSE: This directive provides guidance regarding the use of (a) nonpermanent employment authorities and (b) other than full-time work schedules.

1-2. REFERENCES:

- a. Title 5, Code of Federal Regulations, Part 316, Temporary and Term Employment.
- b. Title 5, Code of Federal Regulations, Part 340, Other Than Full-Time Career Employment (Part-time, Seasonal, On-call, and Intermittent).
- c. Title 5, Code of Federal Regulations, Part 550, Pay Administration (General).
- d. Title 5, Code of Federal Regulations, Part 610, Hours of Duty.
- e. DeCA Directive 70-9, Financial Management for Payroll, July 26, 1996.

1-3. POLICY: Within DeCA, the use of nonpermanent employment authorities and other than full-time work schedules will be in accordance with above references. Although portions of the references may be restated herein, this directive is not all inclusive. The guidance in this directive is intended to assist managers and supervisors to ensure proper utilization of employees. This guidance provides clarification on the appropriate uses of nonpermanent employment authorities and other than full-time work schedules pertinent to day-to-day staffing situations within DeCA.

1-4. RESPONSIBILITIES:

- a. HQ DeCA, Directorate of Personnel and Training, provides agency guidance and monitors the agency-wide utilization of nonpermanent employment authorities and other than full-time work schedules.
- b. DeCA region Personnel Division Chiefs will monitor the utilization of nonpermanent employment authorities and other than full-time work schedules within the assigned region, and will provide advice to managers to ensure proper utilization. Periodic automated reports reflecting pertinent information will be provided by HQ DeCA DP to region Personnel Division Chiefs for their use.
- c. DeCA management officials will comply with regulatory and policy guidance regarding appropriate uses of nonpermanent appointing authorities and other than full-time work schedules. It is management's responsibility to ensure that the flexibilities discussed in this directive are used judiciously and that all employees are treated fairly. Managers should consult with servicing civilian personnel representatives and/or personnel satellite specialists as necessary to ensure that actions regarding the utilization of nonpermanent appointing authorities and other than full-time work schedules are in consonance with pertinent guidance.

1-5. NONPERMANENT EMPLOYMENT: There are two types of competitive appointments that are considered nonpermanent in nature: (1) temporary appointments and (2) term appointments.

a. Temporary employment. Appropriate uses of temporary employment are as follows:

(1) To fill a short-term position (i.e., a position that is not projected to last longer than one year);
and

(2) To meet short-term employment needs due to reasons such as pending abolishment, reorganization, contracting out of a function, anticipated funding reduction, projected completion of a specific project or peak workload, in the wake of a CA contract default, or to fill a position which may later be needed to place displaced permanent personnel.

(3) To fill overseas Local National (LN) positions when qualified host country candidates are not available.

NOTE: In reduction-in-force (RIF) situations, temporary employees do not affect permanent employees because they do not have bump or retreat rights, and are separated without eligibility for severance pay or registration in the DOD Priority Placement Program.

b. Certification on temporary staffing actions. For each temporary staffing action, supervisors must certify that the employment need is temporary and meets the regulatory time limits (i.e., position is not projected to last longer than one year from the date of the action). The specific reason for the temporary staffing action must be included in the certification. The certification must accompany the Request for Personnel Action (SF 52) for each temporary staffing action.

c. Extensions of Temporary Appointments. Appointments may be extended for up to one additional year, for a total of 24 months of temporary employment in a specific position. If unusual circumstances (e.g., major reorganizations, base closures, restructuring, etc.) warrant extension of a temporary appointment beyond the total of 24 months, an exception may be requested from OPM. Such requests may be submitted by the employing office to the appropriate OPM service center, except when the unusual circumstances are the result of an agency wide action. In these situations, the request must be submitted through DeCA channels (i.e., region, headquarters) for submission to OPM.

d. Term Employment. Appropriate uses of term employment are as follows:

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(1) When an employment need is anticipated to last for more than one year, but less than four years; and

(2) To meet nonpermanent staffing needs due to reasons such as project work, extraordinary workload, scheduled abolishment, reorganization, contracting out of the function, anticipated funding reduction or uncertainty of future funding, or to fill a position which may later be needed to accommodate displaced permanent personnel.

(3) To meet overseas staffing needs when other appointments are not appropriate.

NOTE: After an initial term appointment (one year plus one day), the not-to-exceed date can be set to occur prior to a potential RIF. In RIF situations, term employees do not affect permanent employees because they do not have bump or retreat rights, and are separated without eligibility for severance pay or registration in the DOD Priority Placement Program.

1-6. OTHER THAN FULL-TIME WORK SCHEDULES: Although a large percentage of DeCA's work requirements are for full-time employment (i.e. 40 hours per week), a substantial portion of DeCA's workload requirements at the commissary level can best be met by the use of employees with other than full-time work schedules. This section describes the two types of other than full-time work schedules that are primarily in

use within DeCA: (1) part-time and (2) intermittent. Due to the nature of the work performed at the commissary level, managers should consider several factors when determining whether to staff positions as full-time, part-time, or intermittent. Examples of such factors are the days and hours of store operation, funding and resource availability, and the local labor market. This section discusses flexibilities that managers may find useful when determining the best mix of work schedules to meet staffing needs. It is important that the flexibilities be used judiciously to avoid morale/equity issues on the part of other categories of employees.

a. **Part-Time Work Schedules:** The use of part-time employees works well when there are changes in the workload requirements or when there are gaps in covering mission requirements that don't support the use of full-time employees. Employees on part-time work schedules can be employed on permanent appointments, or on temporary or term appointments.

(1) Employees who are part-time normally have a regular work schedule; i.e., they are scheduled to work prescribed days and hours within an administrative workweek.

(2) Reference 1-2b contains statutory requirements governing permanent part-time employment (also called part-time career employment). Permanent part-time employees are scheduled to work 16 to 32 hours per week.

(3) Permanent part-time employees may occasionally work additional hours beyond their scheduled tour. Managers must ensure that union contract requirements regarding advance notice of schedule changes for part-time employees are met, if applicable. If a part-time employee is required to work a different number of hours for more than two consecutive pay periods, the supervisor must initiate a personnel action to change the employee's work schedule or to change the tour of duty to reflect the number of hours scheduled to work.

(4) Situations may arise that result in a determination by management that it is necessary to reduce the number of hours a part-time employee is scheduled to work (e.g., funding reductions, workload shortages, etc.). Managers can decrease the scheduled hours of a part-time employee without following adverse action procedures; however, managers must ensure that union contract requirements regarding advance notice of schedule changes for part-time employees are met, if applicable. A personnel action must be initiated to document such a change if the change is for more than two consecutive pay periods.

(5) Employees on temporary or term appointments with part-time work schedules are not covered by the provisions of reference 1-2b. Therefore, part-time employees on temporary or term appointments can be scheduled to work up to 39 hours per week. Although they are not restricted to the schedule of 16 to 32 hours per week, managers should use this flexibility judiciously to avoid the potential of negative impact on the morale of other categories of employees.

b. **Intermittent Work Schedules:** When work cannot be regularly scheduled in advance and the work is sporadic and unpredictable in nature, intermittent work schedules are appropriate. Employees on intermittent work schedules can be employed on permanent appointments, or on temporary or term appointments.

(1) Employees on intermittent work schedules do not have a prescribed tour of duty, and are not guaranteed to work a minimum number of hours per week. They are not restricted to 32 hours per week, and therefore may work more than 32 hours per week when necessary to respond to work requirements.

(2) Employees on intermittent work schedules can be scheduled within the administrative workweek, but they cannot be scheduled in advance of the administrative workweek. Therefore, on the first day of an administrative workweek, i.e., Sunday, a supervisor can schedule an intermittent employee to work

any day through the last day of that administrative workweek, i.e., any day from that Sunday through the following Saturday.

(3) If it becomes necessary to utilize an intermittent employee on a regular basis, the supervisor must initiate a personnel action to change the employee's work schedule to part-time or full-time, as appropriate. Generally, if an intermittent employee can be scheduled in advance of the administrative workweek for more than two pay periods (i.e., four weeks), the supervisor should consider changing the employee's work schedule. This allows management the flexibility to schedule the work of intermittent employees (week-by-week) for a total period of four weeks or less, to meet needs of peak workload periods, such as holidays, and for periods of heavy leave usage.

Managers are cautioned that the utilization of intermittent employees must be judiciously managed to avoid the potential of negative impact on the morale of other categories of employees.

c. **Changes in Work Schedule:** The preceding paragraphs contain guidance on when a manager must initiate a change in work schedule when an employee's work schedule is adjusted to respond to mission/workload requirements. It is important that personnel actions document such changes to ensure that employees receive proper service credit and benefits/entitlements appropriate to their employment. There are many other circumstances which may prompt changes in an employee's type of appointment or work schedule. While some of these changes may be processed noncompetitively, many of them require competition under merit promotion program procedures. Depending on the circumstances of specific situations, certain actions will be subject to clearance of the DOD Priority Placement Program. When it is proposed to initiate such changes, managers should check with servicing civilian personnel representatives and/or personnel satellite specialists to determine the proper course of action. Employees may apply for opportunities for other intermittent, part-time, or full-time positions through merit promotion program procedures provided they meet the criteria stated in the area of consideration on vacancy announcements.

d. **Holiday Pay and In-Lieu-of Holidays for Other Than Full-Time Employees:** Paragraphs 4-6m and 4-6n of DeCA Directive 70-9, July 26, 1996, contain policy guidance on holiday pay and in-lieu-of holidays for other than full-time employees (reference 1-2e).