



## DECA MANUAL 50-22.01

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

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**Originating Component:** Human Resources Directorate

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**Purpose:** This Manual provides guidance regarding the use of nonpermanent employment authorities and other than full-time work schedules. Is established in compliance DoD Directive 5105.55, "Defense Commissary Agency (DeCA)."

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## **SECTION 1: GENERAL ISSUANCE INFORMATION**

**1.1. APPLICABILITY.** The policy and guidance outlined in this Manual applies to all DeCA activities and covers part-time, temporary, term, and intermittent U.S. citizen, civilian employees. The participation of foreign nationals will be consistent with host nation laws and regulations and will be determined jointly with relevant unions and/or work councils for each overseas location.

**1.2. POLICY.** This manual implements policies as defined in DeCA Directive 50-22, “Nonpermanent Employment Authorities and Other Than Full-Time Work Schedules,” and is in compliance with references listed within this document.

## **SECTION 2: RESPONSIBILITIES**

### **2.1. Headquarters (HQ) DeCA, HUMAN RESOURCES (HR) DIRECTORATE**

- a. Provides Agency guidance.
- b. Monitor Agency-wide use of nonpermanent employment authorities and other than full-time work schedules.

### **2.2. DeCA MANAGEMENT OFFICIALS**

- a. Comply with regulatory and policy guidance regarding appropriate uses of nonpermanent appointing authorities and other than full-time work schedules.
- b. Ensure that the flexibilities discussed are used judiciously and that all employees are treated fairly.
- c. Consult with servicing HR representatives to ensure that actions are in compliance with pertinent guidance.

## **SECTION 3: BACKGROUND**

### **3.1. BENEFITS**

- a. Temporary employment may be used to fill a short-term position, to meet short-term employment needs or to fill a position which may later be needed to place displaced permanent personnel.
- b. Term employment may be used when the employment need is anticipated to last for more than one year, but no more than six years.
- c. Part-time work schedules may be used when there are changes in the workload requirements or when there are gaps in covering mission requirements that do not support the use of full-time employees.
- d. Intermittent Work Schedules may be used to perform work which cannot be scheduled in advance on a regular, planned basis.

### **3.2. OVERVIEW**

- a. Although a large percentage of DeCA's above store level work requirements are for full-time employment (i.e. 40 hours per week), a substantial portion of DeCA's workload requirements at the store level can best be met by the use of employees with other than full-time work schedules.
- b. Due to the nature of the work performed at the store 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.
- c. This Manual discusses flexibilities that managers may find useful when determining the best mix of work schedules to meet staffing needs.
- d. This manual is based on guidance detailed within Part 550 of Title 5, Code of Federal Regulations (CFR).

## SECTION 4: NONPERMANENT EMPLOYMENT

**4.1. PROCESS.** There are two types of competitive appointments that are considered nonpermanent in nature: (1) temporary appointments and (2) term appointments.

**4.2. TEMPORARY EMPLOYMENT.** Appropriate uses of temporary employment are as follows:

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

b. 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 DeCA contract default, or to fill a position which may later be needed to place displaced permanent personnel.

**4.3. CERTIFICATION ON TEMPORARY STAFFING ACTIONS.** For each temporary staffing action:

a. 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).

b. The specific reason for the temporary staffing action must be included in the certification.

c. The certification must accompany the Request for Personnel Action (RPA) for each temporary staffing action.

**4.4. EXTENSIONS OF TEMPORARY APPOINTMENTS.** DoDI 1400.25, Volume 340 provides that appointments may be extended in one year increments up to a total of three years 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 3 years, an exception may be requested from the Office of Personnel Management (OPM). Such requests must be submitted through the appropriate chain of command to DeCA HQ, HR Directorate for further processing.

**4.5. TEMPORARY CRITICAL HIRING NEED.** On rare occasions, there may be positions for which a critical hiring need exists (e.g., a contract defaults). Appointments under this

authority may not exceed 18 months. No extensions are available under this provision. The appointment may not be used to extend the service of any other appointing authority; and the same individual may not be employed under this authority for more than 18 months.

**4.6. TERM EMPLOYMENT.** Appropriate uses of term employment are as follows:

a. When an employment need is anticipated to last for more than one year, but no more than six years; and

b. 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.

## SECTION 5 - OTHER THAN FULL-TIME WORK SCHEDULES

**5.1. AVAILABLE OPTIONS.** 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. This section discusses flexibilities that managers may find useful when determining the best mix of work schedules to meet staffing needs as described in accordance with (IAW) Part 340 of Title 5 CFR. It is important that the flexibilities be used judiciously to avoid morale/equity issues on the part of other categories of employees.

**5.2. 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 do not 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.

a. Part-time permanent employees normally have a regular work schedule i.e., they are scheduled to work prescribed days and hours within an administrative workweek; and are eligible, on a prorated basis, for the same benefits as full-time employees such as leave, retirement, health, and life insurance coverage.

b. Part 340 of Title 5, CFR 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 on a prearranged schedule, and are eligible for benefits.

c. 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 an RPA to change the employee's work schedule or to change the tour of duty to reflect the number of hours scheduled to work.

d. 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.

e. Employees on temporary or term appointments with part-time work schedules are not covered by the provisions of Part 340 of Title 5, CFR. Therefore, part-time employees on temporary or term appointments can be scheduled to work as described IAW Part 316 of Title 5, CFR 316. 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.

f. Job sharing is a form of part-time employment in which the schedules of two or more part-time career employees are arranged to cover the duties of a single full-time position. Job sharing does not necessarily mean that each job sharer works half-time, or that the total number of hours is 40 per week. Job sharers are subject to the same personnel policies as other part-time employees. A job sharing team means two or more employees, at the same series/grade level, share a single job.

**5.3. 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.

a. Intermittent employment is not appropriate for a position which could be filled by a regularly scheduled part-time or full-time employee. In all cases, you must judiciously manage the use of intermittent employees to avoid the potential of negative impact on employee morale of other categories of employees. When considering changes in the manner in which intermittent employees are used, managers are advised to review provisions of any applicable negotiated agreements. There is no standard for the appropriate number of intermittent employees to have in your workforce; the right mix will vary depending on the size of your commissary.

b. 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.

c. 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 (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.

d. If it becomes necessary to use 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 (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.

## SECTION 6 - CHANGES IN WORK SCHEDULES

**6.1. CHANGES IN WORK SCHEDULE.** The following 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 as referenced in Part 610 of Title 5, CFR.

a. It is important that RPAs document such changes to ensure that employees receive proper service credit and benefits/entitlements appropriate to their employment.

b. There are many other circumstances which may prompt changes in an employee's work schedule. While some of these changes may be processed noncompetitively, some may require competition under merit promotion program procedures.

c. Depending on the circumstances of specific situations, certain actions will be subject to the provisions of the DoD Priority Placement Program.

d. When it is proposed to initiate such changes, managers should check with human resources to determine the proper course of action.

e. 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.

**6.2. TEMPORARY CHANGES IN WORK SCHEDULE.** There may be circumstances that require a temporary change in work schedule; e.g., part-time to full-time.

a. If this occurs, the appropriate union notifications must be made in advance of the action.

b. Appropriate RPA must be submitted to document the employee's record. The RPA must include the reason for the temporary change and the not to exceed date of the temporary change in work schedule.

c. The employee must sign a statement of understanding (Appendix A and B), maintained by the supervisor, stating the employee understands the temporary nature of the change.

d. When the temporary need ends, an RPA must be submitted to change the employee's work schedule back to the permanent schedule.

**6.3 EMPLOYEE REQUEST WORK SCHEDULE FLEXIBILITIES.** DeCA is mandated by Presidential Memorandum dated June 23, 2014, to provide a means for the employee to request work schedule flexibilities and therefore require the supervisor to meet/confer with the requesting employee to understand fully the nature and need of the requested flexibility.

a. Supervisors must consider the request and supporting information carefully and respond no later than 20 business days of the initial request. They should also remind employees of flexibilities available to them on a regular basis.

b. Employees have a right to request workplace flexibilities without fear of retaliation or adverse employee action as a consequence of making such a request. This right does not impair or otherwise affect the discretion granted to an employee's supervisor in making a decision, in accordance with the Agency's mission-related requirements. The available work schedule flexibilities include:

(1) Alternative work schedules (i.e., flexible and compressed work schedules) for eligible positions

(2) Telework for eligible positions

(3) Job sharing

(4) Part-time employment

c. These work schedule flexibilities can lead to improved productivity while helping to increase employee engagement and satisfaction. Managers are reminded that they must not create arbitrary and unnecessary barriers to prevent employees from utilizing these flexibilities. While employees should never fear DeCA or supervisor retaliation for requesting certain workplace flexibilities, employees must also understand:

(1) Requests are subject to management approval.

(2) Supervisors must consider the appropriateness of granting the request, under operational rules.

(3) Supervisors must also consider impact on organization mission in exercising this discretion.

d. Employees may request a work schedule change from full-time to part-time or job sharing by submitting a signed and dated memorandum to their supervisor stating the reason for the request, the proposed number of part-time hours per week they are seeking and the duration of the proposed schedule, if known.



**APPENDIX B**

**TEMPORARY CHANGE IN WORK HOURS**  
**STATEMENT OF UNDERSTANDING**

I, \_\_\_\_\_, volunteer to have my work hours **temporarily increased** not to exceed \_\_\_\_\_ hours per week, not to exceed \_\_\_\_\_ (Date). An SF-50 will be processed reflecting this change in work hours.

This change is necessary due to current staffing levels.

## GLOSSARY

### G.1. ACRONYMS

|              |                                   |
|--------------|-----------------------------------|
| <b>CFR</b>   | Code of Federal Regulations       |
| <b>DeCA</b>  | Defense Commissary Agency         |
| <b>DeCAM</b> | Defense Commissary Agency Manual  |
| <b>DoD</b>   | Department of Defense             |
| <b>DODI</b>  | Department of Defense Instruction |
| <b>HQ</b>    | Headquarters                      |
| <b>HR</b>    | Human Resources                   |
| <b>IAW</b>   | in accordance with                |
| <b>OPM</b>   | Office of Personnel Management    |
| <b>RPA</b>   | Request for Personnel Action      |

### G.2. DEFINITIONS

**Administrative workweek** means any period of 7 consecutive 24-hour periods designated in advance by the head of the Agency.

**Basic workweek**, for full-time employees, means the 40-hour workweek established by the head of the Agency.

**Regularly scheduled administrative workweek**, for a full-time employee, means the period within an administrative workweek, within which the employee is regularly scheduled to work. For a part-time employee, it means the officially prescribed days and hours within an administrative workweek during which the employee is regularly scheduled to work.

**Part-time permanent** career or career-conditional appointment works between 16 and 32 hours each week (or between 32 and 64 hours a pay period) on a prearranged schedule, and is eligible for fringe benefits. Part-time permanent employees are eligible, on a prorated basis, for the same benefits as full-time employees: leave, retirement, health, and life insurance coverage.

**Term appointments** are appointments made for more than one year but not more than six years to positions where the need for an employee's services is not permanent. The circumstances under which these nonpermanent appointments are appropriate include (but are not limited to) project work, extraordinary workload, uncertainty of future funding, scheduled contracting out or

abolishment of a function, or the need to maintain permanent positions for placement of potential surplus employees.

**Temporary appointments** are used to fill positions when there is no permanent need for an employee's services. For example, a temporary appointment can be used to fill a position that is not expected to last more than one year, or to meet an employment need that is scheduled to be terminated within one to three years for reasons such as an Agency's reorganization or abolishment, or the completion of a specific project or peak workload.

**Intermittent work schedules** are best suited for work that is sporadic and unpredictable, allowing agencies to use them in emergencies or when a work schedule is difficult to define. Temporary intermittent employees are generally ineligible for participation in most Federal employee benefit programs. In contrast, permanent intermittent employees are eligible for participation in Federal employees' retirement systems.

**NOTE:** The terms "seasonal" and "intermittent" relate to employees' work schedules and not the appointment type used to hire them.

## **REFERENCES**

DeCA Directive 50-22, Nonpermanent Employment Authorities and Other than Full-Time Work Schedules, August 1, 1997(Rescinded)

DoD Directive 5105.55, Defense Commissary Agency (DeCA), March 12, 2008

DoD Instruction 1400.25 Volume 340, DoD Civilian Personnel Management System: Other than Full-Time Employment, dated June 8, 2010

Presidential Memorandum, Enhancing Workplace Flexibilities and Work-Life Program dated June 23, 2014

Code of Federal Regulations, Title 5, Part 316, Temporary and Term Employment

Code of Federal Regulations, Title 5, Part 340, Other Than Full-Time Career Employment (Part-time, Seasonal, On-call, and Intermittent)

Code of Federal Regulations, Title 5, Part 550, Pay Administration (General)

Code of Federal Regulations, Title 5, Part 610, Hours of Duty

Title 5, U.S. Code, Section 9902(b)(2)