

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Office of Personnel

District Personnel Manual Issuance System

DPM Instruction No. 11B-24

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| This instruction should be filed behind the divider for Part III of DPM Chapter(s) 11B |
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SUBJECT: Operation Enduring Freedom Active Duty Pay Differential

Date: February 5, 2002

1. Scope

The purpose of this instruction is to set forth the procedures that agencies under the personnel authority of the Mayor are to follow in paying the active duty pay differential pursuant to the provisions of D.C. Act 14-225, the Operation Enduring Freedom Active Duty Pay Differential Emergency Act of 2001.

2. Authority

D.C. Act 14-225, the Enduring Freedom Active Duty Pay Differential Emergency Act of 2001, effective January 8, 2002; and § 1156 of the D.C. personnel regulations, adopted on an emergency basis effective January 18, 2002, and published at 49 DCR 892 (2/1/02).

3. Applicability

D.C. Act 14-225, is applicable to all employees whose compensation is governed by title XI of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Official Code § 1-611.03 *et seq.*).

4. Eligibility

Any full-time permanent, term or TAPER District government employee who serves in a reserve component of the United States Armed Forces and who was or will be called to active duty as a result of the Operation Enduring Freedom conflict is eligible to receive, upon making application for and upon approval of that application, the active duty pay differential. There is no requirement that an employee be released from active duty, nor return to employment with the District government, to be eligible to make application for and receive the pay differential.

5. Definitions

The following terms have the meaning ascribed:

- (a) Employee — any full-time permanent, term or TAPER District government employee who serves in a reserve component of the United States Armed Forces and who was or will be called to active duty as a result of the Operation Enduring Freedom conflict.

Note: DPM Bulletins that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart 1, ' 1.3.]

Inquiries: Compensation & Benefits, Compensation Division, 442-9655

Distribution: Heads of Departments and Agencies, HR Advisors, and DPM Subscribers

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- (b) Active duty — full-time duty in the active military service of the United States for the Operation Enduring Freedom conflict.
- (c) Operation Enduring Freedom Conflict — the period beginning on September 14, 2001 and ending on the date the employee is released from active duty or until September 30, 2002, or until the end of the conflict is declared, whichever occurs sooner.
- (d) Reserve component — the Army National Guard of the United States, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, the Coast Guard Reserve, or the Reserve Corps of the Public Health Service.
- (e) Armed forces — the Army, Navy, Air Force, Marine Corps and Coast Guard.
- (f) District government basic pay — the employee's scheduled rate of pay plus any additional pay that is defined as basic pay for annuity computation purposes in the retirement system in which the employee is a participant, as follows:
 - (1) for District Service employees, Management Service employees, Printing Wage employees, Recreation Rate employees, and Medical Service Stipend employees, basic pay is defined as the employee's scheduled rate of pay.
 - (2) for Regular Wage, Leader Wage and Supervisory Wage Service employees, and Task Grade employees, basic pay is defined as the employee's scheduled rate of pay plus any night shift differentials and environmental differential;
 - (3) for Police Service employees, basic pay is defined as the employee's scheduled rate of pay plus any technicians' pay, additional compensation for helicopter pilot and bomb disposal, and base retention differential; and
 - (4) for Fire Service employees, basic pay is defined as the employee's scheduled rate of pay plus any technicians' pay and retention incentive.
- (g) Basic military pay — the monthly rate of pay of the grade to which assigned or distributed, as prescribed in section 203 of title 37, United States Code, in accordance with the members years of service computed under section 205 of title 37, United States Code.

6. General

D.C. Act 14-225 provides that each employee who has been, or is called to active duty, or is retained for active duty, as a result of Operation Enduring Freedom as a member of a reserve component of the armed forces is entitled to apply for and receive a pay differential to compensate the employee for any difference between the employee's District government basic pay and his or her basic military pay. The purpose of the Act is to provide a pay differential to employees who suffer a loss of income because their basic military pay is less than their District government basic pay for the period these employees are carried in a leave-without-pay status for active duty due to the conflict.

7. Period of Entitlement to the Active Duty Pay Differential

An employee's total period of entitlement to the active duty pay differential begins on the date the employee was called to active duty and ends on the date the employee is released from active duty or September 30, 2002, whichever occurs sooner. The active duty pay differential is not to be paid for

any period of military service that occurred before September 14, 2001, nor following the employee's release from active duty and the employee's return to his or her District government position.

8. Applications for the Active Duty Pay Differential

- (a) The "Application for Active Duty Pay Differential" form (Attachment 1) is to be used to apply for the active duty pay differential. This form is to be obtained from the Human Resources (HR) Advisor of the agency that last employed the employee before the employee was ordered to active duty.
- (b) An employee who has been released from active duty is to complete the "Application for Active Duty Pay Differential" form, and must:
 - (1) provide a copy of his or her military orders activating the employee for full-time active military service for the Operation Enduring Freedom conflict;
 - (2) provide a copy of his or her military orders releasing the employee from full-time active military service for the Operation Enduring Freedom conflict;
 - (3) provide documentation of the military pay received for the period of active duty covered by the application; and
 - (4) indicate on the application form whether additional applications for financial support have been filed, the amount of any such support received, and from whom such support was received.
- (c) An employee who has not been released from active duty may make application for and receive the pay differential. In such a case, the employee, or his or her family member, is to follow the procedures in paragraph 8(a), above, **except that** in lieu of providing a copy of the military orders releasing the employee from active duty, a letter is to be provided from the employee's commanding officer attesting to the fact that the employee, as of the date of application for the pay differential, is still in an active duty status. In addition, an employee who has not been released from active duty may make subsequent application(s) for the pay differential for periods of active duty not covered by previous applications.

For example, an employee who was called to active duty for one (1) year beginning on September 14, 2001, and who, as of April 30, 2002, has not been released from active duty, may make application for the active duty pay differential to cover the period from September 14, 2001, through April 30, 2002. The employee may then make subsequent application(s) for the pay differential to cover other periods of active duty.
- (d) The estate of any employee who has been killed while in active duty or who is missing in action as a result of active duty may make application for and receive any pay differential to which the employee would have been entitled. In such a case, the employee's estate is to make application on behalf of the employee utilizing the procedures in paragraph 8(a), above, **except that** in lieu of providing a copy of the orders releasing the employee from active duty, a copy of the employee's death certificate or other documentation attesting to the employee's status as "missing in action" is to be provided.
- (e) Completed applications and supporting documentation are to be returned to the agency's HR Advisor for processing.

9. Computing the Active Duty Pay Differential

- (a) The HR Advisor of the agency that last employed the employee is to receive the application and supporting documentation for the active duty pay differential and insure that the information is complete and accurate. The HR Advisor must confirm that the employee has provided complete military pay documentation for the period of active duty covered by the application form. For example, if an employee makes an application for the active duty pay differential for the period of September 14, 2001 through April 30, 2002, the employee must provide documentation of his or her military pay received for each month of the period that began on September 14, 2001 and ended on April 30, 2002.

If the application is incomplete or inaccurate, the application is to be returned to the employee (or his her family member or estate, as appropriate) for correction.

- (b) The HR Advisor is to forward the application and documentation, plus legible photocopies of the employee's original Time and Attendance Reports for the period of absence covered by the employee's application, to the Office of Pay and Retirement Services for payment.

Because each employee's active duty pay differential will be generated through the automated supplemental payroll system, each employee's Time and Attendance Report must be posted to indicate the tour of duty that the employee would have worked had he or she not been in a leave-without-pay (LWOP) status for active duty. When preparing a Time and Attendance Report, the employee's original Time and Attendance Report is to be photocopied, and the regular hours and any differential hours that are basic pay that the employee would have worked are to be posted. To post the hours the employee would have worked except for the fact that he or she was in a leave-without-pay status, strike through the "time in pay status" entries that apply to leave-without-pay hours and enter the hours the employee would have worked, including applicable pay differential hours. These entries are to be made with a red pen. **Any differential that is premium pay is not to be posted.** Further, to avoid repayment of leave taken, the **hours during which an employee was on annual leave, military leave, personal leave, or compensatory time are not to be posted.** By following this procedure, the maximum number of regular hours of work that can be posted for any pay period will not exceed the number of hours the employee was in a LWOP status for that pay period. If, on review of the Time and Attendance Reports, the total of newly posted regular hours exceeds the number of LWOP hours, an error has been made and the Time and Attendance Report must be corrected. The fact that the Time and Attendance Report will be modified to post the hours that the employee would have worked had he or she not been in a LWOP status for active duty **will not** result in a change to the employee's LWOP status. The only purpose for posting time on the Time and Attendance Report is to provide the basis for payment of the active duty pay differential.

For example, upon returning to his District government position from active duty, a Regular Wage Service employee makes application for the active duty pay differential. The employee was regularly scheduled to work from 2:15 p.m. to 10:45 p.m., including lunch, on Monday through Friday. The employee was ordered to active duty on September 14, 2001; he requested and was charged 26 hours of annual leave to cover a portion of his absence for active duty. The remaining period of absence for active duty, except for 15 days of military leave granted pursuant to DPM Bulletin No. 12-168, was charged to leave without pay. The period of active duty covered by the application is November 1, 2001 through April 30, 2002, the date on which he was released from active duty.

The employee's Time and Attendance Reports for the period of active duty must be photocopied and posted to show the hours that the employee would have worked had he or she not been in a LWOP status for active duty. The last workday for the employee in the pay period that ended September 22, 2001 (pay period #20). Therefore, the Time and Attendance Report for pay period #20 would be the first report to be evaluated. Because the employee was in a paid leave status (8 hours of annual leave) on September 14, 2001 (Friday), this Time and Attendance Report is not to be posted or forwarded to the Office of Pay and Retirement Services. However, the Time and Attendance Report for pay period #21 would be posted because the employee had only 18 hours of annual leave to his credit to cover his 80-hour tour of duty-the employee was placed in a leave without pay status for 62 hours for pay period #21. Therefore, the Time and Attendance Report for pay period #21 would be posted to show the 6 hours that the employee would have worked on Wednesday, September 26, 2001, (the employee had 2 remaining hours of annual leave charged on Wednesday), plus the hours the employee would have worked for the remainder of the pay period but for the fact that he was in a LWOP status. Because night shift differential for Wage Service employees is basic pay, the hours posted would also include the first shift night differential that the employee would have worked.

The "Remarks" section of each Time and Attendance Report must state, "Compute active duty pay differential pursuant to D.C. Act 14-225."

A copy of the application, including documentation, is to be maintained in the agency time and leave record for the employee.

- (c) The Office of Pay and Retirement Services is to compute the employee's pay differential for the period covered by the application. The pay differential is to equal the difference between the employee's District government basic pay (based on the Time and Attendance Reports submitted by the agency) reduced by the employee's basic military pay. **The pay differential is not payable for any days for which the employee received pay for any annual leave, military leave, compensatory time or any other form of paid leave taken by the employee.**
- (d) The active duty pay differential is not considered basic pay for any purpose and is subject to deduction only for taxes and social security, if applicable. Receipt of the active duty pay differential does not change the employee's leave-without-pay status, and does not permit the accrual of leave or the recrediting of annual leave taken by the employee while on active duty.
- (e) Any pay differential is to be paid by, and out of the funds or appropriations then currently available for salaries and expenses of, the agency that last employed the employee before the employee was ordered to active duty for Operation Enduring Freedom.

Milou Carolan
Director of Personnel

Attachment

**DISTRICT OF COLUMBIA GOVERNMENT
APPLICATION FOR OPERATION ENDURING FREEDOM
ACTIVE DUTY PAY DIFFERENTIAL**

TO BE COMPLETED BY EMPLOYEE

1. IDENTIFICATION INFORMATION

Name: _____
(last) (first) (middle)

Address: _____

Social Security Number: _____

Title/Series/Grade: _____

Department or Agency: _____

2. Check One:

- ☐ I have not made a prior application requesting the payment of the active duty pay differential.
- ☐ I have made a prior application requesting the payment of the active duty pay differential. The application(s) cover the period(s) of military duty that began on _____ through _____.

3. A. I have been released from active duty for Operation Enduring Freedom and hereby request the payment of the active duty pay differential for my period of military duty that began on _____ and ended on _____.

- B. I have not been released from active duty for Operation Enduring Freedom and hereby request payment of the active duty pay differential for my period of military duty that began on _____ through _____.

4. Check One:

- ☐ I have not made application(s) for financial support.
- ☐ I have made application(s) for financial support.

Please state the amount of financial support received, and from whom the support was received.

5. Attach the following documents to this application:

- ☐ military activation orders for Operation Enduring Freedom
- ☐ military release orders; or Commanding Officer statement if not released from active duty; or death certificate if employee was killed in the line of duty; or MIA documentation if employee is missing in action
- ☐ military pay documentation for the period of this application

6. Certification

I certify that the above statements are true to the best of my knowledge.

Signature

Date

TO BE COMPLETED BY THE EMPLOYING AGENCY

- ☐ Approved

- ☐ Disapproved

Date _____

(Signature of HR Advisor)