

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

District Personnel Manual Issuance System

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DPM Chapter(s) 11B

DPM Instruction No. 11B-68

SUBJECT: Pay Differential for Certain Employees Called to
Active Military Duty as a Result of Operation
Enduring Freedom and Operation Iraqi Freedom

Date: January 30, 2009

NOTE: This District Personnel Manual (DPM) instruction supersedes DPM Instruction No. 11B-24, *Operation Enduring Freedom and Operation Iraqi Freedom Pay Differential*, dated February 5, 2002, to update the pay differential provisions and pay differential application form.

1. Purpose

The purpose of this DPM instruction is to provide information and set forth the procedures that agencies under the personnel authority of the Mayor (subordinate agencies) are required to follow in paying a **pay differential** to certain employees ordered to **active military duty**.

2. Authority

The District of Columbia Government Comprehensive Merit Personnel Act of 1978 Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Amendment Act of 2008 (Act), effective March 26, 2008 (D.C. Law 17-135; D.C. Official Code § 1-611.03 (a)(7)(A)); and section 1155 of Chapter 11 of the D.C. personnel regulations, Classification and Compensation.

3. Applicability

The provisions of the Act apply to any **full-time permanent, indefinite, or term** employee who serves in a reserve component of the armed forces and who has been **ordered to active duty**, or was retained for duty as a result of **Operation Enduring Freedom**, or in preparation for a potential conflict with Iraq, or as a result of **Operation Iraqi Freedom** ("eligible employee").

4. General

a. The purpose of the Act is to provide a pay differential to employees who suffer a loss of

Note: DPM Instructions 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]

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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 (LWOP) status for active duty due to the aforementioned military conflicts.

- b. Upon application and approval, an eligible employee shall receive the pay differential pursuant to the Act.
- c. The pay differential is an amount that equals the difference in compensation between the eligible employee's basic pay reduced by the employee's basic military pay.

5. Definitions

The following terms have the meaning ascribed:

Active duty – full-time duty in the active military service of the United States for the Operation Enduring Freedom conflict, or, in preparation for, or, for the Operation Iraqi Freedom conflict.

Armed forces – the Army, Navy, Air Force, Marine Corps and Coast Guard.

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.

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.

Eligible employee – any full-time permanent, indefinite, or term employee who serves in a reserve component of the United States Armed Forces and who has been called to active duty as a result of Operation Enduring Freedom conflict, or in preparation for, or as a result of Operation Iraqi Freedom conflict.

Operation Enduring Freedom – the period encompassed within Executive Order 13223 Ordering the Ready Reserve of the Armed Forces to Active Duty and Delegating Certain Authorities to the Secretary of Defense and the Secretary of Transportation, effective September 14, 2001, and amended by Amendment to Executive 13223, effective January 16, 2002 and ending on the date the employee is released from active duty occasioned by Operation Enduring Freedom.

Operation Iraqi Freedom – the period encompassed within the Joint Resolution entitled Authorization for Use of Military Force Against Iraq Resolution of 2002, approved October 16, 2002 (P.L. 107-243) and ending on the date the employee is released from active duty occasioned by Operation Iraqi Freedom.

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.

6. Period of Entitlement to the Active Duty Pay Differential

Pursuant to the Act, the period of entitlement to the pay differential shall not exceed:

- a. The period following the formal inception of Operation Enduring Freedom through the date the employee is released from active duty occasioned by Operation Enduring Freedom; or
- b. The period following the formal inception of the preparations for a potential conflict with Iraq and the period following the formal inception of Operation Iraqi Freedom through the date the employee is released from active duty occasioned by, the preparation for, or, Operation Iraqi Freedom.

7. Application for the Active Duty Pay Differential

- a. *D.C. Standard Form (DCSF) No. 11B-09, Application for Active Duty Pay Differential* (copy attached) is to be used to apply for the active duty pay differential. *DCSF No. 11B-09* is to be obtained from the Human Resources (HR) Advisor of the agency that last employed the eligible employee before he or she was ordered to active military duty as a result of Operation Enduring Freedom or Operation Iraqi Freedom.
- b. An employee who has been released from active duty is to complete *DCSF No. 11B-09* and must:
 - (1) Provide a copy of the military orders activating the employee for full-time active duty service as a result of the Operation Enduring Freedom conflict, or, in preparation for, or, as a result of, the Operation Iraqi Freedom conflict;
 - (2) Provide a copy of the military orders releasing the employee from full-time active military service for the Operation Enduring freedom conflict, or, for the preparation for, or, the Operation Iraqi Freedom conflict;
 - (3) Provide all military pay documentation required to calculate the differential amount; 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 7 above, **except that** in lieu of providing a copy of the military orders releasing the employee from active duty, the employee shall provide a letter from his or her 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.

[For example, an eligible employee called to active duty for one (1) year beginning on

August 13, 2008 and who as of January 29, 2009 has not been released from active duty, may make application for the active duty pay differential to cover the period from August 13, 2008 through January 29, 2009. The employee may then make subsequent application(s) for the pay differential to cover other periods of active duty.]

- d. The estate of any eligible employee who has been killed while in active duty or who is missing in action as a result of active duty shall be eligible to collect any pay differential to which the employee would have been entitled upon making application on behalf of the employee and upon approval of the application by the employee's agency director. In such a case, the employee's estate is to make application on behalf of the employee utilizing the procedures in paragraph 7 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.

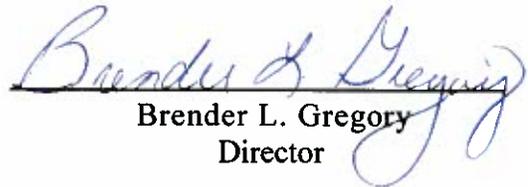
8. **Computing the Active Duty Pay Differential**

- a. The HR Advisor of the agency that last employed the eligible employee is to receive the application and supporting documentation for the active duty pay differential and insure that the information is complete and accurate.
- b. The agency 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 eligible employee makes an application for the active duty pay differential for the period from August 13, 2008 through January 29, 2009, the employee must provide documentation of his or her military pay received for each month of the period that began on August 13, 2008 and ended on January 29, 2009.]

- c. An incomplete or inaccurate application must be returned to the employee (or his or her family member or estate, as appropriate) for correction.
- d. The agency HR Advisor is to sign and date the application, and forward the application and supporting documentation for the period of absence covered by the employee's application to the Office of Pay and Retirement Services (OPRS) within the Office of the Chief Financial Officer for payment.
- e. Because each employee's active duty pay differential will be generated through the automated supplemental payroll system, the OPRS will verify through the **PeopleSoft** system the covered period on the application to determine the number of hours the employee would have worked had he or she not been in a LWOP status for active military duty.

- f. The OPRS 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 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.**
- g. 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 LWOP status, and does not permit the accrual of leave or the re-crediting of annual leave taken by the employee while on active military duty.
- h. 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 conflict or Operation Iraqi Freedom conflict.


Brender L. Gregory
Director

Attachment:

- *DCSF No. 11B-09, Application for Active Duty Pay Differential*

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

APPLICATION FOR ACTIVE DUTY PAY DIFFERENTIAL
[OPERATION ENDURING FREEDOM & OPERATION IRAQI FREEDOM]

I. TO BE COMPLETED BY EMPLOYEE

1. Employee Identification Information:

Name (Print): _____
(Last) (First) (Middle)

Address: _____

Last 4 Digits of Social Security Number & Employee ID: _____

Position Title/Series/Grade: _____

Employing Agency: _____

2. Check as Applicable:

- 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 active military duty that began on _____ through _____.
- I **have been released** from active military duty and hereby request the payment of the active duty pay differential for my period of military duty that began on _____ and ended on _____.
- I **have not been released** from active military duty; and I hereby request payment of the active duty pay differential for my period of military duty that began on _____ and ended on _____.

3. 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 who the support was received.

4. Attach the following documents to this application:

- Military activation order for Operation Enduring Freedom or Operation Iraqi 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 missing in action (MIA) documentation if employee is MIA.
- Military pay documentation for the period of this application

5. Certification:

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

Employee's Signature

Date

II. TO BE COMPLETED BY EMPLOYING AGENCY

- Approved
- Disapproved (Reason(s) for disapproval: _____).

Signature of HR Advisor

Date