

## PAY ADMINISTRATION

- 1. REASON FOR ISSUE:** To revise Department of Veterans Affairs (VA) procedures regarding pay administration.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook contains mandatory VA procedures on pay administration. The pages in this issuance replace the corresponding page numbers in VA Handbook 5007 Part V adding Chapter 8 and including revised text within brackets. This chapter incorporates guidance on law enforcement availability pay (LEAP) in VA policy. These changes will be incorporated into the electronic version of VA Handbook 5007 that is maintained on the [Office of the Chief Human Capital Officer](#) and the [VA Publication websites](#).
- 3. RESPONSIBLE OFFICE:** Compensation and Classification Service (055), Office of the Chief Human Capital Officer (OCHCO).
- 4. RELATED DIRECTIVE:** VA Directive 5007, Pay Administration, dated December 23, 2021.
- 5. RESCISSIONS:** None.

**CERTIFIED BY:**

**BY DIRECTION OF THE SECRETARY  
OF VETERANS AFFAIRS:**

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## CHAPTER 8. LAW ENFORCEMENT AVAILABILITY PAY

1. **PURPOSE** This chapter provides policy and guidance for the payment and authorization of law enforcement availability pay (LEAP) for criminal investigators.
2. **AUTHORITY** LEAP is authorized for Federal civilian employees who meet the eligibility requirements in 5 U.S.C. § 5545a and 5 CFR § 550.181 through § 550.186. The regulations require agencies to pay LEAP at the lesser of 25 percent of the basic rate of pay or the amount that when added to basic pay will not exceed the maximum earnings limitations found in 5 CFR § 550.105. LEAP is payable biweekly to eligible criminal investigators to ensure their availability for unscheduled duty in excess of a 40-hour work week, based on the needs of the Department.
3. **COVERED EMPLOYEES** This chapter applies to all VA employees who meet the conditions and requirements under 5 U.S.C. § 5545a and 5 CFR § 550.181 through § 550.186. LEAP is payable to criminal investigators who meet the definition of law enforcement officer (LEO) under 5 U.S.C. § 5541(3) and 5 CFR § 550.103 and who satisfy the requirements of 5 CFR § 550.181 through § 550.186. Members of the Senior Executive Service (SES) and LEOs who are exempt under the hours of work and overtime provisions of the Fair Labor Standards Act (FLSA) are ineligible for LEAP.
4. **RESPONSIBILITIES**
  - a. The Assistant Secretary for Human Resources and Administration/Operations, Security and Preparedness (AS HRA/OSP) is responsible for reviewing and approving the annual certification as the designee, on behalf of the Secretary.
  - b. The Chief Human Capital Officer (CHCO) is responsible for advising management officials on the policies and procedures in this chapter, conducting oversight reviews to ensure compliance with policy and for providing official documents to validate and certify the substantial hours requirement.
  - c. The Chief Security Officer (CSO HRA/OSP) is responsible for ensuring completion and submission of the initial and annual LEAP certification and eligibility checklist for criminal investigators (see Appendices V-C and V-D). The CSO HRA/OSP must ensure quarterly audits are completed on criminal investigators and that the substantial hours requirement of two or more unscheduled duty hours are being met. The CSO HRA/OSP is also responsible for providing the documentation and justification for the annual /certification required by 5 CFR § 550.184 and paragraph 6 of this chapter.
  - d. The Supervisory Official is responsible for ensuring that for each criminal investigator under their authority, the unscheduled duty hours per workday are sufficient to enable the investigator to meet the substantial hours requirement in 5 CFR § 550.183 and make the certification under 5 CFR § 550.184. The

Supervisory Official must complete the LEAP Certification of Eligibility Checklist (see Appendix V-C) and certify the primary duties meet the requirements set forth in 5 U.S.C. § 5545a, 5 CFR § 550.181-186 and 5 CFR § 831.902.

- e. Employees are responsible for signing the annual LEAP certifications requirements and meeting all unscheduled duty hour requirements for their position. Employees are also responsible for being accessible during those designated hours when management has directed them to be available to meet law enforcement needs.

## 5. SUBSTANTIAL HOURS REQUIREMENT

- a. Based on the Department's need for the employee's availability, a criminal investigator is eligible for availability pay only if the annual average number of unscheduled duty hours per workday is certified to be, or expected to be, two hours or more.
- b. The annual average is computed by dividing the *total unscheduled duty hours* for the annual period (numerator) by the *number of regular workdays* (denominator). For example, a criminal investigator performs two hours of unscheduled duty as actual work on Saturday. The day is not a regular workday and does not count in the annual average for LEAP eligibility, because Saturday is not part of their basic 40-hour workweek. The two hours of unscheduled duty count in the annual average, because the criminal investigator actually worked for those two hours. In computing the annual average hours, the total unscheduled duty hours in the numerator will include:
  - (1) Any unscheduled duty hours on a regular workday; and
  - (2) Any unscheduled duty hours worked by an investigator on days that are not regular workdays.
- c. Availability pay must be based on work performed during unscheduled duty hours beyond a regular workday, in support of a specific event or assignment. The CSO HRA/OSP will ensure quarterly audits are conducted of criminal investigators to certify that substantial hours requirements of two or more unscheduled duty hours are met. Generally, the number of annual unscheduled hours actually worked must demonstrate work was performed beyond the basic workday.

## 6. INITIAL AND ANNUAL CERTIFICATION REQUIREMENT

- a. **Eligibility Certification.** Criminal investigators must be properly classified in the 1811 series and meet the definition of LEO in 5 U.S.C. § 5541(3). A supervisory official must certify, initially and annually, the primary duties of each criminal investigator based on the employee's current position description. The LEAP

Certification of Eligibility Checklist must be used to document the percentage of time primary duties and responsibilities are performed over a typical work cycle, (see Appendix V-C). The supervisor must complete the checklist (see Appendix V-C) and certify the primary duties meet the requirements set forth in 5 U.S.C. § 5545a, 5 CFR § 550.181-186 and 5 CFR § 831.902.

- b. **Initial Certification.** In addition to the eligibility certification in paragraph a. above, each newly appointed criminal investigator and a designated supervisory official must certify to the Secretary or designee, that the criminal investigator is expected to meet the substantial hours requirements in 5 CFR § 550.183 during the upcoming, 1-year period. This certification must be completed on the first day of the criminal investigator's appointment or as soon as practicable thereafter. The LEAP Certification (see Appendix V-D) will be used as the initial certification. Both the eligibility and initial certifications are prerequisites to receiving LEAP and there are no provisions for a waiver of this requirement. Similar certifications will be made for criminal investigators who will begin receiving availability pay after a period of nonreceipt.
- c. **Annual Certification.**
  - (1) To continue receipt of LEAP, each criminal investigator and a designated supervisory official in HRA/OSP, must make an annual recertification to the CSO HRA/OSP or designee, that the criminal investigator currently meets, or is expected to meet the substantial hours work requirement during the upcoming 1-year period. The annual certification of substantial hours must be completed by the criminal investigator and designated supervisory official using the LEAP Certification in Appendix V-D.
  - (2) The designated supervisory official must complete the LEAP Certification of Eligibility Checklist for each criminal investigator currently receiving LEAP in Appendix V-C. This certification attests to the percentage of time each criminal investigator performs the primary duties that are identified in the criminal investigator's official position description.
  - (3) CSO HRA/OSP must submit the annual certifications to the OCHCO. OCHCO will conduct a review of the submissions and will report the annual certifications to the AS HRA/OSP. The annual certification must be submitted by January 31st of each year. CSO HRA/OSP will maintain records for each annual certification document for a minimum of three years. This documentation will be made available for review upon the request of authorized VA officials, as may be required by the Office of Personnel Management (OPM) or other oversight agency, e.g., the Office of Inspector General, Government Accounting Office, at their request.
  - (4) Timely submissions of certifications are critical as annual certifications are required by law. In the event an annual certification is issued late due to an

administrative error, the CSO HRA/OSP must document a retroactive correction in writing to OCHCO with an explanation of the error as soon as practicable. In this case the Secretary (or authorized designee) may prescribe procedures for retroactive corrections as set forth in 5 CFR 550.184(f).

## 7. SUSPENSION OF LEAP CERTIFICATION

- a. If management determines that an investigator who is certified for LEAP is not meeting or will not meet the substantial hours requirement, management must act to deny or cancel a certification and suspend LEAP payments. This determination may be based on a finding that the investigator failed to perform unscheduled duty hours in sufficient quantities, or not at all, due to physical or health issues, temporary reassignments, or other reasons.
- b. An involuntary suspension of LEAP resulting from the denial or cancellation of certification, such as described in paragraph 7a, constitutes a reduction of pay under 5 U.S.C. § 7512 and thus must be initiated under the adverse actions procedures set forth in 5 CFR. Part 752. If the certification was valid at the time it was made, the suspension will be effective prospectively. Guidance related to adverse actions is available through the employee's servicing Human Resources Office.

## 8. RELATIONSHIP TO OTHER PREMIUM PAYMENTS

- a. **Eligible Payments.** Availability pay is the exclusive premium payment for unscheduled duty hours. Criminal investigators receiving availability pay may also receive, when appropriate and officially ordered and approved:
  - (1) Regularly scheduled overtime that occurs on a scheduled day off, or that is in excess of 10 hours of work on a day during the basic 40-hour workweek (regardless of whether the 10 hours were scheduled or unscheduled);
  - (2) Night differential for qualifying hours that do not constitute unscheduled duty hours;
  - (3) Sunday pay for qualifying hours that do not constitute unscheduled duty hours;
  - (4) Holiday pay for qualifying hours that do not constitute unscheduled duty hours;
  - (5) and Compensatory time off for travel, when the hours of travel are not compensable as unscheduled duty hours under LEAP, including designated availability hours.

- b. **Ineligible Payments.** Criminal investigators receiving availability pay are not entitled to receive:
  - (1) Overtime pay under FLSA. 5 CFR 551.213
  - (2) Regularly scheduled standby duty pay;
  - (3) Administratively uncontrollable overtime pay;
  - (4) Compensatory time off in lieu of pay for irregular or occasional overtime work; and;
  - (5) Hazardous duty pay for unscheduled duty hours credited to availability pay.
  
- c. **Treatment of Basic Pay.** Availability pay is treated as basic pay for:
  - (1) Advances in pay under 5 U.S.C. § 5524a;
  - (2) Severance pay under 5 U.S.C. § 5595(c);
  - (3) Workers' compensation under 5 U.S.C. § 8114(e);
  - (4) Retirement benefits under 5 U.S.C. § 8331(3) and 5 U.S.C. § 8401(4);
  - (5) Thrift Savings Plan under 5 U.S.C. § 8431-8440f; and
  - (6) Life insurance under 5 U.S.C. § 8704(c).
  
- d. Availability pay is not treated as basic pay when calculating cost-of-living allowances or other allowances and differentials. It is also not treated as basic pay when calculating retirement benefits under 5 U.S.C. § 8331(3) and 5 U.S.C. § 8401(4) for non-foreign areas outside of the 50 states and the District of Columbia (e.g., the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, the Northern Mariana Islands, etc.).

## 9. MAXIMUM EARNINGS LIMITATION

- a. Title 5 General Schedule (GS) employees who are exempt from FLSA may not receive any combination of premium pay, including overtime pay, which, when added to their base pay, results in total pay above the higher of two rates: GS-15, step 10, or the rate payable for Level V of the Executive Schedule on a biweekly basis. The applicable rate for GS-15, step 10, includes any locality-based comparability payment or special rate, as applicable. See 5 CFR § 550.105; 5 CFR § 550.185.

- b. Availability pay for criminal investigators is subject to the biweekly earnings limitation. The payment of this type of premium pay remains subject to a biweekly earnings limitation when other premium payments are subject to an annual limitation for employees performing emergency or mission critical work under 5 CFR § 550.106. LEAP, when added to basic pay, may not exceed the biweekly earnings limitation under any circumstances.

**10. DEFINITIONS.** For the purposes of this chapter, the following definitions apply:

- a. **Administrative Workweek.** Any period of 7 consecutive days designated in advance by the head of the agency under 5 U.S.C. § 6101. See 5 CFR § 550.103.
- b. **Administratively Uncontrollable Overtime Pay.** A form of premium pay paid to employees in positions in which the hours of duty cannot be controlled administratively, and which require substantial amounts of irregular or occasional overtime work. See 5 U.S.C § 5545 (c)(2) and 5 CFR § 550.151-164.
- c. **Availability Hours.** Hours outside the criminal investigator's 40-hour workweek which are specifically designated by the agency and during which the criminal investigator is to be available and generally and reasonably accessible to perform unscheduled duty. For the purpose of computing the substantial hours requirement, availability hours do not include hours on a non-workday unless the criminal investigator actually works unscheduled duty during those hours. See 5 CFR § 550.182
- d. **Availability Pay.** Availability pay is a type of premium pay that is paid to Federal law enforcement officers (LEO's) who are criminal investigators. Due to the nature of their work, criminal investigators are required to work, or be available to work, substantial amounts of "unscheduled duty." Availability pay is generally an entitlement that an agency must provide if the required conditions are met but is optional in Offices of Inspectors General that employ fewer than five criminal investigators. See 5 CFR § 550.185
- e. **Basic Workweek.** For full-time employees, the 40-hour workweek established in accordance with 5 CFR § 610.111. See 5 CFR § 550.103.
- f. **Criminal Investigator.** A LEO as defined in 5 U.S.C. § 5541(3) who is responsible for work that involves the planning, conducting, or managing of investigations to alleged or suspected criminal violations of Federal laws. See 5 CFR § 550.103.
- g. **Primary Duties.** Those duties of a position that are paramount in influence or weight and constitute the basic reasons for the existence of the position. Primary duties generally occupy a substantial portion of the individual's working time over a typical work cycle and are assigned on a regular and recurring basis.

PART V  
APPENDIX C

Duties that are of an emergency, incidental, or temporary nature cannot be considered “primary” even if they meet the substantial portion of time criterion. In general, if an employee who is a LEO who spends an average of at least 25 percent of the time performing a duty or group of duties, they are the primary duties. See 5 CFR § 550.103

- h. **Regularly Scheduled Overtime Hours.** Overtime hours scheduled in advance of the criminal investigator's administrative workweek, excluding: 1) The first two hours of overtime work on any day containing a part of the criminal investigator's basic 40-hour workweek or 2) The first 2 hours of overtime work performing protective duties authorized by section 3056(a) of title 18, United States Code, or section 2709(a)(3) of title 22, United States Code, on any day containing a part of the investigator's basic 40-hour workweek, unless the criminal investigator performs 2 or more consecutive hours of unscheduled overtime work on that same day. See 5 CFR § 550.182(b).
- i. **Regular Workday.** Each day in the basic workweek during which the criminal investigator works at least four hours that are not overtime hours paid under 5 U.S.C. § 5542, availability hours, or hours in which the investigator is in training, performing official travel, using approved leave or excused absence (sometimes called administrative leave) and paid holidays. See 5 CFR § 550.183
- j. **Supervisory Official.** An appropriate supervisory official with delegated authority, designated by the CSO HRA/OSP.
- k. **Suspended Availability Pay.** Availability pay is suspended for a criminal investigator when the required certification is denied or cancelled due to a failure to perform unscheduled duty. An employee's failure to perform unscheduled duty may be the result of a temporary assignment, a suspension of duties due to internal matters, or an inability to perform unscheduled duty for an extended period because of a physical or health condition. See 5 CFR § 550.184(d)
- l. **Unscheduled Duty Hours.** Those hours during which a criminal investigator performs work or is determined by the agency to be available for work, excluding hours that are part of the 40-hour basic workweek or regularly scheduled overtime hours. See 5 CFR § 550.182
- m. **Fair Labor Standards Act (FLSA).** The Fair Labor Standards Act of 1938, as amended (referred to as “the Act” or “FLSA”), provides minimum standards for both wages and overtime entitlements, and administrative procedures by which covered worktime must be compensated. Included in the Act are provisions related to child labor, equal pay, and portal-to-portal activities. In addition, the Act exempts specified employees or groups of employees from the application of certain of its provisions and prescribes penalties for the commission of specifically prohibited acts. An exempt employee is one who is not covered by the minimum wage and overtime provisions of the Fair Labor Standards Act. A

non-exempt employee is one who is covered by the minimum wage and overtime provisions of the Act. See 5 CFR § 551.101

## **11. REFERENCES**

- a. [5 U.S.C. § 5524a - Advance payments for new appointees and employees relocating within the United States and its territories](#)
- b. [5 U.S.C. § 5541 - Definitions](#)
- c. [5 U.S.C. § 5545a - Availability pay for criminal investigators](#)
- d. [5 U.S.C. § 5595\(c\) - Severance pay](#)
- e. [5 U.S.C. § 7512 - Actions covered](#)
- f. [5 U.S.C. § 8114\(e\) - Computation of pay](#)
- g. [5 U.S.C. § 8401\(4\) - Definitions](#)
- h. [5 U.S.C. § 8431-8440f - Federal Employees' Retirement System](#)
- i. [5 U.S.C. § 8704\(c\) - Group insurance; amounts](#)
- j. [5 CFR § 550.103 - Definitions](#)
- k. [5 CFR § 550.105 - Biweekly maximum earnings limitation](#)
- l. [5 CFR § 550.106 - Annual maximum earnings limitation](#)
- m. [5 CFR § 550.107 - Premium payments capped on a biweekly basis when an annual limitation otherwise applies](#)
- n. [5 CFR § 550.181-186 - Coverage](#)
- o. [5 CFR § 551.213 - Exemption of employees receiving availability pay](#)
- p. [5 CFR Part 752 - Adverse Actions](#)
- q. [5 CFR § 831.902 - Definitions](#)

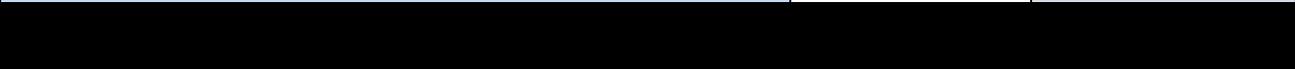
**APPENDIX C. Law Enforcement Availability Pay (LEAP) Certification of Eligibility Checklist**

<b>Law Enforcement Availability Pay (LEAP) Certification of Eligibility Checklist</b>		
<p><b>LEAP recipients must certify initially and annually the substantial hours requirement for availability pay eligibility (5 CFR § 550.181-186 and 5 U.S.C. § 5545a). This certification must be completed annually by the designated supervisory official in the Department of Veterans Affairs (VA), Office of Human Resources and Administration/Operations, Security and Preparedness (HRA/OSP).</b></p>		
<b>Employee Name:</b>	<b>Occupational Series:</b>	<b>GS grade and step:</b>
<b>Name of Office Assigned:</b>	<b>Position Description Number:</b>	<b>Entry on Duty Date:</b>
<b>Primary duties* (GS-13 and below) - Enter the percentage of time spent performing each of the following criminal investigator duties.</b>	<b>Percentage of time primary duties are performed over a typical work cycle</b>	<b>Comments</b>
<ul style="list-style-type: none"> <li>• Criminal Investigations</li> <li>• Plans, organizes, conducts and manages highly complex investigation of VA policies and instructions</li> <li>• Conducts large-scale investigations of criminal activities</li> <li>• Provides oversight and guidance in serious criminal investigations conducted by local VA Police or other significant cases as directed by HRA/OSP.</li> </ul>		

**PART V  
APPENDIX C**

<p><b>Security and Law Enforcement Program Oversight</b></p> <ul style="list-style-type: none"> <li>• Plans, directs and coordinates HRA/OSP policies and procedures to ensure the protection of patients, visitors, employees and government property</li> <li>• Guides Facility Directors, Police and Security Service Chiefs in all matters pertaining to law enforcement, physical security and emergency situation control</li> <li>• Conducts comprehensive program inspections to determine existing law enforcement and physical security conditions at individual medical facilities/centers</li> <li>• Participates in the development and presentation of on-site and centralized training programs for police officers and detectives</li> </ul>		
<p><b>Executive Protection</b></p> <ul style="list-style-type: none"> <li>• Performs activities to ensure the personal safety of the Secretary and Deputy Secretary</li> <li>• Conducts investigations of all possible threats against the Secretary or Deputy Secretary</li> <li>• Assumes close proximity posture to the Secretary or Deputy Secretary in cases of perceived/potential hostile environment</li> </ul>		
<p><b>Intelligence and Crime Analysis</b></p> <ul style="list-style-type: none"> <li>• Develops standardized data methods, techniques and protocols for conducting crime and crime trend analysis</li> <li>• Develops and maintains programs which will collect, collate, analyze and disseminate crime activity data patterns</li> <li>• Provides 24/7 support to VA Police units regarding serious incident reports, criminal</li> </ul>		

<p>investigations and liaisons with local, State and Federal law enforcement agencies throughout the National Capital Region and the United States</p> <ul style="list-style-type: none"><li>• Provides crime patterns and trends to assist operational and administrative personnel in planning the deployment of resources to prevent and suppress criminal activities</li></ul>		
<p><b>Training</b></p> <ul style="list-style-type: none"><li>• Provides training to VA Police Officers in all areas of law enforcement, including: criminal investigations, surveillance detection, firearms; interviewing techniques, report writing, physical arrest techniques; retention techniques, defensive driving and court room techniques</li></ul>		
	<p><b>TOTAL = 100%</b></p>	



<b>Primary Duties* (GS-14 or GS-15)</b> Enter the percentage of time spent performing each of the following criminal investigator primary lead/supervisory duties.	<b>Percentage of time primary duties are performed over a typical work cycle</b>	<b>Comments</b>
<b>Lead/Supervisory Duties; Criminal Investigations</b>		
<b>Lead/Supervisory Duties; Security and Law Enforcement Program Oversight</b>		
<b>Lead/Supervisory Duties; Executive Protection</b>		
<b>Lead/Supervisory Duties; Intelligence and Crime Analysis</b>		
<b>Lead/Supervisory Duties; VA Police Officer Training/All Areas</b>		
	<b>TOTAL = 100%</b>	
<b>Substantial Hours Requirement</b> A criminal investigator is eligible for availability pay only if he/she is expected to perform an annual average of 2 hours of unscheduled duty per regular workday in the upcoming year as certified by the designated supervisory officer.	Enter "Yes" if the criminal investigator is expected to meet the substantial hours requirement, otherwise enter "No"	<b>Comments</b>
As provided in 5 U.S.C. § 5545a(d) and 5 CFR § 550.183, enter "Yes" if the criminal investigator is expected to meet the substantial hours requirement in the upcoming year; enter "No" if he/she is not expected to meet the requirement in the upcoming year.		

The responses I provided in this document are true and correct to the best of my knowledge. I have read the requirements set forth in 5 U.S.C. § 5545a(d) and certify the expectation of the substantial work requirement as indicated above.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

\*The duties of the specific employee (or “individual position” must meet all of the requirements set forth in 5 CFR § 550.181-186, 5 CFR § 831.902 and 5 U.S.C. § 5545a. LEAP is authorized only for positions that meet the definition of Criminal Investigator and whose primary duties include performing law enforcement duties (i.e., investigations, apprehending, or detaining suspects or criminals). *Duties that are of an emergency, incidental, or temporary in nature cannot be considered “primary” even if they meet the substantial portion of time criterion.* If management determines that an investigator who is certified for LEAP is not meeting or will not meet the “*substantial hours*” requirement, management must act to deny or cancel a certification and suspend LEAP payment.

APPENDIX D.

OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER

Law Enforcement Availability Pay (LEAP) Certification

EMPLOYEE NAME:

DATE:

Employees will read the following section of 5 U.S.C. § 5545a(d), complete either Section A or Section B below and forward to the immediate supervisor for certification. Supervisors will complete Section A-1, after the employee has completed Section A. (See 5 U.S.C. § 5545a(d), 5 CFR § 550.183 and 5 CFR § 550.184)

- (1) A criminal investigator shall be paid availability pay if the average of hours described under paragraph (2) (A) and (B) is equal to or greater than 2 hours.
- (2) The hours referred to under paragraph (1) are:
  - A. the annual average of unscheduled duty hours worked by the investigator in excess of each regular workday; and
  - B. the annual average of unscheduled duty hours such investigator is available to work on each regular workday upon request of the employing agency.
- (3) Unscheduled duty hours which are worked by an investigator on days that are not regular workdays shall be considered in the calculation of the annual average of unscheduled duty hours worked or available for purposes of certification.
- (4) An investigator shall be considered to be available when the investigator cannot reasonably and generally be accessible due to a status or assignment which is the result of an agency direction, order, or approval as provided under 5 U.S.C. § 5545a(f)(1).

SECTION A

I, \_\_\_\_\_, (name of employee) have read the requirements set forth in 5 U.S.C. § 5545a(d), 5 CFR § 550.183 and 5 CFR § 550.184. I certify that I expect to meet availability pay requirements.

\_\_\_\_\_

Employee Signature

\_\_\_\_\_

Date

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**SECTION A-1**

Managers with delegated authority will make an initial and annual certification that the investigator either currently meets or is expected to continue to meet the substantial hours requirement (for entitlement for availability pay) in the upcoming 12-month period.

I, \_\_\_\_\_, (name of supervisory official) have read the requirements set forth in 5 U.S.C. § 5545a(d), 5 CFR § 550.183 and 5 CFR § 550.184. I certify that the above-named criminal investigator is expected to meet availability pay requirements

**EMPLOYEE NAME:**

**DATE:**

\_\_\_\_\_

\_\_\_\_\_

Signature

Date

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**SECTION B**

Due to the hardship indicated below, I, \_\_\_\_\_, (Name of criminal investigator) cannot certify that I will meet the requirements of 5 U.S.C. § 5545a(d), 5 CFR § 550.183 and 5 CFR § 550.184. I therefore request permission to be granted a temporary exemption from these requirements effective \_\_\_\_\_ to \_\_\_\_\_

(Beginning date) (Ending date)

I understand that if my temporary exemption is granted, I will not be paid Law Enforcement Availability Pay (LEAP) during the exemption period.

\_\_\_\_\_

\_\_\_\_\_

Signature

Date

**STATEMENT OF HARDSHIP:**

\_\_\_\_\_

**MANAGEMENT DECISION**

**I have reviewed the statement of hardship and grant the exemption.**

\_\_\_\_\_

**Signature of Approving Official**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Title**

**I have reviewed the statement of hardship and have determined that the reasons stated do not warrant an exemption.**

\_\_\_\_\_

**Signature of Approving Official**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Title**