



REPLY TO  
ATTENTION OF

DAPE-CPZ

**DEPARTMENT OF THE ARMY**  
OFFICE OF THE DEPUTY CHIEF OF STAFF, G-1  
300 ARMY PENTAGON  
WASHINGTON, DC 20310-0300

14 JAN 2014

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Eligibility for Payment of Law Enforcement Availability Pay (LEAP)

1. References:

- a. 5 U.S.C. § 5545a, Availability pay for criminal investigators.
- b. 5 U.S.C. §§ 5541(3), 8331(20), and 8401(17), Definitions, law enforcement officer.
- c. 5 C.F.R. §§ 550.103, 831.902, and 842.802, Definitions.
- d. 5 C.F.R. § 550.181, Coverage.
- e. 5 C.F.R. §§ 831.903, 831.904 & 842.803, Conditions for coverage.
- f. Office of Personnel Management, March 2009, revised April 2011, Job Family Position Classification Standard for Administrative Work in the Inspection, Investigation, Enforcement, and Compliance Group, 1800.
- g. Department of Defense Instruction 1400.25, Volume 336, dated December 19, 2001, administratively reissued April 6, 2009, subject: DoD Civilian Personnel Management System: Civilian Firefighter and Law Enforcement Officers.
- h. Memorandum, Department of Defense, Civilian Personnel Management Service, 12 August 1998, subject: Law Enforcement Availability Pay (enclosed).

2. This memorandum provides guidance on eligibility for payment of LEAP. LEAP is a form of premium pay available to Law Enforcement Officers (LEOs) who perform criminal investigative work and are required to work, or be available to work, substantial amounts of unscheduled overtime duty based on the needs of the employing activity. Eligibility for LEAP is governed by the statutory, regulatory, and policy guidance provided in the above references.

3. In Department of the Army, eligibility for LEAP is limited to criminal investigators. Only those position descriptions properly classified in the GS-1811 (Criminal Investigating) series that meet the definition of a primary position under Reference 1c, and that have been approved for special retirement coverage (SRC), are eligible for

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payment of LEAP. Eligibility, therefore, must have been established pursuant to the provisions of one of the following retirement systems:

- a. the Civil Service Retirement System (CSRS); or
- b. the Federal Employees Retirement System (FERS)

4. Criminal investigators are authorized LEAP, a premium pay equal to 25 percent of the rate of basic pay for the position, to ensure availability for unscheduled duty in excess of a 40-hour work week based on the needs of the employing agency. Employees assigned to LEAP eligible positions are generally on call 24 hours a day; have frequent contact with criminal suspects; work long periods without a break; are frequently exposed to hazardous conditions such as pursuing, detaining, or arresting suspects; and are required to maintain a high level of physical fitness. Within the Army, only criminal investigators within the GS-1811 series are considered LEOs who may qualify for SRC or LEAP.

5. Employees eligible for LEAP will be those covered by special retirement under CSRS or FERS except for an employee assigned to an approved secondary position as defined in Reference 1c. Such employee is eligible for LEAP even if the employee is not eligible for special retirement coverage. See Reference 1h.

6. SRC eligibility requires that the position description be approved by the Under Secretary of Defense for Personnel and Readiness as a primary/rigorous, or secondary position in accordance with Reference 1c.

7. Before approving employees for LEAP, commands with criminal investigator positions in the GS-1811 series should review each position to ensure it is properly classified using Reference 1f, meets the requirements for LEAP eligibility described above, and has been approved for SRC. Your local servicing Civilian Personnel Advisory Center can assist with questions regarding position classification, SRC eligibility, and payment of LEAP.

8. The point of contact is Ms. Barbara Walker, 703-806-3852, DSN 656-3852, or barbara.s.walker.civ12@mail.mil.

Encl

  
JAY D. ARONOWITZ  
Assistant -1 for Civilian Personnel

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(see next page)

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CPMS FAS

11/08/00 WED 16:17 FAX 703<sup>696</sup> 4705

DEPARTMENT OF DEFENSE  
 CIVILIAN PERSONNEL MANAGEMENT SERVICE  
 1400 JEFFERSON BOULEVARD  
 ARLINGTON, VA 22209-5144

AUG 12 1998

MEMORANDUM FOR CHIEF, CIVILIAN PERSONNEL TEAM,  
 HEADQUARTERS, U.S.

ARMY INDUSTRIAL OPERATIONS COMMAND,  
 ROCK ISLAND, ILLINOIS 61299-6000

SUBJECT: Law Enforcement Availability Pay (LEAP)

This is written to clarify eligibility for LEAP, as requested by your memorandum of July 6, 1998. An employee's eligibility for LEAP is not determined solely by the fact that the employee works in a position classified in a Criminal Investigator GS-1811 or GS-1812 series. The duties of the position, which must meet the definition of "law enforcement officer" (LEO) under 5 U.S.C. 5541(3) and, subsequently the provisions for special LEO retirement in 5 U.S.C. 8331(20) or 8401(17) determine eligibility. An employee may be properly classified as a Criminal Investigator, GS-1811, and not meet the definition of law enforcement officer. Such employee would, therefore, be ineligible for LEAP.

Within the Department of Defense authority to approve coverage for LEO retirement is delegated to the Under Secretary of Defense (Personnel & Readiness). Determinations that such coverage appropriate may be made at lower levels eliminating the need for submission to DoD. Only requests for approval of primary or secondary coverage must be submitted through your chain of command to DoD.

Your understanding that an employee working in a primary position must be covered by LEO retirement to be eligible for LEAP is correct. It is also correct that an employee working in an approved secondary position may be eligible for LEAP, even if ineligible for LEO retirement coverage.

The issue of qualification requirements for positions covered by special LEO retirement is, primarily, a staffing issue. Field Advisory Services is neither chartered nor staffed to deal with staffing issues. Therefore, I suggest you refer the issue of waiver of qualification requirements to your staffing specialists.

If you have further questions on this issue my point of contact is Mr. Steven Rumble, at (703) 696-6301, 4-551, or via email to [steven.rumble@cpms.osd.mil](mailto:steven.rumble@cpms.osd.mil).

//signed//

BERNADETTE CHRISTIE  
 Pay and Hours of Work Branch Chief  
 Civilian Personnel Management Service  
 Field Advisory Services