



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

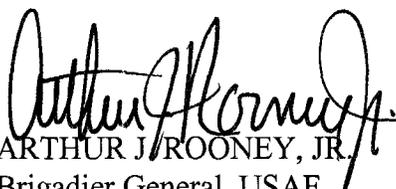
APR 29 2002

MEMORANDUM FOR 82D TRAINING WING COMMANDERS AND SUPERVISORS

FROM: 82 TRW/CC

SUBJECT: Civilian Overtime and Compensatory Time Use

1. Commanders and supervisors must ensure civilian overtime work occurs only in support of the wing mission. To that end, you are required to review and comply with the attached guidance.
2. On Sheppard AFB, squadron and group commanders and wing staff agency chiefs have the authority to approve overtime and compensatory time. Thus, it is your responsibility to ensure our civilian resources are correctly and efficiently used. A fully justified reason for overtime or compensatory time must be present on the AF Form 428, Request for Overtime, Holiday Premium Pay and Compensatory Time. Any AF Forms 428 with weak justifications should be disapproved. Nonemergency overtime or compensatory time must be approved in advance of the hours worked.
3. Compensatory time is for occasional and irregular use and only if a justifiable need exists. An Overtime/Compensatory Time Report is provided for your use. Excessive use of overtime or compensatory time requires a closer look; reallocation of workload or a manpower study may be required.
4. Use of overtime and compensatory time will be briefed quarterly by each group commander during the Civilian Employment Cost Management Committee meeting.
5. Questions may be addressed to Maj Keith Graham, ext. 6-6780.


ARTHUR J. ROONEY, JR.
Brigadier General, USAF
Commander

Attachment:
Overtime/Compensatory Time Guidance

cc:
80 FTW/CC

Approving Official and Supervisor's Guide to Overtime and Compensatory Time Usage

The following guidance is provided to assist you in managing your civilian workforce. Attached you will find the AF Form 428, Request for Overtime, Holiday Premium Pay and Compensatory Time (atch 1), along with excerpts from the DoD 7000.14-R, Financial Management Regulation (atch 2) and AFI 36-802, Pay Setting (atch 3).

- AF Form 428
 - Squadron or group commanders approve overtime/compensatory time
 - Justifications must be specific and complete
 - What the employee(s) will accomplish
 - Why it cannot be accomplished during the regularly scheduled duty day
 - Why military personnel are not tasked, or that military are working equal time
 - AF Forms 428 must be approved in advance of hours worked
 - In case of a *true* emergency, the AF Form 428 may be approved the next business day
 - AF Forms 428 may not cross pay periods or fiscal years
 - After the overtime/compensatory time is worked compare the approved request to the hours reported on the timecard
 - Hours worked must not exceed the amount approved
 - The timecard must state the hours actually worked and that there is an AF Form 428 on file
 - Supervisors will maintain AF Forms 428 for 6 years and 3 months (per DoD FMR 7000.14-R)
- Overtime and compensatory time should be used only occasionally
 - Use the civilian pay reports to identify trends, potential problems or compensatory time pending payment as overtime
 - Overtime/Compensatory Usage Report states the overtime/comp time an employee has earned in the current pay period plus year-to-date totals
 - Overtime/Compensatory Time Review states the overtime/compensatory time earned in the current pay period, the last three pay periods, and year-to-date. It also reports the leave an employee used while earning overtime or compensatory time.
 - Compensatory Time Aging Report informs the supervisors when an employee has compensatory time that will be paid if not used by a certain pay period.
 - These reports are distributed every pay period to commanders by 82 CPTS/FMPCC
 - After commander review, reports should be distributed to supervisors
 - Reallocate workload and/or request a manpower study if time is excessive
 - Compensatory time will be paid as overtime after 25 pay periods
- Per AFI 36-802, Chap 3, 3.1.1.2. it is the commander's responsibility to perform self-inspections of overtime and compensatory time usage and documentation

Questions can be addressed to Ms. Bettye Ingram, 82 CPTS/FMPCC, 6-4891 or Ms. Dani Hurley, 82 CPTS/FMA, 6-2866

pay equals or exceeds the maximum applicable rate for grade GS-15. Premium pay may be paid to an employee whose basic rate of pay is less than the maximum applicable rate of GS-15 only to the extent that the payment does not cause the total rate of pay for any pay period to exceed the maximum applicable rate for GS-15. The maximum rate does not apply to nonexempt GS employees (see subparagraph 030302.B). Hazard pay is excluded from this limitation. SES employees are not entitled to premium pay under any circumstances. TP pay plan employees are excluded from title 5 (reference (b)) premium pay provisions.

030302. Overtime Pay. Each employing activity shall be responsible for controlling overtime. Supervisors shall ensure that overtime worked is covered by funds targeted for their employing activity. Approval or disapproval of overtime shall be consistent with direction from the Deputy Secretary of Defense (reference (o)). The civilian payroll office shall pay only approved overtime as certified on the time and attendance report. Normally, approval to work overtime shall be made in writing in advance of performing the work.

A. Title 5 Overtime

★ 1. Regularly Scheduled. Title 5, C.F.R., Part 550 (reference (l)) contains provisions on premium pay for overtime. Regular overtime work means overtime work that is scheduled prior to the beginning of an employee's regularly scheduled administrative workweek. For each GS employee whose rate of pay does not exceed a minimum applicable rate for a GS-10, the overtime hourly rate is one and one-half times the employee's hourly rate of pay. For each GS employee whose rate of basic pay exceeds the minimum applicable rate for a GS-10, the overtime hourly rate is one and one-half times the hourly rate of basic pay at the minimum applicable rate for a GS-10 (5 U.S.C. 5542) (reference (b)). Regular overtime is authorized for full-time, part-time, and intermittent GS employees. An intermittent work schedule is appropriate when work is unpredictable and sporadic; therefore, instances of repetitive regularly scheduled overtime should seldom, if ever, occur. Refer to 5 C.F.R. 340.403 (reference (l)).

2. Irregular/Occasional. Irregular or occasional overtime work is overtime work that is not part of an employee's regularly scheduled administrative workweek.

B. FLSA (Nonexempt Employees)

1. For employees paid under 29 U.S.C. 201-219 (FLSA) (reference (n)), entitlement to overtime compensation is determined by calculating of an "hourly regular rate." The "hourly regular rate" of pay for all "nonexempt" employees is computed by adding all includible payments for the week, and then dividing by the total hours of work and paid leave. The Department shall compensate an employee who is nonexempt under the provisions of 5 C.F.R. 551.101 (reference (l)) for all hours of work in excess of 8 a day or 40 in a workweek at a rate equal to one and one-half times the employee's hourly regular rate of pay.

★ 2. Under section 210 of the FEPCA (reference (e)), effective on May 4, 1991, overtime pay computations for nonexempt employees must be made solely in accordance with the FLSA (reference (n)) regulations in 5 C.F.R. 551 (reference (l)), as amended. Agencies are

no longer required to compare overtime pay entitlements for nonexempt employees under 5 C.F.R. 550 and 551 (reference (l)) and pay whichever amount is greater. However, entitlements arising prior to May 3, 1991, still must be calculated using the previous rules. Nonexempt employees continue to be covered by the other premium pay provisions of 5 U.S.C., chapter 55, subchapter V (reference (b)) for night, Sunday, or holiday and annual premium pay for regularly scheduled standby duty or administratively uncontrollable overtime (AUO) work. The maximum biweekly and aggregate limitations on title 5 premium pay do not apply to overtime pay earned by employees who are nonexempt from the FLSA (reference (n)).

3. According to 5 U.S.C. 5544(a) (reference (b)), as amended by section 529 of P.L. 101-509 (reference (e)), hours of work (as defined in 5 U.S.C. 5542) (reference (b)) in excess of 8 hours in a day are deemed to be overtime hours for the purposes of section 7 of the FLSA (29 U.S.C. 207) (reference (n)), if the employee is not receiving annual premium pay for regularly scheduled standby duty (5 U.S.C. 5545(c)(1)) (reference (b)) or annual premium pay for AUO work (5 U.S.C. 5545(c)(2) (reference (b))); 5 U.S.C. 5544(a) (reference (b)) for FWS employees). Under the FLSA (reference (n)), such hours are considered overtime hours regardless of the total number of hours of work in the workweek. For example, an employee who works 10 hours on the first day of the workweek and is on LWOP for the remainder of the workweek is entitled to 2 hours of overtime pay under FLSA (reference (n)), even though the employee has worked a total of only 10 hours in the workweek.

★ C. Excluded Employees. SES employees are excluded from premium pay by the provisions of 5 U.S.C. section 5541 (reference (b)). Certain GS and all Executive Schedule employees are also excluded since, under the provisions of 5 U.S.C. 5547 (reference (b)), premium pay may be paid only to the extent that payment does not cause aggregate pay to exceed the maximum rate for GS-15. National Guard technicians are not entitled to premium pay for overtime. Instead, they may earn compensatory time.

D. Callback Overtime. A minimum of two hours of overtime will be paid if an employee is required to return to the place of employment for unscheduled overtime work or to work unscheduled overtime on a nonscheduled workday. If the callback occurs on a holiday during the employee's regular schedule, a minimum of two 2 hours holiday premium pay will be paid. When an FLSA nonexempt employee performs unscheduled overtime work on a day when work was not scheduled for the employee, or for which the employee is required to return to the place of employment, the employee is paid for two hours of work or the actual number of hours worked, whichever is greater. In all cases, the actual time worked will be recorded.

E. Compensatory Time

★ 1. Eligible employees, including FWS employees, can have compensatory time off from their scheduled tour of duty instead of payment for an equal amount of time spent in irregular or occasional overtime work. Those employees whose basic rate of compensation exceeds the maximum applicable rate for grade GS-10 may be required by their employing activity to take compensatory time off instead of overtime pay. The FWS and nonexempt employees may not be required to take compensatory time off instead of being paid overtime pay unless they request

compensatory time. See 5 C.F.R. 532.504 and 551.531 (reference (l)) and 5 U.S.C. 5543 (reference (b)).

★ 2. Compensatory time worked must be approved in advance in writing and administered in accordance with paragraph 020208. Compensatory time may not be earned when payment of the extra hours at overtime rates would be improper, as in the case of employees whose pay for any period is limited to the maximum rate payable for a GS-15 (26 Comp. Gen. 750 (1947)) (reference (p)). Compensatory time which may be earned by an employee in any one pay period is limited to the number of hours for which there would otherwise be an entitlement to overtime compensation before reaching the limitation on total pay period earnings (37 Comp. Gen. 362) (reference (p)). The granting of compensatory time off in lieu of overtime pay under 5 U.S.C. 5542 (reference (b)) is not to be administered in opposition to the overtime pay requirements of the FLSA (reference (n)). For the instructions on compensatory time off for nonexempt employees, see 5 C.F.R. 551.531 (reference (l)). For exempt employees, refer to 5 C.F.R. 550.114 (reference (l)).

3. Compensatory time worked cannot be credited to an employee whose basic rate of pay equals or exceeds the maximum rate for grade GS-15. Compensatory time worked in a pay period may be credited to an employee whose basic rate is less than the maximum rate of GS-15 only to the extent that the monetary value of the compensatory time worked does not cause the total rate of pay for that pay period to exceed the maximum applicable rate for GS-15.

4. Exempt GS employees may choose to earn compensatory time in place of payment for an equal amount of time spent in occasional or irregular overtime work. They may not earn compensatory time for regularly scheduled overtime. Compensatory time cannot be earned for holiday work.

★ 5. Compensatory time off must be granted to an exempt employee within a reasonable time after the overtime is worked. The limit for the use of compensatory time off is the end of the 26th pay period after that in which the overtime was worked. The unused compensatory time worked will then be paid at the overtime rate at which it was earned. Compensatory time earned before June 8, 1997, was placed in an "old compensatory time" account on June 7, 1998, and thereafter will be charged only if the employee has insufficient current compensatory time to cover the compensatory time off requested. National Guard employees are not paid for unused compensatory time worked. They must use their compensatory time by the end of the 26th pay period after it is earned or will forfeit that compensatory time.

★ 6. Upon request of a FWS or nonexempt employee, an employing activity may grant compensatory time off from a scheduled tour of duty instead of payment under FLSA for an equal amount of time spent in irregular or occasional overtime work, i.e., overtime work not scheduled in advance of the employee's workweek. However, if an employee fails to use compensatory time before the expiration of the established time period, the employee shall be paid for the overtime work at the FLSA overtime rate in effect at the time it was worked. See 5 C.F.R. 532.504 and 551.531 (reference (l)).

Chapter 3 OVERTIME WORK

3.1. Responsibilities:

3.1.1. Commanders. Commanders must continually ensure that overtime work occurs only pursuant to mission needs.

3.1.1.1. Review Defense Civilian Pay System (DCPS) reports: P6602R04, Overtime/Compensatory Time Review; P6602R05, Overtime/Compensatory Time Usage Report; and P6605R01, Control of Hours Report, to identify trends in excessive overtime usage.

3.1.1.2. Perform self-inspection of overtime and compensatory time usage and documentation.

3.1.2. Supervisors:

- Establish tours of duty which require the payment of premium pay rates (for example, night work, Sunday work, overtime, holiday and so forth) only when the mission requires this work for efficient operations.
- Obtain approval from their overtime authorizing official before ordering overtime (AF Form 428, Request for Overtime, Holiday Premium Pay, and Compensatory Time). EXCEPTION: In an emergency, the supervisor may order overtime without authorization but must document the overtime no later than the following workday.
- Consider changing tours of duty involving the assignment of overtime when the requirement conflicts with an employee's religious obligations or practices by permitting the employee to perform the overtime on another day or to excuse him or her from the assignment. EXCEPTION: If failure to perform the overtime will prevent accomplishment of the mission, the employee is expected to perform the overtime.
- Release employees from overtime if the additional work would impair health or efficiency or cause extreme hardship.
- Schedule temporary duty (TDY) travel within an employee's regularly scheduled tour of duty to the maximum extent possible to avoid paying overtime.
- Compare employee travel vouchers with time and attendance reports to determine if there is an entitlement to overtime.
- Record approved travel-related overtime on the attendance records.
- Prepare and process corrected time and attendance records when required.

3.1.3. Employees:

- May not receive overtime pay for work which a supervisor did not properly authorize and approve (except employees under the Fair Labor Standards Act (FLSA) who are suffered and permitted to work overtime (5 CFR 551.401)).
- Provide a copy of their travel settlement voucher on which overtime is based to their supervisor.

3.2. Recording TDY Travel Requirement. When TDY outside regularly-scheduled duty hours is essential and the employee is not entitled to overtime pay, the official ordering the travel:

- Records the reasons for ordering travel at that time.

- Gives a copy of the record to the employee when requested.

3.2.1. Installations using automated time-and-attendance systems (like the Defense Civilian Payroll System [DCPS]) are not required to send additional documentation for overtime to the civilian payroll office unless local procedures require it.

3.2.2. Officials certifying time and attendance, or their designees, must maintain required documentation to support the automated time and attendance record.

3.3. Administratively Uncontrollable Overtime. Employees may receive pay for administratively uncontrollable overtime (AUO) on an annual basis if the MAJCOM and HQ USAF/DPCE approve the arrangement. The request for AUO must be submitted in writing and forwarded through the MAJCOM to HQ USAF/DPCE.

3.3.1. The written request must contain:

- Title, series, and grade of position.
- Brief description of the duties and responsibilities of the position.
- Justification for payment of AUO.
- Copy of the position description.

3.3.2. Requests for AUO for positions in Services must contain a brief explanation why effective scheduling of the employee under the organizational flight structure cannot eliminate the need for AUO. Requests must be coordinated through the installation's respective MAJCOM/DPC and Services Director prior to submission to HQ USAF/DPCE.