

DEPARTMENT OF THE ARMY
HEADQUARTERS, MILITARY SURFACE DEPLOYMENT AND DISTRIBUTION
COMMAND
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SDDC Regulation
No. 37-4

Financial Administration
CIVILIAN PERSONNEL OVERTIME/COMPENSATORY TIME

Supplementation of this regulation is prohibited. Submit comments and suggested improvements to this regulation to HQ SDDC, AMSSD-RMM-MA at sddc.safb.g8mgracct@us.army.mil on DA Form 2028 (Recommended Changes to Publications and Blank Forms).

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1. PURPOSE

To set forth provisions and requirements for scheduling, recording, and compensating employees for time worked in excess of the normally scheduled, administrative workweek.

2. APPLICABILITY

This policy applies to Headquarters, Military Surface Deployment and Distribution Command (SDDC), SDDC major subordinate commands, and all other SDDC activities.

3. REFERENCES

- a. 5 Code of Federal Regulations (CRF) Part 550 and Part 551.
- b. 5 United States Code (USC) Chapter 55, Subchapter V.
- c. DOD Financial Management Regulation, Volume 8, Chapter 5.

*This regulation supersedes SDDC Regulation 37-4, 14 Mar 05

4. RESPONSIBILITIES

- a. The Deputy Chief of Staff G8 will establish budgetary overtime limitations for Headquarters and major subordinate commands. Fund controls will be provided annually in the budget marks.
- b. Commanders, directors, and chiefs, through their subordinate supervisors, will monitor and review their overtime usage and work schedules to ensure SDDC resources are used effectively. Supervisors will ensure compensatory time is taken before the 26th pay period after it was earned or that funds are available within their budgetary limitations to pay for overtime on conversion. G8 can provide overtime/compensatory time usage reports biweekly.
- c. It is the supervisor's responsibility to be aware of the hours worked by all employees. The supervisor needs to take positive steps to ensure employees are not performing work outside their regular shift unless the supervisor, or higher levels of management, has ordered/authorized the work to be done at that particular time. This includes all necessary follow-ups to ensure instructions regarding overtime work are carried out. Supervisors may be disciplined if they direct, expect, or allow employees to work without compensation.

5. POLICIES AND PROCEDURES

- a. As a general policy, scheduling employees for work hours outside the normal administrative workweek is discouraged. Overtime will be held to an absolute minimum. Supervisors should first consider alternatives (e.g., borrowing labor from another work center; transferring work to another work center; rescheduling or deferring work of lesser priority) that do not require employees to work overtime. Employees required to perform overtime work, must be paid or granted compensatory time off. Employees performing overtime work must be compensated in accordance with the Fair Labor Standards Act (FLSA) and their position as either exempt or non-exempt. Supervisors are responsible for ensuring that employees perform government work only.
- b. SDDC Form 179-R documents approval by managers and supervisors for overtime pay/compensatory time earned. No employee may be paid overtime pay or given compensatory time off unless the overtime work is officially ordered by management and is specifically authorized and approved in advance on SDDC Form 179-R, Request for Approval of Overtime. If an emergency arises and the SDDC Form 179-R may not be approved in advance, it must be approved no later than one business day after the employee(s) worked the additional hours and in time to document approval of additional hours worked on the employee(s) timecard before it is approved.
- c. All time worked for overtime pay or compensatory time is documented on the employee's timecard and the approved overtime form, SDDC Form 179-R maintained by the official approving the timecard. This approved form shall be maintained for 3 years. Overtime/compensatory time is recorded to the nearest quarter of an hour.

d. Ideally an employee should use compensatory time by the close of the next pay period. Compensatory Time should be used before Annual Leave unless the Annual Leave has already been planned or scheduled as part of the employee's Use or Lose Plan. If the employee cannot be granted time off within 26 pay periods, compensatory time earned automatically converts to overtime pay except for the compensatory time off for time in travel status. An employee must use his or her accrued compensatory time off for travel within 26 pay periods after it is earned or before transferring to another agency or forfeit such compensatory time off. Statutory provisions prohibit employees for paying employees unused compensatory time off for travel earned.

e. Premium pay (night pay, compensatory pay, overtime pay, and pay for Sunday and holiday work), in combination with basic pay, may not cause the total for any pay period for GS employees to exceed the maximum rate payable for a GS-15. No premium payments or compensatory time may be granted to an employee whose rate of basic pay is greater than the maximum rate for a GS-15. Requests for waiver to subject limitations must be signed by Directors or Brigade Commanders and submitted to G8 org box sddc.safb.g8mgracct@us.army.mil. G8 will coordinate waivers with G1/4 and forward to the Deputy to the Commander for approval. Additional information on the specifics of what needs to be included in the waiver request and exceptions to this provision are covered by G1/4 Annual Premium Pay Limitation and Bi-weekly Maximum Earnings Limitation Waiver.

f. Employees may earn compensatory time off for religious observances subject to mission requirements. Time off for religious reasons will be recorded in a special leave account and may be worked either before or after the period of time off. Employees should repay advance time off for religious reasons within a reasonable time.

g. Policies for establishing scheduled overtime tours for firefighters are prescribed in 5 CFR and are not addressed in this regulation. Unscheduled overtime beyond established tours of duty will be controlled by this regulation.

h. A minimum of 2 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 2 hours holiday premium pay will be paid.

i. FLSA and Overtime. An employee/position is either exempt or nonexempt from the FLSA. Supervisors must know which category their subordinate employees fall under because it affects whether employees are entitled to receive overtime pay and/or compensatory time off. The designation of exempt or nonexempt is documented on the employee's position description and personnel action documents.

(1) Employees classified as exempt and whose basic rate of pay exceeds the maximum rate for grade GS-10, Step 10, may receive overtime compensation or compensatory time off; however, management makes the determination to pay overtime or compensatory time off. If the exempt employee's basic rate of pay does not exceed the maximum rate for grade GS-10, the employee cannot be required to take compensatory time off in lieu of overtime pay.

(2) Employees to which the FLSA applies (non-exempt) are entitled to overtime pay if overtime work has been officially ordered and approved unless the employee specifically requests compensatory time in lieu of overtime pay.

(3) For nonexempt employees, overtime pay is one and one-half times the basic rate of pay. For exempt employees, overtime pay is limited to one and one half times the basic rate of pay of the lowest rate of a GS-10. Special pay rates (i.e., Law Enforcement Officers) and/or locality pay are considered basic pay for overtime purposes.

(4) To the extent possible, schedule temporary duty (TDY) assignments to allow the employee to travel during the normal administrative workweek.

6. COMPENSATORY TIME FOR TRAVEL

a. Requests for compensatory time off associated with travel must to the maximum extent possible, be requested and approved in advance on SDDC Form 179-R and must be maintained by the official approving the timecard for 3 years.

b. Compensatory time off concerning time spent by an employee in a travel status from the employee's permanent duty station (PDS) when such time is not otherwise compensable for hours of work. Time spent in travel status includes the time actually spent travelling between the PDS and a TDY location or between two TDY locations and the usual waiting time that precedes or interrupts such travel.

c. Generally, passengers are required to arrive at a transportation terminal (e.g., airport or train station) at a designated pre-department time (e.g., 1 to 2 hours prior to the scheduled departure time of an airplane, depending on whether it is a domestic or international flight). Such waiting time at the transportation terminal is considered usual waiting time and is creditable time in a travel status.

d. When an employee's travel is interrupted (i.e., the employee travels to an intervening transportation terminal and has to wait for a connecting flight to continue traveling to a temporary duty station), usual waiting time at the intervening transportation terminal also is creditable time in a travel status, subject to exclusions for bona fide meal periods. If the employee experiences an extended (i.e., not usual) waiting time during which he or she is free to use the time for his or her own purposes (e.g., rest or sleep), the extended waiting time that is outside the employee's regular working hours is not creditable time in a travel status. Bona fide meal periods during actual travel time or waiting time are not creditable as time in a travel status.

e. Once the employee arrives at a TDY location, he or she is not considered to be in a travel status just because he or she is away from the official duty station. In other words, the time spent at a TDY location between arrival and departure cannot be credited as time in a travel status.

f. Travel between home and a TDY location.

(1) If an employee is required to travel directly between his or her home and a TDY location outside the limits of the employee's official duty station, the travel time is creditable as time in a travel status if otherwise qualifying under this subpart. However, the action officer must deduct from such travel hours the time the employee would have spent in normal home-to-work or work-to-home commuting.

(2) In the case of an employee who is offered one mode of transportation and who is permitted to use an alternative mode of transportation, or who travels at a time or by a route other than that selected by the agency, the agency must determine the estimated amount of time in a travel status the employee would have had if the employee had used the mode of transportation offered by the agency or travelled at the time and by the route selected by the agency. In determining time in a travel status, the agency must credit the employee with the lesser of the estimated time in a travel status or the actual time in a travel status.

(3) In the case of an employee who is on a multiple-day travel assignment and who chooses, for personal reasons, not to use temporary lodging at the TDY location, but to return home at night or on a weekend, only travel from home to the TDY location on the first day and travel from the TDY location to home on the last day that is otherwise qualifying as time in a travel status is mandatorily creditable (subject to the deduction of normal commuting time). Travel to and from home on other days is not creditable travel time unless the agency, at its discretion, determines that credit should be given based on the net savings to the government from reduced lodging costs, considering the value of lost labor time attributable to compensatory time off. The dollar value of an hour of compensatory time off for this purpose is equal to the employee's hourly rate of basic pay.

g. Time spent traveling to or from a transportation terminal as part of travel away from the official duty station. If an employee is required to travel between home and a transportation terminal (e.g., airport or train station) within the limits of his or her official duty station as part of travel away from that duty station, the travel time outside regular working hours to or from the terminal is considered to be equivalent to commuting time and is not creditable time in a travel status. If the transportation terminal is outside the limits of the employee's official duty station, the travel time to or from the terminal outside regular working hours is creditable as time in a travel status, but is subject to an offset for the time the employee would have spent in a normal home-to-work or work-to-home commuting. If the employee travels between a worksite and a transportation terminal, the travel time outside regular working hours is creditable as time in a travel status, and no commuting time offset applies.

7. PROCEDURES FOR COMPENSATORY TIME FOR TRAVEL

Record compensatory time for travel on timecard using DCPS code of CB for earned travel compensatory time and CF for used travel compensatory time. Do not record using the DCPS codes of CT for compensatory time earned and CU for compensatory time used for travel compensatory time.

FOR THE COMMANDER:

OFFICIAL



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