DEPARTMENT OF THE ARMY
SOUTHWESTERN DIVISION CORPS OF ENGINEERS
1100 COMMERCE STREET
DALLAS, TEXAS 75242-0216

SWDR 690-1-2

2 6 NOV 2012

Human Resources
OVERTIME, COMPENSATORY TIME AND HOLIDAY WORK

1. Purpose. To prescribe policies and procedures for approving and using overtime, compensatory time, and holiday work.

2. Applicability. This regulation applies to all employees of the Southwestern Division (SWD), US Army Corps of Engineers (USACE).

3. Reference:

a. DOD FMR, Volume 8: Civilian Pay Policy and Procedures

b. 5 CFR 550 (Pay Administration-Premium Pay)

c. 5 CFR 551 (Fair Labor Standards Act)

d. 5 CFR (Prevailing Rate System)

e. AR 690-990-2 (Hours of Duty, Pay and Leave Annotated)

f. OMB A-123 Test Plan 3 - Payroll

4. Delegation of Authority

The authority to approve overtime, compensatory time, and holiday work is delegated to Commanders of organizations covered by this regulation. Commanders may further delegate approval authority.

5. Definitions.

a. FLSA Exempt Employees:

(1) General Schedule (GS) – Employees in positions NOT covered by the overtime provisions under the Fair Labor Standards Act (5 CFR 551); they are instead covered by the provisions under 5 CFR 550 (Pay Administration – Premium Pay).

(2) Federal Wage System (FWS) – Employees in positions NOT covered by the overtime provisions under the Fair Labor Standards (5 CFR 551); they are instead covered by the provisions under 5 CFR 532 (Prevailing Rate System).

b. FLSA Nonexempt Employees:

(1) General Schedule (GS) – Employees in positions covered by the overtime provisions under the Fair Labor Standards Act (5 CFR 551).

(2) Federal Wage System (FWS) – Employees in positions covered by the overtime provisions under the Fair Labor Standards Act (5 CFR 551) and the provisions under 5 CFR 532 (Prevailing Rate System).

c. Compensatory Time Off. Time off work earned by an employee on an hour for hour basis, instead of overtime pay for an equal amount of overtime work.

d. Compensatory Time Off for Travel. Time off work earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable.

e. Holiday Work. Non-overtime work performed by an employee during their regularly scheduled tour of duty on a holiday.

f. Basic Work Requirement. The number of hours, excluding overtime hours, which an employee is required to work or is required to account for by leave or otherwise.

6. Policies.

a. Overtime, compensatory time, and holiday work will be approved in advance and documented on the ENG Form 6032, APR 2012 (Encl) whenever feasible. In situations when advance approval is not feasible, hours should be approved as soon as possible after the work has

been performed, but no later than ten business days after the date worked. Justifications for after the fact approval will be provided in the remarks section of the ENG Form 632, APR 2012.

b. Overtime, compensatory time, and holiday work may be authorized only for unusual emergencies involving the preservation of health, welfare, and safety of personnel, or protection of government property, timely accomplishment of mission objectives, and temporary peak workloads or seasonal requirements.

c. Justification for overtime, compensatory time, and holiday work must:

(1) Show that the additional work will be an economic advantage to the government or will satisfy mission essential needs;

(2) Identify alternative actions considered in order to accomplish the work, and why the work could not be accomplished during normal duty hours;

(3) Describe what the effect would be if the overtime is not approved.

d. Internal audits may be conducted to ensure overtime is properly justified and authorized.

e. Supervisors will encourage employees to use compensatory time off during the pay period it was earned or as soon thereafter as possible. Supervisors should not normally approve annual leave as long as the employee has unused accrued compensatory time. However, in cases where the compensatory time was earned late in the year and the employee has use or lose leave in December, supervisors should approve annual leave. Supervisors will ensure employees are given the opportunity, and are encouraged to use compensatory time within 26 pay periods after it is accrued. If it is not used within this time period, it will automatically be paid as overtime.

f. Employees who are exempt from the overtime provisions of the FLSA are subject to biweekly and annual pay caps; they may not be paid or granted overtime pay, dollar-value of compensatory time off, night pay, holiday premium pay, Sunday premium pay, and annual premium pay if payment would cause the bi-weekly or annual pay to exceed the greater of the maximum rate of pay for a GS-15, step 10, or level V of the Executive Schedule. The combined total of the basic salary plus premium pay for an employee cannot exceed the maximum rate of pay of a GS-15 for any pay period. The Commander, USACE or designee can approve exceptions to this requirement in emergency situations. Bi-weekly and annual pay caps do not apply to employees who are nonexempt from the provisions of the FLSA.

g. Exempt, non-exempt, and prevailing rate employees under a Flexible Work Schedule may request and be granted compensatory time off in lieu of overtime pay for the performance of regularly scheduled, irregular, or occasional overtime work. Employees on compressed work

schedules may request compensatory time off only for the performance of irregular or occasional overtime work. Mandatory compensatory time off may be ordered in lieu of overtime pay for GS employees whose positions are exempt from FLSA and whose basic rate of pay exceeds the maximum rate of a GS-10. The decision to require an employee to take compensatory time in lieu of overtime pay will be made by the overtime approving official after considering such factors as work schedules, amount of use or lose leave of the employee, etc.

h. Holiday premium pay is equal to an employee's rate of basic pay. Employees who are authorized to work on a holiday receive their rate of basic pay, plus, to work on a holiday, recieve their rate of basic holiday premium pay for each non-overtime hour worked on a holiday. Employees who are required to perform any work during basic (non-overtime) holiday hours are entitled to a minimum of 2 hours of holiday premium pay.

(1) Employees on a standard (40-Hour/5 Day Week) work schedule are entitled to holiday premium pay if they are required to work on a holiday during their regularly scheduled non-overtime basic tours of duty, not to exceed 8 hours.

(2) Employees under flexible work schedules are entitled to holiday premium pay if they are required to work on a holiday during the hours of their "basic work requirement" (i.e., non-overtime hours) on a holiday, not to exceed 8 hours.

(3) Employees under compressed work schedules are entitled to holiday premium pay if they are required to work on a holiday during the hours of their "basic work requirement" (i.e., non-overtime hours), not to exceed the hours on the compressed work schedule for that day (e.g., 8, 9, or 10 non-overtime hours).

i. Overtime pay is generally earned for hours of work officially ordered or approved and performed by an employee in excess of 8 hours in a day or 40 hours in an administrative work week.

(1) For employees on a standard (40-Hour /5 Day Week) work schedule, work performed in excess of 8 hours in a regularly scheduled workday, work performed on non-workdays (other than holidays), or work in excess of 40 hours per week that is officially ordered in advance is classified as overtime.

(2) For employees on flexible work schedules, overtime hours are all hours of work performed in excess of 8 hours in a day or 40 hours in a week officially ordered in advance; the overtime hours may be regularly scheduled, irregular or occasional.

(3) For employees on compressed work schedules, all hours of work performed in excess of the established compressed work schedule officially ordered in advance are overtime hours.

j. When paid overtime is authorized, the employee will receive additional pay at the overtime rate for the hours actually worked. The maximum overtime rate is one and a half times the rate of a GS-10, step 1 for employees exempt from the FLSA, otherwise it is one and one half times base pay with no cap. When compensatory overtime is authorized, the employee will be granted time off from work in lieu of payment.

k. Employees covered by the FLSA and employees paid under the prevailing rate system (WG, WL, WS, etc.) must be compensated for any work time that is directed, approved, or allowed outside their regular work schedule. They cannot be required to accept compensatory time off in lieu of overtime pay; however, compensatory off time may be authorized when requested in writing by the employee.

7. Overtime Pay for Time Spent in Travel Status.

a. Overtime or compensatory time off generally cannot be approved for time spent in a travel status outside the normal duty hours unless the travel:

(1) Involves the performance of work while traveling.

(2) Is incidental to travel that involves the performance or work while traveling (such as truck driver riding in a truck to a destination to pick up another truck and drive it to his original destination).

(3) Is carried out under such arduous conditions that the travel is inseparable from work (such as an employee traveling to a forest fire by foot, horseback, or in the back of a truck over rugged terrain).

(4) Results from an event that could not be scheduled or controlled administratively (such as an employee traveling to and from a remote location to make emergency repairs on equipment).

b. Travel time shall, to the maximum extent practicable, be scheduled within an employee's regularly scheduled work week. It is recognized that in some cases no amount of planning or scheduling will prevent an employee from being required to travel outside the regularly scheduled work week.

c. Travel to and from training courses outside normal hours is usually not subject to overtime payment since training can be scheduled and controlled administratively. However, non-exempt

employees who travel to and from training courses on non-duty days during hours that correspond to their normal duty hours are entitled to overtime pay for the travel time.

(1) To be creditable, travel must be officially authorized; travel must be for work purposes and must be approved by an authorized official.

(2) For the purpose of compensatory time off for travel, time in a travel status includes:

(a) Time spent traveling between the official duty station and a temporary duty station;

(b) Time spent traveling between two temporary duty stations; and

(c) The "usual waiting time" preceding or interrupting such travel (e.g., waiting at an airport or train station prior to departure). The employing agency has the sole and exclusive discretion to determine what is creditable as "usual waiting time". An "extended" waiting period – i.e., an unusually long wait during which the employee is free to rest, sleep or otherwise use the time for his or her own purposes – is not considered time in a travel status.

(3) Commuting Time:

(a) Travel outside of regular working hours between an employee's home and a temporary duty station or transportation terminal outside the limits of his or her official duty station is considered creditable travel time. However, the employee's normal home-to-work/work–to-home commuting time must be deducted from the creditable travel time.

(b) Travel outside of regular working hours between a worksite and a transportation terminal is creditable travel time, and no commuting time offset applies.

(c) Travel outside of regular working hours to or from a transportation terminal within the limits of the employee's official duty station is considered equivalent to commuting time and is not creditable travel time.

d. Compensatory time off for travel is forfeited:

(1) If not used by the end of the 26th pay period after the pay period during which it was earned. (Exceptions may apply for uniformed service, an on-the-job injury with entitlement to injury compensation, or due to an exigency of the service beyond employee's control).

(2) Upon voluntary transfer to another agency;

(3) Upon movement to a non-covered position; or

(4) Upon separation from the Federal Government. (Exceptions may apply for performance of uniformed service or due to an on-the-job injury with entitlement to injury compensation).

8. Administration.

a. Supervisors are responsible for the administration of overtime, compensatory time, and holiday work performed by employees under their supervision and for maintaining records for audit purposes. Overtime costs will be monitored and corrective action will be taken to correct the situation in which overtime, compensatory time, and holiday hours have been misused.

b. Questions concerning approval of overtime, compensatory time, and holiday work should be directed to a Civilian Personnel Advisory Center (CPAC) representative.

Thomas W. Kula

THOMAS W. KULA
Brigadier General, USA
Commanding

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DISTRIBURTION:
SWD Directors
SWD Deputy Commander
SWD District Commanders
SWD Deputy District Commanders
Southwestern Civilian Personnel Advisory Center

U.S. Army Corps of Engineers

REQUEST, AUTHORIZATION, AND REPORT OF OVERTIME/COMPENSATORY TIME/HOLIDAY

For use of this form, see ER 37-1-30; the proponent agency is CERM.

DATA REQUIRED BY THE PRIVACY ACT OF 1974

Authority Section 5542 of Title 5 and Section 3013 of Title 10, United States Code.

Principal Purpose Primary use is by management and your payroll office.

Routine Uses To approve and record your request for Overtime, Compensatory (Comp) Time, or Holiday Time.

Disclosure Disclosure of this information is voluntary, but failure to do so may delay or prevent action on the application.

INSTRUCTIONS

1. A separate request shall be prepared for each pay period in which overtime, comp time or holiday is worked. Comp time cannot be granted in-lieu of holiday worked.
2. Enter the employee's name, date work is to be performed, the number of hours to be worked, and check the applicable method of compensation.
3. Enter nature of duties and justification for overtime, comp time, or holiday hours and if leave is taken during the same week.
4. The requesting official will sign the request and submit to the appropriate authorizing official. If the authorizing official concurs, he/she will sign the form and return to the appropriate timekeeper.
5. Timekeeper willl retain as supporting documentation for the specific pay period.

1. PAY PERIOD END DATE	2. DATE PREPARED

3. THRU (*If applicable*)	4. TO (*Approving Officer*)	5. FROM

6a. EMPLOYEE'S NAME	6b. DATE WORK IS TO BE PERFORMED	6c. NUMBER OF HOURS REQUESTED	6d. METHOD OF COMPENSATION		
			OVERTIME	COMP TIME	HOLIDAY
			☐	☐	☐
			☐	☐	☐
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Note: Comp Time cannot be granted in-lieu of holiday worked.	6e. TOTAL HOURS:				

7. NATURE OF DUTIES AND JUSTIFICATION FOR OVERTIME, COMP TIME OR HOLIDAY (*Enter a short description of the work to be performed and the reason why it must be performed by overtime, comp time or on a holiday*). IF LEAVE IS TAKEN DURING THE SAME WEEK, PLEASE ENTER THE JUSTIFICATION.		
8a. TYPED NAME AND TITLE	8b. REQUESTED BY (*Signature*)	8c. DATE
9a. TYPED NAME AND TITLE	9b. AUTHORIZED BY (*Signature*)	9c. DATE
10. REMARKS		