

DR 690-1-550
CHANGE 1

DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT, CORPS OF ENGINEERS
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833

CELMS-HR-M

Regulation
No. 690-1-550

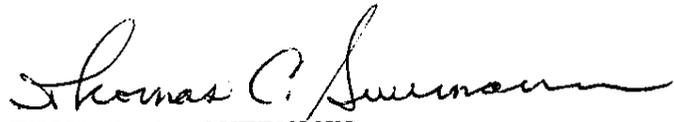
15 April 1994

CIVILIAN PERSONNEL
Overtime, Compensatory Time, and Holiday Service

(Supervisors should file this Regulation
in Section V of the Supervisor's Handbook.)

DR 690-1-550, 31 March 1988, is changed as follows:

1. Change paragraph "4.b." to read "Division/Office Chiefs may delegate approval of Overtime, Compensatory Time, and holiday Service requests."
2. File this Change in front of the publication for reference purposes.


THOMAS C. SUERMANN
COL, EN
Commanding

DISTRIBUTION:
All Supervisors
CELMV-IM-0 (2)
CELMS-IM-P (6)
CELMV-HR
CELMS-HR-M (5)
CELMS-HR-R (5)
All Timekeepers
AH

DR 690-1-550

DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT, CORPS OF ENGINEERS
210 TUCKER BLVD., NORTH
ST. LOUIS, MISSOURI 63101-1986

CELMS-PO-S

Regulation
No. 690-1-550

31 March 1988

Civilian Personnel
OVERTIME, COMPENSATORY TIME, AND HOLIDAY SERVICE

(Supervisors should file this Regulation under
Section V of the Supervisors Handbook.)

1. PURPOSE. This regulation prescribes policy, guidance, and control measures about overtime, compensatory time, and holiday service.
2. APPLICABILITY. This regulation is applicable to all organizational elements of the St. Louis District.
3. REFERENCE.
 - a. Engineer Regulation (ER) 690-1-600, Leave and Hours of Duty, 15 May 1985.
 - b. Lower Mississippi Valley Division (CELMV) Supplement to ER 690-1-600, Leave and Hours of Duty, 9 February 1987.
 - c. Letter, CELMV, 30 June 1987, subject: Overtime Entitlements.
 - d. Federal Personnel Manual (FPM) Supplement 990-2, Hours of Duty, Pay, and Leave, Book 550, Pay Administration, 26 September 1983.
 - e. Army Regulation (AR) 570-4, Manpower Management, 16 February 1987.
 - f. AR 37-105, Civilian Pay Procedures, 1 April 1983.
4. RESPONSIBILITIES.
 - a. Commander. The Commander will order and approve overtime in accordance with ER 690-1-600 and other applicable regulations and policies.
 - b. Approving Authorities. The Deputy Commander (CELMS-DD), the Executive Assistant (CELMS-DX), and Division/Office Chiefs will approve overtime, compensatory time, and holiday service in accordance with this policy. In the

This regulation supersedes DR 690-1-550, 15 September 1986.

DR 690-1-550
31 Mar 88

absence of a Division/Office Chief, an Acting Division/Office Chief (appointed in writing) may serve as an approving authority. This authority will not be redelegated.

c. Supervisors. First line supervisors will review overtime requests and ensure overtime work is necessary before submitting to approving authorities. The supervisor's signature on the Time and Attendance Report (ENG FORM 3897) constitutes certification that:

(1) All hours were reviewed for accuracy; and

(2) all overtime, compensatory time, and holiday hours were approved and worked according to this policy.

The supervisor will also document and maintain Request, Authorization, and Report of Overtime forms (DA FORM 5172-R) in accordance with paragraphs 10 and 12 of this regulation.

d. Employees. Employees will work all "ordered and approved" overtime.

e. Personnel Officer. The Personnel Officer interprets policies and regulations about entitlement of overtime, compensatory time, and holiday service. This is accomplished in accordance with the Federal Personnel Manual and directives from higher authority.

f. Comptroller. The Comptroller interprets all financial administration about overtime, compensatory time, and holiday service. This is accomplished in accordance with Civilian Pay Procedures outlined in reference 3f above.

5. POLICY. Overtime, compensatory time, and holiday services are restricted to the absolute minimum consistent with safety, economy, and efficient management. The above, in general, are utilized only in unusual, emergency, or special situations. Before establishing overtime schedules, supervisors will review regular 40 hour tours for rescheduling opportunities. Rescheduling the 40 hour tours of any or all employees involved may avoid the need for overtime. Further, supervisors will periodically review situations requiring regular or irregular overtime and will consider ways to reduce or discontinue the overtime. Such situations may include:

a. Preservation of health, welfare, and safety of personnel or protection of Government property.

b. Temporary peak work loads or seasonal requirements when overtime is more economical than hiring additional staff. Approving authorities will:

(1) Personally review high overtime usage situations;

DR 690-1-550
31 Mar 88

- (2) determine if other alternatives are practical; and
- (3) evaluate the overall sufficiency of approved justifications.

6. DEFINITIONS.

a. Regular Overtime. Regular overtime is overtime that is part of the employee's regularly scheduled administrative work week.

b. Irregular or Occasional Overtime. Irregular or occasional overtime is overtime that is not part of the employee's regularly scheduled administrative work week.

c. Administrative Work Week. An administrative work week consists of a period of seven consecutive days, scheduled in advance, within which an employee will work. It includes the basic work hours (i.e., from 0001 on Sunday through 2400 the following Saturday).

d. Regularly Scheduled Administrative Work Week. The regularly scheduled administrative work week consists of:

- (1) The basic work week (40 hours for full-time employees or less than 40 hours for part-time employees); plus

- (2) regular overtime work, if any, required of an employee.

e. Compensatory Time. Compensatory time is an alternate method of compensation to be used only for irregular or occasional overtime for GS/GM employees.

f. Call-Back Overtime. This is overtime which is unscheduled. It results either after completing a daily tour and employees have left the place of employment or a call-back on a scheduled nonwork day.

g. Travel Overtime. Travel overtime is overtime payable:

- (1) To nonexempt employees under the Fair Labor Standards Act (FLSA);

and

- (2) in rare exceptions, to exempt employees under the provisions of Title 5, U.S. Code of Federal Regulations.

h. Title 5. Title 5 is the law by which Office of Personnel Management (OPM) establishes rules and regulations for civilian employee pay administration. Under this law, overtime pay is 1-1/2 times the hourly rate or 1-1/2 times the hourly rate of GS-10, Step 1.

DR 690-1-550
31 Mar 88

i. Fair Labor Standards Act. The FLSA is the law governing entitlement to overtime for nonexempt employees. Under this law, overtime pay is based on the employee's regular pay for 40 hours worked and any nonovertime pay for night, Sunday, or holiday work.

j. Fair Labor Standards Act Nonexempt. These are employees covered under the FLSA provisions or under Title 5 (whichever provides the greater benefit). The law guarantees compensation to these employees for all work "ordered and approved" or "suffered and permitted". Nonexempt employees are identified by their occupied position. The time card also provides this identification.

k. "Suffer and Permit" Overtime. This is overtime that a supervisor allows rather than orders and approves. An example is where a nonexempt employee works during lunch or remains after normal work hours to finish a project or meet a suspense. The Government is liable for payment even if the supervisor told the employee "no", because the supervisor permitted the employee to do the work.

l. Fair Labor Standards Act Exempt. These are employees who are exempt from the provisions of the FLSA. Their overtime pay is determined under Title 5 only. These employees are identified by the positions they occupy. The time card also provides this identification.

7. ENTITLEMENTS.

a. Wage Grade Employees. Wage Grade employees are paid for any overtime work in excess of eight (8) hours in a day or 40 hours in a week. An FLSA "exempt" Wage Grade supervisor receives no overtime pay unless it is officially ordered and approved. Wage Grade employees will not receive compensatory time.

b. Exempt GS/GM Employees.

(1) Regular Overtime Hours. An employee must be paid for any work in excess of eight (8) hours in a day or 40 hours in a week. Compensatory time off is unauthorized for overtime that is part of the employee's regularly scheduled administrative work week.

(2) Irregular or Occasional Overtime Hours. An employee, GS-11 or below, may elect compensatory time. GS/GM-12 or above employees may be required to take compensatory time if they can expect to use it within the following 13 pay periods.

(3) Travel Overtime. Employee may elect overtime pay under Title 5 or compensatory time if travel results from an event which is not administratively controllable. Examples include training, meetings or events sponsored by private organizations, not for the Government's benefit, whereby exempt employee is ordered to attend. (See paragraph 8c for exceptions.)

DR 690-1-550
31 Mar 88

c. Nonexempt GS Employees.

(1) Regular Overtime Hours. An employee is paid for any work in excess of eight (8) hours in a day or 40 hours in a week. Compensatory time off is unauthorized for overtime that is part of the employee's regularly scheduled administrative work week. (See paragraph 7b(1) above.)

(2) Irregular or Occasional Overtime.

(a) An employee is paid overtime when he/she has a higher FLSA pay entitlement than is compensable under Title 5, such as when the following occurs:

- 1 Performs "suffered or permitted" overtime (not ordered and approved).
- 2 Performs official travel as a driver outside normal working hours.
- 3 Performs official overnight travel as a passenger on a nonwork day during hours that correspond to regular work day duty hours.
- 4 Attends training outside normal working hours that meets the definition of FLSA covered training time. This includes training required to retain current job or bring performance up to the fully satisfactory level.
- 5 Receives other pay which results in a higher regular rate of pay under the FLSA. Examples include any nonovertime pay for night, Sunday, or holiday work.

(b) An employee may elect compensatory time off (in lieu of paid overtime under Title 5) if:

- 1 The employee works in excess of eight (8) hours in a day, but not in excess of 40 hours in an administrative work week.
- 2 The employee has more time in pay status than in a work status. An example is when the employee takes compensatory time, paid leave, or a holiday off during the same work week.
- 3 The employee has no higher pay entitlement under the FLSA. (See paragraph 7c(2)(a)5 for

DR 690-1-550
31 Mar 88

situations when the employees have higher regular rate of pay and thus a greater overtime pay entitlement.)

8. EXCEPTIONS TO ENTITLEMENTS. Overtime entitlement will not be granted in situations:

a. Where employees are exempt and the overtime is not officially authorized by proper authority as "ordered and approved".

b. Where it results in a GS/GM employee receiving total compensation (including compensatory time) in excess of the GS-15, Step 10 pay during any given pay period. However, compensatory time is appropriate when taken during the same pay period earned as an offset.

c. Where employees are exempt for travel which can be controlled administratively. This includes travel resulting from training courses, meetings, or events sponsored by a Government agency for the benefit of Government employees. An exception to entitlement under this provision is shown below:

Example: Training centers throughout the country often schedule courses to start at the beginning of the work week, usually starting at 0900 daily. Attendance at training centers located away from an employee's duty station, therefore, usually requires an employee to travel outside of normal work hours. Since agencies conducting these training courses schedule the training hours, they (training courses) are events which are scheduled or controlled administratively. Therefore, an employee attending such courses will not receive entitlement for time in travel status whether employed by the training agency or another agency.

d. Where cumulative overtime hours exceed 250 hours or 20% of base pay for any Pay Year (PY) and no periodic Commander's review occurred. Exceptional circumstances for exceeding this limit include:

(1) Work load directly associated with emergencies such as floods, civil disturbances, and preventing imminent safety or health hazards.

(2) Completing a task by a specific date, as directed by higher headquarters, and the date cannot be extended.

(3) A nondeferrable work load which is beyond the control of the Commander.

Include appropriate justifications for exceptions to the above on DA FORM 5172-R (see APPENDIX A).

DR 690-1-550
31 Mar 88

9. APPROVALS.

a. Approving authorities are accountable for all overtime requests. These officials will ensure that overtime usage is minimized. Overtime approval should involve either mission essential situations or circumstances where the Government's cost advantage has the net effect of decreasing expenditures. (Refer to AR 570-4 for descriptions of mission essential situations.) Overtime requests not meeting these circumstances are unsupportable and, therefore, should be disapproved.

b. Before approving overtime requests, approving authorities will consider the policy provisions of paragraph 5 above and the minimum alternatives listed in AR 570-4, paragraph 5-5c.

c. Approving authorities will verify that DA FORMS 5172-R are accurate, complete, and timely and contain all applicable justifications. (Requirements are addressed in paragraphs 9 through 12 and APPENDIX A of this Regulation.)

d. Requests for overtime or holiday service are submitted to approving authorities before the overtime is worked for advance approval. However, exceptions are permitted in emergency situations which involve:

- (1) The preservation of health, welfare, and safety of personnel;
- (2) the protection of Government property and interest; or
- (3) the continuity of operations which may occur outside regular duty hours making advance overtime approval impracticable.

Confirm "after the fact" overtime by including on DA FORM 5172-R an explanation why the request was not made and approved in advance.

e. As a general rule, supervisors will not approve annual leave during the same work week that overtime is requested. The only exceptions are when deadlines or emergency situations exist. An example is where work must be completed by a specific time and, upon job completion, normal work and leave conditions are resumed. Justify all annual leave exceptions on DA FORM 5172-R in the appropriate block or, if after approval, in the "Remarks" section. To provide an audit trail, include an explanation also in the "Remarks" section of ENG FORM 3897, Time and Attendance Report. Attaching a Memorandum for Record to each appropriate form is an acceptable alternative to the above.

10. DOCUMENTATION OF OVERTIME, COMPENSATORY TIME, AND HOLIDAY WORK.

a. Use DA FORM 5172-R for all requests for overtime, compensatory time, and holiday work. Blanket requests or approvals are unauthorized. Submit a separate form for each pay period.

DR 690-1-550
31 Mar 88

b. Specific justification statements are required for all requests (see paragraphs 9 through 12 and APPENDIX A of this regulation). All requests will describe the alternatives to overtime considered. Also, explain why overtime is advantageous to the Government or how it satisfies mission essential needs (see AR 570-4, paragraph 5-5). If overtime actually worked exceeds or is significantly less than overtime approved, attach additional justification to the related DA FORM 5172-R.

c. Supervisors and overtime approving authorities will monitor employees' (including GS/GM 12 and above) compensatory balances and schedule usage to prevent overtime payment. ER 690-1-600, Leave and Hours of Duty, 15 May 1985, paragraph 5a(4) addresses unused compensatory time. It states that compensatory time, not taken within 13 pay periods from the one in which it was earned, automatically converts to paid overtime. By adequately monitoring all outstanding compensatory balances, supervisors and overtime approving authorities, in most instances, will avoid such payments.

Attach memoranda for record to or include explanations in the "Remarks" sections of related DA FORMS 5172-R and ENG FORMS 3897 to satisfy justification requirements after the overtime is approved.

d. Additional justification is required on DA FORM 5172-R if employee overtime worked is greater than 250 cumulative hours or 20% of base pay. (Refer to APPENDIX A.)

11. MONITORING OF OVERTIME. The Comptroller's Office will distribute a payroll generated report to approving officials to assist them in prudent overtime monitoring. Overtime approving authorities will ensure that:

a. Overtime is distributed fairly among all employees within the organization.

b. Overtime approved and paid for was in fact worked.

c. The cumulative overtime percent of base pay is within the established target.

d. Employees working overtime have not exceeded 250 overtime hours or 20% of base pay. If regular overtime is part of the employees' regularly scheduled administrative work week this requirement may be waived. An example of this type of situation would be Dredge related operations.

e. Employees in grades GS/GM 12 and above receive compensatory time instead of overtime, as practicable, for irregular or occasional overtime.

f. Justification/documentation developed supports the need for overtime or holiday service and for exceptions to the above.

DR 690-1-550
31 Mar 88

g. Overtime hours worked during a pay period agree with overtime hours recorded on the DA FORM 5172-R and ENG FORM 3897.

12. AUDIT CONTROL. Supervisors certifying DA FORMs 5172-R will maintain ENG FORM 3897 for the current year plus six (6) years. The above forms will be available for review by the Commander, the Internal Review Office (CEIMS-IR), the Inspector General (IG) and Command Inspection teams. Approving authorities will approve overtime requests only if the requests are mission essential or cost advantageous to the Government. Approving authorities will initiate a 100% review of situations and justifications for employees exceeding 250 hours or 20% of base pay. The above also applies to instances where the organization's cumulative overtime rate exceeds five (5%) percent of the base pay. Overtime performance will be addressed during monthly/quarterly Command Management Review briefings. Unless waived by the Commander, overtime approving authorities will be prepared to discuss unfavorable overtime conditions involving their organizations. Discussion topics may include the following:

a. The cause(s) for an organization's cumulative overtime rate exceeding five (5%) percent of base pay, and how the rate can be reduced to acceptable levels.

b. Identification of employees (and their overtime balance) who exceeded 250 hours of overtime worked or 20% of base pay since the last Command Management Review.

c. Reason(s) why overtime was required and could not be avoided.

d. Explanation of how the overtime worked was either mission essential or a cost advantage to the Government.

e. Reason(s) why employees with large cumulative overtime balances were used instead of other employees with fewer cumulative overtime hours worked.

f. Identification of results achieved or goals met due to the worked overtime.

g. Expected amount(s) of additional overtime these employees will work during the remainder of the year and why.

DR 690-1-550
31 Mar 88

13. COLLECTIVE BARGAINING AGREEMENTS. Any provision(s) of this regulation in conflict with collective bargaining agreements, negotiated with labor unions representing employees of this District, will be superseded by those agreements unless such provision(s) of this regulation and its enforcement is required by law, regulation, published policy, or directive of appropriate authority.

APPENDIX:
A - REQUEST, AUTHORIZATION, AND
REPORT OF OVERTIME


DANIEL M. WILSON
COL, CE
Commanding

DISTRIBUTION:
All Supervisors
CELMV-PO (2)
CELMV-IM-SO (2)
CELMS-IM-SL (2)
CELMS-PO-S (25)
AH

REQUEST, AUTHORIZATION, AND REPORT OF OVERTIME For use of this form, see AR 37-106; the proponent agency is USAFAC.			PAY PERIOD ENDING DATE	DATE PREPARED					
THRU (If applicable)	TO (Approving Officer)	FROM (Office or Division, Branch, Section, Unit or Separate Activity)							
INSTRUCTIONS									
<p>1. A separate request for overtime shall be prepared in an original and two copies for each pay period in which overtime is to be worked. One copy will be retained until the approved/disapproved copy is returned.</p> <p>2. Enter the name of employees, social security number, grade and step, date work is to be performed, the clock hours of duty, number of overtime hours to be worked by each employee.</p> <p>3. The requesting official shall sign the request and submit to the appropriate authorizing official. If the authorizing official concurs he/she shall sign the form and return a copy to the requesting office. The original will be forwarded to the Civilian Payroll Office.</p>									
<i>Authority is hereby requested for the performance of the overtime described below which is beyond the regularly established 8-hour day or 40-hour week.</i>									
SOCIAL SECURITY NUMBER	EMPLOYEE NAME	GRADE/STEP	DATE WORK IS TO BE PERFORMED	CLOCK HOURS OF DUTY	NUMBER OF HOURS REQUESTED	METHOD OF COMPENSATION			
						Overtime	Holiday	Compensatory Time	
<p>*NOTE: (Employees occupying wage grade positions may not be granted compensatory time, except for employees working alternate work schedules.) (Compensatory time cannot be granted for holiday work.)</p>						TOTAL HOURS			

SAMPLE

DK 070-1-330

APPENDIX A

31 Mar 88

NATURE OF DUTIES AND JUSTIFICATION FOR OVERTIME (Enter a short description of the work to be performed and the reason why it must be performed by overtime)

1. Employee is GS/GM 12 or above. NO YES (if YES, complete the following).
 - a. Compt time/credit hours are requested YES NO (if NO, need statement that compt time was considered and specific reason for exception)

2. Cumulative hours exceed 250 for this individual to work more than 45 hours in one year. Ensure equitable distribution among all employees. NO YES (if YES, justify need)

3. Overtime request is submitted after the fact. NO YES (if YES, explain why).

4. Employee has scheduled/plans to take annual leave during week that overtime is to be performed. NO YES (if YES, explain why annual leave cannot be deferred in order to accomplish task(s) during normal duty hours).

5. Explain why overtime is required, what will be accomplished and why it cannot be accomplished during normal duty hours.

SAMPLE

TYPED NAME AND TITLE	REQUESTED BY (Signature)	DATE
TYPED NAME AND TITLE	AUTHORIZED BY (Signature)	DATE

REMARKS

SAMPLE