

PART 480 - POLICY ON OVERTIME AND/OR COMPENSATORY TIME

SUBPART A - POLICY

480.2(c)

480.0 Public Law 95-390, Flexible and Compressed Work Schedules

Under provisions of Public Law 95-390, overtime work is considered to be work performed in excess of the daily work schedule requirement or in excess of 80 hours in a biweekly pay period. An 80-hour pay period factor will be used instead of the 40-hour per week factor in computing overtime under FLSA and Title 5.

480.1 Title 5 - U. S. Code

Title 5 provides for entitlement to overtime pay or compensatory time off for all employees for work in excess of eight (8) hours per day. An exception to this is employees working on a compressed work schedule.

480.2 Public Law 93-259, The Fair Labor Standards Act (FLSA)

(a) The FLSA introduced a concept regarding overtime compensation for all work which any supervisor causes or permits to be performed in excess of 40 hours per week. Covered (non-exempt) employees who work "overtime" will receive payment for such services. Covered employees include the following:

- All employees GS-1 through GS-4
- All Secretaries
- All Clerk-Typists
- All technicians and inspectors (SCT, CET, CI)

(b) The following positions are exempt from coverage under FLSA and are therefore covered under Title 5 - U. S. Code:

- GS-5 student trainees
- GS-5 and above professional employees
- GS-7 and above positions on the Administrative Staff

(c) GS-5 and GS-6 positions such as the following are reviewed on an individual basis to determine whether they "spend 80 percent or more of the worktime in a representative workweek on administrative functions and work that is an essential part of those functions" (If they meet the 80 percent criteria, they are exempt from coverage under FLSA):

- Personnel Clerk/Assistant
- Accounting Technician
- Financial Clerk/Assistant

- Procurement Clerk/Assistant
- Purchasing Agent
- Administrative Assistant

PART 480 - Policy on Overtime and/or Compensatory Time

480.3 General Policy on Time of Holding Meetings

SCS program responsibilities require that many employees attend in-Service, other governmental, and local meetings for official purposes.

It is the policy to hold federal meetings during regular duty hours. To the extent practicable, meetings are to be scheduled to begin and end at a time that will permit travel within the established duty hours.

Non-federal organizations with which SCS have working relations should be encouraged to schedule their meetings to minimize travel and official SCS participation outside of regular hours.

480.4 Policy for Traveling to and from Meetings

(a) Travel time to or from a federally controlled meeting does not qualify for overtime or compensatory time under Title 5.

(b) Travel time during non-duty hours to a non-federal meeting is compensable under Title 5 if:

(1) The employees cannot travel to the meeting during regular hours because of required attendance at a non-federal meeting during regular hours, or

(2) The employee was not able to travel during regular hours because of late notification of the meeting.

(c) Travel time during non-duty hours returning from a non-federal meeting is compensable under Title 5, if:

(1) The employee's presence at his or her official station is required early on the following morning because of a non-federal commitment, or

(2) Lodging and other necessary subsistence facilities are not available at the location of the non-federal meeting.

(d) Any employee not covered under provisions of the FLSA may voluntarily travel outside his/her regular duty hours in going to and from meetings or any work assignments. An employee may, nevertheless, be ordered to perform the travel even though the time in travel is not

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480.4(e)

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compensable. However, the official ordering the travel must record the reasons for doing so and must, upon request, furnish a copy of the reasons to the employee concerned.

(e) Travel time to or from a meeting that occurs during the normal working hours but on a non-work day is compensable as overtime for employees covered by FLSA. This can be to a federal or non-federal meeting.

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