

DEPARTMENT OF THE ARMY
Omaha District, Corps of Engineers
6014 U.S. Post Office and Courthouse
Omaha, Nebraska 68102

DR 690-1-6

MROPO-E

Regulation
No. 690-1-6

3 December 1979

Civilian Personnel
OVERTIME

1. Purpose. This regulation implements Department of the Army, Corps of Engineers and Office of Personnel Management policies on overtime.
2. Applicability. This regulation applies to all civilian employees of the Omaha District and serviced organizations.
3. References.
 - a. FPM Chapter 550, Subchapter 1-3.
 - b. FPM Supplement 990-2, Book 500, Subchapter 1.
 - c. FPM Letter 550-1 thru 11.
 - d. CPR 990-2, Book 550-51, Book 610, S1-4h.
 - e. ER 690-1-600.
 - f. ER 690-1-550.
 - g. DR 690-1-3.
 - h. DR 690-1-707.
4. Delegation of Authority. The Department of the Army has delegated the authority to order or approve overtime to the Commander of any activity which employs civilians.
 - a. The term Commander, as used in this regulation, refers to the Missouri River Division Engineer, the Omaha District Engineer, and Commanders of serviced organizations. These Commanders are also authorized to designate other officials to act for them in ordering and approving overtime.
 - b. Under this authority the following officials are empowered to determine that unusual emergency conditions exist, as defined in paragraph 9b and 9c, and to authorize irregular or occasional overtime and holiday work:
 - (1) For the Missouri River Division the Chiefs of all Divisions and Separate Offices.

This Regulation supersedes DR 690-1-703, dated 29 July 1971; and MRD-M 690-1-12, dated 29 January 1973.

2/12

3 Dec 79

(2) For the Omaha District the Area and Resident Engineers, Project Engineers and Project Managers who report directly to the Omaha District Engineer; Chiefs of Staff Elements, Power Plant Superintendents, and other operating officials specifically designated by the District Engineer. A listing of such designees will be furnished on a Disposition Form by the offices concerned to the Organizational Payroll Liaison clerks and a copy to the Chief of Finance and Accounting.

(3) Commanders of Serviced Activities or their designees.

5. Policy.

a. Overtime will be curtailed to maximum extent possible.

b. Supervisors and managers will plan and phase their work and schedule staffing requirements as far in advance as possible to minimize the need for overtime work.

c. Overtime work must be officially approved and actually performed by employees before compensation can be awarded.

d. Systematic review procedures will be established to insure that all overtime work reported is actually performed.

e. Commanders/Deputy will personally authorize any paid overtime in excess of 250 hours per leave year or 20 percent of base pay of any employee.

f. When employees are under any experimental alternate work schedule, work in excess of 8 hours a day or 40 hrs. in an administrative work week is not considered overtime. Overtime will be paid only if the employee is officially directed to perform overtime within the alternate work schedule.

6. Computation of Overtime. The minimum time figure used in paying for all categories of overtime work is 15 minutes. When smaller amounts of overtime are worked, the time can be accumulated on a workweek basis. Any remaining time which is 14 minutes or less will be dropped.

7. Definitions. The criteria for what constitutes overtime is as follows:

a. Under Title 5 of the U.S. Code, overtime is work performed in excess of eight hours in a day tour of duty or in excess of 40 hours in an administrative work week, including hours of work during TDY Travel. However, hours of work in excess of 8 hours in a day are not included in computing hours which are in excess of 40 hours in an administrative work week.

3 Dec 79

b. Under the Fair Labor Standards Act (FLSA), overtime is work performed after 40 hours of actual work has been accomplished in an administrative work week, including hours worked during TDY. Excused absences with pay such as holidays, sick, annual, or other paid leave are not periods of work even though the employee is compensated for these periods of non-work.

8. Categories of Overtime. These are four types of overtime:

a. Regular Scheduled Overtime. This is work in excess of the 40 hour basic tour of duty which an employee is required to perform on a regular basis, or which is scheduled to recur on successive days or after specific intervals.

b. Irregular or Occasional Overtime. This is work in excess of an employee's regular scheduled hours of duty, including the regular scheduled overtime, if any, which is required intermittently or for brief periods of unscheduled time to meet specific work situations.

c. Call-back Overtime. This is overtime when it becomes necessary during emergencies or unscheduled administrative requirements which may occur outside the normal work hours. When an employee leaves the work place after completing a regular work day or on a non-work day and is called back to duty, the minimum overtime payable is two hours regardless of the time actually worked. The exceptions to this 2-hour rule are Wage Grade employees quartered aboard floating plants or who are provided living quarters in close proximity to the duty station. Overtime is credited for the time actually worked and paid at the appropriate rate.

d. On-call Overtime. This is overtime when an employee provides services by telephone during weekends or other off-duty time, including non-work days. The employee will keep a log of the actual time spent providing the service and submit it to the supervisor for approval prior to being posted on the T & A card. Regardless of duration of the call, the time will be accumulated and paid for as stated in paragraph 6. However, in the event of an actual call back to duty the provisions of paragraph 8c apply.

e. Restrictions of On-call Overtime. When it is anticipated that an employee designated by the Commander will be placed on an On-call basis, the employee will be advised as early as possible in advance. When two or more employees are involved in the same office or project, they should be placed on a rotating basis. The freedom of movement of employees will not be unduly restricted. Ordinarily, employees should be required only to leave word where they may be reached. The designation of employees to be available for On-call cannot, in itself, serve as a basis for additional compensation.

9. Use of Overtime. The following criteria govern the use of overtime:

a. Regularly Scheduled Overtime tours may not be established without the prior approval of the Commander. After approval by the Commander, the officials designated in paragraph 4b can authenticate overtime documents.

b. Irregular or Occasional Overtime is currently restricted to that required by an "unusual emergency." As defined by the Department of the Army, an "unusual emergency" refers to unforeseeable situations involving preservation of health, welfare, and safety of personnel, or protection of Government property; temporary peak workloads or seasonal requirements when overtime is more economical than hiring additional staff; or unique operating requirements when overtime is more economical than demurrage or other charges. The officials designated in paragraph 4b are empowered to order and approve overtime for these unusual emergency conditions. A list of guidelines for ascertaining some of these unusual emergencies is contained in Appendix A.

c. Call-back Overtime. A requirement may arise for the services of personnel dealing with emergencies or administrative requirements which may occur outside the normal workhours of an activity. The officials designated in paragraph 4b are empowered to order and approve call-back overtime.

d. On-call Overtime. When the nature of operations is such that it may be necessary at any time to call back employees for dealing with emergency or administrative requirements which may occur outside normal working hours, Commanders/Deputies may designate employees to be placed in an on-call status during weekends or other off-duty time. Prior approval of the Commander/Deputy is required in establishing anticipated or actual need for placing employees in an on-call basis.

10. Documentation of Overtime. The following provisions govern documentation of overtime and holiday work:

a. The use of overtime will be documented on ENG Form 1663, entitled Overtime Request and Authorization.

b. Specific justification statements on ENG Form 1663 are required and overtime will be approved prior to being worked or as soon as possible thereafter when prior approval could not be obtained. Where possible, overtime requests should quantify the work to be accomplished on overtime and an attempt be made to ascertain how much was accomplished through the use of overtime.

c. All approvals on the ENG Form 1663 must bear the signature of an official designated in paragraph 4a & b, or in his/her absence, the signature of the employee empowered to act for that official during his or her absence.

d. The certification of the supervisor on the Time and Attendance Report will satisfy the requirement of the Central Payroll Office that the overtime and/or holiday work was authorized and worked in accordance with regulations.

e. The ENG Form 4091 will be used when overtime was worked Friday night or Saturday after submission of T&A's to the Central Payroll Office. Also, the actual time worked by Wage Grade employees as outlined in paragraph 8c.

f. All ENG Forms supporting overtime will be retained by the Organizational Payroll Liaison Clerk.

g. Whenever a request for overtime (ENG Form 1633) is submitted to the Executive Office for approval, the following procedures will apply:

(1) In those situations when an employee GS-12 and above requests paid overtime in lieu of compensatory time, the overtime request will include the number of use or lose hours of annual leave.

(2) All overtime requests for those employees who have worked more than 250 hours of overtime in a leave year must be approved by the Commander/Deputy. In these situations the overtime request (ENG Form 1663) must include the total number of overtime hours worked during the leave year by that individual(s).

11. Compensatory Time. The following guidelines govern the use of compensatory time off in lieu of overtime pay.

a. Compatability of Time. Compensatory time off, when authorized and appropriate, will be substituted at the minimum rate of 15 minutes compensatory time off for each quarter hour spent in overtime work.

b. Conditions Prohibiting Compensatory Time. The following criteria apply:

(1) All Wage Grade employees, whether exempt or nonexempt under the Fair Labor Standard Act (FLSA) are not entitled to use compensatory time off. They must be paid unless the provisions of paragraph 11c(4) apply.

(2) A General Schedule (GS) employee, who is in a nonexempt status, and earns overtime pay in a given work week solely under FLSA must be paid for the overtime work. No compensatory time off is allowed.

3 Dec 79

(3) Employees who earn overtime pay in a regularly scheduled overtime work schedule, as defined in paragraph 8a, must be paid. Compensatory time off in lieu of overtime pay is not allowed in current regulations for regularly scheduled overtime.

(4) When overtime pay entitlement in a given work week is greater under FLSA than Title 5, the employee must be paid regardless.

(5) Compensatory time cannot be allowed for work performed on a holiday.

c. Permitting Compensatory Time. The following situations are relative to granting the use of compensatory time.

(1) Compensatory time in lieu of paid overtime will be encouraged. Before requesting approval of paid overtime, supervisors will insure that such payment cannot be avoided by using personnel who are willing to take compensatory time.

(2) Employees in grades GS-12 and above will be required to accept compensatory time and the use of compensatory time will be carefully monitored to restrict payment of overtime. Any exception to this requirement will necessitate approval of the Commander/Deputy.

(3) All exempt GS employees have entitlement to overtime only under Title 5. Title 5 authorizes the substitution of compensatory time for overtime worked.

(4) Compensatory Time off for Religious Observances is authorized by title IV of Public Law 95-390, enacted September 29, 1978. Both Wage Grade and General Schedule employees can request compensatory time off when their religious beliefs require that they abstain from work during certain periods of the workday or workweek. The employee may work such compensatory overtime before or after the grant of compensatory time off. The grant of advanced compensatory time off will be repaid by an equal amount of compensatory overtime work within a reasonable time but not later than the end of the 4th pay period. Compensatory overtime shall be credited to an employee equal to the overtime worked but not less than the minimum 15-minute limitation. Appropriate records will be kept of compensatory overtime earned and used. Compensatory overtime work for meeting these religious requirements does not entitle the employee to overtime pay or premium pay. District offices shall make every effort to accommodate an employee's request to work compensatory overtime. If no productive overtime is available to be worked as initially requested or suggested by the employee, alternative times should be arranged. Requests for compensatory time off and compensatory overtime may be disapproved if such modification in the work schedules interfere with the efficient accomplishment of the mission of the organization.

3 Dec 79

12. Time Limitations in Using Compensatory Time. The following provisions govern time limitations when granting authorized compensatory time.

a. All compensatory time must be taken only during the basic 40-hour work week, and definite time schedule for taking compensatory time should be established, whenever practicable.

b. Compensatory time off must be scheduled by the supervisor and granted within a reasonable period of time after the overtime work was performed. Ordinarily, this means during the same pay period. When circumstances are otherwise, the compensatory time off period must be taken before the end of the 13th pay period from the one in which it is earned.

c. Employees who cannot be permitted to take compensatory time off within the prescribed 13th pay period will be paid for such time based on the rate in effect at the time the overtime was actually worked. Conversion of earned compensatory time to paid overtime prior to the automatic conversion will be documented on ENG Form 1663.

13. Compensatory Time and Annual Leave. The following conditions apply:

a. Earned Compensatory time must be taken before the use of annual leave is approved unless the denial of annual leave would result in the forfeiture of annual leave.

b. Supervisors of GS-12 and above employees are responsible for carefully monitoring the Leave Record (ENG Form 3695) to preclude earned compensatory time from converting to paid overtime before or as a result of the automatic conversion period after 13 pay periods.

14. Limitations on Compensation.

a. An exempt General Schedule employee whose rate of basic compensation is less than the maximum scheduled rate for grade GS-15 (see the Salary Tables for Labor Distributions published by the F&A Branch) may receive premium pay (i.e. overtime, night, holiday) only to the extent that the totals of his/her base pay plus all such premium pay for any one pay period does not exceed the maximum scheduled rate of grade GS-15 for that pay period. This limitation applies only to the earnings for one pay period and does not include lump sum leave payments and adjustments pertaining to other pay periods.

b. Compensatory time may be granted only to the extent where if compensated at overtime rates, the amount of total compensation for any one pay period would not exceed the maximum scheduled rate of grade GS-15 for that pay period. Lump sum leave payments and adjustments pertaining to other pay periods will not be counted in the limitation.

3 Dec 79

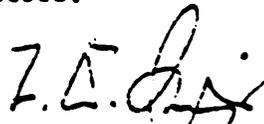
c. When a nonexempt General Schedule employee or a Wage Grade employee is entitled to overtime pay under Title 5 and FLSA, the employee is entitled to the one that provides the greater benefit. If because of the maximum earnings limitation the pay would be greater under FLSA, then the overtime pay will be based on the FLSA rate. Under no circumstances will the maximum limitation provision limit a nonexempt employee's entitlement under FLSA.

15. Use of Leave and Overtime. The following govern the relationship between leave and overtime:

a. Annual leave or Leave Without Pay should not be scheduled or approved during the same pay period in which it is known or personally expected that an employee will have to work overtime to complete assignments which are part of his/her normal duties.

b. When an employee has taken Annual Leave or was in a Leave Without Pay status but is later required to perform overtime work that was unanticipated or required to meet an unexpected deadline during the same pay period, the authorization of overtime work is permitted.

c. When situations occur where granting of annual leave or leave without pay is due to unforeseen circumstances causing overtime or affecting an employee, the supervisor will exercise judgement in balancing the relationship between the two factors.



V. D. STIMP
Colonel, Corps of Engineers
District Engineer

DISTRIBUTION:

- A
- B
- E
- MRD-B

APPENDIX A

The situations and conditions described below are to be used as guidelines in interpreting an unusual emergency as defined in Paragraph 9b of the basic DR 690-1-6.

a. To insure proper inspection of contract construction work or construction materials due to the fact that contractors or manufacturers are working in excess of 8 hours per day or 40 hours per week where it can be definitely established that use of overtime is the most economical course of action for the Government to take (as opposed to possible split shifts, double shifts, or other internal procedures).

b. To insure preparation, reproduction, and distribution of plans, specifications, and addenda, and the preparation of abstracts of bids within established deadlines where it can be definitely established that use of overtime is the most economical course of action for the Government to take within time limitations.

c. To insure preparation and completion of contract modifications in a timely manner, where it can be definitely established that the use of overtime is the most economical course of action.

d. To provide required minimum staffing of the District Office and subordinate field installations on weekends and holidays where a clear need exists and full justification therefore is evident.

e. To insure submission of essential reports by prescribed deadline dates where it can be definitely established that use of overtime is the most economical course of action for the Government to take within time limitations.

f. To insure proper operation and/or maintenance of flood control structures, hydroelectric power plants and Government-owned housing where the situation is such to warrant truly emergency action in order to preserve life; protect property from imminent damage; or to provide continuity of utility services.

g. To maintain navigation aids and an adequate channel for navigation on the Missouri River where time limitations imposed by imminent arrival of tows, or other traffic, make overtime work necessary.

h. To insure the physical security of Government-owned plant and property and to cope with disaster situations such as floods, fires or tornadoes, where it can be definitely established that the use of overtime represents the most economical course of action the Government can take (as opposed to double shifts, split shifts, etc).

DR 690-1-6
APP A
3 Dec 79

i. To insure prompt restoration to operating condition of disabled construction equipment when emergency repairs are necessary to avoid delay in construction or maintenance operations.

j. To insure the timely acquisition of real estate interests required to support established survey, exploration, and construction schedules.

k. To provide assistance requested by the U.S. Department of Justice in the preparation and trial of condemnation and other cases involving real estate.

l. To provide chauffeur services when the need exists and full justification therefore, is evident.

m. To insure issuance of pay checks by Central Payroll Office on the scheduled dates.

n. To reduce the duration of the normally scheduled outage time of a hydroelectric generating unit (Operations Division only).

o. To provide compensation for "hours of work" while in TDY travel status, outside an employee's regularly scheduled workweek as prescribed in DR 690-1-3.

p. To provide flexibility in hydro power operations when it is more economical in the sense of power revenues versus overtime costs to use overtime in order to earn significantly larger revenues or to reduce loss of revenues during routine maintenance outages.