



Personnel

**WORK SCHEDULES, OVERTIME, COMPENSATORY TIME, CREDIT HOURS, AND
COMPENSATORY TIME OFF FOR TRAVEL**

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This instruction provides the policies and procedures for implementing Title 5 United States Code, Part III, Subpart E, Chapter 61 *Hours of Work*, 5 Code of Federal Regulations Part 610, *Hours of Duty*, Air Force Instruction (AFI) 36-802, *Pay Setting*, and AFI 36-807, *Weekly and Daily Scheduling of Work and Holiday Observances*. This instruction sets forth provisions and requirements for establishing and recording federal civilian employees' work schedules and for scheduling, recording, and compensating employees for time worked in excess of the normally scheduled administrative workweek and provisions for compensatory time off for travel. It is applicable to federal civilian personnel assigned to USTRANSCOM at Scott Air Force Base, IL. Air Force Form 428, *Request for Overtime, Holiday Premium Pay, and Compensatory Time*, collects Privacy Act Information, see AFI 36-807 for prescribing information. Refer recommended changes and questions about this instruction to the office of primary responsibility using Air Force Form 847, *Recommendation for Change of Publication*. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with USTRANSCOM Instruction 33-32, *USTRANSCOM Records Management Program*.

1. References and Supporting Information. References, related publications, abbreviations, acronyms, and terms used in this instruction are listed in Attachment 1.

2. Work Schedules. The basic work schedule for USTRANSCOM Air Force federal civilian employees is 0730 to 1630 with a one-hour lunch. However, civilian employees may work other schedules with supervisor's approval (i.e., 0730 to 1600 with a half-hour lunch).

2.1. With supervisor's approval, civilian employees may work any of the following work schedules:

2.1.1. Flexible Work Schedule (Flexi-tour). Employee works ten, eight-hour days (excluding lunch) each pay period. Employee must select a fixed arrival time between 0600 and 0830 and a fixed departure time. Once arrival/departure is selected it may not be varied from day-to-day (e.g., employee selects to work 0645 to 1545 on Monday through Friday with a one-hour lunch). Employee may earn credit hours with supervisor's approval.

2.1.2. 4/4/9 Flexible Work Schedule. Employee works eight, nine-hour days (excluding lunch) and two, four-hour days each pay period. Employee selects a fixed arrival time between 0600 and 0830 and a fixed departure time. Once arrival/departure is selected it may not be varied from day-to-day. Employee may earn credit hours with supervisor's approval.

2.1.3. 5/4/9 Compressed Work Schedule. Employee works eight, nine-hour days (excluding lunch); one, eight-hour day (excluding lunch) and selects one scheduled day off (SDO) each pay period. SDO is defined as having the same day off each pay period. The SDO does not necessarily have to be on a Monday or Friday, it can be any day during the workweek that is approved by the supervisor. Employee is not entitled to earn credit hours.

2.1.4. 4/10 Compressed Work Schedule. Employee works eight, ten-hour days (excluding lunch) with two SDOs each pay period. SDO is defined as having the same days off each pay period. The SDOs do not necessarily have to be on a Monday or Friday, it can be any day during the workweek that is approved by the supervisor. Employee is not entitled to earn credit hours.

2.2. Lunch periods must be a minimum of 30 minutes, but not more than 60 minutes and will be identified and approved on USTRANSCOM Form 28, Workweek/Physical Fitness/Credit Hours Request (Attachment 2). A lunch period will not be taken at the beginning or end of the employee's workday to offset a late arrival or early departure.

2.3. Work schedule changes must be completed on the Workweek/Physical Fitness/Credit Hours Requests (Attachment 2) and approved by the supervisor at least five days prior to the start of the requested pay period.

3. Overtime. Civilian employees required to perform overtime work must be paid or granted compensatory time off in accordance with governing regulations and the Collective Bargaining Agreement. Overtime is hours of work that is directed by management and is performed in excess of the employee's regularly scheduled work hours or workweek. An AF Form 428, *Request for Overtime, Holiday Premium Pay, and Compensatory Time* (Attachment 4), must be completed and overtime funds approved in advance of overtime work being performed.

3.1. The Federal Labor Standards Act (FLSA). The FLSA provides statutory entitlement to overtime pay under certain conditions for a specific category of employee. The FLSA applies to some employees, but not all. Employees excluded from FLSA coverage are called "Exempt." Employees who are covered by the FLSA are called "Non-exempt." The FLSA status of an employee is located on the front page of the employee's AF Form 1003, *Air Force Core Personnel Document*, or on the Standard Form 50, *Notification of Personnel Action*, in block 35. The following are basic overtime requirements in accordance with FLSA status:

3.1.1. Non-exempt Employees: The overtime payment for a non-exempt employee is computed at 1½ times the hourly rate of their basic pay (includes locality pay). A non-exempt employee must receive overtime pay unless they agree in advance to accept compensatory time off in lieu of overtime pay.

3.1.2. Exempt Employees: The rate of overtime pay for an exempt employee varies based on their existing salary. The hourly overtime rate for an employee with a salary equal to or less than a GS-10, step 1, is 1½ times their hourly rate of basic pay (includes locality pay). For employees with a salary greater than a GS-10, step 1, the overtime rate is the greater of –

- (1) the hourly rate of basic pay for GS-10, step 1, multiplied by 1½ ; or,
- (2) the employee's hourly rate of basic pay.

An exempt employee whose basic rate of pay is above the rate for GS-10, Step 10, may be required to receive compensatory time off in lieu of overtime pay.

3.1.3. Suffer and Permit. The FLSA contains language commonly referred to as the suffer and permit provision which provides additional overtime entitlements to non-exempt employees. Under suffer and permit, a non-exempt employee may become entitled to overtime payment if they work outside of their established work schedule (before or after the normal workday and/or during the lunch period). It does not matter if the non-exempt employee was directed to work overtime. If the work performed benefits the organization and the supervisor knew work was being performed, then the suffer and permit provision applies and the non-exempt employee is entitled to overtime compensation accordingly. A supervisor must actively assure non-exempt employees refrain from working unscheduled hours unless directed and approved in advance. The suffer and permit provision does not apply to exempt employees. As such, an exempt employee who works overtime hours without being directed by management has no statutory entitlement to overtime pay or compensatory time.

3.1.4. Biweekly and Annual Pay Caps. Title 5 U.S.C. 5547(a) and 5 Code of Federal Regulations 550.105 places limitations on the amount of overtime pay some higher-graded employees may receive. The caps apply to GS employees whose normal salary, coupled with overtime payments, would cause their bi-weekly paycheck or total annual income to exceed that of a GS-15, step 10 or Level V of the Executive Schedule. A waiver of the biweekly cap may be approved in certain emergency or mission critical situations. The annual pay cap may only be waived for positions located in the United States Central Command or United States Africa Command area of responsibility. Supervisors should contact USTRANSCOM Civilian Personnel (TCJ1-C) for specific instructions regarding waivers.

4. Compensatory Time Off allows an employee time off in lieu of receiving overtime pay for excess hours of work. An AF Form 428 must be completed and overtime funds must be approved in advance. Compensatory time off not used within 26 pay periods will convert to overtime pay at the rate in effect when earned.

4.1. Supervisors may require compensatory time off in lieu of overtime pay for overtime performed by an exempt employee, but only for an exempt employee whose rate of basic pay is above the rate for GS-10, Step 10. Supervisors may approve compensatory time off in lieu of overtime pay for work performed by a FLSA non-exempt and Wage Grade employee only at the employee's request or voluntary agreement.

4.2. Employees must use compensatory time off prior to the use of annual leave, except when annual leave would be forfeited. Supervisors will make every effort to schedule use-or-lose annual leave to prohibit compensatory time from being converted to overtime pay.

5. Credit hours are another way to compensate employees who work hours in excess of the basic pay period requirement (e.g., 40 hours a week or 80 hours per pay period for full-time employees).

5.1. An employee on an eligible work schedule (i.e., flexi-tour or 4/4/9 flexible work schedule) may elect to work credit hours with supervisory approval. Employees on Compressed Work Schedules (CWS) and members of the Senior Executive Service are not permitted to earn credit hours.

5.2. To earn credit hours an employee must complete and submit a USTRANSCOM Form 28, *Workweek/Physical Fitness Request and Credit Hours Request*, (Attachment 2) for approval by their supervisor. An AF Form 428 is not required.

5.3. Credit hours earned and taken must be recorded on the employee's timecard and timekeeping system. Credit hours are earned or taken in the minimum of fifteen minute durations.

5.4. An employee must request and receive approval to use earned credit hours by completing the Office of Personnel and Management (OPM) Form 71, *Request for Leave or Approved Absence*. Credit hours may not be approved for use before hours are earned.

5.5. Full-time employee may only carry a maximum of 24 credit hours to the next pay period. Part-time employee may only carry one-fourth of the hours of their established bi-weekly work hours to the next pay period.

6. Compensatory Time Off for Travel is an alternative for employees to earn compensatory time off for time spent outside of regular working hours in an official travel status. Travel status normally includes only the time actually spent traveling between the official duty station and a temporary duty station, between two temporary duty stations, or the usual waiting time preceding or interrupting such travel. An extended waiting period during which the employee is free to rest, sleep, or otherwise use the time for their own purposes is not considered time in a travel status.

6.1. USTRANSCOM employee's travel time outside of regular working hours between employee's home and temporary duty station or transportation terminal outside the limits of their official duty station is considered creditable travel time. However, employee must deduct the employee's normal home-to-work/work-to-home commuting time from the creditable travel time. Travel outside of regular working hours between a worksite and transportation terminal is creditable travel time and no commuting time offset applies. 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.

6.2. Within five workdays after returning from official travel, the employee must submit written documentation of the time spent outside of regular work hours in an official travel status, including any meal periods, to their supervisor for approval in order to request and earn compensatory time off for travel.

6.3. An employee must request and receive approval from a supervisor to use compensatory time off for travel through a submission of an OPM Form 71, *Request for Leave or Approved Absence*.

6.4. Compensatory time off for travel must be used within 26 pay periods after the pay period in which it is credited, or be forfeited. An employee will forfeit all unused compensatory time off for travel upon separation from federal service or transfer to another federal agency outside of Air Force.

7. All hours of work to include overtime pay, compensatory time, credit hours, and compensatory time for travel must be recorded on the employee's timecard in the timekeeping system to the nearest quarter of an hour.

8. Supervisors should contact TCJ1-C for additional guidance regarding unusual or complex situations in regards to hours of work, overtime, compensatory time off, credit hours and compensatory time off for travel.

9. Prescribed Form: USTRANSCOM Form 28, *Workweek/Physical Fitness Request and Credit Hours Request*

10. Adopted Forms:

10.1. OPM Form 71, *Request for Leave or Approved Absence*

10.2. AF Form 428, *Request for Overtime, Holiday Premium Pay, and Compensatory Time*

SHAWNA E. O'BRIEN
Colonel, USAF
Director, Manpower and Personnel

Attachment 1**GLOSSARY OF REFERENCES, ABBREVIATIONS, ACRONYMS, AND TERMS****Section A – References**

Title 5 United States Code, Part III, Subpart E, Chapter 61 *Hours of Work*

5 Code of Federal Regulations Part 610, *Hours of Duty*

Air Force Instruction (AFI) 36-802, *Pay Setting*

AFI 36-807, *Weekly and Daily Scheduling of Work and Holiday Observances*

Collective Bargaining Agreement between Commander, 375th Airlift Wing (AMC), Scott Air Force Base, and National Association of Government Employees (NAGE), Local R7-23, 11 May 2006

Section B - Abbreviations and Acronyms

AFI – Air Force Instruction

FLSA - Federal Labor Standards Act

SDO – Scheduled Day Off

USTRANSCOM – United States Transportation Command

Section C - Terms

Attachment 2

WORKWEEK/PHYSICAL FITNESS/CREDIT HOURS REQUEST						
Employee Name (LAST, First MI) <input style="width: 100%;" type="text"/>			Effective Date of Request: <input style="width: 150px;" type="text"/>			
WORK SCHEDULE REQUEST						
<input type="checkbox"/> Compressed (5-4-9 w/1 scheduled day off or 4-4-10 w/2 scheduled days off) - May not earn credit hours <input type="checkbox"/> Flexible (8 hours per day/10 days per pay period) - May earn credit hours <input type="checkbox"/> Standard (8 hours per day/10 days per pay period) - May not earn credit hours						
Annotate number of work hours for each day below:						
Week One of Pay Period						
SUN	MON	TUE	WED	THUR	FRI	SAT
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Week Two of Pay Period						
SUN	MON	TUE	WED	THUR	FRI	SAT
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Start of Duty Day LunchTime End of Duty Day <input style="width: 100px;" type="text"/> <input style="width: 100px;" type="text"/> <input style="width: 100px;" type="text"/>						
PHYSICAL FITNESS TIME REQUEST						
Participation in Physical Fitness During Duty Hours: <input type="checkbox"/> YES <input type="checkbox"/> NO						
Projected participation days: <input type="checkbox"/> MON <input type="checkbox"/> TUE <input type="checkbox"/> WED <input type="checkbox"/> THUR <input type="checkbox"/> FRI						
See USTRANSCOMPD 90-1, Physical Fitness Program, for instructions on applying to participate in the Civilian Employees Physical Fitness Program.						
I affirm below that I have read, understand, and signed for a Request for Approval or Excused Absence and Memorandum of Understanding for Physical Fitness Activities and/or the Credit Hour Agreement, if applicable.						
<div style="background-color: #cccccc; border: 1px solid black; padding: 2px; display: inline-block;">Employee Click to sign</div>						
Employee Signature Block						
<input style="width: 100%; height: 30px;" type="text"/>						
<div style="background-color: #cccccc; border: 1px solid black; padding: 2px; display: inline-block;">Supervisor Click to sign</div>						
Supervisor Signature Block						
<input style="width: 100%; height: 30px;" type="text"/>						

Attachment 3
Credit Hour Agreement

1. Credit hours are a form of a Flexible Work Schedule (FWS) under 5 U.S.C. 6122 and further defined in AFI 36-807.
2. Credit hours are hours an employee elects to work, with supervisor's approval, in excess of the employee's basic work requirement.
3. Credit hours are distinguished from overtime hours in that they are not officially ordered and approved in advance by management.
4. Supervisors are not required to complete the AF 428, Request for Overtime, Holiday Premium Pay, and Compensatory Time; and do not require TCJ8 approval of funds.
5. Employee may not be paid overtime pay, Sunday pay, or holiday pay for credit hours.
6. Employee earns one credit hour for each hour worked in excess of the normally scheduled workday or tour of duty. Credit hours may be earned in 15 minute increments.
7. Employees may use the earned credit hours only with supervisor's approval.
8. Full-time employee cannot accumulate more than 24 credit hours, and a part-time employee cannot accumulate more than one-fourth of the hours in such employee's biweekly basic work requirement.
9. Employee will only receive pay for a maximum of 24 unused credit hours at his or her current rate of basic pay when federal employment ends, when the employee transfers to another agency (as defined in 5 U.S.C. 6121(1)), or when the employee is no longer approved for a flexible work schedule.
10. Credit hours may not be used before earned.
11. Credit hours may not be earned for travel and/or training.
12. Senior Executive Service (SES) members and employees on Compressed Work Schedules (i.e., 5-4-9/with a scheduled day off) cannot earn credit hours.
13. All credit hours earned and used must be annotated on Time and Attendance cards.

I affirm below that I have read and understand the information in this agreement.

Employee's Signature

Date

Supervisor's Signature

Date

Attachment 4

REQUEST FOR OVERTIME, HOLIDAY PREMIUM PAY, AND COMPENSATORY TIME							
TO BE COMPLETED BY SUPERVISOR							
TO		THRU			FROM		
JUSTIFICATION (Include details requiring overtime)					PAY PERIOD		
					RCICC		
					REQUEST NUMBER		
SSN AND NAME, OR NUMBER OF EMPLOYEES BY GRADE, AND OFFICE SYMBOL	GRADE	HOURS REQUESTED	DATE OVERTIME WILL BE WORKED	ESTIMATED		COMPENSATORY TIME	
				OVERTIME/HOLIDAY RATE	TOTAL COST	HOURS	DATE
TOTAL							
DATE	TYPED NAME, GRADE AND TITLE OF REQUESTER			SIGNATURE			
FUND CERTIFICATION				APPROVING AUTHORITY			
ACCOUNTING CLASSIFICATION				<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED			DATE
<input type="checkbox"/> FUNDS AVAILABLE <input type="checkbox"/> FUNDS NOT AVAILABLE	TYPED NAME, GRADE AND TITLE			TYPED NAME, GRADE AND TITLE			
DATE	SIGNATURE OF CERTIFYING OFFICIAL			SIGNATURE OF APPROVING OFFICIAL			
I SWEAR UNDER PENALTY OF PERJURY THAT THE INFORMATION I HAVE PROVIDED/CERTIFIED IS TRUE AND ACCURATE. I UNDERSTAND THAT GIVING FALSE INFORMATION IS PUNISHABLE UNDER ARTICLE 107 OF THE UNIFORM CODE OF MILITARY JUSTICE AND/OR TITLE 18, SECTION 1001 OF THE UNITED STATES CODE. PROVIDING FALSE INFORMATION OR FALSELY CERTIFYING INFORMATION REGARDING OVERTIME, HOLIDAY PREMIUM PAY, OR COMPENSATORY TIME OFF COULD LEAD TO MY CONVICTION OF A FELONY, CONFINEMENT, A FINE UP TO \$10,000, DISCHARGE, OR REMOVAL FROM MY POSITION.							