

COMSC INSTRUCTION 5330.2K

Subj: POLICIES AND PROCEDURES GOVERNING OVERTIME, COMPENSATORY TIME AND HOLIDAY TIME FOR CIVILIAN EMPLOYEES AT THE MILITARY SEALIFT COMMAND

Ref: (a) DOD FMR Vol. 8
(b) 5 CFR Parts 550 and 610

(R)

Encl: (1) NAVCOMPT Form 2282 (Overtime/Compensatory Time Request and Authorization)
(2) Employees Nonexempt from the Fair Labor Standards Act (FLSA)
(3) Employees Exempt from the FLSA
(4) Procedures for Controlling Overtime

1. Purpose. To promulgate Commander, Military Sealift Command (COMSC) policy and procedures governing the approval of overtime and the granting of compensatory time and holiday work time for civilian employees at the Military Sealift Command (MSC).

2. Cancellation. COMSCINST 5330.2J.

3. Applicability. This instruction applies to all shoreside personnel at MSC Headquarters and subordinate activities.

(A)

4. Policy

a. Reference (a) provides guidance on overtime and the accumulation and timely use of compensatory time. The responsibilities of the command should normally be accomplished during regular working hours. Overtime, compensatory time, and holiday work will be limited to cases of real necessity. Careful administrative planning shall be exercised to minimize instances of overtime, compensatory time, and holidays being worked in proximity with non-emergency annual and sick leave. Accordingly, Program Managers, Functional Directors, Special Assistants, and Area Commanders will take aggressive action to strengthen internal controls concerning the use of overtime, compensatory time, and holiday work. Specifically, only the Program Managers, Functional Directors, Special

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Assistants, and Area Commanders or the officially designated alternates shall approve the Overtime/Compensatory Time Request and Authorization (enclosure (1)). Holiday work should be separately identified on both enclosure (1) and the timesheet in order to ensure that the holiday work payment is computed properly (basic pay plus premium pay at a rate equal to the rate of the basic pay).

b. In accordance with the provisions of reference (a), overtime will not be paid where the granting of compensatory time off is available as an option to the Government, except when a specific determination is made by Program Managers, Functional Directors, or Special Assistants, and approved by N02 or N03 at Headquarters or Area Commanders (O-6s in command), as appropriate. Area Commanders may not delegate this authority. See enclosures (2) and (3) for more specifics on holiday pay.

A) c. Regularly Scheduled vs. Occasional Overtime

(1) Regularly scheduled overtime is fully defined in reference (b). It is overtime scheduled and within the administrative control of the command, scheduled prior to the beginning of the administrative workweek, and is scheduled as a part of an employee's regularly scheduled administrative workweek. Compensatory time is not available in lieu of regularly scheduled overtime.

(2) Irregular or occasional overtime is additional work, above the 40-hour workweek but specific times and days are not defined in advance nor included as part of an employee's regularly scheduled workweek and are not administratively controllable.

4. Approving and Computing Overtime and Granting Compensatory Time. The Fair Labor Standards Act (FLSA) exempts certain employees from the minimum wage and overtime provisions of the act and modifies Office of Personnel Management (OPM) policies for employees that are not exempt from the Act. Accordingly, all MSC staff positions have been identified as "exempt" or "nonexempt." Nonexempt employees are covered by two laws that may affect computation of overtime. Enclosure (2) sets forth the overtime, compensatory time, and holiday pay provisions for nonexempt employees. Enclosure (3) sets forth the overtime, compensatory time, and holiday pay provisions for exempt employees. Enclosure (4) prescribes procedures for controlling overtime and granting compensatory time.

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5. Forms. An electronic version of enclosure (1) (NAVCOMPT 2282) is available on the MSC Intranet/Publications/Forms and the MSC CD Library. Other addressees may obtain the electronic version by forwarding a request to cheryl.m.miller@navy.mil. Also, if using an electronic version of this instruction, enclosure (1) can be accessed for use by simply double clicking within the form's text box. If the form has more than one page, you must double click on each page individually to access.

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D. A. LOEWER
Vice Commander

Distribution:

COMSCINST 5215.5

List I (Case A, B, C)

SNDL 41B (MSC Area Commanders)
41C (NFAF East/West)
41D (MSC Offices)
41E (APMC)
41M (MSC TAGOS Project Office)

NONEXEMPT EMPLOYEES

1. Overtime Entitlement. For each GS employee whose rate of pay does not exceed the minimum rate for a GS-10, the overtime hourly rate is one and one-half (1-1/2) times the employee's hourly rate of pay.
2. Compensatory Time Off
 - a. Basic Requirements for Granting Compensatory Time. Compensatory time, in lieu of overtime pay, for irregular or occasional overtime work, may only be granted when requested by the employee.
 - b. Payment. Compensatory time not used within 26 pay periods will be paid as overtime at the rate it was earned.
 - c. Payoff. Payoffs of compensatory time will no longer occur when an employee changes activities or unit identification codes within the Department of the Navy; but will continue to be paid when the employee separates or transfers to another DOD or non-DOD agency.
3. Holiday Work. An employee who performs work on a holiday designated by Federal statute is entitled to pay at the rate of basic pay plus premium pay at a rate equal to the rate of the basic pay.
4. Overtime Approval. See enclosure (4).

EXEMPT EMPLOYEES

1. Overtime Entitlement. Except as prescribed in this instruction, payment for overtime work will be computed at one and one-half (1-1/2) times the hourly rate of the basic salary (see para. 3 below for limitations).
2. Compensatory Time Off
 - a. An exempt employee whose pay does not exceed the maximum scheduled rate of basic compensation for GS-10 may elect to receive overtime pay or compensatory time for overtime worked.
 - b. Exempt employees whose pay exceeds the maximum scheduled rate of basic compensation for GS-10 will be granted compensatory time vice overtime pay for overtime work. Any exception will require a specific determination by the Program Manager/Functional Director/Special Assistant and approval by N02, N03, or the Area Commander, as appropriate, that an exception is in the best interest of the command.
 - c. Compensatory time may not be granted for overtime work, which, if paid for, would result in an employee's pay exceeding the maximum scheduled rate for GS-15 for one pay period.
 - d. If the employee is not in a use or lose situation and has a compensatory time balance, compensatory time will be exhausted before annual leave is approved.
 - e. Compensatory time not used within 26 pay periods will be paid as overtime at the rate it was earned.
 - f. Payoffs of compensatory time will no longer occur when an employee changes activities or unit identification codes within the Department of the Navy; but will continue to be paid when the employee separates or transfers to another DOD or non-DOD agency.
3. Maximum Payment for Overtime. The hourly rate of pay for overtime is an amount equal to the greater of one and one-half (1-1/2) times the minimum scheduled rate of basic compensation provided for a grade GS-10, Step 1, or the individual's basic rate of pay. At no time will additional pay (overtime, night differential, holidays, etc.) cause the aggregate pay of any employee to exceed the maximum scheduled rate for GS-15 for one pay period.
4. Holiday Work. An employee who performs work on a holiday designated by Federal statute is entitled to pay at the rate of basic pay plus premium pay at a rate equal to the rate of the basic pay. Compensatory time cannot be earned for holiday work.
5. Overtime Approval. See enclosure (4).

PROCEDURES FOR CONTROLLING OVERTIME

1. Procedures

a. Specific requests for overtime pay vice compensatory time for exempt employees whose pay exceeds the maximum scheduled basic rate of a GS-10 should be in memorandum form and addressed to the Payroll Liaison Office via N02 or N03 for Headquarters or to Area Commanders, as appropriate. Requests should state individuals and time periods involved and include justification for payment of overtime in lieu of compensatory time.

b. Supervisors will evaluate each overtime work request prior to submission (2 copies) to the Program Manager/Functional Director/Special Assistant (via Division Director) for approval.

c. Authorization for overtime, compensatory time, or holiday time shall be in writing in advance of the performance of work, except when the exigency of the situation prevents prior approval. In such an instance, written approval will be accomplished not later than the first normal working day after the work is performed.

d. All codes will identify personnel working overtime/compensatory time/holiday time (see enclosure (1)) within their code who are on loan from another code, i.e., N2 secretary performing secretarial duties in N6.

e. One copy of the "approved" or "disapproved" overtime request will be returned to the Division Director. The approved original of the request will be forwarded to the Payroll Liaison Office prior to, or with the timesheets.

f. After the approved overtime/compensatory time/holiday time is worked, the actual hours worked and amount expended will be verified by the certifying official and acknowledged by the signature on the timesheet. It is important to properly differentiate between overtime, compensatory time, and holiday time, as they are paid differently. Special attention should also be taken to assure that timesheets do not reflect future overtime/compensatory time/holiday time, i.e., timesheets submitted to the Payroll Liaison Office showing overtime/compensatory time/holiday time prior to the work being accomplished. This overtime/compensatory time/holiday time worked must be provided on a supplemental timesheet. Signature of the approving/certifying individual must be on file in the Payroll Liaison Office.

g. The Payroll Liaison Office will compare Overtime Authorization Requests with the timesheets to ensure that overtime/compensatory/holiday hours worked comply with paragraph c above. Overtime/Compensatory Time Request and Authorization forms and copies of the timesheets will be filed in the Payroll Liaison Office.