

**STATE OF OHIO  
ADJUTANT GENERAL'S DEPARTMENT  
2825 West Dublin Granville Road  
Columbus, Ohio 43235-2789**

NGOH-HRZ

22 June 2021

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: HRO Policy # 21-020, Overtime and Compensatory Time Management

**I. References:**

- a. 5 Code of Federal Regulations 550, Pay Administration.
  - b. 5 Code of Federal Regulations 551, Pay Administration under Fair Labor Standards Act.
  - c. 5 United States Code 55, Pay Administration.
  - d. 32 United States Code 709, Technicians: Employment, Use, Status.
  - e. Department of Defense Financial Management Regulation (FMR) 7000.14-R, Chapter 3.
  - f. Chief, National Guard Bureau Instruction (CNGBI) 1400.25, Vol. 630, National Guard Technician and Civilian Personnel Absence and Leave Program.
2. **Cancellation:** This policy supersedes policy memorandum, Subject: Overtime and Compensatory Time Management (HRO Policy #19-001), dated 4 September 2019.
3. **Applicability:** This policy applies to all Title 32 (T32) military technicians (dual status) excepted service employees and Title 5 (T5) National Guard excepted or competitive service employees of the Ohio National Guard.
4. **Purpose:** To manage the use of overtime and compensatory time for the Ohio National Guard and comply with the Fair Labor Standards Act (FLSA) and provisions of 5 (USC) §5542 and §5543. Ensure technicians and employees are consistently and correctly compensated for work assigned in excess of regularly scheduled hours of work. Minimize incidents of overtime abuse, loss of productivity, and situations that may lead to health and safety risks.

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**5. Eligibility:**

a. Military technicians (T32) are eligible for compensatory time and compensatory time for travel, but are not eligible for overtime per 32 USC §709 (h).

b. National Guard Employees (T5) are eligible for overtime; compensatory time in lieu of overtime, at the choice of the employee; or the agency may require overtime performed by an employee whose hourly rate of pay is greater than that of a GS-10, step 10, be compensated with compensatory time; and for compensatory time for travel.

c. Overtime and compensatory time is earned in 15-minute increments for overtime work in excess of the technician or employee's regularly scheduled work hours.

d. Overtime pay is subject to the provisions of 5 USC 5542.

**6. Conditions for Approval of Overtime and Compensatory Time:**

a. All required overtime and compensatory time must be approved in advance unless the situation is such that prior approval cannot be obtained. If written approval cannot be obtained in advance, the employee will contact their immediate supervisor for verbal approval to work overtime or earn compensatory time. Justification will be annotated within the Premium Request as to why pre-approval could not occur.

b. Required overtime or compensatory time will not be approved when an employee has used annual leave or earned compensatory time during the same workweek except during periods of severe workload requirements or other unavoidable circumstances. In such cases, the overtime work request must be annotated with the reason for making the exception.

c. Compensatory time earned will be used prior to accrued annual leave except when the accrued annual leave has been designated as "use or lose".

**7. Overtime Work Controls for Overtime Hours and Compensatory Time:** A Premium Request, through the Automated Time and Attendance Production System (ATAAPS,) is the authorized method and system of record for requests of overtime and compensatory time.

a. All overtime work requests must clearly justify the reason work involved could not be performed during regular working hours.

b. Annual leave or earned compensatory time taken will not be used during the same workweek as overtime work except during periods of severe workload requirements or other unavoidable circumstances. In such cases, the overtime request must be annotated with the reason for making the exception.

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c. Computation and certification, of overtime work, must be completed at the conclusion of the overtime and / or compensatory time in ATAAPS. Each workweek requires a new request.

8. **Earning Overtime or Compensatory Time Off**: Overtime or compensatory time off, from regularly scheduled work, is accrued for ordered overtime work or requested by the employee in support of the agency, base, or unit missions. Overtime or compensatory time off is calculated as follows:

a. **Standard (40-hour/Five-day week) Work Schedules**: Overtime work is work in excess of 8 hours in a day or 40 hours in a week. This also applies to part-time employees.

b. **Compressed Work Schedules**: Overtime work is work in excess of the compressed work schedule (for example, 5/4/9, or 10-hr "basic work hours requirement") on that day.

c. **Flexible Work Schedules**: Overtime work is work in excess of 8 hours in a day or 40 hours in a week, that is officially ordered in advance.

9. **Earning Overtime or Compensatory Time Off for Holidays, Sundays, or Religious Observances**:

a. **Holidays**: Technicians are entitled to earn compensatory time off and employees are entitled to earn overtime pay or compensatory time off if the agency requires overtime work on a holiday outside of regularly scheduled duty hours.

b. **Sundays**:

(1) Technicians and employees whose regular work schedule include work on Sunday will earn Sunday Premium Pay for their normally scheduled work hours. Any approved overtime work, on a regularly scheduled Sunday, will earn overtime or compensatory time off for hours in excess of regularly scheduled work hours.

(2) When the agency requires overtime work on a Sunday, that is **NOT** part of the technician or employee's regularly scheduled work hours, those hours will be earned as either overtime or compensatory time (minimum of 2 hours will be earned).

c. **Religious Observances**: Technicians and employees, whose personal beliefs require abstention from work during certain periods, may elect to engage in overtime work to make up for the time they take off for religious observances or they may request a temporary work schedule adjustment to be able to complete their regularly scheduled work hours and fulfill their religious requirements.

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10. **Overtime Budget:** Each service activity is responsible for controlling the use of overtime.

a. (Army) The Chief of Staff in conjunction with the Director of Human Resources, shall establish an annual overtime budget for each Army directorate and MSC.

b. (Air) The Wing Commander in conjunction with the respective Wing Comptroller shall establish an annual overtime budget for each assigned Group Command and associated Geographically Separated Units (GSUs).

c. Each Directorate and Major Subordinate Command (MSC) (Army) and each Group Command and GSU (Air) shall allocate an overtime budget to each subordinate function and/or overtime Approving Official.

d. Overtime Approving Officials shall ensure funds targeted for their employing activity will cover any overtime worked. Overtime Approving Officials shall validate that they have adequate purpose, time and amount prior to approving any requested employee overtime. In the event the Approving Official does not have purpose, time and amount required to support the requested overtime, the overtime request shall be denied.

e. The Director of Human Resources and each Wing Comptroller, shall develop a monthly report of overtime expenditures to validate if overtime expenditures are within the established budget.

(1) HRO – Reports for Army Directorates and MSCs.

(2) Wing Comptroller – Reports for their respective Wing and GSU.

f. The Army Chief of Staff and each Air Wing Commander shall adjust overtime budgets or withhold overtime approval authority as needed to meet mission requirements and budgetary constraints.

11. **Compensatory Time Off for Travel:** Compensatory time off for travel is earned for time spent in a travel status away from the official duty station when such time is not otherwise compensable or is outside regularly schedule work hours. Credible travel must be for work purposes and must be approved by an authorized approving official in the requestor's chain of command. ATAAPS is the authorized method and system of record for requests. For the purpose of compensatory time off for travel, time in a travel status includes:

a. Time spent traveling between the official duty station and a temporary duty station.

b. Time spent traveling between two temporary duty stations.

c. The “usual waiting time” that precedes or interrupts such travel (for example, waiting at an airport or train station prior to departure). The agency has the sole and exclusive discretion to determine what is credible as “usual waiting time.” An “extended” waiting period – for example, an unusually long wait during which the employee is free to rest, sleep, or otherwise use the time for his or her own purposes – is not considered time in a travel status.

12. **Commuting Time**: For the purpose of crediting commuting time:

a. Travel outside of regularly scheduled work hours, including holidays, between a technician or employee’s home and a temporary duty station or transportation terminal outside the limits of the technician or employee’s official duty station is considered credible travel time. However, the agency must deduct the normal home-to-work and work-to-home commuting time from the credible travel time.

b. Travel outside of regularly scheduled work hours, including holidays, between a worksite and a transportation terminal is credible travel time, and no commuting time offset applies.

13. **Limitations and Restrictions**: There is no limit on the amount of compensatory time off for travel a technician or an employee may earn. Travel performed *within* the regularly scheduled work hours on a holiday or a day designated as “in lieu of holiday” is not earned compensatory time. Required travel *within* the regularly scheduled duty hours on a holiday will be compensated by premium pay. However, required travel outside of regularly scheduled work hours on a holiday will be earned as compensatory time for travel.

14. **Overtime Work Controls for Compensatory Time Off for Travel**: A Premium Request through ATAAPS is the authorized method and system of record for request of compensatory time off for travel. All technicians and employees are eligible to earn compensatory time for travel when travel is officially authorized and approved for work purposes.

15. **Forfeiture**:

a. Military technicians forfeit earned compensatory time and compensatory time off for travel:

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(1) If not used by the end of the 26<sup>th</sup> pay period after the pay period during which it was earned,

(2) Upon voluntary transfer to another Federal agency, or

(3) Upon separation from the Federal Government.

b. T5 Employees do **NOT** forfeit earned compensatory time off, but will receive a lump-sum payment of earned compensatory time off at the overtime rate in which it was earned. This occurs:

(1) If not used by the end of the 26<sup>th</sup> pay period after the pay period during which it was earned,

(2) Upon voluntary transfer to another Federal agency, or

(3) Upon separation from the Federal Government.

c. Under **NO** circumstances may a technician or employee receive payment for unused compensatory time off for travel.

16. Questions related to this memorandum should be directed to Mrs. Dana Mowery, Deputy Director for HRO, at [dana.a.mowery.civ@mail.mil](mailto:dana.a.mowery.civ@mail.mil) or (614) 336-7054/DSN 346-7054.

FOR THE ADJUTANT GENERAL:



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Director of Human Resources

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