

DEPARTMENT OF THE ARMY
HEADQUARTERS, FORT SAM HOUSTON
Fort Sam Houston, Texas 78234

FSH Memorandum
No. 690-1

31 May 1983

Civilian Personnel
AUTHORIZATION AND CONTROL OF OVERTIME

1. PURPOSE. This memorandum establishes responsibilities and policies governing the approval and control of overtime work by civilian employees.
2. SCOPE. These procedures are applicable to all activities under Headquarters, Fort Sam Houston, Texas.
3. GENERAL. Overtime compensation is paid or compensatory time off is granted for work which is officially ordered and approved in excess of 8 hours in a day or 40 hours in a week. Authorization of overtime is governed by the policies and procedures set forth in Fort Sam Houston Regulation 690-33, Hours of Work, Holidays, Overtime, 31 Dec 80.
4. POLICY AND CONTROL:
 - a. The following policies are established:
 - (1) Overtime will be held to the minimum necessary to meet emergency workload requirements which cannot be met through other means, and will be consistent with operational safety, economy, and efficient management.
 - (2) Maximum use will be made of temporary, part-time, and intermittent employees in lieu of overtime.
 - (3) Use limited overtime requirements when such overtime use is more economical than other expenses or time consuming factors which would otherwise be incurred.
 - (4) Compensatory time will be used in lieu of paid overtime when practicable and in accordance with Fair Labor Standards Act (FLSA) regulations.
 - b. Directors and special staff officers will establish controls to insure that:
 - (1) The use of overtime is continually reviewed.
 - (2) Actions are taken to reduce or eliminate the need for continual use of overtime. Organizations and activities which are recurring users of overtime will be examined to determine if alternate methods can be adopted to accomplish the workload.

5. RESPONSIBILITIES:

a. Directors or others designated to authorize overtime, compensatory time, or holiday work must assure the DA Form 5172-R, Request, Authorization, and Report of Overtime, is used for this purpose. (NOTE: FORSCOM Form 128-R may be used until supply is exhausted.) It must include the following data:

- 1) Employee's name
- (2) Employee's social security number
- (3) Employee's grade and step
- (4) Number of hours authorized
- (5) Clock hours of duty
- Date the work will be done
- Method of compensation
- Mission related justification
- Hourly rate and estimated cost of compensation
- (10) Certification that funds are available

b. If overtime work is to be performed 2 or more days during the same pay period, a separate line entry must be made for each day. For example:

XXX-XX-XXXX	JOHN DOE	21 May	0800- 1600
		22 May	0800- 1600
XXX-XX-XXXX	JANE DOE	21 May	0800- 1600
		22 May	0800- 1600

If the overtime is split into two pay periods, a separate form must be prepared for each pay period.

c. The original copy of the DA Form 5172-R must be submitted with or before the TA report for the pay period in which the work is performed. If the DA Form 5172-R is not available, the timekeeper will not post the overtime, compensatory

time, or holiday work to the TA report. When late approval is received, it will be sent to the payroll section with a TA report marked "Corrected TA." This report will show only the overtime, compensatory time, or holiday worked. The identification information on this report must be the same data as the original report for the applicable pay period.

d. If overtime, compensatory, or holiday hours worked are reported on a TA report without the DA Form 5172-R, the payroll clerk will "line out" the hours. Payment for the work will not be made until conditions in c above, are met.

e. Last-minute overtime that requires verbal approval will occur; however, a DA Form 5172-R should still be submitted to the payroll office on a timely basis. Civilian payroll offices will not pay overtime until properly approved DA Forms 5172-R are received.

f. Overtime must be approved before it is performed, even for employees covered by the FLSA. If an FLSA employee works overtime without prior approval, then the DA Form 5172-R should state that its purpose is to document that fact.

6. PERSONNEL UTILIZATION.

a. Paid overtime.

(1) Wage Grade Employees: Under no circumstances will Wage Grade employees be granted compensatory time off in lieu of overtime pay.

(2) General Schedule employees, whose rate of basic compensation is less than the maximum rate of GS-10 and who are paid from the provisions of the FLSA, will be paid for overtime unless they voluntarily accept compensatory time off in lieu of payment. Under no circumstances will they be coerced or required to accept compensatory time off in lieu of overtime payment. General Schedule employees, regardless of grade, who are subject to the FLSA are not authorized to take compensatory time off except under certain conditions. See paragraph 7 below.

(3) General Schedule employees, whose rate of basic compensation exceeds the maximum rate of GS-10 and who are exempt from the FLSA, may be required to take compensatory time off in lieu of overtime pay. Exceptions will be approved in writing in advance when the duration of peak workload precludes the granting of compensatory time off within the current pay period or the following 13 pay periods. DA Form 5172-R will contain specific reasons why compensatory time was not granted in lieu of paid overtime.

(4) Managers and supervisors must take action to prevent employees from performing overtime work which is not officially ordered or approved. They will also seek to reduce overtime by assisting subordinates to increase efficiency, productivity, and economy of operations.

b. Compensatory overtime.

(1) Under the civilian mechanized pay system, compensatory time reported on time cards that is not taken off within the current pay period or the following 13 pay periods will be automatically paid as overtime on the 14th pay period.

(2) If compensatory time off cannot be taken by the end of the 13th pay period, the overtime rate will automatically be paid.

(3) Compensatory time off is not authorized in lieu of holiday pay for work performed on a holiday.

7. FAIR LABOR STANDARDS ACT (FLSA).

a. The FLSA requires that any work in excess of 40 hours per week that the employer "suffers or permits" to be done by nonexempt employees must be paid at overtime rates. Under this concept, any official work performed prior to or after the established duty hours or during the prescribed lunch period by an employee covered by provisions of the act, whether requested or not, is working time if the supervisor knows of or has reason to believe it is being performed. In such cases the employee is entitled to overtime compensation whether or not the work is "officially ordered and approved." Although management has an obligation to initiate payment for such work, claims may be filed by an employee within 6 years. Under FLSA the benefits of a nonexempt employee's work cannot be accepted without compensating the employee for that work. Supervisors have the added responsibility to insure that work is not performed when it is not needed and when they do not want it performed.

b. General Schedule employees who are subject to the FLSA are not authorized to take compensatory time off in lieu of overtime pay unless the maximum overtime compensation is payable under the provisions of Title 5, US Code. If the overtime is subject to payment under the provisions of Title 5, the employee may elect in advance to take compensatory time off. If the overtime is subject to payment under the provisions of FLSA, overtime must be compensated by payment; no election of compensatory time off is permitted.

8. REFERENCES.

a. AR 37-105

b. CPR 550

c. CPR 610

d. CPR 990-2, Book 610

e. FSH Req 690-33

(AFZG-CM-FA)

FOR THE COMMANDER:



GREGORY F. MCGOWAN
MAJ, AGC
Adjutant

TRACEY E. SMITH
2LT, AGC
Assistant Adjutant

DISTRIBUTION:
A
25 - F&A Div, Compt