

Issuance Transmittal Sheet

NASA

National Aeronautics and
Space Administration

George C. Marshall Space Flight Center
Marshall Space Flight Center, Alabama 35812

Issuance Number: MMI 3550.5	Date: December 2, 1996
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Material Transmitted:

1. Management Instruction, MMI 3550.5, subject: "Delegation of Authority and Policy on Overtime"
2. This new instruction has been issued to combine MMI 3550.3H, "Overtime Policy" and MMI 3550.2I, "Power and Authority to Authorize and Approve Overtime".

Filing Instructions:

Remove MMI 3550.2I and MMI 3550.3H and replace with
MMI 3550.5.

MARSHALL MANAGEMENT INSTRUCTION

MMI 3550.5

Effective Date: December 2, 1996

Expiration Date: December 2, 2000

Responsible Office: BC01/Chief Financial Office

Subject: Delegation of Authority and Policy on Overtime

1. PURPOSE

To prescribe the Marshall Space Flight Center (MSFC) policy and establish procedures relating to overtime work performed.

2. APPLICABILITY

This Instruction is applicable to all MSFC organizational elements.

3. AUTHORITY (Only applicable parts of the most recent edition apply.)

NMI 3530.3, "Delegation of Authority and Policy on Pay"

4. POLICY

Overtime must be officially ordered or approved in accordance with provisions of paragraph 8 and Attachment B of this Instruction in order for an employee to be entitled to either overtime compensation or compensatory time off.

5. DEFINITIONS (See Attachment A.)

6. GENERAL PROVISIONS

a. Paid Overtime:

- (1) Overtime ceilings (which includes pay for holiday work) in terms of dollars will be established for each organization reporting to the Center Director by the Center Chief

Financial Officer. Any increase in this ceiling must have prior approval of the Center Chief Financial Officer. Based on this ceiling, the directors/managers of such organizations will in turn establish dollar ceilings for their respective organizations.

- (2) Supervisors must exercise discretion in requesting an employee to work overtime during the same day of a workweek that the employee has been permitted to take leave. Each case must be decided individually based on essentiality of the overtime work to be performed and circumstances surrounding the necessity for leave. The reason for the absence could be of an emergency nature, the need for the overtime may arise suddenly, or there may be other extenuating circumstances which must be considered.
- (3) Employees covered by the Fair Labor Standards Act (i.e., FLSA nonexempt employees) shall not be permitted to perform overtime work which has not been officially ordered or approved. Supervisors should exercise care to assure that nonexempt employees do not work outside their normal duty hours unless overtime pay is intended.
- (4) Employees not covered by the FLSA (i.e., exempt employees) who voluntarily perform overtime work solely upon their own initiative, and which is not officially ordered or approved, shall not be entitled to overtime pay or compensatory time off.
- (5) An employee who is called back to work or required to work on a day when no regular work is scheduled will be credited with at least 2 hours of overtime.
- (6) The minimum credit for overtime worked will be 30 minutes whether for payment or for purpose of compensatory time off and will not be segmented into separate periods of less than 30 minutes. Federal Wage System employees directed to perform services prior to or after their normal workday will be paid for a

minimum of 1 hour even though the employee is dismissed before expiration of such overtime hour; however, if the employee is directed to perform work, both prior to and after the normal tour of duty, and the combined time worked is 1 hour or less, only 1 hour will be paid.

- (7) To the extent appropriate, employees should be assigned on a shift basis for continuous coverage of the job or for optimum utilization of costly facilities and equipment.

b. Compensatory Time:

- (1) Earned compensatory time should be used no later than the end of the seventh full pay period after the pay period in which it was earned. Supervisors are responsible for scheduling the time off for the individual concerned. Likewise, employees are responsible for taking the time off. Compensatory time earned by the employees exempt from FLSA that is not used within the seven full pay periods will be dropped from the official records except when a written request for extension is approved by the authorized official. Officials authorized to approve compensatory time extensions are managers reporting directly to the Center Director and S&E Laboratory Directors. Forfeited compensatory time balances of 40 hours or more may be extended one time for an additional 7 pay periods. Requests for extensions should not be considered for approval until the end of the exigency period.
- (2) Compensatory time off may be granted to afford an employee the opportunity of observing religious holidays (reference "The MSFC Personnel Manual," MM 3000.1B, paragraph 6.210.c.). If the employee has no compensatory time to his credit, he may be advanced compensatory time off for this purpose. A grant of advanced compensatory time off must be repaid within a reasonable period of time.

- (3) When compensatory time has been reported in the MSFC Time and Attendance Distribution System (TADS), it will not be converted to paid overtime without the prior written approval of the Center Chief Financial Officer with copy of approval to the NASA Payroll and Center Personal Services Office. EXCEPTIONS: (1) Unused compensatory time on the payroll records at the time employment is terminated will be paid at the overtime rates applicable at the time the compensatory time was earned with no additional approvals required; (2) compensatory time earned by nonexempt employees will be paid at the overtime rate if not used within seven pay periods; and (3) converting compensatory time to overtime for an exempt employee earning less than the maximum rate for grade GS-10 may be approved by the laboratory/office director.

If an employee transfers to another NASA installation, an arrangement may be worked out whereby the compensatory time earned may be transferred to the gaining NASA installation. If the employee desires his compensatory time balance to be transferred, he will request the Personnel Office to attempt arrangements for the transfer with the gaining NASA installation prior to the effective date of the transfer; otherwise, the compensatory time will be paid with no additional approval.

- (4) At the discretion of the employee, compensatory time may be charged in lieu of sick leave.
- (5) Irregular or occasional overtime will not normally be paid where the granting of compensatory time off is available under law as an option of the Government (General Schedule employees whose basic rates of pay exceed the maximum rate for grade GS-10). Compensatory time will be granted for directed overtime work for employees whose basic rate of pay exceeds the maximum rate for grade GS-10, except when the employee is an FLSA nonexempt employee. In this case, see paragraphs 6.b.(1) on previous page and 6.b.(8) below.

- (6) Compensatory time may be earned and credited in any pay period up to an amount which, when added to an employee's regular compensation, does not exceed the prescribed statutory limitation.
- (7) Nonexempt employees earning overtime under the Fair Labor Standards Act, may, upon written request, be granted compensatory time in lieu of pay for the directed overtime work. The request must be submitted by the employee through his/her immediate supervisor and approved by directors/managers of organizational elements which report to the Office of the Center Director. Requests may also be approved by Science and Engineering Directorate (S&E) laboratory directors and staff office directors. Supervisors and employees are responsible for scheduling time off to avoid payment of overtime. A copy of the approval will be maintained in the designated timekeeper's files.
- (8) Compensatory time will not be granted in lieu of holiday premium pay for the first 8 hours of work performed during normal duty hours on a holiday. Compensatory time may be granted for those hours worked in excess of 8 hours except under a first 40-hour tour of duty where the first 40 hours is not completed. Regular time will be charged until the 40 hours has been worked. The official authorized to approve overtime and compensatory time earned may approve holiday premium pay.

7. PROCEDURES (See Attachment B.)

8. POWER AND AUTHORITY TO AUTHORIZE AND APPROVE OVERTIME

a. Redelegation

- (1) The Associate Director is redelegated authority to authorize and approve regularly scheduled overtime.
- (2) Authority to authorize and approve irregular and occasional overtime work (including holiday work and compensatory time off in lieu

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of paid overtime) for employees under their supervision is redelegated to the following officials:

Deputy Director;
Associate Director;
Directors/Managers of organizational elements which report to the Office of the Center Director; and
Science & Engineering (S&E) Directorate Laboratory and staff office Directors

b. Further Redelegation

- (1) Further redelegation may be made to division chiefs within S&E laboratories and to second level office chiefs within other S&E offices and all other organizations.
- (2) No further redelegation is authorized.

c. Reporting

The officials to whom authority is redelegated shall ensure, through official channels, that the Center Director is kept fully and currently informed of significant actions, problems, or other matters of substance related to the exercise of the authority redelegated.

9. CANCELLATION

MMI 3550.2I, dated November 26, 1993
MMI 3550.3H, dated August 16, 1994

(Original signed by)

J. Wayne Littles
Director

Attachments:

- A. Definitions
- B. Procedures

Distribution:

SDL 2

DEFINITIONS

For the purpose of this Instruction, the following definitions will apply:

1. Overtime is time worked at official duties either in excess of 8 hours in a day or in excess of 40 hours in any administrative workweek. However, there are three exceptions to the payment of overtime for work in excess of 8 hours in a day:
 - a. The first exception applies to employees who are officially assigned to a first 40-hour tour of duty. For such employees, the basic workweek consists of the first 40 hours of duty time.
 - b. The second exception applies to employees whose basic compensation exceeds the minimum rate of grade GS-10 as defined in Title 5 of the U.S. Code (formerly Classification Act of 1949) for whom the first 40 hours of duty in an administrative workweek is the basic workweek.
 - c. The third exception applies to employees who are on a compressed work schedule. For these employees, overtime is time worked at official duties in excess of 9 hours on a day when the employee was scheduled to work 9 hours, or in excess of 8 hours on a day when the employee was scheduled to work 8 hours, or any time worked on a day when the employee was not scheduled to work.

The employees to whom exceptions a and b apply are paid overtime only for work in excess of the basic workweek of 40 hours. None of these exceptions apply to Federal Wage System employees.

2. Regularly Scheduled Overtime is that overtime which is regularly and continuously scheduled as a part of the regular workweek.
3. Irregular and Occasional Overtime is that overtime which is not regularly and continuously scheduled as part of the regular workweek.

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4. Compensatory Time Off is absence from duty authorized in lieu of overtime pay for officially ordered or approved overtime.
5. Advanced Compensatory Time Off is absence authorized for the observance of religious holidays when the employee does not have compensatory time earned to the employee's credit.

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ATTACHMENT B

PROCEDURES

1. Requests for holiday work or overtime approval, whether for compensatory time or paid overtime, will be by letter prepared for the signature of the appropriate official as prescribed in paragraph 8 of this instruction. Retroactive approval will be granted only for critical situations. The request will contain:
 - a. A complete justification including the specific purpose;
 - b. The employees' names;
 - c. A definite day or period of time covered by the request;
 - d. Number of hours requested; and
 - e. Whether for compensatory time, paid overtime, or holiday work.
2. Overtime requested and approved for a specific time and purpose may not be carried forward even though unused. Approved overtime is only valid for the specific period and purpose for which it was approved.
3. The Payroll Certifying Officer will accept the MSFC TADS input as evidence that the overtime and holiday worked recorded thereon were authorized and approved in accordance with paragraph 8 of this instruction.