

**MPR 3550.1
REVISION H**

**EFFECTIVE DATE: September 21, 2016
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MARSHALL PROCEDURAL REQUIREMENTS

RS01

OVERTIME, COMPENSATORY TIME, AND CREDIT HOURS

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DOCUMENT HISTORY LOG

Status (Baseline/ Revision/ Change/ Revalidation/ Canceled)	Document Revision/ Change	Effective Date	Description
Baseline		3/13/00	Document converted from MMI 3550.5 to a Directive.
Revision	A	4/4/03	Updated URL in footers. Changes made per MSFC implementation of the maxiflex tour.
Revision	B	3/11/2004	Changed paragraph 3.2.3 from “seven pay periods” to “fourteen pay periods” to be consistent with NPR 3530.1 and with paragraph 3.2.1 of MPG 3550.1. Changed “NPG” to “NPR” throughout the document.
Revision	C	9/20/2004	Changes per HQ Rules Review Action. Changed font, changed MPG to MPR. Added text to paragraph 3.1.3 regarding maximum overtime pay for FLSA exempt employees.
Revision	D	3/13/2008	Revised 2. Applicability statement to reflect transition of MAF from GOCO TO GOGO.
Revision	E	5/5/2009	Revision to incorporate OPM ruling extending comp time usage to 26 pay periods. Also, deleted the paragraph concerning Center overtime ceilings as this is no longer applicable. In addition, revision captured updates from NPR 3530 concerning payment of overtime in lieu of unused comp time for FLSA nonexempt employees. Also, paragraphs in section 3.1 and 3.2 were rearranged. Other editorial changes.
Revision	F	6/10/2010	Revision to correct information concerning extensions of compensatory time. Also added Appendices A and B, and additional clarification concerning overtime work. Other format changes as requested.
Revision	G	11/13/2012	Revised to reflect GOLD requirements. Changed document title from “Delegation of Authority and Policy on Overtime” to more clearly represent document content. Added paragraphs c. and d. under Applicability in accordance with NPR 1400.1, 3.7.4 b. (3) & (4). Removed “power and authority” paragraph duplicated from MPD 1200.3. Editorial changes throughout. Reformatted in accordance with MPR 1410.2J and MWI 1410.1F.
Change	I	3/21/2016	On 3/21/16, at the request of the OPRD, an administrative change was made changing NPR 1441.1 citations to NRRS 1441.1.
Revision	H	9/21/2016	Update to comp time section 2.2.13 d, and to credit hours section 2.3.1.3.

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PREFACE

P.1 PURPOSE

This Marshall Procedural Requirements (MPR) outlines the requirements for implementation of NPD 3000.1 and NPR 3530.1 procedures related to overtime, compensatory time, holiday worked, and credit hours worked by MSFC employees in accordance with MSFC Governance of Labor Distribution (GOLD).

P.2 APPLICABILITY

- a. This MPR applies to the Center personnel, programs, projects, and activities, including contractors and resident agencies to the extent specified in their respective contracts or agreements. (“Contractors,” for purposes of this paragraph, include contractors, grantees, Cooperative Agreement recipients, Space Act Agreement partners, or other agreement parties.)
- b. This MPR applies to the Michoud Assembly Facility.
- c. This MPR applies the following: all mandatory actions (i.e., requirements) are denoted by statements containing the term “shall.” The terms: “may” or “can” denote discretionary privilege or permission; “should” denotes a good practice and is recommended, but not required; “will” denotes expected outcome; and “are/is” denotes descriptive material.
- d. This MPR applies the following: all document citations are assumed to be the latest version unless otherwise noted.

P.3 AUTHORITY

- a. NPD 3000.1, “Human Capital Management”
- b. NPR 3530.1, “NASA Pay and Compensation Policy”

P.4 APPLICABLE DOCUMENTS AND FORMS

- a. “Pay Administration (General),” 5 CFR Part 550
- b. “Pay Administration Under the Fair Labor Standards Act,” 5 CFR Part 551
- c. NRRS 1441.1, “NASA Records Retention Schedules”

P.5 MEASUREMENT/VERIFICATION

Critical errors as defined by parameters within WebTADS are analyzed and corrected with each pay cycle. Correction and verification are to be accomplished before the employee’s pay can be processed.

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P.6 CANCELLATION

MPR 3550.1G, “Delegation of Authority and Policy on Overtime,” dated November 13, 2012.

Original signed by

Todd A. May
Director

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CHAPTER 1. RESPONSIBILITIES

1.1 Supervisor, Assistant Manager, or Team Lead (as assigned by the supervisor) shall:

1.1.1 Disposition requests for overtime, compensatory time, and credit hours in the electronic timekeeping system, WebTADS.

1.1.2 Ensure that adequate labor funding is available to pay for overtime prior to approval.

1.1.3 Exercise care to ensure nonexempt employees do not work outside their normal duty hours unless overtime pay is intended or compensatory time has been requested.

1.1.4 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.

1.1.5 Periodically monitor employee compensatory time balances to ensure that employees schedule and take the time off.

1.1.6 Schedule the employee's time off to avoid unnecessary payment of overtime and the resulting impact to their organization budget.

1.1.7 Reserve retroactive approval for critical situations only.

1.1.8 Approve holiday premium pay when it has been determined to be justified (see 2.2.13).

1.2 Authorized Official shall:

1.2.1 Make determinations of exigency of service for the purpose of granting or denying extension of CTE beyond 26 pay periods.

1.3 Center Chief Financial Officer (CFO) shall:

1.3.1 Determine whether compensatory time reported in WebTADS may be converted to paid overtime.

1.3.2 Approve (in writing) any conversions of CTE to paid overtime.

1.4 Human Resources Services Office shall:

Coordinate CTE balance transfer requests with other NASA installation, if requested by the employee.

1.5 Center Payroll Group shall:

Validate (through WebTADS) that overtime, compensatory time and holiday worked are

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authorized and approved in accordance with this MPR.

1.6 Employees shall:

1.6.1 Utilize the overtime request function within WebTADS to request: Overtime (OT) in lieu of Compensatory Time Earned (CTE); Holiday Worked (HW); Religious Comptime Earned (RCTE); CTE; CTE, Hazard Differential (CTEHZ); or Travel Compensatory Time Earned (TCTE).

1.6.2 Utilize CTE within the required time period or make other arrangements according to 2.2.5 and 2.2.6.

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CHAPTER 2. PROCEDURES

2.1 Paid Overtime

In accordance with NPR 3530.1, “as a general rule, overtime work will be avoided to the maximum extent practicable.”

2.1.1 Overtime requested and approved for a specific time and purpose shall not be carried forward even though unused. Approved overtime is valid only for the specific period and purpose for which it was approved.

2.1.2 Employees covered by the Fair Labor Standards Act (FLSA) (i.e., FLSA nonexempt employees) shall not be permitted to perform overtime work which has not been officially ordered or approved.

2.1.2.1 For nonexempt employees, the overtime rate shall be one and one-half times his or her hourly rate of basic pay.

2.1.3 Employees not covered by the FLSA (i.e., FLSA exempt employees), whose rate of pay exceeds the maximum step for General Schedule (GS) 10, may earn overtime in lieu of compensatory time with supervisory approval.

2.1.3.1 For exempt employees who are entitled to receive overtime pay, the rate of overtime pay shall be the greater of (1) one and one-half times the minimum hourly rate of GS10/01 (including any applicable special salary rate, locality rate of pay, or special pay adjustment for law enforcement officers); or (2) the employee’s own hourly rate of basic pay (including any applicable special salary rate, locality pay, or special pay adjustment for law enforcement officers).

Note: Appendix E shows the approved MSFC tours of duty and the employee’s eligibility for overtime or compensatory time according to employee status of FLSA exempt or non-exempt.

2.1.4 Irregular or occasional overtime is not normally paid where the granting of compensatory time off is available under law as an option of the GS employees whose basic rates of pay exceed the maximum step for GS-10.

2.1.5 If deemed necessary by the supervisor, an employee could be asked to work overtime during the same day of a workweek they have been permitted to take leave.

2.1.5.1 Each case shall be decided individually based on essentiality of the overtime work to be performed and circumstances surrounding the necessity for leave.

2.1.5.2 Instances such as absence for an emergency, a sudden need for the overtime, or other extenuating circumstances shall be considered when scheduling overtime on the same day.

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2.1.6 The minimum credit for overtime worked shall be 15 minutes, whether for payment or for purpose of compensatory time off, and is not to be segmented into separate periods of less than 15 minutes.

2.1.7 An employee who is called back to work or required to work on a day when no regular work is scheduled shall be credited with at least 2 hours of overtime.

2.1.8 To the extent appropriate, employees shall be assigned on a shift basis for continuous coverage of the job or for optimum utilization of costly facilities and equipment.

2.1.9 Following are two exceptions to employees receiving overtime pay for work in excess of 8 hours in a day:

2.1.9.1 The first exception applies to exempt employees who are officially assigned to a first 40-hour tour of duty. When the rate of basic pay exceeds the maximum step for GS-10, or if such employees are engaged in Office of Personnel Management (OPM) professional, technical, scientific, or engineering services (5 CFR 550.111(d) (2)), the basic workweek consists of the first 40 hours of duty time and employees are paid overtime only for officially ordered or approved work in excess of that.

2.1.9.2 The second exception applies to employees who are on either a compressed tour or a maxiflex tour. For these employees, overtime is time worked at official duties in excess of their established schedule for that day or any time worked on a day which was not part of the employee's regular work schedule.

2.2 Compensatory Time

2.2.1 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 bi-weekly and/or annual pay limitation.

2.2.2 Compensatory time shall be granted for officially ordered or approved overtime work for employees whose basic rate of pay exceeds the maximum step for GS-10, except when the employee is an FLSA nonexempt employee. In this case, see paragraph 2.2.3 below.

2.2.3 Nonexempt employees earning overtime under the FLSA or exempt employees whose rate of basic pay does not exceed the maximum step for GS-10 may, with supervisory approval, be granted compensatory time in lieu of pay for the directed overtime work.

2.2.4 When scheduling time off, care should be taken to avoid unnecessary payment of overtime and the resulting impact to the organization's budget.

2.2.5 Earned compensatory time shall be used no later than the end of the 26th full pay period after the pay period in which it was earned.

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2.2.6 For FLSA exempt employees, compensatory time earned that is not used within the 26 full pay periods “will be forfeited unless the failure to take the compensatory time is due to an exigency of the service,” in accordance with NPR 3530.1.

2.2.6.1 Exigency of service determination will be made by an Authorized Official.

2.2.6.2 According to NPR 3530.1, the exigency of service shall have lasted during the entire 26 pay periods.

2.2.6.3 Additionally, there shall be evidence that the employee officially requested and was denied the use of earned compensatory time during the 26 pay periods.

2.2.7 For FLSA nonexempt employees, unused or expired compensatory time earned will be paid out in the form of overtime in accordance with 2.2.8 below. There are no provisions to pay out compensatory time before it expires unless the employee leaves the Agency (e.g., the employee resigns, retires, or transfers to another Federal agency).

2.2.8 Regardless of grade level, after compensatory time has been reported in WebTADS, it shall not be converted to paid overtime without the prior written approval of the Center Chief Financial Officer (CFO).

Exception: Unused compensatory time on the payroll records at the time employment is terminated will be paid at the overtime rate applicable when the compensatory time was earned, with no additional approvals required.

2.2.8.1 Cost for compensatory time converted to paid overtime shall be funded by the organization/project currently funding the employee’s regular time.

2.2.8.2 A copy of the approval shall be furnished to the Center payroll group.

2.2.9 In the event 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.

2.2.9.1 If the employee desires his or her compensatory time balance to be transferred, he or she should contact the Human Resources Services Office to attempt arrangements for the transfer prior to the effective date of the transfer; otherwise, the compensatory time may be paid at the rate earned with no additional approval.

2.2.10 According to employee discretion, compensatory time may be charged in lieu of sick or annual leave.

2.2.11 Compensatory time off may be granted to afford an employee the opportunity of observing religious holidays.

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2.2.11.1 If the employee has no compensatory time to his or her credit, he or she may be advanced compensatory time off for this purpose.

2.2.11.2 A grant of advanced compensatory time off shall be repaid within a reasonable period of time.

2.2.12 Employees who are placed in a leave without pay status to perform military service or due to a compensable on-the-job injury have a total of 26 pay periods to use their earned compensatory time from the time it was earned, with time spent on leave due to military service or injury excluded from the pay period calculation. At the end of the 26 pay periods, unused compensatory time may be paid out in the form of overtime as described in 2.2.8.

2.2.13 Compensatory time shall not be granted in lieu of holiday premium pay for the first 8 hours of work performed during normal duty hours on a holiday. The official authorized to approve overtime and compensatory time earned may approve holiday premium pay.

a. Compensatory time may be granted for those hours worked in excess of 8 hours per day for employees on a regular tour of duty.

b. Employees on a 40-hour tour of duty may be granted compensatory time for those hours worked in excess of the first 40 hours per week.

c. Employees on a compressed work schedule may be granted compensatory time for hours worked in excess of 9 hours or 8 hours per day, depending on the number of hours scheduled for a particular day.

d. For employees on a maxiflex tour, compensatory time may be granted for hours worked in excess of their scheduled work tour when requested by the team lead, assistant manager, or supervisor (employee initiates the request in WebTADS). Compensatory time worked by request is independent of credit hours and therefore not part of the 24 credit hour limit.

2.2.14 Employees who separate from federal service shall be provided payment for unused compensatory time off as described in 2.2.8.

2.2.15 Decisions regarding converting compensatory time earned to overtime for instances other than separation from federal service or non-exempt status are made on a case-by-case basis in coordination with the CFO and the employee's supervisor.

2.3 Credit Hours

2.3.1 With supervisor, assistant manager, or team lead's approval, employees working a maxiflex tour may elect to earn credit hours when meaningful work is available. Credit hours are distinguished from overtime hours in that they are elected by the employee rather than being required by management.

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2.3.1.1 Credit hours may be earned and used within the same pay period or in another pay period.

2.3.1.2 The use of credit hours requires prior supervisor, assistant manager, or team lead approval.

2.3.2 Full-time employees may accumulate a total of 24 credit hours per pay period and no more than 24 credit hours may be carried forward into the next pay period.

2.3.3 Part-time employees may carryover no more than one-fourth of their part-time biweekly work requirement.

2.3.4 When promoted to a Senior Executive Service (SES) position, separated, or no longer subject to the maxiflex schedule, employees shall be paid for credit hours at the current rate of basic pay (subject to carryover limits).

2.4 Request Submittal

Requests shall contain:

2.4.1 Specific purpose for the request and complete justification including WBS:

2.4.2 Name of employee;

2.4.3 Duration of the request; i.e., definite day or period of time;

2.4.4 Number of hours requested; and

2.4.5 Nature of the request (see 1.6.1.).

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APPENDIX A

DEFINITIONS

Advanced Compensatory Time Off. Absence authorized for the observance of religious holidays when the employee does not have compensatory time earned to the employee's credit.

Authorized Officials. Directorate heads and other managers, chiefs, or directors who report directly to the Center Director and their direct reports.

Compensatory Time Off. The use of compensatory time previously earned.

Credit Hours. Hours that an employee elects to work, with supervisory approval, in excess of the employee's basic work requirement under a flexible work schedule (maxiflex tour for MSFC). Credit hours do not count toward overtime entitlement. An employee may use credit hours during a subsequent day, week, or pay period, with supervisory approval, to allow the employee to be absent from an equal number of hours of the employee's basic work requirement with no loss of basic pay. It is possible to earn and use credit hours during the same workday. Credit hours have to be earned before they are used.

Earned Compensatory Time. The balance of hours officially approved and worked, which is credited to an employee in lieu of overtime pay. It is credited in an amount equal to the amount of overtime worked for which the employee is not paid overtime pay. Earned compensatory time is used as compensatory time off.

Exempt Employees. See 5 CFR 551.104 for complete definition. An employee not covered by the minimum wage and overtime provisions of the FLSA.

Irregular or Occasional Overtime. Overtime that is not regularly and continuously scheduled as part of the regular workweek.

Nonexempt Employees. See 5 CFR 551.104 for complete definition. An employee covered by the minimum wage and overtime provisions of the FLSA.

Overtime. Time worked at official duties either in excess of 8 hours in a day or in excess of 40 hours in any administrative workweek. There are two exceptions to employees receiving overtime pay for work in excess of 8 hours in a day, as explained in paragraph 2.1.9.

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APPENDIX B

ACRONYMS

AFS – Agency Filing Scheme

CFO – Chief Financial Officer

CFR – Code of Federal Regulations

CT – Compensatory Time

CTE – Compensatory Time Earned

CTEHZ – Compensatory Time Earned, Hazard Differential

FLSA – Fair Labor Standards Act

GAO – Government Accountability Office

GOLD – Governance of Labor Distribution

GS – General Schedule

HW – Holiday Worked

NSSC – NASA Shared Services Center

OPM – Office of Personnel Management

OT – Overtime

RCTE – Religious Comptime Earned

SES – Senior Executive Service

TCTE – Travel Comptime Earned

WebTADS – Web-based Time and Attendance Distribution System

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APPENDIX C

VERIFICATION MATRIX (Reserved)

None.

APPENDIX D

RECORDS

D.1 Approved requests for compensatory time in lieu of pay, and for directed overtime for nonexempt employees earning overtime under the FLSA, are maintained by the NASA Shared Services Center (NSSC) until “after a GAO audit or when 6 years old, whichever is sooner,” in accordance with NRRS 1441.1, Schedule 9/19/A, , Agency Filing Scheme (AFS) #9630.

D.2 Approved requests for holiday or overtime approval are maintained by the NSSC until “after a GAO audit or when 6 years old whichever is sooner,” in accordance with NRRS 1441.1, Schedule 9/19/A, AFS #9630.

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APPENDIX E

EXPLANATORY TABLE

EMPLOYEE CLASSIFICATION				
	FLSA Exempt <i>(generally pay grades above GS-10, Step 10, or those engaged in professional or technical scientific or engineering activities at any pay level)</i>		FLSA Nonexempt <i>(generally pay grades below GS-10, Step 10, or equivalent)</i>	
Tours of Duty: (Ref. MGM 3600.1)	Eligible for Overtime (OT) (with supervisor approval)	Eligible for Compensatory Time (CT) (with supervisor approval)	Eligible for Overtime (OT) (with advance approval)	Eligible for Compensatory Time (CT) (with advance approval)
Standard Tour	Yes	Yes	Yes	Yes
Compressed Tour	Yes	Yes	Yes	Yes
Maxiflex Tour	Yes—May earn Credit Hours in lieu of OT	Yes—May earn Credit Hours in lieu of OT	Yes—May earn Credit Hours in lieu of OT	Yes—May earn Credit Hours in lieu of OT
First 40-Hour Tour	Yes*	Yes*	Yes*	Yes*

* Different rules apply with the First 40-hour Tour, dependent on whether an employee is First 40-X or First 40-I. See MGM 3600.1, CH1.1.8.3 for explanation.

Important Notes:

- MPR 3550.1, paragraph 2.1, explains the criteria used for approval of paid overtime.
- As stated in NPR 3530.1, paragraph 3.3.3, employees have up to 26 pay periods to use earned compensatory time.

As stated in MPR 3550.1, paragraph 2.2.8, “Regardless of grade level, after compensatory time has been reported in WebTADS, it shall not be converted to paid overtime without the prior written approval of the Center Chief Financial Officer (CFO).” There is one exception to this rule. “Unused compensatory time on the payroll records at the time employment is terminated shall be paid at the overtime rate applicable when the compensatory time was earned, with no additional approvals required.”

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APPENDIX F

REFERENCE

F.1 MGM 3600.1, “Attendance and Leave Guidance”