



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

HEADQUARTERS, UNITED STATES ARMY FIRES CENTER OF EXCELLENCE AND FORT SILL
FORT SILL, OKLAHOMA 73503

ATZR-C

4 May 2012

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Fires Center of Excellence (FCoE) and Fort Sill Civilian Overtime and Compensatory Time and Adherence to Fair Labor and Standard Act (FLSA) CG Policy 12-22

1. Reference. Fair Labor Standards Act.
2. Purpose. To provide policy and procedures for approving civilian overtime and ensuring compliance with provisions of FLSA within the FCoE.
3. General. Commanders, Directors and Chiefs of Special activities have a responsibility to ensure that the use of civilian overtime is fiscally sound, in compliance with regulations and properly monitored and documented. The use of overtime and/or compensatory time may be a necessity for mission accomplishment but can adversely affect employee quality of life away from the worksite and can have a negative impact on already limited resources. Senior leader involvement in usage of overtime and/or compensatory time and compliance with policies and procedures is critical to ensure an effective and efficient operation.
4. Responsibilities.
 - a. Directors, Commanders, and Chiefs of Special Activities will:
 - (1) Ensure that all Department of the Army (DA) civilian employees are aware of and comply with provisions for requesting, working, and reporting work resulting in compensation through overtime pay or compensatory time off work.
 - (2) Ensure that internal procedures are in place to assess the need for and recommend or approve overtime/compensatory time requests based on organizational needs and payroll availability.
 - (3) Establish an internal policy for overtime/compensatory time requests, approvals, monitoring, and documentation.
 - (4) Ensure that all supervisors, military and civilian, of civilian employees understand the provisions in the Fair Labor and Standards Act (FLSA) and the FLSA status, exempt or nonexempt, of all subordinate DA civilian employees, and that official

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position descriptions are accurate in reflecting assigned duties and responsibilities upon which FLSA determinations are based.

(5) Ensure that overtime approval authority is not delegated below the Deputy Director or Deputy Commander level.

b. Supervisors of DA civilian employees will:

(1) Ensure accuracy of position descriptions against actual work assigned, and compliance with FLSA in performance of work by DA civilian employees.

(2) Recommend and/or endorse only requests for overtime/compensatory time that are critical to mission accomplishment, within fiscal restraints of the activity, and that can be adequately monitored for performance.

(3) Ensure that employees performing overtime/compensatory time work are properly supervised.

(4) Document all overtime/compensatory time worked on time and attendance records.

(5) Ensure work performed is compensated in accordance with the provisions of FLSA and that each employee understands these provisions and their FLSA status.

(6) Ensure approved compensatory time is scheduled for use to preclude conversion to overtime payment at the end of the 26th pay period.

c. FCoE and Fort Sill Department of the Army Civilians will:

(1) Adhere to established work schedule, requesting and receiving approval in accordance with provisions of this policy before performing work outside of this schedule.

(2) Identify need for overtime/compensatory time to supervisor and obtain formal approval before any such work is accomplished.

(3) Ensure that work performed during periods approved for overtime/compensatory time is accomplished effectively and efficiently.

(4) Understand and adhere to the provisions of the Fair Labor Standards Act as appropriate for their actual work assignments.

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d. CPAC Human Resource Specialists or SJA Labor Counsel will advise managers and employees as appropriate on provisions of this policy, overtime and compensatory time regulations, and FLSA provisions.

e. Directorate of Resource Management will:

(1) Advise supervisors and managers considering overtime/compensatory time requests on availability of funds.

(2) Provide recommendation on requests based on fund availability to approving official.

(3) Advise recommending official on decision.

(4) Develop matrix to track use of overtime/compensatory time within FCoE. Provide both latest pay period accrual and cumulative data for fiscal year break down to CofS and DtCG on a monthly basis.

5. Procedures.

a. Except in emergency circumstances as established by the activity Commander, Director or Chief of Special Activities, any work scheduled for which overtime or compensatory time is warranted will be approved in advance.

b. Requests for approval of overtime/compensatory time (DA Form 5172-R) will be submitted electronically and will include the following information:

(1) Narrative justification by recommending official supporting use of overtime/compensatory time to include work to be performed, reason for use of overtime/compensatory time, and mission impact if approval is not granted.

(2) Names, Title, Series, Grade/Band, and hourly overtime pay rate of all employees involved.

(3) Dates, hours, and work that will be performed by the employees involved.

c. Requests for approval of overtime/compensatory time for DA civilians assigned to the FCoE Staff will be submitted electronically (DA Form 5172-R) and will include the same information in paragraph 5.b.1 thru 3.

(1) The DCofS or SGS is the approval authority for all unscheduled emergency overtime for the FCoE Staff.

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(2) Requests for approval of overtime/compensatory time (DA Form 5172-R) will be routed through DRM/G8 before submission to the Headquarters.

6. Fair Labor Standards Act (FLSA).

a. FLSA sets forth the requirements for overtime pay for most civilian employees. Some civilian employees are exempt from the overtime provisions of FLSA. The exemptions are limited and depend on the work actually performed by the employees. The employee's official position description identifies whether the documented duties are nonexempt or exempt from coverage. However, it is the actual duties the employee performs that determines whether the employee is exempt or not from the FLSA overtime provisions.

(1) Detailed information regarding FLSA coverage is available at <http://www.dol.gov/whd/flsa/index.htm> and must be reviewed by all supervisors.

(2) Official position descriptions must match official duties assigned and will be updated when major duties change.

(3) Employees detailed to other positions for any period of time must be compensated based on the duties being performed.

b. All employees (both exempt and nonexempt) are entitled to overtime compensation when it has been officially ordered and approved in advance. Nonexempt employees are also entitled to compensations for overtime work which the supervisor "suffers" or "permits" to be performed.

c. GS employees may request compensatory time off in lieu of overtime pay. At its discretion, management may require those exempt employees whose rate of basic pay exceeds a GS-10, step 10, to take compensatory time off instead of receiving overtime pay. Compensatory time is equivalent to the overtime period of work. (i.e., one hour for one hour).

d. Managers and supervisors will maintain an awareness of their employee's status under FLSA and the impact of this status when assigning or allowing work outside the established work schedule.

7. This policy memorandum supersedes CG Policy Memorandum, ATZR-C, 7 September 2010, subject: Fires Center of Excellence (FCoE) and Fort Sill Civilian Overtime and Compensatory Time, CG Policy Memo 10-09.

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8. Point of contact is the Secretary to the General Staff, 580-558-0599.



JAMES M. MCDONALD
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Commanding

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