

MPR 3550.1  
REVISION C

EFFECTIVE DATE: September 20, 2004  
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# MARSHALL PROCEDURAL REQUIREMENTS

RS01

## DELEGATION OF AUTHORITY AND POLICY ON OVERTIME

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### DOCUMENT HISTORY LOG

Status (Baseline/ Revision/ Canceled)	Document Revision	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.

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## PREFACE

### **P.1 PURPOSE**

This Directive outlines the requirements for implementation of NASA policy and specifies Marshall Space Flight Center (MSFC) procedures related to overtime work, compensatory time, and credit hours worked by MSFC employees.

### **P.2 APPLICABILITY**

This Directive is applicable to all MSFC organizational elements.

### **P.3 AUTHORITY**

- a. NPD 3000.1, "Management of Human Resources"
- b. NPR 3530.1, "Pay Policy and Allowances"

### **P.4 APPLICABLE DOCUMENTS**

- a. 5 CFR, Part 551
- b. 5 USC Section 102
- c. 5 CFR, Part 550
- d. 5 USC, Chapter 55
- e. 5 USC Section 5542
- f. NPR 1441.1, "NASA Records Retention Schedule"

### **P.5 REFERENCES**

MPD 1200.3, "Power and Authority Directive for Marshall Space Flight Center (MSFC) Operations"

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## **P.6 CANCELLATION**

MPG 3550.1B dated March 11, 2004

Original signed by  
Robin N. Henderson for

David A. King  
Director

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## DOCUMENT CONTENT

### 1. DEFINITIONS

For the purpose of this Directive, the following definitions apply:

1.1 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.

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

1.3 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 to be used later as compensatory time off.

1.4 Exempt Employees. See 5 CFR 551.104 for complete definition. FLSA exempt means an employee not covered by the minimum wage and overtime provisions of the Fair Labor Standards Act.

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

1.6 Nonexempt Employees. See 5 CFR 551.104 for complete definition. FLSA nonexempt means an employee covered by the minimum wage and overtime provisions of the Fair Labor Standards Act.

1.7 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 1.7.1 and 1.7.2.

1.7.1 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 rate of a GS-10, Step 1, or if such employees are engaged in 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.

1.7.2 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 when the employee was not scheduled to work.

1.7.3 The employees to whom exception 1.7.1 applies are paid overtime only for officially ordered or approved work in excess of the basic workweek of 40 hours.

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1.8 Regularly Scheduled Overtime. Overtime that is regularly and continuously scheduled as a part of the regular workweek.

1.9 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.

## **2. RESPONSIBILITIES**

As appropriate, responsibilities are described in each section of the document.

## **3. PROCEDURE**

### **3.1 Paid Overtime**

3.1.1 Overtime ceilings (which include pay for holiday work) in terms of dollars shall be established for each organization reporting to the Center Director by the Center Chief Financial Officer. Any increase in this ceiling shall have prior approval of the Center Chief Financial Officer. Based on this ceiling, the directors/managers of such organizations shall establish dollar ceilings for their respective organizations.

3.1.2 Supervisors shall 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 shall 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 that have to be considered.

3.1.3 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. Exempt employees, whose rate of pay exceeds the maximum rate of a GS 10/10, may earn overtime in lieu of compensatory time with supervisory approval. Approval of overtime in lieu of compensatory time should be approved electronically via the overtime approval function in the WebTADS timekeeping system. Supervisors should exercise care to ensure that nonexempt employees do not work outside their normal duty hours unless overtime pay is intended or compensatory time has been requested. For exempt employees who are entitled to receive overtime pay, the hourly rate of overtime pay shall be the greater of (1) one and one-half times the minimum hourly rate of GS-10/10 (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

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adjustment for law enforcement officers.

3.1.4 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.

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

3.1.6 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

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

### 3.2 Compensatory Time

3.2.1 Earned compensatory time shall be used no later than the end of the fourteenth 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 fourteen full pay periods shall 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 heads of directorates and other managers, chiefs, or directors who report directly to the Center Director and their direct reports. Forfeited compensatory time balances of 8 hours or more may be extended one time for an additional fourteen pay periods. Requests for extensions shall not be considered for approval until the end of the exigency period.

3.2.2 Compensatory time off may be granted to afford an employee the opportunity of observing religious holidays. If the employee has no compensatory time to his or her credit, he or she may be advanced compensatory time off for this purpose. A grant of advanced compensatory time off shall be repaid within a reasonable period of time.

3.2.3 Regardless of grade level, after compensatory time has been reported in the MSFC Web-based Time and Distribution System (WebTADS), it shall not be converted to paid overtime without the prior written approval of the Center Chief Financial Officer with a copy of the 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 shall be paid at the overtime rates applicable at the time the compensatory time was earned with no additional approvals required; and (2) compensatory time earned by nonexempt employees shall be paid at the overtime rate applicable at the time it was earned if not used within fourteen pay periods.

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3.2.4 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 or her compensatory time balance to be transferred, he or she shall request the Human Resources Department to attempt arrangements for the transfer with the gaining NASA installation prior to the effective date of the transfer; otherwise, the compensatory time shall be paid with no additional approval.

3.2.5 At the discretion of the employee, compensatory time may be charged in lieu of sick leave.

3.2.6 Irregular or occasional overtime shall 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 shall be granted for officially ordered or approved 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 paragraph 3.2.8.

3.2.7 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.

3.2.8 Nonexempt employees earning overtime under the Fair Labor Standards Act or exempt employees whose rate of basic pay does not exceed the maximum hourly rate of a GS 10, may, upon written request, be granted compensatory time in lieu of pay for the directed overtime work. The request shall be submitted by the employee and approved by the team leader or approver via the electronic Overtime Request function in WebTADS. Supervisors and employees are responsible for scheduling time off to avoid payment of overtime. The approval shall be maintained on-line in WebTADS for 3 years and then archived offline for an additional 3 years. This record shall be purged and deleted after 6 years.

3.2.9 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. Compensatory time may be granted for those hours worked in excess of 8 hours per day for employees on a regular tour of duty. For employees on a 40-hour tour of duty, compensatory time may be granted for those hours worked in excess of the first 40 hours per week. For those employees on a compressed work schedule, compensatory time may be granted for those hours worked in excess of 9 hours or 8 hours per day, depending on the number of hours scheduled for a particular day.

### 3.3 Credit Hours

3.3.1 With team leader or supervisor approval, employees working a maxiflex tour may elect to earn credit hours. Credit hours are hours the employee elects to work which are outside of their basic work requirement. Credit hours are distinguished from overtime hours in that they are

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elected by the employee rather than being required by management. Credit hours may be earned and used within the same pay period or in another pay period. Employees shall not use credit hours to lengthen their workdays to more than 10 hours per day. An employee working more than 10 hours in a workday shall earn either overtime or compensatory time for the additional hours worked. Full time employees may accumulate a total of 24 credit hours and no more than 24 credit hours may be carried forward into the next pay period. Part time employees may carryover no more than one-fourth of their part time biweekly work requirement. Credit hours may be earned only when meaningful work is available. The use of credit hours requires prior team leader/supervisor approval.

3.3.2 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).

### 3.4 Power and Authority to Authorize and Approve Overtime (Reference: MPD 1200.3)

#### 3.4.1 Redelegation

3.4.1.1 The Associate Director is redelegated authority to authorize and approve regularly scheduled overtime.

3.4.1.2 Authority to authorize and approve irregular and occasional overtime work (including holiday work, compensatory time off in lieu of paid overtime, and overtime in lieu of compensatory time) for employees under their supervision is redelegated to managers, supervisors, or team leads who are responsible for certifying employees' time cards.

#### 3.4.2 Further Redelegation

No further redelegation is authorized.

#### 3.4.3 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.

### 3.5 Holiday or Overtime Approval

3.5.1 Requests for holiday work or overtime approval, whether for compensatory time or paid overtime, shall be submitted via the on-line Overtime Request function in WebTADS and approved as prescribed in section 3.3 of this Directive. Retroactive approval shall be granted only for critical situations. The request shall contain:

3.5.1.1 A complete justification including the specific purpose;

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3.5.1.2 The employees' name;

3.5.1.3 A definite day or period of time covered by the request;

3.5.1.4 Number of hours requested; and

3.5.1.5 Whether for compensatory time, paid overtime, or holiday work.

3.5.2 A copy of the approval shall be maintained on-line in the electronic timekeeping system files for 3 years and then archived off-line for an additional 3 years. The record shall be purged and deleted after 6 years.

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

3.5.4 The Payroll Certifying Officer shall accept the MSFC WebTADS input as evidence that the overtime and holiday worked recorded thereon were authorized and approved in accordance with section 3.3 of this Directive.

#### **4. RECORDS**

4.1 Approved requests for compensatory time in lieu of pay, for directed overtime for nonexempt employees earning overtime under the Fair Labor Standards Act, shall be maintained in the electronic timekeeping files until after a GAO audit or 6 years; whichever is sooner, in accordance with NPR 1441.1, Schedule 3.

4.2 Approved requests for holiday or overtime approval shall be maintained in the electronic timekeeping files, until after a GAO audit or 6 years; whichever is sooner, in accordance with NPR 1441.1, Schedule 3.

#### **5. FLOW DIAGRAM**

None