

Part 427 – NRCS Hours of Duty

Subpart C – Special Consideration

ME427.22 Compensatory Time for Travel

A. Overtime Pay for Travel vs. Comp Time for Travel

- (1) Effective January 28, 2005, the Office of Personnel Management (OPM) implemented a provision of the [Workforce Flexibility Act](#) providing for a new form of compensatory time off for time spent in a travel status away from an employee's official duty station. The travel must be officially authorized for work purposes and approved by an authorized agency official prior to travel. **To the maximum extent possible, authorized official travel should be scheduled within an employee's regularly scheduled work hours.** However, when this is not possible, employees may earn compensatory time off for travel away from the official duty station during hours that are **otherwise not compensable.**
- (2) Click on [GM 360, Part 427, Hours of Duty](#), for more information on Travel as Hours of Work and Compensatory Time for Travel.

B. Definition of Terms

- (1) **YES** - If by using the chart below it is determined that the hours for travel are compensable (i.e., a “YES” on the chart), the hours should be coded to the appropriate Overtime transaction code or Compensatory Time Earned in Lieu of Overtime. If the hours are compensable, no claim can be made under the new provision for Compensatory Time for Travel.
- (2) **NO** - If by using the chart below it is determined that the hours for travel are not compensable (i.e., a “NO” on the chart), then the employee may be eligible for the new form of compensatory time for travel for some or all of the hours in a travel status. For details on the new Compensatory Time for Travel, please review [OPM's Guidance](#) including [Questions and Answers](#), and [Example Cases](#).
- (3) **FLSA Code - E (Exempt)** - Exempt from the [Fair Labor Standards Act](#) (FLSA). NRCS employees at the GS-11 level and above are usually designated as Exempt and therefore not covered by the FLSA. Designation can be found in block 35 on the SF-50B, Notification of Personnel Action.
- (4) **FLSA Code - N (Non-exempt)** - NRCS employees at the GS-9 and below are usually designated as Non-exempt and therefore covered under the [Fair Labor Standards Act](#). Designation can be found in block 35 of the SF-50B, Notification of Personnel Action.
- (5) **Event within the Agency's administrative control** - Based on Comptroller General (CG) decisions, travel on overtime to and from an event arranged at the discretion of an agency (or agencies) is not compensable since the agency has it within its power to ensure that the employee travels during work hours. For the same reason, travel to and from training which is conducted by the government, under government contract, or by private institution (where the majority of students are federal employees) is not compensable since the agency has within its power to control the training schedule.
- (6) **Travel as Hours of Work** - (Click on [GM 360, Part 427, Hours of Duty](#) for more information on Travel as Hours of Work and Compensatory Time for Travel.)
- (7) All time spent traveling for official duty during scheduled duty hours are considered as “hours of work”. Time spent traveling outside of scheduled duty hours may be considered as “hours of work,” only, under the following conditions:

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- (i) The employee is covered by the FLSA (non-exempt employee) and drives a vehicle or performs other work while traveling; travels as a passenger on a one-day assignment; or, is required to travel as a passenger on an overnight assignment away from the official duty station during hours on non-workdays that correspond to the employee’s regular working hours.
- (ii) The employee is not covered by the FLSA (exempt employee) and is required to perform work while traveling; is incident to travel that involves the performance of work while traveling; travel is carried out under arduous conditions; or, results from an event which could not be scheduled or controlled administratively by an agency within the Executive Branch. (This would be a very rare occurrence).
- (8) Travel time that is approved and directed and which qualifies as “hours of work” under the criteria in (A) (1) or (A) (2) above will be compensated by overtime or compensatory time.
- (9) Travel time within the duty station that is approved, however performed at the employee’s option and which qualifies as “hours of duty” under the criteria in (A)(1) or (A)(2) above will be allowed as earned credit hours when the employee is working a FWS (flexitour).
- (10) Travel which involves the performance of work while traveling generally means work which can only be performed while traveling or work which an agency requires an employee to perform while traveling.

C. Compensatory Time for Travel

- (1) Click on [GM 360, Part 427, Hours of Duty](#), for more information on Compensatory Time for Travel.
- (2) Compensatory time for travel will automatically be forfeited after 26 pay periods from when it is earned.
- (3) There is no limitation on the amount of compensatory time off for travel an employee may earn.
- (4) Compensatory time for travel can be earned and used in 15 minute increments.
- (5) To determine if the hours are compensable by overtime/compensatory time or compensatory time for travel, use the chart below:

Travel Scenarios	Overtime or regular compensatory time allowed if event is within the Agency's administrative control?	Overtime or regular compensatory time allowed if event is not within the Agency's administrative control?	Compensatory Time for Travel allowed?
Traveling on Saturday or Sunday (when not part of normal tour of duty).	FLSA Code = E No FLSA Code = N Yes, but only during regularly scheduled duty hours on a non-duty day.	FLSA Code = E Yes FLSA Code = N Yes	If not otherwise compensable for overtime, employee may be eligible for comp time for travel. Click on OPM's Guidance to determine eligibility.

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<p>Traveling outside duty hours on a duty day (e.g., Friday night flight home).</p>	<p>FLSA Code = E No FLSA Code = N No</p>	<p>FLSA Code = E Yes FLSA Code = N Yes</p>	<p>If not otherwise compensable for overtime, employee may be eligible for comp time for travel. Click on OPM's Guidance to determine eligibility.</p>
<p>Travel on a holiday (If Yes, holiday overtime rate is paid during duty hours; Regular overtime rate is paid outside of duty hours).</p>	<p>FLSA Code = E No FLSA Code = N No</p>	<p>FLSA Code = E Yes FLSA Code = N Yes</p>	<p>If not otherwise compensable for overtime, employee may be eligible for comp time for travel only for travel outside of duty hours. Click on OPM's Guidance to determine eligibility.</p>
<p>One-day travel as a passenger to and from a temporary duty station, outside duty hours.</p>	<p>FLSA Code = E No FLSA Code = N Yes</p>	<p>FLSA Code = E Yes FLSA Code = N Yes</p>	<p>If not otherwise compensable for overtime, employee may be eligible for comp time for travel only for travel time outside of duty hours. Click on OPM's Guidance to determine eligibility.</p>
<p>Travel in emergency situations (e.g., a piece of equipment in the field breaks down and must be repaired immediately to ensure the welfare and safety of the public).</p>	<p>FLSA Code = E Yes FLSA Code = N Yes</p>	<p>FLSA Code = E Yes FLSA Code = N Yes</p>	<p>NO</p>
<p>Travel by employees on a flexitour schedule outside of their established work schedule time bands, i.e., 30 minutes on each side.</p>	<p>FLSA Code = E No FLSA Code = N Yes, but only during the established flexible period on a non-duty day.</p>	<p>FLSA Code = E Yes FLSA Code = N Yes</p>	<p>If not otherwise compensable for overtime, employee may be eligible for comp time for travel. Click on OPM's Guidance to determine eligibility.</p>

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<p>Travel by employees on a compressed schedule, i.e., 5-4/9 or 4/10 outside of their established work schedule.</p>	<p>FLSA Code = E No FLSA Code = N Yes, but only during the established scheduled period on a non-duty day.</p>	<p>FLSA Code = E Yes FLSA Code = N Yes</p>	<p>If not otherwise compensable for overtime, employee may be eligible for comp time for travel. Click on OPM's Guidance to determine eligibility.</p>
<p>Travel directly from home to a temporary duty location outside the limits of the official duty station.</p>	<p>FLSA Code = E No FLSA Code = N Yes, but only during the established flexible period on a non-duty day. (Note: If Yes, the time normally spent traveling from home to work travel is deducted from the total hours of overtime worked).</p>	<p>FLSA Code = E Yes FLSA Code = N Yes (Note: If Yes, the time normally spent traveling from home to work travel is deducted from the total hours of overtime worked).</p>	<p>If not otherwise compensable for overtime, employee may be eligible for comp time for travel. Click on OPM's Guidance to determine eligibility.</p>

Note: When traveling by air, outside of duty hours and overtime/compensatory time or compensatory time for travel is appropriate, the clock:

- (1) **Starts** at flight time (the time the airline requires check-in) unless travel from your residence to the airport, minus the time normally spent in "home to work" travel, takes more than an hour. If, for example, it takes 25 minutes to travel from your residence to work, and it takes 1 hour, 40 minutes to travel from your residence to the airport, (a difference of 1 hour and 15 minutes), and the flight leaves at noon with a check-in time of 10:00 a.m., it would be reasonable to pay overtime from 8:45 a.m.
- (2) **Continues** during the usual waiting periods between flights.
- (3) **Ends** at the completion of the flight unless travel to the work site, hotel or other accommodation, minus the time normally spent in "work to home" travel, takes more than an hour. If, for example, it takes 25 minutes to travel from work to your residence, and 1 hour, 40 minutes to travel from the airport to the work site, hotel or other accommodation, (a difference of 1 hour and 15 minutes), and the flight ends at 4:30 p.m., it would be reasonable to pay overtime up to 5:45 p.m.

D. Multiple Time Zones

When travel involves two or more time zones, the time zone at the point of first departure of the work day is used to determine whether travel was performed during corresponding work hours on non-work days. For example, if an employee begins travel in Virginia and ends traveling in St. Louis, the Eastern time zone will be used to determine whether any of the travel is hours of work. An employee leaves Virginia at 11:00 a.m. EST and arrives in St. Louis at 3:30 p.m. CST. Using the time zone of first departure, the employee is entitled to 5 hours of work for travel. This results from the total travel time of 5 ½ hours (11:00 a.m. to 4:30 p.m., with a deduction of 30 minutes for lunch). When the employee later returns from St. Louis to Virginia, the Central time zone will be used to determine if any of the travel is hours of work.