



## GUIDE FOR DETERMINING TIME WORKED OUTSIDE REGULAR TOUR OF DUTY (Is it Overtime, Comp Time, CTT, or Credit Leave?)

**CFR** – Code of Federal Regulations

**CT** – Compensatory Time – time off from an employee’s tour of duty in lieu of payment (5CFR 550.114)

**CTT** – Compensatory Time Off for Travel – time off allowed for time spent in a travel status not otherwise compensable

**FLSA** – Fair Labor Standards Act

**OT** – Overtime – work in excess of 8 hours in a day, or in excess of 40 hours in a work week (5CFR 550.111)

**Basic Workweek** – Monday through Friday

**Duty Station** – the county to which an employee is assigned (General Manual [GM] 360, Part KS427.4.P)

**Suffered or Permitted Work** – any work performed by an employee for the benefit of the agency, requested or not, provided the supervisor knows or has reason to believe that the work is being performed AND has an opportunity to prevent the work from being performed (5CFR 551.104)

**Tour of Duty** – the hours of a day and the days of the week that constitute an employee’s regularly scheduled administrative workweek (5CFR 550.103, 610.102)

A flexible or compressed work schedule is a scheduled tour of duty, and all work performed by an employee within the basic

work requirement is considered regularly scheduled work for premium pay and hours of duty purposes. (5CFR 610.111)

**Training** – a planned program, course, or curriculum which will improve individual and organizational performance and assist in achieving the agency’s mission and performance goals (5USC4101)

**Travel as Hours of Work – Non-Exempt** – 1) time driving a vehicle; 2) time as a passenger on a 1-day assignment outside the duty station; OR 3) traveling as a passenger, overnight, outside the duty station on a non-duty day during hours which correspond to the regular tour of duty (5CFR 551.422)

**Travel as Hours of Work – Exempt** – 1) performs work while traveling; 2) work incident to travel; 3) travel under arduous conditions; OR 4) administratively uncontrollable (GM 360, Part 427.21.A)

**Travel Status** –the time, in excess of 12 hours, spent traveling outside the duty station; includes travel between the official duty station and a temporary duty station, OR between two temporary duty stations AND the usual waiting time that precedes or interrupts such travel (GM 360, Part 427.22) (Federal Travel Regulation [FTR] 301-11.1)

|   | <b>A</b>        | <b>B</b>  | <b>C</b>  | <b>D</b>  | <b>E</b>                      | <b>F</b>            |
|---|-----------------|---|---|---|-------------------------------|---------------------|
|   | <b>If</b>       | <b>And</b>  | <b>And</b>  | <b>And</b>  | <b>Then</b>                   | <b>Rule</b>         |
| 1 | FLSA Non-exempt | Flexible tour of duty                                     | Employee elects to work more than 8 hours in one duty day       | The election to work is strictly voluntary                  | Credit Leave (max of 2 hours) | GM 360, Part 427.12 |
| 2 |                 |   | Flexible OR Compressed OR Traditional fixed tour of duty        | Supervisor directs work in excess of scheduled tour of duty |                               | OT                  |
| 3 |                 | Suffered/permitted to work more than the tour of duty     |   | Supervisor has the opportunity to prevent work              | OT                            | 5CFR 551.401        |
| 4 |                 | Is in a pay status during the basic workweek              |   | Works outside the tour of duty                              | OT                            | 5CFR 551.401(b)     |
| 5 |                 | Is in a LWOP/AWOL status during any of the basic workweek | Is in a pay status more than 40 hours during the basic workweek | OT  | 5CFR 551.401(c)               |                     |

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|----|--|---|---|--|---|---|
|    | <b>If</b>  | <b>And</b>  | <b>And</b>  | <b>And</b>   | <b>Then</b>   | <b>Rule</b>   |
| 6  | FLSA Non-exempt  | Travels outside scheduled tour of duty within the official duty station | Meets "travel as hours of work" definition  | Travels at time directed by the government             | OT  | GM 360, Part 427.21<br>5CFR 551.422(a)(2)                 |
| 7  |  |   | Meets "travel as hours of work" and the employee is on a flexible schedule        | Elects to travel at this time for personal convenience | Credit Leave (max of 2 hours)   | GM 360, Part 427.21                                       |
| 8  |  |   | Meets "travel as hours of work" definition and is on compressed or fixed schedule | Elects to travel at this time for personal convenience | No entitlement  | GM 360, Part 427.21(c)                                    |
| 9  |  | Travels outside the duty station  | Meets "travel as hours of work" definition  | Elects to travel at this time for personal convenience | CTT   | GM 360, Part 427.22                                       |
| 10 |  | Travels outside the tour of duty and outside the duty station           | Meets "travel as hours of work" definition  | Travels at time directed by the government             | OT  | GM 360, Part 427.21(b)                                    |
| 11 |  |   | Meets "travel as hours of work" definition  | Elects to travel at this time for personal convenience | OT for actual OR estimated travel time, whichever is less   | 5CFR 551.422(c)(1)<br>551.422(c)(2)                       |
| 12 |  |   | Doesn't qualify for "travel as hours of work"                                     | Not required, but authorized by supervisor             | CTT   | GM 360, Part 427.22                                       |
| 13 |  |   | FLSA Non-exempt   | Training – outside tour of duty                        | Directed to participate (failure to attend and successfully complete may result in removal from the position) | Purpose is to improve performance in the current position |
| 14 | Developmental for career advancement, or to maintain expertise (not mandatory) |   |   |  | No entitlement  | 5CFR 551.423(a) & (b)                                     |

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|    | <b>If</b>       | <b>And</b>  | <b>And</b>  | <b>And</b>   | <b>Then</b>                   | <b>Rule</b>                   |
| 15 | FLSA Non-exempt | Lectures, meetings, and conferences – outside tour of duty        | Directed to attend OR performs work for the benefit of the agency           |  | OT                            | GM 360, Part KS427.4(a) & (b) |
| 16 |                 |   | Developmental for career advancement, or maintain expertise (not mandatory) |  | No entitlement                | 5CFR 551.423(a) & (b)         |
| 17 | Exempt          | Flexible tour of duty   | Employee elects to work more than 8 hours in one duty day                   | The election to work is strictly voluntary             | Credit Leave (max of 2 hours) | GM 360, Part 427.11           |
| 18 |                 | Flexible OR Compressed OR Fixed tour of duty                      | Supervisor directs work in excess of 40 hours in the basic workweek         |  | OT/CT                         | 5CFR 550.111                  |
| 19 |                 |   | In a paid leave status during the basic workweek                            | Works outside the tour of duty                         | OT/CT                         | 5CFR 550.112(c)               |
| 20 |                 |   | In a without pay status during the basic workweek                           | Works more than 40 hours                               | OT/CT                         | 5CFR 550.112(d)               |
| 21 | Exempt          | Travels outside the tour of duty within the official duty station | Performs work – not driving   | Directed   | OT/CT                         | 5CFR 550.112(g)               |
| 22 |                 |   | Driving (does not meet hours of work definition)                            |  | No entitlement                |                               |
| 23 |                 | Travels outside the duty station                                  | Meets “travel as hours of work” definition                                  | Directed   | OT/CT                         | GM 360 Part 427.22            |
| 24 |                 |   | Meets “travel as hours of work” definition                                  | Elects to travel at this time for personal convenience | CTT                           | GM 360 Part 427.22            |
| 25 |                 |   | Doesn’t qualify for “travel as hours of work”                               | Authorized by supervisor                               | CTT                           | GM 360 Part 427.22            |
| 26 |                 |   | Doesn’t qualify for “travel as hours of work”                               | Not authorized by supervisor                           | No entitlement                |                               |

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|-----------|--------|-------------------------------------|---|---|----------------|-------------------------------|
| <b>If</b> |        | <b>And</b>                          | <b>And</b>  | <b>And</b>  | <b>Then</b>    | <b>Rule</b>                   |
| 27        | Exempt | Training – outside tour of duty     | Directed to participate (failure to attend and successfully complete may result in removal from the position) | Purpose is to improve performance in the current position | No entitlement | 5CFR 410.402(a)               |
| 28        |        |                                     | Developmental for career advancement, or maintain expertise   |   | No entitlement |                               |
| 29        |        | Lectures, meetings, and conferences | Directed  |   | OT/CT          | GM 360, Part KS427.4(a) & (b) |