UNITED STATES MARINE CORPS
MARINE CORPS BASE
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12610.1L
HREL
12 APR 2001

BASE ORDER 12610.1L

From: Commanding General
To: Distribution List

Subj: HOURS OF WORK

Ref: (a) NavHosp Negotiated Agreement with AFGE, Local 2065 (NOTAL)
(b) 5 CFR 610 (NOTAL)
(c) BO 12630.1J
(d) BO 7420.21F

Encl: (1) Changing Days or Hours of Work
(2) Overtime/Compensatory Time
(3) Holidays and Sundays
(4) Travel Time

1. Purpose. To establish procedures for the weekly and daily scheduling of work for civil service employees incorporating the provisions in references (a) through (d).

2. Cancellation. BO 12610.1K.

3. Information. The principles listed below will be observed in scheduling the workweeks of both General Schedule and Wage, full-time employees, except in situations where it is determined that operations would be seriously handicapped, or where cost would be substantially increased. The provisions of reference (a) must be applied, as appropriate, in the case of employees in the units designated therein. Additional guidance on changes to hours of work, overtime, holidays, and travel is provided in enclosures (1) through (4).

a. Stability. Employees' work schedules shall be maintained as stable as practicable, and employees will be given advance notice of changes in their work schedules.

b. Administrative Workweek. The administrative workweek, the period of seven consecutive days within which the basic workweek is scheduled, will be the calendar week of Sunday through Saturday.

c. Basic Workweek. Whenever practicable, the basic 40-hour workweek shall be scheduled on five days, Monday through Friday, and the two days outside the basic workweek shall be consecutive.

d. Hours of Work. In general, the working hours in each day in the basic workweek shall be the same. In unusual circumstances, the working hours may vary.

e. Workday. The basic nonovertime workday shall not exceed eight hours.

f. Holidays. The occurrence of a holiday shall not affect the designation of the basic workweek.

g. Basic Work Schedule. The basic work schedule is Monday through Friday, eight hours per day, ranging from 0700 to 1630, excluding a 30-minute lunch period. Separate schedules may be established in accordance with enclosure (1) of this Order for employees in service-type functions, fire fighters, and employees required to work in shifts. Unit or staff section heads will ensure that each employee is advised of the workweek schedule, and that the schedule is posted in advance of the effective date and maintained as a record. Workweek schedules shall show:

(1) The workdays and shift hours that comprise the 40-hour basic workweek.

(2) The workdays and clock hours of any overtime work schedule.

(3) The nonworkdays of the administrative workweek.

(4) Lunch period or statement that no lunch period is allowed.

h. First-40-Hour Work Schedule. When it is impracticable to prescribe a regular schedule of definite hours of duty for each workday of the administrative workweek, the first 40 hours of duty performed within a period of not more than six days of the administrative workweek may be approved as the basic workweek. With this work schedule, any additional hours of officially ordered or approved duty within the administrative workweek are overtime work. The situations in which it is impracticable to

prescribe a regular schedule of definite hours of duty include those in which members of groups are engaged in experimental tests which must be carried through to completion without interruption and those in which investigative personnel are engaged in assignments which must be completed without interruption. Except at the Naval Hospital, department heads are authorized to approve a first-40-hour work schedule. At the Naval Hospital, directors are authorized to approve a first-40-hour work schedule.

i. Compressed Work Schedule. Compressed work schedules are alternate work schedules wherein employees work the 80-hour basic requirement in less than ten days. The 5-4/9 Plan is the most commonly used compressed work schedule. Under the 5-4/9 Plan, the tour of duty is arranged such that the employee works eight nine-hour days and one eight-hour day during each biweekly pay period. The criteria for implementing compressed work schedules shall be to enhance productivity and working conditions in those organizations that can use this schedule without adversely affecting support. Employees' "off" days will be scheduled in a manner that ensures support is not diminished to customers/patients/tenants. Compressed work schedules will be continued or implemented by department heads of Marine Corps Base activities and directors of Naval Hospital organizations, as appropriate, in accordance with the provisions in reference (b).

j. Lunch Period. The normal lunch period is 30 minutes in length. Lunch periods may be staggered when it is necessary to provide continuous service. To avoid overlapping shifts and where constant attention and availability of the employee is required, shifts and working hours may be scheduled without a lunch period. Under these circumstances, the employee is permitted to eat on the job when it is possible to do so without stopping or interrupting the work. When no lunch period is scheduled, the schedule will so indicate.

k. Adherence to Schedule. The hours of duty shall be strictly observed by all concerned regardless of their working schedule. Clerical employees are expected to be at their desks promptly at the beginning of the workday and at the end of the lunch period. Shop, warehouse, and other employees are expected to be at the location of their work assignment for the day or where work assignments are normally received. In accordance with the Fair Labor Standards Act, supervisors will not "suffer

or permit" non-exempt employees to begin work before their scheduled starting time, perform work during their lunch period, or beyond their scheduled quitting time. Employees will not leave their place of work or checkpoint until the beginning of their lunch period or the end of working hours. No time may be administratively excused except as provided for in reference (c).

1. Responsibility. Organizational commanders, heads of staff sections, and department heads are responsible for taking such measures as may be necessary to eliminate overtime, callback time, and holiday time in situations where such time is unwarranted.

4. Staff Assistance. The instructions and guidance contained in this Order do not cover all working situations that may exist or occur under the general heading "Hours of Work." Advisory information concerning the interpretation and application of this Order and other applicable directives will be pro-vided by the Human Resources Office at 451-1458/1579.

5. Concurrence. This Order has been coordinated with and concurred in by the Commanding Officer, Marine Corps Air Station, New River and Commanding Officer, Naval Hospital.

R. G. RICHARD

DISTRIBUTION: C

CHANGING DAYS OR HOURS OF WORK

1. General. The days and shift hours of an employee's basic workweek shall not be changed without advance notice to the employee before the beginning of the administrative workweek affected by the change nor for a period of less than one week duration, except as provided below. "Advance notice" is as soon as the decision is made that a change is necessary but not later than the end of the last workday prior to the beginning of the workweek affected.

a. Changing Days Within the Basic Workweek Under Special Circumstances

(1) Service-Type Functions

(a) Employees performing service-type functions requiring rotation may have their days of work within the basic workweek changed subject to advance notice requirements. Service-type functions are those where services must be provided around the clock or on seven days of the week, e.g., communications watches, equipment maintenance watches, hospital patient care, and directly related functions. The word "rotation" means taking turns with one or more other employees in a planned schedule of work assignments which results in periodic changes of the employee's basic workweek. Each employee assigned to a rotational schedule shall be notified by the supervisor that the basic workweek will be changed from time to time as provided by the schedule, and that when so changed, only those hours outside of the basic workweek as changed will be compensable on an overtime basis. This information will also be included on posted schedules. Work schedules for shift workers at the Naval Hospital, covered by reference (a), will be posted in appropriate work areas at least seven days in advance of the affected administrative workweek. Work schedules may be changed with less than seven days advance notice, but before the beginning of the administrative workweek, when it is known in advance of the administrative workweek that the specific days and/or hours of a day required of the employee for that administrative workweek will differ from the current schedule. Where time permits, volunteers will be solicited to effect such changes.

(b) In the event an employee in a service-type function requiring around the clock service requests leave and no relief is available, work schedules may be altered after the start of the administrative workweek. In such cases, employees may be allowed to switch shifts if the change is agree-able to both employees and management. If no relief is available or the employee is unable to secure a replacement, management may direct an employee to change shifts in accordance with appropriate regulations, using the procedures detailed in the applicable negotiated agreement. In such cases, the schedule will not be changed after the start of the administrative workweek for the sole purpose of avoiding the payment of overtime. In all cases, as much advance notification as possible will be given, and the changes will be annotated on the employees' timecards.

(2) Participation in Reserve Training Activities. When a change in a basic workweek is necessary to permit an employee to drill or otherwise participate in reserve training activities, the employee shall submit the request in writing to the division head via the immediate supervisor as practicable but not later than five days prior to the beginning of the administrative workweek affected. If the employee's services can be effectively used on another day in the administrative workweek, the immediate supervisor's endorsement will so indicate. The division head will forward approved requests to the Comptroller (Civilian Payroll) with a copy of the approval to the originator and Human Resources Office, Employee Relations Branch. Disapproved requests will be returned to the originator via the immediate supervisor.

b. Shift Hours. Shift hours, but not days of work within the basic work week, may be changed by supervisors to enable participation in disciplinary actions, investigations, training (including reserve), periodic physical examinations, requalification tests, and driver tests required in connection with performance of their duties, when it is impracticable or undesirable to conduct them during the employee's normal tour of duty. Subject to the above advance notice requirements, employees will be given as much advance notice of such changes as practicable. Changes in shift hours under such special circumstances will be reported on the employee's timecard for

the period by denoting the changed hours by an asterisk on the face of the timecard and giving reasons for the change on the reverse of the timecard.

c. Approval of Separate Schedules and Changes. Changes in fixed days or hours of work from the normal schedule established in paragraph 3 of the basic Order, require prior approval. Employees may be authorized, upon their written request, to exchange shift hours with one another provided it will not result in either employee working more than the scheduled duty hours, or create a situation in which one or both employees would be entitled to overtime compensation. All requests for such changes will be sent to the department head, organizational commander, or equivalent for approval. The request, giving reasons for the different schedule or change in a previously approved schedule, will contain a certification that funds are available from current resources in cases where additional costs would be incurred. Approved requests will be forwarded to the Comptroller (Civilian Payroll) with a copy of the approval to the originator.

d. Varying Work Schedules for Educational Purposes. Requests for a variation in work schedule for educational purposes will be submitted by the employee via official channels to the appropriate department head. The request must clearly state the variation requested, the name of the college/university, and the course(s) to be taken. The forwarding endorsement will contain a certification that the rearrangement of the employee's tour of duty will not appreciably interfere with the accomplishment of the work required to be performed, and that additional costs for personal services will not be incurred. Approved requests will be forwarded to the Comptroller (Civilian Payroll) with a copy of the approval to the originator and endorser. Disapproved requests will be returned to the originator via official channels.

2. Changing to and from Daylight Savings Time

a. The hour lost to the employee on the shift on which the change of daylight savings time occurs will be covered by a charge of one hour against

annual leave in order that the employee may be paid for all scheduled hours. The leave hour need not be identified in relation to the clock.

b. The employee on whose shift the change from daylight savings time to standard time is made will be paid overtime for the extra hour of work.

c. No work time is lost or gained in case of firefighters with 24-hour tours of duty, and no charge to leave or crediting of overtime will be made. This is because such firefighters are paid on other than an hour-for-hour basis.

d. When the change occurs on a holiday, any employee assigned to the shift during which the change occurs will be paid straight time for the entire scheduled shift whether or not service is performed. Any employee who actually works on the holiday will be paid holiday premium pay for the actual number of hours worked.

OVERTIME/COMPENSATORY TIME

1. Overtime.

a. Definition. Overtime is duty performed in excess of eight hours per day or 40 hours per week, or under compressed work schedules, duty performed outside an employee's work schedule and in excess of those specified hours which constitute the compressed schedule. Time required for travel between home/residence and place of employment is not work and is not overtime. Premium pay for overtime, to include compensatory time, is not authorized for purposes of training unless criteria in CFR 410.402 and CFR 551.423 are met.

b. Authorization. Overtime will be limited to cases of real necessity such as:

(1) Urgent Fleet readiness.

(2) Emergencies.

(3) Safeguarding life and property.

(4) Individual incidences where savings can be clearly demonstrated.

c. Responsibility. Specific instructions for ordering, approving, and reporting of overtime work are contained in reference (d), except for Naval Hospital and Marine Corps Air Station where their directives apply. The ordering or approval of unrecorded overtime work will not be condoned.

d. Crediting Overtime. Irregular or occasional overtime will be credited and paid in increments of 6 minutes except at the Naval Hospital where overtime will be credited and paid in increments of 15 minutes. When overtime work is performed in other than a full increment, odd minutes will be rounded up or rounded down to the nearest increment. Employees will be paid overtime or granted compensatory time in lieu of overtime as provided in paragraph 2, below.

e. Callback Overtime. From time to time, it is necessary to require an employee to return to the place of employment at a

time outside of and un-connected with the scheduled hours of work within a basic workweek to perform unscheduled overtime work of less than two hours duration. When this occurs, the employee will be credited with a minimum of two hours of overtime for each such "callback" regardless of the number of times the employee is called back during the same day, even though the employee may not perform actual work or the period of time worked is extremely brief. When a callback exceeds two hours duration, the employee will be credited with the actual time in increments of 6 minutes (Marine Corps Base) or 15 minutes (Naval Hospital).

f. Home Calls. All employees, except those at the Naval Hospital, covered by the Fair Labor Standards Act who are called by someone from the activity to perform work at home at a time outside of and unconnected with the scheduled hours of work within the basic workweek will receive overtime compensation in increments of 1/10 (6 minutes) for time spent performing work, including the time spent on the calls. Similarly situated employees of the Naval Hospital will receive overtime compensation in increments of 15 minutes.

2. Compensatory Time

a. Definition. Compensatory time is time off with pay granted all eligible employees (to include General Schedule and Federal Wage System) in lieu of overtime pay for irregular or occasional overtime work. A General Schedule or Wage employee may be allowed to work compensatory overtime for the purpose of taking time off when personal religious beliefs require that the employee abstain from work during certain periods.

b. Approval. Compensatory time will not be granted for overtime work that is not ordered or approved by the responsible unit or staff section head, or for overtime work which, if paid for, would result in an exempt employee's pay exceeding the maximum scheduled rate for GS-15.

c. Crediting Compensatory Time. Compensatory time will be credited and granted in increments of six minutes except for employees of the Naval Hospital who will be granted compensatory time in increments of 15 minutes.

d. Limitations

(1) Employees will be given an opportunity to choose between overtime pay and compensatory time off for irregular or occasional overtime work. Lack of funds does not alter the requirement that employees be paid overtime if they request it.

(2) Exempt General Schedule employees whose rates of basic pay are in excess of the maximum rate of grade GS-10 are required to accrue 80 hours of compensatory time off in lieu of overtime pay for irregular or occasional overtime work they are required to perform. Exceptions will require a specific determination by the senior command official that an exception is in the best interest of the command.

(3) With the revisions provided by the National Defense Authorization Act for Fiscal year 1997, there will no longer be any limitation on the number of hours of compensatory time an employee may accumulate.

(4) If an employee chooses compensatory time off in lieu of overtime pay, the employee will be advised that the choice is irrevocable and that the compensatory time off must be used by the end of the 26th pay period after that in which it was earned. Compensatory time earned on or after 8 June 1997, which has not been used within 26 pay periods, will be paid at the overtime rate in effect at the time it was earned. Compensatory time earned before 8 June 1997 which has not been used has been placed in a grand fathered (old compensatory time) account, and will be charged only if the employee has insufficient current compensatory time to cover the compensatory time off requested. Within each compensatory time account, the oldest compensatory time shall be charged first.

e. Compensatory Time Upon Separation or Transfer. When a DoD employee separates or transfers to another Department or Defense Agency (i.e., from Army to Navy or from Navy to the Defense Logistics Agency), unused compensatory time balances shall be paid at the overtime rate at which it was earned.

HOLIDAYS AND SUNDAYS

1. Holiday. Holidays that occur within an employee's basic workweek are observed on the days they occur.

a. Holiday Work. No work, except that required for emergency service, will be required of civilian employees on days observed as national holidays. Emergency service is defined as that work which cannot be deferred to the next workday without resulting in financial losses to the government. This limitation does not apply to holiday work regularly scheduled as part of a normal tour of duty.

b. Holiday Benefits. Employees are entitled to holiday benefits (being excused from work without loss of pay or charge of leave, or receiving premium pay for work on a holiday) for the following holidays:

New Year's Day (1 January)

Martin Luther King, Jr.'s Birthday (third Monday in January)

Washington's Birthday (third Monday in February)

Memorial Day (last Monday in May)

Independence Day (4 July)

Labor Day (First Monday in September)

Columbus Day (second Monday in October)

Veterans Day (11 November)

Thanksgiving Day (fourth Thursday in November)

Christmas Day (25 December)

Any other full or fractional day designated as a holiday by Federal Statute or Executive Order

EXCEPTIONS: Wage employees who are appointed for 90 days or less are not entitled to holiday benefits unless they have

completed more than 90 days without a break in service. Employees paid on an annual premium-rate basis, e.g., firefighters, are not entitled to holiday benefits.

c. Holidays Outside the Basic Workweek

(1) Full-time Employees. When a holiday occurs outside a full-time employee's basic workweek, the immediately preceding workday will be the day off "in lieu of holiday," except when the holiday falls on Sunday or the nonworkday designated as the day off in lieu of Sunday, in which case, the next succeeding workday will be the holiday.

(2) Part-time employees. A part-time employee is not entitled to a holiday that falls outside the tour of duty.

(a) A part-time employee is not automatically entitled to an "in lieu of" holiday. If an "in lieu of" holiday falls on a part-time employee's regularly scheduled workday, and the part-time employee is prevented from working because the activity is closed, the department head may excuse the employee from duty by an administrative order or grant the employee annual leave or leave without pay for the hours scheduled to be worked on that day.

(b) A part-time employee who works on an "in lieu of" holiday shall be paid straight time for hours worked.

(3) Advisory information may be obtained from the Human Resources Office for employees with work schedules other than those referred to in paragraphs 1c(1), above.

d. Holiday Premium Pay. An employee receives holiday premium pay for nonovertime work on a holiday. An employee will not receive holiday pay for a holiday for failure to report for work when ordered to do so, unless the absence is excused. Overtime work on a holiday is paid at the same rate as on a nonholiday.

2. Sunday Premium Pay. Full-time employees whose regular work schedule, excluding overtime, includes any part of the 24-hour period commencing midnight Saturday and ending midnight Sunday will receive Sunday premium pay for the entire shift. For Wage Grade employees, basic compensation for the purpose of computing

Sunday premium pay includes night differential and other additional pay, e.g., dirty work, where applicable.

a. Where an employee works two shifts falling within the same Sunday period, Sunday premium pay will be paid for both shifts within the administrative workweek.

b. Sunday premium pay is not payable to part-time employees.

TRAVEL TIME

1. Compensation for Travel Time. When performing actual travel, under official travel orders, during the regularly scheduled workweek, an employee is entitled to the pay regularly received. When performing actual travel, under official travel orders, outside of the regular work schedule, the employee is entitled to overtime pay for such hours, when the travel:

a. Involves the performance of work while traveling, such as an ambulance attendant taking a patient to a hospital, or

b. is incident to travel that involves performance of work while traveling, such as a truck driver riding in a truck to a destination to pick up another truck and drive it back to the original duty station, or

c. is carried out under arduous conditions, such as an employee traveling to a forest fire by foot, horseback, or in the back of a truck over rugged terrain, or

d. results from an event which could not be scheduled or controlled administratively, such as an employee traveling to an isolated installation to make emergency repairs on navigation-aid equipment. The event must be one over which no segment of an executive agency or agencies acting in concert have control rather than an event which is beyond the control of a particular activity.

2. Nonexempt Employees

a. Time spent traveling (but not other time in travel status) away from an official duty station is "hours worked" if the employee is:

(1) required to drive a vehicle,

(2) required to travel as a passenger on a one-day assignment away from the official duty station, or

(3) required to travel as a passenger on an overnight assignment away from the official duty station during hours on

on Monday through Friday, the time spent traveling during these hours is worktime on Saturday and Sunday as well as on the other days.)

b. An employee who travels from home before the regular workday begins and returns home at the end of the workday is engaged in normal "home to work" travel; such travel is not hours of work. When an employee travels directly from home to a temporary duty location outside the limits of the official duty station, the time the employee would have spent in normal home to work travel shall be deducted from the hours of work when the employee is on a one-day assignment or is otherwise required to drive a vehicle while traveling.

c. An employee who is offered one mode of transportation, and who is permitted to use an alternate mode of transportation, or an employee who travels at a time other than that selected by the agency, shall be credited with the lesser of:

(1) The actual travel time which is considered hours of work; or

(2) The estimated travel time which would have been considered hours of work had the employee used the mode of transportation offered by the agency, or traveled at the time selected by the agency.

3. Scheduling Travel Time. Insofar as practicable, travel during nonduty hours shall not be required of an employee.