

<p style="text-align: center;"><b>ARIZONA</b>  <b>Department of Emergency and Military Affairs</b>  <b>POLICY</b></p>	<b>POLICY LETTER NO. 20.15</b>	
<b>SUBJECT: Overtime and Compensatory Time for Title 5 and Title 32 Dual Status National Guard Employees</b>	<b>DATE</b> 09 Nov 21	<b>OPR</b> NGAZ-HRZ
<b>REGULAR POLICY LETTER DISTRIBUTION (POLICY LETTER 10.01)</b>		
<p><b>1. Applicability:</b> This policy applies to: Arizona National Guard (AZNG) Title 5 (T5) and Title 32 (T32) dual status (DS) employees.</p> <p><b>2. Purpose:</b> This policy establishes the control and use of overtime and compensatory time for Title 5 and Title 32 AZNG federal employees.</p> <p><b>3. References:</b></p> <ul style="list-style-type: none"> <li>a. CNGBN 1408</li> <li>b. CNGBI 1400.25A, Vol. 630, ENCL H</li> <li>c. DoD FMR 7000.14R, Vol 8, Ch. 2</li> <li>d. Title 32 U.S.C Sec. 709</li> <li>e. 5 CFR Administrative Personnel</li> <li>f. 5 CFR 532.503 "Overtime Pay"</li> <li>g. 5 CFR 532.504 "Compensatory time off"</li> <li>h. 5 CFR 550.112 "Computation of overtime work"</li> <li>i. 5 CFR 551.531 "Compensatory Time Off"</li> <li>j. 5 USC 4109 "Expenses of Training"</li> </ul> <p><b>4. Status and possible time earned:</b> Fair Labor Standards Act (FLSA) applies to T5 National Guard employees. T5 positions are considered either "<u>exempt</u>" or "<u>nonexempt</u>" from earning overtime under FLSA rules. Refer to the employee's most recent Standard Form (SF) 50, Block 35 to determine "exempt" or "nonexempt" status. Job titles, supervisors, or other factors, internal to our organization, cannot modify exemption status.</p> <ul style="list-style-type: none"> <li>a. <b>T5 Nonexempt:</b> T5 Nonexempt employees are entitled to <u>overtime pay</u> for hours worked over 80 hours within a pay period. Employees <u>may request compensatory time</u> instead of overtime, however supervisors cannot request/demand this action. Compensatory time earned will be compensated in the form of overtime payment if unused by the 26<sup>th</sup> pay period from the date earned.</li> <li>b. <b>T5 Exempt:</b> T5 Exempt employees are entitled to <u>compensatory time</u> for hours worked over 80 hours within a pay period. Employees are not entitled/authorized overtime pay.</li> <li>c. <b>T32 Dual Status:</b> All T32 Dual Status employees are considered exempt and entitled to <u>compensatory time</u> for hours worked over 80 hours within a pay period. Employees are not entitled/authorized overtime pay.</li> </ul> <p><b>5. Approval:</b> An employee's "Approving Official" must grant approval prior to a National Guard Title 32 or Title 5 employee earning compensatory time or overtime. Overtime/Compensatory time will not be permitted/performed until after approval has been granted.</p> <ul style="list-style-type: none"> <li>a. Approval will be granted or denied based on the facts and circumstances of each case.</li> <li>b. Each new pay period requires a new approval and documentation.</li> <li>c. Requests should be submitted at least 5 calendar days in advance, when foreseeable.</li> <li>d. Approving Official: <ul style="list-style-type: none"> <li>i. <b>T5 Nonexempt:</b> Approving Official is the applicable Chief of Staff (Army, JTF, DAS) or Wing Commander (Air) due to fiduciary impact.</li> </ul> </li> </ul>		

ii. **T5 & T32 Exempt** requesting **10 hours or less** within a pay period: Approving Official is maintained at the unit level, according to unit-established approval hierarchy.

iii. **T5 & T32 Exempt** requesting **greater than 10 hours** within a pay period: Approving Official is the organizations' O-5, GS-13, or those equivalent, or at the next level of leadership.

e. Documentation:

i. Submit requests, and document approval, on NGB Form 46-14. Include written justification detailing the need for overtime/compensatory time within the content of the form. Include the employee's exemption status ("Nonexempt" or "Exempt") on NGB Form 46-14 within the justification section.

ii. Approved NGB Form 46-14 will be maintained by the ATAAPS certifier at the local level according to civilian pay standard operating procedures.

**6. Additional Considerations for Overtime Pay for T5 Nonexempt Employees:** Overtime pay for nonexempt employees must be controlled and monitored to ensure compensation remains within the organization's annual budget constraints. The requester will verify fund availability prior to coordination with the Approving Official. On NGB Form 46-14, use "THRU" to route accordingly:

- a. Army: "THRU" is "HRO"
- b. Air: "THRU" is "FM"

#### **7. Training and Traveling:**

a. For all Title 32 technicians and Title 5 employees, time spent traveling counts towards the hours of the employees' workweek/pay period. Compensatory time is earned for training and/or travel over 80 hours within a pay period. NGB Form 46-14 will be used to request compensatory time and the approving official outlined above will apply.

b. Generally, overtime is not earned during training and periods of temporary duty. The payment of overtime / premium pay for time spent in training activities is limited by section 4109, of Title 5, United States Code (5 U.S.C. 4109).

**8. Administration:** The point of contact for this policy is the HRO at (602) 629-4800.



KERRY L. MUEHLENBECK  
Major General, AZ ANG  
The Adjutant General