



CHIEF NATIONAL GUARD BUREAU NOTICE

NGB-J1
DISTRIBUTION: A

CNGBN 1408
18 July 2018

TECHNICIAN PERSONNEL INTERIM POST CONVERSION OVERTIME AND COMPENSATORY TIME POLICY

References: Enclosure A.

1. Purpose. This notice provides post conversion interim guidance regarding overtime and compensatory time for National Guard (NG) employees in the States, Territories, and District of Columbia in accordance with (IAW) references a through j.
2. Cancellation. None.
3. Applicability. This notice applies to personnel performing essential human resource functions required for personnel management of NG Title 5 and Title 32 NG employees in the States, Territories, and District of Columbia.
4. Background. On 01 October 2017, all former Title 32 Non-Dual Status (NDS) technicians and select dual status technician positions converted to Title 5. Based on the conversion action, Title 5 employees are eligible to earn overtime and compensatory time IAW references c through h. Title 32 dual status employees are only authorized to earn and use compensatory time IAW reference e.
5. Action or Procedure. This notice establishes the control and use of overtime and compensatory time within the NG IAW references k, l, m, n, o, and p. The use of overtime applies only to NG Title 5 employees in the States, Territories, and District of Columbia. The objective is to reduce the amount of paid overtime, ensure overtime is used only when necessary, and ensure employees are properly compensated for their efforts.
 - a. Overtime.
 - (1) Overtime is officially ordered work in excess of a scheduled work day or a 40-hour work week.

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(2) Overtime must be strictly controlled and monitored by supervisors, managers, HROs, Air National Guard Comptroller, and United States Property and Fiscal Officer so that total overtime worked remains within the budget set by the Army National Guard and Air National Guard. Overtime falls within two categories:

b. Compensatory Time.

(1) Compensatory time is time off without pay in lieu of overtime pay for irregular or occasional overtime work for both FLSA exempt and non-exempt employees who are covered by the definition of “employee” at reference o.

(2) Compensatory time will be approved for exempt employees whose overtime rates exceed that of the maximum rate for a General Schedule 10, and the employee requests compensatory time lieu of overtime IAW reference p.

c. Overtime and Compensatory Time Controls. Title 32 dual status and NG Title 5 employees will use NGB Form 46-14, “Request, Authorization, Report of Compensatory Time, and Overtime,” to request overtime or compensatory time. The employee will follow leave requesting procedures when requesting authorization to work overtime or earning compensatory time will be obtained in writing in advance, unless the situation is such that prior approval cannot be obtained. If written approval cannot be obtained in advance, the employee will contact their immediate supervisor for telephonic approval to work overtime or earning compensatory time.

(1) Overtime and compensatory time will be recorded on the standard timesheet as prescribed by the servicing payroll office and a copy of NGB Form 46-14 will be attached to each employee’s timesheet documenting approval of the overtime worked. Timesheets and overtime records must be kept for a period of six years and three months.

(2) All overtime and compensatory time requests must clearly state the reason work involved could not be performed during regular working hours.

(3) Overtime or compensatory time will not be approved when an employee has used annual leave or compensatory time during the same workweek except during periods of severe workload requirements or other unavoidable circumstances. In such cases, the overtime request must be annotated with the reason for making the exception.

(4) Compensatory time will be used prior to annual leave except when the annual leave has been designated as “use or lose”.

(5) NGB Form 46-14 must be computed for each workweek of a pay period. A supervisor must provide justification as to why the overtime hours are scheduled as such, and why the workload cannot be accomplished during regular work hours.

(6) The overtime hours requested on NGB Form 46-14 must be worked during the current bi-weekly pay period. A new overtime request must be processed for each week of overtime for the two week pay period for hours scheduled and worked.

(7) Verification of overtime worked must be completed at the conclusion of the overtime and included in the supporting time and attendance documentation file.

d. Holidays. Employees are entitled to overtime pay or earn compensatory time, when applicable, if the agency requires overtime work on a holiday.

(1) Standard (40-Hour/Five-Day Week) Work Schedules. Overtime work on a holiday is work in excess of eight hours in a day or 40 hours in a week. This also applies to part-time employees.

(2) Compressed Work Schedules. Overtime work on a holiday for an employee under a compressed work schedule is hours of work in excess of the employee's compressed work schedule (for example, 5/4/9, or 10-hour "basic work requirement") on that day IAW reference n.

(3) Ordered or Approved Overtime. Overtime work must generally be ordered or approved. However, employees who are covered by the overtime pay provisions IAW reference k and l are also entitled to overtime pay if overtime work is "suffered or permitted" by a supervisor. One exception is that no "suffered and permitted" hours of work can be credited to employees under flexible work schedules IAW reference n.

e. Director of Manpower and Personnel (NGB-J1). NGB-J1 will issue Human Resources Management policy for Title 5 and T32 NG employees in the States, Territories, and District of Columbia.

f. NGB-J1 Technician Personnel Management Division (NGB-J1-TN). NGB-J1-TN will provide policy for overtime and compensatory time for Title 5 and Title 32 NG employees in the States, Territories, and District of Columbia.

g. The Adjutants General (TAG) and the Commanding General of the District of Columbia National Guard (CG). TAGs and the CG will designate in

writing the authorized approving authority for overtime and compensatory time.

h. Human Resources Officers (HRO). HROs will:

(1) Establish internal controls to ensure the overtime policy is implemented and adhered to.

(2) Ensure State-wide implementation, dissemination, funding and compliance with the outlined policy.

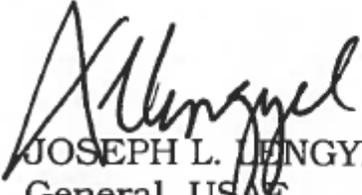
i. Supervisors. Supervisors will:

(1) Determine an employee's overtime entitlement by distinguishing between regular, irregular, or occasional overtime.

(2) Process requests for overtime and compensatory time as soon as a requirement is known and forward it to the appropriate approving official in a timely manner.

6. Releasability. This notice is approved for public release; distribution is unlimited. Obtain copies through <<http://www.ngbpdc.ngb.army.mil>>

7. Effective Date. This notice is effective on the date signed and will expire one year from the date of signature, unless cancelled earlier.


JOSEPH L. JENGYEL
General, USAF
Chief National Guard Bureau

Enclosures:

A -- References

ENCLOSURE A

REFERENCES

- a. CNGB Instruction 1400.25A, Day, Month, Year, “Technician Personnel”
- b. Title 10 United States Code (U.S.C.), Section 10217, “Non-dual status technicians”
- c. Public Law (P.L.) 114-328, 23 December 2016, “National Defense Authorization Act 2017”
- d. P.L. 114-92, section 1053, 25 November 2015, “The National Defense Authorization Act for 2016”
- e. Title 32 U.S.C. § 709, “Technicians: Employment, Use, Status”
- f. CNGB Memorandum, 16 February 2017, “Designation of The Adjutants General to Appoint, Employ, and Administer National Guard Employees”
- g. E-mail: OSD OUSD P-R (US), 29 September 2017, “Title 32 Conversion Policy Issue”
- h. OASD Memorandum, 20 April 2017, “Guidance to Convert Dual Status and Non-Dual Status Military Technician Positions”
- i. 5 U.S.C., § 2103, 2105m, and 3101, “Government Organization and Employees”
- j. 5 Code of Federal Regulation (CFR), “Administrative Personnel”
- k. 5 CFR 550, Subpart A, “Premium Pay”
- l. 5 CFR 532, Subpart E, “Overtime Pay”
- m. 5 U.S.C. 6121, “Definitions”
- n. 5 U.S.C. § 6127 and 6128, “Compressed Schedules”
- o. 5 U.S.C. § 5541, “
- p. 5 U.S.C. § Chapter 71 “Federal Service Labor-Management Relations Statute”