



**DEPARTMENT OF THE ARMY**  
US ARMY INSTALLATION MANAGEMENT COMMAND  
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT BLISS  
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FORT BLISS, TEXAS 79916-3803

IMBL-ZA

2 October 2019

**POLICY MEMORANDUM # 3**

**SUBJECT: Leave Administration, Work Schedules and Overtime/Compensatory Time Policies for Civilian Employees**

**1. References:**

- a. Title 5, United States Code, Chapter 63
- b. Title 5, Code of Federal Regulations, Chapter 630
- c. Title 5, United States Code, Chapter 55
- d. Title 5, Code of Federal Regulations, Chapter 351
- e. Compensation Policy Memorandum, 2008-21
- f. Public Law 103-3, 1993, The Family and Medical Leave Act
- g. Title 5, United States Code, Chapter 61
- h. Title 5, Code of Federal Regulations, Chapter 551
- i. Title 5, Code of Federal Regulations, Chapter 610
- j. White House Memorandum, 11 Jul 94, Subject: Expanding Family-Friendly Arrangements in the Executive Branch
- k. IMCOM Regulation 690-610, Civilian Personnel Work Schedules, dated 15 May 2014

**2. Purpose.** To prescribe guidance for the management and use of Alternative Work Schedules (AWS) for Department of Army Civilians (DAC) assigned within the USAG-Fort Bliss, TX. Nothing in this guidance is intended, nor should it be construed, to grant or deny any additional rights, benefits, or privileges otherwise provided by law or regulation.

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3. Applicability. This guidance is applicable to all civilian employees assigned within the USAG-Fort Bliss, TX. This memorandum does not change any obligations or arrangements, schedules, leave policies, or other provisions contained in any Collective Bargaining Agreement affecting employees within USAG, Fort Bliss, TX. This memorandum does not apply to employees performing operational 12 or 24-hour shift work to include Department of the Army Police Officers and Firefighters.

#### 4. Leave Administration Policy

a. Annual leave shall be earned and granted in accordance with applicable laws and regulations.

(1) The taking of annual leave is the right of the employee subject to the approval of the supervisor or the Leave Approving Official (LAO). Supervisors and LAOs are responsible for the overall planning, coordination, and approving of their employees' annual leave throughout the leave year so that the agency's mission and employees' needs are met, and so that the employees do not approach the end of the leave year with a significant amount of annual leave that must be used or forfeited.

(2) Annual leave should be requested by the employee in a timely manner and approved by the supervisor or LAO in a timely manner. Annual leave will be approved and scheduled by the supervisor or LAO to the extent permitted by the agency's mission and project deadlines.

(3) Annual leave may be used on an emergency basis, in accordance with applicable laws and regulations. Employees are responsible for notifying his/her immediate supervisor or LAO of a request for emergency leave as soon as possible. The employee shall state the reason(s) for the request and the approximate time he/she anticipates being absent from work. Emergency leave will normally be granted consistent with the agency's mission and provided the supervisor has no reason to believe the employee is abusing the privilege. If leave is denied, the supervisor will advise an employee of the specific reason for the denial upon request. If the employee is unable to report as expected once emergency annual leave have been approved, he/she will make further contact with the supervisor in a timely manner, explain the reasons for the delays and request additional leave.

b. Sick leave shall be earned and granted in accordance with applicable laws and regulations.

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(1) Sick leave may be approved by the employee's first line supervisor or LAO. An employee must request sick leave in a timely manner, except in emergency or unplanned situations. Sick leave may be used for care of a family member under the Family and Medical Leave Act of 1993 (FMLA).

(2) Sick leave can be approved for prearranged medical appointments (including dental or optical examinations or treatment and drug and alcohol counseling sessions). Care of a family member must be requested in advance of the absence.

(3) Emergency/unplanned requests for sick leave due to illness, injury, exposure to contagious disease, care of a family member under the FMLA, care of a family member with a serious health condition, or other circumstances or incapacity which are not known in advance must be requested in a timely manner. The employee is required to call in every day thereafter within the first two hours of the beginning of the next scheduled work shift unless it is known and approved by the supervisor in advance that the absence will last longer than one day.

(4) Absences of three days or less for which sick leave is requested do not require medical documentation unless the supervisor or LAO has otherwise advised the employee. In individual cases, a certificate may be required where there is reason to believe the employee is abusing sick leave. The employee may be advised in writing that all future absences for sick leave must be supported by a properly executed medical certificate. Letters issued to employees requiring a medical certificate for each absence shall periodically be reviewed for the purpose of determining whether such requirement can be eliminated. When the supervisor determines that the requirement is no longer necessary, the employee shall be notified in writing. Official written notice of abuse of sick leave privileges shall not be issued when the absences claimed have been documented with properly executed doctor's certificates, unless evidence exists that the sick leave privilege was, in fact, abused.

(5) Absences of more than three days for which sick leave is requested requires medical documentation. Documents will be submitted to the employee's first line supervisor or LAO who will maintain files in accordance with the Army Records Information Management System (ARIMS) for recordkeeping/audit purposes.

c. Military leave is absence from duty in the employee's civilian position without loss of pay to perform military duty, in accordance with applicable laws and regulations. Employees entitled to military leave must be a member of a Reserve or National Guard component and be serving in an appointment that is not limited to one year or less.

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(1) Supervisors must grant eligible employees military leave for the performance of active duty training. A copy of military orders from the Reserve/National Guard unit must accompany military leave requests and be submitted to the supervisor or LAO. In addition, the employee must submit certification by the appropriate military officer. The supervisor or LAO will forward a copy to the RMO CSR who will review and provide to the payroll office. A file copy will be kept in accordance with the ARIMS for recordkeeping/audit purposes.

(2) Military leave is credited to an employee's account on 1 October of each fiscal year. Full-time employees are entitled to 15 days per fiscal year for active duty, active duty training, and inactive duty training. No more than 15 days of military leave may be carried over from one leave year to the next. Full-time employees are entitled to 22 days per fiscal year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor.

(3) Employees have the option to use annual leave or compensatory time in lieu of military leave. Military leave may be charged in increments of one (1) hour. Reserves and National Guard members are not charged military leave for non-duty days that occur with the military service period. Hours in the workday that are not chargeable to military leave must be worked or charged to another leave category as appropriate.

(4) Employees who are called to active duty in support of Overseas Contingency Operations (OCO) are entitled to 5 days of excused absence upon their return from active duty. An employee is eligible for the 5 days of excused absence only after he/she returns from at least 42 consecutive days of active military service within a 12-month period in support of the continuing OCO.

d. Court leave is an authorized absence from duty without charge to leave or loss of pay for service as a juror or a witness, in accordance with applicable laws and regulations.

(1) Court leave is authorized for jury duty in a Federal, State or Municipal Court or to serve as a witness in a judicial proceeding to which the United States, the District of Columbia, or state or local government is a party. Court suits between private individuals or companies in which the United States or a state or local government is not involved do not entitle an employee to court leave. In that case, an employee can request annual leave or compensatory time off, if available.

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(2) If excused early from jury duty and unsure of their work status for the remainder of the workday, the employee will contact the supervisor for a determination. Employees are to return to work if excused by the court, unless the supervisor determines the employee's return would be impractical.

(3) Upon completion of court service, a copy of the court's documentation of the service is provided to the first line supervisor or LAO which will be kept in accordance with ARIMS for recordkeeping/audit purposes.

(4) It is the employee's responsibility to reimburse the government remuneration received (minus travel expenses). If paid for jury duty, the employee will cash the check received from the court and contact the Fort Bliss Garrison Resource Management Office, 1741 Marshall Road, (915) 568-5254 and arrange to provide them reimbursement for court payment.

e. Administrative leave will be requested and granted in accordance with Office of Personnel Management policies.

f. All leave will be requested through a leave-requesting system. This will normally be accomplished through the Automated Time Attendance and Production System (ATAAPS), or may be accomplished via email in unusual situations as exceptions.

## 5. Work Schedule Policy

a. Alternative Work Schedules (AWS) are any schedule other than the traditional work schedule of five eight-hour workdays (0730-1630) per week. AWS are intended to enable employees to have work schedules that help them balance their work and other responsibilities, to improve quality and quantity of work, to provide additional hours of service beyond normal business hours, and to reduce short-term absences for medical appointments or personal business. AWS include both flexible work schedules and compressed work schedules.

b. Participation in the USAG – Fort Bliss AWS program is voluntary for employees and approved by their supervisor or management. Directors/chiefs determine which individuals or positions may participate in the AWS program on the basis of operational requirements. Within that discretion, employees will be allowed to participate in AWS to the maximum extent possible ensuring all mission requirements are achieved and the office remains operational throughout the normal business day.

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c. Lunch breaks under all schedules (traditional or AWS) must be at least 30 minutes and no longer than one hour. Breaks in working hours of more than one hour may not be scheduled in a basic workday.

d. Employees who do not participate in AWS work five eight-hour workdays per week, during normal business hours beginning at 0730 daily and ending from 1600 to 1630, depending on the duration of the lunch period.

e. The normal business day for the USAG -- Fort Bliss is 0730 to 1630, Monday through Friday. Core hours are the designated times during the day when employees must be present for work or on approved absence, which is between 0830-1100 and 1300-1530.

f. The USAG -- Fort Bliss AWS program is comprised of two types of flexible work schedules and one type of compressed work schedule.

(1) Flex Schedule. This is a flexible work schedule in which the employee has a basic work requirement of 8 hours each workday and 40 hours each workweek but selects daily arrival and departure times which do not change and comply with core and flexible hours.

(2) Gliding Schedule. This is a flexible work schedule in which the employee has a basic work requirement of 8 hours each workday and 40 hours each workweek but selects daily arrival and departure times which the employee/supervisor may change daily as long as the schedule complies with core and flexible hours.

(3) Nine-Day Schedule. This is a compressed work schedule in which the employee works a fixed schedule of eight nine-hour days, one eight-hour day, and has one regular day off (RDO) in each biweekly pay period.

g. Managing Work Schedules.

(1) Employee arrival and departure times within an office will be staggered to ensure employees coverage throughout core hours in the normal business day.

(2) The supervisor or management may modify or terminate an employee's AWS if the mission requirements dictate. The supervisor or management should consult with the employee before modifying an AWS, and provide employees reasonable notice (in most cases, at least one pay period in advance, but may be shorter due to unforeseen mission requirements) of any changes to an AWS.

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(3) The supervisor or management has the discretion to establish employee hours outside the core hours, if mission dictates. If situations exist where coverage is required in an area needed to support staffing requirements, workload, or customers served beyond their regularly scheduled tour of duty, the supervisor or management has the flexibility to shift hours to avoid paying overtime or compensatory time.

(4) Employees may request changes in AWS. The supervisor or management will support these requests to the extent possible so long as the mission is not negatively impacted, coworkers are not disadvantaged, and the office remains operational throughout the normal business day.

(5) Employee requests and supervisor/management decisions must be communicated in writing or signed by electronic mail.

(6) Alternative work schedules are not transferable; new AWS requests must be submitted when an employee moves to a new position.

h. Managing RDOs under compressed work schedules.

(1) Supervisors must ensure that their offices are properly staffed as mission dictates.

(2) Employees select the RDO with supervisor/management approval. Upon approval, the supervisor or management will ensure the employee's work schedule is updated in both ATAAPS and the Defense Civilian Payroll System (DCPS).

(3) An employee's RDO will be scheduled on the same day each pay period with the exception that, at management's discretion, employees may shift their RDO to coincide with a Day of No Scheduled Activities (DONSA) occurring in the same pay period.

(4) Changes to RDOs may be requested by the employee and approved by the supervisor or management.

(5) The RDO is considered a non-duty day and non-pay status because it falls outside the employee's 80-hour pay period. Changes that result in additional costs to the government via paid time off (e.g. holiday, court or military leave that would otherwise fall on the current RDO) will not be approved. For example, if an employee is scheduled for jury duty on his/her RDO, the agency would not be obligated to permit an alternate RDO for that week. Also, the agency would be under no obligation to permit the employee to take other days off to replace the time lost to jury duty. Additionally, should the jury duty be scheduled for the employee's RDO, no Court Leave may be

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granted. To qualify for Court Leave, an employee must be in a pay status (i.e. scheduled to work) during the time spent on jury duty. Due to the fact that the RDO is a non-duty day, the employee would be on a non-pay status on the RDO.

(6) When an office has more employees requesting a particular RDO than can be supported, the supervisor or management may periodically redesignate employee RDOs to fairly treat all employees. Such decisions should be taken in consideration of employee concerns, no more than every six months and with adequate notice to employees.

i. Leave. An employee on a compressed work schedule who takes annual or sick leave for a full workday will be charged for the hours they are scheduled to work that day according to their approved AWS.

j. Training and Temporary Duty Assignments (TDY). It is the responsibility of both the employee and supervisor to ensure proper tracking of hours worked during TDY or training. If working an AWS is not feasible during TDY or training, the employee will revert to a traditional five-day, eight-hour schedule for that pay period. The supervisor or management will determine what schedule is appropriate in these circumstances.

k. Holidays.

(1) When an observed holiday falls on a day that an employee is regularly scheduled to work, that scheduled workday is the employee's holiday.

(2) If the employee is covered by a compressed work schedule, the employee's holiday will comprise the number of hours the employee is regularly scheduled to work that day. For example, if the holiday coincides with a nine-hour workday, then the employee will be credited nine hours of holiday leave.

(3) When a holiday falls or is observed on a compressed schedule RDO, the employee's day off is determined as follows to ensure RDOs are recorded in the correct pay period:

(a) If the observed holiday and RDO coincide on a Monday, then the employee's day off is the following Tuesday in order to keep the RDO and holiday within the same pay period.

(b) If the observed holiday and RDO coincide Tuesday through Friday, then the employee's day off is the day preceding the observed holiday (e.g. the observed holiday and RDO coincide on a Wednesday, then the RDO is Tuesday)



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6. Premium Pay.

a. Overtime/Compensatory time are any hours worked in excess of the number of hours the employee was scheduled to work and will be paid or compensated in accordance with applicable laws and regulations.

b. As manpower and finances continue to be constrained, supervisors must ensure prudent management of these resources. Supervisors must monitor and contain costs associated to additional civilian payroll expenditures.

c. The USAG – Fort Bliss Directors and Chiefs of their divisions are accountable for serving as the approval authority for requests for paid overtime, compensatory time or travel, and weekend compensatory time.

d. Compensatory time is time off with pay earned in lieu of overtime pay for irregular or occasional overtime work. Due to fiscal constraints, compensatory time is the USAG – Fort Bliss' primary method of compensating civilian employees for work performed outside the scheduled duty day.

(1) The Fair Labor Standards Act (FLSA) grants certain employees the right to elect overtime pay in lieu of compensatory time. The FLSA will be strictly followed with to these employees. In addition, while compensatory time is the preferred method of compensation for employees who do not have the right to elect overtime pay, Directors and department Chiefs have the authority to grant overtime pay on a case-by-case basis when determine such overtime pay is beneficial to the mission of USAG, Fort Bliss, TX.

(2) Employees must use accrued compensatory time by the end of the 26<sup>th</sup> pay period after the pay period during which it was earned. If compensatory time is not used before the expiration of the 26<sup>th</sup> pay period, it will convert to overtime pay. Supervisors will monitor employee's compensatory time to ensure conversion does not occur and result in unforecasted civilian payroll expenditure. Compensatory time will be used prior to granting annual leave for an employee (unless use or lose annual leave expiration will occur prior to conversion of earned compensatory time).

(3) Exception to this policy may be granted based on individual circumstances (i.e., employee has a large amount of use or lose annual leave and/or the employee has accrued numerous compensatory hours and using earned compensatory time before expiration will impede essential mission requirements).

(4) An employee will earn one hour of compensatory time for one hour of overtime work earned in 15 minute increments.

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(5) Employees must agree to compensatory time in lieu of being paid overtime and sign a declaration (Enclosure) before performing assigned work. In accordance with the FLSA, non-exempt employees have the option of declining overtime duty. Supervisors and management will ensure compliance with the FLSA and prevent violations that could result in an unfair labor practice or agency grievance.

(6) If an employee is required to work on a Federal holiday, compensatory time will not be granted; scheduled overtime will be earned in accordance with regulatory guidance (Office of Personnel Management (OPM): Federal Register Vol. 48, No 20, 28 January, Pay Administration/Hours of Duty).

(7) Compensatory time authority/management for employees assigned to the USAG – Fort Bliss is delegated to Directors and Chiefs of their departments. Consideration of weekend duty should be in exceptional mission cases only.

e. Compensatory Time for Travel.

(1) Compensatory time for travel is earned by an employee for time spent in a travel status away from the employee's official duty station outside of their regularly scheduled duty day. Travel compensatory time includes time spent traveling between an employee's official duty station and temporary duty station(s) as well as "usual waiting time" preceding or interrupting such travel (e.g., waiting at an airport prior to departure, layovers, etc.).

(2) Travel must be authorized at the Director/Chief level and documented appropriately in ATAAPS.

(3) Compensatory time for travel is forfeited if not used by the end of the 26<sup>th</sup> pay period during which it was earned. Supervisors should track and ensure the employee is afforded the opportunity to use earned compensatory travel time.

(4) An employee will earn one hour of compensatory time for travel for one hour of travel outside the scheduled duty day and earned in 15 minute increments.

(5) If an employee is required to travel on a Federal holiday, compensatory time for travel will not be granted; scheduled overtime will be earned in accordance with regulatory guidance (Office of Personnel Management (OPM): Federal Register Vol. 48, No 20, 28 January 1983, Pay Administration/Hours of Duty).


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7. This policy services as a guideline, but does not include all the applicable laws and regulations regarding leave administration, work schedules, and overtime/compensatory time. Further guidance is available through the U.S. Office of Personnel Management website.

8. Point of contact is the Workforce and Administrative Services Division Chief, Directorate of Human Resources (DHR), at 915-568-2238.

Encl  
FLSA OT/CT Agreement



STUART M. JAMES  
COL, AR  
Commanding

## FLSA Overtime/Compensatory Time Agreement

Through the course of my duties, if I am required to work additional hours, I agree to receive compensatory time in lieu of paid overtime.

\_\_\_\_\_  
Employee Name (printed)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date