



***NASA DESK GUIDE***  
***on***  
***WORK SCHEDULES***  
***(TOUR TYPES)***

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### **SECTION 1. Purpose**

An Agency-wide team compiled the information about the work schedules described in this guide. The goal was to provide a wide range of scheduling options to employees and managers while supporting automation at both the Center and Agency levels.

## **SECTION 2. References**

- A. 5 U.S.C., Subpart E, Chapter 61, Hours of Work
- B. 5 U.S.C., Subpart D, Chapter 55, Subchapter V, Premium Pay
- C. 5 CFR, Part 550, Subpart A – Premium Pay
- D. 5 CFR, Part 610, Hours of Duty
- E. OPM Handbook on Alternate Work Schedules, at <http://www.opm.gov/oca/aws/index.htm>

## **SECTION 3. General Information Applicable to All Tour Types**

The provisions in this Guide must be read together with applicable laws, regulations, and Agency and Center policies, as well as negotiated bargaining agreements. The Office of Personnel Management has a web site with useful guidance about work schedules at <http://www.opm.gov/oca/worksch/index.htm>.

In balancing work needs with employee needs and desires, Centers may choose to implement any or all of these tours of duty for their employees. Centers need not implement all of the tours described here, may implement tours that utilize some or all of the features described in this Guide, and may impose restrictions (e.g., a limit on the accumulation or use of credit hours). Variations to the work schedules described in this Guide may be authorized by Centers provided:

1. They are consistent with applicable laws, regulations, local policy, and local bargaining agreements, and
2. They are “transparent” to any Agency-wide automated payroll system.

Centers should set up procedures to establish and change work schedules, and inform employees of the available options.

A Center may allow employees in a telework program to utilize any of the tours of duty authorized for use at their Center.

Members of the Senior Executive Service may work any of these schedules. However, they are not eligible for premium pay, nor may they earn or use compensatory time off (referred to as “comp time” throughout this Guide) in lieu of overtime pay or credit hours.

If an employee's office is closed due to inclement weather or for other similar reasons on a day that was scheduled as a non-workday for that employee, the employee remains in a nonpay status and does not receive an "in-lieu-of" day off.

#### A. Premium Pay

Rules for payment of overtime vary with the tour type. Employees may receive compensatory time off (comp time) in lieu of paid overtime under the following conditions:

- At the request of the employee, the Center may grant comp time in lieu of payment for irregular or occasional overtime (and for regularly scheduled overtime for employees serving under flexible tours) to a FLSA exempt employee whose rate of basic pay does not exceed GS-10, step 10 or equivalent and to FLSA covered employees, regardless of their rate of basic pay. Exempt employees whose rate of basic pay exceeds GS-10, step 10 will be granted comp time for irregular or occasional overtime except when it is anticipated that the employee will work overtime over an extended period and will not be able to use the comp time within a reasonable timeframe. In such cases, the employee will be paid overtime. Each Center should establish a policy and procedure for employees to follow when requesting comp time and overtime pay.
- An employee under 1<sup>st</sup> 40-I whose hourly rate does not exceed GS-10, step 10, may request to receive comp time in lieu of payment for irregular or occasional overtime hours worked.
- Non-exempt employees who do not use accumulated comp time within the specified timeframe will forfeit the time and are compensated for comp time hours at the overtime rate. (See NPG 3530.1, Chapter 1.6).

Where an employee has some discretion in setting their weekly work schedule (e.g., maxiflex and 1<sup>st</sup> 40), Centers need to be careful the employee does not accrue an unintentional overtime or night differential entitlement. Establishing an approved schedule in advance of the administrative workweek will assure that premium pay hours are necessary and approved by the supervisor. In general, premium pay for night work is not paid to General Schedule employees solely because they elect to work credit hours, or elect a time of arrival or departure during nighttime hours. However, depending on the tour type, an employee who is permitted to work hours between 6 p.m. and 6 a.m. may be entitled to night differential pay.

- Flexible schedule employees (General Schedule (GS), Scientific and Professional (ST), Senior Level (SL), and Contract Appeals (CA)) are entitled to night pay for those hours that must be worked between 6 p.m. and 6 a.m. to complete the basic work requirement, for all designated core hours worked between 6 p.m. – 6 a.m., and for any regularly scheduled overtime work between those hours.

- Compressed schedule employees are entitled to night differential for regularly scheduled night work. Wage grade employees receive night pay if the majority of hours fall within night hours (see 5 USC 5343(f)).
- 1<sup>st</sup> 40 employees are entitled to night differential for any night work during their 1<sup>st</sup> 40 hours of work. (All hours worked under a 1<sup>st</sup> 40 tour are considered regularly scheduled. Supervisors should pre-approve any night work to prevent unintended payment of night differential.)

If an employee who is regularly scheduled to work overtime or night hours takes approved leave during those hours, the employee is entitled to premium pay for the hours of leave. However, if the total paid leave within the pay period equals 8 hours or more, no night differential may be paid for any paid leave during the pay period.

### B. Credit Hours

Accrual and use of credit hours is permitted (but not required) under a flexitour, variable day, or maxiflex tour. Centers may limit the accrual and use of credit hours. Credit hours may be accrued at any time during the pay period, including non-workdays in advance of the administrative workweek, subject to local policies.

The maximum number of credit hours that an employee may carry over from one bi-weekly pay period to another is 24.

### C. General Provisions for Part-Time Employees

Part-time employees may be permitted to work any of the work schedules authorized for use at their Center, except for 1<sup>st</sup> 40 tours.

A part-time tour may not be confined to one week of the pay period. Each week must include at least one scheduled hour of work. Title 5 allows part-time employees to work established schedules of 16-32 hours per week (see provisions under specific tours for variations under flexible and compressed tours).

Exception: A Center may permit an employee to perform regularly scheduled work of from 1-15 hours per week (5 CFR 340.202(b)). Such instances are intended to be rare, and established because of a special need of the Agency. Except for members of the Senior Executive Service (see 5 USC 3405(b)), there is no legal authority to establish a regular part-time schedule that exceeds 32 hours per week. A part-time employee occasionally may exceed this limit (normally for not more than one pay period).

Hours worked in excess of a scheduled part-time tour are payable at the regular rate of basic pay, unless they qualify as premium pay under the applicable work schedule rules. Part-time employees are eligible to earn credit hours, subject to local Center work schedule policy.

Part-time employees are entitled to be paid for holiday hours for which they would have been scheduled to work. The allowable hours that may be paid vary according to the work schedule. Although part-time employees are not entitled by law or regulation to “in-lieu-of” holidays, NASA policy excuses them from work with pay for hours they would have been scheduled to work on a statutory “in-lieu-of” holiday; this time is recorded as excused absence. If a part-time employee works on a holiday, he or she is entitled to holiday premium pay. However, work on an “in-lieu-of” holiday would not entitle the part-time employee to holiday premium pay.

A frequent question addresses the issue of using leave without pay to allow full-time employees to reduce their work hours on a long-term basis, without officially changing to a part-time schedule. Congress intended that employees who work fewer than 40 hours per week be treated differently than full-time employees. Many employee benefits and entitlements are pro-rated based on an individual’s part-time schedule, most notably health benefit premiums and calculation of retirement annuities. Since full-time workers on an adjusted schedule continue to enjoy the benefits of their full-time status, Centers should adopt a conservative approach when considering employee requests to use leave without pay in this manner for extended periods. NASA needs to treat employees fairly and consistently, balancing management responsibilities with the desire to offer flexible working conditions. Employees should be offered the option of converting to a permanent part-time status if they desire or need to work reduced hours for an extended period. Other options, such as telework, should be explored. In all cases, there should be a clear understanding between the employee and management that an adjusted full-time schedule is not a long-term solution. The Agency supports use of leave without pay to reduce a full-time employee’s work hours on a limited basis, preferably not more than a few weeks. In exceptional cases, it may be possible to support longer periods. Centers should, working with their unions as appropriate, develop and publicize a local policy on this topic.

#### **SECTION 4. STANDARD TOUR**

*Work  
require-  
ment*

This is the traditional work schedule used by the Government. It is sometimes called a regular schedule. Full-time employees are expected to work 8 hours per day and 40 hours per week over 5 workdays, generally Monday through Friday, and with two consecutive non-workdays. Each day’s tour is the same. The Center may require all employees on a standard tour to work the same hours, e.g., 8:00-4:30, or may allow employees to work other hours. Tours should be

established to begin not earlier than 6 a.m., and end not later than 6 p.m., to avoid the payment of night differential. Centers may establish procedures to approve exceptions for work-related reasons; a regular tour involving night differential may not be established solely for an employee's convenience. Each employee's schedule must be approved in advance by the supervisor, and once set, becomes a fixed schedule, unless changed consistent with Center policy.

A standard tour workday must include an unpaid meal period of at least a ½ hour, but not more than one hour.

*Over-time, comp time & credit hours*

Work over 8 hours in a day or 40 in a week is considered overtime (see rules on premium pay for exempt and non-exempt employees). SES employees have no premium pay entitlements.

Employees on a standard tour may not earn or use credit hours.

*Holidays*

Full-time employees are entitled to 8 hours of basic pay for holidays.

#### A. Special Provisions for Other Than Full-Time Employees

Part-time employees are regularly scheduled to work 16-32 hours per week. A part-time employee on a standard tour is entitled to basic pay for the hours regularly scheduled to work on a holiday, but not more than 8 hours.

### **SECTION 5. COMPRESSED TOUR**

A compressed work schedule is a type of alternate work schedule (AWS). Any employee with a regularly scheduled tour of duty is eligible to work a compressed tour, subject to local Center policy.

*Work requirement*

Under a compressed tour, a full-time employee works 80 hours in a pay period, but in fewer than 10 days. Normally, the workdays are set within the Monday-Friday timeframe. Tours should be established to begin not earlier than 6 a.m., and end not later than 6 p.m., to avoid the payment of night differential. Each employee's schedule must be approved in advance by the supervisor, and once set, becomes a fixed schedule. The daily schedule may include up to 10 hours of work, although it is not necessary that each day contain the same number of hours. An employee may change the biweekly schedule with supervisory approval.

A common compressed tour is the "5-4-9," which includes 5 workdays in one week of the pay period, and 4 in the other, with 9-hour days over 8 workdays. There is one 8-hour day and one non-workday, often referred to as the "AWS day." Another tour includes 8 10-hour workdays with 2 non-workdays.

A compressed tour workday must include an unpaid meal period of at least a ½ hour, but not more than one hour.

*Over-time, comp time credit hours*

Work in excess of the daily schedule which is ordered or approved is considered overtime for full-time employees. For example, if a full-time employee who is scheduled to work 9 hours on a particular day works 10 hours, one hour of work is considered overtime (if it meets other requirements under Title 5 or FLSA). For part-time employees, work in excess of the daily schedule and which also exceeds 8 hours in a day or 40 in a week is considered overtime, provided that it is ordered or approved.

For employees covered under FLSA, suffered and permitted work also is compensated as overtime.

Employees on a compressed tour may not earn or use credit hours.

Employees may receive comp time in lieu of irregular or occasional overtime, but not for regularly scheduled overtime work.

*Holidays*

Full-time employees are entitled to receive pay on a holiday for the number of hours that comprise the basic workday. For example, if a holiday falls on a 9-hour workday, the employee receives holiday pay for 9 hours.

It would be inappropriate to change the employee's schedule for the purpose of changing the entitlement to holiday pay, e.g., moving the 8-hour day under a 5-4-9 schedule to provide an additional hour (or one less hour) of holiday pay.

If a holiday falls on a non-workday, other than Sunday, the "in-lieu-of" holiday will be determined in accordance with 5 USC 6103. When the holiday falls on a Sunday, the "in-lieu-of" holiday will be determined in accordance with E.O. 11582, February 11, 1971.

The employee may not change the schedule on an ad-hoc basis, including designating an alternate non-workday. The supervisor may alter the employee's work schedule on a temporary or permanent basis if there is a reason to do so (for example, workload, meetings that the employee must attend, or hardship to the employee). Any such change must be approved in advance.

A. Special Provisions for Other Than Full-Time Employees

Although it would be unusual, part-time employees may work compressed schedules. The total work requirement would be 32-64 in a pay period, but each workday could include up to 10 regularly scheduled hours of work.



Exception: the Center may permit an employee to perform regularly scheduled work of from 1-15 hours per week (5 CFR 340.202(b)). Such instances are intended to be rare, and established because of a special need of the Agency. Except for members of the Senior Executive Service (see 5 USC 3405(b)), there is no legal authority to allow a regular part-time schedule that exceeds 64 hours per pay period. A part-time employee may occasionally exceed this limit (normally not more than one pay period).

A part-time employee on a compressed tour is entitled to basic pay for the hours regularly scheduled to work on a holiday. Although part-time employees are not entitled by law or regulation to “in-lieu-of” holidays, NASA policy excuses them from work with pay for hours they would have been scheduled to work on a statutory “in-lieu-of” holiday. This time is recorded as excused absence. In contrast, there is no entitlement to holiday pay if the designated holiday or in-lieu of holiday falls on a non-workday of the part-time employee.

## **SECTION 6. VARIABLE DAY TOUR**

*Work  
require-  
ment*

The variable day tour is a type of a flexible work schedule (FWS), another form of AWS. Full-time employees under this tour are expected to work 40 hours per week over 5 workdays, generally Monday through Friday, with two consecutive non-workdays. Exceptions are allowed with supervisory approval. Normally, the Center establishes core hours for each day/week, for which the employee is accountable. The core hours will usually be the same for all employees at a Center who are working a variable day tour of duty.

Employees may vary arrival and departure times on a daily basis within the authorized time bands but may not vary the core hours. The total number of hours worked each day may vary, within procedures established by the Center. Centers should require the establishment of anticipated work schedules in advance of each administrative workweek to facilitate timekeeping in the event the employee uses leave, works overtime hours, is traveling or a holiday occurs. Failure to establish a schedule may lead to misunderstandings, inaccurate timekeeping, and affect the ability to schedule meetings and conferences and manage the workload. At any time, a supervisor may require an employee to be present at a time outside of the core hours, and within the established time band.

A workday under variable day schedule must include an unpaid meal period. With supervisory approval, an employee under a FWS may elect to take a longer unpaid meal period. The normal 1-hour limitation does not apply.

Work which meets all of the following requirements is considered overtime:

*Over-  
time,  
comp  
time  
credit  
hours*

&

- Is in excess of the planned daily or weekly schedule,
- Is in excess of 8 hours in a day or 40 in a workweek, and
- Is ordered or approved.

Local Center policy may permit employees under a variable day tour to earn and use credit hours.

In cases where an employee, who is covered by a FWS program, is ordered to work hours that are in excess of the number of hours the employee planned to work on a specific day but are not in excess of 8 hours in a day or 40 hours in a week at the time they are performed, Centers may permit or require employees to:

- Take time off from work on a subsequent workday within that workweek for a period of time equal to the number of hours worked (ordered or approved) in excess of the planned work schedule. For example: An employee who was scheduled to work 6 hours on Tuesday is ordered to work an additional 2 hours. The supervisor may reduce the employee's work hours on Friday from 8 hours to 6, or
- Complete the basic work requirement as scheduled and count the extra hours as credit hours, or
- Complete the basic work requirement as scheduled and receive compensation at the rate of basic pay for hours worked which are equal to or less than 8 in a day or 40 in a week, and overtime for hours ordered in excess of 8 in a day or 40 in a week.

*Holidays*

Full-time employees under a variable day tour are entitled to be paid on a holiday for those hours that fall within the regularly scheduled workday, up to a maximum of 8 hours. As with a compressed tour, it would be inappropriate to change an employee's tour of duty for the purpose of changing the entitlement to holiday pay.

Part-time employees may be paid (excused) for a holiday if the day is a scheduled day of work, or the employee shows a pattern of working on that workday, even though that day is not part of the required work schedule. (Centers may establish standards to determine if the employee shows a work pattern that would warrant payment for the holiday, and will establish a method to notify payroll that payment for a particular holiday is authorized.) Payment may be made for regularly scheduled work hours on that day, up to a maximum of 8 hours. In the same manner, part-time employees will receive pay for an "in-lieu-of" holiday designated for full-time workers if such a holiday falls on their regularly scheduled workday.

**SECTION 7. FLEXITOUR**

*Work  
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ment*

Flexitour is another example of a FWS. Full-time employees under this tour are expected to work 8 hours per day and 40 hours per week over 5 workdays, generally Monday through Friday, with two consecutive non-workdays. Each workday contains 8 hours, with the same hours worked each day. Schedules are

fixed, but employees on flexitour may work different work schedules, e.g., 8-4:30 or 7-3:30.

Centers will establish flexible hours surrounding core hours that include a standard meal period. With supervisory approval, the normal 1-hour limitation does not apply.

Local Center policy may permit employees under flexitour to earn and use credit hours. The length and schedule of a workday may vary with the use of credit hours.

*Over-time,  
comp  
time  
credit  
hours  
Holidays*

Work in excess of 8 hours in a day or 40 in a workweek (and in excess of the scheduled workday), which is ordered or approved is considered overtime.

& Full-time employees under a flexitour are entitled to be paid on a holiday for those hours that fall within the regularly scheduled workday, up to a maximum of 8 hours. As with a compressed tour, it would be inappropriate to change an employee's tour of duty for the purpose of changing the entitlement to holiday pay.

Part-time employees may be paid for holidays in the same manner as employees under Variable Day (see Section 6).

## **SECTION 8. MAXIFLEX**

*Work  
require-  
ment*

Maxiflex is another example of a FWS. Full-time employees under this tour are expected to work 80 hours per pay period generally over 10 or fewer workdays. The Center may establish core hours for days on which the employee must work or otherwise be accountable. As distinguished from variable day, core hours need not be established for all 10 days of a pay period. Normally, the core hours will be the same for all employees at a Center under maxiflex, and an employee's regularly scheduled workday will normally not exceed 10 hours.

Regular hours should be worked within a "flexible time band" established by the Center.

*Over-  
time,  
comp  
time &  
credit  
hours*

Work in excess of the planned work schedule for an administrative workweek that exceeds 8 hours in a day or 40 in a workweek, and is ordered or approved is considered overtime.

Local Center policy may permit employees under maxiflex to earn and use credit hours.

*Holidays*

The rules for holidays under maxiflex, including rules for part-time employees, are the same as for variable day (see Section 6).

## SECTION 9. FIRST FORTY

*Work  
require-  
ment*

A 1<sup>st</sup> 40 tour is appropriate when it is impractical to establish a fixed work schedule. Normally, 1<sup>st</sup> 40 should be reserved for employees whose work, by its very nature, is not conducive to a regular schedule. Examples include scientists and technicians who may be required to monitor experiments for long periods of time, employees working launches, or others whose work does not conform to the typical office environment. Generally, 1<sup>st</sup> 40 is not appropriate merely to accommodate personal desires of an employee, or to address cases where employees are asked to work extensive overtime. There are other means of dealing with these situations, including alternative work schedules, premium pay, compensatory time, and credit hours. First 40 should be used only during those periods when the employee's work makes it necessary. If, for example, an employee works on an experiment requiring a 1<sup>st</sup> 40 tour of duty for a two-month period, but otherwise has a fairly "normal" schedule, the employee should be placed on 1<sup>st</sup> 40 only for that period, and otherwise placed on another appropriate work schedule. If the periods of unpredictability are frequent, it may be practical to retain the employee on 1<sup>st</sup> 40 indefinitely.

A 1<sup>st</sup> 40 employee works 40 hours in each workweek over no more than 6 of 7 consecutive days. As much as is practical, the work time should be restricted to Monday-Friday between 6 a.m. and 6 p.m., to avoid unnecessary premium pay. *(NOTE: Under 1<sup>st</sup> 40, all hours worked are considered regular hours for purposes of determining entitlement to premium pay, so supervisors must be careful to assure that hours worked during night hours are required to be worked during these hours.)* Even under 1<sup>st</sup> 40, it is advisable to establish a generally anticipated work schedule in advance of each administrative workweek to facilitate timekeeping in the event the employee uses leave or works overtime hours; a holiday occurs; and, so that managers can plan meetings and other activities requiring the employee's attendance. At any time, a supervisor may require an employee to be present at a specific time.

Travel during the normal workweek is counted toward the 1<sup>st</sup> 40 hours of duty. If an employee on a 1<sup>st</sup> 40 tour has worked 40 hours in the workweek and performs travel, en route travel hours are not compensated as overtime unless one of the conditions in 5 U.S.C. 5542 (b)(2)(B) is met.

First 40 employees may not earn or use credit hours.

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time &  
credit  
hours*

Any hours in excess of 40 in a week that are ordered or approved are considered overtime hours for 1<sup>st</sup> 40 employees. Hours in excess of 8 in a day that are ordered or approved are overtime for FLSA non-exempt employees and for exempt employees whose pay is less than or equal to that of GS-10, step one. For this reason, it is not advisable to assign non-exempt employees to 1<sup>st</sup> 40.

Certain employees (professional, scientific, or technical) are not entitled to overtime for work over 8 hours in a day, regardless of grade or salary level. For non-exempt employees only, hours over 40 in a week that are suffered or permitted are considered overtime hours.

For purposes of premium pay, all hours worked under 1<sup>st</sup> 40 are considered regular hours. If a 1<sup>st</sup> 40 employee is permitted to work hours between 6 p.m. and 6 a.m., the employee is entitled to night differential pay. If a 1<sup>st</sup> 40 employee who is regularly scheduled to work overtime or night hours takes approved leave during those hours, the employee is entitled to premium pay for the hours of leave. However, if the total paid leave within the pay period equals 8 hours or more, no night differential may be paid for any paid leave.

There is no provision for a part-time employee to work a 1<sup>st</sup> 40 schedule.

Overtime entitlements under 1<sup>st</sup> 40 vary according to:

- FLSA exemption status
- Type of work
- Grade/pay level

For this reason, several distinct subcategories of the 1<sup>st</sup> 40 tour have been established.

#### A. 1<sup>st</sup> 40-I

Most employees for whom a 1<sup>st</sup> 40 tour is appropriate will fall under this tour type. It covers exempt employees who are:

- Paid more than GS-10, step 1 or equivalent, or
- Engaged in professional or technical scientific or engineering activities (see 5 CFR 550.111), at any pay level

For employees under 1<sup>st</sup> 40-I, the following overtime rules apply:

- Overtime may be paid for hours ordered or approved by the supervisor, which are in excess of the basic 40-hour workweek.
- Employees are not entitled to overtime pay for hours worked in excess of 8 in a day (unless they are in excess of 40 hours a week, and ordered or approved).
- Employees are not entitled to compensation for suffered or permitted hours worked that are in excess of 40 hours in a week.

For employees under 1<sup>st</sup> 40-I, there is a further distinction that deals with whether the employee receives payment for overtime hours worked or comp time.

- If the employee's hourly rate exceeds GS-10, step 10 or equivalent, the employee will receive comp time for irregular or occasional overtime hours ordered and approved by management, in lieu of payment for overtime. In some cases, it may be impractical to give an employee comp time, e.g., when it is anticipated that the employee will work overtime over an extended period and will not be able to use the comp time within a reasonable timeframe. In such cases, the employee may request and Center management may approve the payment of overtime. Each Center should establish a policy and procedure for employees to follow in such cases.
- An employee under 1<sup>st</sup> 40-I whose hourly rate does not exceed GS-10, step 10, may request to receive comp time in lieu of payment for irregular or occasional overtime hours worked.
- There is no authority for an employee under 1<sup>st</sup> 40-I to receive comp time in lieu of regularly scheduled overtime.

#### B. 1<sup>st</sup>-40-X

This tour covers two types of employees:

- Non-exempt employees, at any pay level and any type of work, and
- Certain exempt employees.

While most exempt employees will be covered by 1<sup>st</sup> 40-I, a small number of employees are covered by a unique set of overtime rules. This tour covers exempt employees whose hourly rate of basic pay does not exceed GS-10, step 1 or equivalent, and those who are not in a professional or technical engineering or scientific position (see 5 CFR 550.111). The overtime rules are the same as for non-exempt employees, except for the suffered/permitted rule.

Employees working a 1<sup>st</sup> 40-X tour are subject to the following overtime rules:

- Overtime may be paid for hours in excess of 8 in a day that are ordered or approved (not suffered or permitted).
- Overtime may not be paid for hours worked in excess of 8 in a day for a non-exempt employee whose rate of basic pay exceeds GS-10, step 1 or is engaged in professional or technical engineering or scientific activities.
- Overtime may be paid for hours in excess of 40 in a week that are ordered or approved (and for non-exempt employees only, suffered or permitted hours).
- Work over 8 hours in a day will be counted toward the 40-hour workweek, whether or not they are compensated as daily overtime. It is possible for an employee to work a total of only 40 hours in a week, including both regular and overtime hours. While this initially will give the employee an increase in pay, the employee should be cautioned that only regular hours

(not overtime) are counted towards the computation of salary for retirement.

- Work over 8 hours in a day that is not ordered or approved will be compensated at the regular rate (not overtime) when the total number of hours worked (or accounted for by leave) does not exceed 40 hours in the workweek.
- In lieu of payment for irregular or occasional overtime hours, an employee may request comp time. The Center may not require an employee to accept comp time in lieu of overtime.

*Holidays* A 1<sup>st</sup> 40 employee receives 8 hours holiday pay for each holiday within an administrative workweek, and is responsible for the remaining hours in the week. If the employee works on the holiday designated in law (not the “in-lieu-of” holiday), he or she is entitled to holiday premium pay of at least 2 hours, up to a maximum of 8 hours.

## **SECTION 10. FIREFIGHTERS**

*Work  
require-  
ment*

Firefighters will be assigned an Uncommon Tour of Duty. By definition, firefighters are employees who are classified in the GS-081 Fire Protection and Prevention series, which includes line firefighters, supervisory firefighters, and fire inspectors whose regularly scheduled workweek averages 53 hours or more (see 5 CFR 550.1302 (1)(2)).

Most firefighters have extended tours of duty - most commonly, a 72-hour workweek consisting of three 24-hour shifts. The 24-hour shifts include periods of actual work time and substantial periods of time during which they are in standby status. Others may have a regular 40-hour workweek consisting of five 8-hour days plus regularly scheduled standby duty (e.g., an extra 16 hours standby duty for a regularly scheduled work week of 56 hours).

Firefighters whose workweek is less than 53 hours are considered to be in a “duty status” for the entire period and are not eligible for standby pay. Additionally, their tour of duty is considered a “regular shift” and their premium pay entitlement is the same as regular employees (5 USC 6103(b)(2), 5 CFR 550.131-2).

*Over-  
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time &  
credit  
hours*

Under the FLSA, the overtime standard for firefighters is 53 hours per week instead of 40 hours. For overtime hours within their regularly scheduled workweek, firefighters receive a supplemental half-rate premium (in addition to basic pay and standby pay received for regularly scheduled hours). For irregular overtime hours, firefighters receive time-and-one-half overtime pay. For firefighters who are exempt from the FLSA, overtime is computed under provisions at 5 CFR 550.113 (e).

Generally, firefighters are entitled to a special form of compensation that bars them from receiving holiday premium pay. Any firefighter with a regular tour of duty that averages 53 hours or more per work week is compensated under special basic pay and overtime rules (5 USC 5545b and 5 CFR 550 Subpart M). These employees are not entitled to any other form of premium pay, including holiday premium pay, night differential, or Sunday differential.

Firefighters paid under special firefighter pay provisions can be required to work on a holiday at their normal pay rate with no entitlement to holiday premium pay. They are not covered by the normal holiday rules. An individual firefighter may be permitted to take annual or sick leave on a holiday. In rare circumstances where an Agency determines that firefighters' services are not required on a particular holiday, the Agency may at its discretion grant these firefighters excused absence with pay, without charge to leave.

Firefighters' pay under the special firefighter provisions is considered to be complete compensation for all hours worked, taking into account that firefighters may work at night and on Sundays and holidays due to the nature of their job.

## **SECTION 11. NASA Hour Types**

The smallest increment of creditable time for all hour types is 15 minutes.

### Standard Hour Types

- Annual Leave
- Absence Without Leave (AWOL)
- Compensatory ("comp") Time Earned
- Comp Time Used
- Continuation of Pay (COP)
- Court Leave/Jury Duty
- Credit Hours Earned
- Credit Hours Used
- Donated Leave Used
- Excused Absence (includes Organ/Tissue Donor Leave)
- Family/Medical Leave (FMLA)
  - Sick Leave family
  - Sick Leave self
  - Annual Leave
  - Leave Without Pay (LWOP)
- Hazard Pay
- Holiday Leave
- Holiday Worked
- Home Leave
- LWOP/Furlough
- Military Leave
- Night Differential



Overtime (regularly scheduled)  
    Covered by the Fair Labor Standards Act (FLSA non-exempt)  
    Covered by Title 5, United States Code (FLSA exempt)  
Overtime (irregular/occasional)  
    FLSA (non-exempt)  
    Title 5 (exempt)  
Regular  
Religious comp time earned  
Religious comp time used  
Restored Leave  
Shift Differential  
Sick Leave - self  
Sick Leave - family under the Family Friendly Leave Act (FFLA)  
Sunday Differential  
Suspension  
Time Off Award  
Worker's Compensation