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NGHI-HRO

2 November 2022

MEMORANDUM FOR Title 32 (T32) Dual Status (DS) Technicians and Title 5 (T5) National Guard (NG) Employees

SUBJECT: Overtime and Compensatory Time Policy

1. References: Chief National Guard Bureau Instruction (CNGBI) 1400.25 Volume 630 (National Guard Technician and Civilian Personnel Absence and Leave Program)
2. Rescinded: Interim Overtime and Compensatory Time Policy for Title 5 Hawaii National Guard (HING) Federal Employees dated 20 July 2018
3. This overtime and compensatory time policy establishes the control and use of overtime and compensatory time within the Hawaii National Guard (HING). This policy provides leaders the ability to accomplish the mission while providing the necessary internal controls to prevent abuse, ensure consistency and provide visibility at the senior level. The objective is to ensure that overtime is used only as necessary and to ensure that employees are properly compensated for work beyond normally scheduled work hours.
4. U.S. Property and Fiscal Officer (USPFO) and 154th Wing Comptrollers must provide a quarterly report to the HIARNG Chief of Staff and the HIANG Director of Staff regarding overtime paid and compensatory time earned. Report parameters should identify the following at a minimum: totals for compensatory time earned for the quarter, earned compensatory time balances greater than 160 hours and overtime paid for the quarter. An annual report must be provided by USPFO and Wing Comptrollers, through the HRO, to the Deputy Adjutant Generals and then to the Adjutant General on all compensatory time earned, and all overtime paid.
5. Overtime and Compensatory Time Controls. The following rules are established to control overtime and compensatory time usage and practices:
 - a. Overtime is only applicable to T5 NG Employees. Overtime should not be reoccurring and limited to cases of necessity such as warfighter readiness, emergencies, safeguarding life and property, documented customer demands, and instances where savings can be clearly demonstrated.

NGHI-HRO

SUBJECT: Overtime and Compensatory Time Policy

b. Respective components, in coordination with the Human Resources Officer, and designated finance office, maintain the authority to restrict overtime and compensatory time approvals based on budgetary constraints and mission requirements.

c. Normally, authorization of overtime or compensatory time must be obtained in advance of the performance of the compensatory time worked. The preapproval should be properly requested and approved in Automated Time Attendance and Production System (ATAAPS). If this process is unable to be completed in advance, at a minimum, telephone approval must be obtained before the work is accomplished. In this situation, the ATAAPS request and approval should be obtained no later than the first regularly scheduled work day after the overtime or compensatory time is worked.

d. In the event of unanticipated mission requirements, employees must make a good-faith effort to receive approval in advance. Supervisors should communicate in advance reasonable expectations, scenarios and/or instances that are acceptable for employees to earn compensatory time/overtime without approval confirmation. Overtime and compensatory time requests must clearly state the reason that the work involved could not be performed and completed during regularly scheduled work hours.

e. Employee requested overtime or compensatory time is not approved when the request is made for the sole benefit of the employee and does not benefit the organization. For example, to increase pay, accrue compensatory time and/or supplement leave balances.

6. T5 NG Employees are eligible to earn overtime pay or compensatory time. Supervisors can deny a request to work additional hours beyond the regularly scheduled work day. Supervisors can require employees to work additional hours beyond the regularly scheduled work day for mission accomplishment but should not do so as a normal practice.

7. Fair Labor Standard Act (FLSA) Nonexempt T5 NG Employees cannot be required to earn compensatory time in lieu of overtime pay. However, an employee may choose to request compensatory time.

8. FLSA Exempt T5 NG Employees whose basic pay is above GS-10, step 10, may be required to earn compensatory time in lieu of overtime. This determination is based on budgetary constraints and made by the respective component in coordination with the Human Resources Officer and designated finance office.

NGHI-HRO

SUBJECT: Overtime and Compensatory Time Policy

9. Use of earned compensatory time by T32 DS Military Technicians and T5 NG Employees:

a. Use of earned compensatory time must be approved by the appropriate leave approval authority (i.e., normally the employee's supervisor). Compensatory time should be used prior to annual leave except when the annual leave has been designated as "use or lose."

b. T32 DS Military Technician's compensatory time must be taken by the end of the 26th pay period after the pay period during which it was earned. There are no provisions to restore unused compensatory time and it cannot be paid out. Employees and their supervisors are responsible for ensuring accrued compensatory time is scheduled for use appropriately.

c. T5 NG Employees who are FLSA Nonexempt are encouraged to use earned compensatory time by the end of the 26th pay period after the pay period during which it was earned. Unused compensatory time is paid out at the appropriate overtime rate.

d. T5 NG Employees that are FLSA Exempt are encouraged to use earned compensatory time by the end of the 26th pay period after the pay period during which it was earned. Unused compensatory time after the 26th pay period from when it was earned is paid out at the appropriate overtime rate.

10. Proponent for this policy is the Human Resources Office. Questions regarding this policy should be directed to Ms. Jessica Haleck at 808-672-1385 or jessica.y.haleck.mil@army.mil.

FOR THE ADJUTANT GENERAL:

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