

New Article 28

Old Article 33/32

Overtime Assignments and Compensation

32.1 Performance of Overtime Work

NRC may order the performance of overtime work. However, consideration shall be given to the effect of such additional work on the health and efficiency of the employee. Overtime will be compensated in accordance with applicable laws and regulations.

32.2 Exempt or Nonexempt Employees

In order to inform employees that they are exempt or nonexempt from the Fair Labor Standards Act, the NRC will make an appropriate entry on each NRC-50 which effects a position change for an employee. ~~An employee may call the Office of Human Resources for the purpose of ascertaining his/her status under the Fair Labor Standards Act.~~

32.3 Distribution of Overtime

Unless NRC determines that a specific employee(s) is required to perform an overtime assignment, NRC agrees to distribute overtime based on seniority from among qualified employees. In situations where there are volunteers, NRC agrees to assign use the most senior employee(s). In those cases where there are no volunteers, NRC agrees to use reverse seniority.

32.4 Notification of Involuntary Overtime

The NRC will, when practicable, notify an employee at least 1 full workday in advance of the scheduling of an involuntary overtime assignment. When an employee has been ordered to work overtime because there are no qualified volunteers, he/she may be relieved of the assignment if he/she can find a replacement, subject to the approval of the supervisor where the work is to be performed. In such cases where the replacement comes from another organizational segment, the replacement's supervisor must also concur. When ordering involuntary overtime, the NRC will consider significant personal hardships whenever possible and assist in finding a qualified replacement.

32.5 Overtime Performed by Nonexempt Employees

Nonexempt employees should use NRC Form 145, entitled "Request and Authorization for Irregular or Occasional Overtime," to request advance approval for irregular or occasional overtime. When it is impractical to process NRC Form-145, in advance of overtime work, oral prior approval may be given and NRC Form-145 shall be used to confirm the authorization. Any work or duty performed ~~during overtime hours~~ by nonexempt employees outside their regular scheduled work hours for the benefit of NRC, whether requested or not, is to be considered as

time worked if the responsible supervisor knows or has reason to believe it is being performed and has the opportunity to prevent the work from being performed.

### 32.6 Overtime Performed by Exempt Employees

~~Irregular or occasional overtime work by exempt employees will constitute entitlement of overtime pay or compensatory time off if the work was officially ordered or approved. Exempt employees should use NRC Form 145, entitled “Request and Authorization for Irregular or Occasional Overtime,” to request advance approval for irregular or occasional overtime. When it is impractical to process NRC Form-145, entitled “Request and Authorization for Irregular or Occasional Overtime” for exempt employees in advance of overtime work, oral prior approval may be given and NRC Form-145 shall be used to confirm the authorization.~~

To the extent permitted by law and regulation, irregular or occasional overtime work by exempt employees will constitute entitlement of overtime pay or compensatory time off if the work was officially ordered or approved. Overtime work is normally ordered and approved in advance, but may be approved after the fact at the approving official’s discretion.

### 32.7 Uncompensated Overtime

~~Employees will not be ordered or expected to work overtime without required compensation. When an exempt employee is not eligible for compensation for additional hours worked under law, rule or regulation, voluntary overtime will not be encouraged. Working voluntary overtime does not provide any greater entitlement or consideration for a higher performance rating or award, except to the extent that any additional work performed directly relates to the criteria for rating performance and/or granting awards.~~

### 32.7 Uncompensated and Voluntary Overtime

Employees are not encouraged or expected to routinely work additional hours that are not ordered or approved and for which they may not receive compensation. Working voluntary overtime does not provide any greater entitlement or consideration for a higher performance rating or award, except to the extent that any additional work performed directly affects achievement of established performance and/or award criteria. Management should not use the awards process or performance rating system to compensate employees for overtime work for which they are not otherwise entitled to compensation.

### 32.8 Call-Back Overtime

Eligible employees will be provided call-back pay in accordance with law, rule or regulation when management requires the employee to return to the work site.

### 32.9 Work Performed at Home or at Non-Work Locations ~~Calls to Home Outside Scheduled Duty Hours~~

Employees who are required by management to perform work called at home or at ~~another~~ non-work location ~~at home to perform work~~ outside scheduled duty hours will be compensated for actual time worked to the maximum extent permitted by law, rule and regulation.