

New Article 29

Old Article 33

Compensatory Time

33.1 Availability

Compensatory time off instead of payment for an equal amount of time spent in irregular or occasional overtime work shall be available to employees to the extent provided by applicable laws and regulations. Employees on flexible work schedules may also request compensatory time for regularly scheduled overtime work. In situations where the NRC has discretion to grant either compensatory time off or overtime pay, the NRC has determined that the employee shall be allowed to select his/her preferred method of compensation.

~~33.2 — Computation of Overtime~~

~~Hours spent in irregular or occasional overtime work shall be computed in accordance with applicable law and regulation.~~

~~33.23 Premium Pay Compensatory Time Increments~~

~~Premium pay work will be directed or authorized and paid for normally in increments of no greater than 15 minutes and in accordance with government regulations. units of full hours and 1/10 hours (6 minutes) for irregular or unscheduled overtime work in NRC. Compensatory time shall be earned at the rate of one unit of compensatory time for each unit of covered time spent in irregular or occasional overtime work. For employees subject to subchapter V of Chapter 55 of Title 5 U.S.C. (Premium Pay), odd minutes (less than 6 minutes) will be disregarded (44 Comptroller General 410). For employees whose overtime work is under the FLSA, a All fractional periods of time worked, ~~no matter how small,~~ will be accumulated aggregated on a workweek basis, and any remaining irregular, unscheduled overtime work which does not satisfy the full fractions established will be rounded up or down to the nearest increment. ~~dropped from the workweek, i.e., 5 minutes or less will be dropped from the workweek.~~~~

~~33.34 Request to Use Compensatory Time~~

~~Once compensatory time has been earned, employees must request to use it prior to the end of the twelfth pay period after it was earned, except as otherwise within the 26 pay periods from when it was earned, except that compensatory time credited to employees as of May 14, 2007 must be used by the end of the pay period ending three years after that date. provided by applicable law or Government wide regulation. Requests to use compensatory time-off shall should be made in writing ~~on an SF 71.~~ A request for use of earned compensatory time will be considered in the same manner as a request for use of annual leave (Article 15). Employees will be paid for any compensatory time not used within the required period. If an employee submits a request to use compensatory time off within six (6) pay periods from the time that the compensatory time off was earned and the supervisor denies the employee's use of the compensatory time off, the supervisor shall provide written justification for the denial upon~~

~~request. Denials of a request for use of compensatory time off which are not submitted within six (6) pay periods from the time that the compensatory time off was earned do not require justification.~~

If compensatory time earned accumulates to a total of 40 hours at any one time, all overtime hours worked over the 40 hours will be paid at the applicable overtime rate until the accumulated total of compensatory time earned is decreased below 40 hours. Nothing in this Article shall preclude Office Directors and Regional Administrators from declaring, during a certain period of time, that compensatory time may not be ~~earned or~~ used due to emergencies, workload considerations, or other exigent circumstances.

~~33.421.1~~ Compensatory Time for Religious Observances

~~33.4.1~~ Employees (including those paid at the statutory maximum) are permitted to work compensatory overtime for the purpose of taking time off for religious observances. Such overtime may be worked before or after the compensatory time off.

~~33.4.2~~ To the extent that a modification in work schedule does not interfere with the timely and efficient accomplishment of the Agency's mission, the Agency shall in each instance afford an employee the opportunity to work compensatory overtime and shall in each instance grant compensatory time off to an employee requesting such time off for religious observances when the employee's personal religious beliefs require that he/she abstain from work at certain times of the workday or workweek.

~~33.4.3~~ Employees must submit a written request for religious compensatory time in advance. Employees shall specifically state that their request is for religious compensatory time, and they may be requested to provide acceptable documentation of the need to abstain from work. When deciding whether an employee's request for religious compensatory time should be approved, the Agency must not make any judgment about the employee's religious beliefs or his/her affiliation with a religious organization.

~~33.4.4~~ An employee will be allowed to accumulate only the number of hours of compensatory time needed to make up for previous or anticipated absences from work for religious observances.

~~33.4.5~~ If an employee is absent when he/she is scheduled to perform work to make up for a planned absence for a religious observance, the employee must reschedule the required make-up work. Make-up work will normally be performed within 2 pay periods of the absence for a religious observance. Otherwise, he or she must take paid leave, request leave without pay, use earned credit hours if appropriate, or be charged absent without leave if approved leave is not permitted.

~~33.4.6~~ Compensatory time worked does not create any entitlement to premium pay (including overtime pay). If an employee is separated or transferred before using the time set aside for religious observances, any hours not used must be paid at the employee's rate of basic pay in effect when the extra hours of work were performed.

33.4.7 Only Office Directors may make the determination that an employee will be denied compensatory time for religious observances. Such a denial must meet the criterion that such time off would interfere with the efficient accomplishment of the agency's mission.

The following provisions apply:

~~21.1.1 Compensatory time may be accrued by working before or after regular working hours or on weekends, at the discretion of the supervisor;~~

~~21.1.2 Employees paid at the statutory maximum are entitled to work compensatory time for the purpose of taking time off for religious observances. (Ordinarily, such employees may not be paid for overtime or receive compensatory time.);~~

~~21.1.3 Compensatory time earned or used for religious observances must be identified as such for Time and Attendance (T&A) reporting purposes;~~

~~21.1.4 Supervisors are responsible for assuring that any compensatory time used in advance is subsequently earned. Normally, this should be accomplished within two pay periods after the pay period in which the time is used;~~

~~21.1.5 The periods of time in which to use or lose compensatory time as set forth in Article 32 apply to compensatory time accrued for religious observances; and~~

~~21.1.6~~

33.5 Compensatory Time for Travel

Employees may earn compensatory time for time spent in travel outside scheduled duty hours when the employee is not otherwise eligible for compensation for such time, in accordance with law, rule and regulation and the NRC's policies, as negotiated with NTEU [link to Yellow Announcement 2007-048].