

F L S A

TRAVEL ON A 1-DAY ASSIGNMENT WITHIN THE LIMITS OF THE OFFICIAL DUTY STATION

NATURE OF TRAVEL	MODE OF TRAVEL		IS TRAVEL OUTSIDE REGULAR WORKING HOURS COMPENSABLE?	WHICH PART?
	Passenger	Driver		
1. Normal home-to-work (work-to-home) travel	X	X	NO	* See footnote 1
2. Employee reports at a designated meeting place and drives a government vehicle to transport other employees or equipment to a job site.		X	YES	The travel from the designated meeting place where the driver picks up employees or equipment.
3. Employee reports to the designated meeting place and is transported to the job site.	X		NO	* See footnote 2
4. Begins work and travels from one job site to another	X	X	YES	All travel time except mealtime

1*Normal travel between home-to-work and work-to-home, within the limits of the official duty station, is not considered "hours of work." For this purpose the employee's temporary duty location is considered to be the equivalent of the official duty station during the temporary duty assignment. Therefore, travel from home to the temporary duty location within its boundaries and return is not considered "hours of work."

2*If the employee's work commences at the designated meeting place; e.g., the employee picks up tools or receives work instructions, all subsequent travel (to a job site and return), is hours worked.

F L S A

TRAVEL ON A 1-DAY ASSIGNMENT OUTSIDE THE LIMITS OF THE OFFICIAL DUTY STATION *1

NATURE OF TRAVEL	MODE OF TRAVEL			IS TRAVEL COMPENSABLE?	WHICH PART
	AS A PASSENGER	AS A DRIVER	OUTSIDE REGULAR WORK-HOURS		
1. From home to common carrier terminal (or return).	X	X	X	No	*2
2. Normal waiting time at the terminal prior to scheduled time.	X		X	Yes	Actual predeparture time credited may not exceed 1 hour.
3. From terminal to temporary duty (TDY) station (or return).	X	X	X	Yes	All except for mealtime.
4. Usual waiting time which interrupts travel by common carrier.	X		X	Yes	All except for mealtime.
5. Travel from home to TDY station (or return) by automobile.	X	X	X	YES	Lesser of actual travel time or estimated travel time from official duty station to temporary duty station.
6. Travel from official duty station to TDY station	X	X	X	YES	All except for mealtime.

*1 For the purpose of this exhibit temporary duty station means a duty station outside the limits of the official duty station.

*2 If the common carrier terminal is located outside the limits of the official duty station and the home to terminal travel time exceeds the home to work travel time, the employee may be credited with the excess travel time as hours worked.

F I S A

TRAVEL AWAY FROM THE OFFICIAL DUTY STATION ON AN OVERNIGHT ASSIGNMENT

NATURE OF TRAVEL	MODE OF TRAVEL		OUTSIDE REGULAR WORK-HOURS	OUTSIDE CORRES PONDING HOURS ON NONWORKING DAYS	IS TRAVEL COMPENSABLE?	WHICH PART
	AS A PASSENGER	AS A DRIVER				
1. From home to Temporary Duty (TDY) Job Site (or return) during regular working hours or during corresponding hours on nonwork days.	X	X			Yes	All except for mealtime.
2. From home to TDY Job Site (or return).		X	X	X	Yes	All except for normal home to work travel and mealtime.
From home to Temporary Duty (TDY) Job Site (or return).	X		X	X	No	
3. From home to temporary lodging (or return).		X	X	X	Yes	*All except for mealtime.
From home to temporary lodging (or return).	X		X	X	No	
4. From TDY Job Site to another job site to continue work.		X	X	X	Yes	All except for mealtime.
From TDY Job Site to another job site to continue work.	X		X	X	Yes	

* No home-to-work travel is deducted if an employee drives from home to temporary lodgings at the temporary duty station.
 All such time spent driving is considered hours worked.

CIRCUMSTANCES WHEN TIME SPENT OUTSIDE REGULAR WORKING
 HOURS FOR TRAINING IS CONSIDERED "HOURS OF WORK" UNDER FLSA 1/

	Time Spent in Training	Time Spent In Preparation for Training
Training to bring an employee's performance up to an acceptable level in his or her current position.	YES	YES <u>2/</u>
Training to provide an employee the knowledge and/or skills to perform new duties or responsibilities required in his or her current position.	YES	YES <u>2/</u>
Training to improve an employee's performance above an acceptable level in his or her current position. <u>3/</u>	NO	NO
Training to provide an employee additional knowledge or skills for reassignment to another position or advancement to a higher grade.	NO	NO
Training in an apprenticeship program, an internship program, or training under the Veterans Readjustment Act. <u>4/</u>	NO	NO

1/ Time spent in training or in preparation for training during working hours is hours of work, unless the employee is on paid leave or leave without pay.

2/ Time actually spent by an employee within the approved allowance for preparatory time is hours of work. Any additional time spent by an employee in preparing for training is not hours of work.

3/ Such training must be undertaken with the knowledge that the employee's performance or continued retention in his or her current position will not be adversely affected by nonenrollment in the training program.

4/ Any period of work productivity to FmHA during such training will be considered hours of work.

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CRITERIA FOR DETERMINING EXEMPTIONS FROM COVERAGE UNDER FLSA

This chart provides guidance, with examples, for applying the exemptions covering executive, administrative, and professional employees. Examples provided are not all-inclusive but are only to serve as a guide.

NONEXEMPT BASIC COVERAGE

All employees classified at GS-4 or below	Nonsupervisory employees in professional positions GS-7 and below:	Employees in supporting technical positions GS-8 and below:
County Office Clerk GS-1101-04	Asst. County Supervisor GS-475-5/7	County Office Asst. GS-1101-5
All nonsupervisory FWS positions;	Employees in administrative positions and below:	Program Review Asst. GS-1101-6/7/8
WG-3502-2 Laborer	Business Services Clk GS-303-5	District Loan Tech. GS-1101-5/6/7
		Const. Inspector GS-828-7/8

EXEMPT BASIC COVERAGE

Employees classified in position GS-11 +

Wage Supervisors (WS)
WS-6907-4

NOTE: In FmHA the policy is to classify as exempt certain positions based on the nature of work at GS-9 and above

EXECUTIVE EXEMPTION

Supv. or mgr. supervising 3 or more employees and primary duty is supervision (80%)

GS-301-15, State Director

ADMINISTRATIVE EXEMPTION

Advisor, Assistant, representative of management:

Specialist in a management or supporting service: Personnel Mgmt. Specialist
GS-201-9/11

Specialist in a technical area requiring special training/experience:
Loan Specialist GS-1165/9 and above

Construction Analyst
GS-828-9

PROFESSIONAL EXEMPTION

Position requires knowledge in a scientific field gained through specialized training or bachelor's degree:

Agr. Mgmt. Specialist
GS-475-9 +

Civil Engineer GS-810/9 +

Architect GS-808/9 +

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OVERTIME/COMPENSATORY TIME GUIDELINES

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	GM-14/15	GS-9 THRU 13	GS-8 & BELOW
COMPENSATION COVERAGE:	Under Title 5 USC only	Under Title 5 USC only	Both FLSA & Title 5 USC.
CAN WORK VOLUNTARY OVERTIME WITHOUT COMPENSATION.	Yes, but if overtime is ordered, compensation is required. (1)	Yes, but if overtime is ordered, compensation is required.	No. Any FLSA overtime work "suffered or permitted" must be compensated. (2)
TYPE OF COMPENSATION (OVERTIME PAY OR COMPENSATORY TIME):	Optional - Management decision. Compensatory time is preferred unless leave accumulation and leave scheduling problems would result. (3)	Employee paid more than GS-10/1: Same as GM-14/15. Employee paid same or less than GS-10/1: Compensatory time may be granted if employee requests. Otherwise, overtime pay is required. (4)	Overtime required unless FLSA & Title 5 computations are equal. If so employee may request compensatory time in writing. Overtime pay is preferred.
WITHIN AVAILABLE FUNDS, USE OVERTIME/COMPENSATORY TIME FOR:	Emergencies only, when no other option is available.	GM-13: - Assignments of major importance. - Critical deadlines GS-9 through GS-12: - High priority assignments and deadlines. - Peak workload reqr'ts.	- Priority assignments and deadlines. - Non-routine/excess workload requirements.
LOWEST LEVEL OF APPROVAL AUTHORITY:	National Office: Deputy Administrator(s) Finance Office: Deputy Administrator(s) Field: Administrator	National Office: Division/Staff Director Finance Office: Division/Staff Director Field: State Director for State Office employees and District Directors. District Directors for District Office staff and County Office employees.	National Office: Division/Staff Director Finance Office: Division/Staff Director Field: Same as for GS-9 thru GM-13.

FOOTNOTES:

- (1) Employee may be paid premium pay (including compensatory time) only to the extent that the aggregate rate of pay for any pay period does not exceed the maximum rate for GM-15.
- (2) Supervisors and managers must take positive action (e.g., inform employees, implement controls, discipline employees, etc.) to prevent unanticipated claims under FLSA. Periodic reminders are not enough.
- (3) NFC will automatically pay overtime for unused compensatory time at the end of the leave year. Supervisors and managers should monitor compensatory time and leave balances carefully and avoid compensatory time accumulations in excess of 40 hours.
- (4) Maximum overtime rate is one and a half times the hourly rate for GS-10/1.