



DEPARTMENT OF THE NAVY  
U.S. NAVAL SUPPORT ACTIVITY  
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NAVSUPPACT NAPLES INST 12610.2A  
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NAVSUPPACT NAPLES INSTRUCTION 12610.2A

From: Commanding Officer, U.S. Naval Support Activity, Naples,  
Italy

Subj: HOURS OF DUTY FOR U.S. CITIZEN CIVILIAN EMPLOYEES

Ref: (a) Code of Federal Regulations (CFR), Title 5, Pt. 550  
(b) CFR, Title 5, Pt. 610  
(c) DOD Instruction 1400.25-M (Subchapter 610) of Dec 96

1. Purpose. To promulgate policy, regulations, and procedures, per references (a) through (c), pertaining to hours of duty for U.S. citizens in appropriated fund positions serviced by the Human Resources Office (HRO), U.S. Naval Support Activity, Naples, Italy.

2. Cancellation. NAVSUPPACT NAPLES INST 12610.2

3. Policy. It is the policy of the Department of the Navy (DON) to observe the following principles in establishing hours of duty, except in situations where the commanding officer or head of an activity determines that the activity would be seriously handicapped in carrying out its mission or where costs would be substantially increased:

a. Work schedules will be maintained as stable as practical.

b. Employees will be given advance notice of changes in their hours of duty.

c. The occurrence of a holiday will not affect the designation of the basic workweek.

d. Overtime work, whether scheduled or unscheduled, will be avoided whenever possible.

e. Breaks of more than one hour will not be scheduled in any basic workday, except to provide variation in the schedule for educational purposes.

4. Administrative Workweek. The administrative workweek for General Schedule (GS) and Wage Grade (WG) employees is the calendar week of Sunday through Saturday.

5. Basic Workweek

a. The basic workweek for full-time GS and WG employees is fixed at 40 hours. It should not be scheduled over more than six of the seven days of the administrative workweek. Whenever feasible, the basic 40-hour workweek should be scheduled over five days, Monday through Friday. The two rest days outside the basic workweek should be consecutive. Except in unusual circumstances, the working hours in each day in the basic workweek will be the same.

b. For employees in certain types of operations, it may be impractical to prescribe a regular schedule of definite hours for each workday. In these situations, the first 40 hours of duty performed within a period of not more than six days of the administrative workweek may be established as the basic workweek for full-time employees.

6. Lunch Periods

a. During each eight-hour shift, employees are allowed time off to eat lunch for a specific period of not less than 30 minutes or more than one hour, for which neither basic nor overtime compensation is payable. It is a period free from all duty obligations except for emergency situations. When a lunch period is established, the length of the shift or workday must be extended by the length of the non-work period.

b. It may not be practicable to allow a specified period of time off for lunch for jobs that require the constant attention or availability of the employee or the necessity to avoid overlapping shifts. In these cases, it is proper to schedule shifts without a lunch period. Instead, the employee may be permitted to eat lunch on the job when it is feasible to do so without stopping or interrupting his/her work. When no lunch period is scheduled; this will be indicated on the work schedule.

7. Work Schedules

a. General. Each employee will be advised of the workweek schedule in advance. The work schedule will be established per paragraphs 5 through 6 and will specify the workdays, hours of work for each day, starting and quitting time, and duration of lunch period, when applicable.

b. Workweek Schedule. The normal workweek schedule for all employees, except firefighters, consists of five workdays of eight hours each, Monday through Friday. The eight hours of work are normally fixed between the hours of 0700 and 1700 with lunch breaks of either 30, 45, or 60 minutes. Department heads or heads of activities, as applicable, will notify the servicing payroll office through HRO of the schedule applicable to the employees under their cognizance.

8. Changing Work Schedule

a. Generally, the days and the shift hours of an employee's basic workweek will not be changed without notice to the employee at least three calendar days before the beginning of the first administrative workweek affected by the change. The proposed new work schedule will be forwarded by the cognizant department/activity to the servicing payroll office via the chain of command and HRO at least five workdays prior to implementation. The servicing HRO will review the proposed work schedule for compliance with laws and regulations and will approve or disapprove them. Approved schedules will be forwarded to the payroll office with a copy to the proposing activity for implementation. Disapproved schedules will be returned to the originator with the reason for disapproval.

b. Normally, the basic workweek will not be changed for a period of less than three consecutive weeks.

c. An employee's shift hours may not be changed for the purpose of providing a replacement for an unexpectedly absent employee or to circumvent the employee's entitlement to compensation for overtime, holiday benefits, or weekly days of rest.

9. Holidays

a. The following days will be observed as Federal holidays by all eligible employees:

New Year's Day

Martin Luther King, Jr. Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veterans Day

Thanksgiving Day

Christmas Day

b. Nonessential eligible employees are excused from work without loss of pay or charge to leave during the above holidays, including employees (essential or nonessential) who would otherwise be on approved leave (annual or sick).

10. Overtime and Compensatory Time. The following policies are established to control overtime and compensatory time usage and minimize personnel costs:

a. Overtime and compensatory time shall be limited to cases of necessity, such as:

- (1) Urgent fleet readiness.
- (2) Emergencies.
- (3) Safeguarding life and property.

(4) Individual cases where savings can be clearly demonstrated.

b. Offices and commands shall attempt to minimize the cost impact associated with scheduling work and maintaining priorities at field activities, particularly as it pertains to changes in existing schedules and reassignment of priorities.

c. The approval of overtime or compensatory time shall be vested in the commander or commanding officer or, as delegated in writing, to at least one organizational level above the level ordering the use of overtime or compensatory time.

d. Authorization of overtime or compensatory timework shall be made in writing in advance of the performance of the work, except when the exigency of the situation prevents prior approval, in which case written approval will be accomplished not later than the first regular working day after the overtime work has been performed. NAVCOMPT Form 2282 is to be used for this purpose. Overtime and compensatory time worked will be recorded on the timecard or timesheet as prescribed by the payroll office.

e. Based upon effectiveness in meeting schedules and when resulting in overall savings, consideration should be given to the following in lieu of overtime or compensatory time:

(1) Utilization of part-time and intermittent employees and full-time employees in temporary positions, provided current ceiling limitations are not exceeded;

(2) Contract work, if not in conflict with generally accepted practices of government employment;  
Maximum use of shift work.

f. Section 5541 of Title V, United States Code (USC), specifically excludes members of the Senior Executive Service (SES) from payment for overtime or crediting of compensatory time. Section 5547 of Title V limits the payment of overtime or crediting of compensatory time to the extent that the aggregate compensation for any pay period does not exceed the maximum rate

for GS-15. This provision effectively precludes the payment of premium pay to SES employees.

g. The Fair Labor Standards Act exempts GS employees and employees previously covered under the Performance Management and Recognition System (GM), whose rates of basic pay are in excess of the maximum rate of grade GS-10. Those employees should be required to accrue 80 hours of compensatory time off in lieu of overtime pay for irregular or occasional overtime work they are required to perform. All other GS employees may either elect to be paid overtime or may request compensatory time for such overtime work. If a request for compensatory time is disapproved by management, the employee will be paid overtime. When employees are required or have been authorized to take compensatory time off in lieu of overtime pay, definite time schedules should be established, affording them the opportunity to take the time off.

h. Normally, the amount of compensatory time an employee may accumulate is 80 hours. Irregular or occasional overtime worked after an employee has accumulated 80 hours of compensatory time should be reported as overtime and the employee paid for these hours at overtime rates. However, if the employee would prefer to continue to accumulate compensatory time in lieu of overtime, the activity head may approve, in writing, exceptions to this 80-hour accumulation limit. The use of this authority should be limited to those situations where an exception is clearly warranted and is in the best interest of the activity.

i. Compensatory time off must be used by the end of the 26th pay period after that in which it was earned. Compensatory time not used during the established time period shall be paid at the overtime rate at which it was earned.

j. To the extent practicable, employees should be permitted to use their compensatory time at times convenient to them. All such time off must be taken only during the basic 40-hour workweek.

k. Normally, compensatory time off will be granted before annual leave is approved. However, if at the end of the year annual leave would otherwise be forfeited, annual leave will be granted before compensatory time off.

l. When a Department of Defense (DOD) employee separates or transfers to another DOD agency, unused compensatory time balances shall be paid at the overtime rate at which it was earned. When an employee transfers to another activity/command within the Navy, unused compensatory time balances will remain to the employee's credit.

m. Compensatory time off may not be granted where payment of the extra work at overtime rates would be improper, as in the case of employees limited to total pay period earnings amounting to the basic pay for the maximum scheduled rate of grade GS/GM 15 (26 Comptroller General 750). Compensatory time off which may be earned by such an employee in any one pay period is limited to the number of hours for which there would otherwise be an entitlement to overtime compensation before reaching the limitation on total pay period earnings (37 Comptroller General 362).

n. The same procedures for approving overtime apply to the approval of compensatory time. Compensatory time will be recorded on the standard timecard or timesheet as prescribed by the payroll office.

o. Compensatory Time Off For Religious Observances. Under United States Code (USC) 5550(a) and CFR, Title 5 Pt. 550, Subpart J, an employee may work overtime and earn compensatory time for the purpose of taking time off without charge to leave when personal religious beliefs require that the employee abstain from work during certain periods of the workday or workweek.

(1) The Office of Personnel Management and the Comptroller General have determined that this provision of law covers all Federal employees of the Executive Branch, including wage employees and members of the Senior Executive Service (62 Comptroller General 589).

(2) The term "personal religious belief" is to be interpreted broadly. An employee's personal religious belief does not have to be based on an established religion, nor does it necessarily have to be a recognized requirement of an established religion in order to satisfy the intent of the law. It only has to be a personal belief of the employee which is religious in nature and which requires the employee to abstain from work during a period for which he or she is scheduled to work. Management is not to question whether the employee's personal religious belief is based on a recognized requirement of an established religion. Rather, management is expected to accommodate the employee's request for compensatory time off or overtime work for this purpose, unless such modifications in the individual's work schedule would seriously interfere with efficient accomplishment of the mission.

(3) Compensatory time off for religious purposes does not in any way involve the payment of premium pay for any work performed in excess of an 8-hour workday or a 40-hour workweek. Thus, the earning and use of compensatory time off for religious purposes, in essence, involves a mere substitution of time and, unlike traditional compensatory time off granted under 5 USC 5543, cannot replace, or result in, an employee's entitlement to premium pay.

(4) However, when an employee separates or transfers to another agency, the employee shall be compensated for excess religious compensatory time worked at the basic rate of pay in effect at the time worked. In this regard, earned religious compensatory time remaining in an employee's special account upon separation/transfer shall be treated in the same manner as compensatory time worked in lieu of overtime pay. Conversely, if the employee has been advanced religious compensatory time and has a negative balance in the special account at the time of separation/transfer, an indebtedness is created. This indebtedness may be satisfied by a charge to annual leave or the time may be charged to leave without pay and the indebtedness handled following DOD Instruction 7000.14R, Volume 8, Chapter 8.

(5) 5 USC 5550(a) does not require an activity to establish work schedules based solely on the needs of its employees to comply with their religious obligations. It remains the primary responsibility of an activity to schedule

the work of its employees to best accomplish the mission of the organization. While the DON policy has always given consideration to religious days of rest when initially establishing work schedules, it is not always possible to meet each employee's particular religious needs. This authority provides an individual the opportunity to request occasional adjustments in work schedules if an activity is unable to accommodate the religious needs of all employees. Management, however, retains the final authority on all requests.

11. Administrative Dismissals

a. It is within the administrative discretion of the head of the activity to close all or parts of an activity for brief periods. This authority will be used sparingly to cover all short periods of time, normally not to exceed three consecutive workdays for any single period of absence. An activity may be closed under this authority when:

(1) Normal operations of an establishment are interrupted by events beyond the control of management or employees.

(2) For managerial reasons, the closing of an establishment or portions of it is required for short periods of time.

(3) It is in the public interest to relieve employees from work to participate in civil activities which the government is interested in encouraging.

(4) The circumstances are such that an administrative order under subparagraphs (1) through (3) above is not appropriate and the DON, under its regulations, excuses or is authorized to excuse without charge to leave or loss of pay, employees paid on an annual basis.

b. This authority may not be used for periods of interrupted or suspended operations which would ordinarily be covered by the scheduling of leave, furlough, or the assignment of other work. It may not be used to excuse employees before a holiday; for example, Christmas Eve or New Year's Eve. Such

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excusals can be authorized only by the President of the United States. Group dismissal authority will not be used to create a holiday.

c. In order to ensure consistent treatment of employees similarly affected in each of the serviced areas, heads of activities shall consult with HRO before arriving at a decision to close an activity.

  
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