

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

MD 10.42 WORK SCHEDULES AND PREMIUM PAY DT-20-10

Volume 10, Personnel Management
Part 2: Position Evaluation and Management, Pay Administration, and Leave

Approved By: Miriam L. Cohen
 Chief Human Capital Officer

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Issuing Office: Office of the Chief Human Capital Officer
 Human Resources Policy and Programs Team

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EXECUTIVE SUMMARY

Management Directive 10.42, "Work Schedules and Premium Pay," is revised to reflect the following:

- Update policy and program guidance related to—
 - Credit hours for NEWFlex employees who are appointed to Senior Executive Service (SES) positions,
 - Requirements for completing a work schedule request,
 - Compensatory time off for religious observance, and
 - Travel as hours of work for Fair Labor Standards Act (FLSA) Exempt Employees who are permitted to use an alternative mode of transportation, or who travel at a time or by a route other than selected by the agency.
- Provide additional clarification related to work schedules.
- Remove policy and guidance for U.S. Nuclear Regulatory Commission (NRC) prevailing rate positions as the NRC has eliminated prevailing rate positions.

For updates or revisions to policies contained in this MD that were issued after the MD was signed, please see the Yellow Announcement to Management Directive index ([YA-to-MD index](#)).

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I. POLICY

It is the policy of the U.S. Nuclear Regulatory Commission (NRC) to establish work schedule and premium pay policies and programs that are consistent with legal requirements and that maximize operational effectiveness and productivity balanced with employee satisfaction.

II. OBJECTIVE

To provide policy, direction, and guidance on work schedules and premium pay.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Chairman

Provides personal leadership to the agency's work schedule and premium pay programs.

B. Inspector General (IG)

Directs the implementation of and approves exceptions to the agency's work schedule and premium pay policy and programs for employees of the Office of the Inspector General (OIG).

C. Executive Director for Operations (EDO)

1. Leads and directs the establishment and implementation of work schedule and premium pay policy and programs.
2. Initiates or orders reviews of the agency's work schedule and premium pay policy and programs to ensure that they do not have adverse agency impact and instead support mission accomplishment and stakeholders' needs.

D. Chief Financial Officer (CFO)

1. Defines requirements for, oversees implementation of, and trains employees on the agency's Human Resources Management System (HRMS) Time and Labor (T&L) System.
2. Administers the NRC centralized payroll, manages the payroll service provider contract, and serves as liaison with the provider on payroll related matters.
3. Maintains appropriate controls and monitors relevant financial and time and attendance records to assure compliance with documentation requirements described in this management directive (MD).
4. Maintains liaison with the Government Accountability Office (GAO), the Office of Personnel Management (OPM), the Department of the Treasury, and other agencies on payroll, T&L reporting, and related matters.

E. Chief Human Capital Officer (CHCO)

1. Develops, monitors, evaluates, updates, maintains, and provides policy and operational guidance on the agency's work schedule and premium pay programs.
2. Establishes administrative workweeks.
3. Approves or denies exceptions to work schedule and premium pay policy and programs.
4. Approves or denies premium pay on an annual basis, as well as waiver of the biweekly cap and adoption of an annual cap on premium pay combined with salary.
5. Determines, documents, and notifies employees regarding their coverage under or exemption from the hours of work and premium pay provisions of the Fair Labor Standards Act (FLSA) (that is, regarding FLSA nonexempt and exempt determinations).
6. Seeks OPM approval of exceptions to prohibitions on premium pay for training.

F. Office Directors and Regional Administrators

(See the definition of "Office Director" in Section XXII of the handbook to this MD.)

1. Approve or deny requests for and require work schedules and work schedule adjustments described in this MD for employees in their organizations. Office directors and regional administrators may delegate any or all of these authorities to lower-level supervisors, or official team leaders, unless otherwise expressly stated.
 - (a) Work schedules and work schedule adjustments are required and approved or denied based on work requirements including, but not limited to, office coverage, training, or participation in collaborative projects. Other considerations include a need for direct supervision for less than satisfactory performance or identified time and attendance issues.
 - (b) Office directors and regional administrators may not redelegate their authority to deny employees' requests to use religious compensatory time off.
2. Seek the approval of the Chief Human Capital Officer (CHCO) for exceptions to work schedule and premium pay policy and programs for which they do not have approval authority as described in this MD for employees in their organizations. Office directors and regional administrators may not redelegate this authority below the level of division director or equivalent.
3. Seek the approval of the CHCO for waiver of the biweekly cap and adoption of an annual cap on premium pay combined with salary for employees in their organizations. Office directors and regional administrators may not redelegate this authority below the level of division director or equivalent.
4. Approve or deny requests for and require premium pay work for employees in their organizations. Office directors and regional administrators may delegate this authority to lower-level supervisors or official team leaders, unless otherwise expressly stated.

G. Supervisors and Official Team Leaders

1. Consistent with authorities delegated by their office directors and regional administrators, approve or deny requests for and require work schedules and work schedule adjustments. While they have discretion on when religious compensatory time off may be earned, in circumstances where using the religious compensatory time off would interfere with the efficient accomplishment of the mission, request that their office directors and regional administrators deny such requests.
2. Request that their office directors and regional administrators seek the approval of the CHCO for work schedules and work schedule adjustments not described in this MD.
3. Request that their office directors and regional administrators seek the approval of the CHCO for waiver of the biweekly cap and adoption of an annual cap on premium pay combined with salary.

4. Consistent with authorities delegated by their office directors and regional administrators, approve or deny requests for and require premium pay work. Work for which employees would be entitled to premium pay is to be kept to a minimum consistent with operational requirements and in consideration of the impact on employee safety, health, and efficiency.

H. Employees

Adhere to office and region direction and guidance related to work assignments, including work schedules, work schedule adjustments, and premium pay work.

IV. APPLICABILITY

The provisions in this MD apply to all NRC employees; however, where the provisions of the “U.S. Nuclear Regulatory Commission and National Treasury Employees Union Collective Bargaining Agreement” conflict with this MD, the provisions of the agreement govern with reference to bargaining unit employees.

V. DIRECTIVE HANDBOOK

Directive Handbook 10.42 describes work schedule and premium pay policy and program guidance.

VI. REFERENCES

Code of Federal Regulations

- 5 CFR Part 340, “Other Than Full-Time Career Employment (Part-Time, Seasonal, On-Call, and Intermittent).”
- 5 CFR Part 550, Subpart A, “Premium Pay.”
- 5 CFR Part 550, Subpart J, “Adjustment of Work Schedules for Religious Observances.”
- 5 CFR Part 550, Subpart N, “Compensatory Time Off for Travel.”
- 5 CFR Part 551, “Pay Administration Under the Fair Labor Standards Act.”
- 5 CFR Part 610, “Hours of Duty.”

Executive Order

- Executive Order 11582, “Observance of Holidays by Government Agencies,” February 11, 1971.

Nuclear Regulatory Commission Documents

Office of the Chief Human Capital Officer's (OCHCO's) Web tool and Flowchart: Synopsis of Official Travel as Hours of Works (for full-time employees), available at <https://drupal.nrc.gov/ochco/catalog/31890>.

Management Directives—

- 10.13, "Special Employment Programs."
- 10.43, "Time and Labor Reporting."
- 10.62, "Leave Administration."
- 10.77, "Employee Training and Development."
- 10.166, "Telework."
- 14.1, "Official Temporary Duty Travel."

U.S. Nuclear Regulatory Commission and National Treasury Employees Union Collective Bargaining Agreement, available at <https://www.nrc.gov/docs/ML1609/ML16092A326.pdf>.

United States Code

Fair Labor Standards Act of 1938, as amended by Public Law 93–259, April 8, 1974 (29 U.S.C. 204(f)).

Family and Medical Leave Act, as amended (29 U.S.C. Chapter 28).

"Hours of Work" (5 U.S.C. 61).

"Leave" (5 U.S.C. 63).

"Part-Time Career Employment Opportunities" (5 U.S.C. 34).

"Premium Pay" (5 U.S.C. 55, Subchapter V).

U.S. NUCLEAR REGULATORY COMMISSION DIRECTIVE HANDBOOK (DH)

DH 10.42	WORK SCHEDULES AND PREMIUM PAY	DT-20-10
<i>Volume 10,</i> <i>Part 2</i>	Personnel Management Position Evaluation and Management, Pay Administration, and Leave	
<i>Approved By:</i>	Miriam L. Cohen Chief Human Capital Officer	
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<i>Cert. Date:</i>	N/A, for the latest version of any NRC directive or handbook, see the online MD Catalog .	
<i>Issuing Office:</i>	Office of the Chief Human Capital Officer Human Resources Policy and Programs Team	
<i>Contact Name:</i>	Bi Smith Servicing Human Resources Specialist (names and phone numbers are listed here)	
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<ul style="list-style-type: none">• Update policy and program guidance related to—<ul style="list-style-type: none">– Credit hours for NEWFlex employees who are appointed to Senior Executive Service (SES) positions,– Requirements for completing a work schedule request,– Compensatory time off for religious observance, and– Travel as hours of work for Fair Labor Standards Act (FLSA) Exempt Employees who are permitted to use an alternative mode of transportation, or who travel at a time or by a route other than selected by the agency.• Provide additional clarification related to work schedules.• Remove policy and guidance for U.S. Nuclear Regulatory Commission (NRC) prevailing rate positions as the NRC has eliminated prevailing rate positions.		

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I. CRITERIA FOR ESTABLISHING WORK SCHEDULES AND ADJUSTMENTS

A. Factors Influencing Establishment and Adjustment of Work Schedules

Work schedules and work schedule adjustments are required and approved or denied based on work requirements including, but not limited to, the following:

1. Office coverage,
2. Training,
3. Participation in collaborative projects, and
4. An employee's need for direct supervision due to less than satisfactory performance or identified time and attendance issues.

B. New Employees and Current Employees Moving to Other Positions

1. Upon initial entry on duty at the U.S. Nuclear Regulatory Commission (NRC) and as soon as practicable after moving from one position to another position at the NRC, an employee will request a work schedule.
2. An approving official will approve the request or will require a different work schedule based on the criteria described in Section I.A of this handbook.
3. Normally, an approved work schedule will be effective the first day of the employee's first pay period at the NRC or in the new position.

C. Other Situations

1. At any other time, an employee may request, or an approving official may require a change in work schedule, based on the criteria described in Section I.A of this handbook.
2. An approved work schedule normally will be effective the first day of the first full pay period following the date of approval. When, however, the change is requested by the employee and involves a change in the type of work schedule (for example, a change from a compressed to an NRC Employee Work Schedule Flexibility (NEWFlex) work schedule), the change normally will be effective the first day of the first full pay period of the following calendar quarter (beginning in January, April, July, or October), unless otherwise authorized by the approving official.

II. WORK SCHEDULES

Normally, an employee will work one of the following types of work schedules:

- A. "Official Hours" work schedule,
- B. Other fixed work schedule,

- C. 5-4/9 Compressed Work Schedule (CWS),
- D. Part-time CWS, or
- E. NEWFlex work schedule.

III. UNUSUAL WORK SCHEDULES

In unusual circumstances, an employee may work one of the following types of work schedules:

- A. First-40 work schedule,
- B. Intermittent work schedule,
- C. "Expanded-Compressed Work Schedule" (E-CWS) (normally for a limited period of time),
- D. Standby work schedule, or
- E. Other work schedule.

IV. OFFICIAL HOURS WORK SCHEDULE

- A. The official hours of operation at the NRC headquarters, including the Technical Training Center (TTC), are 7:30 a.m. to 4:15 p.m., each day, Monday through Friday, which includes a 45-minute rest or meal period each day (see Section XIV of this handbook for guidance on required rest or meal periods).
- B. The official hours of operation in each of the regional offices are negotiated locally and, to the extent feasible, overlap with headquarters official hours when time zone adjustments are taken into consideration.
- C. An employee who is required to work the official hours is working an "Official Hours" work schedule, which is a fixed type of work schedule. An employee who works the official hours as a matter of choice and with approving official authorization is working a NEWFlex work schedule, which is a flexible type of work schedule (see Section VIII of this handbook).

V. OTHER FIXED WORK SCHEDULE

- A. An employee who is required to work a schedule that is not an Official Hours work schedule, a CWS, or a First-40 work schedule, is working an "other" type of fixed work schedule, whether full-time or part-time.

- B.** Mondays through Fridays normally are the only permissible basic workdays. At their sole discretion, however, office directors and regional administrators, or their designees may permit Saturday basic workdays subject to work requirements.
- C.** An employee's basic workday may begin as early as 6:00 a.m., may end as late as 6:00 p.m., and must start and end on a 15-minute increment. For example, an 8-hour basic workday may be scheduled as follows:
 - 1. From 6:00 a.m. to 2:45 p.m.,
 - 2. From 6:15 a.m. to 3:00 p.m.,
 - 3. From 6:30 a.m. to 3:15 p.m.,
 - 4. From 6:45 a.m. to 3:30 p.m.,
 - 5. From 7:00 a.m. to 3:45 p.m., or
 - 6. From 9:15 a.m. to 6:00 p.m.
- D.** Each example listed above includes a 45-minute rest or meal period.

VI. 5-4/9 COMPRESSED WORK SCHEDULE (CWS)

- A.** A 5-4/9 CWS is a work schedule with a full-time, 80-hour, biweekly basic work requirement that is fixed and scheduled for nine basic workdays, eight of which are 9-hour workdays and one of which is an 8-hour workday.
- B.** Mondays through Fridays normally are the only permissible basic workdays. At their sole discretion, however, office directors and regional administrators, or their designees may permit Saturday basic workdays subject to work requirements.
- C.** All of the 9-hour basic workdays must have the same clock hours, may begin as early as 6:00 a.m., may end as late as 6:00 p.m., and must start and end on a 15-minute increment. For example, a 9-hour basic workday may be scheduled as follows:
 - 1. From 6:00 a.m. to 3:45 p.m.,
 - 2. From 6:15 a.m. to 4:00 p.m.,
 - 3. From 6:30 a.m. to 4:15 p.m.,
 - 4. From 6:45 a.m. to 4:30 p.m.,
 - 5. From 7:00 a.m. to 4:45 p.m., or
 - 6. From 8:15 a.m. to 6:00 p.m.

- D.** An employee's 8-hour basic workday may begin as early as 6:00 a.m., may end as late as 6:00 p.m., and must start and end on a 15-minute increment. For example, an 8-hour basic workday may be scheduled as follows:
1. From 6:00 a.m. to 2:45 p.m.,
 2. From 6:15 a.m. to 3:00 p.m.,
 3. From 6:30 a.m. to 3:15 p.m.,
 4. From 6:45 a.m. to 3:30 p.m.,
 5. From 7:00 a.m. to 3:45 p.m., or
 6. From 9:15 a.m. to 6:00 p.m.
- E.** The workday must include a 45-minute rest or meal period.

VII. PART-TIME COMPRESSED WORK SCHEDULE (CWS)

- A.** Part-time CWS is a work schedule with a biweekly basic work requirement that is fixed, comprised of 32 to 64 hours (see exceptions at Management Directive (MD) 10.13, "Special Employment Programs"), and scheduled on fewer than 10 basic workdays.
- B.** Mondays through Fridays normally are the only permissible basic workdays. At their sole discretion, however, office directors and regional administrators, or their designees may permit Saturday basic workdays subject to work requirements.
- C.** At least one of the basic workdays must be comprised of more than 8 hours.
- D.** Each basic workday may begin as early as 6:00 a.m., may end as late as 6:00 p.m., and must start and end on a 15-minute increment.
1. For example, a 7-hour basic workday may be scheduled as follows:
 - (a) From 6:00 a.m. to 1:45 p.m.,
 - (b) From 6:15 a.m. to 2:00 p.m.,
 - (c) From 6:30 a.m. to 2:15 p.m.,
 - (d) From 6:45 a.m. to 2:30 p.m.,
 - (e) From 7:00 a.m. to 2:45 p.m., or
 - (f) From 10:15 a.m. to 6:00 p.m.

2. For example, a 9-hour basic workday may be scheduled as follows:

- (a) From 6:00 a.m. to 3:45 p.m.,
- (b) From 6:15 a.m. to 4:00 p.m.,
- (c) From 6:30 a.m. to 4:15 p.m.,
- (d) From 6:45 a.m. to 4:30 p.m.,
- (e) From 7:00 a.m. to 4:45 p.m., or
- (f) From 8:15 a.m. to 6:00 p.m.

E. A workday that includes more than 6 continuous hours of nonovertime work must include a 45-minute rest or meal period.

VIII. NRC EMPLOYEE WORK SCHEDULE FLEXIBILITY (NEWFLEX)

NEWFlex is a flexible work schedule with the following features.

- A. The biweekly basic work requirement, whether full-time or part-time, is scheduled normally for 10 or fewer basic workdays.
- B. Mondays through Fridays normally are the only permissible basic workdays. At their sole discretion, however, office directors and regional administrators, or their designees may permit Saturday basic workdays subject to work requirements.
- C. Employees may account for up to 11.25 hours a day, including regular hours, leave used, compensatory time off used (regular, religious, and Special Compensatory Time Off for Travel), time off as an award used, and credit hours earned/used. The following are not subject to the 11.25-hour daily maximum:
 - 1. Overtime work, whether the employee requests overtime pay or regular compensatory time off,
 - 2. Religious compensatory time off earned, and
 - 3. Special Compensatory Time Off for Travel Earned.
- D. Schedules include two types of time.
 - 1. Core Time
 - (a) Core time represents the basic workdays and clock hours that employees must work, or must officially account for not working by taking leave, compensatory time off, credit hours, etc.

- (i) At headquarters (including the TTC), core time for full-time employees is each Wednesday from 10:30 a.m. to 1:30 p.m. (not including a 45-minute meal or rest break). Office directors or their designees, however, may reduce core time to as little as 1 hour a pay period, but that core time must be on at least one Wednesday and must be between 10:30 a.m. and 1:30 p.m.
 - (ii) In each regional office, core time is negotiated locally.
 - (iii) Core time for part-time employees is scheduled by approving officials based on workload considerations.
- (b) Employees may be required to work or officially account for other days and hours in addition to core hours, based on work requirements and other factors described in the following:
- (i) Section III.F.1(a) of the directive to this handbook, and
 - (ii) Section I of this handbook.

2. Flexible Time

- (a) Flexible time represents the basic workdays and clock hours that employees may work and may vary their arrival and departure times.
 - (b) A basic workday may begin as early as 5:00 a.m. and may end as late as 8:00 p.m. At their sole discretion, however, office directors, regional administrators, or their designees may permit a basic workday to end as late as 11:00 p.m.
- E.** Clock hours need not be the same each workday.
- F.** Hours worked may be split, that is, the schedule may include a rest or meal period longer than 45 minutes.
- G.** Employees may “glide”; that is, they may arrive/depart up to 1 hour before or after their scheduled arrival/departure time, but not earlier than 5:00 a.m. and not later than 8:00 p.m. (or as late as 11:00 p.m. if basic workday(s) may end that late) and must account for the same amount of work hours as were originally scheduled.
- 1. For example, an employee who has a basic workday of 9:00 a.m. to 3:00 p.m. may glide or shift that basic work day to:
 - (a) 8:00 a.m. to 2:00 p.m.,
 - (b) 8:15 a.m. to 2:15 p.m.,
 - (c) 8:30 a.m. to 2:30 p.m.,
 - (d) 8:45 a.m. to 2:45 p.m.,

- (e) 9:15 a.m. to 3:15 p.m.,
 - (f) 9:30 a.m. to 3:30 p.m.,
 - (g) 9:45 a.m. to 3:45 p.m., or
 - (h) 10:00 a.m. to 4:00 p.m.
2. Employees may glide at the employee's worksite, whether it is on the agency's premises, at a temporary duty location, or at an alternate work location under an approved Telework Program. (See MD 10.166, "Telework," for further details.)
 3. Gliding is not subject to pre-approval but is subject to mission accomplishment.

H. Holidays are treated as follows.

1. At headquarters (including the TTC), holiday clock hours are from 7:30 a.m. to 4:15 p.m. (includes a 45-minute rest or meal period).
2. In each regional office, holiday clock hours may differ and must match the region's official duty hours (which include a 45-minute rest or meal period).
3. Full-time employees receive 8 hours of holiday pay for not working on a holiday even if, absent the holiday, they would have been scheduled to work less than or more than 8 nonovertime hours that day. If, absent the holiday, the employee would have been scheduled to work—
 - (a) Less than 8 nonovertime hours, the employee is to—
 - (i) Calculate the amount of his or her excess nonovertime hours. This figure is calculated by subtracting from 8 the number of nonovertime hours that the employee would have been scheduled to work on the day if it had not been a holiday. For example, an employee who would have been scheduled to work 6 nonovertime hours on the day if it had not been a holiday has 2 excess nonovertime hours ($8 - 6 = 2$) in the pay period; and
 - (ii) Seek his or her approving official's authorization to—
 - Work fewer nonovertime hours on another day(s) in the pay period. For example, if the employee has 2 excess nonovertime hours, he or she might request approval to work 2 fewer nonovertime hours that were scheduled for 1 other workday or 1 fewer nonovertime hour that was scheduled for each of 2 other workdays in the pay period; and/or
 - Continue to work the same amount of time, but convert excess nonovertime hours to overtime work. For example, if the employee has 2 excess hours, he or she might request approval to convert to overtime work the last 2 nonovertime hours that were scheduled for that pay period.

- (b) More than 8 nonovertime hours, the employee is to—
- (i) Calculate his or her shortfall of nonovertime hours in the pay period. This figure is calculated by subtracting 8 from the number of nonovertime hours that the employee would have been scheduled to work on the day if it had not been a holiday. For example, an employee who would have been scheduled to work 11 nonovertime hours on the day if it had not been a holiday has a 3-hour shortfall of nonovertime work ($11 - 8 = 3$) in the pay period; and
 - (ii) Seek his or her approving official's authorization to—
 - Work additional nonovertime hours in the pay period to satisfy his or her shortfall of nonovertime work. For example, if the employee has a 3-hour shortfall, he or she might request approval to work 3 additional nonovertime hours on another workday or an additional 1.5 nonovertime hours on each of 2 other workdays in the pay period (subject to the 11.25 hour daily maximum described in Sections VIII.C and VIII.K.7 of this handbook); and/or
 - Continue to work the same amount of time and account for the shortfall of nonovertime work through some form(s) of authorized absence. For example, if the employee has a 3-hour shortfall, he or she might request to charge, on the holiday or on another workday(s), 3 hours to annual leave, accrued credit hours, accrued regular compensatory time off, and/or accrued Special Compensatory Time Off for Travel (all are subject to the 11.25 hour daily maximum described in Sections VIII.C and VIII.K.7 of this handbook).
- I. For not working on a holiday, part-time employees receive holiday pay for the number of nonovertime hours that they would have been scheduled to work on that day if it had not been a holiday, not to exceed 8 hours.
- J. As explained in Section IV.C of this handbook, an employee who, as a matter of choice and with approving official authorization, works the official hours, is working a NEWFlex work schedule.
- K. Only non-Senior Executive Service (SES) employees who are on NEWFlex work schedules may participate in the Credit Hour Program. An Office of Personnel Management (OPM) regulation prohibits SES employees from participating in the credit hours feature of NEWFlex; however, they may participate in all other aspects of NEWFlex.
1. Before earning and/or using credit hours, an employee must submit to his or her approving official and must obtain the approving official's prior concurrence of a plan,

- as described below (see the exceptions in Sections VIII.K.1(c) through VIII.K.1(e) of this handbook).
- (a) The employee's plan reflects the days and clock hours that the employee wishes to earn and use credit hours.
 - (b) The employee's plan and the approving official's approval or disapproval are to be documented using the "Leave/Additional Hours Request" function in the Human Resources Management System (HRMS).
 - (c) If it is impractical to request and obtain prior approval using the HRMS request function mentioned in Section VIII.K.1(b) of this handbook, the employee may request and obtain prior verbal approval, subject to subsequent confirmation using the HRMS request function mentioned in Section VIII.K.1(b) of this handbook.
 - (d) If an employee wishes to deviate from the approved plan, he or she must typically obtain his or her approving official's. prior verbal approval from.
 - (e) Approving officials may, at their sole discretion, permit plans to be requested only verbally and may grant approval only verbally without a requirement for subsequent written confirmation using the HRMS request function mentioned in Section VIII.K.1(b) of this handbook.
2. Actual credit hours earned or used are recorded by the employee and reviewed and approved as appropriate by his or her approving official using the HRMS "Timesheet" function.
 3. Approval of an employee's request to earn credit hours will be based on work requirements including, but not limited to—
 - (a) Office coverage,
 - (b) Training,
 - (c) Participation in collaborative projects, and
 - (d) The need for direct supervision due to less than satisfactory performance or identified time and attendance issues.
 4. Credit hours may be earned at the employee's worksite, whether it is on the agency's premises, at a temporary duty location, or at an alternate work location under an approved telework program. (See MD 10.166, "Telework," for further details.)
 5. Employees may earn credit hours by working earlier than their scheduled arrival time or by working later than their scheduled departure time, but no earlier than 5:00 a.m. and no later than 8:00 p.m. (as late as 11:00 p.m., if the office director or regional administrator, or designee, permits basic workdays to end that late).

6. Credit hours are allowable only on permissible basic workdays, which do not include holidays. Saturdays are considered permissible basic workdays for this purpose, even if an employee is not scheduled to work regular hours on Saturdays, if the employee's office director, regional administrator, or time and attendance approving official has not prohibited Saturday basic workdays.
7. Credit hours that are earned or used are subject to the 11.25 daily maximum described in Section VIII.C of this handbook.
8. Employees may not earn credit hours—
 - (a) Before 5:00 a.m.;
 - (b) After 8:00 p.m. (except that employees may earn credit hours later, as late as 11:00 p.m., if basic workdays are permitted to end that late);
 - (c) During a 45-minute rest or meal period;
 - (d) On Saturdays if Saturday basic workdays have been prohibited, on Sundays, or on holidays;
 - (e) While in the act of travel (for example, while driving an automobile or as a passenger in an automobile or airplane), but may earn credit hours, if otherwise eligible, for performing work at the destination to which the employee traveled.
9. Employees may earn credit hours of not less than a total of one-half credit hour per day, and any extra credit hours earned must be in 15-minute increments.
10. Credit hours are used in 15-minute increments.
11. Full-time employees may carry over a maximum of 24 credit hours from one pay period to the next, and part-time employees may carry over a maximum of one-quarter of their scheduled biweekly tour of duty. Any excess credit hours will be forfeited, and the employee may not otherwise be compensated for this forfeited time.
12. Credit hours may be earned and used, overtime may be earned, one or more types of compensatory time off may be earned and used, time off as an award used may be used, and one or more types of leave (including leave without pay) may be used, during the same day, workweek, or pay period, if appropriate and approved.
13. Approving official authorization or disapproval of an employee's use of credit hour time off will be based on the same criteria that apply to annual leave.
14. Employees may use credit hours only for those hours that they are regularly scheduled to work.

15. Employees may not substitute credit hours used for leave without pay under the Family and Medical Leave Act but may use earned credit hours in addition to their entitlement to leave under the Act.
16. With approving official authorization, employees may use credit hours before earning them, but must subsequently earn the credit hours in the same pay period that they are used. Employees are to substitute appropriate leave, earned compensatory time off, etc., for any negative credit hour balance at the end of the pay period.
17. Newly appointed SES members who were previously on NEWFlex work schedules may remain on a NEWFlex work schedule, and may retain and use any positive credit hour balance that they had prior to their SES appointment. SES members may not accrue additional credit hours or receive compensation of any unused credit hours.
18. Employees will be paid (at their current rate of pay) for accumulated and unused credit hours only upon switching to a work schedule other than NEWFlex or upon leaving the agency.
 - (a) This payment is not subject to the biweekly or annual limitation on combined salary plus premium pay under Title 5 of the *United States Code* and Title 5 of the *Code of Federal Regulations* (the higher of the rate of pay for GG-15 step 10 or EX-V), nor are credit hours earned subject to this limitation, because credit hours are considered a type of work schedule adjustment versus a form of compensation.
 - (b) Employees may not be paid for more credit hours than they are permitted to earn; for example, for more than a total of 24 credit hours for full-time employees.

IX. FIRST-40 WORK SCHEDULE

A. Establishment

A First-40 work schedule may be established in the rare circumstance in which it is impracticable to prescribe a regular schedule of definite hours of duty for each workday of a regularly scheduled administrative workweek. A First-40 work schedule is appropriate, for example, for resident inspectors.

B. Basic Workweek

The basic workweek is the first 40 hours of duty performed within a period of not more than 6 days of the administrative workweek.

C. Premium Pay and Hours of Duty

1. The first 40 hours of officially ordered or approved work performed within an administrative workweek is considered regularly scheduled work for premium pay

and hours of duty purposes. All additional hours of officially ordered or approved work (as well as suffered or permitted work for Fair Labor Standards Act (FLSA) non-exempt employees) within the administrative workweek are overtime work.

2. Work for which employees would be entitled to premium pay is to be kept to a minimum consistent with operational requirements.

D. Holidays

1. Holidays for employees who are on First-40 work schedules are determined as follows, in accordance with Executive Order 11582, "Observance of Holidays by Government Agencies," dated February 11, 1971, and HRMS time and labor (T&L) programming:
 - (a) If a holiday falls on a Sunday, the following day, Monday, is treated as the employee's holiday, and the employee's basic 40-hour tour of duty is deemed to include 8 hours on that day.
 - (b) If a holiday occurs on Saturday, the preceding day, Friday, is treated as the employee's holiday, and the employee's basic 40-hour tour of duty is deemed to include 8 hours on that day.
 - (c) If a holiday occurs on any other day of the week, that day is the employee's holiday, and the employee's basic 40-hour tour of duty is deemed to include 8 hours on that day.
 - (d) When a holiday is less than a full day, proportionate credit is granted under Section IX.D.1(a), (b), and (c), of this handbook.
2. The following are examples of how employees are to be compensated for ordered or approved work on a holiday:
 - (a) A holiday falls on a Sunday (see Section IX.D.1(a) of this handbook), and the following day, Monday, is treated as the employee's holiday.
 - (i) The employee does not work on his or her Monday holiday, is granted 8 hours of holiday pay for that day, and those 8 hours count towards the employee's 40-hour basic workweek.
 - (ii) The employee works no hours on Sunday, 2 approved hours on his or her Monday holiday, and 10 approved hours on the following day, Tuesday. On Monday, the employee is paid 2 hours of holiday premium pay as well as eight hours of holiday pay, and on Tuesday, the employee is paid 10 hours of regular pay. At the close of the employee's 10 hours of work on Tuesday, he or she will have been credited with 18 hours towards the 40-hour week (8 hours on Monday and 10 hours on Tuesday).

- (b) A holiday falls on a Saturday (see Section IX.D.1(b) of this handbook), and the preceding day, Friday, is treated as the employee's holiday. The employee works—
- (i) No hours on Sunday, 8 approved hours each day Monday through Thursday, for a total of 32 hours, and no hours on Friday or Saturday. The employee is paid 8 hours of holiday pay for Friday and has completed his or her 40-hour week.
 - (ii) No hours on Sunday, 10 approved hours each day Monday through Thursday, for a total of 40 hours, and no hours on Friday or Saturday. The employee is paid 8 hours of holiday pay for Friday and those 8 hours are credited towards the employee's 40-hour workweek. The employee's first 2 hours of work on Thursday complete the 40-hour workweek and the employee's last 8 hours of work on Thursday are overtime hours.
 - (iii) No hours on Sunday, 9 approved hours each day Monday through Thursday, for a total of 36 hours, 6 approved hours on the Friday holiday, and 8 approved hours on Saturday. The employee is paid 8 hours of holiday pay for Friday and those 8 hours of holiday pay are credited towards the employee's 40-hour workweek. The employee is paid 6 hours of holiday premium pay for Friday. The employee's first 5 hours of work on Thursday complete the 40-hour workweek, and the employee's last 4 hours of work on Thursday and all 8 hours of work on Saturday are overtime hours.
- (c) A holiday falls on a day other than a Sunday or Saturday, for example, a holiday falls on a—
- (i) Tuesday. The employee works no hours on Sunday, 6 approved hours on Monday, 10 approved hours on the Tuesday holiday, 12 approved hours on Wednesday, no hours on Thursday, 12 approved hours on Friday, and no hours on Saturday. On Tuesday, the employee is paid 8 hours of holiday pay, 8 hours of holiday premium pay, and 2 hours of regular pay, with 10 hours credited towards the employee's 40-hour workweek. The employee is paid regular pay for all of his or her other work during the week (6 hours on Monday, 12 hours on Wednesday, and 12 hours on Friday).
 - (ii) Friday. The employee works—
 - No hours on Sunday, 10 approved hours each day Monday through Friday and no hours on Saturday. On the Friday holiday, the employee is paid 8 hours of holiday pay, 8 hours of holiday premium pay, and 2 hours of overtime pay, with 8 hours credited towards the employee's 40-hour basic workweek. On each day Monday through Wednesday, the employee is paid 10 hours of regular pay, for a total of 30 hours of regular pay. On Thursday, the employee is paid 2 hours of regular pay, which completes the employee's 40-hour week, and 8 hours of overtime pay; or

- No hours on Sunday, 12 approved hours each day on Monday and Tuesday, 8 hours each day on Wednesday and Thursday, and does not work anymore during the week. On the Friday holiday, the employee is paid 8 hours of holiday pay, and those 8 hours are credited towards the employee's 40-hour workweek. The employee is paid 12 hours of regular pay on Monday, 12 hours of regular pay on Tuesday, and 8 hours of regular pay on Wednesday, which completes the employee's 40-hour week. On Thursday, the employee is paid overtime pay for his or her entire 8 hours of work that day.
3. As explained in Section IX.D.1(d) of this handbook, when a holiday is less than a full day, proportionate credit is granted. Take, for example, a week in which Thursday is a half-day holiday. The following day, Friday, is a full-day holiday. The employee works 10 hours each day Sunday through Wednesday for a total of 40 hours of work, and no hours the rest of the week. The employee is paid 4 hours of holiday pay on Thursday and 8 hours of holiday pay on Friday, for a total of 12 hours credited towards the employee's 40-hour workweek. On Sunday, the employee is paid 10 hours of regular pay and 8 hours of Sunday premium pay (Sunday premium pay is limited to 8 hours for employees on First-40 work schedules). On Monday, the employee is paid 10 hours of regular pay. On Tuesday, the employee is paid 8 hours of regular pay, which completes the employee's 40-hour week, and 2 hours of overtime pay. On Wednesday, the employee is paid overtime pay for his or her entire 10 hours of work that day.

X. INTERMITTENT WORK SCHEDULE

An intermittent or irregular work schedule is appropriate only when the nature of the work is sporadic and unpredictable so that a tour of duty cannot be regularly scheduled in advance. A basic workday must start and end on a 15-minute increment.

XI. EXPANDED-COMPRESSED WORK SCHEDULE (E-CWS)

A. Description of E-CWS

E-CWS is a short-term CWS that deviates from the agency's standard 5-4/9 CWS.

B. When E-CWS is Appropriate

E-CWS may be appropriate for the following reasons:

1. Emergency response work.
2. Inspections, hearings, or other work associated with licensee-site-area visits.

C. When E-CWS is Not Appropriate

E-CWS is not appropriate in the following situations:

1. For work performed at an employee's official duty station, with the exception of emergency response work.
2. During attendance at a conference or training.
3. While on international travel.
4. While on travel to regional offices or headquarters.
5. In situations that involve brief work periods for which other more appropriate work schedule/compensation mechanisms exist (for example, overtime, or compensatory time off).

D. E-CWS Must Be Established Before the Start of the Applicable Pay Period

An E-CWS must be established before the start of the applicable pay period, with the exception of an emergency or another situation that requires the staffing of the Regional Incident Response Centers/Headquarters Operations Center or emergency response.

E. E-CWS Should Be Authorized Only on an Occasional Basis

An E-CWS normally should be authorized only on an occasional basis; however, extended use may be warranted in the event of a national or regional emergency, or in support of Continuity of Operations or Continuity of Government.

F. Days and Hours of Work Under E-CWS

1. The days and hours of work must be predictable yet not conform with NEWFlex or 5-4/9 CWS requirements.
2. A full-time employee may, with approving official authorization, compress more than 8 or 9 regular (nonovertime) hours into a workday and fewer than 9 workdays into a pay period (part-time employees may participate as well).
3. There are no restrictions on the times that an employee may be scheduled to work (including at night and on weekends), which may result in premium pay. However, a workday must start and end on a 15-minute increment.

XII. STANDBY WORK SCHEDULE

- A.** A standby work schedule may be appropriate under the following circumstances:
1. The employee is restricted by official order to a designated post-of-duty during longer than ordinary periods of duty;
 2. The employee spends a substantial amount of time remaining in a state of readiness to perform work rather than actually performing work; and
 3. The employee's activities are limited so substantially that the employee cannot use the time effectively for his or her own purposes.
- B.** A finding that an employee's activities are substantially limited may not be based on the fact that an employee is subject to restrictions necessary to ensure that he or she will be able to perform his or her duties and responsibilities, such as restrictions on alcohol consumption or on use of certain medications.

XIII. OTHER WORK SCHEDULE

- A.** Office directors and regional administrators may seek the approval of the Chief Human Capital Officer (CHCO), or his or her designee, for work schedules and work schedule adjustments that are not described in this MD for employees in their organizations. Office directors and regional administrators may not redelegate this authority below the level of division director or equivalent.
- B.** One example of an approved work schedule that is not described elsewhere in this MD is a long-term, full-time CWS other than 5-4/9, with possible Sunday basic workdays, for Headquarters Operations Officers and Headquarters Emergency Response Officers. In this rare circumstance, the nature of the work performed demands such a schedule. (Note that in the situation where a holiday falls on a nonworkday, employees are entitled to an "in lieu of" holiday consistent with OPM guidance and regulation.)

XIV. REST OR MEAL PERIOD

A. Requirement

1. A workday that includes more than 6 hours of nonovertime work must include an uncompensated, 45-minute rest or meal period after no more than 6 continuous hours of nonovertime work. (A longer period may be included in NEWFlex and First-40 work schedules.)
2. The purpose of the break is to promote health, safety, and productivity. As a result, employees are not expected to work during the break period, except in unusual circumstances and on an infrequent basis.

B. Clock Hours

The clock hours during which a break is taken is subject to management approval based on work requirements including office coverage.

XV. MAXIMUM LENGTH OF WORKDAYS

- A.** Normally, for health, safety, and productivity reasons, an employee may not work more than a total of 16 hours on any day; for example, normally on a 9-hour, 5-4/9, CWS workday, an employee may not work more than 7 hours of the following:
1. Overtime,
 2. Regular compensatory time, and/or
 3. Religious compensatory time.
- B.** Exceptions may be made in unusual circumstances such as emergencies associated with mechanical breakdowns, accidents, or unusual weather conditions.

XVI. WORK SCHEDULE REQUEST**A. Completion of Work Schedule Request**

1. Employees must complete a work schedule request, using the “Work Schedule Request” function in HRMS, in the following circumstances:
 - (a) To initially establish a work schedule; for example, when an individual initially enters-on-duty at the NRC or when an NRC employee moves to another position at the NRC.
 - (b) To reflect changes to work schedules as requested by the employee or directed by the employee’s approving official.
2. A work schedule request need not be completed in HRMS if it is—
 - (a) A change to a work schedule that is for only one pay period, is within the same type of work schedule (instead of from one type of work schedule to another type of work schedule), and is—
 - (i) A change in a day off and/or the 8-hour day under a 5-4/9 CWS. Note that while a work schedule request is not required in HRMS in these situations, holidays, including “in lieu of” holidays for a full-time employee, will be determined on the basis of the employee’s approved work schedule on record in HRMS; and/or
 - (ii) A change under any type of work schedule when a change is associated with formal training; required by the approving official based on mission

accomplishment (the approving official will notify the employee as far in advance as possible and will consider any personal needs and/or preferences that the employee voluntarily shares); and/or associated with a holiday. Note that while a work schedule request is not required in HRMS in these situations, holidays, including “in lieu of” holidays for a full-time employee, will be determined on the basis of the employee’s approved work schedule on record in HRMS, as mentioned in Section XVI.A.2(a) of this handbook.

- (b) A change associated with credit hours or gliding under a NEWFlex work schedule—
 - (i) An employee’s plan to earn/use credit hours (and the approving official’s approval of that plan) are documented using the “Leave/Additional Hours Request” function in HRMS or are communicated only verbally at the sole discretion of the approving official, as explained in Section VIII.K.1 of this handbook.
 - (ii) An employee’s actual gliding is not recorded in HRMS.
- (c) A change to an SES employee’s NEWFlex workdays and/or work clock hours.

B. Deadline for Completing and Submitting Work Schedule Request

Formal work schedule requests are to be completed and submitted to an approving official in HRMS, normally before the first day or near the beginning of the pay period in which the changed work schedule would become effective.

XVII. OVERTIME

A. Compensable Overtime Work

1. Overtime work, as defined in Federal Governmentwide law and regulation, is compensated by overtime pay when the work is ordered or approved in advance or approved after the fact at the approving official’s sole discretion.
2. FLSA non-exempt employees who are on other than NEWFlex work schedules are entitled to overtime pay not only in the situations mentioned in Section XVII.A.1 of this handbook, but also when the overtime work is “suffered or permitted”; that is, the work is performed for the benefit of the agency, whether requested or not, provided the employee’s approving official knows or has reason to believe that the work is being performed, has an opportunity to prevent the work from being performed, and does not prevent the work from being performed.

B. Overtime Increments

1. Typically, overtime work will be directed or authorized and paid in 15-minute increments.

2. Overtime worked beyond a 15-minute increment is referred to as “fractional” overtime and is compensated if properly ordered or approved, or suffered or permitted, as appropriate. Fractional overtime is summed on a workweek basis and any remaining minutes beyond a 15-minute increment are rounded up or down to the closest 15-minute increment. The rounded sum is to be recorded on the last regular workday of the workweek.

C. “Regular” Compensatory Time Off

1. Regular compensatory time off is a paid absence, without charge to leave or another time reporting code, in lieu of overtime pay.
2. Employees who are eligible for overtime pay may choose instead to be compensated by regular compensatory time off for the following types of overtime work:
 - (a) Employees on NEWFlex work schedules may choose to earn regular compensatory time off for compensable overtime work that is either “regularly scheduled” or “irregular or occasional” in nature.
 - (i) “Regularly scheduled” means that the work was or should have been scheduled in advance of the workweek in which it was performed (“scheduled” means that the approving official determines the specific date, amount of time, and clock hours during which the work is to be performed and has identified the particular employee who will perform that overtime work).
 - (ii) “Irregular or occasional” means that the work was not scheduled in advance of the workweek in which it was performed and was not required to be so scheduled. (Note that all overtime work performed by employees on First-40 or intermittent work schedules is, by definition, irregular or occasional in nature, whereas overtime work performed by employees on other work schedules is either irregular or occasional, or regularly scheduled, depending on the particular circumstances of the work.)
 - (b) Employees on work schedules other than NEWFlex may be granted regular compensatory time off only for overtime work that is “irregular or occasional” in nature.
3. Employees may not carry over more than 40 hours of regular compensatory time off from one pay period to the next. Regular compensatory time off that exceeds this limit will be converted to overtime pay in the following pay period (to the extent that the compensatory time off could be earned pursuant to the biweekly or annual limitation on combined salary plus premium pay mentioned in Section VIII.K.18(a) of this handbook).
4. Employees’ use of regular compensatory time off is subject to approving official concurrence based on work requirements. Regular compensatory time off must be used by the end of the twenty-sixth pay period following the pay period in which it was earned. Regular compensatory time off that is not used by this deadline will be converted to overtime pay in the following (twenty-seventh) pay period. This payment is not subject to

the biweekly or annual cap on combined salary plus premium pay mentioned in Section VIII.K.18(a) of this handbook because it was subject to such cap when earned.

5. Employees who separate or transfer from the agency will be paid for unused regular compensatory time off. This payment is not subject to the biweekly or annual cap on combined salary plus premium pay mentioned in Section VIII.K.18(a) of this handbook because it was subject to such cap when earned.

D. Documenting Requests and Approval of Overtime Work and Associated Compensation

1. Irregular or Occasional Overtime

- (a) Employees are to request, and approving officials are to document their approval or disapproval of requests for, irregular or occasional overtime work and related overtime pay or regular compensatory time off using the "Leave/Additional Hours Request" function in HRMS.
- (b) To the extent practical, employees are to complete and approving officials are to approve or disapprove these requests before employees perform the overtime work. When this is not practical, employees are to verbally request their approving officials' prior approval of the overtime work and associated compensation (except when approving officials exercise their authority to approve after the fact) and the employee's request and approving official's decision are to be documented using the "Leave/Additional Hours Request" function in HRMS after the fact as soon as practical.

2. Regularly Scheduled Overtime

There is no HRMS process or prescribed written format for recording requests and approval of regularly scheduled overtime work and associated compensation. Approving officials may, at their sole discretion, specify acceptable forms of written documentation (for example, memoranda or e-mails), permit requests to be made verbally, and grant approval verbally.

XVIII. RELIGIOUS COMPENSATORY TIME OFF

A. Purpose

1. Employees whose personal religious beliefs require their absence from work during certain periods may request to adjust their work schedules by working extra time and using an equal amount of time off for religious observance, thereby avoiding a loss of pay or charge to leave or other time reporting code.
2. The purpose of religious compensatory time off is not to allow employees to bank and not use this extra time. Additionally, religious compensatory time off is different from regular compensatory time off in that the purpose of regular compensatory time

off is to compensate employees for additional work versus simply to allow them to adjust their work schedules.

B. When Time Off May be Earned

Employees may earn religious compensatory time off—

1. Before or after they use the time off for religious observance,
2. Before or after regular working hours on regular working days, and/or
3. At any time on nonworking days, such as Sundays and holidays.

C. Deadline for Using Time Off

Employees may only accumulate the amount of religious compensatory time off needed to cover an absence for a religious observance. If the earned religious compensatory time off has not been used as originally planned, it may be applied to a future religious observance or remain until the employee separates or transfers. An employee with a positive balance of hours will be barred from earning any additional religious compensatory time off until the hours have been used or the employee establishes the need for additional hours.

D. Deadline for Earning After Using Time Off

Employees will earn religious compensatory time off no later than the end of the thirteenth pay period after the pay period in which they used the time off. Employees who do not earn the time off by this deadline may substitute annual leave, credit hours, regular compensatory time off, Special Compensatory Time Off for Travel Earned, or time off as an award for negative balances that remain at the end of the thirteenth pay period. Otherwise, the employee will be charged Leave Without Pay.

E. Approval Criteria

1. Before earning and/or using religious compensatory time off, an employee must, using the “Leave/Additional Hours Request” function in HRMS, request and obtain his or her approving official’s approval for the time off. The employee is to submit two requests at the same time, one to earn and one to use the time off. These requests must include—
 - (a) The name and/or description of the religious observance (the “Employee Comments” block should be used to provide this information),
 - (b) Dates and times of absence, and
 - (c) Dates and times the employee plans to earn religious compensatory time off.

2. An approving official should not make any judgment about the employee's religious beliefs or his or her affiliation with a religious organization. An approving official may recommend disapproval, but only an office director or regional administrator may make a final negative decision based on his or her determination that the religious compensatory time off would interfere with the efficient accomplishment of the NRC's mission. If the request is denied, the office director or regional administrator must provide a written explanation as to the reason the request has been denied. This should be done in the "Approver Comments" block in HRMS.
3. While the request to use the religious compensatory time off may only be denied by the office director or regional administrator, the approving official has the discretion on the specific timing of when religious compensatory time off hours may be earned based on the needs of the agency.

F. Payment for Unused Religious Compensatory Time Off

1. Employees who are separating or transferring from the NRC with a positive balance of earned religious compensatory time off will be paid for this time at the hourly rate of basic pay in effect when the religious compensatory time off was earned.
2. Payment for the unused time off is not subject to the biweekly or annual cap on combined salary plus premium pay mentioned in Section VIII.K.18(a) of this handbook, nor is the time off subject to the cap when earned, because religious compensatory time off is considered a type of work schedule adjustment versus a form of compensation.

XIX. SPECIAL COMPENSATORY TIME OFF FOR TRAVEL

A. Purpose

1. The purpose of Special Compensatory Time Off for Travel is to compensate employees for their official travel time away from their official duty stations when the travel time is not otherwise compensable.
2. The agency's goals in developing policy are to streamline the program while at the same time benefitting employees wherever practicable, for example, with respect to time that is creditable as "usual waiting time."

B. Eligibility

All but the following employees are eligible for Special Compensatory Time Off for Travel:

1. The Chairman and Commissioners,
2. SES employees (Senior Level employees and Administrative Judges are eligible),

3. Employees on expert or consultant appointments, and
4. Employees on intermittent work schedules.

C. Type of Travel Covered

1. Generally, official travel is covered if it is—
 - (a) Away from the official duty station, which the NRC defines as more than 35 miles from the employee's official duty station; and
 - (b) Not "otherwise compensable." Official travel is otherwise compensable, and therefore not compensable by Special Compensatory Time Off for Travel, if it is undertaken—
 - (i) During the employee's regularly scheduled administrative workweek. In this situation, the employee receives "regular" pay for the travel instead of Special Compensatory Time Off for Travel; or
 - (ii) Outside of the employee's regularly scheduled administrative workweek and is considered hours of work for purposes of overtime pay or regular compensatory time off, in accordance with Federal-wide law and regulation.
 - An example of such travel is that which is necessitated by an event that could not be scheduled or controlled by any individual in the entire Executive Branch of the Federal Government or by an NRC contractor or licensee; for example, travel that is necessitated by an emergency event or to take training that is offered by a university to public and private sector employees.
 - Note that travel which meets the criteria for overtime pay or regular compensatory time off is considered otherwise compensable, and as a result may not be compensated by Special Compensatory Time Off for Travel Earned, even if the employee cannot actually be granted overtime pay or regular compensatory time off because of a pay cap(s); for example, the biweekly or annual cap on combined salary plus premium pay mentioned at Section VIII.K.18(a) of this handbook.
 - (c) By criminal investigators and is considered hours of work which are compensated by salary, by premium pay for regularly scheduled overtime, or by availability premium pay for unscheduled duty hours.
2. See Section XX.C of this handbook for additional information regarding entitlement to overtime pay (or regular compensatory time off, as appropriate) for FLSA exempt employees who are permitted to use an alternative mode of transportation, or who travel at a time or by a route other than what was selected by the agency.

D. Amount of Travel Time Claimed

1. Employees may claim the following types of travel time:
 - (a) Time spent traveling between an official duty station (or home, as explained in Sections XIX.D.5 and XIX.D.6 of this handbook) and a temporary duty station,
 - (b) Time spent traveling between two temporary duty stations, and
 - (c) Waiting time that precedes or interrupts the travel.
2. The criteria described below also apply to overtime pay or regular compensatory time off for travel when the employee is entitled to either instead of Special Compensatory Time Off for Travel (see Section XIX.C.2(b) of this handbook).
3. Official Travel as a Passenger in a Vehicle or a Driver of a Vehicle

The following criteria apply when an employee is the passenger (for example, in an automobile, taxicab, bus, or airplane) or the driver of a vehicle:

- (a) All time is counted, whether it brings the employee to an interim or final destination, such as—
 - (i) A hotel,
 - (ii) A training center, or
 - (iii) An interim destination where the employee continues traveling, such as an(other) airport or train station.
 - (b) Time is counted even if it is unusually long because of reasons beyond the employee's control; for example, if a flight is long because of turbulence, or if an automobile ride is long because of traffic or weather.
4. Waiting Time that Precedes or Interrupts Official Travel

Employees claim waiting time that precedes or interrupts official travel. Examples include the following:

- (a) Airline travelers are required to arrive at the airport at a designated pre-departure time, generally 1 or 2 hours before the scheduled departure time, depending on whether the flight is domestic or international. Employees are to claim this time. However, if employees decide to arrive at an airport even earlier than required, they may not claim the additional time.
- (b) When a flight is delayed or canceled, employees are to claim the time that they spend at the airport waiting for the delayed flight or waiting for the next available flight. If employees leave a terminal to spend the waiting time primarily for their own purposes (for example, to go to a restaurant, to sightsee, or to stay at a hotel overnight because the next available flight does not depart until the next

day), they may not claim that time away from the airport (but are to claim the amount of time necessary to travel to and from a hotel).

(c) When employees spend time waiting for a connection (for example, a connecting flight) they are to claim that waiting time, even if the connecting flight is delayed. Employees must deduct time, however, if they leave the terminal to spend time for their own purposes as explained in Section XIX.D.4(b) of this handbook, and must deduct time associated with sleep periods.

(d) If an employee sleeps uninterrupted for an extended period in an airport while waiting for a delayed or new flight, he or she may not claim that time.

5. Official Travel Directly Between Home and a Temporary Duty Station

Employees are to deduct the amount of normal home-to-work and work-to-home commuting time from the creditable travel time.

6. Official Travel Time Between Home and a Transportation Terminal

Below is an explanation of the requirement to deduct official travel time between home and a transportation terminal (for example, an airport or train station).

(a) If the transportation terminal is more than 35 miles from the employee's official duty station, the employee is to deduct the amount of normal home-to-work/work-to-home commuting time from the creditable travel time.

(b) If the transportation terminal is no more than 35 miles from the employee's official duty station, the travel, regardless of duration, is considered equivalent to the employee's normal commuting time and is not creditable.

7. Travel Between One Permanent Duty Station and Another Permanent Duty Station

Time spent traveling between one permanent duty station and another permanent duty station is not creditable.

8. Travel While on Extended Temporary Duty (TDY) (More Than 30 Days)

Employees may be authorized to return home during non-work hours an average of once every 3 weeks. These intervening trips home and intervening return trips are not compensable.

9. Cap

There is no cap on Special Compensatory Time Off for Travel Earned. The time is not subject, for example, to the 40-hour cap on regular compensatory time off mentioned in Section XVII.C.3 of this handbook, or to the biweekly/annual cap on combined salary plus regular compensatory time off (as well as other premium pay) mentioned in Section VIII.K.18(a) of this handbook.

E. Submitting Claims for Special Compensatory Time Off for Travel Earned

Employees are to request approval of Special Compensatory Time Off for Travel Earned as follows:

1. Submit to their T&L approving officials (usually their supervisors) requests using the "Leave/Additional Hours Request" function in HRMS and, in the associated "Employee Comments" block, provide detailed information supporting the amount of time claimed (time off may be earned in 15-minute increments).
2. Using the HRMS "Timesheet" function, enter the time actually earned.
3. Employees must submit the request and enter the time into the HRMS, as mentioned in Sections XIX.E.1 and XIX.E.2 of this handbook, by the end of the sixth pay period following the pay period in which they earned the time. Employees will forfeit and may not otherwise be compensated for the time if they do not meet this deadline. Employees who submit the request and enter the time in a timely manner, but who enter an erroneous amount of time, are to correct the time entry without regard to the sixth pay period deadline, as soon as practicable.

F. Using Special Compensatory Time Off for Travel Earned

1. Normally, employees must use Special Compensatory Time Off for Travel Earned by the end of the twenty-sixth pay period after the pay period in which they earn it, except as follows.
 - (a) In certain situations involving uniformed service and involving on-the-job injury with entitlement to injury compensation, Special Compensatory Time Off for Travel Earned is held in abeyance.
 - (b) In rare circumstances, such as an influenza epidemic or another event which has agencywide impact and which significantly affects employees' ability to use their time off within 26 pay periods, the Chief Human Capital Officer (CHCO), or designee, may determine that an exception to the 26 pay period deadline is appropriate.
2. Employees are to request use of time off either using the "Leave/Additional Hours Request" function in HRMS or, at the sole discretion of the approving official, verbally with no requirement to subsequently document the request in HRMS. In either case, actual use of the time off is to be entered in HRMS using the HRMS "Timesheet" function.
3. Miscellaneous

Forfeited excess annual leave may not be restored on the basis that an employee was unable to use the leave because the employee used Special Compensatory Time Off for Travel Earned instead.

XX. MISCELLANEOUS TRAVEL ISSUES

A. First-40 Work Schedules

Employees on First-40 work schedules who undertake official travel away (that is, more than 35 miles) from their official duty stations before they complete their 40-hour basic workweek are entitled to compensation for that travel as follows:

1. Official Travel on a Day Other Than a Holiday

This travel counts towards the employee's 40-hour basic workweek.

2. Official Travel on a Holiday

(a) This travel is compensated by holiday premium pay for up to 8 hours, for the travel and any work (note that this travel and any excess travel will be counted toward the employee's 40-hour basic workweek), only if the travel would be compensable by overtime pay or regular compensatory time off if the employee were on a different type of full-time work schedule and traveled outside of that schedule (see Section XIX.C.2(b)(i) of this handbook; 5 U.S.C. Section 5542 (b)(2)(B); 5 CFR Section 550.112 (g)(2); and 5 CFR 551.422 (a)(2)-(4), "Time spent Traveling"); or

(b) This travel is compensated by holiday pay for up to 8 hours (note that this travel and any excess travel will be counted toward the employee's 40-hour basic workweek) the same as if the employee did not travel or work, if the travel would not be compensable by overtime pay or regular compensatory time off if the employee were on a different type of full-time work schedule and traveled outside of that schedule.

B. Part-Time Work Schedules

Employees on part-time work schedules are entitled to compensation for their *nonovertime*, official travel away from their official duty stations (that is, more than 35 miles), as follows:

1. Official Travel on a Day Other Than a Holiday

(a) Official travel during the employee's part-time work schedule is compensated by regular pay, the same as if the employee were working instead of traveling.

(b) Official travel outside of the employee's normal part-time work schedule (that is, on a day and/or at a time outside of the schedule) is compensated by—

(i) Nonovertime pay if it is the type of travel for which a full-time employee would be entitled to overtime pay or regular compensatory time off if the full-time employee undertook the travel outside of his or her work schedule (see Section XIX.C.2(b)(i) of this handbook).

- (ii) Special Compensatory Time Off for Travel Earned if it is not the type of travel mentioned in Section XX.B.1(b)(i) of this handbook.

2. Official Travel on a Holiday

(Note that a part-time employee is entitled to a holiday only when the holiday falls on one of the employee's regularly scheduled nonovertime workdays.)

(a) Official travel during the employee's holiday clock hours is compensated by—

- (i) Holiday premium pay if it is the type of travel mentioned in Section XX.B.1(b)(i) of this handbook.
- (ii) Holiday pay, the same as if the employee did not travel or work, if it is not the type of travel mentioned in Section XX.B.1(b)(i) of this handbook.

(b) Official travel outside of the employee's holiday clock hours is compensated by—

- (i) Nonovertime pay if it is the type of travel mentioned in Section XX.B.1(b)(i) of this handbook.
- (ii) Special Compensatory Time Off for Travel Earned if it is not the type of travel mentioned in Section XX.B.1(b)(i) of this handbook.

C. Travel as Hours of Work for FLSA Exempt Employees

1. When FLSA exempt employees are permitted to use an alternative mode of transportation, or who travel at a time or by a route other than what was selected by the agency, the employee's entitlement to overtime pay (or regular compensatory time off, as appropriate) shall be credited following the same "offset" rules and regulations governing employees who are eligible to claim special compensatory time off for travel and will receive the lesser of—

- (a) The estimated amount of time for which an employee would have been entitled to overtime pay (or regular compensatory time off, as appropriate) for time associated with travel had the employee used the mode of transportation offered by the agency, or traveled at the time or route selected by the agency; or
- (b) The actual amount of overtime pay (or regular compensatory time off, as appropriate) associated with the travel.

2. For example, an FLSA Exempt employee is scheduled to travel on Monday morning by plane during the employee's regularly scheduled nonovertime work hours for an administratively uncontrollable conference scheduled to begin Monday afternoon.

- (a) The employee would have been entitled to 0 hours of overtime (or compensatory time off, as appropriate) since the estimated 3 hours of travel time that would have occurred during the employee's regularly scheduled nonovertime work

hours, for which the employee would have been entitled to regular pay, not overtime pay or regular compensatory time off, as appropriate.

- (b) The employee requests and is approved to drive to the conference on Sunday instead. The actual time it takes to travel to the conference is 6 hours.
- (c) In this situation, the employee is entitled to 0 hours of overtime pay or regular compensatory time off, as appropriate, because 0 is less than 6 hours, which is the amount of overtime pay or regular compensatory time off, as appropriate, that the employee would have been entitled to receive had the employee flown on Monday during his or her regularly scheduled nonovertime work schedule.

D. Tools Covering Travel as Hours of Work for Full-Time Employees

A Web tool and printer-friendly flowchart on the topic of travel as hours of work for full-time employees can be found at <https://drupal.nrc.gov/ochco/catalog/31890>.

XXI. GRIEVANCES

Denials of work schedule requests and work schedule requirements are non-grievable.

XXII. GLOSSARY

Administrative Workweek

A period of seven consecutive 24-hour periods designated in advance. The Chief Human Capital Officer (CHCO) has established the administrative workweek as the calendar week beginning at 0001 on Sunday and ending at 2400 on the following Saturday.

Basic Workday

The nonovertime hours of duty for each day in an employee's officially approved work schedule.

Basic Workweek

The employee's approved, nonovertime work schedule for the administrative workweek. The specific days and clock hours of an employee's basic workweek may vary based on the factors described in Section III.F.1(a) of this management directive (MD), as well as on the type of work schedule; for example, Official Hours, First-40, full-time or part-time compressed, or full-time or part-time NRC Employee Work Schedule Flexibility (NEWFlex) flexible work schedule.

Basic Work Requirement

The number of hours, excluding overtime, that an employee is required to work or to account for by charging leave; credit hours; holiday hours; some form of compensatory time off; or time off as an award.

Credit Hours

Those hours within a NEWFlex work schedule that an employee elects to work with supervisory approval in excess of his or her basic work requirement so as to vary the length of a workweek or workday.

Holiday Premium Pay

A differential equal to an employee's rate of basic pay for ordered or approved nonovertime work (excluding credit hours) performed during holiday clock hours (i.e., during an employee's regularly scheduled daily tour of duty on a holiday).

Note that holiday clock hours for employees on full-time NEWFlex work schedules are from 7:30 a.m. to 4:15 p.m. (includes a 45-minute unpaid rest or meal break) at headquarters (including the Technical Training Center (TTC)), and may differ in regions that have different official duty hours.

Employees on First-40 work schedules do not have holiday clock hours and instead are entitled to holiday premium pay for up to 8 hours of ordered or approved nonovertime work on a holiday.

Night Premium Pay

A 10 percent differential paid to an employee for ordered or approved nonovertime work (excluding credit hours) performed during night hours, i.e., between 6:00 p.m. of one day and 6:00 a.m. of the following morning, as well as for "regularly scheduled" overtime work performed during night hours ("regularly scheduled" means that the work was or should have been scheduled in advance of the week in which it was performed).

Night premium pay is also paid for periods of paid leave, if any, during night hours if, during the pay period, the employee has fewer than 8 hours of total paid leave inclusive of both night and day work.

Note that employees who are on NEWFlex work schedules are not eligible to receive night premium pay for nonovertime work that they voluntarily perform at night (or for time off during these hours) if they have 8 or more work hours available during day hours, i.e., between 6:00 a.m. and 6:00 p.m. of the same day.

Office Directors

For the purpose of this MD, unless expressly stated otherwise, the term “office directors” includes the Chairman, Commissioners, Executive Director for Operations (EDO), Deputy Executive Directors for Operations (DEDOs), directors of all program and staff offices, and chairpersons of boards, panels, and committees, for employees under their supervision.

Overtime Work

The definition of “overtime work” varies based on the type of work schedule, as follows:

Official Hours Work Schedule; Full-Time Compressed Work Schedule – Work is overtime if it is performed outside of the work schedule.

Part-Time Compressed Work Schedule – Work is overtime if it is performed outside of the work schedule and it exceeds 8 hours a day and/or 40 hours a week.

Full-Time NEWFlex Work Schedule – Work is overtime if it is performed outside of the work schedule and is not compensated via credit hours earned.

Part-Time NEWFlex Work Schedule – Work is overtime if it is performed outside of the work schedule, it exceeds 8 hours a day and/or 40 hours a week, and is not compensated via credit hours earned.

First-40 Work Schedule – Work is overtime if it exceeds 40 hours a week.

Premium Pay

The dollar value of “regular” compensatory time off, or additional pay for overtime (including administratively uncontrollable overtime), night, Sunday, or holiday work; or for standby duty or availability duty.

Sunday Premium Pay

A 25 percent differential paid to an employee for ordered or approved work on nonovertime shift(s), any part(s) of which falls on a Sunday. Sunday premium pay is not payable for periods of nonwork, including leave and holidays not worked.