

DD/A Registry
76-6152

ODP 2287-76
12 NOV 1976

MEMORANDUM FOR: Deputy Director for Administration

THROUGH : Director of Personnel

FROM : Clifford D. May, Jr.
Director of Data Processing

SUBJECT : Request for Approval of Non-Standard Work Schedules

REFERENCE : HR [REDACTED] dated 24 May 1973

STATINTL

1. Action Requested: This memorandum contains a recommendation that you approve a 12-hour-a-day non-standard work schedule for support to the COMIREX Automated Management System (CAMS).

2. Background:

a. The Office of Data Processing (ODP) has the responsibility for the design, development, testing and operation of CAMS. This system is a time-critical computer system for management of the collection, exploitation, and processing of overhead intelligence. Generalized Information Management System Division (GIMS) is responsible for the operation of this system. The system will comprise a central computer, data communications links to terminals in Headquarters and other Intelligence Community locations, computer terminals, operating software, and data bases.

b. CAMS will be operated twenty-four hours per day, seven days per week including holidays. In analyzing the staffing for the operation of CAMS it appears that a 12-hour-a-day shift would be desirable. The reasons are described below:

- (1) Manpower Savings: There will be four operations teams, each consisting of two to three employees. The number of employees on each shift will depend on the workload. The 12-hour-a-day shift maximizes manpower utilization in staffing the CAMS work period and will ensure two computer operators being available for each shift.

- (2) Overtime Savings: The 12-hour-a-day shift will minimize the need for overtime. By adjusting the work-week schedules to regularly scheduled 12-hour-a-day shifts without overtime, payment for overtime work on Saturdays and Sundays will be reduced or eliminated altogether. If ODP uses the standard three eight hour shifts, it will be necessary to pay overtime to employees working on weekends.
- (3) Reduction of Employee Turnover: An excessive amount of overtime eventually causes employees to seek other types of employment and causes personal problems which could result in increased employee turnover. The replacement of these employees plus training is costly and time consuming and will decrease the productivity of the CAMS operation.

c. The following guidelines have been discussed with representatives of Position Management and Compensation Division, Office of Personnel, and the GIMS Division personnel:

- (1) Work assignments will not exceed 80 hours per pay period.
- (2) Employees GS-11 and below level will be paid overtime for work in excess of 80 hours in a two week, 80 hour work period.
- (3) Annual or sick leave will be charged for hours less than 80 during the two week period.
- (4) Holiday Pay - Employees who perform scheduled or directed work on a holiday will receive compensation at the holiday rate for all hours worked within their scheduled tour of duty. When a holiday falls on an employee's scheduled non-workday, the preceeding workday will be treated as the holiday and pay will be administered under the policy for holiday pay.
- (5) When any part of an employee's regular scheduled workday tour of duty is performed on Sunday, the employee will be compensated at the Sunday premium rate for all hours worked in that tour not to exceed 12 hours for each Sunday worked.
- (6) Employees GS-12 through GS-14 will receive overtime payments for directed overtime worked in excess of 80 hours in a two week 80 hour pay period since productivity is measurable in hours

- (7) Work performed between the hours of 6:00 p. m. and 6:00 a. m., when part of a scheduled tour of duty, shall be reported as night differential.
- (8) Non-exempt employees under the Fair Labor Standards Act (FLSA) will be paid overtime in accordance with the requirements of that act. (Work in excess of 40 hours worked is paid overtime). Otherwise, the provision of HR [REDACTED] will remain unchanged and will pertain to the non-standard work week. (See Attached Sheet)

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3. Staff Position: The Deputy Director for Processing, ODP, recommends the approval of this action as the most effective method of meeting the CAMS support requirement.

4. Recommendation: It is recommended that you approve the 12-hour-a-day non-standard work schedule for the support of CAMS.

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[REDACTED]
CLIFFORD D. MAY, JR.

CONCURRENCE:

(Signed) F. W. Janney 10 DEC 1976

F. W. Janney
D/Personnel

APPROVED:

J. Blake
DDA

Attachment: Copy of Schedule

Distribution:

- Orig. & 1 - Addressee (Orig. to be returned to O/D/ODP)
- 2 - O/D/ODP
- 1 - ODP Registry
- 1 - Subject File

	SUN	MON	TUES	WED	THURS	FRI	SAT
0700-1930	A*	A*	A*	A	C	C	C
1900-0730	B	B	D	D*	D*	D*	B
0700-1930	C	A	A	A	C*	C*	C*
1900-0730	B*	B*	B*	B	D	D	D
0700-1930	B*	B*	B*	B	A	A	A
1900-0730	C	C	D	D*	D*	D*	C
0700-1930	A	B	B	B	A*	A*	A*
1900-0730	C*	C*	C*	C	D	D	D
0700-1930	C*	C*	C*	C	B	B	B
1900-0730	A	A	D	D*	D*	D*	A
0700-1930	B	C	C	C	B*	B*	B*
1900-0730	A*	A*	A*	A	D	D	D

1. A = Team A B = Team B C = Team C D = Team D
2. Six week cycle for rotation
3. * indicates one person from that team works an 8 hour shift to meet his 80 hour requirement for each two week period.
4. Team D works permanent night shift.

Approved For Release 2001/04/05 : CIA-RDP79-00498A000500010019-5

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Request for Approval of Non-Standard Work Schedules

FROM: D/ODP/DDA
2D00 Hqs.

EXTENSION
4011

NO.
ODP 2287-76

DATE
12 November 1976

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. PMCD/OP
625 C of C

12/5 12/8 *MS*

2.

3. D/OP
5E58 Hqs.

10 DEC 1976 10 DEC 1976

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4.

5. DDA
7D24 Hqs.

13 DEC 1976

[Signature]

6.

ADDA

14 DEC 1976

[Signature]

7.

DDA

8.

D/ODP

9. 2D00

10.

11.

12.

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14.

15.

DDA Registry
File PERSONNEL-1

The attached request for a Non-Standard Workweek Schedule is consistent with the requirements of HR [redacted] and the Fair Labor Standards Act. PMCD recommends D/Pers concurrence and DDA approval.

[redacted]

Chief/PMCD

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SECTION V: HOURS OF WORK, LEAVE, AND PAY

29. HOURS OF WORK. The circumstances under which the Agency carries on some of the most important and critical aspects of its work are in large measure conditions over which the Agency has no control. They are dictated by the course of world events, the needs of the policymakers of the Government, and other circumstances which are not predictable. It is impossible to accomplish the intelligence mission successfully with a rigid, prearranged work schedule. On the contrary, Agency personnel must be flexible in their work habits and work schedules in order to take advantage of collection opportunities, to meet deadlines, and to produce national intelligence in a timely manner.

a. WORKWEEK AND WORK SCHEDULES**(1) STANDARD BASIC WORKWEEK**

(a) Operating Officials and Heads of Independent Offices will schedule basic workweeks for components under their jurisdictions in accordance with the following standards:

- (1) Duty hours are scheduled in advance and cover a period of not less than one week.
- (2) The basic 40-hour workweek consists of five consecutive duty days, normally Monday through Friday.
- (3) The working hours in each day in the basic workweek are the same.
- (4) The basic nonovertime workday does not exceed eight hours.
- (5) The occurrence of holidays does not affect the designation of the basic workweek.
- (6) Breaks in excess of one hour are not scheduled in any basic workday.

(b) Normally basic workweeks will be scheduled from 8:00 a.m. to 4:30 p.m., 8:30 a.m. to 5:00 p.m., or 9:00 a.m. to 5:30 p.m. Monday through Friday. One-half hour is allowed for lunch. When necessary to carry out the missions of their components, Operating Officials and Heads of Independent Offices may schedule basic workweeks with hours different from those prescribed above as long as they meet the standards given in subparagraph (a) immediately above.

(2) **NONSTANDARD BASIC WORKWEEK.** In exceptional circumstances and when advantageous to operations which are staffed on a 24-hour basis, the Deputy Director for Management and Services may approve work schedules that differ from the standards in subparagraph (1)(a) above as long as the scheduled work hours equal 80 in a two-week pay period. Proposals for such nonstandard work schedules should be forwarded for approval to the Deputy Director for Management and Services, through the Director of Personnel for his review, and have the concurrence of the Deputy Director concerned. The Deputy Director for Management and Services, when approving nonstandard work schedules, will also prescribe guidelines for accounting for leave, overtime, holiday and Sunday pay, and night differential.

(3) **WORK SCHEDULES FOR INDIVIDUALS.** Operating Officials and Heads of Independent Offices may arrange work schedules for individuals which differ from the basic workweeks of their components as necessary either

(a) to carry out the missions of those components, or

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- Γ (b) to enable the individuals concerned to take educational courses which will equip them for more effective work in the Agency.
- b. **NIGHT DIFFERENTIAL WORK.** Night differential work is regularly scheduled work between 6:00 p.m. and 6:00 a.m.
- (1) Night differential work is compensated at an additional pay rate of 10 percent of basic salary.
 - (2) The night differential pay rate is also payable when an employee, who is otherwise entitled to night differential pay, does not work because of a holiday or for a period of leave with pay of less than eight hours during any biweekly pay period. It is not payable for any period of leave if the aggregate of paid leave during the same biweekly pay period is eight hours or more, nor it is payable for any period covered by a lump-sum leave payment.
 - (3) Prevailing rate (ungraded) employees will be paid for night differential work at rates in accordance with the appropriate wage schedule.
- c. **OVERTIME WORK AND COMPENSATION.** Compensable overtime is that work performed by an employee in excess of the normal basic workweek which has been authorized by a designated senior official as compensable in accordance with the provisions of this paragraph. Such overtime may be authorized in advance to meet scheduled or irregular requirements, or authorized after performance by the employee.
- (1) **POLICY**
 - (a) All levels of management are expected to exercise sound judgment in planning work requirements and schedules so that overtime work normally is not required.
 - (b) Overtime work generally will be authorized only to meet unforeseen developments or circumstances. Funds must be available for all overtime work even though compensatory time in lieu of overtime payment is contemplated.
 - (c) Overtime work scheduled on a regular basis must have the prior approval of the appropriate Deputy Director or Head of Independent Office.
 - (d) Irregular or occasional overtime work may be authorized by Operating Officials and Heads of Independent Offices and other senior officials to whom such authority has been delegated by Deputy Directors.
 - (e) Whenever feasible, overtime work will be ordered prior to its performance. Hours of overtime that are not specifically directed or approved will not be processed for overtime payments or for compensatory time in lieu thereof.
 - (f) Based on the needs of the service, employees may be required to perform overtime work unless excused because of unusual personal circumstances.
 - (g) Each period of directed overtime work performed by an employee on a day when no work was scheduled for him or for which he is called back to his place of employment will be considered to be at least two hours in duration.
 - (h) Leave with pay granted an individual will not affect his eligibility for overtime compensation.

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(2) RESPONSIBILITIES

- (a) Deputy Directors and Heads of Independent Offices are responsible for allocating and approving overtime funds and for monitoring overtime policies and practices within their jurisdictions to ensure that they are administered with consistency and equity.
- (b) Senior officials to whom authority to authorize overtime work has been delegated will ensure that any overtime pay which they authorize is in accordance with the policies and provisions prescribed herein.
- (c) The Director of Planning, Programming, and Budgeting is responsible for reviewing the use of overtime within the Agency.

(3) COMPENSATION FOR OVERTIME

(a) Policy

- (1) Employees GS-11 and below will receive overtime payments or, if they request it, compensatory time in lieu thereof for all hours of directed overtime.
- (2) Employees GS-12 through GS-14 generally will be expected to organize their work in such a manner that directed overtime work is unnecessary. They may receive overtime payments or compensatory time in lieu thereof for directed overtime worked in excess of 48 hours in a given workweek. No overtime payment or compensatory time will be granted for hours of duty between 40 and 48 in a given workweek unless such hours represent directed work
 - (a) on a position which requires substantial amounts of overtime work on a continuing basis and the productivity is predominantly measurable in units of production or hours of duty performed. (Such positions will be identified by Operating Officials and Heads of Independent Offices, concurred in by appropriate Deputy Directors, and approved by the Director of Personnel), or
 - (b) on any day during a work period of seven or more consecutive days, or
 - (c) on a second job the duties of which are substantially unrelated to the primary assignment. (The Operating Official or Head of Independent Office concerned will designate each individual to whom the "second job concept" may apply and the Director of Personnel will determine whether the two jobs are substantially unrelated.)
- (3) No overtime pay will be paid or compensatory time granted to an employee GS-15 or above except to the extent permitted by the provisions of subparagraph f below;
 - (a) annual premium pay may be authorized in accordance with subparagraph (c) below, and
 - (b) payment may be made, or compensatory time in lieu thereof credited, for overtime authorized in accordance with the production or second job concepts stated in subparagraphs (2) (a) and (c) immediately above.
- (4) Overtime worked between 6:00 p.m. and 6:00 a.m., which is otherwise to be compensated in accordance with this paragraph, is considered night differential work and must also be compensated at night differential rates if

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- (a) it is part of the employee's regularly scheduled workweek, or
- (b) it falls within another regularly scheduled tour of duty and the employee is assigned to perform duties which are normally performed by the regular work force of the other tour.

Examples:

An employee's normal 40-hour tour is from 9:30 a.m. to 6:00 p.m. Monday through Friday and he is scheduled to work from 9:30 a.m. to 9:00 p.m. on every other Friday. Compensation for overtime and payment of night differential are required for the three hours from 6:00 p.m. to 9:00 p.m. worked every other Friday since it is regularly scheduled work.

An employee whose normal tour is from 9:30 a.m. to 4:00 p.m. is directed to work six hours overtime, from 4:00 p.m. to 10:00 p.m., on a particular night to assist the regularly scheduled evening shift (4:00 p.m. to 12:30 a.m.). Compensation for six hours of overtime and payment of four hours (6:00 p.m. to 10:00 p.m.) night differential are required.

- (5) An employee acting as night duty officer may be authorized overtime compensation in accordance with the foregoing paragraphs for duty occurring during the period between the regular closing hour of the component on one day and the regular opening hour on the next day whether or not the days involved are regular workdays, except that a minimum of eight hours will be deducted as time off for sleeping if the requirements of the night duty permit. Prevailing rate (ungraded) employees will be paid for overtime performed as night duty officer at their regular overtime rate but not to exceed one and one-half times the minimum scheduled rate for GS-10, unless actual work is required in addition to normal duty officer responsibilities.
- (b) Overtime Pay. Overtime compensation authorized in accordance with the above policies will be computed on the basis of whole hours of work subject to the limitations in subparagraph f below. Overtime work should normally be scheduled and performed in whole hour amounts. When authorized, however, periods of overtime work of 15 minutes or more may be accumulated and reported in whole hour increments as overtime worked for the day on which such an accumulation equals a whole hour(s).
- (1) A graded employee will be paid for overtime work or may, if he requests it (see subparagraph (d) below), be granted compensatory time in lieu of overtime payment. The overtime pay rate is one and one-half times the hourly rate of basic salary but will not exceed one and one-half times the minimum scheduled rate for GS-10.
- (2) Prevailing rate (ungraded) employees will be paid for overtime work performed at the overtime rate established for their respective pay levels, except as provided in subparagraph (a)(5) above. Compensatory time will not be granted to prevailing rate employees.

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Γ (c) Annual Premium Pay

- (1) Annual premium pay is a form of overtime pay designed to compensate an employee when his duties require substantial amounts of irregular or occasional overtime work and night, holiday, and Sunday work which cannot be administratively controlled *and* when he is primarily responsible for recognizing the circumstances which require him to be on duty. It may not be used to compensate for regularly scheduled overtime duty.
- (2) When it would appear that the payment of annual premium pay would be a more equitable way to recompense an employee for substantial amounts of uncontrollable overtime, the request must have the concurrence of the appropriate Deputy Director or Head of Independent Office and the approval of the Director of Personnel.
- (3) Authorized annual premium pay is set at a rate not less than 10 percent nor more than 25 percent of that part of the employee's basic compensation which does not exceed the minimum basic rate for GS-10.

(d) Compensatory Time

- (1) Eligibility. Any graded employee who performs overtime work which is compensable in accordance with subparagraph (a) above, may be granted compensatory time in lieu of overtime pay if he requests it not later than the end of the pay period in which the overtime work was performed.
- (2) Accrual. The number of hours of compensatory time accrued will be equal to the number of hours of overtime worked that are compensable within the limitation specified in subparagraph f below.
- (3) Use. Compensatory time will be taken as soon as practicable (generally within 90 days) after it has been earned, but not later than the end of the leave year in which it was earned, except that when it is earned in the last four calendar weeks of a leave year the compensatory time may be taken during the first four calendar weeks of the following leave year.
- (4) Payment. In the absence of a certification by an Operating Official or Head of an Independent Office that opportunity to use the compensatory time had been denied because of conditions beyond the employee's control related to his Agency employment, accrued compensatory time will be forfeited should an employee not use it during the period specified in subparagraph (3) immediately above, or should he be transferred to a field station abroad or from the jurisdiction of one Operating Official to that of another. Given such certification, which must accompany the last time report for the period or for the position from which transferred, the employee will be paid at overtime rates for the unused compensatory time. In the event of death or involuntary separation, payments will be made for any compensatory time which is to the employee's credit. Payment for compensatory time will in all cases be made at the overtime rate which applied when the overtime was performed.

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d. **SUNDAY WORK AND COMPENSATION.** All hours not in excess of eight, not overtime, worked during a regularly scheduled tour of duty within a basic workweek will be considered Sunday work if *any* part of the work is performed on Sunday (midnight Saturday to midnight Sunday). Premium pay for Sunday work is computed at a rate equal to 25 percent of an employee's basic rate of compensation. Premium pay for Sunday work is in addition to premium pay for holiday work, overtime compensation, or night differential, but is not to be included as part of basic compensation when computing such other premium pay. Sunday premium pay is paid only for whole hours actually worked and is not paid for any periods of leave. Examples: If an employee's normal tour begins at 4:00 p.m. Saturday and ends at 12:30 a.m. Sunday, his Sunday premium pay entitlements are as follows:

- (1) If he works all eight hours, he earns eight hours of Sunday premium pay.
- (2) If he is absent for the last half-hour (even if this is part of a period of paid leave), he earns no Sunday premium pay because no work is performed on Sunday.
- (3) If he is absent for part of the tour of duty, but works one or more hours including the half-hour on Sunday, he earns Sunday premium pay for all hours of the scheduled tour that he actually works.
- (4) If he works during two different regularly scheduled tours, both of which overlap the same Sunday (such as Saturday into Sunday and Sunday into Monday), he may earn Sunday premium pay for hours he works in both tours not to exceed eight hours per tour, subject to a determination based upon the examples above if any absences occur.

e. **HOLIDAY WORK AND COMPENSATION.** All days designated by Federal statute or Executive Order as holidays in the Federal service are observed by the Agency. A list of holidays is published annually as a Headquarters Notice. When the basic workweek is Monday through Friday, the workday immediately preceding a Saturday holiday or the workday immediately following a Sunday holiday is considered a holiday. When the basic workweek includes Saturday or Sunday, a Saturday or Sunday holiday is a regular holiday within the basic workweek. When the basic workweek is other than Monday through Friday, a holiday occurring on the first day off makes the preceding day a holiday (except when the first day off is a Sunday), and a holiday occurring on the second day off makes the following day a holiday. Should the first day off be a Sunday, the next workday following is considered a holiday. All work, not exceeding eight hours, authorized and performed on an official holiday during regular duty hours will be considered as holiday work. Holiday work may be authorized by Operating Officials and Heads of Independent Offices and other senior officials to whom such authority has been delegated by Deputy Directors. (Work performed on a holiday before or after regular duty hours is considered overtime work.) Work on holidays will be kept to a minimum consistent with work requirements and will be authorized only when requirements cannot be satisfactorily completed within regularly prescribed duty hours.

- (1) Any employee who is required to perform work for one or more periods on a holiday during regular duty hours will be paid for at least two hours of work for each such period, subject to the eight-hour limitation stated immediately above.

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- (2) Holiday work is paid for at twice the rate of basic salary, subject to the limitations stated in subparagraph f below. Overtime performed on holidays will be compensated in accordance with the provisions stated in subparagraph c(3) above.
- (3) Prevailing rate (ungraded) employees will be paid for holiday work in accordance with the appropriate wage schedule.

f. LIMITATION OF COMPENSATION FOR OVERTIME, HOLIDAY, NIGHT, AND SUNDAY WORK

- (1) No overtime pay (including annual premium pay or overtime payments in accordance with the production or second job concepts referred to in subparagraphs c(3)(a)(2)(a) and (c) above), holiday pay, night differential, or Sunday premium pay will be paid or compensatory time be granted, for any biweekly pay period, to an employee whose rate of basic salary for that pay period equals or exceeds the maximum scheduled rate for GS-15.
- (2) In the case of an employee whose rate of basic salary is less than the maximum scheduled rate of GS-15, overtime pay (including annual premium pay or overtime payments in accordance with the production or second job concepts referred to in subparagraphs c(3)(a)(2)(a) and (c) above) holiday pay, night differential, or Sunday premium pay may be paid, or compensatory time granted in lieu of payment for overtime, only to the extent that such payment and value of overtime hours credited to compensatory time computed at overtime rates would not cause his aggregate compensation to exceed the maximum scheduled rate for GS-15 with respect to any biweekly pay period.
- (3) Hours spent as a student in Agency-sponsored training activities may not be considered as workhours for purposes of overtime compensation, holiday pay, night differential, or Sunday premium pay. Requests for exceptions will be forwarded through normal channels to the Director of Training for concurrence and to the Deputy Director for Management and Services for approval.
- (4) No holiday pay, night differential, or Sunday premium pay will be paid to any employee for a special duty tour which is solely the result of a rescheduling of his basic workweek to permit him to pursue outside study at his own expense.
- (5) The limitations in subparagraphs (1) and (2) above do not apply to prevailing rate (ungraded) employees.

g. REPORTING DUTY STATUS. Official time and attendance reports will record time actually worked in relation to the scheduled workweek of the activity concerned and will be prepared in accordance with HHE 30-5.

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