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FD

2 May 1950

Legal Staff

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Claim for Overtime - [redacted]

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1. The subject file has been reviewed and is returned herewith. Reference is made to our previous memo dated 3 February 1950 regarding the basic legislation and law behind Overtime. In amplification, the pertinent Agency regulations are outlined below for application in making a final determination.

2. Mr. [redacted] indicates that he held a grade of WAF-7 throughout the various periods for which overtime is claimed and that, aside from an "emergency" schedule on 6 December 1948, the overtime was "regular" in nature.

3. For the periods beginning 4 July 1947 through 27 September 1947, the applicable regulation appears to have been [redacted] dated 21 March 1947. It provides for advance approval by the Chief of Special Funds on a memorandum submitted by the Chief or Administrative Officer of the Branch. Payment was required at the end of the 28-day period following the 28-day period in which the work was performed.

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4. For the periods beginning with 4 October 1947 and extending through 28 October 1948, [redacted] dated 29 September 1947, is applicable. Under the provisions of this issuance, overtime breakdown must be approved by the Chief of Station and written authorization given in advance by the Chief of Station. For Class B and individual stations, it was necessary to submit the claim to headquarters for review, computation and payment. Class A stations were authorized to make payment themselves.

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5. [redacted] dated 5 November 1948, as amended by [redacted] dated 18 April 1949, is pertinent for the remaining periods. Under these, regular overtime requires the approval of headquarters, and vouchers must be promptly submitted at the end of the 28-day period following that of the work, signed by the Chief of Station. The change in 11/7 requires that the voucher must be received at headquarters within 60 days of performance unless the delay is due to reasons beyond the employee's control (such as serious illness etc.). Emergency overtime requires the advance approval of the Chief of Station, as well as subsequent approval.

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6. We assume there is no question of compensatory leave since that would be allowed only if taken within 90 days of the performance of the overtime.

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7. The General Administrative Instructions cannot exceed the scope of authority tendered under the Administrative Instructions, and we should like to point out that for the period in which [redacted] as modified by [redacted] was effective (from 5 November 1948 to 22 April 1949), although it is silent on the point, it appears to be governed by the restrictive provisions of [redacted] dated 24 June 1948, in which overtime outside the United States requires authorization and approval in advance and also an indication that sufficient funds are available before the authority is granted. The requirement for advance approval was eliminated in [redacted] dated 22 April 1949, and from that time on advance approval was not required.

8. If any doubt remains as to the factual sufficiency of approval or proper authorization, we suggest that verification or amplification of such facts be obtained from the claimant or his appropriate superior.

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[redacted]

Background file attached.

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[redacted] shw
cc: Subject
Chrono
Legal decisions

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