

SWLPE

DEPARTMENT OF THE ARMY  
Little Rock District Corps of Engineers  
P.O. Box 867  
Little Rock, Arkansas 72203-0867

LRDR 690-1-610

C1

Regulation  
No. 690-1-610

8 October 1987

Civilian Personnel  
HOURS OF WORK

1. This change to LRDR 690-1-610, dated 13 February 1987, provides a change in official office hours.
2. Substitute the attached pages as shown below:

Remove Pages

7-8

Add Pages

7-8

3. File this change in front of the publication for reference purposes.

FOR THE DISTRICT ENGINEER:



MARVIN D. THOMPSON  
LTC, Corps of Engineers  
Deputy District Engineer

DISTRIBUTION C  
plus Serviced Activities

Office Memorandum  
No. 690-1-610

13 February 1987

Civilian Personnel  
HOURS OF WORK

1. Purpose. This regulation establishes the hours of work for civilian employees.
2. Applicability. It is applicable to civilian employees in the Little Rock District and serviced organizations. Use of masculine gender of the third person singular pronoun is intended to include both the masculine and feminine genders.
3. References.
  - a. CPR 610 and CPR 990-2, Book 610.
  - b. FPM Chapter 610 and FPM Suppl 990-2, Book 610 and Book 630.
  - c. FPM Chapter 551.
  - d. ER 690-1-600.
  - e. SWDR 690-1-610.
4. Definitions.
  - a. An administrative workweek is a period of 7 consecutive calendar days, generally identical to the calendar week, beginning at 0001 on Sunday and ending at 2400 the following Saturday.
  - b. Flex time is a system of work scheduling which splits the workday into two distinct kinds of time - core time and flexible time.
    - (1) Core time is that portion of the daily work schedule during which all employees, unless otherwise in an approved leave or excused absence status, must be present for work.
    - (2) Flexible time is that portion of the workday during which the employee has the option to select starting and quitting times within the limits established by the employing organization. Additionally, it may cover a flexible period in the middle of the day which allows an employee to select an extended lunch break.

---

This regulation supersedes LRDR 690-1-610 dated 16 December 1982.

c. Intermittent services are those rendered by employees for whom no tour of duty can feasibly be established on a continuing basis. It applies to those employees who are expected to respond to requests for duty in connection with some unscheduled activity (such as a weighing machine operator).

d. Night duty for General Schedule employees is defined as work falling between 1800 and 0600. Employees required to work during these hours will be paid a night differential.

e. Night shift differential for Federal Wage System employees means the differential paid for work performed on the second or third shift, or both.

f. A part-time tour of duty is a scheduled tour of 32 hours or less, which requires service on a regular repetitive basis on 1 or more days of each administrative workweek.

g. Rotating tours of duty are those regularly scheduled tours which periodically require service on a different shift.

h. Working hours are all hours in the day during which an employee may perform work. Working hours consist of the core time band(s) and the flexible time bands.

5. Establishment of work schedules. The basic 40-hour workweek in the Little Rock District will be five 8-hour days, generally Monday through Friday for all full-time employees, and, wherever possible, the 2 days outside the basic workweek will be consecutive. The following guidance will be used by supervisors to establish tours of duty:

a. Tours of duty must be established in advance of the administrative workweek and cover a period of at least one workweek. Announcement of the tour will identify the calendar days and the hours of each day comprising each tour. Copies of the announcement will be posted in conspicuous places, readily accessible to all affected employees.

(1) Exceptions to the foregoing requirement may be made when events preclude compliance (For example, when a change in shifts by a construction contractor requires an immediate corresponding change in the tours of construction inspectors).

(2) In case other than regular tours are established for individual employees or special groups of employees, written notification will be given to affected employee(s), supervisor(s), time and attendance clerk(s), and the payroll office. In establishing such tours, the following requirements will be observed:

(a) Wherever possible, 2 consecutive days off will be provided in each administrative workweek. As a minimum, 1 regular day off, preferably Sunday, will be provided.

(b) Nonworkdays should be staggered when it is necessary to provide 6- or 7-day coverage for a particular activity.

(c) The tour will cover a minimum of 40 hours for all full-time employees.

(d) In very unusual circumstances, it may become necessary to have an off-duty period between two portions of a daily shift. If such a tour is established, care should be taken to ensure that employees are completely free to pursue their own pleasures during such off-duty periods. If any work is required during such off-duty periods, it must be treated as overtime.

(e) So far as practicable, the daily tour of duty should be established in terms of full hours. When fractional hours are required, the daily tour will be expressed in full-hour and quarter-hour multiples.

(f) The necessity for an irregular tour should be explained to the employees affected and if possible the views of labor organizations and employees should be obtained as to the exact tours to be established.

b. All employees on rotating shifts will be given equal treatment with respect to off-duty time on Saturdays and Sundays.

c. Hours of work involving night duty should be kept to an absolute minimum but may be authorized where circumstances so require.

d. Tours of duty involving part-time duty, standby tours, tours for which employees are regularly scheduled to work at different rates of pay (payment of night differential or shift differential is not considered a different rate of pay), or portwatch duty aboard floating plant should be established until fully coordinated well in advance with the Personnel Officer.

e. Special considerations relating to fixing hours of duty for minors (under age 18).

(1) Where regulations permit the employment for minors, the following standards will be observed:

(a) In no case will employment be permitted between 2200 and 0600. Adequate provision will be made for the safety, health, and welfare of minors working night shifts.

(b) Lunch periods will be free time.

13 Feb 87

(c) Tours of duty for minors will be limited to 8 hours each day and 48 hours each week, covering not more than 6 days of the administrative workweek.

(2) Employees of high-school age. Where minors are attending school, the following additional requirements represent the minimum standards to be observed. In no case may these standards be lowered or otherwise relaxed.

(a) The maximum weekly tour of duty will be 28 hours, limited to 4 hours each day on school days and 8 hours on Saturday. (Note: Student Aids are limited to 20 hours per week with exceptions only as specified in the authority for appointment.)

(b) The combined hours of school sessions and work will not exceed 9 hours each day.

(c) Where transportation facilities are such as to require unusually long periods in traveling to and from work, the daily tour of duty will be reduced accordingly.

(3) Students who are appointed in furtherance of the Youth Opportunity Stay-in-School Campaign are limited to 20 hours per week or 40 hours in any week which falls within a school vacation period or includes day(s) schools are officially closed. A written notice of changes in a Student Aid's work hours is not required in most cases:

(a) If Student Aids are scheduled to work more than 20 hours a week on days that schools are officially closed, the hours worked should be posted to the time card with the remark, "School officially closed from (date) to (date)."

(b) If the total number of hours to be worked on a continuing basis are changed, a Standard Form 52 requesting "Change in Work Schedule" or "Change in Hours," as appropriate.

(c) If the total number of hours worked remains the same, but the distribution of those hours throughout the workweek changes, no written notice is required.

(4) Minors may not be employed to operate a motor vehicle in use as a public or common carrier. The Fair Labor Standards Act provides that persons under age 18 will not be assigned to any position for which hazard is recognized as an element of wage fixing or to the following positions designated as hazardous by the Secretary of Labor: (Note: Positions not found in the Little Rock District or its serviced activities have been omitted.)

13 Feb 87

- (a) Motor vehicle occupations.
- (b) Power-driven woodworking machine occupations.
- (c) Occupations involving exposure to radioactive substances.
- (d) Power-driven hoisting apparatus occupations.
- (e) Power-driven metal forming, punching, and shearing machine occupations.

f. Tours of duty for relief operators. Activities requiring 24 hours per day, 7 days-per-week operations may be staffed through establishment of five positions to cover the 21 shifts per week. This provides an additional operator (variously referred to as "relief," "swing," "lap," or "extra," but designated "relief operator" for the purpose of this regulation) to cover one of the 21 shifts, each week, and as a replacement for scheduled and unscheduled absence of regular operators. Normally, each operator is assigned to this "relief operator" tour on a rotation basis, so that all operators serve equally in the position for a specified period of time, such as 1 week. The "relief operator" is normally scheduled in advance to cover one of the 21 regular shifts per week, and/or as a replacement to fill in for other operators who are scheduled to be absent. The "relief operator" is generally scheduled to work the day shift as an extra operator for the remainder of the 40 hours, if any, for advance scheduling purposes. When a "relief operator" is working at the same time as a regular operator, other duties may be assigned that are commensurate with the operator's skills, to meet workload requirements or for cross-training purposes. If the employee has been notified prior to the beginning of the workweek of assignment to the "relief operator" tour, the scheduling requirement of subchapter S1-4i, Book 610, CPR 990-2, is met, as unscheduled variation in the hours per day and days per week is inherent in assignment to a shift on which he is an extra operator to cover unscheduled absence of other operators. However, as much advance notice as practicable should be given of such rescheduling. The scheduling of "relief operator" tours is a negotiable matter and may be included in agreements with union organizations with exclusive recognition.

g. Weekend drills. Military leave is not authorized for weekend drills because they are inactive duty and are considered part-time employment. Drills do not meet the criteria for granting military leave because they are not ordered under provisions of Title 32, U.S. Code.

If employees are scheduled to work during weekends (e.g., shift operators), schedules may be arranged to allow participation in the drills if sufficient advance notice is given.

h. Schedules of employees who regularly work at different rates of pay. A projected weighted average salary must be computed for rotating shift employees for life insurance coverage. Changes in the scheduling cycle for rotating shift workers will be furnished to the Personnel Office as they occur.

i. Adjustment of work schedules for religious observances.

(1) When personal religious beliefs require employees to abstain from work during certain periods, they may elect to work compensatory overtime and receive, in lieu of overtime pay, an equal amount of compensatory time off.

(2) Request may be disapproved if modifications in work schedules interfere with efficient accomplishment of the FOA mission.

(3) The compensatory overtime may be worked before or after the period of time off. Advanced compensatory time off should be repaid within a reasonable amount of time.

(4) The premium pay provisions of Title 5 and the Fair Labor Standards Act do not apply to compensatory overtime work performed by an employee for this period.

(5) If no productive overtime is available to be worked by the employee at the time of the initial request, alternative times should be arranged for the performance of the compensatory overtime worked. These requests are to be accommodated to the maximum extent possible.

(6) Until further notice, advance compensatory leave will be posted to the time and attendance report as regular hours worked. When compensatory time is worked to repay such an advance, no posting will be made to the time and attendance report. The supervisor must maintain a manual record of advanced compensatory leave and ensure that the employees are allowed to work compensatory time to repay the advance within 4 pay periods.

j. Variations in work schedule for educational and training purposes.

(1) When training schedules include nonworkdays of some employees, work schedules may be changed to cover training periods to provide equitable treatment of all employees receiving training and to avoid incidents of Government training (with no compensation) on a nonworkday with a corresponding charge to an appropriate leave category because no work is performed on scheduled workday(s). Such changes are not made for the purpose of avoiding or creating necessity for payment of overtime, night or shift differential, or Sunday or holiday pay.

(2) Special tours of duty to exclude training time may be authorized, upon request, to permit employees to take one or more courses in college, university, or other educational institution when:

(a) The rearrangement of the employee's tour of duty will not appreciably interfere with the accomplishment of the work required to be performed.

8 Oct 87

(b) Additional costs for personal services will not be incurred.

(c) Completion of the courses will equip the employee for more effective work in the agency.

Division and Administrative and Advisory Office Chiefs and Resident Engineers/Managers will make these determinations and ensure that the special tour covers the employee's basic workweek (five 8-hour days for full-time employees).

k. Standby tours. Department of the Army has authorized standby tours for firefighters and has published guidance for determining whether standby tours can be established for fire chiefs. Standby tours of duty may be established for other groups of employees only with the approval of Department of the Army. Requests should include the following information.

- (1) The number of employees affected.
- (2) Duties to be performed.
- (3) Length of tour and time spent on actual work.
- (4) A showing that there will or will not be a reduction in existing aggregate compensation,
- (5) The manner in which the following conditions are met.

(a) The employee must be required to spend the standby period at the location prescribed for firefighting personnel on a standby tour.

(b) The standby period is from 14 to 18 hours a week on a regular workday or extends into a nonworkday in continuation of a period of duty within the basic workweek.

(c) The payment of premium compensation at the rate of 15 percent does not result in a decrease in existing compensation, including payment for overtime, night, and holiday pay. For this purpose, the employee's existing aggregate rate will be determined on the basis of what he or she would have earned over the period of a year if the change in tour had not occurred.

1. On-call duty assignments. When the nature of operation is such that it may become necessary at any time to call back employees because of emergencies or administrative requirements that may occur outside the normal work hours of an activity, commanders may designate employees to be available for such a call during weekends or other off-duty time. Designation of employees for this purpose will be subject to the following conditions:

(1) There should be a definite possibility that the services of the designated employees might be required.

(2) On-call duties required of the employee will be brought to the attention of all employees concerned.

(3) If more than one employee could be used for on-call services, designations should be made on a rotating basis.

(4) Employees who are designated for on-call duty may not have their freedom of movement unduly restricted. Normally, the requirement that they hold themselves available will not extend beyond a requirement that they leave word where they may be reached.

6. Office Hours.

\* a. District Office. Official office hours are from 0745 to 1200 and from 1245 to 1630, and all offices will be manned during these hours. Flexible scheduling of individual employee's hours of duty is permitted between 0715 to 0845, from 1115 to 1330 with not less than 45 minutes for lunch and from 1600 to 1730. The hours are illustrated as follows:

-----8 hours + 3/4 hour lunch-----

FLEXIBLE BAND	CORE TIME	FLEXIBLE BAND	CORE TIME	FLEXIBLE BAND
0715	0845	1115	1330	1600 1730

-----8 hours + 3/4 hour lunch-----

Deviations from the official office hours will be requested by the employee. The following criteria are established for use by approving officials in considering employee's request:

(1) Employee's request should be honored except in those instances where a bona fide basis is established for disapproval.

(2) Employees, with approval, may begin no earlier than 0715 and conclude the regularly scheduled workday no later than 1730.

(3) Lunch periods will be provided for employees who work more than four (4) hours and may begin no earlier than 1115, must span a minimum of 45 minutes, and conclude no later than 1330. All offices will be partially manned during the staggered lunch period except in small offices where this is not practicable. In these instances, no office will remain unmanned for a period exceeding 45 minutes.

(4) After the supervisor and employees agree upon individual office hours, further changes may be made to provide the employee the maximum possible latitude in scheduling his work within the parameters set forth above.

b. Field offices. Hours of work are established by the Resident Engineers/Managers. In most field offices, the office hours are from 0800 to 1200 and from 1230 to 1630. Flex time concepts will comply with provisions of paragraph 6a(2) above.

c. Serviced activities. Hours of work are established by the Activity Commander. In most cases, the office hours are from 0730 to 1130 and from 1200 to 1600. Flex time concepts will comply with command guidance.

7. Rest periods. It is the policy of the Department of the Army to permit short rest periods during the daily tour of duty, when in the discretion of the District Commander such periods are beneficial or necessary. It is the policy of the Little Rock District that rest periods will be considered a part of the daily tour of duty and may not exceed 15 minutes during each 4 hours of continuous work. The rest period may not be a continuation of the lunch period, nor can the failure to take a rest period be used as the basis for reporting late and departing early. Any time in excess of 15 minutes for rest periods may not be considered duty time. Supervisors at all levels are responsible for seeing that this time is not exceeded, and if it is exceeded, the excess time should be charged to the appropriate type of leave. Rest periods are a privilege and not a right. Abuse of the privilege could lead to its curtailment.

8. Tardiness. In ordinary circumstances, occasional tardiness and unavoidable or necessary absence from duty of less than 1 hour may be excused for adequate reasons or handled administratively by requiring additional work. When employees are chronically tardy or otherwise absent from duty without adequate excuse, such absence and tardiness may be charged to annual leave, leave without pay, or may become the basis for disciplinary action (refer to LRDR 690-1-735).

9. Incidental duties.

a. Incidental duties directly connected with the performance of a given job are considered assigned duties, and time spent in their performance is to be included in the daily schedule of working hours. This includes time spent in travel which is an inherent part of and inseparable from the work itself. However, travel from home or lodging place to work or assembly point is not considered as worktime.

b. Time required by employees to secure working implements in the morning and to return them to the proper place at the end of the day is included in the established tour of duty.

c. The day-to-day activities of a field work party frequently involve travel between an assembly point and a worksite, and between worksites. Time spent in such travel is included in the established tour of duty.

10. Daylight saving time.

a. When daylight saving time goes into effect, employees working shifts during the change are considered on duty for the normal number of hours of that shift, provided the hour lost is charged to annual leave (or sick leave, if applicable). If no charge is made to leave, pay may be allowed only for the actual number of hours worked. Lockmasters and power station superintendents are authorized to schedule an additional hour of duty, where workload requirements permit, for those affected rotating shift employees not desiring to take annual leave or otherwise lose an hour of duty time. Resident Engineers/Managers are responsible for assuring the proper exercise of this authority.

b. Similarly, when a change to standard time goes into effect, the employees working shifts during the change will be credited and pay allowed for the actual number of hours worked.

11. Holidays. The following are legal public holidays and will be considered as nonworkdays without further notice from the District Office:

*New Year's Day	1 January
Birthday of Martin Luther King, Jr.	3d Monday in January
Washington's Birthday	3d Monday in February
Memorial Day	Last Monday in May
*Independence Day	4 July
Labor Day	1st Monday in September
Columbus Day	2d Monday in October
*Veteran's Day	11 November
Thanksgiving Day	4th Thursday in November
*Christmas Day	25 December

\*Part-time employees who are prevented from working because of "in-lieu-of" holidays when these dates fall on Saturday or Sunday may be granted administrative leave. See LRDR 690-1-630, appendix H.

a. Holidays falling on workdays. When a holiday falls on a workday, the workday will be observed as the holiday.

b. Holidays falling on nonworkdays.

(1) Normal Monday through Friday workweek.

(a) When a holiday falls on Sunday, Monday will be observed as the holiday.

(b) When a holiday falls on Saturday, Friday will be observed as the holiday.

13 Feb 87

(2) Rotating tours of duty. When the employee's workweek varies from the normal Monday through Friday workweek, holidays will be observed as follows:

(a) When the holiday occurs on the employee's first nonworkday of his basic workweek, the next regular workday is his holiday.

(b) When the holiday occurs on the employee's second nonworkday of his basic workweek, the preceding workday is his holiday.

12. Impact of the Fair Labor Standards Act. One of the major changes introduced by the FLSA is the nature of criteria to be used in determining "hours of work" for compensation purposes for those employees covered by the Act ("Nonexempt" employees).

a. Work performance. "Hours worked" under the FLSA includes all the time an employee is required to be on duty or on the agency's premises or at a prescribed workplace and all time during which he is "suffered or permitted" to work for the agency.

(1) Bona fide meal periods are not considered as "hours worked." The employee must be completely relieved from duty for the purpose of eating regular meals. When an employee's meal periods are uninterrupted except for rare and infrequent emergency calls, the meal periods can be excluded from working time. On the other hand, if the meal periods are frequently interrupted by calls to duty, the employee would not be considered relieved of all duties and all the meal periods must be counted as "hours worked." In these cases, the 8-hour tour of duty will include the lunch period. If an employee is completely freed from duties during his meal periods, it is not necessary that he be permitted to leave the premises for the time to be excluded from work time.

(2) Excused absence with pay (holidays, sick, annual, or other paid leave) are not periods of work even though the employee is compensated for these periods of nonwork. Therefore, for the purpose of determining whether more than 40 hours have been worked and whether overtime entitlement exists under the FLSA, such periods of nonwork are not included in the "hours worked" during the workweek. For example, an employee whose tour is Monday through Friday takes 8 hours (1 day) of annual leave on Wednesday. If he then works 8 hours on Saturday, he has only 40 "hours worked," and would not be entitled to overtime under FLSA. The Saturday work would, however, be considered overtime under Title 5, U.S. Code.

(3) Under certain conditions, sleeping periods or periods when an employee is relieved from duty are not included in hours worked.

13 Feb 87

(a) When an employee is required to be on duty (traveling continuously) for 24 hours or more, authorized sleeping periods of not more than 8 hours may be deducted from hours worked, provided adequate sleeping facilities are furnished and the employee can usually enjoy an uninterrupted period of sleep. However, if the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked and if the employee cannot get at least 5 hours sleep during the sleeping period, the entire time is working time.

(b) When an employee is completely relieved from duty for a period long enough to enable him to use the time effectively for his own purpose, this off duty period is not hours worked. For example: a driver of an automobile terminates his travel at 1800 to obtain lodgings for the night and commences his travel at 0800 the next morning; or a security specialist guarding classified equipment in transit aboard a train is relieved from duty at 1800 and is not scheduled to report for duty until 0600 the next morning.

b. Travel time. As "hours of work" under FLSA, whether time spent in authorized travel by a nonexempt employee is to be considered hours of work under the FLSA depends upon the kind of travel involved.

(1) Under Title 5, U.S. Code, time spent in a travel status outside regular duty hours is not hours of work unless the travel meets criteria of one of the following:

(a) Involves the performance of work while traveling (such as an ambulance attendant taking a patient to a hospital). Travel which involves the performance of work while traveling means work which can only be performed while traveling. Compensation will be limited to time actually spent working. Duty status at temporary duty station will, of course, be considered in the same manner as duty status at an employee's home station. In addition, certain personnel, such as truck drivers and locomotive messengers, may spend time in the actual operation and maintenance of their vehicle which is distinguishable from travel time, and which is to be considered as work status, regardless of when such work is performed. When such personnel are riding as passengers, however, whether on a common carrier as on a return trip, or on the same vehicle while it is being operated by an alternate, they are to be regarded as traveling on official business and compensation will be limited to time actually spent working.

(b) Is incidental to travel that involves the performance of work while traveling (such as a truck driver riding in a truck to a destination to pick up another truck and drive it back to his original duty station). Travel which "is incidental to travel that involves the performance of work while traveling" is a condition under which travel is deemed to be hours of employment. An employee will generally be in this situation when he is on a "deadhead" trip, either traveling to a destination to board a means of transportation upon which he will be performing work while traveling, or having performed work while traveling, returning to his official duty station.

Entitlement under this condition is limited to the situation where the work performed while traveling is work which can only be performed while traveling. It should be noted that the travel still must meet the requirement of being "away from the official duty station" to be considered hours of employment. An example of travel of this type is a truck driver deadheading to a point of pickup of a truck to be driven to another destination.

(c) Is carried out under arduous conditions (such as an employee) traveling to a forest fire by foot, horseback, or in the back of a truck over rugged terrain). Travel under arduous conditions would include travel over unusually adverse terrain, during severe weather conditions, or to remote barely accessible facilities by foot, horseback, or a truck. Travel by automobile over a hard surfaced road or travel by rail would not constitute travel under arduous conditions. The time of travel (whether to be performed during day or night) or distance traveled, is not ordinarily for consideration in determining whether the travel is performed under arduous conditions. The regulations governing time spent in a travel status away from permanent duty stations under official travel orders are inapplicable to situations involving travel which is an inherent part of, and inseparable from, the work itself. Time spent in such inherent travel is payable at regular or overtime rates, as appropriate, except that time spent in normal travel from home or lodging place to work is not considered as worktime. For example, the day-to-day activities of a survey party involve travel between an assembly point and a survey site, and between survey sites, as a matter of course. No travel orders are issued, and the employees are not in a "travel status." All time spent in traveling between the assembly point and the work site, or between work sites, may be counted as employment for pay purposes.

(d) Results from an event which could not be scheduled or controlled administratively (such as an employee traveling to an isolated installation to make emergency repairs on navigation-aid equipment). Travel which results from an event which cannot be scheduled or controlled administratively is also a condition under which travel is considered hours of work. The phrase "could not be scheduled or controlled administratively" refers to the ability of the agency to control the event which necessitates an employee's travel. The control is assumed to be the agency's whether the agency has sole control, or the control is achieved through a group of agencies, or sponsored by one in the interest of all, or through several agencies participating in an activity of mutual concern. Comptroller General Decision B-179430 (unpublished) concerns travel of an employee during nonduty hours to appear in a Federal court as a Government witness. The decision provides that court dates established by the Federal court are within administrative control of the Government. Before such travel time would constitute hours of employment, there must have existed an immediate official necessity occasioned by the unscheduled and administratively uncontrollable event. There must not be such notice of the event as will permit scheduling of the travel.

(e) Exempt employees are allowed travel overtime when engaged in emergency situations such as flood, hurricane, or other emergency work situations which threatens the life or safety of people, or serious damage to property and there is no recourse other than to assign qualified employees to perform emergency duties.

(2) The kind of travel involved determines whether time spent traveling outside regular working hours is considered hours of duty under the FLSA. See appendix A.

c. Training.

(1) Generally, an employee is paid for time spent learning the duties and responsibilities of his current position and training time is not considered hours of work unless it falls within the regular working schedule. The prohibition of premium pay for training and authorized exceptions are covered in LRDR 690-1-550. Hours of work determinations included are:

(a) Training given at night because the situations which he must learn to handle occur only at night.

(b) Costs of the training, premium pay included, are less than the costs of the same training confined to regular work hours.

(2) If an employee is scheduled to attend training during regular working hours, the time spent in such training is hours of work unless the employee's attendance is during a period of paid leave or leave without pay. Time spent in training outside regular working hours is compensable as hours of work if certain stipulated criteria are met. Whether time spent in training shall be considered hours of work is a separate and independent determination under the FLSA. The fact that an agency has authorized the expenditure of Government funds for an employee's attendance at such training has no bearing on this determination. See appendix B.

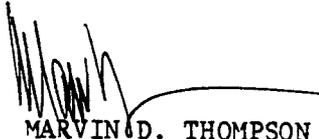
(3) Travel to and from training activities during regular work hours is considered hours of work under both Title 5, U.S. Code and the FLSA. Under certain conditions this travel time may be considered hours of work for the nonexempt employee when it falls outside regular work hours:

(a) If the training does not keep the employee away from the official duty station overnight, the guidance in appendix A, page A-7, will be used for determining hours worked.

(b) If the training keeps the employee away from the official duty station overnight, the guidance in appendix A, paragraph 4c(3), will be used for determining hours worked.

(c) The travel must be authorized. Reasons for requiring an employee to travel outside duty hours must be recorded. See LRDR 690-1-611.

FOR THE DISTRICT ENGINEER:



MARVIN D. THOMPSON  
LTC, Corps of Engineers  
Deputy District Engineer

2 Appendixes  
App A - Travel Time as Hours of  
Work Under FLSA  
App B - Training Activities Outside  
Regular Working Hours under  
FLSA

DISTRIBUTION C  
Plus Serviced Activities

13 Feb 87

## APPENDIX A

## Travel Time as "Hours of Work" Under FLSA

1. Purpose. This Appendix provides instructions for determining hours worked by nonexempt employees for the time they spend traveling between an employee's official duty station and the point of destination, or between two temporary duty points, and for usual waiting time which interrupts such travel.

2. Applicability. The instructions apply only to time spent traveling by nonexempt employees under the FLSA. Existing rules applicable to time spent traveling by employees (both exempt and nonexempt) under Title 5 (or other appropriate statute or regulations) continue in effect without change.

3. Definitions.

a. Authorized travel. Authorized travel is defined as travel which is preformed: (1) Under the direction or control of a responsible official of the employing agency, and (2) for the benefit of the employing agency.

b. Official duty station. Official duty station has been defined in Federal Travel Regulations as the employee's designated post of duty, the limits of which will be "...the corporate limits of the city or town in which the officer or employee is stationed. If the employee is not stationed in an incorporated city or town, the official station is the reservation, station, or established area, or, in the case of large reservations, the established subdivision thereof having definite boundaries within which the designated post of duty is located."

c. Normal waiting time. The rules of a common carrier may require an employee to arrive at a common carrier terminal at a designated predeparture time (e.g., 30 minutes prior to scheduled departure time of the common carrier). This waiting time is considered normal waiting time and is counted as hours worked. Furthermore, when an employee's travel is interrupted (i.e., the employee travels to an intervening common carrier terminal and has to wait for a connecting flight to continue traveling to a temporary duty station) usual waiting time at the intervening common carrier terminal is considered normal waiting time and is counted as hours worked.

4. Kind of travel involved.

a. Home to work travel. See page A-4.

b. Travel within the limits of the official duty station. See page A-5.

c. Travel away from official duty station.

(1) Work performed while traveling. See page A-6.

(2) Travel as a passenger on a 1-day assignment. See page A-7.

(3) Travel as a passenger that keeps an employee away from official duty station overnight. When an employee performs authorized travel as a passenger to a temporary duty station outside the limits of the official duty station and as a result of such travel is required to remain at the temporary duty station overnight (i.e., the employee is required to secure lodgings at the temporary duty station for one night or more), such travel is in excess of a 1-day assignment and, therefore, is considered to be travel that keeps an employee away from official duty station overnight.

(a) An employee who performs such travel during regular working hours on regular workdays is substituting travel for other duties during these hours and the time spent traveling is hours worked. The same principle applies to such travel as a passenger during corresponding hours on nonworkdays (hours which correspond to an employee's regular working hours on regular workdays).

(b) Time spent traveling as a passenger that occurs outside regular working hours (and outside corresponding hours on nonworkdays) is not considered hours of work if the travel keeps the employee away from official duty station overnight and the employee performs no work while traveling.

(c) Bona fide meal periods are deducted from hours worked.

(d) Time spent waiting at a common carrier terminal in excess of normal waiting time which occurs during corresponding hours on nonworkdays is not included in hours worked; see paragraph 3c above, for the definition of normal waiting time.

5. Special situations.

a. Travel by mode of transportation other than that selected by the employing agency. When an employee for personal reasons, such as an aversion to flying, does not use the mode of transportation selected by the employing agency, the employee shall be credited with the lesser of

(1) That portion of the actual travel time which is to be considered working time under these instructions, or

(2) That portion of the estimated travel time which would have been considered working time under these instructions had the employee used the mode of transportation selected by the employing agency

b. Travel at a time other than that selected by the employing agency. Employing agencies are responsible for specifying, within reasonable limits, the time during which authorized travel will be performed by its employees. To the maximum extent practicable, the travel of an employee away from official duty station shall be scheduled within the employee's regularly scheduled workweek. When an employee, for personal reasons, travels at a time other than the time selected by the employing agency or for personal convenience travels by an indirect route or interrupts such travel, the employee shall be credited with the lesser of

(1) That portion of the actual travel time which is to be considered working time under these instructions, or

(2) That portion of the estimated travel time which would have been considered working time under these instructions had the employee traveled at the time and by the route selected by the employing agency.

c. Travel which involves two or more time zones. When an employee's travel involves two or more time zones, the time zone from point of first departure for the workday shall be used to determine whether the employee performed the travel during regular working hours (or during corresponding hours on nonworkdays). For example: if an employee commences travel on Monday in Washington, D.C., with a short stop-over in Denver, Colorado, and then travels to Los Angeles, California, later that same day, the eastern time zone (point of first departure for that workday) shall be used to determine whether the travel was performed during the employee's regular working hours. If the same employee later returns from Los Angeles, California, to Washington, D.C., on Saturday (a nonworkday), the Pacific time zone shall be used to determine whether the travel was performed by the employee during hours which correspond to his regular working hours.

HOME TO WORK TRAVEL AS "HOURS OF WORK" UNDER FLSA

<u>Kind of Travel Involved:</u>	<u>Is travel time "hours of work"?</u>
<u>A. Home to work - normal situation</u>	
<u>Normal home to work (work to home) travel</u>	No
Employee <u>drives</u> a Government vehicle home ( <u>as a requirement</u> of the employing agency) to respond to emergency calls immediately from his home.	Yes <sup>1</sup>
Employee <u>drives</u> a Government vehicle home ( <u>as a requirement</u> of the employing agency) to transport other employees home to work (or jobsite).	Yes <sup>1</sup>
Employee reports at a designated meeting place and drives a vehicle ( <u>as a requirement</u> of the employing agency) to transport other employees or equipment to a jobsite.	Yes <sup>2</sup>
Employee reports at a designated meeting place and is transported (as a <u>passenger</u> ) by Government vehicle to jobsite.	No
Employee reports at a designated meeting place (receives instructions, performs other work, or picks up and carries tools) and is transported (as a <u>passenger</u> ) by Government vehicle to a jobsite.	Yes <sup>2</sup>
<u>B. Home to work - emergency situation</u>	
Employee (at home) receives an emergency call outside regular working hours to return (travel) to normal duty location (or another jobsite <u>within the limits of the official duty station</u> ).	No
Employee (at home) receives an emergency call outside regular working hours to travel to a temporary duty station ( <u>outside the limits of the official duty station</u> ) and the distance traveled is greater than normal home to work travel.	Yes <sup>3</sup>

<sup>1</sup>All time spent driving the vehicle home to work (work to home) is hours worked.

<sup>2</sup>The travel from home to the designated meeting place (and return) is normal home to work travel. However, the performance to work or other activity which is an integral part of the employee's job (e.g., picking up tools or receiving instructions) at the designated meeting place constitutes the commencement of the employee's workday. All subsequent travel (to a jobsite and return) is hours worked.

<sup>3</sup>If the distance to the temporary duty location (outside the limits of the official duty station) is in excess of the distance from the employee's home to normal duty location, the entire time spent traveling from the employee's home to the temporary duty location and return is hours worked. Conversely, if the distance to the temporary duty location is equal to or less than the distance from the employee's home to normal duty location, the time spent traveling to the temporary duty location and return is not hours worked.

TRAVEL WITHIN THE LIMITS OF THE OFFICIAL DUTY STATION  
AS "HOURS OF WORK" UNDER FLSA<sup>1</sup>

<u>Kind of Travel Involved:</u>	<u>Is travel time "hours of work?"<sup>2</sup></u>	
	<u>During regular working hours</u>	<u>Outside regular working hours<sup>3</sup></u>
<u>From home directly to jobsite before regular working hours</u>	Not applicable	No <sup>4</sup>
<u>From normal duty location to jobsite</u>	Yes	Yes
<u>From jobsite to jobsite</u>	Yes	Yes
<u>From jobsite to normal duty location</u>	Yes	Yes
<u>From jobsite directly to home after regular working hours</u>	Not applicable	No <sup>4</sup>

NOTE: For purposes of this table, the term "jobsite" means a duty location within the limits of the official duty station other than the employee's normal duty location.

<sup>1</sup>These rules apply to travel either as a driver of a vehicle or as a passenger in a vehicle within the limits of the official duty station during the same day.

<sup>2</sup>Normal home to work (work to home) travel and bona fide meal periods are not included in hours worked.

<sup>3</sup>For travel time outside regular working hours to be completed under this basic principle, the time spent traveling must be continuous with and serve to extend the employee's regular tour of duty.

<sup>4</sup>Travel from home directly to a jobsite within the limits of the official duty station is viewed as normal home to work travel. The same applies for travel from a jobsite directly to the employee's home after regular working hours.

WORK PERFORMED WHILE TRAVELING AWAY FROM OFFICIAL DUTY STATION  
AS "HOURS OF WORK" UNDER FLSA

Kind of Travel Involved:

Is travel time  
"hours of work?"<sup>1</sup>

Driver of an automobile, truck, bus, or other vehicle	Yes
Pilot of an airplane, helicopter, or other aircraft	Yes
Pilot of a boat, barge, or other vessel ( <u>not</u> subject to the seaman exemption)	Yes
Assistant driver or crew member assisting in the operation of a vehicle, aircraft, or boat	Yes
Passenger riding in a vehicle ( <u>not</u> otherwise entitled to hours worked for travel as a passenger)	No <sup>2</sup>
Any other employee required to perform work while traveling; e.g.,	Yes
- Courier carrying classified documents	
- Guard escorting a prisoner	
- Security specialist guarding classified or valuable equipment in transit	

---

<sup>1</sup>Bona fide meal periods are deducted from hours worked.

<sup>2</sup>If a passenger shares the driving of a vehicle with the driver, each is considered to be performing work while traveling only for that portion of the trip during which he is actually driving the vehicle.

TRAVEL AS A PASSENGER ON A 1-DAY ASSIGNMENT AWAY FROM OFFICIAL DUTY STATION  
AS "HOURS OF WORK" UNDER FLSA<sup>1</sup>

<u>Kind of Travel Involved:</u>	<u>Is travel time outside regular working hours "hours of work?"<sup>2</sup></u>
<b>A. <u>Travel by common carrier</u></b>	
Travel time from <u>home to common carrier terminal</u>	No <sup>3</sup>
<u>Normal waiting time</u> at the terminal prior to scheduled departure time of the common carrier	Yes <sup>4</sup>
Travel time from scheduled departure time from the <u>terminal to arrival time at the terminal</u> at point of destination	Yes
Usual waiting time which interrupts travel	Yes <sup>5</sup>
Travel time from <u>terminal</u> at point of destination to <u>temporary duty station</u>	Yes
<b>B. <u>Travel by automobile</u></b>	
Travel time from <u>official duty station to temporary duty station</u>	Yes
Travel time from <u>home directly to temporary duty station</u>	Yes <sup>6</sup>

(The same rules apply for travel time and waiting time on the return trip from the temporary duty station to the employee's official duty station or directly to the employee's home.)

NOTE: For purposes of this table, the term "temporary duty station" means a duty station outside the limits of the employee's official duty station.

<sup>1</sup>All travel time during regular working hours (excluding bona fide meal periods) is hours worked.

<sup>2</sup>Bona fide meal periods are deducted from hours worked.

<sup>3</sup>Since, except for the 1-day assignment, the employee would have had to report to his normal duty location, the travel time between the employee's home and the common carrier terminal is not included in hours worked. However, if (1) the common carrier terminal is located outside the limits of the official duty station and (2) the employee's travel time from home to common carrier terminal is in excess of normal home to work travel, the employee shall be credited with the excess travel time as hours worked.

<sup>4</sup>Normal waiting time at the terminal from designated predeparture time until scheduled departure time of the common carrier is hours worked. Any waiting time in excess of normal waiting time is not hours worked.

<sup>5</sup>When an employee travels to an intervening common carrier terminal and has to wait for a connecting flight to continue traveling to a temporary duty station, the usual waiting time at the intervening common carrier terminal is normal waiting time and is hours worked.

<sup>6</sup>The employee shall be credited with the lesser of (1) the actual hours worked for the time spent traveling to the temporary duty station (excluding normal home to work travel), or (2) the estimated hours worked for such travel had the employee traveled directly from official duty station to the temporary duty station.

TRAVEL AS A DRIVER OF A PASSENGER VEHICLE TO A TEMPORARY DUTY STATION  
AS "HOURS OF WORK" UNDER FLSA<sup>1</sup>

---

<u>Kind of Travel Involved:</u>	<u>Is travel time outside regular working hours "hours of work?"<sup>2</sup></u>
A. Travel as a driver on a <u>1-day assignment</u> (to and return from a temporary duty station during the same day).	
If an employee drives a vehicle <u>from</u> home directly to TDY station/site <u>and if</u> - -	
The jobsite is located within the limits of the official duty station.	No
The TDY station is located outside the limits of the official duty station.	Yes <sup>3</sup>
If an employee drives a vehicle <u>from</u> a TDY station/jobsite <u>to</u> his home <u>and if</u> - -	
The jobsite is located within the limits of the official duty station.	No
The TDY station is located outside the limits of the official duty station.	Yes <sup>3</sup>
B. Travel as a driver that keeps an employee away from official duty station <u>overnight</u> .	
Travel to the <u>first</u> temporary duty station (and return from the <u>last</u> temporary duty station). <sup>4</sup> If an employee drives a vehicle - -	
<u>From</u> home <u>directly to</u> a TDY station	Yes <sup>3</sup>
<u>From</u> home to designated meeting place <u>or</u> official duty station to temporary lodging	Yes <sup>3</sup>
<u>From</u> home <u>directly to</u> temporary lodging	Yes
From temporary lodging to TDY station (or return)	No
<u>From</u> a TDY station <u>directly to</u> his home	Yes <sup>3</sup>
<u>From</u> temporary lodgings <u>directly to</u> his home	Yes
Travel to a second (or subsequent) temporary duty station	
If the employee drives a vehicle <sup>1</sup> <u>from</u> first temporary lodgings <u>to</u> second TDY station/job <u>and if</u> the second TDY station is located - -	
Within limits of first TDY station	No

Outside limits of first TDY station <u>and if</u> the employee -	
Returns to first TDY station the same day	Yes <sup>5 6</sup>
Remains overnight at second TDY station	Yes <sup>5 7</sup>
If the employee drives a vehicle <sup>1</sup> <u>from</u> the first temporary lodging <u>to</u> second temporary lodgings <u>and if</u> the second TDY station is located - -	
Within limits of the first TDY station	No
Outside limits of the first TDY station <u>and if</u> the employee remains overnight at the second TDY station	Yes
If the employee drives a vehicle <sup>1</sup> <u>from</u> the first TDY station to second temporary lodgings <u>and if</u> the second TDY station is located -	
Within limits of first TDY station	No
Outside limits of the first TDY station <u>and if</u> the employee remains overnight at the second TDY station	Yes <sup>5</sup>

<sup>1</sup>In contrast to home to work situations covered herein, it should be noted that if an employee drives a vehicle from his official duty station directly to a TDY station (or from the first TDY station directly to a subsequent TDY station), the travel time is hours worked regardless of whether the TDY station (jobsite) is located within or outside the limits of the official duty station. The same rule applies for the return trip.

<sup>2</sup>All travel time as a driver of a vehicle during regular hours is "hours worked."

<sup>3</sup>The employee shall be compensated for the time spent driving which is in excess of normal home to work travel. (Note: This deduction of normal home to work travel from the total travel time involved is appropriate only when the home to work portion of the travel is performed outside regular working hours, which also means outside corresponding hours on nonworkdays.)

<sup>4</sup>If the employee, for personal reasons, does not use temporary lodgings provided at the temporary duty station and commutes daily from home, the daily home to work travel is not working time. Only the employee's travel time in excess of normal home to work travel to the first temporary duty assignment and from the last temporary assignment is considered hours worked.

<sup>5</sup>The employee shall be compensated for the time spent driving which is in excess of normal commuting time at the first temporary duty station (i.e., travel time in excess of normal travel from first temporary lodgings to the first temporary duty station).

<sup>6</sup>The excess travel time to the employee's temporary lodgings on the return trip is also hours worked.

<sup>7</sup>If the employee, for personal reasons, does not use temporary lodgings provided at the second temporary duty station, the daily commuting time on the second day (and subsequent days) is not compensable hours worked.

IS TIME SPENT <u>OUTSIDE</u> REGULAR WORKING HOURS IN THE FOLLOWING ACTIVITIES HOURS OF WORK UNDER FLSA? <u>1/</u>		
Type of Training:	Time Spent in Training	Time Spent in Preparation for Training
Training to bring an employee's performance up to an acceptable level in his current position. Such training is designed to bring the employee's performance up to an acceptable level as determined by the agency.	YES	YES <u>2/</u>
Training to provide an employee the knowledge or skills to perform new duties or responsibilities required in his or her current position. This is training in revised procedures, products, or processes so that the employee may perform the duties and responsibilities of his current position at an acceptable level.	YES	YES <u>2/</u>
Training to improve an employee's performance above an acceptable level in his current position provided such training is undertaken with the knowledge that the employee's performance or continued retention in his position will not be adversely affected by nonenrollment in the training program. <u>3/</u>	NO	NO
Training to provide an employee additional knowledge or skills for reassignment to another position or advancement to a higher grade. This includes any developmental training or upward mobility training even if such training is directed by the agency.	NO	NO
Training in an apprenticeship program, an internship program, or training under the Veterans Readjustment Act. <u>4/</u>	NO	NO

- 1/ Time spent in training or in preparation for training during regular working hours is hours of work, unless the employee is on paid leave or leave without pay.
- 2/ Time actually spent by an employee within an agency's allowance for preparatory time is hours of work. Any additional time spent by an employee in preparation for such training is not hours of work.
- 3/ Such training must be undertaken with the knowledge that the employee's performance or continued retention in his or her current position will not be adversely affected by nonenrollment in the training program.
- 4/ Any period of productive work during such training shall be considered hours of work.