



**STATE OF GEORGIA**  
**GEORGIA DEPARTMENT OF DEFENSE**  
**1000 HALSEY AVE SE, BUILDING 447**  
**MARIETTA, GEORGIA 30060-5099**

NGGA-TAG

16 October 2024

MEMORANDUM FOR Georgia National Guard Federal Employees

SUBJECT: Compensatory Time and Overtime Policy

1. References:

a. Public Law 114-328, 23 December 2016, "The National Defense Authorization Act for Fiscal Year 2017"

b. 5 U.S.C. Chapter 63, "Leave"

c. 5 Code of Federal Regulations (CFR), "Administrative Personnel," Part 630, "Absence and Leave"

d. CNGBI 1400.25 Vol 630, 23 April 2021, National Guard Technician and Civilian Personnel Absence and Leave Program

2. This memorandum restates The Adjutant General's (TAG) policy concerning compensatory time earned and overtime pay. This policy provides leaders maximum flexibility to accomplish the mission at hand, while providing the necessary internal controls to prevent abuse, ensure consistency, and provide visibility at the senior leader level.

3. USPFO & Wing Comptrollers will provide a quarterly report to Component Commanders, Army Chief of Staff (COS), Air Force Director of Staff (DOS), Brigade/Wing Commanders, and HRO of compensatory time earned and overtime pay. Report parameters should identify the following at a minimum: compensatory time earned for the quarter that exceeds 25-hours in a pay period, compensatory time earned balances greater than 500-hours, and all overtime paid for the quarter. USPFO & Wing Comptrollers will provide an annual report to the Adjutant General on compensatory time earned and overtime pay. These reports will allow the senior leadership to identify trends or abuse in compensatory time earned and to determine if workweek schedules or manning requirements need adjusting.

4. The following control measures apply for overtime pay for Title 5 employees:

a. Title 5 employees, who are Non-Exempt from the Fair Labor Standards Act (FLSA) and are Wage Grade employees or General Schedule-10 (GS-10) step 10 or lower, are entitled to overtime pay for occasional work performed in addition to their duty day (Regular Time for GS employees coded RG and Federal Wage grade

employees coded RF) that is in excess of 40-hours in a workweek or in excess of 80 hours in a pay period.

b. Under FLSA rules, Non-Exempt employees are entitled to time and one-half of their regular pay rate for each hour of overtime. Per 5 U.S. Code § 5542 (a) (2) overtime pay is capped at the grade of GS-10 step 1, and employees at GS-10 step 2 or higher only earn the overtime rate of pay of a GS-10 step 1 employee. For FLSA Non-Exempt employees, the employee may request compensatory time in lieu of overtime pay.

c. Title 5 employees who are FLSA Exempt or exceed the rate of pay of GS-11 step 1 may only earn compensatory time in accordance with section 5.

d. Pre-approval is required for overtime to include concurrence by appropriate comptroller or budget officer to ensure funds are available. Organizations will set their approval procedures as appropriate for their size and mission. The nature of the duties and justification on why the work cannot be accomplished during normal duty hours will be properly articulated in Automated Time Attendance and Production System (ATAAPS) under "New Premium Hours Request". This ATAAPS request will be retained by organizations as the substantiating document for entering of overtime time earned in the civilian pay system.

e. Overtime should not be recurring. It is expected that normal duties can be accomplished within the normal duty day. Overtime is limited to cases of necessity such as warfighter readiness, emergencies, safeguarding life and property, documented customer demands, and instances where saving can be clearly demonstrated.

f. Overtime will not be approved when an employee has taken time off from the workplace during the same 40-hour week using annual leave or compensatory time earned, except during periods of severe workload requirements or other unavoidable circumstances. In such cases, the overtime request must be annotated with the reason for making the exception.

g. Title 32 technicians are not eligible for overtime pay.

5. The following control measures apply for compensatory time for Title 32 technicians and Title 5 employees:

a. Pre-approval is required for all compensatory time. A standardized record management of request, authorization, and reporting of compensatory time for National Guard (NG) Title 32 Dual Status and Title 5 Civilians is articulated and submitted through ATAAPS the request for leave Office of Personnel Management (OPM) form 71, "Request for Leave or Approved Absence."

b. Compensatory time earned that exceeds the equivalent of one duty day per pay period (i.e. 8-hours for 5-day workweek, 9-hours for 5x4x9 workweek, or 10-hours for 4-day workweek) requires next higher level supervisory approval.

c. Compensatory time earned that exceeds 25 hours in a pay period requires COS/DoS or appropriate Component Commander level approval.

d. Title 32 technician's compensatory time earned must be taken within 26-pay periods. The 26-pay periods begin when the time is credited, not when it is earned. There are no provisions for the restoration of forfeited comp time. Technicians are responsible to ensure accrued comp time is scheduled and approved by supervisor to avoid forfeiture.

e. Title 32 Technicians Forfeit Compensatory Time and Compensatory Time Off for Travel:

(1) If not used by the end of the 26th pay period after the pay period during which it was earned.

(2) Upon voluntary transfer to another State.

(3) Upon movement to a non-covered position.

(4) Upon separation from the Federal Government.

f. Fair Labor Standards Act nonexempt and exempt Title 5 employees do not forfeit compensatory time off but receive a lump-sum payment of compensatory time at the overtime pay rate in which it was earned. This occurs:

(1) If not used by the end of the 26th pay period after the pay period during which it was earned.

(2) Upon voluntary transfer to another State.

(3) Upon movement to a non-covered position.

(4) Upon separation from the Federal Government.

g. Organizations should ensure that Title 5 employees use compensatory time within 26-pay periods. After that time, any remaining unused compensatory time earned must be paid out resulting in obligation of funds by the organization. Under no circumstances may an employee receive payment for unused compensatory time off for travel.

NGGA-TAG

SUBJECT: Compensatory Time and Overtime Policy

6. This policy is effective immediately and supersedes all policies regarding this subject. Questions concerning this subject should be addressed to the Human Resources office at 678-569-5710.

A handwritten signature in black ink, appearing to read 'RDW', with a long horizontal flourish extending to the right.

RICHARD D. WILSON  
Major General, GANG  
The Adjutant General