



HEADQUARTERS, UNITED STATES FORCES KOREA
UNIT 15237
APO AP 96273-5237

FEB 14 2024

FKCS

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: United States Forces Korea (USFK), Hours of Duty, Work Schedules, and Compensation Policy Memorandum

1. References. See Tab A.
2. Purpose. To provide guidance on establishing hours of duty, work schedules, and managing overtime and compensatory time for civilian employees.
3. Applicability. This policy applies to Department of Army Civilians, including Korean National (KN) employees assigned to the Headquarters, the United Nations Command, Combined Forces Command, and United States Forces Korea (USFK). There may be instances in which this memorandum is not applicable to KN employees. Users of this instruction will have to refer to USFKI 1400.01 (Tab A, #13) for further guidance.
4. Issuance. This memorandum supersedes United States Force Korea (USFK) Overtime Policy, dated July 18, 2022, and the Overtime Guidelines and Procedures for Civilian Employees during Exercise memorandum. This memorandum will remain in effect until suspended, revoked, or superseded.
5. Guidance. See Tabs B and C. (This policy does not cover all aspects of leave, hours, and pay options that may be available under the law).
6. The point of contact is HQ, USFK J-1, Civilian Human Resources, DSN 755-4119, or email INDOPACOM Camp Humphreys USFK Mailbox J1 Civ HR at: indopacom.humphreys.usfk.mbx.j1-civ-hr@army.mil.

Encl

JOHN W. WEIDNER
Major General, USA
Chief of Staff

DISTRIBUTION:
A, C

TAB A

REFERENCES

1. Department of Defense Instruction (DoDI) 1400.25, Volume 550, DoD Civilian Personnel Management System, Pay Administration.
2. DoD 7000.14, Financial Management Regulation, Volume 8, Civilian Pay Policy, Under Secretary of Defense (Comptroller).
3. Title 5, United States Code (U.S.C.) §§ 5501 – 5597, Pay Administration, and §§ 5901 – 5949, Allowances.
4. 5 U.S.C. §§ 2301 - 2307, Merit System Principles.
5. 5 U.S.C. §§ 6101 - 6133, Hours of Work.
6. 29 U.S.C. § 201, *et. seq*, The Fair Labor Standards Act.
7. Title 5 Code of Federal Regulations (CFR) Parts 530, 531, 532, 550, 551, 610, and 630.
8. United States Army Pacific (USARPAC) Memorandum, Delegation of Authority to Approve Exigencies for Restoration of Annual Leave, 2 May 2017.
9. Army Regulation (AR) 690-610, Hours of Duty, Alternate Work Schedules, and Holidays.
10. United States Forces Korea Memorandum, Overtime Policy, 18 July 2022 (rescinded).
11. United States Army Pacific (USARPAC) Policy Memorandum #22-20, Hours of Duty, Work Schedules, and Compensation, 7 September 2022.
12. USFK Overtime Guidelines and Procedures for Civilian Employees during Crisis Management Exercise (CMX23) and Ulchi Freedom Shield 23 (UFS23) (rescinded).
13. United States Forces Korea Instruction (USFKI) 1400.01, Civilian Personnel Policies and Procedures – Korean Nationals.
14. AR 690-500, Pay & Allowances Administration.
15. OPM Handbook on Alternate Work Schedule.

TAB B

HOURS OF DUTY AND WORK SCHEDULE GUIDANCE

1. Delegation. Headquarters (HQ) USFK Directorate and Special Staff Directors and/or O6/GS15 Deputies are delegated authority to establish tours of duty and work schedules for civilian employees. This authority may be further delegated to lower-level supervisors.

2. Tour of Duty. Generally, work is scheduled on the same hours each day. Normally, tours of duty start no earlier than 0600 and end no later than 1800. Advance notice (at least one pay period) must be given when employees are to be assigned to a different tour of duty or to different hours of work.

3. Basic Workweek. The basic workweek is five 8-hour days, Monday through Friday.

a. Core duty hours are 0900 - 1500.

b. Minimum required lunch period is 30 minutes (non-pay) is required. Employees may not shorten their duty day by working during or skipping the lunch period.

4. Alternate Work Schedules (AWS). USFK Directorate and Special Staff Directors and/or O6/GS15 Deputies may authorize AWS to accommodate mission requirements or personal needs of employees. USFK HQ mission requirements and supporting work situations are the overriding priorities when establishing AWS. Additionally, employees scheduled for training will be required to change to a regular schedule where necessary to meet the requirements of the training. AWS tours of duty normally start no earlier than 0600 and end no later than 1800 for employees. There are two types of AWS:

a. Compressed Work Schedules (CWS). Fixed schedules where the employee's basic work requirement is completed in less than ten workdays each pay period. Compressed work schedules for USFK civilian employees may be established consisting of:

(1) Eight 9-hour days, one 8-hour day, and one regular day-off (RDO); or

(2) Four 10-hour days each week.

b. Flexible Work Schedules (FWS). Consist of core hours and flexible hours. USFK allows flexitour, gliding, variable day, variable week, and maxiflex work schedules.

(1) Employees must be present during core duty hours; and

(2) IAW with reference 13, KN employees must have General Officer approval to work a flexible work schedule.

5. Credit Hours. Credit hours are any hours within a FWS that are in excess of any employee's basic work requirement that the employee elects to work, with supervisory approval. Credit hours are not overtime or compensatory time hours.

a. Only employees on an FWS may elect to work credit hours. Supervisor cannot require an employee to work credit hours. Credit hours cannot be worked in conjunction with the overtime.

- b. KN civilian employees are not eligible to earn credit hours.
- c. The maximum carryover is 24 credit hours.
- d. Credit hours are submitted and tracked in the Automated Time and Attendance and Production System.
- e. Supervisors should coordinate coding of credit hours with the servicing payroll customer service representative.

TAB C

EXCESS DUTY HOURS – GUIDELINES AND PROCEDURES

1. Approval Authorities.

a. Directorates and Special Staff Offices have approving authority for employee overtime and/or compensatory time requests of less than 20 hours per employee per pay period (KN employees – less than 20 hours within the two-week period). The approval authority will be an O6 or above or their civilian equivalents.

b. The USFK Chief of Staff is the approving official for employee overtime and/or compensatory time requests of 20 or more hours per pay period (KN employees – 20 hours or more within the two-week period).

2. Guidance. Supervisors should ensure that every effort is taken to minimize overtime and compensatory time. Overtime and compensatory time are generally accepted as necessary to protect the health, safety, and security of personnel, and property, or to meet critical mission deadlines (i.e. command exercise) or time-sensitive tasks, but only after all other measures or alternatives to accomplish the work have been exhausted.

3. Compensation. Total compensation, including overtime and compensatory time, are subject to the bi-weekly maximum earnings limitation in reference 3. Approving officials shall not approve overtime or compensatory time hours which causes the employee's bi-weekly compensation to exceed the bi-weekly pay cap limitations as identified in paragraph five.

a. Overtime Pay. Overtime Pay refers to pay for hours of work officially ordered or approved in excess of the employee's normal 8 hours in a day or 40 hours in an administrative workweek. Overtime pay is computed IAW 5 CFR 550.113, Computation of Overtime Pay.

b. Compensatory Time-off. Compensatory time-off is time off with pay in lieu of overtime pay. For U.S. employees, unused compensatory time-off will be paid out at the overtime rate in effect when earned for employees who:

- (1) Fail to take earned compensatory time-off within 26 pay periods;
- (2) Transfer to another federal agency; or
- (3) Separate from federal service before the expiration of the 26 pay period time limit.

c. Travel compensatory time off. Periods of travel to/from locations away from the employee's regular duty station and a meal break will be deducted from the total hours worked each day which exceeds the employee's normal 8-hour day. Compensable time off for travel is forfeited for reasons listed in 3b(1)-(3). Under no circumstances does an employee receive payment for unused for travel compensatory time.

d. For KN employees, (travel) compensatory time is forfeited if not used within 3 monthly pay periods (or equivalent time period for employees not on a monthly or 4-week pay period).

4. Excess Hours. Excess hours are hours of work in excess of normal duty hours - generally 8 hours in a day or 40 hours in an administrative workweek. They must be approved IAW paragraph 1a-1b of this Tab. Compensation of approved excess hours worked will be via overtime pay or compensatory time-off, as appropriate. There are two types of excess hours:

a. Irregular/occasional. These refer to excess hours worked that are not part of an employee's regularly scheduled administrative workweek and not scheduled in advance of the workweek.

(1) The employees listed below have a choice to receive either compensatory time-off or overtime pay for irregular/occasional excess hours worked:

(a) Nonexempt employees covered by the Fair Labor Standards Act (FLSA).

(b) FLSA exempt employees paid at the rate of GS-10/step 10 and below or equivalent; and

(c) Federal Wage System employees (WG).

(2) FLSA exempt employees paid at rates exceeding a GS-10/Step 10 or equivalents are subject to management's decision to receive either overtime pay or compensatory time-off for irregular/occasional excess hours worked. Overtime pay is subject to the bi-weekly pay cap. Compensatory time-off, if not used within 26 pay periods is subject to payout at the GS-10/Step 10 overtime rate of pay.

b. Regularly Scheduled. These are excess hours scheduled "in advance" of an employee's regularly scheduled administrative workweek. Supervisors having advance knowledge of a requirement for excess hours cannot elect to treat the requirement as "irregular/occasional", thereby avoiding overtime pay.

(1) U.S. non-exempt and exempt employees will be compensated with overtime pay. Compensatory time is not authorized.

(2) Employees working under a flexible work schedule may be approved to earn compensatory time-off in lieu of overtime pay for regularly scheduled excess hours worked.

c. KN employees.

(1) KN employees will be compensated with overtime pay for time worked in excess of 8 hours for any workday or 40 non-overtime hours in any workweek except for employees working on a special tour of duty and those on a compressed work schedule. At the request of the employee, compensatory time may be approved (reference 13 regarding KN overtime guidance).

(2) KN employees scheduled to work more than 40 hours per week, the total number of hours, including overtime hours, will not exceed 52 hours per week. Under special circumstances (TAB C, para 2), the total work hours may be extended more than 52 hours per week after obtaining the written consent from the employee.

5. Bi-weekly Pay Cap Limitations.

a. Regularly scheduled U.S. employees are subject to biweekly maximum earnings limitations outlined in TAB A reference 3. An employee's bi-weekly compensation for the 2-week pay period for total hours worked, including overtime/compensatory time, will not exceed the bi-weekly pay cap (<https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/#url=Biweekly-Caps>).

b. KN civilian employees are not subject to the bi-weekly pay cap limitations.

c. Prior to submitting a request for overtime/compensatory time approval, the supervisor must complete the Overtime Request Form (Annex 2) to determine if the proposed overtime/compensatory time hours will cause the employee's bi-weekly compensation to exceed the bi-weekly pay cap for the pay period.

d. If requested overtime/compensatory time hours exceed the bi-weekly pay cap, the requested overtime/compensatory time hours will be reduced so that the employee's bi-weekly compensation is less than the bi-weekly pay cap.

6. Supervisor Procedures for Requesting Overtime/Compensatory Time. Overtime must be requested in writing (Annex 1) and approved by the approving official outlined in paragraph 1 at least 2 weeks prior to the start of the pay period.

a. Supervisors will submit to approving officials overtime/compensatory time requests for each employee using the Overtime Request Form (Annex 2).

b. If an overtime/compensatory time request overlaps more than one pay period, the overtime/compensatory time requests must be approved for each pay period for each employee.

c. Overtime/compensatory time requests of 20 or more hours per pay period will be staffed through the J1 in EMTS2 for review prior to submission to the COS.

d. NLT one pay period prior to working overtime/compensatory time, employees should enter the approved overtime/compensatory time hours into their respective automated time and attendance portals.

e. Prior to certification of timesheets reflecting overtime/compensatory time, all administrative staff/timekeepers/certifiers will have an approved Overtime Request Form (Annex 2). The responsibility of certified overtime/compensatory time lies ultimately with the supervisor.

7. Record Keeping: Directorate/Special Staff timekeepers will maintain approved overtime/compensatory time records with their internal office finance and personnel files for auditing.

TAB D

DEFINITIONS

Administrative Workweek. Covers the basic workweek plus those periods of overtime work that are regularly scheduled. A Sunday through Saturday administrative workweek is typical.

Alternate Work Schedules (AWS). Compressed and Flexible work schedules that are alternative to the traditional fixed work schedules (e.g., 8 hours per day, 40 hours per week). AWS can enable employees to have work schedules that help the employee balance work, personal, and family personal responsibilities.

Annual Leave. Leave that may be used by an employee for personal reasons. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken.

Basic Work Requirement. The number of hours, excluding overtime hours, an employee is required to work or to account for by charging leave, credit hours, excused absence, holiday hours, compensatory time-off, or time-off as an award.

Basic Workweek. An employee on a full-time work schedule generally has a basic workweek with a tour of duty established before the workweek begins and consists of 40 hours. Hours within the basic workweek (or basic work requirement for employees with a flexible or compressed work schedule) are considered to be regularly scheduled.

Compensatory Time-off. Time-off with pay on an hour-for-hour basis in lieu of overtime pay for irregular or occasional overtime work. When an employee is under a flexible work schedule program, compensatory time earned may also be time-off with pay in lieu of overtime pay for regularly scheduled, irregular, or occasional overtime work.

Compensatory Time-off for Travel. Time off for travel is earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable.

Compressed Work Schedule (CWS). The basic work requirement is 80 hours in a biweekly pay period for full-time employees. For all compressed work schedules, the tour of duty is arranged in such a way that employees will fulfill their basic work requirements in less than 10 days during the biweekly pay period.

Core Duty Hours. The time periods during workday, workweek, or pay period that are within the tour of duty during which an employee covered by a flexible work schedule is required to be present for work. The core duty hours are 0900-1500 Monday through Friday.

Credit Hours: Hours worked at the election of the employee and are distinguished from overtime hours in that they are not officially ordered and approved in advance by management. Credit hours must be worked within an employee's non-overtime tour of duty. There is no legal authority for credit hours under a compressed work schedule program. The law provides for credit hours only for flexible work schedules.

Fair Labor Standards Act (FLSA). Provides for minimum standards for both wages and overtime entitlements and specifies administrative procedures by which covered worktime must be compensated.

FLSA exemption status: The actual duties an employee performs determines whether an employee is nonexempt (covered) or exempt (not covered) under the minimum wage and overtime provisions of the FLSA. FLSA coverage is stated on the employee's Standard Form 50 (SF-50), box 35, as N (nonexempt) or E (exempt).

FLSA Exempt Employees. Covered by title 5 overtime rules.

FLSA Non-Exempt Employees. Covered by FLSA overtime provisions.

Flexible Hours. The part of the day when employees on flexible work schedule, within limits set by the agency (for example, 0600-1800), choose their arrival and departure times.

Flexible Work Schedule (FWS). For full-time employees, an 80-hour biweekly basic work requirement that consist of workdays with core hours and flexible hours, that provide mission coverage. During core time all employees must be at work.

Flexitour. A type of flexible work schedule in which the workday is split into core time and flexible time. An employee is allowed to select starting and stopping times within the flexible hours. Once selected, the hours are fixed until the supervisor approves different starting and stopping times.

Gliding Schedule. A type of flexible work schedule in which an employee has a basic work requirement of 8 hours in each day and 40 hours in each week and may select a starting and stopping time each day and may change starting and stopping times daily within the established flexible hours.

Maxiflex schedule. A type of flexible work schedule that contains core hours on fewer than 10 workdays in the biweekly pay period and in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period, but in which an employee may vary the number of hours worked on a given workday or the number of hours each week within the limits established for the organization.

Night Pay Differential. Night pay differential is payable to employees for regularly scheduled work performed between 1800 and 0600 (2200-0600 for KN employees).

Overtime Hours. All hours in excess of 8 hours in a day or 40 hours in a week that are officially ordered in advance. When used with respect to FWS programs, credit hours are not included as part of the 8 hours. With respect to CWS programs, overtime hours are any hours in excess of those specified hours for full-time employees that constitute the compressed work schedule.

Overtime Pay. Pay for hours of work officially ordered or approved in excess of 8 hours in a day or 40 hours in an administrative workweek. Overtime pay is computed 5 CFR 550.113, Computation of Overtime Pay.

Tour of Duty. The hours of a day (daily tour of duty) and the days of the administrative workweek (weekly tour of duty) that are scheduled in advance and during which an employee is required to perform work on a regular and recurring basis. The traditional tour of duty is five 8-hour days, Monday through Friday. Employees are allowed a lunch break which is not included as part of the 8 hours.

Variable Day Schedule. A type of flexible work schedule containing core hours on each workday in the week and in which a full-time employee has a basic work requirement of 40 hours in each week of the biweekly pay period, but in which an employee may vary the number of hours worked on a given workday within the week within the limits established for the organization.

Variable Week Schedule. A type of flexible work schedule containing core hours on each workday in the biweekly pay period and in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period, but in which an employee may vary the number of hours worked on a given workday or the number of hours each week within the limits established for the organization.

ANNEX 1

Memorandum Template

FKXX

MEMORANDUM THRU Assistant Chief of Staff, J1, Civilian Human Resources Branch

FOR Chief of Staff

SUBJECT: Request Approval for Overtime Hours of 20 or more hours Per Pay Period

1. Reference: Memorandum, FKJ1, Hours of Work, Date
2. The purpose of this is to request approval for regular scheduled overtime hours which exceed 20 hours per pay period.
3. Reason for the regular scheduled overtime hours:
4. J1 has reviewed the request. Bi-weekly earnings for U.S. civilian employees do not exceed the bi-weekly pay cap.

Encls

Signature Block
Director/Special Staff or Deputy Director

Annex 2 Overtime (OT) Request Form

Pay Period End Date: _____

Employee Name: _____

U.S. or KN Civilian _____

Directorate _____

Supervisor _____

Week 1			
Day		Tour of Duty hrs and Schedule OT	Total Hours
<i>(i.e. Regular Schedule Mon-Fri: 0730-1630 incl. 1 hour lunch)</i>			
1	Sun	<i>(i.e. 0900-1500)</i>	6 hours OT
2	Mon	<i>(i.e. 0730--1630 + 1700-2100)</i>	8 hours + 4 hours OT = 12 hours
3	Tue		
4	Wed		
5	Thu		
6	Fri		
7	Sat		

Week 2			
Day		Tour of Duty and Schedule OT	Total Hours
1	Sun		
2	Mon		
3	Tue		
4	Wed		
5	Thu		
6	Fri		
7	Sat		

----- J1 CHR USE ONLY -----

Hourly Wage	X	Total Hours	=	Total Bi-Weekly Earnings		Bi-Weekly Pay Cap		