

NATIONAL COUNCIL
OF EEOC
LOCALS NO. 216
OVERTIME TRAINING
MANUAL

UNION GUIDANCE ON THE E-CLAIM FILING PROCESS
FOR EEOC EMPLOYEES

You will be receiving or have received notice of the electronic claims process for the overtime arbitration case. Former employees will receive a form by mail. When filing your claim, each pay period will be a separate claim. The form requests the “official office hours,” which are the hours the office is open to the public. You must attach documentation, if available, to the claim for each pay period. You must scan your documents, on a scanner, as an “adobe pdf document.” If you don’t know how to do this, call the technical help desk. Current employees have 7 hours of duty time to file claims, so you should gather your documentation before you begin the filing process. This is a guide to help you determine if you wish to file a claim. Filing of a claim does not guarantee payment.

1. You must be an Investigator GS 9/11/12, Paralegal GS-9/11 or Mediator GS-12/13 and have been employed, at anytime during the period of April 7, 2003 to the present.
2. The overtime work hours must have been worked between April 7, 2003 through April 28, 2009.

INFORMATION FOR FILING CLAIMS, FOR ALL WORK SCHEDULES:

3. Overtime work hours are hours you worked beyond your scheduled work hours. For example, if you worked 10 minutes beyond your work schedule, it is overtime.
4. All time worked beyond your scheduled work hours must be compensated by payment. Lunch is officially 30 minutes and the 2 fifteen minute breaks are work time, under the law.
5. Reporting Travel Time: Travel time, to locations outside your assigned office, which is in excess of your scheduled work hours is overtime. If you go to an Onsite, Outreach, or Mediation and leave your residence before your scheduled work hours to arrive at the Onsite, Outreach, or Mediation, and/or return to your residence or office, after your scheduled work hours end, then the time you departed from your residence or office and/or return to your residence or office is overtime.

For example, your scheduled start time is 8:00 a.m. and your normal commuting time is 30 minutes, but you have to travel to an Onsite, which is scheduled for 9:00 a.m. and is

70 miles from your office location. If you have to leave home at 7:00 a.m., in order to arrive by 9:00 a.m. and your normal commuting time is 30 minutes, then the thirty minutes, from 7:00 to 7:30 is overtime. Deduct your normal commuting time from the excess work hours.

6. On the form, you must fill in the number of extra hours you worked in each pay period and fill in the work schedule you were on for the pay period.

7. The Agency did not record extra hours employees worked and discouraged employees from recording extra work hours. The Arbitrator's decision found the Agency had violated the law by not recording all work hours of employees. If your extra work hours were not recorded but you worked the hours, for example when you were on Intake, Outreach, a Mediation, an Onsite, or just completing your work assignments then you should write a statement, which shows the number of hours you worked and the reasons you worked the hours. For example, if you worked one week out of each month, on Intake and you would stay an extra two or three hours during your Intake week, you can submit a statement to support your extra hours which states, "One week each month I am assigned to Intake. During my Intake week, because members of the public must be served, I would stay late ____ hours during that week to complete my work. During pay period _____ [insert pay period number here], I was assigned to Intake." If the activity you did was an Onsite, Outreach, or Mediation, then insert the proper topic in the statement. You should sign your statement under penalty of perjury and submit it with your claim form, for the pay period in which the hours were worked. You should put as much information in your statement as you can. The same process may be used for any unrecorded hours that you worked. Your statement should be attached to the claim for the specific pay period.

8. You may request documents from the Agency to support your claim. Please read the claim form instructions for more information on requesting documents.

Basic Work Schedule employees:

9. Basic work schedule employees means you choose to work 8 hours per day, 5 days per week and your work schedule is the same as the time that the office is open for business.

10. Employees on a basic work schedule are not permitted by law to receive credit time and any time worked beyond the employees' scheduled work hours is overtime. Report

on your claim form, all excess hours worked. If you received credit time for the excess work hours, still report your excess work hours on the form.

11. For purposes of reporting compensatory time on your claim form, do not report credit time hours. Only report under the compensatory time question, the compensatory time you used. If you were allowed to take time off, but it was not identified as compensatory time, then it should not be identified as compensatory time on your claim form.

12. For employees on a basic work schedule, if you work through your lunch and /or your breaks, the time worked is overtime. For example, if your scheduled work hours are 8:30 a.m. to 5:00 p.m. and the office hours are the same hours and you work through your lunch and breaks, then you have worked 1 hour of overtime. If you stay until 5:30 p.m. and you took lunch and your breaks, the 30 minutes is overtime. Lunch is officially 30 minutes and the 2 fifteen minute breaks are work time, under the law.

13. If you received compensatory time, for overtime that you worked and you took the compensatory time off in the same pay week or pay period, you should still report the extra work hours. Overtime is one and one-half hours of pay and compensatory time is one hour, the Agency owes you the one-half hour payment for each hour of compensatory time. The Agency will receive a credit for the compensatory time you used.

14. If you don't have documents to support each claim, you should write a statement, under penalty of perjury, which states the time you worked and the reasons for the work and submit it with your claim. (See number 7 for additional guidance).

Flexible Work Schedule Employees:

15. Flexible work schedule employees means you choose your arrival and departure times, work eight hours per day, five days per week, and your arrival and departure time are outside the times the office is officially open for business. For example, the official office hours are 8:30 a.m. to 5:00 p.m. and your work hours are 7:00 a.m. to 3:30 p.m.

16. Only employees, on a flexible work schedule, are entitled to receive credit time, but the employee may not, in a pay period, earn or carry over, more than 8 hours of credit time.

17. If you work through lunch and your breaks and arrive and depart work at your scheduled times, the lunch and breaks are credit time. You can carry 8 credit hours from pay period to pay period, but no more than 8 credit hours. . If you stay 30 minutes past your scheduled work hours. and you took lunch and your breaks, the 30 minutes is credit time.

18. If you earn more than 8 hours of credit time, in the same pay period, any time over 8 hours, in the same pay period, is overtime.

19. You should report all your extra work hours, in each pay period. The Agency will receive credit for any work hours which are credit hours, under the law.

20. If you received compensatory time, for your excess credit hours, you should still report all the excess hours worked. Overtime is one and one-half hours of pay and compensatory time is one hour, the Agency owes you the one-half hour payment for each hour of compensatory time. The Agency will receive a credit for the compensatory time you received, but is required to pay the overtime difference to you.

21. If you don't have documents to support each claim, you should write a statement, under penalty of perjury, which states the time you worked and the reasons for the work and submit it with your claim. (See number 7 above for additional guidance).

Compressed Schedule Employees:

22. Compressed Schedule employees are persons working 4/10, 5/4/9, or 4/9/4.

Compressed schedule employees may not receive credit hours, even when the employee shifts to an 8 hour day for Intake assignments.

23. You should report all extra hours you worked on your claim form. If you work through your lunch and /or your breaks and depart at your scheduled departure time, the lunch and breaks worked is overtime. For example, if your scheduled work hours are 7:30 a.m. to 5:00 p.m, for a 5/4/9 schedule, and you work through your lunch and breaks, then 1 hour is overtime. If you stay until 5:30 p.m. and you took lunch and your breaks, the 30 minutes is overtime. Lunch is officially 30 minutes and the two fifteen minute breaks are work time under the law.

24. If you work your scheduled day off, you must take another day off in the same pay period or the work on your scheduled day off is overtime. For example, Employee A's scheduled day off is Monday of Week 1, pay period 5. Employee A works on Monday in

Week 1 of pay period 5. Employee A must take another day off, before the end of pay period 5 or the time worked on the scheduled day off is overtime. If you had a holiday during a pay period, worked your scheduled day off and did not take another day off, during the same pay period, the time you worked on your scheduled day off is overtime.

25. If you received compensatory time, for time that you worked and you took the compensatory time off in the same pay week or pay period, you should still report the extra work hours. Overtime is one and one-half hours of pay and compensatory time is one hour, the Agency owes you the one-half hour payment for each hour of compensatory time. The Agency will receive a credit for the compensatory time you received, but is required to pay the overtime difference to you. If you were allowed to take time off, but it was not identified as compensatory time, then it should not be identified as compensatory time on your claim form.

26. If you don't have documents to support each claim, you should write a statement, under penalty of perjury, which states the time you worked and the reasons for the work and submit it with your claim. If your claim is for travel time, you should put in your statement the amount of time it takes you to get to and from work to your residence. (See number 7 for additional guidance).

BASIC WORK SCHEDULE OVERTIME EXAMPLES

Office Hours: 9:00 a.m. to 5:00 p.m.

Work Schedule 9:00 a.m. to 5:00 p.m.

Credit time not available to employees on basic work schedule

Documents which support overtime are travel documents, leave slips, time and attendance records, sign in/out sheets, calendar notes, emails, and any documents which show the overtime was worked including case logs, Intake documents with time and date stamp, etc.

Example 1:

	SUN	MON	TUES	WED	THURS	FRI	SAT
WK 1		8	8	8	8	10	
WK2		8	8	8	8	8	

The employee's 2 hr. are overtime. Employee reports 2 hr. of overtime for the pay period. If no record, employee may submit a signed sworn statement stating the circumstances and reasons for the overtime. If the employee leaves early on another day, the employee reports the overtime and the time used on another day is reported as compensatory time used.

Example 2:

	SUN	MON	TUES	WED	THURS	FRI	SAT
WK 1		8	8, no breaks, takes 30 min. lunch	8	8	8	
WK2		8	8	8, no lunch	8	8	

The two fifteen minute breaks and 30 minute lunch are overtime. If not recorded the employee may submit a signed sworn statement, stating the circumstances and reasons for not taking lunch and breaks. Employee reports 1 hr of overtime for pay period. If the employee left early on the same day, the employee would not report this time as overtime. However, if the employee left early on a day other than the day the time was worked, the employee would report the time as overtime and the day the employee left early is reported as compensatory time used.

Example 3:

	SUN	MON	TUES	WED	THURS	FRI	SAT
WK 1		7:30 leave for onsite appt. return 6:00 p.m.	8	8	8	8	
WK2		8	8	8	8	8	8

Employee departed home 7:30 a.m to arrive at onsite at 9:00 a.m. Employee's normal commute to office is 30 minutes. Returns home at 6:00 p.m. The hours of 8:00 a.m. to 9:00 a.m. and 5:30 p.m. to 6:00 p.m. are overtime. If no record of the overtime, the employee can submit travel vouchers, to support the travel. If no travel vouchers or return of government car document, the employee may submit a signed sworn statement stating the circumstances and reasons for the travel time. Employee reports 1.5 hours of overtime for pay period.

Example 4:

	SUN	MON	TUES	WED	THURS	FRI	SAT
WK 1	8	8	8	8	8		
WK2		8	8	8	8	8	8

Employee works on Saturday and Sunday finishing writing up investigation files for closure. Had a conversation with supervisor, but no record of the time. The cases were turned in and closed. Employee may submit signed sworn statement of the circumstances and reasons for the overtime. If employee was given days off, for the work, which was not recorded the employee should include that in the sworn statement. The employee reports the days off as compensatory time used.

Example 5:

	SUN	MON	TUES	WED	THURS	FRI	SAT
WK 1		8	8	8	8	10	
WK2		Comes in @ 11:00 a.m. Works until 5:00 p.m.	8	8	8	8	

The 2 hours in week 1 is overtime. An employee may not work more than 40 hrs in a week without it being overtime. The 80 hr. workweek requirement applies to compressed, 4/10, 4/9/4, and 5/4/9 work schedules. The employee would report the 2 hr of overtime and 2 hrs of compensatory time used.

Example 6:

	SUN	MON	TUES	WED	THURS	FRI	SAT
WK 1		8	8	8	8	8	8
WK2	8	8	8	8	8	8	

Employee volunteers to do Outreach. The 16 hours is overtime. All work performed, in excess of forty hours per week, is overtime. Outreach is part of the employee's performance standards and there is no law which permits an employee to volunteer to do work. If the time was not recorded the employee submits a sworn signed statement describing the circumstances and reasons for the work performed. If compensatory time received, the employee reports the compensatory time received and used.

COMPRESSED WORK SCHEDULE OVERTIME EXAMPLES

5/4/9, 4/9/4, AND 4/10

Office Hours 9:00 a.m. to 5:00 p.m.

Work Schedule: Employee works four 10 hr days; works five days in 1 week and four days in the second week with one day off; or works 4 nine hour days each week with 1 four hour day per week

It is illegal for employees on a compressed work schedule to receive credit time. They may only receive overtime or compensatory time.

Documents which support overtime are travel documents, leave slips, time and attendance records, sign in/out sheets, calendar notes, emails, and any documents which show the overtime was worked including case logs, Intake documents with time and date stamp, etc. Employee may submit a signed sworn statement describing the circumstances and reasons for the overtime.

Examples 2, 3, 4, and 6 under Basic Work Schedule Overtime Examples, apply to employees on a compressed work schedule.

Example 1:

	SUN	MON	TUES	WED	THURS	FRI	SAT
WK 1		10	10	10	10		
WK2		8	8	8	8	10	

The employee is on a compressed work schedule, but worked Intake and had to shift the schedule to 8 hr per day in Week 2. The 2 hrs is overtime. It cannot be credit time because the employee is on a compressed work schedule. It is against the law to give an employee on a compressed work schedule credit time. Once the employee selects a compressed work schedule, shifting to an 8 hr day for Intake does not change the employee's work schedule.

Example 2:
Pay Period 1

	SUN	MON	TUES	WED	THURS	FRI	SAT
WK 1		10	10	10	10		
WK2		10	10	10	10	10	

Pay Period 2

	SUN	MON	TUES	WED	THURS	FRI	SAT
WK 1			10	10	10		
WK2		10	10	10	10		

The 10 hrs on pay period 1 is overtime. It is illegal to shift a day off on a compressed work schedule to a subsequent pay period. If the employee worked on their regularly scheduled day off. The day off must be taken in the same pay period and cannot be shifted to a subsequent pay period. An employee in this example should report the 10 hr as overtime and report the subsequent day off as compensatory time used. This applies to all compressed work schedules, 4/10, 5/4/9, and 4/9/4.

Example 3:

	SUN	MON	TUES	WED	THURS	FRI	SAT
WK 1		H	10	10	10	10	
WK2		10	10	10	2 comp time 8		

The 10 hr. in WK 1 is overtime. The employee must take an additional day off, because the holiday counts as work time, granted to the employee for the holiday. This applies to 5/4/9 and 4/9/4. If granted compensatory time, it must be used in the same pay period or its is overtime. It cannot be carried over to a subsequent pay period. The employee would report 10 hr. of overtime. An employee in this example would report any compensatory time as compensatory time received and any time used as compensatory time used.

GLIDING AND FLEXITOUR WORK SCHEDULE OVERTIME EXAMPLES

Office Hours: 9:00 a.m. to 5:00 pm.

Work Schedule: Employee selects start and stop time, outside official office hours

Employees are entitled to receive credit time. May not accumulate more than 8 credit hours in a pay period and may not carryover more than 8 credit hours from pay period to pay period. Credit hours approved in excess of 8 in a pay period or carried over from pay period to pay period are overtime.

Outreach hours are hours of work. An employee, even if they volunteer for an Outreach project, is entitled to have the hours treated as hours of work. The Outreach hours can be credit time as long as the hours are not in excess of 8 hr. in a pay period.

Documents which support overtime are travel documents, leave slips, time and attendance records, sign in/out sheets, calendar notes, emails, and any documents which show the overtime was worked including case logs, intake documents with time and date stamp, etc. Employee may submit a signed sworn statement describing the circumstances and reasons for the overtime.

Example 1:

Employee Work Schedule: 8:00 a.m. to 4:30 p.m.

Office Hours: 9:00 a.m. to 5:00 p.m.

Core time: 10:00 a.m. to 3:00 p.m.

Pay Period 1

	SUN	MON	TUES	WED	THURS	FRI	SAT
WK 1		8	8	8	8	10	
WK2		8	8	8	8	8	2 credit hrs. accum.

Pay Period 2

	SUN	MON	TUES	WED	THURS	FRI	SAT
WK 1		10	10	8	8	10	6 credit hrs. accum.
WK2		8	8	8	8	8	

Two of the 10 hrs is overtime. The employee cannot carry over more than 8 credit hrs. from pay period to pay period. Unused credit time over 8 credit hrs. becomes overtime. The employee should report the 2 hrs. as overtime.

Example 2:

Employee Work Schedule: 8:00 a.m. to 4:30 p.m.

Office Hours: 9:00 a.m. to 5:00 p.m.

Core time: 10 a.m. to 3:00 p.m.

Has 8 credit hours at beginning of pay period

	SUN	MON	TUES	WED	THURS	FRI	SAT
WK 1		8	Works lunch & Breaks tells supervisor receives credit time 8	8	8	8	
WK2	Stays 1 hr on Intake each day of week, receives credit time	8	8	8	8	8	

The 6 hrs is overtime, since the supervisor was informed of the work and the employee had 8 credit hours, making any time in excess of the 8 credit hours, overtime. Even if the supervisor's approval was after the hours were worked, it is overtime. If the 6 hrs was reported to the supervisor who approved it as credit time, it is not credit time, but overtime, since the employee cannot accumulate or carryover more than 8 credit hours in a pay period.

Example 3:

Employee Work Schedule: 8:00 a.m. to 4:30 p.m.

Office Hours: 9:00 a.m. to 5:00 p.m.

Core time: 10 a.m. to 3:00 p.m.

Employee's commute time is 30 min.

	SUN	MON	TUES	WED	THURS	FRI	SAT
WK 1		10	10	8	8	10	6 credit hrs. accum.
WK2		8	Leaves at 7:00 am. To travel to onsite Returns at 6:00 p.m.	8	8	8	

The employee's 30 min. of commute time is deducted from the departure and the return. The 1.5 hrs in this example is credit time. The employee had only 6 credit hours and the 1.5 hrs makes the total credit hours 7.5.

Example 4:

Employee Work Schedule: 8:00 a.m. to 4:30 p.m.

Office Hours: 9:00 a.m. to 5:00 p.m.

Core time: 10 a.m. to 3:00 p.m.

Has 8 credit hours at beginning of pay period

	SUN	MON	TUES	WED	THURS	FRI	SAT
WK 1		8	Works lunch & Breaks tells supervisor gives employee compensa tory time 8	8	8	8	
WK2	Stays 1 hr on Intake each day of week, with supervisor Supervisor gives employee compensa tory time	8	8	8	8	8	

The 6 hrs is overtime. The employee reports the 6 hr as overtime and reports the compensatory time received and any compensatory time used. An employee, on a flexible work schedule, may receive compensatory time, even if the employee has accrued credit time. The employee is required to use the earned credit hours before using the compensatory time.

SPECIFIC EXAMPLES OF OVERTIME TRAVEL APPLICABLE TO ALL WORK SCHEDULES

Presumption: Employee takes lunch and two 15 minute breaks. If breaks and lunch not taken then that is additional overtime hours. Official Office hours are 8:30 a.m. to 5:00 p.m.

Documents which support overtime are travel documents, leave slips, time and attendance records, sign in/out sheets, calendar notes, emails, and any documents which show the overtime was worked including case logs, Intake documents with time and date stamp, etc. Employee may submit a signed sworn statement describing the circumstances and reasons for the overtime.

Example 1: Employee schedules an onsite with an employer who is located five hours from the EEOC office. The Onsite is scheduled to begin at 1:00 p.m. The employee is driving to the Onsite, in a government rental car or the employee's POV. The supervisor approves the scheduling of the Onsite and the employee's travel. The employee's work hours are a basic work schedule. The employee departs at 7:00 a.m to arrive at the Onsite on time and returns at 8:00 p.m. The employee's normal commuting time is 45 minutes. The employee is entitled to overtime in this case for the hours of 7:45 a.m. to 8:30 a.m. and for 5:45 p.m. to 8:00 p.m.

Example 2: Employee schedules an onsite with an employer who is located five hours from the EEOC office. The Onsite is scheduled to begin at 1:00 p.m. The employee is driving to the Onsite, in a government rental car or the employee's POV. The supervisor approves the scheduling of the Onsite and the employee's travel. The employee works a compressed work schedule of 4/10, 7:00 a.m to 5:30 p.m.. The employee departs at 7:00 a.m to arrive at the Onsite on time and returns at 8:00 p.m. The employee's normal commuting time is 45 minutes. The employee is entitled to overtime for the hours of 6:15 p.m. to 8:00 p.m.

Example 3: Employee schedules an onsite with an employer who is located five hours from the EEOC office. The Onsite is scheduled to begin at 1:00 p.m. The employee is driving to the Onsite, in a government rental car or the employee's POV. The supervisor approves the scheduling of the Onsite and the employee's travel. The employee works a 5/4/9 schedule with hours of 8:00 a.m. to 5:30 pm.. The employee departs at 7:00 a.m to arrive at the Onsite on time and returns at 8:00 p.m. The employee's normal commuting time is 45 minutes. The employee is entitled to overtime for the hours of 7:45 am. To 8:30 a.m and 6:15 p.m. to 8:00 p.m.

Example 4: Employee agrees to an Outreach on a workday. The Outreach is to begin at 1:00 pm. The supervisor has approved the Outreach. The Outreach ends at 6:00 p.m. The employee is driving to the Outreach, in a government rental car or the employee's POV. The employee works a 5/4/9 schedule with hours of 8:00 a.m. to 5:30 pm. The employee's normal commuting time is 45 minutes. The employee returns home at 6:45 p.m. The employee is entitled to overtime for the hours of 6:15 p.m. to 6:45 p.m.

Example 5: Employee agrees to an Outreach on a Saturday. The Outreach is to begin at 1:00 pm. The supervisor has approved the Outreach. The Outreach ends at 6:00 p.m. The employee is driving to the Outreach and departs at 12 noon and returns home at 7:00 p.m. The employee works a 4/10 compressed schedule with hours of 7:00 a.m. to 5:30 pm. Because the work is performed on a nonworkday, all of the time is overtime.

**REQUEST FOR DOCUMENTS FOR THE
OVERTIME CLAIM FILING**

NAME: _____

POSITION AND GRADE: _____

EMPLOYEE OFFICE LOCATION: _____

TELEPHONE: _____ EMAIL: _____

I request the following documents for filing of my overtime claim:

Biweekly Cost Accounting Sheets for the following pay periods of:

____/____/____ to ____/____/____	____/____/____ to ____/____/____
____/____/____ to ____/____/____	____/____/____ to ____/____/____
____/____/____ to ____/____/____	____/____/____ to ____/____/____
____/____/____ to ____/____/____	____/____/____ to ____/____/____
____/____/____ to ____/____/____	____/____/____ to ____/____/____
____/____/____ to ____/____/____	____/____/____ to ____/____/____
____/____/____ to ____/____/____	____/____/____ to ____/____/____
____/____/____ to ____/____/____	____/____/____ to ____/____/____
____/____/____ to ____/____/____	____/____/____ to ____/____/____

SF-71 Leave Request Forms for the following pay periods of:

____/____/____ to ____/____/____	____/____/____ to ____/____/____
____/____/____ to ____/____/____	____/____/____ to ____/____/____
____/____/____ to ____/____/____	____/____/____ to ____/____/____
____/____/____ to ____/____/____	____/____/____ to ____/____/____
____/____/____ to ____/____/____	____/____/____ to ____/____/____
____/____/____ to ____/____/____	____/____/____ to ____/____/____
____/____/____ to ____/____/____	____/____/____ to ____/____/____
____/____/____ to ____/____/____	____/____/____ to ____/____/____
____/____/____ to ____/____/____	____/____/____ to ____/____/____

Agency Compensatory records, including request forms and emails submitted to my supervisor for the following pay periods:

___/___/___ to ___/___/___	___/___/___ to ___/___/___
___/___/___ to ___/___/___	___/___/___ to ___/___/___
___/___/___ to ___/___/___	___/___/___ to ___/___/___
___/___/___ to ___/___/___	___/___/___ to ___/___/___
___/___/___ to ___/___/___	___/___/___ to ___/___/___
___/___/___ to ___/___/___	___/___/___ to ___/___/___
___/___/___ to ___/___/___	___/___/___ to ___/___/___
___/___/___ to ___/___/___	___/___/___ to ___/___/___
___/___/___ to ___/___/___	___/___/___ to ___/___/___

Signature: _____

Printed Name: _____

Date Submitted: _____

Date Received By Agency: _____

Name of Agency Employee: _____