



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
ANNISTON ARMY DEPOT
7 FRANKFORD AVENUE
ANNISTON, ALABAMA 36201-4199

AMSTA-AN-RCP

Commander's Policy Statement #14

SUBJECT: Commander's Policy on Scheduling Employee Travel

1. It is a policy of the Anniston Army Depot (ANAD) to support the spirit and intent of Title 5, United States Code (USC), which urges agencies to schedule travel away from the official duty station during the employee's regularly scheduled work week. While this is not a binding requirement, it does establish the principle that Federal employees should not be asked to travel outside regular working hours unless there is no alternative. It is expected that this policy will be implemented along with the application of "good business" principles that will minimize government cost. To avoid misunderstanding, supervisors shall document these cases where an employee is required to travel outside regular working hours, and shall inform the employee prior to the travel. Further, the supervisor shall furnish the employee a copy of the documentation (including the reasons for the outside working hours travel) when the employee so requests.

2. Federal employee's pay is governed by Title 5, USC, and the Fair Labor Standards Act (FLSA). All depot employees have coverage under Title 5, USC; however, some employees are exempt from the Fair Labor Standards Act. All employees are categorized as either "exempt" or "nonexempt", with "exempt" meaning that an employee is not covered by the provisions of FLSA, while "nonexempt" means that the employee is covered by FLSA provisions. Exempt positions include all GS positions which are classified as supervisory positions, any WS positions which meet the position classification criteria of "foreman range of responsibility", and administrative and professional employees as defined in Office of Personnel Management (OPM) regulations. Nonexempt positions include all other positions not specifically covered in the above exemption categories. The vast majority of depot employees are categorized nonexempt. The status of each employee can be found on the employee job description.

3. Under the provisions of Title 5, USC, time spent in a travel status away from the official duty station of an employee is hours of work when that time spent traveling is within the days and hours of the regularly scheduled administrative work week of the employee, including regularly scheduled overtime hours.

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For travel time outside regularly working hours to be considered hours of work under Title 5, USC, the travel must (1) involve the performance of work while traveling, (2) be incident to travel that involves the performance of work while traveling, (3) be carried out under arduous and unusual conditions, or (4) result from an event which could not be scheduled or controlled administratively.

4. Under the conditions of the Fair Labor Standards Act (FLSA), time spent in a travel status by an employee is considered hours of work if an employee (1) is required to travel during regular working hours, (2) is required to drive a vehicle or perform other work while traveling (3) is required to travel as a passenger or a one-day assignment away from the official duty station, or (4) is required to travel as a passenger on an overnight assignment away from the official duty station during non workdays that correspond to the employee's regular working hours. In determining what activities constitute hours of work under FLSA the distinction is generally based on whether the activity is performed by an employee during regular working hours or outside regular working hours.

5. Joint Travel Regulations provide that whenever possible, travel will be scheduled so that employees may travel during their regular hours of work. It further provides that it is not reasonable for an employee to (1) depart from his/her permanent duty station the afternoon prior to the day he/she is required at his/her temporary duty station, to prevent travel during off-duty hours, or (2) depart from a temporary duty assignment to prevent travel during off-duty hours when he/she is not required to be at his/her permanent duty station the first thing in the morning.

6. As relates to overtime entitlements, "exempt" employees are covered by Title 5, USC, while "nonexempt" employees are covered by FLSA. Generally, overtime entitlements begin when an employee works in excess of the scheduled hours in a work day or scheduled hours in the administrative workweek. Hours in a paid non-work status are considered hours of work for overtime entitlement under Title 5 and FLSA.

7. It is felt that the above basic principles, together with the information in the enclosed tables, will provide basic guidance for determination as to whether time spent traveling by employees should be considered hours of work. In this regard, travel scheduling officials will become familiar with this guidance.

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8. Each Director will designate one or more employee to coordinate the travel of the Directorate's employees and assure the application of this policy. The applicable travel coordinator will be responsible for scheduling all commercial transportation for employees. Once reservations are made, the applicable travel coordinator will be responsible for determining if the reservations comply with the intent of this policy statement.

9. It is recognized that the subject of travel and pay entitlement is a complex one, and it is not the intent to answer every question in this policy statement. Most employee complaints could be avoided by simply explaining the provisions of the travel regulations to the employee prior to his/her departure on travel. All questions pertaining to interpretation and application of the Joint Travel Regulations will be referred to Chief, Resource Analysis Division, Directorate of Resources. Questions concerning pay entitlement will be referred to Civilian Personnel Advisory Center (CPAC). Questions concerning the legal basis of the regulations will be referred to the Legal Officer.

10. This Policy Statement supersedes Policy Statement #14, dated 19 Nov 97.

Gerald Bates Jr

Encls

1. Travel Time as Hours Worked
2. Example - Exempt Employees
3. Example - Nonexempt Employees

GERALD BATES, JR.
Colonel, OD
Commanding

DISTRIBUTION:

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EXAMPLE

EXEMPT EMPLOYEES

Employee's tour of duty is 0700-1630 Monday through Thursday and 0700-1530 alternate Friday. Employee leaves on Sunday on TDY to attend school, departing at 1200 hours and arriving at the TDY site at 1800 hours. Employee is in a duty status from 0800-1630, Monday through Friday while attending school (40 hours of work).

Employee will be compensated for the time spent in a travel status as follows:

TRAVEL FROM OVERTIME	REGULAR PAY	NORMAL PER DIEM
1200-1630 NO	NO	YES
1630-1800 NO	NO	YES

Employee's tour of duty is 0700-1630, Monday through Thursday and 0700-1530 Friday. Employee works his/her regular tour of duty on Monday and Tuesday. Employee works Wednesday morning and then leaves on TDY to attend school, departing at 1130 hours and arriving at the TYD site at 1800 hours.

Employee will be compensated for the time spent in travel as follows:

TRAVEL FROM OVERTIME	REGULAR PAY	NORMAL PER DIEM
1130-1630 NO	YES	YES
1630-1800 NO	NO	YES

EXAMPLE

NONEXEMPT EMPLOYEES

Employee's tour of duty is 0700-1630 Monday through Thursday and 0700-1530 alternate Fridays. Employee leaves on Sunday on TDY to attend school, departing at 1130 hours and arriving at the TDY site at 1800 hours. Employee is in a duty status from 0800-1630, Monday through Friday while attending school (40 hours of work).

Employee will be compensated for the time spent in a travel status as follows:

TRAVEL FROM OVERTIME	REGULAR PAY	NORMAL PER DIEM
1130-1630 NO	YES	YES
1630-1800 NO	NO	YES

TRAVEL TIME AS HOURS OF WORK

If an employee is required	And the employee is	Is time spent traveling "hours of work?"
1. Travel during his/her regular working hours (e.g., 0700-1630 Monday-Thursday or 0700-1530 Friday)	Exempt	Yes
	Nonexempt	Yes
2. Travel on non-work days during hours which correspond to his/her regular working hours (e.g., 0700-1630 Friday, Saturday, Sunday)	Exempt	No
	Nonexempt	Yes
3. Perform work while traveling (e.g., guard escorting a prisoner, courier carrying classified documents, driver driving a vehicle, pilot flying an aircraft)	Exempt	Yes
	Nonexempt	Yes
4. Travel outside regular working hours to a temporary duty station and return during the same day.	Exempt	No
	Nonexempt	Yes
*5. Travel outside regular working hours under conditions other than those described in 3 and 4 above.	Exempt	No
	Nonexempt	No

*Although there are other conditions under which employees would be compensated for traveling outside regular working hours, the guidance provided above will apply to the vast majority of travel situations we have at this depot.

