Compressed Work Schedule Guidance for Coast Guard Civilian Command Center Watchstanders

References:

- (a) G-W Memo: Approval to Implement a Compressed Work Schedule for SAR Controllers dated 5 Mar 03
- (b) G-W Memo: Approval of a 24-Hour Tour With 16-Hour Compressed Work Schedule (CWS) For Search and Rescue positions (SAR) dtd 4 Aug 03
- (c) 5 USC 6127, Compressed Work Schedules
- (d) 5 CFR Part 550, Pay Administration
- (e) 5 CFR Part 551, Pay Administration Under the Fair Labor Standards Act
- (f) 5 CFR Part 610, Hours of Duty
- (g) OPM Handbook on Alternative Work Schedules
- (h) E-Learning Course: Time and Attendance Training for Supervisors (502477) and Civilian Employees (502427)
- (i) COMDTINST 5330.10 (series): Alternative Work Schedules (AWS) for Coast Guard Civilian and Military Members

1. Purpose:

- A. This guidance clarifies authorized Alternate Work Schedules (AWS) for General Schedule (GS) civilians who serve as Watchstanders in an Area, District, or Sector Command Center. References to G-W reflect a prior organizational symbol for the Assistant Commandant for Human Resources. Deviations from reference (i) are not authorized without written approval from the Deputy Commandant for Mission Support (DCMS). Compliance with references (a) (i) is mandatory.
- B. References (a) and (b) approved the establishment of the 12-hour and 16-hour Compressed Work Schedules (CWS) for Search and Rescue (SAR) positions to address staffing shortages and afford local commands flexibility in scheduling civilian SAR controllers. If there are an insufficient number of qualified personnel assigned to support a 12-hour watch period for Onboard Watch Positions, units must request a waiver to this provision in accordance with Command Center Manual, COMDTINST M3120.20 (series).
- C. Definitions and procedures in this guidance apply only to civilian Command Center Watchstanders in the GS-0301 series employees who are working compressed work schedules. All references in this guidance apply to full time employees only.

2. <u>Definitions</u>:

- A. <u>Administrative Work Week</u>: Means any period of seven consecutive 24-hour periods (days) designated in advance by the head of the agency. The administrative workweek for DHS begins on Sunday and ends on Saturday.
- B. <u>Basic Pay</u>: Basic pay generally means an employee's regular and recurring base pay excluding irregular payments such as overtime pay. The term "basic pay" is defined

differently for different purposes. When pay is used as the basis for computing another payment or benefit, it is considered basic pay for that purpose. Examples of benefits that are based on a definition of basic pay include retirement, life insurance, severance pay, recruitment bonuses, retention allowances, premium pay, certain performance awards, etc.

- C. <u>Basic Work Requirement</u>: The basic work requirement is the number of hours, <u>excluding</u> overtime hours, which an employee is required to work or account for by charging leave.
- D. <u>Biweekly Work Requirement</u>: The 80-hour work schedule established by the supervisor for a biweekly pay period in advance of the pay period. This schedule identifies the specific days and hours in a pay period that full-time Watchstanders must be in a work or leave status.
- E. <u>Compensatory Time Off</u>: Time off with pay in lieu of overtime pay for irregular or occasional overtime work.
- F. <u>Compressed Work Schedule</u>: Compressed Work Schedules (CWS) are fixed work schedules, which allow full-time employees to complete the basic 80-hour biweekly work requirement in less than 10-workdays.
- G. <u>Irregularly Scheduled Work</u>: Under a CWS, this is necessary work that is not part of an employee's regularly scheduled biweekly work requirement as defined above. This means work that was not scheduled before the start of the pay period. It may or may not refer to overtime. Consequently, irregular (occasional) overtime work means overtime work that was not scheduled in advance of the pay period and is therefore not considered part of the employee's regularly scheduled work.
- H. Overtime Pay: Pay for hours worked in excess of those specified hours for full-time employees that constitute the compressed 80-hour work schedule. For part-time employees, overtime hours are hours in excess of the compressed work schedule for a day (but must be more than 8-hours) or, for a week (but must be more than 40-hours).
- I. Overtime with Night Pay Differential: Pay for regularly scheduled overtime work during night hours. Night hours are between 6:00 PM (1800) and 6:00 AM (600).
- J. <u>Premium Pay</u>: Additional pay authorized by Title 5, United States Code, for night, holiday, Sunday work, and other types of work. Overtime is a type of premium pay.
- K. Regularly Scheduled Work: Work that is scheduled before the start of the biweekly pay period. Consequently, regularly scheduled work may or may not include overtime. "Regularly scheduled" overtime is additional work time scheduled by the supervisor before the administrative workweek begins. (Note: Regularly scheduled work is defined in regulation as work scheduled prior to the administrative work week. However, because a CWS entails the scheduling of both administrative workweeks at the start of

- the pay period, regularly scheduled work necessarily is work scheduled prior to the start of the pay period.)
- L. <u>Tour of Duty</u>: Tour of Duty for employees under a CWS is the fixed schedule established by the agency i.e., the basic work requirement. It includes uncompensated meal periods. These are all the hours that the employee is required to be on duty or accounted for with leave.
- M. <u>Standby Duty Pay</u>: Standby duty is defined as a scheduled duty status that confines an employee to an employer-designated duty location for longer than ordinary periods of time and requires the employee to remain in a constant state of readiness to perform work during such time.
- N. <u>Watch Period</u>: The period during which a Watchstander has responsibility for executing the duties of a Command Center watch position, excluding relief times. Note: "Watch Period" is not a compensation term. The rules under paragraph 4 of this guidance dictate the hours that are to be recorded on the employee timecard.
- O. <u>Workday</u>: For ease of reference throughout this guidance, the term "workday" is synonymous with the 12-hour CWS daily tour or the 16-hour CWS.

3. Supervisors Responsibilities:

- A. Supervisors must comply with the Watchstander guidance jointly agreed to by the Office of Civilian Human Resources (CG-1C) and The Office of Shore Forces (CG-741) and applicable Coast Guard policy and procedures.
- B. Establish and issue the biweekly CWS of at least 80 hours before the pay period begins.
- C. Ensure that negotiated contract procedures are followed before effecting changes in the work schedules.
- D. Inform and train employees on their CWS and complete the required time and attendance training (reference (g)).
- E. Comply with established procedures for approving and validating time and attendance for their employees (indicated in the Time and Attendance Training for Supervisors training module 502477).
- F. Comply with organizational procedures for requesting and receiving approval to schedule overtime.

4. Compressed Work Schedules (CWS):

A. Watchstanders are authorized to work only a regular (8-hour, 5-day) schedule or a fixed compressed work schedule (CWS) which identifies the established regularly scheduled hours when the employee must be present at work or have requested authorized leave. The use of a flexible work schedule (FWS) is not authorized. However, the current

timekeeping system edits require that the drop-down schedule profile box on the timecards has to reflect "Variable Workweek" in order for webTA to accept the 12 and 16-hour CWS. See FAQ on the Civilian Human Resources Alternative Work Schedule webpage for additional guidance.

- B. The biweekly workday schedule (tour of duty) must be given to the employee in advance of the biweekly pay period.
- C. Watchstanders must be scheduled by the supervisor to work 80 hours within a biweekly pay period. The timecard for each pay period must reflect a minimum of 80 hours, either at work, on leave, AWOL, or on suspension.
- D. The days/hours an employee is set to work each pay period should not fluctuate on a regular basis.
- E. Overtime for Watchstanders (as full-time employees) is considered all hours that are worked (and/or on paid leave) in excess of the established 80-hour CWS. An employee must work or be in a paid leave status more than 80 hours in a pay period to receive overtime.
- F. During the scheduled 80 hours, an employee must either be performing work or on approved leave. Meal periods do not count toward meeting the 80-hour schedule and are not recorded on the timecard.
- G. Because of the nature of the Command Center work, Watchstanders must work a fixed work schedule (i.e., a CWS). Therefore, they are prohibited from working a Flexible Work Schedule (FWS) and from the use of credit hours. Supervisors are prohibited from informally crediting hours worked on one day and "banking" the hours for use on another day.

1. Rules for 12-Hour CWS:

- a. In each biweekly pay period, 80 hours at work or on leave must be scheduled on seven workdays. The schedule will show six days of 12 hours a day and one day of eight hours. The timecard will be coded to reflect these compensable hours.
- b. Each scheduled workday (e.g., 12 hours or eight hours) will include an additional 30-minute uncompensated lunch period that does not appear on the timecard. The 12 compensable hours and the additional 30-minute uncompensated lunch are the employee's daily tour of duty. (For example, an employee reports to work at 5:45 am and leaves at 6:15 pm and will record 12 hours of time on the timecard because there is a 30-minute break for lunch within that 12.5-hour period that the employee is "at work".)
- c. A day of leave under this CWS, schedule equals 12 hours (unless it is the eighthour day).

d. A 24-hour workday does not qualify as two 12-hour CWS daily workday tours. Two 12-hour workday tours do not qualify as a 24 hour workday tour.

2. Rules for 16-Hour CWS:

- a. In each biweekly pay period, 80 hours at work or on leave must be scheduled on six workdays. The schedule will show four days of 16 hours and two days of eight hours
- b. Each scheduled workday (e.g., 16 hours or eight hours) will include an additional 30-minute uncompensated lunch period that does not appear on the timecard. The 16 compensable hours and the additional 30-minute uncompensated lunch are the employee's daily tour of duty. (For example, an employee reports to work at 5:45 am and leaves at 10:15 pm and will record 16 hours of time on the timecard because there is a 30-minute break for lunch within that 16.5-hour period that the employee is "at work".)
- c. A day of leave under this CWS, schedule equals 16 hours (unless it is the eighthour day).

5. Civilian Watchstander Pay

- A. <u>General</u>: Salaries of Federal employees in the "General Schedule" (GS) system are set in terms of annual (per annum) rates.
- B. <u>Fair Labor Standards Act (FLSA)</u>: The Fair Labor Standards Act (FLSA) is a federal law that provides for minimum wages and specific entitlements in regard to hours of work and overtime. Federal positions must be designated as either covered by the Act (non-exempt) or not covered by the Act (exempt).
 - 1. A position's FLSA status is determined by a human resources (HR) specialist and is based on the type of position (e.g., executive, administrative, professional, technical, clerical, and other criteria) and the nature of the duties and responsibilities of the position. The OF-08 Position Description cover sheet contains a box that is checked by the HR Specialist to indicate whether the position is non-exempt or exempt from the FLSA.
 - 2. Command Center Watchstanders positions at the GS-11 and level and below have been determined to be non-exempt. The GS-12 level has been determined to be exempt. Supervisors are exempt.
 - 3. The practical effect on overtime pay is that employees in positions designated as **nonexempt** are entitled to overtime pay at 1.5 times their regular pay for all hours of work over 80 in a pay period. Overtime pay for **exempt** employees is capped at 1.5 times the GS-10 step 1 pay rate.
 - 4. For exempt employees, overtime pay is pay for hours of work officially ordered or approved in excess of the administrative workweek. For non-exempt employees,

overtime should be officially authorized in advance but all overtime that employees are permitted to work (suffer and permit) is compensable. Non-exempt employees must be paid overtime unless they request compensatory time in lieu of overtime. If funding or budgetary restrictions do not allow the earning of requested compensatory time, the employee must be paid the overtime.

C. <u>Premium Pay:</u> The following are types of premium pay:

1. Overtime:

- a. Overtime is all hours that are worked in excess of the established 80-hour regular work schedule. An employee must work or be on paid leave for more than 80 hours to receive overtime. Once the 80 hours is met, timecards are to be coded for the number of overtime hours on the days of the pay period that they were worked. Nevertheless, the drop-down box in Web TA for each day of overtime worked should always be coded as "over 40".
- b. For employees working a CWS, all work beyond the regular 80-hour work schedule is overtime work.
- c. Only hours in a paid leave status count toward the 80-hour regular work schedule thresholds for overtime. Leave Without Pay (LWOP), Absent Without Leave (AWOL), or Suspension hours must be recorded on the timecard, but they do not count toward the 80-hour overtime threshold.

2. Night Pay Differential:

- a. Night pay differential work is regularly scheduled work that is performed by an employee between the hours of 6:00PM (1800) and 6:00 AM (0600). Night pay differential is 10 percent of basic pay.
- b. Night pay is also payable for regularly scheduled overtime work occurring at night.
- c. An employee is entitled to night pay differential during periods of paid leave only when the total amount of that paid leave during a pay period is less than eight hours.
- d. An employee is entitled to night pay differential when excused from night work on a holiday.
- e. An employee is not entitled to night pay differential during training unless they are being trained for situations that they must learn to handle that occur only at night.
- f. An employee is not entitled to night pay for occasional overtime occurring at night.

- g. Night pay differential is (only) paid only for the actual number of regularly scheduled hours of a workday that are worked at night. Night pay differential may coincide with Sunday Pay but only for the hours between Sunday 6 p.m. and Monday 6 a.m. In these cases, the night pay is in addition to the Sunday premium pay and is computed as 10 percent of the base rate and not 10 percent of the base plus Sunday premium rate.
- h. An employee that works Saturday night into Sunday morning then comes back in to work a Sunday night into Monday morning will receive night pay differential for the portions of both workdays that occurred during the night hours.

3. Holiday Premium Pay:

- a. Holiday premium pay is paid for hours of work that are regularly scheduled and performed on a holiday. It is paid at the employee's basic or "straight time "rate times the number of hours worked. Since all employees are paid for a holiday, employees that work on the holiday and receive the additional Holiday Premium Pay only for the actual hours worked on a holiday.
- b. A basic (non-overtime) tour of duty that includes some, but not all, hours on a holiday is considered a holiday tour or shift. For employees scheduled to work a 12- or 16-hour CWS shift on a holiday, 12 or 16 hours is considered the holiday tour.
- c. If a basic (non-overtime) daily tour (workday) that contains night hours goes into a holiday the employee receives holiday pay for the entire workday that commenced on the holiday.
- d. When two basic (non-overtime) tours of duty (workdays) include hours on a holiday, the holiday tour is the tour of duty that begins on the holiday.
- e. If a holiday falls on a Sunday, an employee is entitled to both holiday premium pay, and Sunday premium pay <u>if</u> he or she is required to work during holiday hours on Sunday <u>and</u> if Sunday work is part of the employee's regularly scheduled basic work requirement.
- 4. <u>Sunday Premium Pay</u>: Sunday premium pay is paid for regularly scheduled; non-overtime work performed by full-time employees.
 - a. Sunday Premium pay is paid for the entire non-overtime, regularly scheduled daily tour of duty day that begins or ends on Sunday.
 - b. Sunday Premium Pay is paid at a rate of 25 percent of the rate of basic pay for each hour of Sunday work for the regularly scheduled non-overtime, daily tour of duty.
 - c. When a full-time employee works two tours of duty on a Sunday, the employee is entitled to Sunday premium pay for both work tours.

- d. Sunday Premium Pay is only paid for work that is performed on a Sunday, not for periods of leave, holidays, or excused absence.
- 5. <u>Compensatory Time Off</u>: Compensatory Time Off (referred to as comp time) is time in lieu of overtime pay for **irregular or occasional overtime** work performed. An employee may request compensatory time off instead of paid overtime.
 - a. Compensatory time must be approved in advance and may be granted only if there is an entitlement to irregular overtime. It cannot be used for regularly scheduled overtime.
 - b. When earning compensatory time in lieu of overtime, the amount of compensatory time earned is equivalent to the same amount of overtime earned. For example, 1.5 hours of overtime worked is equivalent to 1.5 hours of compensatory time.
 - c. When an employee uses earned compensatory time in lieu of taking leave, the employee is paid at his or her basic pay rate. If an employee in a non-exempt position does not use accrued compensatory time (take off from work) within 26-pay periods (52 weeks) of when it was earned, they will be paid for those unused hours at the overtime rate that was in effect when the compensatory time was earned.
- 6. "<u>Callback" Overtime</u>: Irregular or occasional overtime work performed by employees on a day when work was not scheduled for them or when required to return to the place of employment is considered callback overtime.
 - a. Callback overtime is at least two hours in duration for overtime pay purposes, even if it does not amount to two hours.
 - b. Unscheduled overtime that follows immediately after a regularly scheduled tour of duty, or situations when an employee reports early for duty and the work merges with and continues into a regularly scheduled tour of duty is not callback overtime. In this situation the employee is only entitled to be paid for the actual hours of overtime worked.
 - c. If employees are called back to duty for more than two hours, it is no longer considered callback overtime, and their overtime pay is calculated in the normal manner. Employees who perform callback duty will be paid under the callback overtime provisions of Title 5, U.S.C. (5 CFR 550.112(h)).
- 6. <u>Timekeeping and other issues affecting pay:</u>
 - A. <u>Absences</u>: Time off during the scheduled workweek must be charged to the appropriate leave category. For example, one day of annual leave will be charged leave as 12 or 16 hours when working a scheduled 12- or 16-hour CWS day.

- B. <u>Paid Holidays</u>: All full-time employees are compensated for Federal holidays. Federal employees are typically given time off from work on the holiday and are entitled to basic pay for the number of work hours scheduled for that day. The term for this is "holiday pay" not to be confused with "Holiday Premium Pay" which is premium pay for regularly scheduled work performed on a holiday. In the event the President issues an Executive order granting a "half-day" holiday for employees, that time is normally recognized as the last half of the employee's pre-scheduled CWS workday.
- C. "In Lieu" of Holiday: If a federal holiday falls on a non-workday, a day the employee was **not scheduled for work**, the law requires another workday to be designated as the holiday. This alternate day is referred to as an "in lieu of" holiday and is treated as the actual holiday for pay or time off from work in recognition of the holiday.
 - 1. If the holiday occurs on a Sunday, the "in lieu of holiday" is recognized as the following workday that the employee is scheduled to work.
 - 2. If the holiday falls on any other day in the workweek, the "in lieu of holiday" is recognized as the preceding workday that the employee was scheduled to work.
 - 3. The number of hours of holiday pay an employee receives is equal to the number of hours that the employee would normally be scheduled to work on that day.
 - 4. If a holiday falls on a day the employee was regularly scheduled to work, the employee is not entitled to another day off in lieu of the holiday.
 - a. Example 1: An employee is regularly scheduled to work 12 hours on Tuesdays and 12 hours on Thursdays. Thanksgiving falls on a Thursday. If the employee takes the Thanksgiving holiday, the employee will receive 12 hours of payment for Thanksgiving holiday.
 - b. Example 2: An employee regularly works eight hours on Wednesdays, is off on Thursday, and works 12 hours on Fridays. That employee's in lieu of holiday will be the Wednesday before Thanksgiving. Since the employee is scheduled to work eight hours on Wednesdays, the employee will receive eight hours holiday pay for the "in lieu of holiday".
- D. <u>Travel as hours of work for pay purposes</u>: Normal commuting time from home to work and from work to home is not hours of work. The conditions in which time spent traveling are counted as "hours of work" for compensation purposes depends on whether the employee's position is exempt from FLSA (i.e., covered under Title 5) or non-exempt and covered under the FLSA.
 - 1. Under Title 5 that applies to **both** exempt and non-exempt employees, travel is considered hours of work if the work is outside the employee's official duty station, and within the hours of the employee's regularly scheduled administrative workweek. Beyond that, hours outside the employee's regularly scheduled workweek, that are

ordered or approved, must meet one of the following four conditions to be compensable:

- a. the travel involves the performance of work while traveling,
- b. is incident to travel that involves performance of work (such as deadhead travel to drive an empty truck back to the point of origin),
- c. is carried out under arduous and unusual conditions, or
- d. results from an event that could not be scheduled or controlled administratively (such as training scheduled solely by a private firm, or a job-related court appearance required by a subpoena). (5 CFR 550.112)
- 2. In addition, under FLSA (non-exempt employees) time spent traveling is hours of work if:
 - a. the employee is required to travel during regular working hours,
 - b. the employee is required to drive a vehicle or perform other work while traveling,
 - c. travels as a passenger to a temporary duty station and returns the same day, or
 - d. travels as a passenger on non-workdays that correspond to the employee's working hours. FLSA (non-exempt) employees must be paid overtime if they travel on non-workdays during the hours corresponding to their administrative workday. For example, if the employee's regular work schedule is Monday through Friday, from 0600 to 1400 and the employee travels from 0600 to 1000 on Saturday (a non-workday), the hours traveled on Saturday that correspond to the employee's regular work hours (four hours) would be considered "hours of work" and would be compensable.
- 3. Pay for traveling on a Holiday: Employees generally are not entitled to holiday premium pay for the time they spend in work-related travel during holiday hours. Holiday premium pay is paid only to employees who perform work on a holiday. Time spent in a travel status is not hours of work for the purpose of paying premium pay, including holiday premium pay, unless it meets one of the criteria in 5 CFR 550.112(g)(2) for crediting irregular or occasional hours of work for travel.
- E. Compensatory Time Off for Travel: An employee may earn compensatory time off for time spent in a travel status away from the employee's official duty station if the time is not otherwise compensable. Compensable refers to hours of work for which the employee is entitled to be paid (i.e., during regular working hours or hours payable as overtime). Compensatory time off time off for travel is credited in 15-minute increments. There is no limit on the amount of comp time off for travel an employee may earn. Under no circumstances may an employee receive payment for any unused comp time off for travel. Accrued comp time for travel is forfeited if not used within the 26th pay period (52 weeks) after the pay period it was earned; upon voluntary transfer to another agency;

- or separation from the federal government. Compensatory time off for travel cannot be granted for travel on a holiday during the employee's regularly scheduled workday because those hours are compensable.
- F. Changing work schedules during training: When employees attend one week of outside training, their compressed work schedule should be changed to a regular 5 day, 8 hours a day schedule to coincide with the training class. For ease of scheduling and timekeeping, the second week within a pay period should be changed to 5 days of 8 hours as well. There is no regulation that requires the second week of an employee's work schedule to be changed from a compressed schedule to a 5-day, 8-hour schedule. However, if the second week was not changed as well, to maintain 80 hours, an odd schedule of 3 days of 12 hours plus 1 day of 4 hours would have to be established. Regardless, changes in working conditions, such as a change in the work schedule are subject to local bargaining unit notification. Supervisors should consult their servicing HR Specialist regarding the nature of any required notification and/or negotiations that may be required regarding schedule changes.
- G. Pay during training: All employees are paid for the hours spent in training that fall within their regularly scheduled work hours. Those training hours are considered to be "hours of work" for pay purposes. Agencies are prohibited from paying premium pay (including overtime) to an employee engaged in training unless one of a few specific exceptions apply. The rules and exceptions are different depending on the employee's FLSA status. For non-exempt employees (those covered under the FLSA) time spent in training outside regular working hours is considered hours of work only if the employee is directed to participate in the training and the purpose of the training is to improve the employee's performance. This means that the training is required by the agency and that the employee's performance or retention in his/her current position will be adversely affected by non-enrollment in such training. Improving the employee's performance in his/her current position means that the training is required by management or regulation to equip the employee to perform the major duties and responsibilities of his/her job. It does not refer to elective training for self-improvement; training for advancement to another position; or other mandated general training not directly related to the performance of major duties within the employee's current position. (See 5 CFR 551.423(a) (2). For employees exempt from the FLSA such as the Lead or Command Duty Officer (CDO) position, a different set of rare exceptions include:
 - 1. Continuation of premium pay: In a situation where an employee is given training during a period of duty for which he/she is already receiving premium pay for overtime, night, holiday or Sunday work, the employee shall continue to receive that premium pay.
 - 2. Training at night: An employee who is given training at night because situations that he/she must learn to handle occur only at night shall be paid the applicable premium pay.

- 3. Cost Savings: If it is "cheaper" for the agency to provide training for an employee on overtime, on a holiday, or on Sunday than it is to provide the same training during regular work hours, the employee shall be paid the applicable premium pay.
- 4. OPM exception: If none of the above exceptions apply, the Office of Personnel Management (OPM) may grant an exception to an agency to pay premium pay during training.
- H. <u>Leave</u>: Annual leave, sick leave, and comp time are charged for the number of hours taken. If the "full day" was a 12-hour shift, then annual or sick leave is charged for 12 hours. If the "full day" was 16 hours they are charged 16 hours. Annual and sick leave are paid leave and are therefore counted toward the 80 hour total in a pay period as well as toward the 80 hour overtime threshold.
- I. Meal Period: The law does not require a meal period, however DHS, Coast Guard policy and the AFGE Master Labor Agreement (MLA) require a 30-minute meal period. This meal period should be accounted for in the scheduling of the workday, i.e., a 12-hour watch schedule should reflect a 12.5-hour workday. In rare situations, supervisors have the option of not including a meal period in the work schedule if work duties will not allow employees to take one. These are rare occasions and supervisory justification should be documented on their approval of the employee's timecard.
- J. Watch Relief: Within the hours of the scheduled workday, the oncoming Watchstander is responsible for arriving at the appropriate watch location to be briefed on all on-going and planned watch activities (e.g., using a watch relief checklist). If a Watchstander is required to be at work for an additional 15 minutes beyond their CWS in order to provide or receive a situational in-briefing, those minutes are to be coded as overtime for that day. They will remain coded as overtime as long as the employee exceeds 80 hours in the pay period.

7. Bargaining Unit Issues:

- A. Notification. Changes to an employee's regularly scheduled administrative work week are considered to be changes in working conditions and therefore require bargaining unit notification. Supervisors should consult with their respective CG-124 Labor Relations Specialist regarding the content and nature of local notification requirements. Depending on the local situation, it may be possible to establish and obtain concurrence on a "one-time" notice that would be sufficient to address recurring local Command Center and bargaining unit needs.
- B. Special requirements regarding premium pay. It is possible that a specific union contract or negotiation may address additional requirements or processes regarding premium pay though no contract should contradict fundamental Coast Guard pay policy. Servicing Field or Center Human Resources Specialists should be consulted regarding any national or local bargaining unit requirements that may be in effect.

Frequently Asked Questions: Work Schedule Guidance for Civilian Command Center Watchstanders

1. What types of work schedules are authorized for use in Civilian Command Centers?

In addition to a standard fixed work schedule (e.g., 8 hours/day, 40 hours/week), 12-and 16-hour Compressed Work Schedule (CWS) are authorized for use by Watchstanders (Search and Rescue) in the Command Centers.

2. Can you explain how Compressed Work Schedules (CWS) operate?

CWS are pre-established fixed work schedules where management schedules full time employees to complete a basic 80-hour biweekly work tour. Once the days and times to be worked are established, civilian employees must either be at work or away from work charged to approved leave (e.g., sick, annual leave, etc.). This fixed schedule including identified starting and ending work times becomes the basis for charges to leave as well as applicable overtime and compensatory time charges. By law and regulation supervisors may not informally credit hours worked on one day and "bank" the hours for use on another day. This system of "credit hours" cannot be used when employees work a fixed Compressed Work Schedule.

3. Why are 12 hours charged for each day of leave vs. eight hours?

Under a compressed work schedule (CWS), leave is used to account for all scheduled hours of work. Employees are charged 12 hours a day if they are scheduled to work a 12- or 16-hour day. However, if employees were scheduled to work eight hours on the day scheduled for leave, they would be charged eight hours of leave.

4. How do "in lieu-of" days work if we are not scheduled to work on a holiday but are still scheduled to work a full 80 hours during the biweekly period?

An "In lieu-of" holiday is a day that is designated as a holiday for a full-time employee when a holiday falls on a non-workday. In such cases, the employee's holiday is the basic workday immediately preceding the non-workday unless the holiday falls on a Sunday. When the holiday falls on a Sunday, the "in lieu of" holiday is the next basic workday. For example, Thanksgiving Day (a Thursday) is designated the holiday for pay purposes when the employee is scheduled to work on that day. If the employee is not scheduled to work that day, then an "in lieu of" holiday must be established. If the employee worked on Tuesday before Thanksgiving Day but was not scheduled to work again until Friday, the day designated as their holiday would be Tuesday, the first workday immediately preceding the holiday. In the case of Veterans Day (that falls on a different day each year), if it fell on a Sunday and the employee was not scheduled to work Sunday, their holiday would be their next scheduled day of work. (5 CFR 610.202)

<u>Note:</u> The use of Flexible Work Schedule (FWS) programs are not authorized since the operation of the centers requires management to schedule the days and hours for employees to be present at work.

5. What is the difference between exempt and non-exempt?

The terms exempt and non-exempt apply to the Fair Labor Standards Act (FLSA). This status helps determine how an employee is paid. Command Center Watchstanders positions at the GS-11 and level and below have been determined to be non-exempt and GS-12 level and above have been determined to be exempt. The FLSA was amended in 1974 to apply to the Federal Government. Positions are either covered by the law (non-exempt) or not covered by the law (exempt). An employee's Notification of Personnel Action (SF-50) shows the FLSA Category. An employee's statement of earnings and leave also indicates FLSA status. Under the heading "FLSA", an "E" means exempt and an "N" means non-exempt. All supervisors are exempt.

6. What constitutes "overtime" work?

Title 5 (FLSA exempt) overtime pay is pay for hours of work officially ordered or approved in excess of the administrative workweek. Under FLSA (nonexempt) even though overtime should be officially authorized in advance, all overtime that employees are permitted to work (suffer and permit) is compensable. Employees covered by FLSA must be paid overtime unless they request compensatory time. (5 CFR 550.111 & 551.501)

7. What is "irregular or occasional" overtime work?

Irregular or occasional overtime work means overtime work that is not part of an employee's regularly scheduled administrative workweek. In contrast, "regularly scheduled" overtime work is work that is scheduled in advance of the administrative workweek. (5 CFR 550.103 & 551.501(c))

8. What is "compensatory time" (often called comp time)?

Comp time may be earned only if there is an entitlement to overtime pay. Comp time is earned in an amount of time equal to the time worked for irregular or occasional overtime instead of receiving overtime pay. Compensatory time earned may be taken in lieu of other leave if requested and approved. Non-exempt employees will be paid for accrued compensatory time that is not used within 26 pay periods of when it was earned at the overtime rate that was in effect when the comp time was earned. (5 CFR 550.114 & 551.531).

9. Can compensatory time be used for regularly scheduled overtime?

No, employees on fixed work schedules may earn compensatory time instead of overtime pay only for irregular or occasional overtime work. While employees on

flexible work tours under 5 U.S.C. 6122 may work comp time for any type of overtime work, SAR positions are not flexible work tours but are fixed compressed work schedules. For positions working compressed work schedules, comp time may only be granted for irregular or occasional overtime work. (5 CFR 550.114 & 551.531)

10. What is "callback" overtime?

Irregular or occasional overtime work performed by employees on a day when work was not scheduled for them or when required to return to the place of employment is considered callback overtime. Callback overtime is at least two hours in duration for overtime pay purposes, even if it does not amount to two hours. When unscheduled overtime follows immediately after a regularly scheduled tour of duty, or when an employee reports early for duty and the work merges with and continues into a regularly scheduled tour of duty, the overtime work is not considered callback overtime and the employee is only entitled to be paid for the actual hours of overtime worked. If employees are called back to duty for more than two hours, it is no longer considered callback overtime, and their overtime pay is calculated in the normal manner. Since there are no provisions under FLSA, employees who perform callback duty will be paid under the callback overtime provisions of Title 5, U.S.C. (5 CFR 550.112(h)).

11. When can someone be paid for hours spent traveling?

Not normally. The conditions in which time spent traveling are counted as "hours of work" for compensation purposes vary under Title 5 and FLSA. Under Title 5 that applies to **both** exempt and non-exempt employees, travel is considered hours of work if the work is outside the employee's official duty station, and within the hours of the employee's regularly scheduled administrative workweek. Beyond that, hours outside the employee's regularly scheduled workweek, that are ordered or approved, must meet one of the following four conditions to be compensable:

- the travel involves the performance of work while traveling,
- is incident to travel that involves performance of work (such as deadhead travel in order to drive an empty truck back to the point of origin),
- is carried out under arduous and unusual conditions, or
- results from an event that could not be scheduled or controlled administratively (such as training scheduled solely by a private firm, or a jobrelated court appearance required by a subpoena). (5 CFR 550.112)

In addition, under FLSA (for non-exempt employees), time spent traveling is hours of work if (1) the employee is required to travel during regular working hours, (2) the employee is required to drive a vehicle or perform other work while traveling, (3) travels as a passenger to a temporary duty station and returns the same day, or (4) travels as a passenger on non-workdays that correspond to the employee's working hours. FLSA (non-exempt) employees must be paid overtime if they travel on non-

workdays during the hours corresponding to their administrative workday. For example, if the employee's regular work schedule is Monday, Tuesday, and Thursday from 0600 to 1800 and the employee travels from 0600 to 1000 on Saturday (a non-workday), the time (four hours) would be considered "hours of work" and would be compensable. Unless it meets the conditions of "hours of work" outside regular working hours under Title 5, traveling before or after normal hours is typically considered commuting time and is not authorized as overtime. (5 CFR 551.422)

12. Are employees entitled to holiday premium pay for the time they spend in work-related travel on a federal holiday?"

Employees generally are not entitled to holiday premium pay for the time they spend in work-related travel during holiday hours. Holiday premium pay is paid only to employees who perform work on a holiday. Time spent in a travel status is not hours of work for the purpose of paying premium pay, including holiday premium pay, unless it meets one of the criteria in 5 U.S.C. 5542(b)(2)(B) (also in 5 CFR 550.112(g)(2)) for crediting irregular or occasional hours of work for travel. The criteria state that time spent in a travel status away from the official duty station is not hours of employment unless the travel-- involves the performance of work while traveling (such as employment as a truck driver); is incident to travel that involves the performance of work while traveling (such as "deadhead" travel performed by a truck driver to return an empty truck after unloading); is carried out under arduous and unusual conditions (e.g., on unpaved roads; rough terrain); or results from an event which could not be scheduled or controlled administratively by any individual or agency in the executive branch of the Government (such as training scheduled solely by a private firm or a job-related court appearance required by a court subpoena). This applies to both Fair Labor Standards Act (FLSA) exempt and nonexempt employees. Although most employees do not receive holiday premium pay for time spent traveling on a holiday, they continue to be entitled to pay for the holiday in the same manner as if the travel were not required. For example, if an employee is traveling to a government sponsored training course on the holiday so that he will be there in time for the training on the next day, the employee would receive regular holiday pay but would not be compensated for time spent traveling since the time is not "hours of work". (Comp Gen opinions B-82637, March 28, 1949; B-168726 January 28, 1970; and 50 Comp Gen 519 of 1971)

13. Do we receive Premium Pay while training at Yorktown?

Employees are paid for those hours spent in training falling within their scheduled work hours. In addition, for FLSA (non-exempt) employees time spent in training outside regular working hours is considered hours of work if the employee is directed to participate in the training and the purpose of the training is to improve the employee's performance. This means that the training is required by the agency and that the employee's performance or retention in his/her current position will be adversely affected by non-enrollment in such training. Improving the employee's

performance in his/her current position means training that is required by management or regulation to equip the employee to perform the major duties and responsibilities of his/her job. It does not refer to elective training for self-improvement; training for advancement to another position; or other mandated general training not directly related to the performance of major duties within the employee's current position. An employee would receive other types of premium pay (i.e., night, Sunday, etc.) for their regularly scheduled tour but not for any overtime hours. For example, if a nonexempt employee were required to attend training to maintain mandatory certification or to improve performance, they would be entitled to premium pay for time outside the regular work schedule. However, if the employee was exempt, there is no entitlement. For the non-exempt employee, if the training is nice to have but will not adversely affect employment, they will not be entitled to receive premium pay. They will only be compensated for the hours in training during their regular work schedule. (5 CFR 410.402 & 551.423).

14. What per diem pay do we get while at Yorktown?

If quarters are available at Yorktown, you will be paid for the cost of quarters at the Yorktown facility. If quarters are not available, you must have a statement of non-availability signed by the lodging facility front desk at Yorktown before being eligible for lodging in a commercial facility. If meals are available at a reduced cost to civilians, you will be reimbursed for meals and incidental expenses at the reduced rate. (FTR 301-11.200 "(b) the lowest authorized per diem rate must be stated in your travel authorization in advance of your travel").

15. Are employees covered by a union handled differently when working overtime or comp time?

Sometimes union contracts or negotiations address additional requirements or processes that must be adhered to. Check with your servicing HR Specialist or Command Staff Advisor.

When and how are "in lieu of holidays" observed? Example: If a holiday falls on a Sunday – is the following workday recognized as the "in lieu of holiday"? If the holiday falls on other days in the week, is the "in lieu of holiday" is then recognized as the preceding workday?

Yes. If a Holiday falls on a Sunday (example: Christmas Day) the official federal holiday is the following Monday. If the actual holiday falls on any other day, the federal holiday will be the preceding workday.

17. If your shift entitles you to receive night pay, can you take more than 8 hours of sick leave and still code the timecard as sick leave with night pay?

No. An employee is entitled to a night pay differential for a period of paid leave (sick or annual) only when the total amount of that leave in a pay period, including

both night and day hours <u>is less than</u> eight hours. (5 CFR 550.122(b). However, there are some rare exceptions where absences are authorized without loss of pay and no loss of night pay would occur. The types of absences during which night pay continues include military leave, court leave, religious compensatory time off, and a day off from work as a superior accomplishment award (see 5 U.S.C. 4502(e) regarding this award).

18. If a Watchstander is entitled to Sunday premium pay with night differential when the tour starts on Saturday night or when the tour finishes on Monday morning, is the entire tour coded as Sunday premium pay with night differential?

The entire tour is coded as Sunday with Night Differential only if the entire tour is at "night", that is, occurs between the hours of 6 p.m. and 6 a.m. Night pay is a 10% Differential that is separate and in addition to Sunday Premium Pay and is paid only for regularly scheduled work (work that is scheduled before the beginning of the administrative workweek) that is performed between the hours of 6 p.m. and 6 a.m. An employee on a compressed work schedule is entitled to Sunday premium pay (25% of the basic pay) for a regularly scheduled basic tour of duty for all non-overtime hours worked during their tour that begins or ends on a Sunday. If any part of the tour begins or ends on a Sunday, then the employee is entitled to Sunday premium pay for the entire tour. This is not true for Night Pay which is only paid for the actual number of hours worked that fall between 6 p.m. and 6 a.m. Night pay may coincide with Sunday Pay but only for the hours between Sunday 6 p.m. and Monday 6 a.m.

19. If a Watchstander works the night shift and it goes into a holiday, does he/she receive holiday pay worked for the entire shift?

If the night shift goes into a holiday the employee receives holiday pay for the entire tour of duty that commenced on the holiday. This tour is considered the holiday tour. However, this applies only to the daily tour of duty that first "touches" the holiday. The employee receives holiday premium pay only for the first shift worked on a holiday even if he/she is scheduled to work another shift on that holiday.

20. How do you code the 15 minutes you are required to be at work before and after your shift?

If a Watchstander is required to be at work for an additional 15 minutes beyond their CWS in order to provide or receive a situational in-briefing, those minutes are to be coded as overtime for that day. They will remain coded as overtime as long as the employee exceeds 80 hours in the pay period.

21. Is overtime coded each day it is worked or at the end of the pay period?

When working a compressed schedule, entitlement to overtime starts after completion of the 80-hour compressed schedule. Once the 80 hours is met, code the timecard for the overtime on the days and hours that it was actually worked.

22. What is the difference between "over 40" and "over eight" overtime on the drop-down box in webTA?

Watchstanders are on a fixed, 80-hour, compressed work schedule (CWS) and overtime entitlement doesn't start until after 80 hours. The drop-down box for overtime in webTA should always be coded as over 80.

23. When a holiday worked falls on a Sunday do you receive the holiday, Sunday premium and any night differential?

When a Holiday falls on a Sunday, the official federal holiday will be the following Monday. For example, if December 25th is a Sunday and the employee's regular schedule has him/her working on December 25th as non-overtime hours, the employee would receive Sunday premium pay, and receive holiday pay for Monday. If the Sunday worked was regularly scheduled non-overtime hours at night, the employee would also receive night pay for the night hours worked on that Sunday.

24. If you work a Saturday night into Sunday morning, then come back in to work a Sunday night into Monday morning can you claim night diff for both shifts?

Yes.

25. When a watchstander takes a full day of leave are they charged 12 hours, eight hours or do we take any overtime hours away and then charge the balance to leave to get the total back to 80 hours?

Leave is charged for the paid for the number of hours of paid leave taken. If the "full day" was a 12-hour shift, then annual or sick leave is charged for 12 hours. Paid leave is counted toward the 80-hour total.

26. What type of work schedule should the Watchstanders be using in webTA? Compressed, variable workday, variable work week?

Watchstanders are authorized to work only a regular schedule or a fixed Compressed Work Schedule (CWS) which identifies the established regularly scheduled hours when the employee must be present at work or have requested authorized leave. However, until systemic webTA changes can be implemented, the drop-down schedule profile box on webTA timecards has to reflect "Variable Workweek" in order for webTA to accept the 12- and 16-hour CWS. This is a system work around and does not mean that Watchstanders are authorized to work a variable flexible schedule.

27. How many hours are required to be on the timecard?

A minimum of 80 hours (for a full-time employee) has to be accounted for, either at work, on leave, AWOL, or on suspension.

28. When their tours are changed for one week of training, (for example, changed to a five day/eight-hour schedule) and the employee returns to work the second week, should the entire two weeks be changed?

There is no regulation that requires the second week of an employee's work schedule to be changed from a compressed schedule to a five day/eight-hour schedule. However, if the second week was not changed as well, in order to maintain 80 hours, an odd three days/12 hours plus one day/four-hour schedule would have to be established. Regardless, changes in working conditions, such as a change in the work schedule are subject to local bargaining unit notification. Managers should consult their servicing HR Command Staff Advisors (CSA) regarding the nature of any required notification and/or negotiations that may be required regarding schedule changes.

29. When does Standby Duty pay apply?

Standby duty is scheduled duty status that confines an employee to an employerdesignated duty location for longer than ordinary periods of time and requires the employee to remain in a constant state of readiness to perform work during such time.

If the hours spent outside of the required 8-16 works hours are open to personal use (i.e., sleep, TV, phone etc.) those hours would not be considered hours of work and would not be compensable under the standby pay authority.

5 CFR § 551.431 Time spent on standby duty or in an on-call status:

(a)(1) An employee is on duty, and time spent on standby duty is hours of work if, for work-related reasons, the employee is restricted by official order to a designated post of duty and is assigned to be in a state of readiness to perform work with limitations on the employee's activities so substantial that the employee cannot use the time effectively for his or her own purposes. A finding that an employee's activities are substantially limited may not be based on the fact that an employee is subject to restrictions necessary to ensure that the employee will be able to perform his or her duties and responsibilities, such as restrictions on alcohol consumption or use of certain medications.

Further guidance is found in 550.143(a)(1), which states that the requirement for the type of position referred to in 550.141 -- that an employee regularly remain at, or within the confines of, his station -- must meet all three conditions, including:

- (1) the requirement must be definite, and the employee must be officially ordered to remain at his station. The employees remaining at his station must not be merely voluntary, desirable, or a result of geographic isolation, or solely because the employees live on the grounds.
- (2) The hours during which the requirement is operative must be included in the employee's tour of duty. This tour of duty must be established on a regularly recurring basis over a substantial period of time, generally at least a few months. The requirement must not be occasional, irregular, or for a brief period.
- (3) The requirement must be associated with the regularly assigned duties of the employee's job, either as a continuation of his regular work which includes standby time, or as a requirement to stand by at his post to perform his regularly assigned duties if the necessity arises.

Compressed Work Schedule Guidance for Civilian Command Center Watchstanders Timecard Samples

HOLIDAY OFF - DAY AND NIGHT SHIFT COMBINATION The employee is scheduled to work on the holiday (January 15). Eight of the scheduled hours fall between 0600 - 1800. Four of the scheduled hours fall between 1800 - 0600. He/She chooses to take the day off. ENTITLEMENT: No holiday premium pay; 8 of holiday leave and 4 hours of other leave with night differential. Jan | 10 | 11 | 12 | 13 | 5 | 5 Work Time 14 15 16 17 18 19 20 S M T W T F S Pfe Ste Account ransaction (NFC Stared Account) egular Base Pay 12:00 8:00 20:00 8:00 8:00 28:00 (NFC Stored Account) se w/Night Diff 12:00 4:00 16:00 4:00 8:00 12:00 24:00 40:00 Work Time Total 12:00 8:00 12:00 12:00 12:00 12:00 36:00 32:00 68:00 Leave and Other Time (NFC Stared Account) 8:00 8:00 (NFC Stored Account) 4:00 4:00 4:00 Leave and Other Time Total 12:00 12:00 12:00 Daily Total 12:00 12:00 12:00 Dollar Transactions Dollar Amount Transaction Account Description Wk1 Wk2 (No Dollar Transactions) Total

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ENTITLEN	MENT: 12 hour	s reg	ular base pay (ho	olida	y wor	ked)	and 1	2 h o	urs ho	lida	y leav	re.								
Figure 4																				
	Work Time						Jan					Π.			Jan					
	Transaction	Pfx Sfx	Account	7 5	8 M	9 T	10 W	11 T	12 F	13 5	Wk 1	14 5	15 M	16 T	17 W	18 T	19 F	20 5	wk z	Total
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"IN LIEU OF HOLIDAY" - DAY AND NIGHT SHIFT COMBINATION

The employee is not scheduled to work the holiday (January 15). He/she is entitled to an "in lieu of holiday. Since the holiday falls on a Monday, the "in lieu" of day will be the first preceding workday which in this case will be the preceding Wednesday. Eight of the hours worked, fall between the hours of 1800 – 1800 and four of the hours worked fall between the hours of 1800 – 0600.

ENTITLEMENT: 12 hours of holiday worked, 8 hours holiday leave and 4 hours other leave with night differential. Figure 10

	Work Time						Jan								Jan]	
	Transaction	Pfx Sfx	Account	7 S	8 M	9 T	10 W	11 T	12 F	13 S	Wk 1	14 5	15 M	16 T	17 W	18 T	19 F	20 5	Wk 2	Total
Edit Del	Regular Base Pay		(NFC Stored Account)		12:00						12:00			8:00					8:00	20:00
dit Del	Base w/Night Diff		(NFC Stored Account)			12:00					12:00			4:00	8:00	12:00	12:00		36:00	48:00
Edit Del	Holiday Worked		(NFC Stored Account)				12:00				12:00									12:00
	New		Work Time Total		12:00	12:00	12:00				36:00			12:00	8:00	12:00	12:00		44:00	80:0
	Leave and Other 1	Time																		
Edit Del	Holiday Leave		(NFC Stored Account)				8:00				8:00									8:00
	Other Leave w/ Night Diff	2	(NFC Stored Account)				4:00				4:00									4:00
	New	L	eave and Other Time Total				12:00				12:00									12:00
			Daily Total		12:00	12:00	24:00				48:00		:	12:00	8:00	12:00	12:00		44:00	92:00

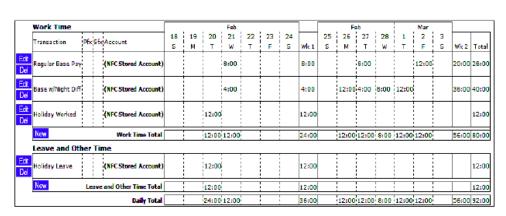
	Remarks:	
Transaction Account Description (No Dollar Transaction	 <u> </u>	
New Total		

"IN LIEU OF HOLIDAY" IMMEDIATELY AFTER THE FIRST MONDAY OF A PAY PERIOD

The employee is not scheduled to work the holiday, (February 19). He is entitled to an "in lieu of holiday." Since the holiday falls on the first Monday of the biweekly pay period, his/her "in lieu of holiday" will be the first workday following the holiday, which in this case will be Tuesday (February 20). He works between the hours of 0600 – 1800.

ENTITLEMENTS: 12 hours holiday worked and 12 hours of holiday leave.

Figure 11



	Dollar Amount	
Transaction Account Description	Wk1 Wk2	
(No Dollar Transaction	ns)	
New Total		

HOLIDAY OFF - NIGHT SHIFT The employee is scheduled to work on the holiday (January 15) during the hours of 1800 - 0600. He chooses to take the day off. ENTITLEMENT: No holiday premium pay; 12 hours of other leave with night differential. Figure 3 **Work Time** 17 W 10 11 12 13 T F S 14 15 16 5 M T Pfx Sfx Account Fransaction (NFC Stored Account) egular Base Pav 8:00 12:00 20:00 8:00 8:00 28:00 Edit (NEC Stored Base w/Night Diff 12:00 4:00 16:00 4:00 8:00 12:00 24:00 40:00 Work Time Total 12:00 12:00 12:00 36:00 12:00 8:00 12:00 32:00 68:00 Leave and Other Time Other Leave w/ Night (NFC Stored 12:00 12:00 12:00 Leave and Other Tim 12:00 12:00 12:00 36:00 12:00 12:00 8:00 12:00 44:00 80:00 Daily Total 12:00 12:00 12:00 Dollar Transactions | Dollar Amount | Transaction Account Description | Wk1 | Wk2 | Remarks: (No Dollar Transactions) Total

