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# HRDG 4610 - Tours of Duty - Section E

Last Modified:

## **Subchapter 4610**

### **Tours of Duty**

#### **Section E - Work Scheduling Limitations Related to Overtime Work**

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Supervisors will comply with the limitations on hours of overtime work ordered, approved, or permitted when overtime is noncompensable due to:

#### **Limitations**

- The statutory salary limitation contained in Section 5547 of Title 5 U.S.C., or
- Limitations on payment of overtime during any periods of travel.

Supervisors will not order or request an employee to work any hours for which compensation cannot be allowed if the amount of pay (combination of base pay and other premium pay, including the value of compensatory time worked) exceeds the maximum or weekly rate for GS-15, Step 10.

The limitation **does not apply** to:

- FLSA-nonexempt employees, and
- APHIS employees paid under the provisions of Title 7 U.S.C. 2260 (Import-Export Act).

### **Noncompensated Overtime**

**Exception:** Emergencies. If it is necessary to order or request employees to work beyond the pay limit, they should be informed that they cannot be paid or granted compensatory time for such excess time. Exceptions to the limitation on compensation may be granted by the Office of Human Resources Management, USDA, on a case-by case basis (see your premium pay directive). Consult your SPO for specific requirements on obtaining waivers to the biweekly salary limitation.

### **Travel Time Limitations**

As far as practical supervisors will plan and schedule official travel time so as to minimize requiring employees to travel outside regular work hours, particularly when hours are not compensable.

The Fair Labor Standards Act (FLSA) requires payment for all work hours in excess of 40 hours a week that an employee is “suffered or permitted” to perform.

This provision of law applies when the supervisor:

- Knows or has reason to believe that the work is being done, and
- Has the opportunity to prevent such work from being performed.

## **Employees**

### **Covered by FLSA**

If overtime work is not intended, supervisors must ensure that FLSA-covered employees work only during scheduled hours of duty.

**Note:** FLSA payment is not required for employees who voluntarily work credit hours under maxiflex. For full-time employees, the law limits the number of credit hours which can be carried forward to the next pay period to 24 hours. The ceiling for part-time employees is 1/4 the number of hours in their biweekly tour of duty.

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