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Civilian Personnel  
Overtime Control Program

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\*This regulation supersedes AE Regulation 690-58, 8 September 2006.

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**Summary.** This regulation prescribes policy and procedures for authorizing and controlling overtime performed by local national (LN) employees.

**Summary of Change.** This regulation has been revised to include administrative changes and update organization titles.

**Applicability.** This regulation applies to LN employees—

- Employed by the U.S. Forces in Germany under the provisions of the *Tarifvertrag vom 16. Dezember 1966 für die Arbeitnehmer bei den Stationierungstreitkräften im Gebiet der Bundesrepublik Deutschland (TV AL II)* (Collective Tariff Agreement II), except for personnel employed by USAFE and its tenant activities. For the purpose of this regulation, the U.S. Forces includes all activities serviced by the United States Army Civilian Human Resources Agency, Europe Region, and the Army and Air Force Exchange Service, Europe.
- Paid from appropriated or nonappropriated funds.
- In Civilian Support organizations in Germany.

**Supplementation.** Organizations will not supplement this regulation without USAREUR G1 (AEAGA-CL) approval.

**Forms.** AE and higher level forms are available through the Army in Europe Publishing System (AEPUBS).

**Records Management.** Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information Management System website at <https://www.arims.army.mil>.

**Suggested Improvements.** The proponent of this regulation is the USAREUR G1 (AEAGA-CL, DSN 379-6575). Users may suggest improvements to this regulation by sending DA Form 2028 to the USAREUR G1 (AEAGA-CL), CMR 432, APO AE 09081.

**Distribution.** C (AEPUBS).

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### 1. PURPOSE

This regulation prescribes—

- a. Policy and procedures for requesting, authorizing, and controlling overtime performed by local national (LN) employees.
- b. Requirements and procedures for documenting and reporting performed overtime.

### 2. REFERENCES

#### a. Publications.

- (1) *Arbeitszeitgesetz* (Work Time Law).
- (2) *Jugendarbeitsschutzgesetz* (Law on Protection of Working Juveniles).
- (3) *Sozialgesetzbuch IX (SGB IX), Rehabilitation und Teilhabe behinderter Menschen* (Social Security Code IX, Rehabilitation and Integration of Handicapped Persons).
- (4) AR 25-400-2, The Army Records Information Management System (ARIMS).
- (5) AE Regulation 690-91, Special Pay Provisions for Local National Employees.

(6) AE Regulation 690-99, Time and Attendance Reporting and Control for Local National Employees in Germany.

(7) AE Pamphlet 690-60, Tariff Agreements That Apply to Persons Employed by the U.S. Forces in Germany (English Translation).

**b. Form.** DA Form 2028, Recommended Changes to Publications and Blank Forms.

### **3. EXPLANATION OF ABBREVIATIONS AND TERMS**

The glossary defines abbreviations and terms.

### **4. POLICY**

**a. General Guidance.** Overtime work by LN employees in Germany is authorized only for essential mission support and time-sensitive work. The *TV AL II* prohibits the regular performance of overtime work. Overtime work will be shared fairly among employees of the activity or functional element concerned. Overtime work is not an entitlement of employees. Supervisors must ensure that employees are not performing overtime work that was not directed. Overtime work that is compensated must be based on a management decision or directive. Efforts will be made to avoid overtime work by—

- (1) Adjusting the staff to meet the workload.
- (2) Redistributing the workload evenly among available personnel qualified to perform the work.

**b. Specific Guidance.**

(1) Overtime hours are the hours an employee is directed to work in addition to established weekly workhours scheduled by the employing activity under the *TV AL II*, Article 9, paragraphs 1, 2, or 3. For workhours established under the *TV AL II*, Article 9, paragraph 3 (uneven distribution of regular workhours), weekly workhours may be more or less than 38.5 hours. Hours worked in addition to established daily workhours are not overtime hours if the equivalent compensatory time off is given in the same workweek. Different provisions for overtime computation apply to—

- (a) Long-distance drivers (*TV AL II*, app F, part I, para 3).
- (b) Firefighters (*TV AL II*, app P, part I, para 4).

(2) In determining overtime hours, all hours lost for the following reasons will be counted as workhours:

- (a) Annual leave or additional leave.
- (b) Legal holidays.
- (c) Paid or unpaid authorized absences.
- (d) Paid workhours lost.
- (e) Sickness or job-related accidents.

(3) In accordance with the provisions of the *Arbeitszeitgesetz*, the workhours each day must not exceed 8 hours. Daily workhours (regular workhours and overtime) may be extended to 10 hours at the most when it is ensured through a corresponding distribution of the workhours that over a period of 6 months an average of 8 workhours each day is not exceeded. Total daily workhours (regular workhours and overtime) may exceed 10 hours only under the following exceptional circumstances:

(a) Emergencies (for example, fires, floods, military crises).

(b) Temporary work performed in exceptional cases beyond the manager's control that must be handled within a given time and, without the performance of overtime, would result in charges to the Government or damage to Government property.

(c) Completion of work in progress. This exception applies when only a few employees (for example, up to 5 or 6 of a workforce of 100; up to 2 or 3 of a workforce of 20) are required to complete work in progress in a single day and the work cannot be postponed until the next workday. The use of this provision will be limited to an absolute minimum of those instances when postponing work to the next workday would have a significantly adverse effect on mission accomplishment.

(4) Daily workhours of expectant mothers above 18 years of age must not exceed 8.5 hours.

(5) Juveniles (below 18 years of age) are not permitted to work more than 40 hours each week. Exceptions for juveniles to work overtime in emergencies are governed by the provisions of the *Jugendarbeitsschutzgesetz*, Article 21.

(6) At their request, severely handicapped employees (SHEs) (50-percent disability or more) and persons with equal status will be excused from overtime work according to the *SGB IX*, Article 124. This policy does not apply to employees whose employment contract includes compensation for overtime work.

(7) On work-free Saturdays, the maximum number of overtime hours is 10 hours.

(8) If 2 hours of overtime are worked immediately following the normal tour of duty so that the total workhours for that day amount to 10 hours, a paid break of 10 minutes will be granted. The break will be given, if possible, before the overtime period. If the total workhours exceed 10 hours, an additional 10-minute break will be granted for every 2 hours of overtime. Paid breaks are part of reported overtime and will be reported as worked.

**c. Approval Authority.** Commanders and activity chiefs who have delegated authority for civilian personnel administration are authorized to approve overtime work and are responsible for controls to prevent regular or excessive overtime hours. Delegation of authority to approve overtime work must be consistent with sound management principles. Commanders and activity chiefs may delegate overtime approval authority as follows:

(1) For overtime paid from appropriated funds, to—

(a) The deputy commanding officer or deputy activity chief.

- (b) The executive officer.
- (c) A subordinate unit commander or activity chief.
- (d) The resource management officer (RMO).
- (e) The financial management officer (FMO).
- (f) The Director, Deputy Director, and division chiefs, Host Nation Liaison Field Operating Activity, IMCOM-Europe.
- (g) Garrison directors of human resources.
- (h) The chiefs, region installation support teams, IMCOM-Europe.
- (i) The chiefs, forward functional support teams (FFSTs), IMCOM (or the functional support team chief when a FFST chief is not existent or available).

(2) For overtime paid from nonappropriated funds (NAFs), to activity managers or directors of NAF organizations and the management officials listed in (1) above, as appropriate.

**d. Fund Control.** Commanders and activity chiefs will designate—

- (1) The local RMO or FMO as the fund-certifying officer for appropriated funds to be spent for overtime in the activity or unit.
- (2) The installation morale, welfare, and recreation fund manager as the fund-certifying officer for overtime funded from NAFs.

**e. Compensation for Overtime Work.**

**(1) Compensatory Time Off.** Instead of basic compensation for overtime hours, equivalent time off (compensatory time off) will be given within the following 12 calendar months, unless this is inconsistent with operational requirements. Periods of unfitness for work because of sickness will not be counted against compensatory time off authorized under the provisions of the *TV AL II*, Article 10, paragraph 4. As an exception, overtime hours may be compensated by paid time off during unfitness for work because of sickness if the employee was informed of the time-off periods before becoming sick. The overtime supplement ((3) below) is always payable and may not be exchanged for time off.

(a) Employees in accommodation, catering, and service facilities will be given compensatory time off within 1 month after the day on which the overtime is worked (*TV AL II*, app H, part I, para 2a(3)).

(b) For Civilian Support employees assigned to duty outside their regular duty station, the beginning of the compensation period may be deferred until the day after the end of employment outside the regular duty station (*TV AL II*, app Z, part I, para 4b).

(c) Supplements for overtime work performed by firefighters will be paid at the end of the next calendar month. Instead of basic compensation for overtime hours, equivalent time off (compensatory time off) will be given to firefighters within the next 12 calendar months, unless this is inconsistent with operational requirements (*TV AL II*, app P, part I, para 4c).

**(2) Basic Compensation.** When compensatory time off cannot be granted, the basic compensation for overtime hours will be due. This, however, should be the exception. When employees are notified that overtime work is directed, they will be informed whether or not compensatory time off will be granted. Employees also will be provided an estimated period of time during which compensatory time off will be given.

**(3) Overtime Hours.** Overtime hours worked are payable at 100 percent of the basic compensation plus a supplement under the provisions of—

- (a) *TV AL II*, Article 20, paragraph 1a.
- (b) *TV AL II*, appendix P (firefighting, plant security, and guard personnel).
- (c) *TV AL II*, appendix T (employees in the retail industry).

**(4) Exceptions.** An exception to compensation for overtime work applies to salaried employees in the salary groups listed in (a) through (d) below. Compensation for overtime work for these employees is included in their salary.

- (a) C9, C10, and K9 (*TV AL II*, Art 20, para 5).
- (b) ZB9, ZB10, and ZB11, and Civilian-Support unit supervisors in salary group ZB8 (*TV AL II*, app Z, part I, para 8c).
- (c) C8 special salary schedule (AE Reg 690-91).
- (d) KD1, KD2, and KD3 (*TV AL II*, app K, part I, para 6b).

**(5) Included Overtime.** For salaried employees in the firefighting service (*TV AL II*, app P-I, para 1b), the rates in line II of the salary schedule (*TV AL II*, app P, part III, para 2a) include compensation for overtime of up to 10 hours in a calendar month (*TV AL II*, app P, part I, para 10e).

## 5. PROCEDURES

### a. Requests for Approval.

(1) Approval for use of overtime must be obtained in writing before the overtime is performed. Supervisors will submit requests for approval through the appropriate fund-certifying officer to the approving authority (para 4c). Requests must include at least—

- (a) The names of employees scheduled for overtime.
- (b) The number of overtime hours scheduled for each employee.
- (c) A justification for the overtime.
- (d) A statement indicating whether or not compensatory time off will be granted for overtime hours worked.

(2) Oral approval or after-the-fact approval is acceptable under the following emergencies:

- (a) Emergencies involving the health, safety, or welfare of personnel.
- (b) Military emergencies.
- (c) Work required for the immediate protection of Government property.

(3) After-the-fact approval of overtime worked is allowed only in emergencies ((2) above). Commanders and activity chiefs will ensure after-the-fact approval of overtime worked is limited to emergencies.

#### **b. Records and Time and Attendance Reports.**

(1) Managers and supervisors will ensure overtime and compensatory time off are reported correctly to the *Aufsichts- und Dienstleistungsdirektion, Lohnstelle ausländische Streitkräfte* (Controlling and Service Directorate, Foreign Forces Payroll Office). AE Regulation 690-99 regulates time and attendance reporting.

(2) Designated fund-certifying officers at all command levels will keep a separate record of LN overtime expenditures.

(3) Managers and supervisors of organizational elements will submit a monthly report of LN overtime hours worked to the applicable fund-certifying officer by the 5th workday of the following month. Fund-certifying officers will review reports to ensure they comply with the *TV AL II*, German law, and this regulation. Reports will be filed with copies of approved overtime requests and will be kept for 2 years for audit purposes. The report will include—

(a) The names of employees who performed overtime during the preceding month.

(b) The number of overtime hours worked by each employee.

(c) When a written overtime request does not exist (for example, oral requests), a detailed explanation of the need for overtime, the name of the approving authority, and the date of approval.

**c. Hearing of Severely Handicapped Employee Representation.** When overtime is scheduled for LN SHEs and LN persons with equal status, the appropriate SHE representative must be informed in a timely and comprehensive manner and must be heard before the commander or activity chief makes a decision according to the *SGB IX*, Article 95(2). The SHE representative must be informed of the decision without delay.

#### **d. Works Council Codetermination.**

(1) In activities with an LN works council, the time schedule for overtime hours of LN employees is subject to consent by the works council under the codetermination procedure. Commanders and chiefs of activities with a works council will ensure that—

(a) Their works council's codetermination rights are observed regarding the performance of overtime.

(b) Overtime work schedules are put into effect only after the works council has stated its concurrence.

(2) Requests subject to the codetermination procedure will show—

(a) The date and schedule for overtime.

(b) A description of the required work and a justification for the overtime work.

(c) The names of affected employees and their position titles.

(d) The name of the organizational element.

(3) Management officials will promptly submit requests to the works council to ensure the codetermination procedure can be carried out properly. A change in workhours will not be directed before the codetermination procedure is completed, except in emergencies.

## GLOSSARY

### SECTION I ABBREVIATIONS

AE	Army in Europe
DA	Department of the Army
FFST	forward functional support team
FMO	financial management officer
IMCOM	United States Army Installation Management Command
IMCOM-Europe	United States Army Installation Management Command, Europe Region
LN	local national
NAF	nonappropriated fund
NATO	North Atlantic Treaty Organization
RMO	resource management officer
<i>SGB IX</i>	<i>Sozialgesetzbuch IX, Rehabilitation und Teilhabe behinderter Menschen</i> (Social Security Code IX, Rehabilitation and Integration of Handicapped Persons)
SHE	severely handicapped employee
<i>TV AL II</i>	<i>Tarifvertrag vom 16. Dezember 1966 für die Arbeitnehmer bei den Stationierungsstreitkräften im Gebiet der Bundesrepublik Deutschland</i> (Collective Tariff Agreement (CTA II))
U.S.	United States
USAFE	United States Air Forces in Europe
USAREUR	United States Army Europe

### SECTION II TERMS

#### **compensatory time off**

Time off from duty granted for the performance of overtime work, with 1 hour of compensatory time allowed for each hour of overtime worked, plus a pay supplement as defined in the *Tarifvertrag vom 16. Dezember 1966 für die Arbeitnehmer bei den Stationierungsstreitkräften im Gebiet der Bundesrepublik Deutschland* (Collective Tariff Agreement II).

#### **local national employee**

An individual employed according to the labor law of Germany as modified by the provisions of the Supplementary Agreement to the NATO Status of Forces Agreement, Article 56.

#### **overtime**

Hours that the employing organization directs an employee to perform beyond the regular workhours established under the *Tarifvertrag vom 16. Dezember 1966 für die Arbeitnehmer bei den Stationierungsstreitkräften im Gebiet der Bundesrepublik Deutschland (TV AL II)* (Collective Tariff Agreement II). For part-time employees, regardless of the workhours established in their employment contracts, only the hours performed in excess of the regular workhours established in the *TV AL II* are considered overtime hours.

#### ***Tarifvertrag vom 16. Dezember 1966 für die Arbeitnehmer bei den Stationierungsstreitkräften im Gebiet der Bundesrepublik Deutschland (Collective Tariff Agreement II)***

A tariff agreement providing minimum employment conditions for local national employees of the Sending State Forces in Germany.