



COMDTINST 12550.3C

COMMANDANT INSTRUCTION 12550.3C

Subj: Special Overtime Pay and Reimbursable Charges for Vessel
Documentation Specialists and Marine Inspectors

1. PURPOSE. This instruction sets forth Coast Guard policy and provides procedural instructions for paying special overtime rates to employees performing vessel documentation and marine inspection functions for commercial functions.
2. DIRECTIVES AFFECTED. Commandant Instruction 12550.3B is cancelled.
3. DISCUSSION.
 - a. Employees who perform vessel documentation or marine inspection overtime work, Sunday or holiday service, hereafter referred to as overtime service, for the convenience of and upon request by private parties, are compensated for such service at different and higher rates than the rates established for Federal employees by Sections 5541 through 5548, Title 5, United States Code (USC). The cost of overtime is billed to and collected from the parties of interest.
 - b. Statutory authority for nonstandard rates for performing the overtime service is contained in Title 46 USC 2111. The special overtime rates, and procedures for compensation and reimbursement, are provided in this instruction.

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4. POLICY.

- a. It is Coast Guard policy to pay the special reimbursable compensation prescribed by this instruction to employees who perform overtime services in connection with their regular duties in carrying out commercial vessel documentation and marine inspection functions, for the convenience of and upon request by private parties.
- b. Reimbursable overtime service will be furnished to an applicant only if the service is requested in advance in order to avoid the payment of special overtime when extremely small amounts of time are involved.
- c. No special overtime compensation shall be paid for work which is pending at the beginning of the night and can be completed in less than 1 hour. It is expected that managers will be able to adjust work assignments to address these small increments of work.
- d. Recreational yacht documentation for private vessels of the general public is a distinct category of documentation separate from the commercial vessel functions of concern in this instruction. The Coast Guard's Operating Expense (OE) appropriation specifies that no funding provided to the Coast Guard in the OE appropriation shall be available for expenses incurred for recreational yacht documentation. The overtime rates discussed in this instruction apply to commercial vessels only and not yacht documentation.

5. PROCEDURES. In order to permit the functional grouping of procedural instructions dealing with the various phases of the special overtime compensation provided herein, appropriate procedures are set forth in enclosures as listed below:

- a. Enclosure (1) contains information and instructions relating to special overtime service; the rates of compensation and how they are to be applied; and procedures for requesting and authorizing the overtime service.
- b. Enclosure (2) provides procedures for reporting special overtime service performed; payroll procedures; billing the parties of interest; and the collection and disposition of monies for the overtime service provided.

6. OVERTIME AUTHORIZATION CEILINGS. Overtime funds under the OG-08 are controlled by COMDTINST 12550.4 (series), Management of Civilian Overtime, under Title 5. Payment under 46 USC 2111 may be limited by the size of the district's overtime account. Should district funding of the special overtime cease to be available, documentation officers and marine inspectors may request Commandant (G-MVI) to seek additional funding from program sources. Requests will be evaluated on a case by case basis.

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7. ACTION: Area and district commanders, commanders of maintenance and logistics commands, unit commanding officers, and chiefs of offices and special staff divisions in Headquarters shall comply with the provisions of this instruction.
8. FORM. Coast Guard Form CG-829 can be locally reproduced.

/s/ G. F. WOOLEVER
Acting Chief, Office of
Personnel and Training

- Encl: (1) Special Overtime Service Procedures
(2) Procedures for Payment and Accounting For Special Overtime Pay and Reimbursable Charges for Vessel Documentation or Marine Inspection

SPECIAL OVERTIME SERVICE PROCEDURES

1. Definitions.

- a. As used herein, the word "night" means the time between 5:00 p.m. of any day and 8:00 a.m. of the following day, but shall not include any time within the 24 hours of a Sunday or holiday. The night hours at the end of the workday immediately preceding a Sunday or holiday and the beginning of the next regular workday shall be considered for purposes of this instruction as parts of a single night.
- b. The term "holiday" means legal public holidays, i.e., 1 January; the third Monday in January; the third Monday in February; last Monday in May; 4 July; first Monday in September; second Monday in October; fourth Monday in October; 11 November; fourth Thursday in November; and 25 December. It shall also include any other legal holidays declared by Act of Congress or by Executive Order of the President.
- c. The term "Sunday" means the first day of each calendar week.

2. Eligibility.

- a. Employees who perform vessel documentation or marine inspection functions shall receive the special overtime compensation as prescribed herein if they are required to perform services in connection with their regular duties between the hours of 5:00 p.m. and 8:00 a.m., or for any time on Sundays or holidays.
- b. Any overtime service rendered on Saturday prior to 5:00 p.m. will be at the rate of compensation prescribed by Title 5 or the Fair Labor Standards Act (Title 29). Authorized work on Saturdays between 5:00 p.m. and 8:00 a.m. will be compensated in the same manner as night service. The owner, charterer, managing operator, agent, master, or individual in charge of the vessel will not be billed for title 5 or Fair Labor Standards Act overtime.
- c. The overtime services must be requested in writing by the parties in interest and must be for their convenience. It should be noted that requests must be made by the owner, charterer, managing operator, agent, master, or individual in charge of the vessel or the authorized agent. Compensation for overtime that is not for the convenience and upon request by the owner, charterer, managing operator, agent, master, or individual in charge of the vessel is not subject to special overtime. The following instances are not compensable under this instruction:
 - (1) A documentation specialist may be ordered to duty or remain on duty to assist U.S. Customs in establishing ownership of a vessel of an ongoing law enforcement case.
 - (2) A documentation specialist may be ordered to duty or remain on duty to assist MARAD or another government agent (not necessarily Federal) in documentation transactions regarding vessels of which they are either owners or managing owners.

2. c. (3) A marine inspector may be ordered to duty or remain on duty to provide technical expertise during an ongoing vessel casualty response or investigation.
3. Compensation for Night Service.
 - a. The rate of extra compensation for authorized overtime services performed at night on any weekday is hereby fixed at one-half of the gross daily rate of regular pay of the employee who performs the service for each 2 hours of compensable time. Any fraction of 2 hours amounting to at least 1 hour will be counted as 2 hours. Special compensation may not be converted to compensatory time off. Compensatory time off is provided only under authority of 5 U.S.C.
 - b. The compensable time shall be as follows:
 - (1) The period between the beginning of the night and the conclusion of the services if the employee is assigned and reports for duty before the expiration of the first 4 hours of the night (e.g., if the employee works from 7:00 p.m. to 8:00 p.m., the compensable time is 3 hours, or 1 day's pay);
 - (2) The period between the time the employee is assigned and reports for duty and the conclusion of the services, plus 4 hours, if the time of assignment is after the expiration of the first 4 and before the beginning of the last 2 hours of the night (e.g., if the employee works from 10:00 p.m. to 11:00 p.m., the compensable time is 6 hours which would be paid as 1 and 1/2 day's pay); The timeframe for this activity must be between 9:00 p.m. and 6 a.m.; or
 - (3) Two hours of the employee is assigned and reports for duty 2 hours or less before the end of the night (6:00 a.m. to 8:00) a.m.) i.e., if work is from from 7:00 a.m. to 8:00 a.m., the compensable time is 2 hours, paid as 1/2 day's pay.
 - c. If an employee performs Sunday or holiday services which are in continuation of an assignment to overtime services begun during the last 2 night hours at the end of the regular workday preceding such Sunday or holiday, the compensable time for the overtime services preceding the Sunday or holiday shall be 2 hours (e.g., if work begins at 11:00 p.m. Saturday and continues to 2:00 a.m. Sunday, the compensable time for Saturday is 2 hours - 1/2 day's pay, plus 2 days' pay for Sunday).

3. d. If an employee performs overtime services during the night hours at the beginning of the next regular workday following a Sunday or holiday which overtime services are in continuation of an assignment begun on the Sunday or holiday immediately preceding such regular workday, the compensable time for the overtime services following such Sunday or holiday shall be the period between midnight of such Sunday or holiday and the conclusion of the overtime services (e.g., if work is from 11:00 p.m. Sunday to 2:00 a.m. Monday, compensable time is 2 days' pay for Sunday, plus 1/2 day's pay for Monday). Overtime worked outside the hours of eligibility identified in this instruction will be paid under the provisions of 5 U.S.C. or 29 U.S.C.
 - e. The compensable time for overtime service performed by an employee assigned to a regular tour of duty covering any part of a night shall be computed in accordance with this rate as though the beginning of the regular tour of duty of such employee marked the end of a night period and the close of such tour marked the beginning of another night period. This would apply when the regular tour of duty covers unusual hours, such as from 2:00 p.m. to 10:00 p.m. In this case, compensable time is computed as follow:
 - (1) The first 4 hours of compensable overtime are from 10:00 p.m. to 2:00 a.m.
 - (2) After 2:00 a.m., the 4-hour "call back" overtime rule applies.
 - f. The total extra compensation paid pursuant to this instruction to an employee for overtime service performed during one night shall not exceed 2 and 1/2 times the gross daily rate of the regular pay.
4. Compensation for Sunday or Holiday Service.
- a. The rate of extra compensation for Sunday or holiday services is hereby fixed at twice the gross daily rate of regular pay of the employee who performs the service for any all services totaling an aggregate of not more than 8 hours during the 24 hours from midnight to midnight of the Sunday or holiday, including actual waiting time and time required for travel between posts of duty but not including any period for meals or other time not spent at the post of duty. This rate shall apply regardless of the length of time served within the aggregate of 8 hours, whether it is served continuously or in broken periods, and whether it is served for one or more applicants.
 - b. Services in excess of an aggregate of 8 hours performed during the 24 hours of a Sunday or holiday shall be compensated on the same basis as overtime services performed at night on a weekday, the time between the completion of the aggregate of 8 hours and midnight being considered as the hours of a night (e.g., if an employee works continuously from 6:00 a.m. to 4:00 p.m. on Sunday, the rate of pay is 2 days' pay for Sunday, plus 1/2 day's pay for the period 2:00 to 4:00 p.m.).

4. c. The total overtime compensation for service performed during the 24-hour period of a Sunday or holiday shall not exceed 4 and 1/2 times the gross daily rate of pay.
5. Nonperformance of Requested Services. If services which have been requested, and for which employee have reported are not performed by reason of circumstances beyond the control of the employees concerned, extra compensation shall be paid and collected on the same basis as though the services had actually been performed during the period between the time the employees were ordered to report for duty and did so report and the time they were notified that their services would not be required, and in any case as though actual performance had continued for at least 1 hour.
6. Broken Periods.
 - a. When overtime services at night or on a Sunday or holiday are rendered in broken periods and less than 2 hours intervene between such broken periods, the intervening waiting time, including any time required for travel between posts of overtime duty but not including any periods for meals or other time not spent at the post of duty, shall be included in the computation of overtime compensation as though the services had been continuous.
 - b. If 2 hours or more intervene between periods during which services are actually performed, the district commander or his/her designee shall determine, according to the circumstances of the case, whether the service shall be treated as continuous with compensable waiting time or as two or more distinct assignments with compensation to be computed separately for each assignment in accordance with the provisions of this instruction. In no case shall any employee be entitled to receive more than 2 and 1/2 days pay by reason of the fact that he is given two or more assignments during 1 night.
7. Part-Time Employees. The extra compensation for overtime services performed by a permanent part-time employee at night (after 5:00 p.m.) or on a Sunday or holiday shall be computed on the basis of the gross daily rate of regular pay the part-time employee would receive for full-time service in the position held by him/her. Employees who are paid on a per diem-when-employed basis shall be paid the overtime rate but not the per diem rate when assigned to perform overtime services on a Sunday or holiday.
8. Prorating Charges. If services are performed for two or more applicants during one continuous tour of overtime duty, the charge for the extra compensation earned shall be prorated equitably according to the time attributable to the services performed for each applicant.

9. Participation in Overtime Work. In general, services for which extra compensation is payable in accordance with this instruction, or for which reimbursement is required, shall be performed by employees who are regularly assigned to perform the same class of work during their regular tours of duty, but when the district commander or a responsible official finds that the needs of the service so require, authority is delegated to assign any other available and competent employee to perform such services, and such employee while so assigned shall be deemed acting marine officer, acting vessel documentation specialist, etc., as the case may be.

10. Travel and Transportation Costs for Special Services in Foreign Areas.
 - a. When a civilian employee is ordered, at the request of private interests, from the official station to a foreign port or place which is not a port of entry, customs station, or port where an officer in charge, marine inspection is located, the managing operator in charge of the vessel shall be billed for the full appropriate compensation and the authorized travel and subsistence expenses (contained in 46 U.S.C. Section 3317) of the employee from the time the employee leaves the official station until the employee returns. For purposes of determining charges for special services, the travel costs shall not exceed the costs for travel from and return to the nearest office of an officer in charge of marine inspection under the provisions of the Federal Travel Regulations and Department of State guidelines. Procedures for the billing of travel and subsistence expenses under 46 U.S.C. Section 3317 are not covered by this instruction, but are contained in the Accounting Manual, COMDTINST M7300.6 (series). Amounts received as reimbursement for travel and transportation costs shall be credited to the Coast Guard's operating expenses account.

 - b. The officer in charge will bill for the amount of overtime compensation by submitting form CG-3621, Billing for Sale of Materials or Services, to the owner, charterer, managing operator, agent, master, or individual in charge of the vessel who requested the special service. He/she will prepare and distribute form CG-3621 as prescribed in the Accounting Manual, COMDTINST M7300.6 (series), Part IV, Chapter 7 and in enclosure (2), and complete the amount of overtime compensation by using the actual hourly rate of pay earned by the employee. The servicing accounting office will use a copy of Form CG-3621 to establish an Accounts Receivable-Revenue, and will deposit 692442, Overtime Service, Marine Inspection and Navigation. A copy of Form CG-3621, Billing for Sale of Materials or Services, is provided as exhibit 1.

10. c. Owners, charterers, managing operators, agents, masters, or individuals in charge of the vessel shall not be billed for the regular salary or travel expenses of an employee if the vessel is located within the boundaries of a regular port of entry or within the limits of a port where an office of an officer in charge, is located, and the travel is necessary because a qualified employee is not available at such port. Compensation for any overtime services requested shall be paid by the owner, charterer, managing operator, agent, master, or individual in charge of the vessel as prescribed by this instruction. Amounts collected for reimbursement of special overtime costs shall be credited to the Treasury as miscellaneous receipts.
11. Application for Special Services.
 - a. A written application for services of employees at night or on Sunday or a holiday, shall be filed with the district commander or the district commander designee before the assignment of such employees for reimbursable overtime services.
 - b. An application for overtime services of employees may be granted for any period not longer than 1 year. The application must show the exact time when the overtime services will be needed, unless arrangements are made so that the proper official will be reasonably notified during official hours in advance of the services requested and the exact times that the services will be needed. It will be the Coast Guard manager's decision as to the scheduling of special overtime request work.
12. Assignment to Overtime Duty.
 - a. Employees may be ordered to report for any overtime duty sufficiently in advance of the time specified by the applicant to avoid unnecessary delay, but in no case more than 1 hour in advance of the time so specified. If no time can be specified for the services to begin, the employees required and available shall be assigned to the overtime duty as soon as practicable.
 - b. Employees shall not be deemed available to perform reimbursable overtime services at night unless the total time of service, including waiting time, will be at least 1 hour, but nothing in this instruction shall prohibit the district commander or the district commander designee from requiring an employee to perform vessel documentation or marine inspection, before leaving duty status and without extra compensation (except as authorized in title 5 or the Fair Labor Standards Act) which is pending at the beginning of the night and can be completed in less than 1 hour
13. Changes in Tour of Duty. Nothing in this instruction shall impair the authority of district commanders to assign employees to regular tours of duty which may include night hours or Sundays when such action is in the public interest.

Encl. (1) to COMDTINST 12550.3C
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14. Authority to Authorize Overtime Service. Authority is hereby delegated to maintenance and logistics commanders and district commanders to approve requests for overtime service as prescribed herein. This authority may be redelegated to officers in charge, marine inspection offices, or marine safety offices, but no further.

PROCEDURES FOR PAYMENT AND ACCOUNTING FOR SPECIAL OVERTIME PAY
AND REIMBURSABLE CHARGES FOR VESSEL DOCUMENTATION OR MARINE
INSPECTION

1. Overtime Services Performed.
 - a. When special overtime covered by this instruction is authorized and performed by civilian employees, the officer in charge shall prepare a Summary of Overtime Services (form CG-829). This form will be prepared in triplicate for all special overtime services performed during the pay period. A copy of Form CG-829, Summary of Overtime Services, is provided as exhibit 1.
 - b. OG-08 funds are used for overtime charges under the provisions of Title 5 or the Fair Labor Standards Act and charged to the 1151 object class. Overtime charges at the actual work site for overtime under the provisions of this instruction are assigned to the 1181 object class code.
 - c. The following information will be placed in the upper right-hand portion of form CG-829: "Administrative Allotment Unit (Region) Code, Post of Duty Code, location of the marine inspection office/marine safety office." Show inclusive dates of the pay period in the space provided. Place the employee's social security number immediately below the employee's name. Complete each column of the form to show required data. The officer in charge will obtain the current hourly salary rate for each civilian employee who performs the special overtime from the servicing civilian personnel office, if not available. Two higher level managerial signatures of approval on form CG-829 are required prior to submission as documentation that the work was accomplished. It is recommended that these be the first level supervisor and the officer in charge of the marine inspection office or the marine safety office. No employee will authorize their own overtime work. The original form CG-829 will be sent to the following address:

FAA Aeronautical Center
Coast Guard Payroll AAC24B
P. O. Box 25735
Oklahoma, OK 73126
 - d. A copy of form CG-829 will be sent to the civilian payroll liaison clerk in the appropriate district office. The Federal Aviation Administration's Payroll Center will use form CG-829 to make payment of the special overtime. Do not report this special overtime on the regular Time and Attendance Card.

2. Funding for Special Overtime. Special overtime will be funded from the same appropriation and subhead as the employee's regular pay. Funds for all overtime expenditures, both those under Title 5 or the Fair Labor Standards Act, and those under the provisions of this instruction, are determined under the authority of COMDTINST 12550.4 (series), Management of Civilian Overtime.
3. Billing Vessel Companies for Special Overtime Service. The officer in charge, marine inspection office, shall prepare Form CG-3621, Billing for Sale of Materials or Services, and send it to the owner, charterer, managing operator, agent, master, or individual in charge of the vessel who requested the overtime services as soon as possible after services have been performed. The CG-3621 Bill Number and Accounts Receivable Account Number will be a ten digit number as follows: (5 Digit OPFAC, 3 digit sequential numbers, 2 digit fiscal year; i.e., 1111100189). The receipt symbol number will be miscellaneous receipt symbol 692442; Overtime Service, Marine Inspection and Navigation. A copy of form CG-829 must be retained in Coast Guard records related to the CG-3621 as supporting documentation of the services performed. Forward a copy of the CG-3621 and attached Cg-829 to the servicing accounting office for establishment of an accounts receivable in the accounting records. Complete the payment instruction on the CG-3621 as follows

Commander
() Coast Guard District (af)
Attention: District Collection Clerk
(Insert appropriate district office address)

4. Accounting for Special Overtime. Maintenance and Logistics Commands and District accounting offices will use copy of form CG-3621 to establish an Accounts Receivable Revenue. Deposit collection when received to miscellaneous receipt symbol 692442.
5. Distinction between Vessel Documentation Fees and Overtime Service Reimbursements. Reimbursements for special overtime must be deposited in the U. S. Treasury as Miscellaneous Receipts (46 U.S.C. 2111). Responsible officials should distinguish between fees received for processing vessel documents and reimbursements received for special overtime services. Separate statutes and funds handling procedures are involved for each of these. (See 46 C.F.R. Part 67.43).

