

**Circular 2220.1
CHAPTER 7
PREMIUM PAY**

**7-7. Compensatory
Time Off for
Travel**

The Federal Workforce Flexibility Act of 2004 established a new form of compensatory time off for time spent by a U.S. government employee in officially authorized travel status, when that time “is not otherwise compensable.” The interim regulations became effective January 28, 2005.

A. Eligibility

Compensatory time for travel applies to all FDIC employees.

As indicated in section 7-4 E above, effort should be made to the maximum extent practicable to schedule travel during regular working hours. Travel outside regular working hours or on weekends must be officially authorized for work purposes and approved in advance to qualify for compensatory time for travel.

B. Definitions of Time Periods and Duty Station Limits

1. Usual Waiting Time Prior to Scheduled Departure

Up to two hours of waiting time at a transportation terminal airport prior to domestic transportation and up to three hours of waiting time for international flights are the maximum reasonable waiting times prior to scheduled departure that may be claimed as creditable hours.

[Waiting time begins when the employee arrives at the transportation terminal, and includes time for parking and transportation to the terminal.]

2. Waiting Time Due to Delays or Connecting Transportation

a. Waiting Time Due to Connecting

Transportation normally will be credited up to 4 hours from the point when the waiting began as long as employees have made efforts to schedule the next reasonably available connection after their arrival at the connecting

point.

- b. **Extended Waiting Time Due to Transportation Delays** normally will be credited up to 4 hours from the point when the waiting began unless the delays are extended in increments so small that the employee is not free to rest, sleep or otherwise use the time for his or her own purposes. In those cases, the waiting time credited will end after 6 hours or when the employee is informed that the delay will extend overnight, whichever occurs first.

3. Bona fide meal periods of 30 minutes or longer must be excluded from creditable time.

4. Duty Station Boundaries for CTT

Boundaries for compensatory time for travel computation for each FDIC office will be set at a 50 mile radius, consistent with boundaries set elsewhere in the Pay Administration Directive, pertaining to overtime and compensatory time

C. Time that is creditable for compensatory travel time

While in travel status, time that is not otherwise compensable, is:

- Time actually spent traveling between the official duty station and a temporary duty station;
- Time traveling between temporary duty stations;
- The “usual waiting time” that precedes the travel; and
- Waiting time due to transportation connections or delays, as described in 7-7 B 2a and b, above.

Examples of creditable time include:

- Hours in travel status outside of normal business hours or on weekends that are not otherwise compensable under the Fair Labor Standards Act or Title V.
- Example
An FLSA-exempt employee travels on Sunday to an examination or an FDIC training session (i.e., events which are not “administratively uncontrollable”) that begins Monday morning. Because such time is not otherwise compensable as overtime, the employee is

eligible to receive compensatory time for such travel.

- Time spent in travel on the first or last day of a multiple-day assignment that meets the criteria in the regulations as creditable time.
- Time spent in travel on intervening weekends, when, in accordance with FDIC travel regulations, the employee is not eligible to stay out on the weekend, if the travel time meets the criteria in the regulations as creditable time.
- Time spent in travel between a temporary duty station and the official duty station for business reasons during the course of a multiple-day assignment, when the travel time otherwise meets the criteria for creditable time under the regulations.
- Time spent commuting between an employee's home and a temporary duty station or transportation terminal outside the limits of the employee's official duty station, excluding the employee's normal commuting time.

NOTE: When a transportation terminal is outside of the limits of the duty station, but closer to an employee's home, the supervisor will normally approve the travel that provides the shortest, most direct route. Normal home to work commuting time must be subtracted from the hours of creditable time.

D. Time that usually WILL NOT BE eligible for compensatory time for travel:

1. Hours of work that are eligible for compensation by basic pay or premium pay, even if actual payment is limited by a compensation cap;
 - **Examples:**
 - a. An FLSA exempt employee travels on a Saturday to attend a required Sunday training session that was "administratively uncontrollable", so he or she is eligible for eight hours of approved overtime for travel. However, the employee is only paid for four hours because his or her pay has reached the biweekly exempt overtime pay limit. Since all eight hours were considered "compensable"

under the Title V overtime provisions, the employee cannot count the unpaid four hours as compensatory time for travel.

- b. An FLSA non-exempt employee's normal work schedule is 8:30 am to 5:00 pm. The employee travels on Saturday, arriving at the airport starting at 2:00 pm for a 3:00 pm flight, and arrives at the temporary duty station at 8:00 pm. Because the time from 2:00 pm to 5:00 pm corresponds to his or her normal work schedule, it is compensable under the FLSA, and not eligible for compensatory time for travel. NOTE: (In this example, the time between 5:00 pm and 8:00 pm is not compensable under the FLSA, and therefore is eligible for compensatory time for travel.)
2. Time spent traveling between home and a temporary duty station or transportation terminal (e.g., airport, bus, or train station), within the CTT boundaries of the duty station.
- Examples
 - a. An employee's usual commute time is 35 minutes. The employee drives from home to a temporary duty station 45 miles away, which takes one hour. The employee must deduct the entire hour from the travel time.
 - b. An employee's usual commuting time is 35 minutes. The employee drives to an airport 45 miles away, which takes one hour and 15 minutes. The employee must deduct the entire commute time.
3. Normal commuting time between home and work and between work and home whether or not the travel is to the temporary duty station by vehicle or to the transportation terminal, when traveling outside the CTT boundaries for the duty station;
- Examples
 - a. An employee's usual commute time is 45 minutes. The employee drives from home to a temporary duty station 100 miles away, which takes two and one-half hours. The employee must deduct 45 minutes from the

travel time.

- b. An employee's usual commuting time is 45 minutes. The employee drives to an airport 70 miles away, which takes one and one-half hours. The employee must deduct the 45 minute normal commute time.
4. Time after the employee has arrived at the temporary duty station destination.
 5. Time spent in travel for personal reasons on intervening weekends, during a multiple-day assignment.
 6. Time spent traveling home in the evening for personal reasons, on a multiple-day assignment.
 7. Time outside of normal working hours spent for bona fide meal periods (as defined in subsection B.4., above).
 8. Extended waiting time during which the employee is free to use the time for his or her own purposes, (e.g., rest or sleep).
- **Examples of extended waiting time:**
 - a. Two employees, whose normal work schedules are 9:00 am to 5:00 pm, are supposed to change planes in Saint Louis to fly to Little Rock. The employees' original flight is delayed and they miss their 4:00 pm connecting flight. There are no alternate flights until 8:30 am the following day. One employee goes to a hotel to sleep, returning at 7:00 am the following day. The other employee opts to stay at the airport overnight. Because both employees had extended time to rest or sleep or to otherwise use the time for their own purposes, the time after 5:00 pm (when their regular duty hours, for which they would be compensated, ended) and before 6:30 am (6:30 am starts the 2 hour waiting time preceding the flight), is not creditable.
 - b. The employees from example a., above, arrive in Little Rock at 3:00 pm, in time for their connecting flight, but the 4:00 pm departure time was delayed. After each succeeding hour, the

flight is further delayed, until the passengers board the plane at 9:00 pm. The time from 3:00 pm to 5:00 pm is compensable, because it is regular work time; the time from 5:00 pm to 9:00 pm is creditable for compensatory time for travel, because it is not otherwise compensable; the employees were not free to leave the departure lounge to use the time for their own purposes; and the time falls within the 6 hour extended waiting time limit.

E. Alternate Modes of Travel

Employees who choose to travel by an alternate mode of transportation (e.g., train or car instead of plane), or on an alternate schedule, or by an alternate route than that offered by FDIC, will receive compensatory time for creditable hours based on the lesser of the actual time in travel or the estimated time under the FDIC offered route, schedule or mode of transportation.

F. Accrual Limits

1. *Compensatory time for travel should be recorded, credited and used in increments of one quarter of an hour (15 minutes).* When creditable travel time is earned or used in other than this full fraction, odd minutes will be rounded up or down to the nearest quarter of an hour.
2. There is no limit on the amount of compensatory time for travel that an employee can earn.
3. Employees must use travel compensatory time within 26 pay periods after it is credited to their time and attendance accounts for use. Time not used within 26 pay periods will be lost.
4. Time not used normally will be forfeited if the employee:
 - a. transfers to another government agency;
 - b. transfers to a noncovered agency;
 - c. transfers to a noncovered position;
 - d. separates or was on leave without pay from the FDIC, unless the employee left and returns to

employment with the FDIC following service performed in the uniformed services or from a period of workers compensation due to on-the-job injury.

1. Employees reemployed by the FDIC after an extended period in the uniformed services, or from a period of workers compensation following an on-the-job injury will have 26 pay periods from the time they return to use their credited compensatory leave for travel.

5. Under no circumstances will employees be paid for unused compensatory time for travel.

G. Crediting and Use of Compensatory Time for Travel

1. Travel Authorization

Employees must secure approval in advance for travel that they expect will result in compensatory time for travel. At a minimum, the employee should have an e-mail response from his or her supervisor, indicating approval. Under normal circumstances, the supervisor's assignment of an employee to be at a duty station at the beginning of a work day will be considered approval of the employee's travel on the prior day, which, if a non-workday and not otherwise compensable, will constitute approval of compensatory time for such travel. Unanticipated compensatory time for travel (for example, due to a flight delay) should be submitted to the supervisor for approval no later than the normal time the employee is required to complete the T&A Data submission for the pay period in the CHRIS T & A system. The hours must be approved before the time can be included as hours earned in CHRIS T&A.

2. Record keeping

Compensatory time for travel must be recorded and tracked separately from other forms of compensatory time.

Employees who travel for the Corporation should keep detailed records of their travel time. Employees should keep manual records of all hours that they travel, the times and dates of travel, as well as time

spent for meals, rest, or sleeping time, time traveling from home to work or transportation terminal, etc. The FDIC will create a standardized spreadsheet for employees to record relevant information.

3. Crediting compensatory travel time

Employees must request approval for the crediting of compensatory leave for travel time hours through the CHRIS Time and Attendance System using the Leave/Premium Pay Request menu. They should select the code for "Comp time/travel earned". Employees must also retain their detailed manual records of travel time for their supervisors' review and approval. Employees normally should submit requests for the crediting of travel compensatory time during the pay period in which the travel occurred. Requests for crediting of compensatory time for travel which occurred prior to the implementation of this revised Circular should be submitted within three pay periods of the distribution of this revised Circular.

4. Requests for use of compensatory time for travel

Employees who wish to use compensatory time for travel are required to complete an official leave request through the CHRIS Time and Attendance System, using the Leave/Premium Pay Request menu. Approvals will be made consistent with approvals of requests for annual leave.
