



AFGE COUNCIL 222 E:ALERT

WWW: [HTTP://AFGECOUNCIL222.COM](http://afgecouncil222.com)

EMAIL: [AFGECOUNCIL222@HUD.GOV](mailto:afgecouncil222@hud.gov)

E:Alert

PIH implements overtime policy in violation of HUD/AFGE Agreement and FLSA

The PIH Office of Field Operations is seeking to implement an overtime and credit hour policy that violates the HUD/AFGE Agreement and the Fair Labor Standards Act (FLSA). This policy was sent in an electronic mail message to PIH managers on April 6, 2007, with the subject "Use of Credit Hours." It is important that all PIH employees know their rights regarding overtime and credit hours.

The HUD/AFGE Contract at Article 17, section 17.02(5) compares credit hours to overtime, stating "[w]ork performed for credit hours is differentiated from overtime work, which is ordered or directed by Management."

April 9, 2007

This e:alert is for
PIH Employees

Management may not order you to work overtime and then require you to take credit hours.

If you are ordered to work outside of your tour of duty, Article 18 of the HUD/AFGE Agreement and the FLSA apply. If you are covered by the FLSA or your rate of pay is below GS-10, Step 10, you must be given a choice between compensatory time and overtime pay. Under our Agreement, management may not show preferential treatment to employees based on their choice between taking overtime pay and compensatory time. [See Sections 18.03(1) and (4) and Section 18.10.] If you are FLSA exempt and receive pay in excess of Grade 10, Step 10, management may require you to take compensatory time in lieu of overtime pay. Management may not, however, require you to take credit hours.

The PIH policy email further distorts the nature of credit hours. Employees must notify their supervisors in advance of earning credit hours. However, you do not need to wait for approval in order to work the hours and receive credit. Rather, your supervisor has an affirmative duty to disapprove, and may do so under "appropriate circumstances" such as a lack of work. [See Sections 17.04(2)(a)(1) and 17.07(5).] With some exceptions, as a general rule, you control credit hours, while management controls overtime.

If you are ordered to work overtime and take credit hours as compensation, document it! Send your supervisor an email stating you are willing to perform the overtime work, but that you seek overtime or compensatory time.

Finally, if you are required to travel for HUD business outside or beyond your tour of duty, and management advises that you may not receive overtime or compensatory time, you are eligible to receive travel compensatory time. Unlike compensatory time earned under FLSA, travel compensatory time may not be converted to pay, and therefore has no budgetary impact. For more information on travel compensatory time, go to OPM's website https://www.opm.gov/oca/pay/HTML/compensatory_time.asp.

For more information on the HUD/AFGE Agreement, go to <http://www.afgecouncil222.com/bargaining.html> and click on "Contract" on the right side.

If you have questions, contact your Local President. Don't know who that is? You can find out at <http://www.afgecouncil222.com/locals.html>.

In solidarity,

Carolyn Federoff
President, AFGE Council 222

(Links will not work because this E:Alert is an image file.)