

with agency-established policies and procedures.

(b) Compensatory time off may be used when the employee is granted time off from his or her scheduled tour of duty established for leave purposes. An employee must use earned compensatory time off under this subpart in increments of one-tenth of an hour (6 minutes) or one-quarter of an hour (15 minutes). Agencies must charge compensatory time off in the chronological order in which it was earned, with compensatory time off earned first being charged first.

[70 FR 3856, Jan. 27, 2005, as amended at 72 FR 19098, Apr. 17, 2007]

§ 550.1407 Forfeiture of unused compensatory time off.

(a) *After 26 pay periods.* (1) Except as provided in paragraphs (a)(2) and (e) of this section, an employee must use accrued compensatory time off by the end of the 26th pay period after the pay period during which it was earned. If an employee fails to use the compensatory time off within 26 pay periods after it was earned, he or she must forfeit such compensatory time off.

(2) If an employee with unused compensatory time off separates from Federal service or is placed in a leave without pay status in the following circumstances and later returns to service with the same (or successor) agency, the employee must use all of the compensatory time off by the end of the 26th pay period following the pay period in which the employee returns to duty, or such compensatory time off will be forfeited:

(i) The employee separates or is placed in a leave without pay status to perform service in the uniformed services (as defined in 38 U.S.C. 4303 and 5 CFR 353.102) and later returns to service through the exercise of a reemployment right provided by law, Executive order, or regulation; or

(ii) The employee separates or is placed in a leave without pay status because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C. chapter 81 and later recovers sufficiently to return to work.

(b) *Upon transfer to another agency.* When an employee voluntarily transfers to another agency (including a pro-

motion or change to lower grade action), he or she must forfeit his or her unused compensatory time off.

(c) *Upon separation.* (1) When an employee separates from Federal service, any unused compensatory time off is forfeited, except as provided in paragraph (c)(2) of this section.

(2) Unused compensatory time off will not be forfeited but will be held in abeyance in the case of an employee who separates from Federal service and later returns to service with the same (or successor) agency under the circumstances described in paragraph (a)(2) of this section.

(d) *Upon movement to a noncovered position.* When an employee moves to a Federal position not covered by this subpart, he or she forfeits any unused compensatory time off. This requirement does not prevent an agency from using another legal authority to give the employee credit for compensatory time off equal to the forfeited amount.

(e) *Exception due to an exigency.* If an employee fails to use his or her compensatory time earned under § 550.1404(a) by the end of the 26th pay period after the pay period during which it was earned due to an exigency of the service beyond the employee's control, an authorized agency official, at his or her sole and exclusive discretion, may extend the time limit for using such compensatory time off for travel for up to an additional 26 pay periods.

[70 FR 3856, Jan. 27, 2005, as amended at 72 FR 19098, Apr. 17, 2007]

§ 550.1408 Prohibition against payment for unused compensatory time off.

As provided by 5 U.S.C. 5550b(b), an individual may not receive payment under any circumstances for any unused compensatory time off he or she earned under this subpart. This prohibition against payment applies to surviving beneficiaries in the event of the individual's death.

§ 550.1409 Inapplicability of premium pay and aggregate pay caps.

Accrued compensatory time off under this subpart is not considered in applying the premium pay limitations established under 5 U.S.C. 5547 and 5 CFR

Pt. 551

5 CFR Ch. I (1–1–14 Edition)

550.105 through 550.107 or the aggregate limitation on pay established under 5 U.S.C. 5307 and 5 CFR part 530, subpart B.

PART 551—PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT

Subpart A—General Provisions

Sec.

- 551.101 General.
- 551.102 Authority and administration.
- 551.103 Coverage.
- 551.104 Definitions.

Subpart B—Exemptions and Exclusions

- 551.201 Agency authority.
- 551.202 General principles.
- 551.203 Salary-based nonexemption.
- 551.204 Nonexemption of certain employees.
- 551.205 Executive exemption criteria.
- 551.206 Administrative exemption criteria.
- 551.207 Professional exemption criteria.
- 551.208 Learned professionals.
- 551.209 Creative professionals.
- 551.210 Computer employees.
- 551.211 Effect of performing different work or duties for a temporary period of time on FLSA exemption status.
- 551.212 Foreign exemption criteria.
- 551.213 Exemption of employees receiving availability pay.
- 551.214 Statutory exclusion.
- 551.215 Fire protection activities and 7(k) coverage for FLSA pay and exemption determinations.
- 551.216 Law enforcement activities and 7(k) coverage for FLSA pay and exemption determinations.

Subpart C—Minimum Wage Provisions

BASIC PROVISION

- 551.301 Minimum wage.

SUBMINIMUM WAGE

- 551.311 Subminimum wage.

Subpart D—Hours of Work

GENERAL PROVISIONS

- 551.401 Basic principles.
- 551.402 Agency responsibility.

APPLICATION OF PRINCIPLES IN RELATION TO NORMAL WORKDAY

- 551.411 Workday.
- 551.412 Preparatory or concluding activities.

APPLICATION OF PRINCIPLES IN RELATION TO OTHER ACTIVITIES

- 551.421 Regular working hours.
- 551.422 Time spent traveling.
- 551.423 Time spent in training or attending a lecture, meeting, or conference.
- 551.424 Time spent adjusting grievances or performing representational functions.
- 551.425 Time spent receiving medical attention.
- 551.426 Time spent in charitable activities.

SPECIAL SITUATIONS

- 551.431 Time spent on standby duty or in an on-call status.
- 551.432 Sleep time.

Subpart E—Overtime Pay Provisions

BASIC PROVISIONS

- 551.501 Overtime pay.

OVERTIME PAY COMPUTATIONS

- 551.511 Hourly regular rate of pay.
- 551.512 Overtime pay entitlement.
- 551.513 Entitlement to other forms of pay.
- 551.514 Nondiscretionary bonuses.

FRACTIONAL HOURS OF WORK

- 551.521 Fractional hours of work.

COMPENSATORY TIME OFF

- 551.531 Compensatory time off.

SPECIAL OVERTIME PAY PROVISIONS

- 551.541 Employees engaged in fire protection activities or law enforcement activities.

Subpart F—Child Labor

- 551.601 Minimum age standards.
- 551.602 Responsibilities.

Subpart G—FLSA Claims and Compliance

- 551.701 Applicability.
- 551.702 Time limits.
- 551.703 Avenues of review.
- 551.704 Claimant's representative.
- 551.705 Filing an FLSA claim.
- 551.706 Responsibilities.
- 551.707 Withdrawal or cancellation of an FLSA claim.
- 551.708 Finality and effect of OPM FLSA claim decision.
- 551.709 Availability of information.
- 551.710 Where to file an FLSA claim with OPM.

AUTHORITY: 5 U.S.C. 5542(c); Sec. 4(f) of the Fair Labor Standards Act of 1938, as amended by Pub. L. 93-259, 88 Stat. 55 (29 U.S.C. 204f).