

Decision Tree for Title 5 Overtime and Compensatory Time Off

Several factors determine if an employee should receive overtime or compensatory time off in a given situation. The below charts guide managers through these factors to the appropriate compensation type.

Last Updated on 8/7/17

FLSA Status	Schedule	Overtime Type	Rate of Pay	Compensation Type
Exempt (not covered by FLSA)	Standard 8 hour workday	Regular	N/A	Overtime pay required
		Irregular/Occasional	> GS 10/10	Employer may require compensatory time off
			≤ GS 10/10	Employee may choose overtime pay or compensatory time off
	Compressed Work Schedule (> hours required per day in compressed schedule)	Regular	N/A	Overtime pay required
		Irregular/Occasional	> GS 10/10	Employer may require compensatory time off
			≤ GS 10/10	Employee may choose overtime pay or

				compensatory time off
	Flexible Work Schedule (> 8 hours/day)	Regular	N/A	Employee may choose overtime pay or compensatory time off
		Irregular/Occasional		

FLSA Status	Schedule	Overtime Type	Rate of Pay	Compensation Type
Non-Exempt (covered by FLSA)	Standard 8 hour workday	Regular	N/A	Overtime pay required
		Irregular/Occasional		Employee may choose overtime pay or compensatory time off
	Regular	Overtime pay required		
	Irregular/Occasional	Employee may choose overtime pay or compensatory time off		
	Compressed Work Schedule (> hours required per day in compressed schedule)			

	Flexible Work Schedule (> 8 hours/day)	Regular		Employee may choose overtime pay or compensatory time off
		Irregular/Occasional		

For additional guidance, you can contact the NIH OHR Leave Group at 301-402-9203 or WorkFlex@nih.gov.