

**ADMINISTRATIVE INTERNAL USE ONLY**

Approved For Release 2002/05/23 : CIA-RDP83-01004R000300120016-2

OGC 78-5783

31 August 1978

MEMORANDUM FOR: Chief, Position Management and Compensation Division

OGC Has Reviewed

STATINTL FROM :   
Assistant General Counsel

SUBJECT : Request for Interpretation of Agency Policy and Federal Regulations As They Apply to Overtime Entitlements of Two Office of Logistics Safehouse Keepers.

1. You have requested our opinion on (a) whether annual premium pay in lieu of administratively uncontrollable overtime may be paid to employees under a Federal wage grade system and (b) whether FLSA overtime entitlements apply to hourly employees paid on an actual employment basis. You have concluded that wageboard employees would not be entitled for such premium pay since (a) they are under the Federal wage grade system, and (b) Agency regulations make no provisions for annual premium pay for such individuals. Likewise, you feel that FLSA overtime entitlements do not apply to WAE employees, since this concept, in your view, applies only to salaried employees.

2. After researching the appropriate statutes and regulations, including FPM 532-1 of Chapter 8, FPM Supp. 990-2, I have concluded that your statement of the applicable law is accurate. Further, your conclusion that overtime which is currently being performed by subject employees (whether authorized, suffered, or permitted) is payable under the provisions of FLSA and must be compensated at one and one-half times the regular rate of pay is correct.

3. This Office has no legal objection to your suggestions contained in paragraph 3 and paragraph 4 as solutions to solving the problem which is presently faced by the Office of Logistics with respect to its employees. A determination as to which method to utilize is basically a policy decision and can be more appropriately handled by the Office of Logistics in coordination with your Office.



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