

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

District Personnel Manual Issuance System

This instruction should be filed behind the divider for Part III of DPM Chapter(s) 11B

DPM Instruction No. 11B-61

SUBJECT: *Exempt Time Off*

Date: June 19, 2008

NOTE: This instruction supersedes DPM Instruction No. 11B-45, *same subject*, dated March 30, 2005. The reason for the supersession is the need to update the *Exempt Time Off* provisions because of the adoption of final rules to amend Chapter 11 of the D.C. personnel regulations, Classification and Compensation, published in the *D.C. Register* (DCR) on **June 13, 2008** (55 DCR 6461), and the approval of Proposed Council Resolution No. 17-649, the Compensation System Changes for the Career, Legal, Excepted, and Management Supervisory Services Rulemaking Approval Resolution of 2008 (deemed approved on April 15, 2008); and to make other minor modifications to the instruction.

What is <i>Exempt Time Off</i>?	<i>Exempt Time Off</i> is time off without charge to leave or loss of pay granted to an <u>FLSA-exempt employee</u> for work performed in excess of 80 hours in a biweekly pay period.
Under what circumstances may <i>Exempt Time Off</i> be authorized?	<u>Due to the exigencies of the public business</u> , an agency may require an employee to perform work in excess of 80 hours in a biweekly pay period, and grant the employee <i>Exempt Time Off</i> for the work performed.
Who may be granted <i>Exempt Time Off</i>?	<i>Exempt Time Off</i> may be granted to employees <u>at grade levels 14 or below</u> occupying positions that are <u>exempt from the Fair Labor Standards Act of 1938 (FLSA)</u> .
How is <i>Exempt Time Off</i> earned?	<i>Exempt Time Off</i> is earned on an <u>hour-for-hour basis</u> as compensation for work actually performed that is in excess of 80 hours in a biweekly pay period.
Are there any limits on the number of hours of <i>Exempt Time Off</i> that an eligible employee may accumulate?	While <i>Exempt Time Off</i> granted to an employee <u>cannot exceed a total of 80 hours in any consecutive 12-month period</u> , the personnel authority <u>may approve a maximum of 120 hours of <i>Exempt Time Off</i> in any consecutive 12-month period</u> for eligible employees who are required to perform work in excess of 80 hours in a pay period <u>because of certain emergencies or other unforeseen circumstances or situations</u> . These emergencies/unforeseen circumstances or situations include but are not limited to:

Note: DPM instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart 1, § 1.3]

Inquiries: Compensation and Classification Administration, DCHR (202) 442-9700

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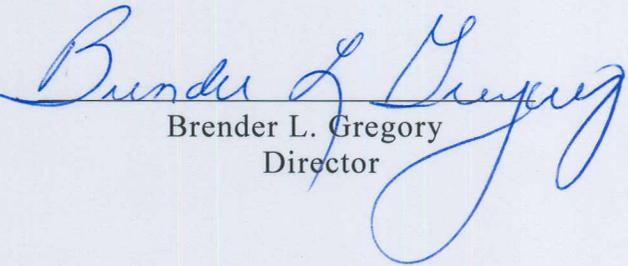
<p>Cont. – Are there any limits on the number of hours of <i>Exempt Time Off</i> that an eligible employee may accumulate?</p>	<p>(1) Work resulting from weather-related events such as <i>snow, hurricanes, or other severe weather conditions</i>;</p> <p>(2) Work resulting from <i>publicly scheduled events in the District of Columbia requiring infrastructure support</i>; or</p> <p>(3) <i>Emergency situations</i> so declared by the Mayor (or his or her designee).</p>
<p>How are <i>Exempt Time Off</i> earned hours maintained?</p>	<p>Agencies must maintain <i>Exempt Time Off</i> in a separate account from other forms of leave.</p>
<p>How is <i>Exempt Time Off</i> scheduled for use?</p>	<p><i>Exempt Time Off</i> will be scheduled and granted in accordance with the provisions for the granting of annual leave contained in Chapter 12 of the D.C. personnel regulations, Hours of Work, Legal Holidays and Leave.</p>
<p>Can an employee lose earned <i>Exempt Time Off</i>?</p>	<p>Yes. An employee will forfeit (lose) earned <i>Exempt Time Off</i> not used by the end of the leave year following the leave year in which the <i>Exempt Time Off</i> was earned.</p>
<p>Is an employee entitled to a leave payment for <i>Exempt Time Off</i> not used at the time of separation from District government service?</p>	<p>No. <i>Exempt Time Off</i> that is not used at the time of an employee’s separation from District service <u>will not</u> be included in any form of leave payment to the employee.</p>

Definitions

- **Administrative workweek** – a period of 7 consecutive calendar days, Sunday through Saturday.
- **Biweekly pay period** – two (2) consecutive administrative workweeks.
- **Exigencies of the public business** – operational emergencies as determined by the head of the agency or designee.
- **Fair Labor Standards Act of 1938 or “FLSA”** – The FLSA establishes various labor standards for the private and public sectors, including minimum wage, overtime, and compensatory time in lieu of paid overtime. The provisions of the FLSA are applicable to the District government. Based on the duties of the positions they occupy, the FLSA “divides” employees into 2 categories: *FLSA nonexempt;*” and *FLSA-Exempt*.
 - (1) *FLSA nonexempt* employees are eligible for FLSA overtime compensation for authorized overtime work performed.
 - (2) *FLSA exempt* employees are not eligible for FLSA overtime compensation for overtime work performed.

References

- Section 1139, *Exempt Time Off*, of Chapter 11 of the D.C. personnel regulations, Classification and Compensation
- DPM Instruction No. 11B-57, *Overtime Policy for FLSA-Exempt Positions*, dated May 28, 2008 (this issuance contains more detailed information on the FLSA-criteria for exempt status)



Brender L. Gregory
Director