



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
ARIZONA NATIONAL GUARD
HUMAN RESOURCES OFFICE

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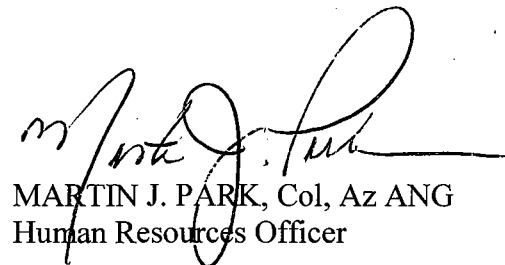
AZAA-HR

13 November 2009

MEMORANDUM FOR COMMANDERS, ARIZONA NATIONAL GUARD

SUBJECT: REFERENCE COMPENSATORY TIME REGULATIONS/LAWS

1. This memorandum is to reiterate the current laws and regulations for using compensatory time off while on active duty orders over 30 consecutive days.
2. According to 5 CFR 550 and 551, there are two different types of compensatory time off. The first is compensatory time off with pay in lieu of overtime pay for irregular or occasional overtime work. The second is compensatory time off for travel, which became effective January 28, 2005.
3. Under CFR 353.208, "An employee performing service with the uniformed services must be permitted, upon request, to use any accrued annual leave under 5 U.S.C. 6304, military leave under 5 U.S.C. 6323, earned compensatory time off for travel under 5 U.S.C. 5550b, or sick leave under 5 U.S.C. 6307, if appropriate, during such service." These are the only approved leave status' allowed by law to be used while performing service with the uniformed services. DFAS will only allow the above listed leave categories to override the Military Leave of Absence code of "KG" for time and attendance.
4. Federal law prohibits "dual compensation." Title 32 expressly prohibits the payment of overtime pay. Compensatory time is considered regular pay in lieu of overtime pay. Because employees are being compensated for time worked, they may not collect regular pay from their technician position and regular military pay for the same period of time.
5. Additionally, NGB is in the process of addressing with OPM and lawmakers the fact Title 32 prohibits payment of compensatory time off after 26 pay periods and the compensatory time is forfeited. Point of Contact for this issue is Sue Wilson at 602-629-4834.



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