

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
WASHINGTON, DC

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# FSIS NOTICE

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02-24

1/16/24

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## NIGHT DIFFERENTIAL

### I. PURPOSE

This notice provides instructions regarding night differential entitlements in accordance with [5 CFR 550.121](#).

### II. ENTITLEMENT

A. Employees who are regularly scheduled to perform work between 6 p.m. and 6 a.m. are entitled to receive night differential equal to 10% of their hourly base salary. Regularly scheduled hours are scheduled prior to the beginning of the administrative workweek, which starts on Sunday at 12 a.m.

B. Employees are not entitled to night differential while engaged in training, unless being trained on situations that only occur at night.

C. Full-time and part-time employees are entitled to night differential under the following circumstances:

1. For the hours worked between 6 p.m. and 6 a.m. when such hours are part of the employee's regularly scheduled workweek;
2. For overtime work performed between the hours of 6 p.m. and 6 a.m. when the overtime is regularly scheduled in advance of the administrative workweek;
3. When on official travel during the regular tour of duty that includes nightwork, whether performing actual work or not;
4. When temporarily assigned during the administrative workweek to a daily tour of duty that includes nightwork; and
5. When excused from night work on a holiday or other nonworkday.

### III. INELIGIBILITY

A. Intermittent employees who have no regularly scheduled tour of duty are not eligible for night differential. These employees are eligible for night differential during temporary assignments to a regular tour of duty with night work.

B. Employees on flexible work schedules are not eligible for night differential for voluntarily working flexible hours between 6 p.m. and 6 a.m. For example, if an employee works between 6 p.m. and 6 a.m. to voluntarily earn credit hours, the employee is not eligible for night differential for those hours.

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**DISTRIBUTION:** Electronic

**NOTICE EXPIRES:** 2/1/25

**OPI:** OPPD

Employees are entitled to night differential for those hours that need to be worked between 6 p.m. and 6 a.m. to complete their daily tour of duty if those hours were scheduled prior to the beginning of the administrative workweek.

C. Members of the Senior Executive Service (SES) are not eligible.

D. Experts and consultants are not eligible for night differential unless it is provided for in their contracts.

#### **IV. ABSENCE ON LEAVE**

An employee is entitled to night differential for a period of paid leave only when the total amount of leave used in a biweekly pay period is less than 8 hours.

#### **V. RELATIONSHIP TO OTHER PAY AND COMPENSATORY TIME**

Night differential is in addition to overtime, Sunday, or holiday pay and it is not included in the rate of basic pay used to compute the overtime, Sunday, or holiday pay.

#### **VI. QUESTIONS**

Refer questions to the Office of Human Resources at [FSISHR1@usda.gov](mailto:FSISHR1@usda.gov) with "Night Differential" in the subject line or call 877-FSIS-HR1 (877-374-7471) and select option 4.



Assistant Administrator  
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