



United States
Department of
Agriculture

Food Safety
and Inspection
Service

FSIS Directive
4550.7

Pay for the Continuous Workday

PAY FOR THE CONTINUOUS WORKDAY

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

FSIS DIRECTIVE	4550.7	12/28/12
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PAY FOR THE CONTINUOUS WORKDAY

I. PURPOSE

It is FSIS's responsibility to fairly and properly compensate inspection program personnel for all inspection work performed as part of their continuous workday. This directive provides guidance on the compensation for this work by:

A. Providing instructions on how to correctly calculate the hours of work and annotate the time and attendance (T&A) report in order to accurately record both basic and overtime (OT) work.

B. Illustrating scenarios to aid employees and supervisors in determining the proper form and amount of compensation (see Attachment 1).

C. Providing supplemental instructions that focus on compensating work performed under 9 CFR 307.4, 381.37 and 590.124, Schedule of Operations (see Attachment 2).

II. (RESERVED)

III. (RESERVED)

IV. REFERENCES

5 CFR 550, Pay Administration (General)
5 CFR 551, Pay Administration Under the Fair Labor Standards Act
5 CFR 610, Hours of Duty
9 CFR 307.4(c), Facilities for Inspection
9 CFR 381.37(c), Poultry Products Inspection Regulations
9 CFR 590.124, Egg Products Inspection Act
Federal Register, Vol. 76, No. 112, Friday, June 10, 2011
FSIS Directive 4550.4, Premium Pay Under Title 5, U.S. Code
FSIS Directive 4551.1, Provisions of the Fair Labor Standards Act
FSIS Directive 5090.1, Donning and Doffing Measurement

V. ABBREVIATIONS

The following are used in their shortened form in this directive:

CFR	Code of Federal Regulations
CSI	Consumer Safety Inspector
D&D	Donning and Doffing
HIMP	HAACP-Based Inspection Models Project
IPP	Inspection Program Personnel
NROT	Non-Reimbursable Overtime

DISTRIBUTION:

Electronic; All Field Employees

OPI:

HRP – Compensation Policy Branch

OT	Overtime
Pre-OP	Pre-Operational Sanitation
ROT	Reimbursable Overtime
T&A	Time and Attendance
TC	Transaction Code
TOD	Tour of Duty
WUM	Work Unit Meetings

VI. **POLICY**

This directive is to be used in conjunction with FSIS Directive 5090.1 and the revised regulations in 9 CFR 307.4(c), 381.37(c), and 590.124. In addition, this directive supplements the premium pay regulations in 5 CFR Parts 550, 551, and 610, and FSIS Directives 4550.4, and 4551.1.

VII. **DEFINITIONS**

A. **Basic Time.** The employee's non-overtime daily TOD in which the employee is paid at the basic rate plus any applicable differential. Employees working a compressed work schedule may work 9 or 10 hours as their daily TOD before OT is earned.

B. **Continuous Workday.** The employee's workday beginning when the first principal or related duty is performed and lasting through the completion of the last principal or related duty.

C. **Donning and Doffing (D&D).** The putting on (donning) and taking off (doffing) of required clothing and gear that cannot be performed at home. As an inspection activity, D&D is regularly scheduled and may be performed as part of the 8-hour workday or performed during an OT period.

D. **8-Hour Workday.** Also referred to as basic time (see definition above). The length of the employee's non-overtime TOD in which the employee is paid at the basic rate plus any applicable differential. Employees working a compressed work schedule can work 9 or 10 hours as their daily TOD before OT is earned.

E. **Inspection Work.** Includes principal duties and other related and administrative duties deemed integral and indispensable to those principal duties. These duties include but are not limited to D&D, completing the time and attendance report (T&A), knife sharpening, and workstation preparation.

F. **Irregular Overtime.** Work in excess of 8 hours in a day or 40 hours in a week that is not scheduled in advance of the administrative workweek. (**NOTE:** Less than 8 minutes of irregular OT that is not part of the continuous workday is rounded down to the nearest quarter hour. In turn, irregular OT of 8 minutes or more is rounded up to the nearest quarter hour.)

G. **Postshift Period.** An OT period occurring after the approved schedule of operations has ended. When compensable duties are performed during this period, employees are paid at their OT rate.

H. **Preshift Period.** The overtime period prior to the start of the approved schedule of operations. When compensable duties are performed during this period, employees are paid at their OT rate.

I. **Principal Duties.** The primary duties and responsibilities for which the position has been established.

J. **Regular Overtime.** OT work that is scheduled in advance of the start of the administrative workweek. Specific days and clock hours are assigned; therefore making the OT part of an employee's regularly scheduled administrative workweek. It must be fully paid and cannot be rounded down.

K. **Rounding Rule.** Per 5 CFR 550.112(a)(2) and 5 CFR 551.521(b), a quarter of an hour shall be the largest fraction of an hour used for crediting irregular or occasional OT work. Odd minutes of irregular overtime will be rounded up or rounded down to the nearest quarter hour. This rule, in the context D&D and related activities, only applies to irregular overtime performed outside of the continuous workday. However, regularly scheduled OT must be fully compensated; therefore odd minutes will only be rounded up.

L. **Schedule of Operations.** The approved clock hours of a day and the days of the week an establishment operates that require Federal inspection.

M. **Tour of Duty (TOD).** The hours of a day and the days of the week an employee is regularly scheduled to work. This includes basic and regularly scheduled OT.

N. **Transaction Code.** The numerical code used on the T&A form to indicate the type of hours worked. See attachment 3 for the list of transaction codes used in this directive.

O. **Walk Time.** The measured roundtrip time required for the employee to walk from the location where inspection activities begin (**example:** locker room) to the furthest workstation and back. Walk time also includes the time necessary to walk from the workstation to the lunchroom and back to the workstation. This time may also include any intervening stops such as to wash equipment. (**NOTE:** See FSIS Directive 5090.1 for specific time measurement guidance.)

VIII. **COVERAGE**

A. All fulltime, permanent part-time, and intermittent inspection program employees who perform inspection work that requires donning and doffing of specific protective clothing and gear either during basic time or during OT and who must be at an inspection station on the line at the start of a shift are covered by this directive. These employees include, but are not limited to, inspection plant personnel (IPP) at all grade levels in processing and slaughter establishments and egg processing establishments, import and export inspectors, CSI's, and temporary fulltime IPP who must assume duties that require D&D. (**NOTE:** Permanent part-time and intermittent inspection program employees who D&D during preshift or postshift periods or outside the schedule of operations around the lunch period but do not work over 8 hours per day or 40 hours per week are entitled to receive basic pay as opposed to OT for D&D.)

B. In-establishment supervisors who, because of a staffing shortage, assume the inspection duties of an in-plant line inspector in processing and slaughter establishments, where applicable, are also covered. However, this coverage does not include supervisors who provide relief to inspectors for breaks.

IX. BACKGROUND

A. As a result of various court cases, FSIS amended the meat, poultry, and egg products regulations in 9 CFR pertaining to the schedule of operations in federally-inspected establishments. As a result, FSIS has defined the 8-hour workday to include the time that inspection program personnel need at the workplace to perform certain D&D inspection and related activities, and walk time to and from the workstations. See FSIS Directive 5090.1 for some examples of inspection activities.

B. D&D inspection activities performed before and after the lunch period may also be included in the 8-hour workday.

C. Each IPP employee performs D&D and walking activities on a daily basis as part of their official duties. Many inspectors such as those working in egg products, poultry processing, and some slaughter establishments, have sufficient time during basic time to perform these activities. These employees are paid for D&D and related activities and walking as part of their basic tour of duty (TOD) and receive regular base pay for this work because:

1. They work in establishments where a full 8 hours of production are not performed.

2. They are not required to be at a fixed point on the inspection line in order for production to begin or continue.

D. There are other inspectors such as certain on-line livestock and poultry slaughter inspectors who, because of establishment production schedules, must begin or end their continuous workday outside of the establishment's approved schedule of operations. In these instances, the establishment would receive the full 8 hours of inspection time. The inspectors would receive regular base pay for 8 hours of inspection work performed during the approved schedule of operations and reimbursable overtime (ROT) pay when the extended continuous workday includes the preshift period, the postshift period, or the period surrounding the lunch period.

X. SCHEDULING THE CONTINUOUS WORKDAY

Individual establishments may schedule their production workday in one of two ways:

A. **Alternative 1.** Include all inspection activities as part of the 8-hour workday.

1. When inspection-related activities are scheduled as part of the 8-hour workday, the employees' TOD begins when the IPP performs the first inspection activity (**examples:** gathering gear or donning required clothing). The last concluding activity (normally doffing) is performed as the final work requirement within the TOD. D&D before and after lunch as well as the walk time from the workstation to the lunch room and back to the workstation are part of the 8-hour workday. This scheduling will result in the establishment receiving less than 8 full hours of on-line examination of product. However, because all of the inspection-related activities are included in the 8-hour basic time, no OT charges will be billed to the establishment, and FSIS employees will be compensated at the basic rate of pay.

2. Completion times for donning, doffing, related activities, and walking are measured in each establishment in accordance with FSIS Directive 5090.1. Once established, the time for these activities is included in the 8-hour workday. The FSIS supervisor will inform the establishment to adjust its schedule of operations accordingly, so that all inspection activities are performed within the IPP's 8-hour TOD. If the establishment decides it needs a full 8 hours of on-line examination of product, the FSIS supervisor is to advise the establishment that it will incur overtime costs because the IPP will need to perform the D&D, related activities, and walking outside of the 8- hour workday. The supervisor is to approve OT only in 15-minute increments.

3. Any OT that accrues because of the performance of any off-line or production activities is to be recorded on the T&A with the proper management code to bill the establishment. Establishments that choose to keep the line going past the IPP's TOD will incur a minimum quarter hour OT charge to cover the remaining shift time as well as the walk time and doffing of gear and protective clothing at the end of the shift.

4. The following are examples of the many ways that an establishment's schedule of operations could vary and the corresponding time accounting on the T&A:

a. In a slaughter establishment, the time measurement for D&D and walk time for on-line inspection personnel at the beginning of the shift, surrounding the lunch period, and at the end of the workday, comes out to a total of 10 minutes broken down as follows: donning and walking to the workstation takes 3 minutes; walking and doffing for lunch takes 2 minutes; donning and walking back to the workstation takes 2 minutes; and walking and doffing at the end of the day takes 3 minutes. Assuming a 7:00 a.m. to 3:30 p.m. tour of duty, donning and the subsequent walking time to the workstations would begin at 7:00 a.m. The production line would start at 7:03 a.m. and would need to stop at 10:58 a.m. to allow the IPP 2 minutes to walk to the lunchroom and doff their gear and protective clothing. The second half of the shift begins at 11:30 a.m. when the IPP don their gear and protective clothing and walk back to their workstations by the 11:32 a.m. start of production. This scheduling allows for the 30 minute unpaid lunch period. The production line would need to stop at 3:27 p.m. to allow the IPP 3 minutes to walk back to the changing room to doff their gear and protective clothing. There would be no OT charged in this example.

b. In subparagraph 4.a., instead of shutting the line at 10:58 a.m., it stopped 4 minutes later. Basic time would continue for those 4 minutes plus another 2 minutes for the walk time to the lunch room and doffing of gear. The inspector's 30 minute, duty-free lunch period begins at 11:04 a.m. The second half of the shift begins at 11:34 a.m. when the IPP dons gear and protective clothing and walks back to their workstation by 11:36 a.m. Since the IPP worked 4 hours and 4 minutes before lunch, only 3 hours 56 minutes remain in the shift. The production line would still need to stop at 3:27 p.m. to allow the IPP time during the TOD to walk back to the changing room to doff their gear and protective clothing. There would be no OT charged in this example.

c. Continuing with the examples in subparagraphs 4.a and b., if the establishment did not shut down the line at the correct time for lunch (**example:** 5 minutes later or more), basic time would continue through the walk time to the lunch room and doffing of gear. The 30 minute duty-free lunch period would begin and end later as would reporting back to the workstation by 5 minutes or more. If the establishment wants all the concluding D&D and related activities performed within the 8- hour workday, then the line would have to shut down production after 3 hours and 55 minutes (at 3:27 p.m.) to allow the IPP to walk back to the changing room to doff their gear and protective clothing. However, if the establishment decides it wants to keep production for the full 4 hours after lunch, the extra 5 minutes is added to the 3 minutes the IPP needs to walk back to the changing room to doff their gear and protective clothing. The extra 8 minutes is rounded up to a 15-minute OT charge. (**NOTE:** Use TC codes 19, 21, 25, or 26 to record the employee's overtime plus the appropriate accounting code to charge the establishment.)

d. Assuming the IPP's shift is being worked as scheduled (see subparagraph 4.a.) except at the end of the tour, the establishment has requested that OT be worked. This OT period must include both the production time and the time allotted for walking back to the changing room to doff the required gear and protective clothing. The supervisor will only approve OT in amounts totaling 15 minutes or amounts that can be rounded up to 15 minutes. The time is coded on the T&A using TC codes 19, 25, or 26 with the appropriate accounting code to charge the establishment. (**NOTE:** These examples are illustrated in the scenarios in Attachment 1.)

B. Alternative 2. Extend the employee's continuous work day by scheduling off-line inspection work as OT during the preshift or postshift periods or before and after the lunch period.

1. Meat and poultry slaughter establishments may require the full 8 hours of production time and, therefore, can choose to establish preshift and postshift periods in which all the D&D and related activities are performed as OT. Under this type of scheduling, the full 8 hours of on-line inspection are provided to the establishment and are compensated as basic time. During the preshift period, in addition to donning any required protective clothing and gear, preliminary activities also include (but are not limited to) the walk time from the changing area to the workstation. During the postshift period, final activities include (but are not limited to) the walk time from the workstation back to the changing area plus the doffing of the required protective clothing and gear. In some cases, the time to doff and to subsequently don the protective clothing and gear plus the walk time to and from the lunch room is also measured and added to the preshift or postshift OT charge to the establishment.

2. FSIS established measured completion times for commonly performed inspection related activities in each livestock and poultry slaughter establishment. Walking times are also measured on an establishment by establishment basis in accordance with FSIS Directive 5090.1. The OT incurred is charged to the establishment in quarter hour increments.

3. If the entire time allotted for performing D&D and related activities is not used for those purposes, the excess time may be applied towards performing additional on-line inspection or completing administrative duties. (**EXAMPLE:** It has been determined that the D&D during the preshift and postshift periods, including the time surrounding the lunch period, have been measured to take a total of 7 minutes. Regular OT of any amount is rounded to the next quarter hour. Therefore, the D&D OT is 15 minutes. The inspector may perform additional inspection activities for the remaining 8 minutes without the establishment incurring any further OT charges.)

4. See Attachment 1 for illustrations of scenarios that are typical of various ways overtime may be scheduled under this alternative.

C. **Change in the Schedule of Operations.** When the establishment notifies the Agency that the start of operations will be delayed giving the IPP sufficient time to don and walk on basic time, no OT is earned for these activities. If operations end in time for the IPP to walk and doff during basic time, then no OT is earned for these activities.

XI. **PRE-OPERATIONAL SANITATION (PRE-OP) AND ANTE MORTEM INSPECTION**

In all meat and poultry product establishments, pre-op and ante mortem inspection are part of the IPP's 8-hour workday, and FSIS employees are compensated at their basic rate of pay. When the establishment requests that pre-op or ante mortem inspection be conducted during the preshift period, the time is recorded on the T&A as OT and is billed to the establishment in 15-minute increments at the OT rate. As set out in FSIS Directive 5090.1, Section VII, any donning of protective clothing and gear necessary to perform the work is also included in this OT period. The IPP's basic TOD remains the same regardless of when pre-op or ante mortem inspection is being performed.

XII. **NIGHT DIFFERENTIAL**

A. Work performed as part of the continuous workday between the hours of 6 p.m. and 6 a.m. is compensated with an additional night differential. This differential is applied to OT hours as well as non-OT hours within the continuous workday.

B. Whenever the total OT worked (D&D plus production) is 15 minutes or less, and any portion of it is worked during the night period (6 p.m. to 6 a.m.), the entire 15-minute OT period is subject to the night differential. (**EXAMPLE:** An employee's donning time is 3 minutes (night hours), and the doffing time is 3 minutes (day hours). The 6 cumulative minutes is rounded to 15 minutes and the entire period is coded as TC-25 because we cannot split up an increment of 15 minutes.)

C. There may be instances in which the OT period is split between daytime hours and night time hours. (**EXAMPLE:** The inspector's daytime donning and walking time totals 4 minutes (TC- 21), and the night time walking and doffing time is 4 minutes (TC-25). The establishment runs into production OT of 25 minutes (TC-25). The total ROT is 33 minutes. The D&D OT is considered regularly scheduled time under the Federal compensation regulations and cannot be rounded down. The time must be fully compensated therefore, the 33 minutes is rounded up to 45 minutes of ROT in this manner: 4 minutes for daytime donning and walking is rounded up to 15 minutes (TC-21); 29 minutes of night time production OT plus walking and doffing is rounded up to 30 minutes (TC-25).)

XIII. **HOLIDAYS**

Holiday hours are comprised of the employee's regularly scheduled TOD hours. Any D&D and related administrative duties performed during an employee's TOD hours on a holiday are compensated and recorded in the same manner as any inspection work by using TC-66, Holiday (or TC-66-2, Holiday with Night Differential) plus TC-31, Holiday Worked. Any D&D or production work performed outside of the TOD hours on a holiday (**examples:** during the preshift or postshift periods) is considered OT work and compensated as either TC-19, OT over 8 hours in a day; TC-21, OT over 40 hours in a week; TC-25, OT over 40 hours in a week with night differential; or TC-26, OT over 8 hours in a day with night differential. See Attachment 1 for illustrations.

XIV. MEAL PERIOD

A. For on-line IPP, walking and doffing before lunch and the subsequent donning and walking after lunch are performed during basic time. If the establishment needs additional inspection time, they may request OT to extend the workday.

B. Inspection work, specifically the walking and doffing prior to the meal and the donning and walking following the meal, may be scheduled as part of the establishment's schedule of operations. When the establishment chooses this option, it accepts less than 8 full hours of on-line inspection of product. IPP are compensated with basic pay since the D&D would occur during the TOD.

C. If the establishment requires a full 8 hours of on-line inspection of product, the time measurement for the walking and doffing prior to the meal and the donning and walking following the meal may be added to the end of the workday as ROT. When the establishment chooses this option, it receives the 8 full hours of on-line inspection of product. The IPP is compensated with ROT pay since the final D&D would occur outside the TOD.

XV. D&D WITH LEAVE

A period of paid leave does not reduce or eliminate the employee's entitlement to OT pay for work performed outside the TOD. The following are examples of this requirement:

A. An employee dons and walks to the workstation during the preshift period. After 4 hours, while on basic time, the inspector leaves the line, walks to the changing area to doff his gear and protective clothing, and takes annual leave for the remainder of the workday. Since the employee donned the gear and clothing before the start of his TOD, and the annual leave is applied toward the 8-hour workday, the employee is entitled to OT for the preshift donning and walking.

B. An employee is on annual leave for the first 4 hours of his TOD. Upon arrival at his worksite, the employee dons and walks to his workstation on basic time. Upon completing the remaining 4 hours of his TOD, the employee walks and doffs his gear and protective clothing during the postshift period. Since the annual leave is applied toward the 8-hour day, and the walking and doffing occurred outside of the TOD, the employee is entitled to OT for the postshift walking and doffing.

C. An employee dons and walks during basic time. After 1 hour, the employee walks and doffs before taking 2 hours of leave. Upon returning to the establishment, the employee dons and walks to his workstation on basic time. The establishment ceases operations in time for this employee to walk and doff while still on basic time. There is no OT entitlement under this scenario.

D. A period of leave without pay (LWOP) is not applied towards the 8-hour workday or the 40 hour workweek. Therefore, before any daily OT entitlement is applied, the employee must complete the 8 hours of basic time. In turn, before any weekly OT entitlement is applied, the employee must complete the 40 hours of basic time.

XVI. WORK UNIT MEETINGS (WUM)

A. WUMs should be scheduled during periods of basic time. However, when it is not possible to do so, they should be scheduled after the completion of the continuous workday (usually after the doffing period but could be after knife sharpening or T&A reporting depending on the scheduling in individual establishments.)

B. Since these meetings are not part of the continuous workday as defined in the revised regulations in 9 CFR, this period of irregular OT is subject to the normal rounding rules and coded as NROT (see 5 CFR 551.521(b) and Paragraph XVII). WMUs lasting in increments of less than 8 minutes will be rounded down to the next quarter hour. In turn, meetings lasting in increments of 8 minutes or more will be rounded up to the next quarter hour.

C. The irregular OT period is coded as NROT using TC codes 19, 21, 25, or 26 with the appropriate management code.

D. WUMs may be held during any ROT remaining after the end of the continuous workday. However, the establishment cannot be charged for more time than what they are already being charged for that OT period. (**EXAMPLE:** D&D time for Establishment A is 6 minutes. This amount is rounded up to 15 minutes. A supervisor decides to have a WUM after the last activity of the continuous workday has been completed (usually doffing). The remaining 9 minutes of ROT maybe used for the WUM because the establishment chose not to utilize this time for production. If the WUM exceeds 9 minutes, the IPP cannot charge the establishment for the extra time beyond 9 minutes. The time beyond 9 minutes is NROT and is subject to the normal round rule mentioned above.)

XVII. **ROUNDING OVERTIME WORKED**

A. In accordance with the revised regulations in 9 CFR Parts 307, 381, & 590 and FSIS Directive 5090.1, time measurements for performing D&D and related activities (as specified in the references above) are made for the purpose of establishing standard continuous workdays for FSIS employees in the individual establishments. Once established, these times become regularly scheduled as part of the employees' basic TOD or as regularly scheduled OT.

B. Per 5 CFR 551.521(a), each minute of regularly scheduled overtime must be compensated. Therefore, any odd minutes of regularly scheduled overtime must be rounded up to the nearest quarter hour and compensated as ROT. (**EXAMPLE:** When the cumulative daily sum of donning/doffing/walking time (and associated production time, when applicable) totals an odd amount of ROT (less than a 15 minute increment), and the establishment wants to keep its full 8 hours of production, the establishment must request overtime with the understanding that its request will be approved as an "8 minutes of overtime" request. The establishment will be billed in 15-minute increments for the overtime regardless of whether the actual time needed was less than 8 minutes. How the establishment uses the remainder of the quarter hour is its decision so long as the doffing/walking time falls within it.)

C. When donning and walking occurs during the preshift period, but production ends early allowing the inspector to walk and doff during basic time, the inspector is still entitled to OT compensation for the preshift period. The smallest charge to the establishment is a quarter hour.

D. The same is true on the backend of the workday. If donning and walking were part of the schedule of operations (**example:** within the employee's tour of duty) but because of production OT, the inspector's workday went beyond their TOD, the walking and doffing time is added to the production time and rounded up to the nearest quarter hour and charged to the establishment. (**NOTE:** When regular OT (time measured D&D) and irregular OT (inspection) occur on the same shift, the two types of OT are added together and always rounded up to the next quarter hour. This approach will ensure that all regular overtime is being compensated per 5 CFR 551.521(a).)

E. Irregular OT periods of less than 8 minutes that are not part of the continuous workday are rounded down to the nearest quarter hour. In turn, irregular OT of 8 minutes or more is rounded up to the nearest quarter hour (see Paragraph XVI).

XVIII. VARIABLE OVERTIME CHARGES

A. There are instances in which IPP at the end of the production line finish their inspection duties later than those at the beginning of the line. When this difference causes their workday to extend into the next quarter hour, these IPP may charge the establishment an additional 15 minutes of ROT.

B. It is expected that inspection station assignments are regularly rotated so that the extra OT is evenly distributed among the inspectors assigned to the establishment.

XIX. D&D/WALK TIME IN HIMP ESTABLISHMENTS

A. Only HIMP carcass inspectors who are required to be at an assigned inspection station on the slaughter or evisceration line at the start or at the end of the shift would be entitled to D&D or walking OT, when applicable, at that establishment. In addition, D&D would need to be accounted for around the lunch period for these inspectors.

B. The establishment's HIMP verification inspectors receive compensation for D&D and walking as part of their basic TOD.

XX. COMPLETING THE T&A REPORT

A. As amended within the revised 9 CFR regulations, administrative time scheduled by FSIS is now part of the 8-hour work day. FSIS has scheduled 1 minute per day within the schedule of operations for inspection program personnel to complete their T&A.

B. When establishments with production schedules that require inspectors to be on the line for the entire 8-hour schedule of operations, IPP will charge ROT for completing the T&A report. This activity may be performed before doffing or afterward, thus making it the last compensable duty in the employee's continuous workday. (**NOTE:** The 1 minute of ROT may be part of any unused ROT the establishment has paid for or other available down time.) The following are examples of how to complete the T&A report:

1. D&D is measured to take 6 minutes and is rounded up to 15 minutes. The 1 minute for entering the work hours on the T&A may be accounted for in the remaining 9 minutes of ROT. (6 minutes + 1 minute = 7 minutes & rounded up to 15 minutes total OT charge.) No additional overtime charge is warranted.

2. D&D plus production overtime totals 9 minutes and is rounded up to 15 minutes. The 1 minute for entering the work hours on the T&A may be accounted for in the remaining 6 minutes of ROT. (9 minutes + 1 minute = 10 minutes & rounded up to 15 minutes total OT charge.) No additional overtime charge is warranted.

3. 5 minutes for D&D plus 10 minutes for production overtime totals 15 minutes. The 1 minute scheduled for the T&A entry is added to the 15 minutes of D&D and production overtime and rounded up to 30 minutes of ROT. (5 minutes + 10 min + 1 minute = 16 minutes & rounded up to 30 minutes total OT charge.) Use TC codes 19, 21, 25, or 26 as applicable.

C. The correct transaction code to record the time for completing the time and attendance report will depend on whether the establishment elects to schedule the time during its approved hours of operation or during an OT period. Use one of the following basic pay codes as applicable: TC-01, 04, 05, or 11 or overtime codes as applicable: TC-19, 21, 25, or 26.

XXI. **KNIFE SHARPENING**

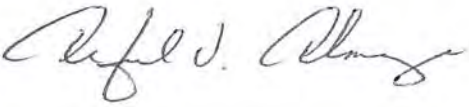
A. Knife sharpening is now part of the 8-hour work day. Establishments that do not provide knife sharpening services and have production schedules that require inspectors to be on the line for the entire 8-hour schedule of operations must request ROT for knife sharpening in accordance with FSIS Directive 5090.1.

B. The time allotted for knife sharpening is added to the D&D and production OT. The total is rounded up to the next quarter hour in the same manner as T&A entry (See Paragraph XX).

C. Knife sharpening may be done during any unused ROT the establishment has paid for or other available down time. **(NOTE:** These provisions do not apply if the establishment provides knife sharpening service. The correct transaction code to record the time for knife sharpening will depend on whether the establishment elects to schedule the time during its approved hours of operation or during an OT period. Use one of the following basic pay codes as applicable: TC-01, 04, 05, or 11 or OT codes as applicable: TC-19, 21, 25, or 26.)

XXII. **ADDITIONAL INFORMATION**

Compensation questions may be directed to the district office or emailed to Don&DoffHelp@fsis.usda.gov. For further information on D&D time measurement, please see FSIS Directive 5090.1.



Administrator
Food Safety and Inspection Service

Attachments

- 1 Illustrating the Continuous Workday
- 2 Supplemental Instructions for Compensating Work Performed Under the Amended Regulations in 9 CFR 307.4, 381.37, and 590.124, Schedule of Operations
- 3 Transaction Codes

ILLUSTRATING THE CONTINUOUS WORKDAY

ILLUSTRATING THE CONTINUOUS INSPECTION WORKDAY OCCURRING TOTALLY WITHIN THE 8-HOUR WORKDAY

All time is not the same when it comes to entitlement to overtime or for the purposes of billing industry for OT. The following scenarios illustrate the examples above to show that the scheduling of the continuous workday activities makes a difference with regard to:

- A. When time qualifies as compensable overtime for an employee under 5 CFR rules.
- B. When time is billable as ROT to the establishments under 9 CFR rules. When completing the T&A, refer to one of the scenarios below for guidance.

Scenario 1: Traditional 8-hour workday with all D&D activities performed during the employee's basic time. In this scenario, the establishment accepts less than 8 hours of actual production time.

{-----Tour of Duty ---6am to 2:30pm-----}						
Donning & Walk Time 3 min	Production Time	W a l k i n g & D o f f i n g 2 min	30 min Duty Free Meal Period Unpaid	D o n n i n g & W a l k i n g 2 min	Production Time	Walk Time & Doffing 3 min
[6:00am -----	-----10:00		10:30-----		-----2:30pm]	

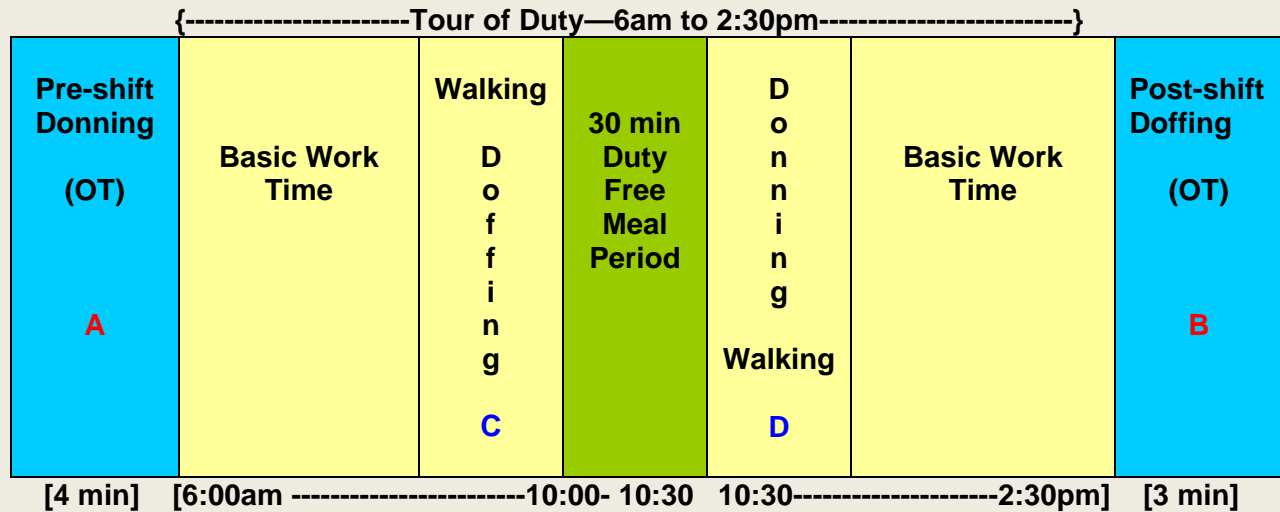
In this scenario, all of the required **D&D** activities at the start of the workday, at the end of the workday, and around the meal period are performed during the basic 8-hour workday.

- Since there is no overtime, the employee is not entitled to any overtime compensation for the time spent on donning and doffing activity nor is any overtime billed to the establishment. All the time spent on inspection related activities is coded as basic time (Transaction Code 01) for T&A purposes.

NOTE: Scheduling the **D&D** activities in this manner reduces the 8 hours of production time the establishment normally receives by the amount of time it takes to complete these activities. If, on any given day, the establishment decides it needs the full 8 hours for production, the establishment will request overtime for D&D. Inspectors must bill the establishment for the overtime resulting from the extra time on the inspection line (no less than 8 minutes) plus the overtime to perform the concluding activities at the end of the shift. Use TC-19, TC-21, TC-25, or TC-26 to code the T&A.

ILLUSTRATING THE CONTINUOUS WORKDAY BEGINNING AND ENDING OUTSIDE OF THE 8- HOUR WORKDAY (PRE-/POSTSHIFT PERIODS)

Scenario 2: Traditional 8-hour workday with established (a) pre-shift and post-shift periods with D&D activities performed outside basic time; and (b) pre-lunch/post-lunch D&D activities performed during the employee's basic time. In this scenario, the establishment accepts less than 8 hours of actual production time.

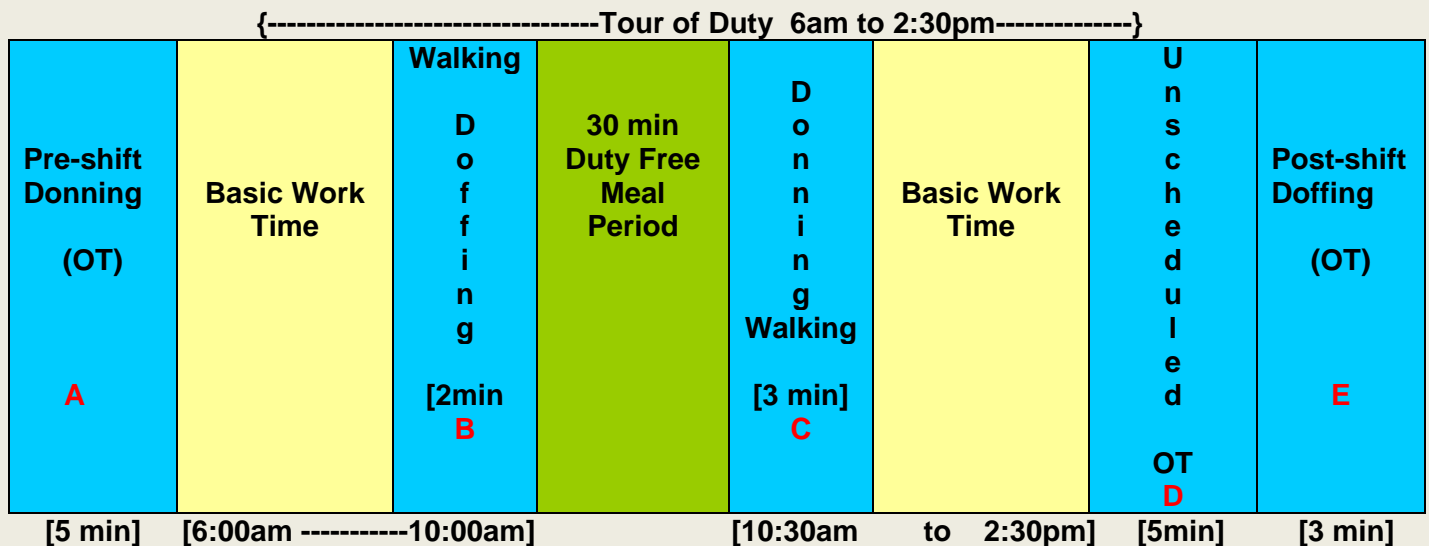


In this scenario, activities “A” and “B” are overtime pre-shift and post-shift periods in which the D&D activities are performed outside basic time. These times would be added together for a daily OT total. For the purposes of this scenario, activity “A” is 4 minutes and “B” is 3 minutes for a total of 7 minutes. Since in this example there is no other OT, the 7 minutes of D&D would be rounded up to 15 minutes. The 15 minutes would be compensable to the employee as ROT and coded as TC-19 or TC-21, (TC-25 or TC-26 if night hours are involved) on the T&A and billed to the establishment using the appropriate accounting code.

- Activities “C” and “D” are scheduled and performed during basic time so they are counted as basic work time (TC-01). Therefore, no additional compensation is due to the employee, nor is this time reimbursable by the establishment.

NOTE: Scheduling the D&D activities in this manner reduces the 8 hours of production time the establishment normally works by the amount of time it takes to complete the D&D and walk time activities surrounding the lunch period. If, on any given day, the establishment decides it needs the full 8 hours for production, the establishment must request OT. Inspectors must bill the establishment for the remaining time on the inspection line plus the already scheduled postshift concluding activities as overtime. The time is coded on the T&A as TC-19, TC-21, TC-25, or TC-26 on the T&A. The supervisor will only approve OT in amounts totaling 8 minutes or amounts that can be rounded up to 15 minutes.

Scenario 3: Traditional 8-hour workday with D&D activities performed during pre-shift and post-shift overtime periods. Pre-lunch and post-lunch D&D activities are performed within basic time but the establishment requests overtime at the end of the day to recoup the time. Establishment receives full 8 hours of production.



In this scenario, required pre-shift and post-shift D&D activities are performed outside of the employee's basic 8-hour workday. Although the D&D surrounding the lunch period are performed within the schedule of operations, the establishment requested OT at the end of the day to recoup the 5 minutes of D&D (B+C). Therefore, A+D+E are all added together as overtime work and coded on the T&A as TC-19, TC-21, TC-25, or TC-26. The total overtime of 13 minutes rounded up to 15 minutes is billed to the establishment using the appropriate accounting code.

Under other circumstances, the Unscheduled Leave may also include production OT in addition to recouping the D&D time surrounding the lunch period.

ILLUSTRATING THE CONTINUOUS WORKDAY OCCURRING ON A HOLIDAY

Scenario 4: On this holiday, the establishment is working a traditional 8-hour workday with all D&D activities performed during the employee's basic time. In this scenario, the employee works the entire 8 hours of his TOD but is on the production line less than 8 hours examining product.

{----- Tour of Duty 6am to 2:30pm-----}						
Donning & Walk Time 3 min	Production Time	W a l k i n g & D o f f i n g 2 min	30 min Duty Free Meal Period Unpaid	D o n n i n g & W a l k i n g 2 min	Production Time	Walk Time & Doffing 3 min
[6:00am -----10:00am]				[10:30-----2:30pm]		

Holiday hours coincide with the employee's TOD hours. In this scenario, the continuous workday encompasses the holiday period. Therefore, the entire 6:00 a.m. to 2:30 p.m. period is subject to holiday pay.

The T&A would be codes as follows:

TC-66, Federal Holiday, for 8 hours

TC-31, Holiday Worked, for 8 hours

Scenario 5: On this holiday, the establishment is working a four hour schedule with all D&D activities performed during the employee's basic time. In this scenario, the employee works 4 hours of his tour of duty.

{----- Tour of Duty 6am to 2:30pm-----}						
Donning & Walk Time 3 min	Production Time	W a l k i n g & D o f f i n g 2 min	Meal Period Not Required Unpaid		Establishment is dark	
[6:00am -----10:00]			[10:30-----2:30pm]			

Holiday hours coincide with the employee's tour of duty hours. In this scenario, the continuous workday encompasses the holiday period but on this holiday, the employee is only working 4 hours of his 8-hour tour of duty.

The T&A would be coded as follows:

TC-66, Federal Holiday, for 8 hours

TC-31, Holiday Worked, for 4 hours

Scenario 6: On this holiday, the establishment is working a traditional 8-hour workday with D&D activities performed during pre-shift and post-shift overtime periods. Pre-lunch and post-lunch D&D activities are performed within basic time but the establishment requests overtime at the end of the day to recoup the time and to allow for extra production. Establishment receives full 8 hours of production.

{-----Tour of Duty 6am to 2:30pm-----}							
Pre-shift Donning	Basic Work Time	Walking	30 min Duty Free Meal Period	D	Basic Work Time	U	Post Shift
(OT)	+	D		o	+	s	D
A	Holiday Worked	f		n	Holiday Worked	c	o
	B	i		g	E	h	f
		(OT)		(OT)		e	i
		C		D		d	n
		[2 min]		[3min]		OT	(OT)
						F	G
[5 min]	[6:00am to 10:00am]			[10:30am to 2:30pm]	[8 min]	[5 min]	

Holiday hours coincide with the employee's tour of duty hours. Therefore, the pre/postshift periods plus the unscheduled overtime (A,F*, &G) are overtime hours and paid at the employee's overtime rate. Only the actual inspection work is eligible for TC-31 (B,C,D,&E).

The T&A would be coded as follows:

TC-66, Federal Holiday, for 8 hours

TC-31, Holiday Worked, for 8 hours

TC-19 or 21, Overtime, for ½ hour (A+F+G = 18 minutes rounded up to 30minutes of OT)

*F= 5 min for the OT surrounding the lunch period +3 min of production OT

**SUPPLEMENTAL INSTRUCTIONS FOR COMPENSATING WORK PERFORMED
UNDER THE AMENDED REGULATIONS AT 9 CFR 307.4, 381.37, AND
590.124, SCHEDULE OF OPERATIONS**

There are activities that Inspection Program Personnel (IPP) perform that are not specifically covered or fully addressed in the amended 9 CFR Parts 307, 381, and 590, Schedule of Operations regulations. Nonetheless, these activities may potentially be compensable. The instructions below are intended to serve as an aid to supervisors on how to compensate and record OT and to bill the establishment for some common tasks that are not fully addressed in the rule:

A. **Completion of the 5110, Services Rendered Form.** This form is normally completed in conjunction with the employee's time and attendance report (T&A). It may be completed during any period of basic time that is not committed to inspection work or during a ROT period.

B. **Travel Vouchers/GovTrip.** On those occasions in which inspection program personnel need to travel for temporary duty (TDY) purposes, completing this administrative function for reimbursement of expenses would have to be completed during compensable time. Whenever possible, this function should occur during basic time. This may be accomplished by supervisors ensuring that there is relief coverage for the line inspector to perform this duty. When it is not possible to do so, the supervisor should discuss with FLS or DM to determine if NROT is appropriate. The decision on when to complete the vouchers and whether ROT or NROT is appropriate depends on the situation. Each instance would have to be examined individually.

C. **Locker Cleanout.** FSIS employees are always required to implement practices to ensure a sanitary environment is maintained. If the practices require the FSIS employee to conduct duties outside their tour of duty the establishment is liable for the OT charges.

D. **Coding the T&A when assigned to a different establishment.** On those occasions when an inspector's headquarters establishment is dark, and the employee is assigned to another establishment but keeps his/her normal tour of duty, the following guidance will help in coding the T&A. The reference point to determine the employee's entitlement to overtime (including donning and doffing) is the normal TOD hours. Performing any compensable work outside the normal TOD hours creates an OT entitlement. However, depending on the specific circumstances, the OT may or may not be reimbursable.

1. Establishment A has approved hours of 2230 to 0700 (10:30 p.m. to 7:00 a.m.) for the first shift and 0700 to 1530 (7:00 a.m. to 3:30 p.m.) for the 2nd shift. It has elected to pay 15 minutes of reimbursable overtime (ROT) for donning and doffing for each shift on a daily basis.

2. Inspectors at establishment B with approved hours from 0330 to 1200 (3:30 a.m. to 12 noon) go to Establishment A about once weekly when their establishment has a "down day" and is not operating. They still start at their normal time 0330 (3:30 a.m.) and work no later than 1200 hours (12 noon), so they are actually working a portion of shift 1 and a portion of shift 2 at Establishment A.

Q1. If the inspectors arrive at 0330 and go directly to the line and work a full 8 hours ending at 1200 hours, are they still entitled to D&D overtime even though they are working during both shifts? If so, should their D&D overtime be charged as ROT to Establishment A or as non-reimbursable (NROT)?

A1. Since the 1st shift at Establishment A is already in process when the inspectors arrive, they have the opportunity to don their gear and walk to the workstation during their TOD. This would be coded as basic time with night differential (TC-11). The same could be true towards the end of their tour of duty. Since the 2nd shift at Establishment A is in full production allowing these inspectors to stop working at 1200, they should leave the line before their shift is over to allow time for walking and doffing on basic time (TC-01). Note that this will result in Establishment A receiving less than 8 hours of inspection from the employees from Establishment B.

However, if there is a need for the inspectors from Establishment B to be on the line for the full 8 hours (beginning at 0330 and ending at 1200), then donning and walking would have to occur prior to the start of their tour of duty. This time would be rounded up to 15 minutes, coded as Overtime over 40 with night differential (TC-25) and would include the walking and doffing at the end of their shift (even though doffing is performed after 6am.) Since only the inspectors were in an overtime status but not the establishment, the D&D would be considered NROT.

NOTE #1: If these inspectors were to work until the second shift ended at 1530, the overtime between 1200 and 1530 is NROT. The doffing, as mentioned above, is still part of the quarter hour of overtime earned for donning and walking.

NOTE #2: If production overtime causes the total overtime earned to exceed 15 minutes (**example:** it totals 18 minutes) and thus rounded up to a 30-minute charge, a separate T&A entry for 15 minutes of ROT to account for the production OT and the walking/doffing is made but without the night differential. Use TC-21 plus the management code to bill the establishment.

Q2. If the inspectors arrive at 0330 and do not start or finish on the line, but are used to give breaks, work the line for a few hours at a time, and do office duties, are they entitled to D&D OT?

A2. No, they would not be entitled to any D&D OT since they should have time to perform donning and doffing duties during basic time (TC-01).

Charging for D&D when assigned to work at two different establishments on the same day.

When total combined D&D time for both establishments is 15 minutes or less, an employee may earn and subsequently charge ROT for D&D purposes, only once during their shift. In other words, the employee may not earn 15 minutes of OT for the preshift donning at Establishment A and then earn another 15 minutes of OT for the postshift doffing at Establishment B when the total D&D time at both establishments is 15 minutes or less. The establishment to charge for the donning and doffing OT will depend on the specific situation.

1. If the employee donned and walked to the workstation at Establishment A before the TOD started, but the shift at Establishment B ended in time for the employee to walk and doff on basic time, then the donning and walking time is rounded up to 15 minutes of ROT and charged only to Establishment A.

2. If the employee donned and walked to the workstation at Establishment A during basic time but at Establishment B the shift went beyond the employee's TOD, then Establishment B is charged for the ROT. The walking and doffing time is rounded up to 15 minutes and charged to Establishment B.

3. When cumulative D&D occurs at both establishments totals 15 minutes or less during an OT period, only charge the ROT to the establishment where the workday began. This is because the payroll provider (NFC) cannot split a 15 minute OT charge.

When the cumulative amount of D&D between the two establishments exceeds 15 minutes, the employee may split the charge for the D&D OT between the two establishments.

A. At Establishment A, if it takes an inspector 7 minutes to don his gear and walk to his workstation prior to the start of his TOD but it takes him 9 minutes to walk and doff his gear at Establishment B after his tour has ended, he may split the 30 minutes of OT (16 minutes rounded up to 30 minutes) between Establishment A for 15 minutes of D&D and also charge Establishment B for 15 minutes of D&D.

B. At Establishment A, if it takes an inspector 7 minutes to don his gear and to walk to his workstation prior to the start of his tour of duty, but because of production OT, the postshift OT at Establishment B totals 16 minutes, the employee may split the 45 minutes of OT. The 7 minutes of OT earned at Establishment A is rounded up to 15 minutes and charged to Establishment A. The 16 minutes of OT earned at Establishment B is rounded up to 30 minutes and charged to Establishment B.

TRANSACTION CODES

TC-01	Regular Base Pay
TC-04	Base Pay with Sunday Differential
TC-05	Base Pay with Sunday and Night Differential
TC-11	Base Pay with Night Differential
TC-19	Overtime >8hrs/day
TC-21	Overtime >40hrs/week
TC-25	Overtime>40hrs/week with Night Differential
TC-26	Overtime >8hrs/day with Night Differential
TC-31	Holiday Worked
TC-61	Annual Leave
TC-62	Sick Leave
TC-66	Other Leave (e.g., regular holiday, admin/excused absence, jury duty)
TC-66-2	Other Leave with Night Differential