



United States  
Department of  
Agriculture

Food Safety  
and Inspection  
Service

FSIS Directive  
4550.4

# Premium Pay Under Title 5

**PREMIUM PAY UNDER TITLE 5, UNITED STATES CODE (U. S. C.)**

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

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**PART ONE—BASIC PROVISIONS**

**I. PURPOSE**

This directive states premium pay entitlements under Title 5, U.S. Code, and includes premium pay guides.

**II. CANCELLATION**

Cancel FSQS Directive 4550.4, dated 12/11/80.

**III. REASON FOR REISSUANCE**

This Directive has been rewritten and reorganized to make it easier to read and use. Also, it has been revised to reflect new OPM requirements regarding scheduling of overtime.

**IV. POLICY**

Employees will be compensated for all time worked, subject to the aggregate rate of pay limitations established by law. (See Part Three, Section One, subparagraph II. A.)

**+V. COVERAGE AND APPLICABILITY**

This Directive applies to all FSIS employees except as provided below and in specific instances in text where exceptions are stated.

A. Some employees are covered not only by Title 5 but also by the overtime provisions of the Fair Labor Standards Act. FSIS Directive 4551.1, Provisions of the Fair Labor Standards Act, discusses in detail the relationship between premium pay entitlements under that Act and entitlements under Title 5, U.S.C. Where indicated, the reader should refer to FSIS Directive 4551.1 for additional guidance.

B. FSIS Directive 9040.3, Use of Compensatory Time and Paid Overtime, supplements this Directive and provides policies and procedures applicable to Meat and Poultry Inspection Operations (MPIO) employees on use of compensatory time and paid overtime as compensation for unscheduled overtime.]+

+ [C. For employees participating in alternative work schedules, certain provisions of this Directive are not applicable. FSIS Directive 4610.5, Alternative Work Schedules, discusses premium pay entitlements for these employees. Employees with questions should contact the Classification and Organization Branch, Personnel Division (PD), through proper channels.

D. Any office wishing to supplement or expand upon any of the provisions of this Directive must first clear the proposal through the Classification and Organization Branch, PD.] +

## VI. DEFINITIONS

A. Administrative Workweek. The calendar week, Sunday through Saturday.

+ [B. Basic Workweek. For full-time employees, a total of 40 hours which] + are generally completed in five 8-hour days but which must be completed in six days of the administrative workweek.

C. Holiday. The current holidays are:

New Year's Day--January 1.

Washington's Birthday--the third Monday in February.

Memorial Day--the last Monday in May.

Independence Day--July 4.

Labor Day--the first Monday in September.

Columbus Day--the second Monday in October.

Veterans Day--November 11.

Thanksgiving Day--the fourth Thursday in November.

Christmas Day--December 25.

Inauguration Day--for Washington, DC metropolitan area only.

Any day designated a holiday by Federal statute or Executive Order.

D. Nonworkday. A day \* \* \* on which no work is scheduled.

E. Premium Pay. Additional pay for overtime, night, holiday, or Sunday work.

F. Regular Workday. A day \* \* \* on which basic hours are scheduled.

G. Regularly Scheduled Administrative Workweek. The officially prescribed days and hours within the administrative workweek that are scheduled in advance and during which an employee is required to be on duty.

+ [H. Overtime. Under Title 5, U.S.C., work performed by an employee that is in excess of 40 hours in a week or 8 hours in a day.

I. Regular Overtime. Overtime work that is part of an employee's regularly scheduled administrative workweek.

J. Irregular Overtime. Overtime work that is not part of an employee's regularly scheduled administrative workweek.] +

**+PART TWO—SCHEDULING, APPROVING, AND RECORDING OVERTIME**

**I. SCHEDULING OVERTIME**

Under OPM regulations, agencies are required to schedule an employee's tour of duty in advance of the beginning of the workweek whenever possible. This includes any regular overtime in the tour as well. If there are unpredictable or temporary extra work needs not known before the beginning of the workweek, these will be covered by irregular overtime. FSIS Directive 4610.1, Tours of Duty, provides further information on the scheduling requirements.

A. Use of Regular Overtime. Regular overtime is appropriate when a requirement for additional work is known before the beginning of the workweek.

B. Use of Irregular Overtime. Irregular overtime is appropriate when the requirement for additional work is not known before the beginning of the workweek and may be used to:

1. Take care of unanticipated temporary increases in workload.
2. Meet deadlines.
3. Manage other unusual situations requiring extra work.

**II. APPROVING OVERTIME**

A. Authority to Order and Approve Overtime. Except for inspection activities, ALL overtime must be ordered and approved in writing and in advance.

1. Deputy administrators and their designees are authorized to order and approve all irregular overtime and any regular overtime lasting no more than one pay period within their respective jurisdictions.

2. Deputy administrators may redelegate this authority to subordinate officials, who may redelegate it to field personnel. The office of the deputy administrator will keep a written record of the redelegations, showing:

- a. Name and title of official to whom authority is redelegated.
- b. Geographic location of such official.
- c. Jurisdictional area in terms of organizational subdivision or function for which authority will be exercised.

3. Regular overtime lasting longer than one pay period requires approval of the Servicing Personnel Office (SPO).]+

**[+B.**     Reporting Requirements. FSIS Directive 4610.1, Tours of Duty, sets forth approval procedures for tours containing regular overtime. Irregular overtime has no reporting requirements except those that may be imposed by a deputy administrator for his or her own program area.]**+**

**III.           RECORDING OVERTIME**

A.     Fraction. A quarter hour shall be the lowest fraction of an hour used to schedule and record overtime under Title 5.

B.     Irregular Overtime. There are instances where management cannot or does not fully control the work situation and permits employees to work irregular overtime in smaller fractions than a quarter hour. In these instances the time will be credited and recorded under the daily practice of "rounding up" or "rounding down." The minutes shall be rounded to the nearest quarter hour each day as follows:

1.     If the minutes total 7 or less, then the total shall be rounded down to the preceeding quarter hour. **EXAMPLE:** An employee works 35 minutes overtime. Only one-half hour would be recorded on the Time and Attendance (T&A) report. If the employee worked only 5 minutes of overtime for the day, no overtime would be recorded on the T&A report.

2.     If the minutes total 8 or more, then the total shall be rounded up to the next quarter hour. **EXAMPLE:** An employee works 9 minutes of overtime for the day. One quarter hour of overtime would be recorded for the day on the T&A report.

**+ [C.**     Regular Overtime.

1.     Regular overtime is not rounded up or down but is to be scheduled in increments no smaller than the quarter hour.

2.     Any regular overtime scheduled to be performed must be noted on the T&A in the Established Work Week and Hours block.]**+**

**PART THREE—PREMIUM PAY AND COMPENSATORY TIME**

**SECTION ONE—PREMIUM PAY**

**I. PREMIUM PAY GUIDES**

Attachments 3-1 through 3-3 and 4-1 (for wage grade employees) describe employee entitlements under Title 5, U.S.C. to overtime, night differential, holiday pay, compensatory time, Sunday pay, call-back, and hazard pay.

**II. RESTRICTIONS ON PREMIUM PAY**

A. Maximum Limitation. As provided in 5 U.S.C. 5447, premium pay:

+1. May be paid to an employee whose basic pay rate is less than the maximum of GS-15. The employee's aggregate rate of pay (straight-time base pay plus premium pay) may not be more than the maximum rate payable to GS-15 for any pay period. EXCEPTION: Inspection personnel (i.e., food inspectors and Veterinary Medical Officers) under 7 U.S.C. 394, employees covered by FLSA (as defined in FSIS Directive 4551.1), and wage grade employees have no limits on premium pay.]+

2. May NOT be paid to an employee whose basic pay rate equals or is more than the maximum rate payable to a GS-15.

B. Time Spent in Training. Under Title 5, U.S.C., employees are prohibited from receiving premium pay for time spent in training. (The same prohibition applies to employees covered under the Fair Labor Standards Act except when specific criteria are met. See FSIS Directive 4551.1.) This prohibition is waived when training is given:

1. During a period of duty for which the employee is already receiving premium pay. (This exception does NOT apply to employees assigned to full-time training at an institution of higher learning.)

2. At night because situations which the employee must learn to handle exist only at night.

3. On overtime, on a holiday, or on Sunday because the cost of training, including premium pay, is less than the cost of the same training confined to regular hours.

4. During periods of temporary assignment to a formally approved program for advance training directly related to duties for which additional compensation is payable. (The additional compensation may continue for up to 60 workdays.)

C. Special Tours of Duty for Education. Employees (and their supervisors) are not paid premium pay if they change their tour of duty to

take courses at nearby institution of higher learning and the new tour of duty results in their working on a day or at a time of day for which premium pay is authorized. EXAMPLE: An employee who arranges to work at night or on weekends to allow for taking courses during the week is not entitled to premium pay.

D. Experts and Consultants. Experts and consultants employed on an +[intermittent basis under 5 U.S.C. 3109 are NOT entitled to premium pay.]+

### III. EFFECT OF LEAVE AND OTHER ABSENCE ON PREMIUM PAY

Employees covered by FLSA should refer to FSIS Directive 4551.1 for effect of leave and other absence on FLSA overtime entitlements. Wage grade employees should refer to Part Four.

A. Leave With Pay. An employee's overtime pay is not reduced if absent during an administrative workweek due to:

1. Approved annual or sick leave.
2. Legal holiday.
3. Nonworkday established by Executive or administrative order.
4. Taking compensatory time off during the basic workweek.

B. Actual versus Scheduled Starting Time. An employee may not be deprived of premium pay if he/she arrives at work after the scheduled starting time because of paid leave being taken.

C. Nonpay Absence. Hours in nonpay absence (leave without pay, absence without leave, furlough, or suspension) must be made up before premium pay can be earned.

1. For overtime based on exceeding 8 hours in a workday, the employee must make up an equal period of service outside the daily tour but in the same workday.

2. For overtime based on exceeding 40 hours in a workweek, the employee must make up an equal period of service outside the basic workweek but in the same administrative workweek.

D. Absence During Regular Overtime Periods. The overtime rate is payable only for regular overtime work that is ACTUALLY PERFORMED. EXCEPTION: In the following cases the employee must be paid at the overtime rate:

1. An employee is in travel status during a period of regular overtime.
2. An employee is absent on compensatory time during a period of regular overtime.

3. An employee is absent for certain reasons authorized by law (such as court leave or military leave) during a period of regular overtime.

E. Sunday Work. An employee who is scheduled to work on Sunday but is absent for any reason:

1. For the entire Sunday tour, is not entitled to premium pay for Sunday work because no work was actually performed on Sunday.

2. For part of the Sunday tour, is entitled to premium pay for only the Sunday work actually performed.

+F. Night Pay. Payment of night differential for night work, including overtime performed between 6 p.m. and 6 a.m., continues when an employee:

1. Is absent due to a holiday or other nonworkday.

2. Is on leave with pay PROVIDED that the aggregate leave during the pay period (excluding holiday, military, or official leave) is less than 8 hours. If the aggregate leave with pay occurring within both the night and day hours totals to 8 or more hours, night differential is not authorized for any hours of leave (excluding holiday, military, or official leave).]+

## SECTION TWO—COMPENSATORY TIME

### IV. APPLICABILITY

A. Employees Covered by FLSA. See FSQS Directive 4551.1.

+B. Wage Grade Employees). Compensatory time off cannot be granted to wage grade employees.

C. All Other Employees. Attachments 3-1, 3-2, and 3-3 provide details on earning compensatory time. MPIO employees should also refer to FSIS Directive 9040.3.]+

### V. GRANTING COMPENSATORY TIME

A. Compensatory time is granted only for irregular overtime. Employees must be paid for all regular overtime and for all nonovertime work on a holiday.

B. Even though an employee's regularly scheduled administrative workweek includes regular overtime, the employee may be granted compensatory time for previously worked irregular overtime.

VI. **MAXIMUM LIMITATION ON COMPENSATORY TIME**

A. Compensatory time is subject to the maximum limitation for premium pay. (See subparagraph II. A.)

B. To determine if any compensatory time must be forfeited, the number of overtime hours for which the employee could receive pay before reaching the maximum limitation for the pay period is calculated. Such overtime hours equal the maximum hours of compensatory time that can be credited.

VII. **LIQUIDATING COMPENSATORY TIME**

A. Compensatory time must be taken before annual leave unless doing so would result in the forfeiture of annual leave. (See FSIS Directive 4630.2, Leave.)

B. Payment for compensatory time earned is required if:

1. Not taken by the end of the leave year in which it was earned.
2. The employee is separated before the expiration of the period during which it would normally be taken.

C. Compensatory time must be paid at the overtime rate that applied at the time it was earned.

P R E M I U M P A Y G U I D E  
FULL-TIME GENERAL SCHEDULE (GS AND GM) EMPLOYEES  
(EXCEPT INSPECTION PERSONNEL)

I LIMITATION ON PREMIUM PAY (5 USC 5547)

No premium pay can be paid to an employee whose rate of basic pay equals or exceeds the maximum step for grade GS-15. For any employee whose rate of basic pay is less than the maximum step of GS-15, premium pay may be paid only to the extent that such payment would not cause aggregate pay (including compensatory time) to exceed the basic pay for such maximum step with respect to the pay period in which the overtime was worked.

II OVERTIME

A. Employees whose basic rate of pay does not exceed the minimum rate of GS-10 are paid at one and one-half times their hourly rate of basic pay for all work ordered or approved in excess of 40 hours in an administrative workweek or in excess of 8 hours a day, whichever is the greater number of overtime hours.

B. Employees whose rate of basic pay exceeds the minimum rate of GS-10 are paid at one and one-half times the hourly rate of the minimum rate of GS-10 for all work ordered or approved in excess of 40 hours in an administrative workweek or in excess of 8 hours a day, whichever is the greater number of overtime hours.

EXCEPTION: Where the hourly rate of basic pay exceeds one and one-half times the hourly rate of the minimum rate of GS-10, and the basic 40 hour workweek includes a daily tour of duty of more than 8 hours, employee is paid at the basic rate of pay for each hour of the daily tour within the basic workweek that exceeds 8.

III NIGHT DIFFERENTIAL

A. For regularly scheduled work between the hours of 1800 and 0600, night differential of 10 percent is added to the basic rate. Payment of night differential is made when an employee is excused on a holiday. Night differential is also paid when the office is closed by administrative authority, or when the employee is on military leave or official leave.

B. Night differential for a period of paid leave may be paid if the total amount of leave taken during the pay period, excluding holiday, military, or official leave, is less than 8 hours.

C. Night differential is not included in the rate of basic pay used to compute overtime or holiday pay.

IV. HOLIDAY PAY

Employees who work on a holiday occurring in their basic 40 hour workweek are paid twice the rate of basic compensation for those nonovertime hours not exceeding 8. When no work is performed on such a holiday, employees are entitled to the same pay that would have been received for working that day had it not been a holiday.

No compensatory time for holiday work.

V COMPENSATORY TIME

A. For irregular overtime, those employees whose rate of basic pay exceeds the maximum rate of GS-10 are granted an equivalent amount of time off in lieu of payment, except in emergencies as approved by the Deputy Administrator or designee. Those whose basic rate does not exceed the maximum rate of GS-10 may be granted compensatory time off rather than payment, providing they request time off in writing.

B. The compensatory time which any employee may accumulate per pay period may not exceed the irregular overtime actually worked, and is limited to an amount which, if paid for and added to the base and premium pay for the pay

P R E M I U M P A Y G U I D E  
PART-TIME AND INTERMITTENT GS AND GM EMPLOYEES

I LIMITATION ON PREMIUM PAY (5 USC 5547)

Same as Limitation on Premium Pay, Attachment 3-1.

II OVERTIME

A. Employees whose rate of basic pay does not exceed the minimum rate of GS-10 are paid at one and one-half times their hourly rate of basic pay for all work officially ordered or approved in excess of 8 hours in any day, or in excess of 40 hours in a week, whichever is the greater number of overtime hours.

B. Employees whose rate of basic pay exceeds the minimum rate of GS-10 are paid at one and one-half times the hourly rate of basic pay at the minimum rate of GS-10 for all work officially ordered or approved in excess of 8 hours in any day, or in excess of 40 hours in a week, whichever is the greater number of overtime hours.

EXCEPTION: When a part-time or intermittent employee's hourly rate of basic pay exceeds one and one-half times the hourly rate of the minimum rate of GS-10, and when the basic workweek includes a daily tour of duty of more than 8 hours, such employee is paid at the basic rate of pay for each hour of the

III NIGHT DIFFERENTIAL

A. For part-time employees who perform regularly scheduled work between the hours of 1800 and 0600, night differential of 10 percent is added to the basic rate. Payment of night differential is made when an employee is excused on a holiday. Night differential is also paid when the office is closed by administrative authority or when the employee is on military leave or official leave. Night differential for a period of paid leave may be paid if the total amount of leave taken during the pay period, excluding holiday, military, or official leave, is less than 8 hours.

B. Intermittent employees do not receive night differential except when relieving full-time employees assigned to regularly scheduled tours with hours falling between 1800 and 0600.

IV HOLIDAY PAY

A. Part-time employees who work on a holiday occurring in their basic workweek are paid twice the rate of basic pay for those nonovertime hours not exceeding 8. When no work is performed on such a holiday, such employees are entitled to the same pay that would have been received for working that day had it not been a holiday.

B. Intermittent employees are entitled only to basic pay for hours worked on a holiday. No pay for hours not worked on a holiday.

C. No compensatory time for holiday work.

V COMPENSATORY TIME

A. For irregular overtime, those employees whose rate of basic pay exceeds the maximum rate of GS-10 are granted an equivalent amount of time off in lieu of payment, except in emergencies as approved by the Deputy Administrator or designee. Those whose basic rate does not exceed the maximum rate of GS-10 may be granted compensatory time off rather than payment, provided they request time off in writing.

B. The compensatory time which a part-time employee may accumulate per pay period may not exceed the irregular overtime actually worked, and is limited to an amount which, if paid for and added to the base and premium pay for the pay period in which the overtime was worked, would not exceed the base pay for the top step of GS-15 for one pay period.

C. Intermittent employees cannot be granted compensatory time off.

VI SUNDAY PAY

Not applicable unless there was established in advance a 40-hour tour of duty including Sunday for the particular week involved, in which case, same as Attachment 3-1.

VII CALL-BACK

A. A part-time employee is entitled to 2 hours pay at the premium rate for any period of unscheduled overtime or holiday work when called back either after completing the regular tour of duty and leaving the place of employment, or on a day when no work was scheduled. This is not applicable if an early reporting merges and continues into the regular tour of duty.

B. The 2-hour minimum applies to each period of call-back time within the hours of the regular tour of duty on a holiday. If the period of work is continuous, but partially within and partially outside the hours of the regular tour, neither being in excess of 2 hours, the 2-hour minimum applies to the overtime period. Where either the overtime or the holiday period of work is 2 hours or more, and the periods are continuous, the minimum requirements will not be applied.

C. Intermittent employees do not receive call-back.

VIII HAZARD PAY

Same as Hazard Pay, Attachment 3-1.

IX TRAVEL TIME PAY

See FSIS Directive 4550.1.

P R E M I U M P A Y G U I D E  
FOOD INSPECTION (GS & GM) EMPLOYEES 1/

I L I M I T A T I O N O N P R E M I U M P A Y

Not applicable.

II O V E R T I M E

A. Employees whose rate of basic pay does not exceed the minimum rate of GS-10 are paid at one and one-half times the hourly rate of basic pay for all work in excess of 40 hours in an administrative workweek or in excess of 8 hours a day, whichever is the greater number of overtime hours.

B. Employees whose rate of basic pay exceeds the minimum rate of GS-10 are paid at one and one-half times the hourly rate of the minimum rate of GS-10 for all work in excess of 40 hours in an administrative workweek or in excess of 8 hours a day, whichever is the greater number of overtime hours.

C. Provisions pertaining to ordering or approving overtime do not apply.

III N I G H T D I F F E R E N T I A L

A. For regularly scheduled work between the hours of 1800 and 0600, a night differential of 10 percent is added to the basic rate. Payment of night differential is made when an employee is excused on a holiday. Night differential is also paid when the office is closed by administrative authority or when the employee is on military leave or official leave. Night differential for a period of paid leave may be paid if the total amount of leave taken during the pay period, excluding holiday, military, or official leave, is less than 8 hours.

B. Employees who work regular or irregular overtime between the hours of 1800 and 0600 receive additional compensation of 10 percent of their basic hourly rate for such night work in addition to their overtime rate.

C. Night differential is not included in the rate of basic pay used to compute overtime or holiday pay.

IV H O L I D A Y P A Y

Employees who work on a holiday occurring in their basic 40-hour workweek are paid twice the rate of basic compensation for those nonovertime hours not exceeding 8. When no work is performed on such a holiday, employees are entitled to the same pay that would have been received for working that day had it not been a holiday. No compensatory time for holiday work.

V C O M P E N S A T O R Y T I M E

Inplant employees cannot be granted compensatory time off. See FSIS Directive 9040.3 for further discussion.

VI S U N D A Y P A Y, C A L L - B A C K, H A Z A R D P A Y

Same as Attachment 3-1.

VII T R A V E L T I M E P A Y

See FSIS Directive 4550.1

1/ Premium pay entitlement under 5 U.S.C. 5541-5549 as modified by DPM 550 1-5. 5c, under authority of 7 U.S.C. 394. (See FSIS Directive 4551.1 for entitlements under FLSA.)

## **PART FOUR--SPECIAL PROVISIONS FOR WAGE GRADE EMPLOYEES**

### **I. PREMIUM PAY GUIDELINE**

Attachment 4-1 describes premium pay entitlements for wage grade employees under Title 5, U.S.C.

### **II. OVERTIME PAY IN SPECIAL SITUATIONS**

A. Tour of Duty for Which Night Differential Is Paid for the Entire Shift. Overtime pay is computed on the night rate even though the hours of overtime worked may extend into or fall entirely within a day shift. If overtime work is performed on a nonworkday, overtime pay is computed on the rate of the employee's previously scheduled shift.

B. Rotating Tour of Duty Which Includes All Three Shifts. Overtime pay is computed on the rate of employees regularly scheduled shift in effect for the calendar day on which the overtime work is performed. When the overtime work is performed on a nonworkday, overtime pay is computed on the average rate of basic pay for all regularly scheduled shifts worked by the employee during the basic workweek.

### **III. EFFECT OF LEAVE AND OTHER ABSENCE ON PREMIUM PAY**

A. Leave With Pay (Including Holiday or Other Official Leave). Authorized absence on paid leave is considered employment and does not reduce the amount of overtime pay for work performed in excess of 8 hours in a day or 40 hours in a week,

B. Nonpay Absence. Hours in nonpay absence (leave without pay, absence without leave, furlough, or suspension) must be made up before premium pay can be earned.

1. For overtime based on exceeding 8 hours in a workday, the employee must make up an equal period of service outside the daily tour but in the same workday.

2. For overtime based on exceeding 40 hours in a workweek, the employee must make up an equal period of service outside the basic workweek but in the same administrative workweek.

### **IV. DEDUCTIONS FOR FEDERAL RETIREMENT AND GROUP LIFE INSURANCE**

Pay for overtime work is not included in the amount of pay upon which retirement and group life insurance deductions are computed.

V. **SPECIAL PROVISIONS REGARDING NIGHT PAY**

A. Leave.

1. Temporary Assignment to Shift for Which Night Shift Differential is Payable. An employee regularly assigned to work the day shift is paid for leave during a temporary assignment to a night shift as follows:

a. If the assignment is indefinite with no specified expiration date, the employee will receive night shift differential during the part of the absence the employee would have been required to work.

b. If the assignment is of a specified duration, the employee will receive night shift differential only for that part of the absence which falls within the specified period. After the specified period, the employee's pay reverts to the day rate.

2. Shifts Changing at Irregular Intervals. If an employee's shift is changed from day to night at irregular intervals and it cannot be determined administratively that the employee is assigned basically to either shift, pay during periods of absence with pay will be at the rate for the shift on which the employee was working at the time the absence began.

B. Lump-Sum Payment. Includes night shift differential for all regularly scheduled periods of night shift duty covered by unused annual leave payable in a lump sum. The lump sum will be at the day rate if:

1. The night shift has been formally canceled, or
2. On or before the notice of separation, the employee was regularly scheduled for continuous day shift work.



Deputy Administrator  
Administrative Management

P R E M I U M P A Y G U I D E  
WAGE GRADE (WG) EMPLOYEES 1/

I LIMITATION ON PREMIUM PAY

No limitation on premium pay.

II OVERTIME

- A. WG employees are paid at one and one-half times their hourly rate of basic pay for all work ordered or approved in excess of 40 hours in an administrative workweek or in excess of 8 hours per day, whichever is the greater number of overtime hours.
- B. WG employees required to remain at or within the confines of the post of duty in excess of 8 hours a day in a standby or on-call status are entitled to overtime pay only for hours of duty, exclusive of eating and sleeping time, in excess of 40 hours a week.
- C. WG employees working more than 8 hours in one day, including Sunday or a holiday, are paid at the overtime rate for time in excess of 8 hours, even though such hours are a part of the scheduled 40-hour week.
- D. WG employee are paid for overtime work on Sunday or a holiday at same rate as for overtime work performed ON another day.

III NIGHT DIFFERENTIAL

A. WG employees are entitled, for regularly scheduled nonovertime work, to pay for the entire shift at the scheduled rate plus:

- 1. 7.5 percent when at least 5 of the work hours occur between 1300 and 2400, or
- 2. 10 percent when at least 5 of the work hours occur between 2300 and 0800

B. WG employees, otherwise entitled, will be paid night shift differential:

- 1. When in an official travel status during the hours of the regular shift, whether performing duty or not;
- 2. During all periods of leave with pay if regularly assigned to a night shift on a full-time basis; or
- 3. For that portion of the leave with pay occurring during periods when the employee is scheduled to work a night shift if the employee is regularly assigned to a regular rotating schedule involving both day and night shifts.

C. Night shift differentials are included in the rates of basic pay in computing overtime pay, Sunday pay, holiday pay, and deductions for retirement and group life insurance.

IV ENVIRONMENTAL DIFFERENTIALS

WG employees are entitled to environmental differentials for exposure to various degrees of hazards, physical hardship, and working conditions. Entitlement to environmental differential is determined by the Classification and Organization Branch on the basis of facts submitted by the supervisor.

V COMPENSATORY TIME WG

employees cannot be granted compensatory time off.

1/ Premium Pay Entitlement Under FWS (See FSIS Directive 4551.1 for entitlements under FLSA).

#### VI SUNDAY PAY

- A. Full-time WG employee is entitled to not more than 8 hours Sunday pay for nonovertime work performed on a Sunday within the basic workweek during a regularly scheduled tour of duty, any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday.
- B. Where an employee has two separate shifts on Sunday (such as a shift that begins on Saturday and ends on Sunday and another that begins on Sunday and ends on Monday) such employee is entitled to Sunday pay for up to 8 hours for each shift.
- C. Sunday pay is 25 percent of basic compensation.
- D. Sunday pay is in addition to holiday, overtime, or night differential premium pay and of basic pay used to compute holiday, overtime, or night differential.
- E. Sunday pay is not paid for any period of leave.

#### VII CALL-BACK

- A. Each period of unscheduled overtime work performed by an employee on a day when no work was scheduled or for which an employee is required to return to the place of employment must be considered to be at least 2 hours in duration, whether or not work is performed.
- B. The 2-hour minimum applies to each period of call-back time within the hours of the regular tour to duty on a holiday. If the period of work is continuous, but partially within and partially outside the hours of the regular tour, neither being in excess of 2 hours, the 2-hour minimum applies to the overtime period. Where either the overtime or the holiday period of work is 2 hours or more, and the periods are continuous, the minimum requirements will not be applied.

#### VIII HOLIDAY PAY

- A. To receive holiday pay, a WG employee must have a regular tour of duty, and the appointment cannot be limited to 90 days or less, unless the employee has been currently employed for a continuous period of more than 90 days without a break in service. For nonovertime work performed on a holiday within the basic workweek, a WG employee gets twice the basic rate of pay for up to 8 hours.
- B. A WG employee receives regular pay for a holiday not worked.
- C. A WG employee cannot be granted compensatory time off for holiday work.
- D. Holiday pay for a WG employee is in addition to overtime pay, night shift differential, and premium pay for Sunday work.
- E. Holiday pay for a WG employee is not included in the rate used to compute overtime pay, night shift differential, or premium pay for Sunday work.

#### IX TRAVEL TIME PAY

See FSIS Directive 4550.1.