

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

FSIS DIRECTIVE

12,600.2
Rev. 2

6/4/20

REIMBURSABLE OVERTIME INSPECTION SERVICES FOR MEAT, POULTRY, AND EGG PRODUCTS

I. PURPOSE

This directive provides instructions to inspection program personnel (IPP) on how to determine whether overtime inspection services are to be provided and the manner in which IPP are to provide inspection services during reimbursable overtime periods. FSIS is reissuing this directive to clarify when inspection is required during reimbursable overtime periods. FSIS has provided additional examples of activities that do not require overtime inspection.

KEY POINTS:

- *Description of activities conducted at official establishments that require inspection coverage, including during reimbursable overtime periods*
- *Description of activities conducted at official establishments that do not require overtime inspection coverage*
- *How to uniformly and equitably provide overtime services when inspecting meat, poultry, and egg products*

II. CANCELLATION

FSIS Directive 12,600.2, Rev. 1, *Reimbursable Overtime Inspection Services at Meat and Poultry Establishments*, 4/6/12

III. BACKGROUND

A. FSIS regulations [9 CFR 307.4](#), [381.37](#), [533.5](#), and [590.24](#) provide *that no operations requiring inspection shall be conducted except under the supervision of a program employee*. FSIS provides inspection services to official establishments without charge, up to eight consecutive hours per shift during the basic workweek. These regulations further provide that each official establishment is to submit a work schedule to the District Manager (DM) for approval.

B. FSIS regulations [9 CFR 307.5](#), [381.38](#), [533.6](#), [590.126](#), and [590.128](#) provide that establishments, importers, and exporters are required to reimburse the Agency for the cost of inspection services furnished on Federal holidays, for more than eight hours in a day, or more than 40 hours in any administrative workweek. The Agency, in [9 CFR 307.6](#), [381.39](#), [533.7](#), and [590.130](#), also sets out the basis for billing overtime services, establishes 2 hour callback requirements, and establishes that billing is performed in quarter hour increments.

C. In general, FSIS charges establishments for overtime inspection services when two conditions are met: (1) the establishment decides to work outside of its approved operating schedule, and (2) FSIS IPP (including Commissioned Corps employees) need to work outside of their regular tour of duty and are entitled to premium pay to provide overtime inspection services to the establishment. When the FSIS employee providing the overtime service is an intermittent employee (When Actually Employed, WAE) or a

part-time employee, then the Agency will charge the establishment for the service beyond the approved hours of operation, even though the employee does not have an established tour of duty. FSIS charges the establishment and provides overtime inspection coverage during the entire time that the establishment conducts activities that require overtime inspection coverage outside of the approved operating schedule (as set out in section IV below). FSIS may pro rate these charges when multiple establishments are operating.

IV. OPERATIONS OR ACTIVITIES THAT REQUIRE INSPECTION COVERAGE, INCLUDING DURING OVERTIME PERIODS

If an establishment requests inspection service outside an approved work schedule in accordance with [9 CFR 307.4\(d\)\(3\)](#), [381.37\(d\)\(3\)](#) or [590.126](#), IPP are to provide inspection coverage during overtime periods when an establishment:

1. Prepares meat or poultry for packaging or for further processing into meat or poultry food products. Examples of activities that require inspection include slaughtering, boning, cutting, slicing, grinding, injecting, pumping, adding ingredients through other mechanical means, formulating, assembling, packaging or labeling meat or poultry components of meat or poultry food products;
2. Processes egg products. Examples of activities that require inspection include breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing or drying or packaging egg products at plants other than where noted in section V.A.13 and 14 below;
3. Requests the mark of inspection to be applied to any product. This applies whether the meat, poultry, or egg products are placed in a preprinted container that bears the mark of inspection or if the mark is applied after the products are placed in the container. Placing the products in a container that will bear the mark of inspection requires overtime coverage and applying the mark of inspection to products requires overtime coverage; or
4. Marks, packages, or labels products (as required in [9 CFR 316.3\(b\)](#), [381.136\(a\)](#), and [590.418\(b\)](#)).

NOTE: FSIS charges establishments for overtime or holiday inspection service in quarter hour increments at the rate set out in the regulations, [9 CFR 391.3](#) and corresponding annual *Federal Register* notices, whether the Agency employs the IPP delivering the service on an intermittent, regular part-time, or full-time basis.

V. OPERATIONS OR ACTIVITIES THAT DO NOT REQUIRE INSPECTION COVERAGE DURING OVERTIME PERIODS

A. IPP are not to provide overtime inspection services at establishments if the establishments will only be conducting the following types of activities during the period of operation:

1. Monitoring a Critical Control Point (CCP) in their Hazard Analysis and Critical Control Point (HACCP) plan as required by [9 CFR 417.2\(c\)\(4\)](#). For example, the establishment may monitor the cooking or chilling of any products with a continuous or handheld monitoring device. Or, the establishment may monitor the application of an organic acid on livestock carcasses;
2. Conducting any form of sanitation procedure. For example, the establishment may conduct pre-operational cleaning and sanitizing of food contact surfaces and conduct operational Sanitation Standard Operating Procedures (Sanitation SOPs) as required by [9 CFR 416.13\(a\)\(b\)](#);
3. Monitoring the implementation of the Sanitation SOP as required by [9 CFR 416.13\(c\)](#);

NOTE: When an establishment wants to utilize all of the approved hours for production time and perform pre-op and any equipment set-up before the start of the approved hours of operation, they would need to request that IPP perform pre-op verification during overtime. When an establishment requests that IPP

perform pre-op verification procedures, including when IPP observe the establishment monitoring the implementation of their pre-op procedures, before the start of the establishment's approved hours of operation and that request requires IPP to work outside their tour of duty, then the establishment will be charged overtime on those days that IPP perform pre-op verification activities.

4. Moving products, including moving and handling post-lethality exposed RTE products, within the establishment to physically position them for further processing or storage. For example, the establishment may transfer racks loaded with products from smokehouses to the cooler or remove raw tumbled products from the tumbler into tubs. For another example, the establishment may remove whole RTE hams from racks in the cooler and place them into carts, so that they can easily be moved to each slicer for slicing. Moving the hams from the racks to the carts and moving the carts out to the production floor are positioning for further processing and do not require inspection coverage when no other process is done;
5. Receiving meat or poultry, spices, or other ingredients from other establishments or warehouses;
6. Applying ice to products in a box or container;
7. Quartering a beef carcass to facilitate loading or making a single cut for grade determination;
8. Receiving and sorting returned products produced by the official establishment as described in [9 CFR 318.3](#);
9. Performing a verification activity as required by their HACCP plan including: the calibration of process monitoring equipment required by [9 CFR 417.4\(a\)\(2\)\(i\)](#); direct observation of the monitoring procedure required by [9 CFR 417.4\(a\)\(2\)\(ii\)](#); and the review of records generated and maintained in accordance with [9 CFR 417.5\(a\)\(3\)](#) required by [9 CFR 417.4\(a\)\(2\)\(iii\)](#);
10. Performing preshipment records review as required by [9 CFR 417.5\(c\)](#);
11. Performing corrective actions in accordance with its HACCP plan or Sanitation SOPs that do not include any of the activities listed under IV above. For example, the corrective action cannot include a reconditioning procedure that involves trimming, packaging, or labeling of products;
12. Collecting or testing samples of its products;
13. Stabilizing and de-sugaring egg products after the enzymatic or bacterial de-sugaring process commences; and
14. Heat treatment of egg products provided IPP are present at the beginning (placing the products in the hot room) and end of the heat treatment process.

B. The listing is **not** all inclusive. If IPP have questions regarding whether a particular activity requires inspection, they are to first discuss the type of activity with their Frontline Supervisor (FLS) to determine whether the establishment is preparing, packaging or labeling products. If the FLS is unable to make the determination, IPP are to submit a question through askFSIS or contact the Policy Development Staff (PDS) at 1-800-233-3935.

C. Additionally, the FLS may periodically direct IPP to verify monitoring of a CCP that occurs outside of an establishment's approved operating schedule through direct observation. If the activity occurs outside of the inspector's tour of duty as well, FSIS will charge the establishment for the cost of the overtime service. If the activity occurs at a time that is not contiguous with the inspector's tour of duty, IPP are to charge the establishment for a 2-hour call-back service as set out in [9 CFR 307.6\(b\)](#). The decision will be based upon a conversation with IPP, and take into consideration the following:

1. What is the degree of variability associated with the monitoring of the CCP? In other words, is a probe inserted at the same location for every oven or is an organic acid applied at a specific strength in a specific pattern at a certain pressure? If the monitoring of the CCP is consistent and uniform, the decision may be to direct IPP to verify monitoring less often during overtime coverage than if the CCP monitoring procedure is variable;
2. Do IPP have the opportunity to verify the specific CCP and regulatory requirements during the approved hours of operation? For example, if the establishment always monitors a certain CCP outside the approved hours of operation, IPP would verify the monitoring of the CCP during overtime periods at some frequency. However, if IPP have the opportunity to verify the CCP during the approved hours of operations, there would be less need to verify it during overtime periods; and
3. What is the history of deviation from critical limits or noncompliance for the CCP? For example, if there has not been a deviation from a critical limit, the decision may be to verify at a reduced frequency.

D. Similarly, the FLS may occasionally direct IPP to verify how the establishment conducts operational Sanitation SOPs outside of an establishment's approved operating schedule through direct observation. For example, an establishment may conduct Sanitation SOP procedures during the transfer of marinated products to coolers to prevent contamination and adulteration. If needed, the FLS is to determine the frequency based upon the associated risk with the specific Sanitation SOP procedure, opportunity to verify the procedure during the approved hours of operations, and the rate of Sanitation SOP noncompliance.

VI. PROVIDING INSPECTION COVERAGE FOR ESTABLISHMENTS WORKING DURING REIMBURSABLE OVERTIME PERIODS

A. The DMs, or their designees, are to assign IPP to perform reimbursable overtime service in accordance with the Labor Management Agreement and work assignment policies.

B. IPP working overtime are to calculate the time charged, including time traveled between establishments on an equitable basis among the individual establishments. If IPP have questions about how to charge for reimbursable services they are to direct those questions to their supervisor.

1. Supervisors are to instruct IPP to charge a quarter hour minimum charge for reimbursable overtime services and to charge additional reimbursable time in quarter hour increments.
2. Supervisors are to instruct IPP to charge a 2-hour minimum charge for reimbursable services during overtime callback situations. A callback occurs when an establishment requests that IPP work during overtime periods that require IPP to return to or travel to the establishment after they have completed their tour of duty, have traveled home, and the supervisor has instructed the inspector to return for the callback coverage.
3. Supervisors are to instruct IPP when travel time associated with an overtime coverage assignment is reimbursable.

C. The DM or their designees are to make a reasonable effort to provide all requested reimbursable overtime services; however, the DM or their designees may deny additional overtime inspection services beyond the mandatory inspection services provided for by statute when resources are not available. In some cases, to ensure the efficient and effective use of IPP in official establishments as directed by [9 CFR 307.4](#) and [381.37](#), the DM may, after giving prior notice to the establishment that explains the basis for the action, rescind operating schedules where the hours of operation for establishments in an assignment result in frequent nonreimbursable overtime and request that establishments resubmit operating schedules for approval.

VII. QUESTIONS

A. IPP are to first seek guidance from their immediate supervisor for any questions associated with overtime schedules or supervisory decisions that require overtime inspection. IPP are to refer establishment appeals of overtime charges to their supervisor.

B. After discussion with the immediate supervisor, IPP may refer questions regarding this directive to the Office of Policy and Program Development through [askFSIS](#) or by telephone at 1-800-233-3935. When submitting a question, use the **Submit a Question** tab, and enter the following information in the fields provided:

Subject Field: Enter **Directive 12,600.2**.

Question Field: Enter question with as much detail as possible.

Product Field: Select **General Inspection Policy** from the drop-down menu.

Category Field: Select **Regulations/Agency Issuances** from the drop-down menu.

Policy Arena: Select Domestic (U.S.) only from the drop-down menu.

When all fields are complete, press **Continue** and at the next screen press **Finish Submitting Question**.

NOTE: Refer to [FSIS Directive 5620.1](#), *Using askFSIS* for additional information on submitting questions.



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