

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

FSIS DIRECTIVE

4550.1
REVISION 2

2/10/86

TRAVEL TIME PAY ENTITLEMENTS UNDER TITLE 5, U.S. CODE

I. PURPOSE

This Directive states:

- A. The policy of FSIS on ordering employees to travel outside their regular hours of work.
- B. The criteria for determining when time spent traveling is considered hours of work under Title 5, U.S. Code.

II. CANCELLATION

This directive cancels FSIS Directive 4550.1, dated 7/19/83. This directive is numbered Revision 2. Previous editions were dated: 12/12/80 (Basic), and 7/19/83 (first revision).

III. REASON FOR REISSUANCE

Subparagraph IX. A. 3. d. has been amended to incorporate a change to 5 U.S.C. 5542 (b)(2)(B)(iv). Effective October 12, 1984, the time spent by general schedule employee in return travel from an administratively uncontrollable event to their official duty station is compensable under Title 5.

IV. REFERENCES

FSQS Directive 3800.1, Allowances for Temporary Duty Travel

V. FORMS AND ABBREVIATIONS

The following will be referred to in its shortened form in this directive:

FSIS Form 4550-1, Noncompensable Travel Time

VI. POLICY

It is FSIS policy that an employee's travel will be:

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A. Scheduled within his/her regular hours of work to the maximum extent practicable.

B. By the most expeditious means of transportation commensurate with the nature and purpose of his/her assigned duties. If an employee, for reasons of personal convenience or preference, travels by other than the authorized method, the hours of work credited will be limited to that amount of time the employee would have spent traveling by the most expeditious method. (See FSQS Directive 3800.1.)

VII. DEFINITIONS

A. **Officially Ordered or Approved Travel Time.** Travel time which was ordered in advance by a supervisor with authority to order or approve overtime work, or which was approved by the supervisor after such travel was performed.

B. **Official Duty Station.** Employee's designated post of duty, the limits of which will be the corporate limits of the city or town in which the employee is stationed. If not stationed in an incorporated city or town, the official duty station is the established area having definite boundaries within which the designated post of duty is located. It is the policy of FSIS in cities whose corporate limits are totally within the corporate limits of a larger city that the corporate limits of the larger city form the boundaries of the official duty station.

C. **Temporary Duty Point.** Any duty location to which an employee is temporarily assigned outside the official duty station.

D. **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.

E. **Travel Status.** For the purpose of determining hours of work, only that time which the employee actually spends traveling away from his or her official duty station, plus USUAL waiting time which interrupts such travel.

VIII. TRAVEL PERFORMED DURING REGULAR HOURS OF WORK

The time an employee is ordered to spend traveling within or outside the official duty station during regular work hours is considered work. This includes all time spent traveling except bonafide meal periods. For part-time and intermittent employees, official travel time not in excess of 8 hours in a day is considered work.

IX. TRAVEL PERFORMED OUTSIDE REGULAR HOURS OF WORK

A. **Criteria.** The scheduling of work at a time which would require an employee to travel on a holiday, nonworkday, or outside regular work hours (or over 8 hours in a day for part-time or intermittent employees) does not automatically entitle the employee to overtime pay under Title 5. Such travel is considered hours of work ONLY if:

1. **Ordered or approved** by an appropriate authorizing official; and
2. **Performed** away from the employee's official duty station; and
3. **Justified** under one of the four criteria listed below:

a. **Involves the Performance of Work while Traveling.**

(Includes work which can ONLY be performed while traveling); OR

b. **Is Incident to Travel That Involves the Performance of Work while Traveling.** (For example, a truck driver who rides as a passenger in a truck to pick up another truck and drive it to a different destination); OR

c. **Is Carried Out under Arduous Conditions.** (Includes travel over unusually adverse terrain, during severe weather conditions, or to remote, barely accessible facilities by foot, horseback, or truck); OR

d. **Results from an Event Which Could Not Be Administratively Controlled by USDA.**

+[(1) For general schedule employees, travel to and from a location is considered hours of work if due to an **immediate** official necessity resulting from:]+

(a) Unforeseen circumstances (e.g., breakdown of equipment or emergency absence of an employee) which preclude proper scheduling of travel, or

(b) An event scheduled or controlled by a person or organization **outside** of USDA and not for the sole benefit of USDA. (The control is assumed to be USDA's when it has sole control or shares control with a group of agencies.)

+[(2) For wage grade employees, travel to a location is considered hours of work if due to an immediate official necessity as prescribed in subparagraph (1) above. Further trips from that location, INCLUDING THE RETURN TRIP HOME, are only hours of work if they ALSO result from events which cannot be controlled administratively or if they meet one of the other criteria in subparagraph 3. above.]+

B. **Pay Rates.** Time spent traveling outside regular work hours which meets the criteria in subparagraph A. is compensated at the overtime rate. Such time spent traveling on a holiday is compensated at the:

1. **Holiday premium pay rate** for nonovertime hours up to 8 hours.
2. **Overtime rate** for time over 8 hours on the holiday.

X. **ORDERING NONCOMPENSABLE TRAVEL TIME**

A. **Responsibility of Official Ordering Travel.** When a supervisor considers it essential to order noncompensable travel, the supervisor shall:

1. Complete and sign FSIS Form 4550-1.
2. Retain one copy in office files.
3. Furnish one copy to the employee.
4. Furnish copies to headquarters administrative office, as

appropriate.

B. **Responsibility of Employee.** An employee may be required to travel outside regular hours of work when program requirements cannot otherwise be met. If the supervisor documents in writing the reason for ordering travel outside regular hours of work, the employee cannot properly refuse to undertake such travel.

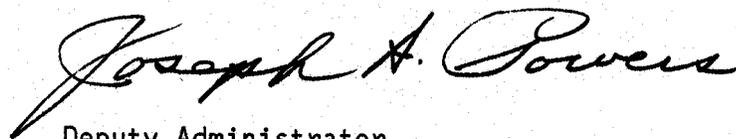
XI. **QUESTIONABLE CASES**

If the supervisor has a case involving travel ordered outside an employee's regular hours of work which is not covered under the guidelines given above, he or she shall:

A. State the case in writing, giving all pertinent facts involved in scheduling the travel, and any legal requirements or unusual circumstances which require travel outside regular hours of work.

B. Submit the case to the next level of authority for a decision. If the case cannot be decided at any level in the field or by the appropriate administrative office in Washington, the case will be referred to the Classification and Organization Branch, Personnel Division, for decision.

C. If travel must be performed before a decision is made, document the dates and hours traveled by the employee and the reason for ordering travel outside regular hours of work for either retroactive payment of overtime or documentation as noncompensable travel time.



Deputy Administrator
Administrative Management