

United States Department of Agriculture
Animal and Plant Health Inspection Service

APHIS Directive

402.3

3/16/84

PREMIUM PAY FOR EMPLOYEES PERFORMING INSPECTION AND QUARANTINE SERVICES RELATING TO IMPORTS INTO AND EXPORTS FROM THE UNITED STATES

I. PURPOSE

This Directive establishes policy and procedures for paying premium compensation to APHIS employees who come within the scope of the Act of August 28, 1950, (7 U.S.C. 2260) and who perform inspection and quarantine and necessary auxiliary services outside their regular tours of duty, at night, or on a holiday. See APHIS Directive 402.2, Premium Pay, for premium pay entitlement for all other employees and general premium pay information.

II. REPLACEMENT HIGHLIGHTS

This Directive replaces APHIS Directive 402.3, dated 11/24/81. This revision updates and clarifies policies and procedures for paying premium compensation to APHIS employees covered by 7 U.S.C. 2260 (See 4. Coverage).

III. AUTHORITY

The provisions of this Directive comply with the Act of August 28, 1950, (64 Stat. 561, 7 U.S.C. 2260) which states, "That the Secretary of Agriculture is authorized to pay employees of the United States Department of Agriculture performing inspection and quarantine services relating to imports into and exports from the United States, for all overtime, night, or holiday work performed by them at any place where such inspection and quarantine services are performed, at such rates as he may determine, and to accept from persons for whom such work is performed reimbursement for any sums paid out by him for such work."

IV. COVERAGE

Only those employees engaged in inspection, treatment, testing or certification of animals, animal products, birds, plants, and plant products in connection with their import into or export from the United States are covered by 7 U.S.C. 2260. (See Attachment 1 for a detailed analysis of coverage).

V. POLICY

By authority of the basic legislation, the Secretary has issued special pay regulations. Under these regulations, covered employees are paid at premium rates for overtime, night, Sunday and holiday work in accordance with 5 U.S.C. 5541-5549 with the following exceptions and conditions:

- A. Basic Administrative Workweek and the Limitation on Premium Pay. In computing the premium pay of employees covered by this Directive, no consideration shall be given to the basic administrative workweek or the limitation on premium compensation.
- B. Night Differential. Employees shall be paid a night differential for all time they worked at the point of inspection during the established hours of service between 1800 and 0600 hours including the 2-hour minimum but excluding any commuted traveltime.

C. Two-hour Minimum Guarantee.

1. Employees will be paid at the appropriate premium rate prescribed in this Directive for the time on duty, which shall be considered to be at least two hours in duration in any period of overtime or holiday work, provided the two-hour minimum shall not apply if the work is in continuation of the employee's regular daily tour of duty or begins less than one hour before their regular daily tour of duty.
2. Employees called back on a holiday receive the 2-hour minimum at the holiday rate for each period of work within the hours of their regular tour of duty. When the period of work is continuous but partially within and partially outside their regular tour of duty and neither of the periods exceeds 2 hours, the 2-hour minimum applies to the overtime period. When either the overtime or the holiday period is 2 or more continuous hours, the 2-hour minimum does not apply. (See page 3, Attachment 3).

D. Sunday Overtime Pay. Employees must receive twice the basic hourly pay rate for all overtime work they perform on Sunday. Commuted travel hours associated with Sunday overtime work will not be compensated for at double time rates but will be paid at applicable rates as provided in Section 6 below.

E. Compensatory Time. Employees whose pay is subject to 7 U.S.C. 2260 cannot earn or be granted compensatory time.

F. Adjustments of Work Schedules for Religious Observances. For general information concerning the adjustment of work schedules to allow for observances of religious holidays and provisions for making up such absences, see Section 7 of APHIS Directive 402.1, Tours of Duty, dated 9/22/82.

G. Commuted Traveltime (CTT). Each period of regular or Sunday overtime or holiday service may include a CTT period for which the employee will be paid at the regular overtime rate as determined in paragraph 6(a) of this Directive (not Sunday double time or holiday pay rates).

The circumstances under which CTT allowance shall be paid are as follows:

1. Inspection Services Performed Within Metropolitan Area of the Employee's Headquarters. Each period of regular or Sunday overtime or holiday service in which the 2-hour minimum applies, except when the service begins less than 30 minutes after the end of the regular tour of duty, shall, subject to stipulations cited below, include a CTT period established by the appropriate Deputy Administrator, but will not exceed 3 hours, as follows:
 - a. If the work begins from 60 to 119 minutes before the regular tour of duty begins, the employee shall be entitled to 1/2 CTT prescribed for the place at which the inspections are performed.
 - b. If the work begins 120 minutes or more before the regular tour of duty begins or if the service is performed on a nonworkday or on a holiday, the employee shall be entitled to the full CTT for the place at which the services are performed.

- c. If the work begins from 30 to 60 minutes after the end of regular daily tour of duty, the employee shall be entitled to 1/2 CTT prescribed for the place at which the inspections are performed.
- d. If the work begins 61 minutes or more after the regular daily tour of duty ends, the employee shall be entitled to the full CTT for the place at which the inspections are performed.

2. Inspection Services Performed Outside Metropolitan Area of the Employee's Headquarters. When performing these services, employees shall be paid for a CTT period established by the appropriate Deputy Administrator provided their period of duty also entitles them to premium pay under the 2-hour minimum guarantee provision. (See Paragraph 5(c) of this Directive).

If the 2-hour minimum does not apply, the following shall be observed:

- a. When inspection duties involve overtime that either begins less than 1 hour before the beginning of the regular tour of duty or begins less than 1 hour after then end of the tour of duty, the employee will be allowed 1/2 the CTT period applicable to the point at which the inspection is made.
- b. On a day when inspection duties involve such overtime both before the regular daily tour begins and after the tour of duty ends, the employee will be allowed 1/2 the CTT period applicable to the point at which the inspection is made in each instance.

H. Authorization of Commuted Travel Allowances. The Administrator of APHIS has delegated to the appropriate Deputy Administrator the authority to issue administrative instructions prescribing CTT periods for the ports, stations, and areas in which the employees are located or the services performed. Such administrative instructions shall be published in 7 CFR 354.2 for APHIS Plant Protection and Quarantine Officers and in 9 CFR 97.2 for inspection employees of APHIS Veterinary Services. The CTT periods shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employees perform such overtime or holiday service.

I. Multiple Call-Back (Call-Out) Assignments. If on a single holiday or at any other time outside the employee's tour of duty, an employee is called-back or called-out to perform a period of premium service and there is more than one period involved, the employee will be compensated in accordance with the provisions of Section G of Attachment 3 of this Directive.

VI. RATES OF PAY

A. Regular Overtime.

- 1. 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 overtime ordered or approved.

2. For employees whose rate of basic pay exceeds the minimum rate of GS-10, the hourly overtime rate is one and one-half times the hourly rate of basic pay at the minimum rate of GS-10 for all overtime work ordered or approved.

B. Sunday Overtime. All overtime work performed on Sunday must be paid at twice the basic hourly rate of pay. Commuted travel hours associated with Sunday overtime service will be compensated for, where applicable, at rates provided in Paragraph 6(a) above.

C. Holiday Pay.

1. Employees who work on a holiday occurring in the basic 40-hour workweek are paid at twice the rate of basic compensation for those nonovertime hours totaling up to 8 (10 hours where compressed schedules might be involved). When no work is performed on such a holiday, employees are entitled to the same pay that they would have received for working that day had it not been a holiday.

2. Employees assigned regular overtime work on a holiday are paid the same as for regular overtime work they perform on other days (see Paragraph 5c.(2)).

D. Commuted Traveltime. All CTT periods are paid at the regular overtime rates prescribed in Paragraph 6a. of this Directive.

VII. RECORDKEEPING PROCEDURES FOR REIMBURSABLE OVERTIME

When reimbursable overtime services are performed, the supervisor approves this overtime by signing the appropriate block on the Time and Attendance (T&A) report. Copies of the APHIS Form 89, Report of Reimbursable Inspection and Quarantine Service, T&A's, and appropriate inspection reports should be sufficient to document the incident requiring reimbursable overtime. No additional documentation is required.

VIII. AUTHORITY TO ORDER AND APPROVE UNSCHEDULED OVERTIME

The officials listed on pages 9 and 10 of APHIS Directive 402.2, Premium Pay, are authorized to order and approve overtime in their respective jurisdictions.

IX. EFFECTIVE DATE

This Directive shall become effective April 1, 1984.

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Acting Administrator

Attachments:

1. [Coverage](#)
2. [Overtime Entitlements for Inspection Within and Outside Metro Area of Employee's Headquarters](#)
3. [Premium Pay Guidelines for Personnel covered by 7 U.S.C. 2260](#)

COVERAGE

Employees engaged in the following activities under the circumstances described below would either fall within the scope of this Directive or not, as specified in the following chart:

<u>Facility and Activity</u>	<u>Coverage Under 7 U.S.C. 2260</u>
VETERINARY SERVICES	
<u>Animal Quarantine Centers</u>	
ENTRY: Employees performing all services associated with meeting the means of conveyance at the port of arrival and performing inspection, testing, and treatment services including escorting animals into the quarantine facility to the point of bedding them down in stalls or quarters.	Yes
Employees administering emergency veterinary care or animal handling in the event the animal becomes ill while in quarantine, including employees necessary to open facilities up and assist in handling.	Yes
Employees administering care, food, routine life maintenance, and handling during the period between entry and exit from quarantine facilities.	No
EXIT: Employees performing all services associated with exit or release from quarantine provided such release is requested by the owner in order to meet his/her own schedule.	Yes
Employees performing entry or exit services during regularly established hours.	No
If a laboratory receives a request from an importer to perform certain tests that must be performed incident to entry of animals and/or birds into the United States, then employees may perform such tests on a reimbursable basis.	Yes

<u>Facility and Activity</u>	<u>Coverage Under 7 U.S.C. 2260</u>
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VETERINARY SERVICES

Commercial Bird Quarantine Facilities

ENTRY: Employees meeting a shipment at the port of entry and escorting it to quarantine, collecting samples, swabbing, etc., if accomplished as part of the initial and immediate entry process, i.e., at the same time or immediately following arrival and continuing to the point where the birds are placed in cages and bedded down.	Yes
Employees administering routine care, feed, and handling including sentinel or security duties.	No
Employees administering emergency treatment or assistance (if at owner's request).	Yes
EXIT: Employees performing exit activities, if called for by the owner, outside normal working hours and at owner's expense.	Yes
Employees performing entry or exit services during regularly established hours.	No

Pet Bird Facilities

ENTRY: Pet birds do not normally require out-of-hours entry services unless they arrive at a port of entry that has not been approved or perhaps a special port of entry. Here there is the possibility that entry activity could come under the scope of 7 U.S.C. 2260. If it does, the same provisions apply. Normally, premium pay should not be involved in the entry of pet birds. Yes

EXIT: It is hard to envision an out-of-hours release of a pet bird quarantine. However, if the owner requests such a service at his/her expense, APHIS should accommodate the owner. Yes

Smuggled Birds

Premium pay situations with respect to smuggled birds should be avoided since there is no request, written or implied, from an importer or agent. If an employee becomes entitled to premium pay because of involvement in the handling of smuggled birds, he/she would be paid as described above with the Government paying for the premium pay services. Yes

Coverage Under
7 U.S.C. 2260

Facility and Activity

PLANT PROTECTION AND QUARANTINE

Employees performing all services in connection with the inspection of conveyances, crew and passenger baggage, hand luggage, cargo, pedestrians, and motor vehicles, at the first port of entry (or at designated foreign ports where preclearance activities are conducted in conjunction with other border clearance agencies). Yes

Employees performing services in connection with importation of fruits, vegetables, nursery stock, in-transit cold treatment, fumigations, and other treatments at the port of entry. Yes

Employees performing inspection and other procedures applicable to containerized cargo (not limited to first port of entry). Yes

Employees involved in care, feed, and handling of plants under post entry quarantine including security services, watering, greenhouse humidity control, etc. No

Employees involved in fumigating, spraying, treatment, baiting, etc., of infestations as Khapra Beetle, Mediterranean Fruit Fly, Grasshoppers, etc., do not fall within the scope of 7 U.S.C. 260 unless fumigation or treatment is done at the first port of arrival on identifiable freshly unladen cargo or if the fumigation is conducted in the hold of a vessel. No

Attachment 2
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A. ENTITLEMENTS FOR INSPECTION WITHIN METRO AREA OF EMPLOYEE'S HEADQUARTERS

<u>1. Work Beginning Before Daily Tour Begins</u>	<u>Actual Time Worked No Minimum (15 min. Multiples)</u>	<u>2-Hour Overtime Minimum</u>	<u>Commuted Traveltime (CTT). . . . [a]</u>
8-59 Minutes	Yes	No	None
60-119 Minutes	-- [b]	Yes [a][c]	1/2 CTT
120 Minutes or More	--	Yes	Full CTT

2. Work Beginning After Daily Tour Ends

Direct Continuation	Yes	No	None
Break in Service:			
2-29 Minutes	--	Yes	None
30-60 Minutes	--	Yes	1/2 CTT
61 Minutes or More	--	Yes	Full CTT

B. ENTITLEMENTS FOR SERVICES PERFORMED OUTSIDE METRO AREA

1. Work Beginning Before Daily Tour Begins

8-59 Minutes	Yes	No	1/2 CTT
60 Minutes or More	--	Yes	Full CTT

2. Work Beginning After Daily Tour Ends

Direct Continuation	Yes	No	1/2 CTT
2-59 Minutes After Tour	--	Yes	1/2 CTT
60 Minutes After Tour	--	Yes	Full CTT

C. ENTITLEMENT FOR CALL OUT INSPECTION SERVICE ON NONWORKDAY OR HOLIDAY

* Work Beginning at Anytime on a Nonworkday or on a Holiday

Yes Full CTT

* If on a nonworkday or on a holiday, an employee is called out to perform services which are contiguous with his/her previous regular tour of duty or which begins less than 60 minutes after his previous regular daily tour of duty, the entitlements will be as shown in this chart under Work Beginning After Daily Tour Ends. (See Section A. Item 2 of chart).

Footnotes:

[a] CTT Allowance will be the amount of CTT prescribed for the place at which the inspection services are performed. (See 7 CFR 354.2 and/or 9 CFR 97.2.)

[b] In instances where there is no minimum involved, the employee will be paid for the actual amount of overtime worked in multiples of 15 minutes (rounded off).

[c] Where the 2-hour minimum guarantee is involved, the employee will be paid for the actual amount of time worked in multiples of 15 minutes (rounded off) but not less than 2 hours.

Attachment 3
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PREMIUM PAY GUIDELINES FOR PERSONNEL COVERED BY 7 U.S.C. 2260

The following chart and statements are provided as guidelines for administering premium pay entitlements for work performed under the authority of the Act of August 28, 1950 (7 U.S.C. 2260).

Definitions and Other Statements.

A. Metropolitan Area. This is the corporate limits of the city, town, or reservation, or the confines of any other established area in which the headquarters is located and all surrounding areas unless 7 CFR 354.2 or 9 CFR 97.2 specifically designates an area as being outside the metropolitan area of the employee's headquarters.

B. Overtime or holiday work requirement. Commuted traveltime is not applicable unless some overtime or holiday work is performed. The element of overtime or holiday work must be present. CTT is never applicable to work performed during the basic duty of duty.

C. Estimated Time of Arrival (ETA) and Actual Time of Arrival (ATA). ETA will be used at all times unless it is given within the TOD but the ATA occurs outside the TOD. In such an instance, ATA will apply.

Examples (TOD 0800-1630 - 1/2 hour lunch break)

[Basic 8-hours tour Monday
through Friday or Tuesday
through Saturday]

1. ETA 1615

ATA 1635*

1635-1830 2-hour minimum OT (within metropolitan area)
 No CTT

2-hour minimum OT 1/2 prescribed CTT (outside metropolitan area)

2. ETA 1635*

ATA 1730

1635-1930 3 hours OT (within metropolitan area)
 No CTT

3-hour OT 1/2 prescribed CTT (outside metropolitan area).

3. ETA 0700*

ATA 1830

0700-0800 2 hour minimum OT (within metropolitan area)
 and 1/2 CTT

2-hour minimum OT and full prescribed CTT (outside metropolitan area).

* Time computation starts at this hour.

D. Computation of Overtime Assignments. In the past, there has been some nonuniformity in determining applicable premium pay entitlements when regular overtime and Sunday overtime overlap. Problems also exist in determining pay for holiday and regular overtime when jobs extend from one type to the other. The following examples are provided to clarify certain difficult areas (TOD 0800-1630, with 30-minute lunch break).

1. Regular OT and Sunday overtime (SOT) (applicable CTT at the OT rate):

Saturday into Sunday

2330 Saturday to 0045 Sunday	1/2 hour overtime and 1 1/2 hours Sunday OT
2330 Saturday to 0200 Sunday	1/2 hour overtime and 2 hours Sunday Overtime
2200 Saturday to 0200 Sunday	2 hours overtime and 2 hours Sunday Overtime
2300 Saturday to 2400 Saturday	2 hours overtime

Applicable CTT Not Included

Sunday into Monday

2300 Sunday to 2330 Sunday	2 hours Sunday overtime
200 Sunday to 0200 Monday	2 hours Sunday overtime and 2 hours overtime
2354 Sunday to 0130 Monday	2 hours overtime
2330 Sunday to 0030 Monday	1/2 hour Sunday overtime and 1 1/2 hours overtime

2. Holiday--OT and Holiday Pay (HP)	<u>Applicable CTT at OT Rate</u>
<u>Before Beginning of Tour</u>	<u>Applicable CTT Not Included</u>
0700-0800	2 hours OT; No HP
0700-0830	2 hours OT and 1/2 hour HP
0700-0900	2 hours OT and 1 hour HP
0600-0830	2 hours OT and 1/2 hour HP
0730-0930	2 hours OT and 1 1/2 hour HP
0800-0900	2 hours HP; No OT
0745-1000	1/4 hour OT and 2 hours HP
<u>During Tour</u>	
1000-1100	2 hours HP
<u>End of Tour</u>	
1645-1800	2 hours OT
1500-1715	1 1/2 hours HP and 2 hours OT
1600-1800	1/2 hour HP and 2 hours OT
1645-1900	2 1/4 hours OT

E. Night Differential. Refer 5.b., of this Directive for the explanation of Night Differential (ND). Night Differential shall be paid for all time worked (regardless of whether it is regularly scheduled base time or overtime or call back over time) at the point of inspection during such established hours of service (for that particular port or port activity) as may fall between 6 p.m. and 6 a.m., including the 2-hour minimum period but excluding any CTT period. Some examples of ND compensation are as follows:

Established Hours of Service at Example Port-0800-2400 Daily

1. Employee working a regular tour (TOD 1530-2400 would most likely receive 5 1/2 ND). Whether employee is entitled to 5 1/2 or 6 hours ND would depend on what time the employee took a lunch break. If lunch was taken between 1730 and 1800, employee would be entitled to 6 hours ND.
2. Employee called out OT during established hours 2000-2300 would receive 3 hours ND plus 3 hours OT plus applicable CTT.
3. Employee scheduled to work a regular tour of duty on Sunday - 1200-2030 would receive 8 hours Sunday OT, 2 or 2 1/2 hours ND, depending upon whether lunch break was before or after 1800 hours plus applicable CTT.
4. Employee called out for duty at 0200-0430 (not a Sunday) would receive 2 1/2 hours' OT plus applicable CTT but no ND since service is not performed during established hours of service for the port and thus is considered as unscheduled, occasional overtime.

F. Overtime Computations--Inside and Outside Metropolitan Area

Scheduled Workday

Entitlement to overtime starts at ETA/ATA and ends at the nearest complete 1/4 hour increment. (For 8 minutes or more, add the quarter hour; drop any time under 8 minutes).

The following examples of overtime computation cover many situations that may be encountered in overtime service. (TOD 0800-1630, including 1/2 hour lunch break).

1. Outside the Metropolitan Area of Employee's Headquarters Office.

a. Nonworkday

In all instances, the employee receives the 2-hour minimum plus the applicable CTT.

b. Scheduled Workday (0800-1630 including 1/2 hour lunch break).

2300-2400	2-hour minimum OT + CTT
1730-1830	2-hour minimum OT + CTT
0700-0830	2 hour minimum OT + CTT
0730-0830	1/2 hour OT + 1/2 CTT
1615-1715	3/4 hour OT + 1/2 CTT
1630-1800	1 1/2 hours OT + 1/2 CTT

2. Inside Metropolitan Area of Employee's Headquarters Office.

a. Nonworkday

In all instances, the employee receives the 2-hour minimum plus applicable CTT (also ND if otherwise applicable) provided the callback is not less than 30 minutes after the end of the previous tour of duty. Example: Employee whose tour ended 2400 Saturday would not be entitled to CTT if the work began prior to 0030 Sunday).

b. Scheduled Workday (0800-1630 including 1/2 hour lunch break).

2300-2400	2-hour minimum OT + CTT
1645-1800	2-hour minimum OT and No CTT
1700-0830	2 hour minimum OT + 1/2 CTT
1615-1715	3/4 hour OT and No CTT
1630-1800	1 1/2 hours OT and No CTT
0700-0730	2-hour minimum OT + 1/2 CTT
0600-0800	2-hour minimum OT + CTT
0600-0700	2-hour minimum OT + CTT
0700-0800	2-hour minimum OT + 1/2 CTT
1630-1730	1-hour OT and No CTT
1730-1830	2-hour minimum OT + 1/2 CTT

G. Multiple Call-Back Assignments (Prorations). If there is involved on a holiday or a nonworkday or at any other time outside the employee's tour of duty, more than one period of call-back time, the following guidelines apply:

1. Continuous Service. If the second or any subsequent job is contiguous with the first or previous job, or if the second or subsequent job begins less than 2 hours after the beginning of the first or previous job or if the second or subsequent job begins less than 1-hour before the beginning of a regularly scheduled tour of duty for the employee involved, the subsequent assignment will be considered continuous and the employee shall be paid for the total elapsed time without regard to an additional 2-hour minimum call out period or an additional traveltime allowance. Charges will be prorated among the recipients of the service.

2. Separate Periods. If the second or subsequent job is not contiguous with the first job, it begins at least 1-hour or more before the regular tour of duty, and if it begins:

a. Two hours after the beginning of the first or previous job, an additional 2-hour minimum period and 1/2 the prescribed CTT will apply; or

b. If it begins 3 or more hours after the beginning of the first or subsequent previous job, and additional 2-hour minimum callback period and a full CTT will apply.

NOTE: The fact that an overtime assignment merges with and continues into the regular tour of duty is not in itself disqualifying. The assignment, to qualify for the 2-hour minimum and commuted traveltime allowances, must not begin less than 1 hour before the regular tour of duty begins. The 2-hour minimum does not apply if the job begins less than 1-hour before the tour of duty begins. Commuted traveltime allowances are neverpayable if the 2-hour minimum guarantee is not applicable.

MULTIPLE CALL-BACKS AND/OR PRORATIONS

(Same inspector for all jobs in each example)

EXAMPLE #1: Schedule Workday (0800-1630)

1. 1800-1930 2 hours minimum + CTT
2. 2030-2100 2 hours minimum + 1/2 CTT (PRORATED)
3. 2200-2230 No Additional Time or CTT (PRORATED)
4. 0100-0200 2 hours minimum + CTT

EXAMPLE #2: Schedule Workday (1530-2400)

1. 0100-0200 2 hours minimum + 1/2 CTT
2. 0300-0400 2 hours minimum + 1/2 CTT

EXAMPLE #3: Schedule Workday (1400-2230)

1. 2345-0045 2 hours minimum + CTT
2. 0245-0345 2 hours minimum + CTT
3. 0500-0600 2 hours minimum + 1/2 CTT

EXAMPLE #4: Schedule Workday (1100-1930)

1. 2000-2100 2 hours minimum + 1/2 CTT
2. 2300-2400 2 hours minimum + CTT
3. 0100-0145 2 hours minimum + 1/2 CTT

EXAMPLE #5: Schedule Workday (0800-1630)

1. 1735-1815 2 hours minimum + CTT (PRORATED)
2. 1900-2000 1/2 hour (PRORATED)

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