HRDG 4550 - Premium Pay - Section I

Last Modified:

Subchapter 4550
Premium Pay
Section I - Travel Outside the Official Duty Station for FLSA Employees

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Time spent in work-related travel outside the official duty station during regular working hours is counted as work. Excess waiting time and bona fide meal breaks are deducted from the travel time.

Travel Outside the Official Duty Station -- By Common Carrier

	If the kind of travel involved is:	**and:**	**is travel time outside regular working hours considered “hours of work” under FLSA?**
Travel Outside the Official Duty Station	from home to common carrier terminal	terminal is located within the official duty station	No
		terminal is located outside the official duty station and travel time is greater than normal home-to-work travel	Yes Travel time in excess of normal commute is hours of work.
	time in excess of normal waiting time or bona fide meal breaks	----------	No Deducted from travel time
	normal waiting time before scheduled departure or which interrupts travel	----------	Yes

from scheduled departure time at the terminal to arrival time at destination terminal	----------	Yes
from terminal at point of destination to temporary duty station	----------	Yes

Travel Outside the Official Duty Station -- By Automobile Chart

	If your travel is:		and:	is your travel time outside regular working hours considered “hours of work” under FLSA?
	from:	**to**:		

Travel Outside the Official Duty Station -- By Automobile Chart	home	temporary duty station (or return to home)	you as the driver of auto pick up and drive employee(s), to/from temporary duty station, but you are not required to do so by MRP	Yes. Only time in excess of normal home-to-work travel is counted as hours of work.
			you as the driver of auto are required by MRP to pick up and drive employee(s), to/from temporary duty station	Yes. All time spent traveling is hours of work.
	home	temporary lodgings (at a temporary duty station)	the temporary lodgings are specified by MRP (as opposed to chosen for your personal convenience)	Yes. All time spent traveling is hours of work.
		temporary lodgings (at	you choose to stay at temporary	Yes. Only time in excess of normal home-to-work

Travel Away from the Official Duty Station

When authorized travel requires you to remain one or more nights at a point outside the official duty station, travel from the official duty station to the temporary duty station is considered “hours of work” if it is performed:

- During regular working hours on a regular workday, or
- During hours on a nonworkday which correspond to your scheduled clock hours of work on regular workdays. If the event causing the travel is controllable, the time is applied toward the 40-hour weekly overtime standard and not the 8-hour daily overtime standard. If the event causing the travel is uncontrollable, the time is applied toward the over 8-in-a-day overtime standard.

Example: If your working hours are 7 a.m. to 3:30 p.m. (with a 30-minute unpaid lunch break), Monday through Friday, then actual travel time during these hours on any of the 7 days of the week (including Saturday, Sunday, or a holiday) is counted as “hours of work.” Bona fide meal periods, as well as waiting time at a terminal which exceeds normal waiting time, are deducted from the hours counted.

Travel is considered administratively uncontrollable and payable as overtime when it results from:

Unforeseen circumstances, such as an emergency absence of another employee or a breakdown of equipment, where an immediate official necessity for travel exists.

Example: You complete your 8-hour regular tour of duty at a plant or airport. Due to the emergency absence of another employee at another plant or airport, you are ordered to report for relief duty at that second plant or airport which is 1 hour distance by car. You drive to the second plant or airport, work 2 hours there, and spend one-half hour driving home.

Determination: Because of the emergency absence of another employee, you are being scheduled as the relief duty employee at the second plant or airport is not administratively controllable. You are entitled to 11/2 hours of overtime for travel from the first plant or airport to home and 2 hours of overtime work performed.

Administratively Uncontrollable Travel

An event that requires travel and is scheduled or controlled by a person or organization outside the Executive Branch of Government (events controlled by the judicial or legislative branches of the Government are considered uncontrollable) where an immediate official necessity for travel exists.

Note: When an event is uncontrollable, you, as the supervisor may also decide in the case of conferences etc., to (a) not send the employee to the event, or (b) send the employee at a later time so that she/he may travel to/from the event during regularly scheduled work hours.

Example: You are required to travel from Washington, D.C., to Chicago on Sunday in order to attend a Monday morning meeting sponsored by an industry group. Neither MRP, nor any other Government agency, has control of the scheduling of the meeting. You may not travel on the preceding Friday, because of the 2-day per diem rule.

Determination: You are entitled to overtime compensation for

You will not be paid overtime for traveling when:

1. The travel is caused by the granting of nonemergency annual leave to a fellow employee.

Example: You are ordered to travel on Sunday in order to report to a temporary duty station to perform inspection services at 6 a.m. on Monday morning due to the granting of nonemergency annual leave to the permanent inspector. The event causing the travel- -the scheduling of annual leave- -is controllable by the agency.

Determination: You are not entitled to overtime on the basis of the travel being the result of a controllable event. Due to your FLSA status, you could be entitled to overtime for this travel, only if you travel during corresponding hours on Sunday; the travel time is payable as hours of work. The time is considered overtime only if it exceeds the 40-hour per week overtime standard. Otherwise, the time is payable at the base rate.

2. The event causing the travel is controlled by the Executive Branch of Government and you travel on a nonworkday during hours that do not correspond to your normal duty hours.

Example: You are required to travel from your official duty station in Washington, D.C., to a training session at the National Finance Center in New Orleans. The training ends at 3:30 p.m. on Wednesday. Returning to the official duty station on Wednesday would require you to travel outside regular duty hours. The time is not payable as overtime, because the event causing the travel is sponsored by a Government agency, and is controllable.

Are There Times When I Will Not be Paid for Traveling?

Your supervisor may permit you to remain overnight in New Orleans on Wednesday and return to Washington, D.C., on Thursday.

You may, for your own personal convenience, return to Washington on Wednesday evening although the time spent traveling is not payable as overtime.

Training

All time spent in training during regular working hours is hours of work. Time spent in training outside regular working hours is hours of work if you are directed by the agency to attend training and:

- The purpose of the training is to improve your performance in the duties and responsibilities of your current position (does not include upward mobility training or developmental training whose purpose is solely to provide you with the skills needed for another position in the same career field), or
- The training is either remedial training or training in revised procedures, products, or processes that is required for the continued performance of the duties of your current position.

You may receive premium pay, including overtime, during periods when you are directed by the agency to attend training and the training occurs:

- At night, because the situations which you must learn to handle occur only at night.
- During overtime, on a holiday, or on a Sunday because the cost of the training, including premium pay, is less than the cost of the same training confined to regular working hours.
- During periods of temporary assignment to a formally approved program for advanced training directly related to the duties for which additional compensation is payable. (The additional compensation may continue for up to 60 days.)
- Based on an exception authorized by the Office of Personnel Management (OPM) or under delegated authority from OPM.

Premium pay, including overtime, may not be paid if you:

- Are in a paid or unpaid absence status,
- Voluntarily attend a training program to improve your performance, or
- Attend a training program to enhance your opportunity for reassignment to another position or advancement to a

Lectures, Meetings, and Conferences

Attendance at a lecture, meeting, or conference is hours of work if:

- It occurs during regular working hours,
- You are directed by the agency to attend, or
- You perform work that benefits the agency during such attendance.

How is my Overtime Pay Calculated?

The following formula is used to calculate your overtime pay under FLSA:

Straight time rate (plus) [1/2 x hourly regular rate].

Straight time rate means your basic hourly rate of basic pay, including applicable locality pay, special salary rate, or interim geographic adjustment.

Hourly regular rate is the greater of:

- Straight time rate, or
- Straight time rate (plus) night, Sunday, and holiday pay, divided by 40.

The straight time rate does not include payments such as cash awards, travel and per diem expenses, mileage allowances, and clothing or uniform allowances.

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