HRDG 4500a - APHIS Imports and Exports Overtime Interpretation - Section B

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Supplement 4500A
APHIS Imports & Exports Overtime Interpretation
Section B - Continuous Overtime

Inside Metropolitan Area

- Continuous Service
- Additional O/T Assignment within Continuous Period
- Assignment of Extended Duration
- Continuous Service Followed by Call Out

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CONTINUOUS OVERTIME
Inside Metropolitan Area
Continuous Service

Example 1:

On a workday, officer continues to work until 1700.

OVERTIME WORK	END	NO CTT	1/2 CTT	FULL CTT	OT HOURS
Continuous	1700			1/2	

Rationale:

Since there is no break in service the officer is entitled to overtime pay for the actual time worked as provided under **APHIS Directive 402.3** (46.44 KB), Attachment 2, paragraph A.2. and Attachment 3, paragraph F.2.b.

Example 2:

A flight has an ETA and ATA of 1630, but will block at a remote pad. The plane will be boarded by an officer assigned to boarding planes. Experience has shown that 20 minutes are required to bus passengers in. What is the start time for the officers clearing the passengers? Finish time is 1730.

AIRPLANE	ETA	ATA	END	No CTT	1/2 CTT	FULL CTT	REG OT HOURS
Airplane	1630	1630	1730	X			1

Rationale:

Entitlement is based on the ETA as per **APHIS Directive 402.3** (46.44 KB), Attachment 3, paragraph F. The ETA establishes the beginning of the overtime period which is 1630. Because there is no break in service of 2 minutes or more between the end of the TOD and the ETA, the officer is paid for continuous work until1730.

CONTINUOUS OVERTIME
Inside Metropolitan Area
Additional Overtime Assignment within Continuous Period

Example 3:

On a workday, officer works continuously until 1818. The ETA of the next aircraft is 1814. The ATA is 1813 and the assignment ends at 2000.

OVERTIME WORK	ETA	ATA	END	NO CTT	1/2 CTT	FULL CTT	OT HOURS
Continuous		1818	X				1 3/4
Additional Assignment	1814	1813	2000	X			1 3/4

Rationale:

Because of the continuous nature of the first overtime period, the employee is entitled only to 1 3/4 hours pay under **APHIS Directive 402.3**, Attachment 2, paragraph A.2., and no CTT. Furthermore, the additional overtime assignment becomes contiguous wit h the first as stated in **APHIS Directive 402.3**, Attachment 3, paragraph G.1., because of the 1813 ATA where there is no break in service between assignments.

Example 4:

On a workday, officer works continuously until 1840. The ETA of the next aircraft is 1835. The ATA is 1842 and finishes at 2000.

OVERTIME WORK	ETA	ATA	END	NO CTT	1/2 CTT	FULL CTT	OT HOURS
Continuous		1840	X				2 1/4
Additional Assignment	1835	1842	2000	X			1 1/4

Rationale:

Even though the officer finished at 1840 he/she is paid until 1845 as mandated by the 8-minute rule in **APHIS Directive 402.3**, Attachment 3, paragraph F.1. The nature of the continuous service extends the TOD until 1845 entitling the officer to 2 1/4 h ours of continuous overtime pay for that period and no CTT. See J. Frey/A. Finamore April 23, 1984 memorandum for clarification of this issue. The next assignment entitles the officer to an additional 1 1/4 hours of overtime because it is now considered as a continuation of service since there was not a break of 2 minutes or more between jobs as required under **APHIS Directive 402.3** (46.44 KB), Attachment 2, paragraph A.2. The October 12, 1989 memorandum from C. Havens also supports this position.

CONTINUOUS OVERTIME
Inside Metropolitan Area
Assignment of Extended Duration

Example 5:

Officer begins cargo inspection at 1530 that is expected to last until 2300. Broker requests overtime service from 1630-2300. How would you provide relief, if any, in this situation?

Rationale:

In order that health, safety, and other factors impacting officers on long-term overtime assignments be addressed, the committee recommends that ports be encouraged to develop agreements/procedures to provide appropriate relief on a local level.

CONTINUOUS OVERTIME
Inside Metropolitan Area
Continuous Service Followed by Call Out

Example 6:

Officer works continuous overtime from 1630-1800.Second assignment is a vessel at 1820, ending at 1920.

OVERTIME WORK	BEGIN	END	NO CTT	1/2 CTT	FULL CTT	OT HOURS
Continuous	1630	1800	X			1 1/2
Vessel 2	ETA/ ATA 1820	1920	X			2

Rationale:

The nature of the continuous service extends the TOD until 1800 entitling the officer to 1 1/2 hours of overtime pay for that period and no CTT. See J. Frey A. Finamore

April 23, 1984 memorandum for clarification of this issue. Under this premise, even though there is a break in service after the continuous assignment, a 2-hour minimum and no CTT is applicable for vessel 2 since the ETA/ATA is less than 30minutes after the end of the shift. See **APHIS Directive 402.3** (46.44 KB), section V, paragraph G.1.; Attachment 2, paragraph A.2.; and C. Havens G. Burgess October 12, 1989 memorandum.

Example 7:

Officer works continuous overtime from 1630 to 1800.The second assignment is a vessel with the ETA/ATA of 1830, ending at 1930.

OVERTIME WORK	BEGIN	END	NO CTT	1/2 CTT	FULL CTT	OT HOURS
Continuous	1630	1800	X			1 1/2
Vessel 2	ETA/ ATA 1830	1930		X		2

Rationale:

The nature of the continuous service extends TOD until 1800 entitling the officer to 1 1/2 hours of overtime pay for that period and no CTT. See J. Frey/A. Finamore April 23, 1984memorandum for clarification of this issue. Under this premise, vessel 2 has now arrived 30 minutes after the end of the TOD and is provided service at this time. In accordance with **APHIS Directive 402.3** (46.44 KB), section V, paragraph G.1.c., and Attachment 2, paragraph A.2., the officer is entitled to 1/2 CTT and a 2-hour minimum.

Example 8:

Officer begins an assignment at 0700 and finishes assignment at 0815. The same officer worked the previous night on continuous overtime until 1700.

OVERTIME WORK	WORK BEGINS	WORK ENDS	NO CTT	1/2 CTT	FULL CTT	OT HOURS
2nd Assignment	0700	0815		X		2

Rationale:

Multiple call out rule does not apply because the job the previous night was continuous service. To be eligible for the full CTT entitlement, the 2-hour minimum must be applicable as stated in **APHIS Directive 402.3**, Attachment 2, paragraph A.1., and the Note under Attachment 3, paragraph G., which states, "...commuted travel time allowances are never payable if the 2-hour minimum guarantee is not applicable."

Example 9:

On a workday, officer works continuously until 1637. Next assignment ETA and ATA are at 1700 and assignment ends at 1800.

OVERTIME WORK	ETA	ATA	END	NO CTT	1/2 CTT	FULL CTT	OT HOURS
Continuous			1637	X			0
Additional Assignment	1700	1700	1800		X		2

Rationale:

The continuous overtime assignment is governed by the 8-minute rule as stated in **APHIS Directive 402.3**, Attachment 3, paragraph F.1. The officer is therefore not eligible for any entitlements. For the additional overtime assignment, the officer is entitled to 1/2 CTT and the 2-hour minimum as stated in **APHIS Directive 402.3**, Attachment 2, paragraph A.2. because the additional assignment starts between 30-60 minutes the end of the TOD.

Example 10:

On a workday, officer works continuously until 1640. Next aircraft ETA and ATA are at 1646 and end at 1715.

OVERTIME WORK	ETA	ATA	END	NO CTT	1/2 CTT	FULL CTT	OT HOURS
Continuous			1640	X			1/4
Additional Assignment	1646	1646	1715	X			1/2

Rationale:

Even though the officer finished at 1640 he/she is paid until 1645 as mandated by the 8-minute rule in **APHIS Directive 402.3**, Attachment 3, paragraph F.1. The nature of the continuous service extends the TOD until 1645 entitling the officer to 1/4 hour of continuous overtime pay for that period and no CTT. See J. Frey/A. Finamore April 23, 1984 memorandum for clarification of this issue. The additional assignment is now considered as a continuation of service since there was not a break of 2 minutes or more between jobs as required under **APHIS Directive 402.3** , Attachment 2, paragraph A.2. The October 12, 1989 memorandum from C. Havens also supports this position.

CONTINUOUS OVERTIME
Outside Metropolitan Area
Continuous Service

Example 11:

The officer is performing work on a workday outside the metropolitan area. Officer completes work at 1645 and returns to duty station at 1915.

AIRPLANE	COMPLETES WORK	RETURNS TO DUTY STATION	IN	OUT	NO CTT	1/2 CTT	FULL CTT	OT HOURS
Airplane	1645	1915		X		X		1/4

Rationale:

One half CTT is applicable outside the metropolitan area when the 2-hour minimum does not apply and overtime is performed less than one hour after the TOD. See **APHIS Directive 402.3**, Attachment 2, paragraph B.2. Additionally, the officer is entitled to 1/4 hour of overtime pay for the actual time work was performed.

Example 12:

The officer is performing work on a workday outside the metropolitan area. Officer begins work at 0745 and returns to duty station at 1115.

AIRPLANE	BEGINS WORK	RETURNS TO DUTY STATION	IN	OUT	NO CTT	1/2 CTT	FULL CTT	OT HOURS

Airplane	0745	1115	X	X	1/4

Rationale:

One half CTT is applicable outside the metropolitan area when the 2-hour minimum does not apply and overtime is performed less than one hour before the TOD. See **APHIS Directive 402.3**, Attachment 2, paragraph B.1. Additionally, the officer is entitled to 1/4 hour of overtime pay for the actual time work was performed.

Example 13:

The officer is performing work on a workday outside the metropolitan area. Officer begins work at 0745, and returns to duty station at 1115. However, officer worked from 1800-2000 the previous night.

AIRPLANE	BEGINS WORK	RETURNS TO DUTY STATION	IN	OUT	NO CTT	1/2 CTT	FULL CTT	OT HOURS
Airplane	0745	1115		X		X		1/4

Rationale:

Multiple call out rule does not apply since the 0745 job begins less than 1 hour before the TOD as stated in **APHIS Directive 402.3**, Attachment 3, paragraph G.2. Note: The officer is entitled to 1/2 CTT and 1/4 hour overtime pay as stated in **APHIS Directive 402.3**, Attachment 2, paragraph B.1.,because the work performed before the TOD was outside the metropolitan area.

CONTINUOUS OVERTIME
8 and 2 Minute Rules

Example 14:

On a workday, officer works continuously until 1637. Next assignment ETA and ATA are at 1700 and assignment ends at 1800.

OVERTIME WORK	ETA	ATA	END	NO CTT	1/2 CTT	FULL CTT	OT HOURS
Continuous			1637	X			0

OVERTIME WORK	ETA	ATA	END	NO CTT	1/2 CTT	FULL CTT	OT HOURS
Additional Assignment	1700	1700	1800		X		2

Rationale:

The continuous overtime assignment is governed by the 8-minute rule as stated in **APHIS Directive 402.3** (46.44 KB), Attachment 3, paragraph F.1. The officer is therefore not eligible for any entitlements. For the additional overtime assignment, the officer is entitled to 1/2 CTT and the 2-hour minimum as stated in **APHIS Directive 402.3** (46.44 KB), Attachment 2, paragraph A.2., because the additional assignment starts between 30-60 minutes after the end of the TOD.

Example 15:

On a workday, officer works continuously until 1640. The next aircraft ETA and ATA are at 1646 and work ends at 1715.

OVERTIME WORK	ETA	ATA	END	NO CTT	1/2 CTT	FULL CTT	OT HOURS
Continuous			1640	X			1/4
Additional Assignment	1646	1646	1715	X			1/2

Rationale:

Even though the officer finished at 1640 he/she is paid until 1645 as mandated by the 8-minute rule in **APHIS Directive 402.3**, Attachment 3, paragraph F.1. The nature of the continuous service extends the TOD until 1645 entitling the officer to 1/4 hour of continuous overtime pay for that period and no CTT. See J. Frey A. Finamore April 23, 1984 memorandum for clarification of this issue. The additional assignment is now considered as a continuation of service since there was not a break of 2 minutes or more between jobs as required under **APHIS Directive 402.3** , Attachment 2, paragraph A.2. The October 12, 1989 memorandum from C. Havens also supports this position.

Example 16:

On a workday, officer works continuously until 1840. The ETA of the next aircraft is 1845. The ATA is 1842 and finishes at 2000.

OVERTIME WORK	ETA	ATA	END	NO CTT	1/2 CTT	FULL CTT	OT HOURS
Continuous			1840	X			2 1/4
Additional Assignment	1845	1842	2000	X			1 1/4

Rationale:

Even though the officer finished at 1840 he/she is paid until 1845 as mandated by the 8-minute rule in **APHIS Directive 402.3**, Attachment 3, paragraph F.1. The nature of the continuous service extends the TOD until 1845 entitling the officer to 2 1/4 h ours of continuous overtime pay for that period and no CTT. See J. Frey A. Finamore April 23, 1984 memorandum for clarification of this issue. The next assignment entitles the employee to an additional 1 1/4 hours of overtime because it is now considered as a continuation of service since there was not a break of 2 minutes or more between jobs as required under **APHIS Directive 402.3**, Attachment 2, paragraph A.2. The October 12, 1989 memorandum from C. Havens also supports this position.

Example 17:

On a workday, officer works continuously until 1840. The ETA of the next aircraft is 1835. The ATA is 1842 and finishes at 2000.

OVERTIME WORK	ETA	ATA	END	NO CTT	1/2 CTT

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