HRDG 4550 - Premium Pay - Section J

Last Modified:

Subchapter 4550
Premium Pay
Section J - Overtime Under Title 5

- Introduction
- Do I get Overtime if I am on a Special Tour of Duty for Educational Purposes?
- For What Types of Work am I Eligible to Earn Overtime?
- When do I get Overtime for Travel?
- What is the “Two-day Rule” on Per Diem?
- Supervisors' Responsibilities
- Employee-Selected Mode or Time of Travel
- Travel Between Time Zones
- Travel Within the Official Duty Station
- Determining Amount of Payable Travel Time
- Determining the Official Duty Station Limits
- Travel Outside the Official Duty Station Chart
- When is my Travel Considered Administratively Uncontrollable and Payable as Overtime?
- Chart Illustrating Premium Pay/CTOT Eligibility for Time Spent Traveling
- Claiming a Home-to-Work Commute Chart

Return to 4550 Table of Contents

Introduction

This section outlines your entitlement to overtime pay under Title 5. This section applies to:

- General Schedule (GS/GM) and Administratively Determined (AD), Fair Labor Standards Act (FLSA)-exempt employees, and
- Prevailing rate, FLSA-exempt employees.

Note: Nonexempt employees should refer to the section on FLSA overtime.

Do I get Overtime if I am on a Special Tour of Duty for Educational Purposes?

If your supervisor permits you to work under a special tour of duty for educational purposes, you may not receive premium pay (including pay for night, Sunday, or holiday work) solely because your special tour results in work on a day or at a time for which premium pay is otherwise authorized.

For What Types of Work am I Eligible to Earn Overtime?

You are paid for all time spent in principal activities that have been ordered and approved by your supervisor. Principal activities are the activities that you were hired to perform and that occur during your regularly scheduled administrative workweek and during authorized periods of irregular or occasional overtime.

Travel or training may be payable as overtime, only as discussed in this section.

All time during approved paid absences is considered employment and is applied toward the daily and weekly overtime standards.

If you work callback overtime, you receive credit for at least 2 hours of work for irregular or occasional overtime work performed:

- On a day for which work was not scheduled for you, or
- When you are required to return to the place of employment.

When do I get Overtime for Travel?

Under Title 5, time in travel status away from the official duty station is considered employment when it is within your regularly scheduled administrative workweek, including regular overtime work. Travel is payable as overtime if it is officially ordered and approved by your supervisor and meets one or more of the following conditions:

- It involves the performance of actual work while traveling.

  Work while traveling generally means work which only can be performed while traveling, such as escorting prisoners to a distant prison.
- It is incident to travel that involves the performance of work while traveling.

  In this situation, you will either be traveling to a destination to board a means of transportation where you will be performing work while traveling or, having performed work while traveling, you are returning to your duty station. Entitlement under this condition is limited to the situation where the work performed while traveling is work which can only be performed while traveling.
- It is carried out under such arduous conditions that the travel is inseparable from the work.

  Arduous unusual conditions are conditions which impose a substantial burden on you, the traveler, beyond that normally associated with travel. Examples include travel over unusually adverse terrain, during severe weather conditions, or to remote facilities that are barely accessible by foot, horseback, or truck.
- Absent unusual conditions, travel by automobile over hard-surfaced roads when no unusually adverse weather conditions are encountered, or by common carrier, is not considered arduous, even though it may occur at night, continue over an extended period of time, and involve some risks.
- It results from an event which could not be scheduled or controlled administratively, including travel from your official duty station to the event and your return. See “administratively uncontrollable travel” below.

The 2-day rule allows delays in departure or return to permit travel during regular working hours. These delays are not considered unreasonable. They are not payable at overtime rates. Travel that is ordered outside of regularly scheduled hours in order to comply with the 2-day per diem rule is not payable (unless the event causing the travel is uncontrollable and an immediate official necessity for travel exists) at overtime rates.

The “2-day per diem rule defines when you can delay your travel in order to travel during regular working hours. *The rule states that such delays are allowed when they result in less than 2 days of per diem. Such delays are not considered unreasonable. If you have such a delay, you are not entitled to overtime pay. (See 53 Comptroller General [CG] 882 [1974] and 56 CG 847 [1977]).*

This rule applies to both delays in departure and return.

You also will not receive overtime compensation if your supervisor orders or you elect to travel outside of regularly scheduled hours in order to comply with the 2-day per diem rule.

You only may be paid overtime for events which are considered administratively uncontrollable where an immediate official necessity for travel exists.

What is the “Two-day Rule” on Per Diem?

Example: Your tour of duty is 8 a.m. to 4:30 p.m., Monday through Friday. You are sent to a controllable assignment at a temporary duty station. You complete the assignment on Friday at 4:30 p.m.

Determination: You must return to the official duty station outside regularly scheduled working hours to comply with the 2-day per diem rule. Because the event requiring the travel is controllable, you may not receive overtime for the official travel on Saturday or Sunday.

If a delay requires 2 or more days of per diem, authorized travel outside regular hours is payable at overtime rates if the event causing the travel is uncontrollable and an immediate official necessity for travel exists.

Supervisors' Responsibilities

Supervisors are responsible for:

- Scheduling travel within your regularly scheduled administrative workweek, whenever practicable;
- Promptly informing you when ordered travel will not be paid for; and
- Recording the reasons for requiring nonpayable travel on your T&A report, when requested.

Employee-Selected Mode or Time of Travel

If you, as an employee, are offered one mode of transportation, but you are permitted to use an alternative mode of transportation, or you travel at a time other than that selected by your supervisor, then you are credited with the lesser of:

- The actual payable travel time, or
- The estimated travel time which would have been deemed employment had you used the mode of transportation offered by your supervisor, or traveled at the time selected by your supervisor.

Example: You are required to travel from Washington, D.C., to Atlanta, Georgia. For personal reasons, you choose to drive, rather than fly, as approved by your supervisor. The actual time you spend driving is 10 hours. The estimated time that would have been spent flying (including normal waiting time and travel time from the airport to the job site) is 4 hours. You are credited with 4 hours of work under Title 5 for the time spent traveling by car.

If you depart for Atlanta at 8 a.m., you are charged with 4 hours of appropriate leave. (Example assumes an 8 hour workday with ½ hour unpaid lunch).

If you work until noon, and then depart for Atlanta, no leave is charged.

Travel Between Time Zones

When travel involves two or more time zones, the time zone of the point of first departure of the day is used to determine your compensation for official travel.

You are paid for all time spent traveling within the official duty station during regularly scheduled hours, including regularly scheduled overtime. The table below summarizes your entitlement to overtime travel within the official duty station.

Travel Within the Official Duty Station

If you travel	and	is the travel compensable as overtime?
To and from work	----	No
To and from work	the travel involves the performance of work while traveling	Yes
From site-to-site	you have reported to work at one job site	Yes
From site-to-site	you travel from a work site to home or from home to a work site	No

Determining Amount of Payable Travel Time

For premium pay purposes, you are considered to be in a travel status only for those hours:

- Traveling between the official duty station and destination.
- Traveling between two temporary duty points, or
- Spent in usual waiting time which interrupts the travel.

Determining the Official Duty Station Limits

To determine the limits of your official duty station (your local commuting area) see **MRP Directive 2301.1** (14.84 KB), MRP Supplement to the Agriculture Travel Regulations, dated 7-23-98.

Travel Outside the Official Duty Station Chart

If you travel by	and you	then:	and:
Common carrier	travel less than 1 hour to/from terminal	the beginning time is the departure time of the common carrier (or report time required by common carrier)	The ending time is the arrival time of the common carrier.
	travel 1 hour or more to/from terminal and residence or work*	the beginning time is the departure time from residence or work	the ending time is the arrival time of the common carrier, minus the excess waiting time at the terminal.
Automobile	travel from the official duty station to the temporary duty station	the beginning time is the departure from the place of business	the ending time is the arrival time at the destination point.
	travel directly from home to the temporary duty station	time spent in excess of the normal home-to-work travel is payable.	
Other than the most expeditious method	do so for personal convenience	travel time is limited to the lesser of: • estimated travel time of the most expeditious method • actual travel time.	

* This includes temporary residence or temporary work site.

Your travel will be considered administratively uncontrollable and payable as overtime when it results from:

- Unforeseen circumstances, such as an emergency absence or a breakdown of equipment when there is an immediate official necessity for travel. (CG B1636 54, 1/26/71).
- An event that requires travel and is scheduled or controlled by a person or organization outside the Government (events controlled by the judicial or legislative branches are considered uncontrollable) and there is an immediate official necessity for travel.

Note: When travel to an event is uncontrollable, and payable, the return travel, if ordered outside regular hours, also is payable.

Example: You are required to travel from Washington, D.C., to Chicago on Sunday to attend a Monday morning meeting sponsored by an industry group. Neither the agency, nor any other Government agency, has control or input into the scheduling of the meeting. It has been determined by your supervisor that it is necessary for you to be present at this 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 travel to the meeting because it is an administratively uncontrollable event. However, your supervisor also may determine that your attendance at the meeting is only necessary for a portion of the time. In such a case, he/she may order you to attend only a specific portion of the meeting and travel during regularly scheduled duty hours to/from the meeting. (CG B-230405, 6/29/90).

Your travel is considered controllable and is not payable as overtime when:

- The event causing the travel is controlled by the Government.

Chart Illustrating Premium Pay/CTOT Eligibility for Time Spent Traveling (208.3 KB)

Claiming a home-to-work commute

Each time that you travel to and from work you must claim a home-to-work commute. Generally, this applies regardless of whether you are traveling to your official duty station (ODS) or to a temporary duty site (TDY). Each individual agency's, AMS, APHIS and GIPSA, travel office is responsible for defining the limits (radius) of the official duty station.

If you are . . .	**Then your home-to-work commute is . . .**
Traveling from home to your ODS,	Driving your car from your home to the office.
Teleworking,	Walking to your home office.
Driving to a 3 day meeting, conference, training that is inside the limits of your ODS,	Driving to/from the meeting, conference or training each day.
Attending a meeting, conference or training at a TDY site outside the limits of your ODS and it is being held in your hotel,	Taking the elevator to the 1 st floor of the hotel and walking to the conference room each day.
Attending a meeting, conference or training at a TDY site outside the limits of your ODS and the event is being held at another location,	Walking or driving from your hotel room to the location where the meeting, conference or training is being held.
Already at your TDY site,	Walking, driving, or taking the bus to the office or work location at the TDY site each day.

Note: When determining if any travel time may be claimed you must also see the pertinent sections of HRDG 4550, Premium Pay, on:

- Premium pay (overtime or compensatory time off in lieu of overtime pay) for administratively uncontrollable travel and/or travel as an employee subject to the Fair Labor Standards Act (FLSA) or
- Compensatory time off for travel (CTOT) for travel time that is not otherwise compensable.

Return to 4550 Table of Contents

Print