# HRDG 4550 - Premium Pay - Section C

Last Modified:

**Subchapter 4550**
**Premium Pay**
**Section C - Basic Overtime Policy**


- Am I Covered by the Basic Overtime Policy?
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**Am I Covered by the Basic Overtime Policy?**

You are covered by this basic overtime policy if you are:

- An employee in a General Schedule (GS or GM) position, regardless of Fair Labor Standards Act (FLSA) status,
- Administratively Determined (AD), or
- A prevailing rate employee.

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| **Who is Not Covered by the Basic Overtime Policy?** | If you are an APHIS employee who is working overtime under the provisions of Title 7 U.S.C. 2260 (Import-Export Act), then you are not covered by this policy. You should refer to **APHIS Directive 402.3** (46.44 KB). |

## How Does My Flexible Work Schedule Affect Overtime?

If you work under a flexible work schedule such as Maxiflex, you are only considered to have worked overtime if your supervisor ordered and approved you to work hours:

- In excess of your basic work requirement, **and**
- In excess of 8 hours in a day or 40 hours in a week.

You have not worked overtime if you voluntarily chose to earn credit hours.

See the HRDG **Subchapter 4610,** Tours of Duty, for additional information on credit hours.

**Example:**You work under the following flexible work schedule:

Week 1 - Monday through Friday, 7 a.m. to 4:30 p.m., with a 30-minute meal period (45 hours).

Week 2 - Monday, 8 a.m. to 4: 30 pm and Tuesday through Thursday, 8 a.m. to 5:30 p.m., with a 30-minute meal period (35 hours).

On Monday of week 1, you are ordered by your supervisor to remain on duty from 4:30 p.m. to 5:30 p.m. to complete a project. You and your supervisor could resolve this situation in the following ways:

**Solution 1**: This hour of work can be coded as TC 21 - Overtime over 40, because the time worked is in excess of your basic work schedule and in excess of 8 hours per day or 40 hours a week. The 1 hour is payable at the appropriate overtime rate, or you may be granted 1 hour of compensatory time in lieu of overtime pay.

**Solution 2**: You may request to change your basic work schedule and work 1 hour less during the remainder of the pay period. If you decide to do this, the hour of work on Monday of Week 1 is coded TC 01, regular time, and you are not compensated for overtime work. You also may request to complete the tour as originally scheduled and earn 1 credit hour at the end of the pay period.

**Note**: The hours in excess of 8 per day and 40 per week during

If you work under a compressed work schedule, overtime is work in excess of your basic work schedule. Compressed work schedules have no relation to maxiflex schedules that mimic compressed work schedules.

**How Does My Compressed Work Schedule Affect Overtime?**

**Example:** Your supervisor requires you to work the following compressed work schedule:

Week 1 - Monday through Thursday 7 a.m. to 4:30 p.m. with a 30-minute meal period; Friday 8 a.m. to 4:30 p.m. with a 30-minute meal period.

Week 2 - Monday through Thursday, 7 a.m. to 4:30 p.m. with a 30-minute meal period; Friday Compressed Day Off. On the second Monday, you are required to work 1 hour in addition to your normal 7 a.m. to 4:30 p.m. tour. This hour is overtime, because it is in addition to your 80-hour basic work requirement and because it was ordered by your supervisor.

| | | Employee who (whose) . . . | Is entitled to OT pay for work that is more than 40 hours in a week | Is entitled to OT pay for work that is more than 8 hours in a day | Is not entitled to OT pay for work that is more than 8 hours in a day |
|---|---|---|---|---|---|
| **How Does My First-40-Hour Indefinite Tour Affect Overtime (OT)**? | **FLSA exempt (not covered) and nonexempt (covered by FLSA)** | Is ordered or approved to work more than 40 hours during an administrative workweek . . . | X | | |
| | | Rate of basic pay is at or below a GS-10 step 1 (including locality pay or special salary rates) and who is not performing professional, technical engineering, or scientific activities (5 U.S.C. 5542[a]) . . . | | X | |
| | | Rate of basic pay is greater than a GS-10 step 1 (including locality pay or special salary rates) or who is performing professional, technical engineering, or scientific activities . | X | | |

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| **How Does LWOP Affect Overtime?** | If you take leave without pay (LWOP) during the basic workweek or during your daily tour of duty and you later work an overtime assignment, you will not be paid any overtime until the hours of actual work exceed the hours of the basic workweek or the daily tour of duty. |

## On-Call Duty

When deemed necessary by supervisors, employees may be placed in an on-call status during non-duty times, i.e., before or after normal work hours, on weekends, and/or on holidays, to respond to urgent emergency-related issues. On-call overtime (also known as call-back overtime), under Title 5, is for irregular and occasional overtime performed by an employee on a day when no work is scheduled or at a time which requires the employee to return to the worksite from an off-duty status. When placed on-call, an employee may be required to carry a cell phone, pager etc. On-call status may be assigned to individual employees for a specific duration and/or on a rotating basis among several employees.

| **If your supervisor directs you to be on-call and requires you to carry a cell phone, pager etc. after normal duty hours, including weekends, and you:** | **Then:** |
|---|---|
| Do not receive any calls | You will not receive any compensation. |
| Handle work issues at home e.g., by phone, e-mail | You will only be compensated for time spent working on the issue(s) e.g., time on the phone. |
| Are required to return to your worksite and you work up to 2 hours | You will receive 2 hours of overtime pay (or compensatory time, as appropriate) for irregular and occasional overtime work. You will not receive overtime for the time spent driving to/from the worksite. |
| Are required to return to your worksite and you work more than 2 hours | You will receive overtime pay (or compensatory time, as appropriate) for the actual time spent working. You will not receive overtime for the time spent driving to/from the worksite. |

If you are required to perform work while on-call, you should maintain the following information: Date, Time, Name of person dealt with, Issue, and Length of time spent on the issue.

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