

United States Department of Agriculture
Marketing and Regulatory Programs
Agricultural Marketing Service
Animal and Plant Health Inspection Service
Grain Inspection, Packers and Stockyards Administration

Directive

MRP 4550.2

3/18/02

PREMIUM PAY

1. PURPOSE

This Directive establishes the Marketing and Regulatory Programs (MRP) policy on premium pay for all employees, except those performing overtime work under the Import/Export Act, Title 7, United States Code (U.S.C.), 2260.

2. REPLACEMENT HIGHLIGHTS

This Directive replaces the following Agency-specific directives and instructions:

- a. AMS Directive 350.1, Premium Pay, dated 4/3/95.
- b. AMS Handbook 301, AMS Premium Pay User's Guide, dated April 1995.
- c. APHIS Directive 402.2, Premium Pay, dated 3/27/86.
- d. APHIS Directive 402.4, Travel Time as "Hours of Work" under the Fair Labor Standards Act (FLSA), dated 4/25/80.
- e. APHIS Directive 402.5, Training as "Hours of Work" under the Fair Labor Standards Act (FLSA), dated 9/25/81.
- f. GIPSA, FGIS Directive 4550.2, Premium Pay, dated 7/21/93.

3. AUTHORITIES

- a. Title 5, U.S.C., Chapter 55.
- b. Title 5, Code of Federal Regulations, Parts 550, 551, and 532.
- c. Department Personnel Manual Chapter 550, Subchapter 1, Premium Pay.

Distribution: AMS, APHIS, GIPSA

Originating Office: HRD-HREB

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4. POLICY

It is MRP policy that employees be paid premium pay in accordance with regulatory and policy entitlements and that:

- a. The authority to order and approve overtime pay may be delegated to the lowest level of supervision with the authority to approve time and attendance sheets.
- b. Employees whose rate of basic pay exceeds the GS-10, step 10, and are exempt from FLSA, may be ordered to take compensatory time in lieu of overtime pay for irregular or occasional overtime work.
- c. Employees whose rate of basic pay is GS-10, step 10 or less, and those covered by FLSA who want compensatory time in lieu of overtime pay, must request it. They may not be ordered to take it.
- d. Employees receiving overtime pay under the Import/Export Act (7 U.S.C. 2260) will not earn compensatory time.
- e. Employees may not transfer compensatory time to or from other agencies (including USDA agencies and within MRP, e.g., Internal Revenue Service to USDA, AMS to GIPSA).
- f. Compensatory time is earned and used in 15 minute increments. It must be used within one leave year after the year it is earned or be paid out. Use or lose annual leave should be used before compensatory time.

AMS: Compensatory time must be used before annual leave, except in cases of use or lose leave.

5. OPERATING GUIDELINES

Additional information on premium pay may be found in the Human Resources Desk Guide (HRDG), Subchapter 4550, Premium Pay. This Directive and HRDG Subchapter 4550, are available on the MRP Human Resources home page at www.aphis.usda.gov/mb/mrphr, the employee library at www.aphis.usda.gov/library, and the AMS Issuances page at www.ams.usda.gov/issuances.

6. INQUIRIES

General inquiries on procedural matters should be directed to the servicing personnel office. Requests for policy interpretations for complex issues should be referred to the Pay, Leave and Tours of Duty Specialist, Human Resources Enhancement Branch, MRP Human Resources Division.

/s/ Joanne Munno
Acting Deputy Administrator
MRP Business Services