

Holiday Premium Pay and Travel (PQA 99-2, February 4, 1999)

Are employees entitled to holiday premium pay for the time they spend in work-related travel on a Federal holiday?

Employees generally are **not** entitled to holiday premium pay for the time they spend in work-related travel during holiday hours of their tours of duty. Holiday premium pay is paid only to employees who perform work on a holiday. (See 5 U.S.C. 5546(b).) The Comptroller General has ruled that the criteria in 5 U.S.C. 5542(b)(2) must be used to determine whether travel time is hours of work for holiday premium pay purposes. (These are the same criteria that are used to determine travel time as hours of work for title 5 overtime pay purposes. The criteria are also found in 5 CFR 550.112(g).) Time spent in a travel status is not hours of work for the purpose of paying premium pay, including holiday premium pay, unless it meets one of the criteria in 5 U.S.C. 5542(b)(2)(B) for crediting irregular or occasional hours of work for travel. The criteria state that time spent in a travel status away from the official duty station is not hours of employment unless the travel:

- involves the performance of work while traveling (such as employment as a truck driver);
- is incident to travel that involves the performance of work while traveling (such as "deadhead" travel performed by a truck driver to return an empty truck after unloading);
- is carried out under arduous and unusual conditions (e.g., on unpaved roads); or
- results from an event which could not be scheduled or controlled administratively by any individual or agency in the executive branch of the Government (such as training scheduled solely by a private firm or a job-related court appearance required by a court subpoena).

(See Comptroller General opinions B-82637, March 28, 1949; B-168726, January 28, 1970; and 50 Comp. Gen. 519 (1971).) **Note that this guidance applies to both Fair Labor Standards Act (FLSA) exempt and nonexempt employees. The provisions on travel time as hours of work for FLSA overtime pay purposes under 5 CFR 551.422 do not apply to the payment of holiday premium pay.** Although most employees do not receive holiday premium pay for time spent traveling on a holiday, they continue to be entitled to pay for the holiday in the same manner as if the travel were not required.

Note: Under 5 U.S.C. 5542(b)(2)(A), time spent traveling away from the official duty station is also hours of employment if the time spent is within the days and hours of an employee's regularly scheduled administrative workweek. However, this does not apply to travel time on a holiday for holiday premium pay purposes because an employee's regularly scheduled administrative workweek includes

only periods of time in which an employee is regularly scheduled to work. The Comptroller General has ruled that travel time during holiday hours (whether driving or riding) is not work time and, therefore, does not fall within an employee's regularly scheduled administrative workweek. (See Comptroller General opinion B-160094, October 12, 1966, and the definition of "regularly scheduled administrative workweek" in 5 CFR 610.102.)