COMPUTATION OF REGULAR RATE UNDER FLSA PROVISIONS

1. The following types of payments are <u>included</u> in computing an employee's regular hourly rate of pay:

o   Scheduled rate (or basic rate under a statutory pay system);

o   Night shift differential;

o   Sunday premium pay; and

o   Cost-of-living allowance.

2. The following types of payments are <u>excluded</u> in computing an employee's regular hourly rate:

o   Additional pay for overtime work;

o   Payments for periods of nonwork: sick, annual, administrative, or other paid leave; and holidays (exclude only the extra pay which would have been made had the employee worked on the holiday; if an employee works on a holiday, count only the straight time pay);

NOTE: Under Title 5, an employee's absence from duty on authorized leave with pay is deemed employment and does not reduce the amount of overtime pay or compensatory time to which the employee is entitled.

o   Cash awards under an incentive awards program;

o   Travel and per diem expenses; mileage allowances for an employee who travels in his or her own automobile;

o   Call-back overtime payments for hours not actually worked (e.g., if an employee is guaranteed two hours pay for call-back work, but works only one hour, count only the one hour's pay, at straight time); and

o   Any other payments which are not for actual hours of employment.

3. The extra compensation paid for work in excess of an employee's regularly scheduled tour of duty under Title 5 or other applicable pay procedures is creditable toward the overtime payment otherwise applicable only under the FLSA. The other excludable types of pay in the above list are not creditable.

4. The additional 50% overtime payments for overtime in excess of an employee's regularly scheduled tour of duty is creditable against payments computed under the FLSA.