



*Personnel*

**RATES OF SPECIAL PAY (CORRECTED COPY)**

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This pamphlet provides guidance for the approval and certification of special pay rates for full-time civilian employees. It will assist supervisors in the determination of employee entitlement to special pay rates. It applies to all civilian employees serviced by the Civilian Personnel Office (OO-ALC/DPCE).

**SUMMARY OF REVISIONS**

This revision incorporates references to *AFI 36-802, Pay Setting*, and *AFI 36-807, Weekly and Daily Scheduling of Work and Holiday Observance*; deletes all Federal Personnel Manual (FPM) regulatory references; adds clarifying statements from FPM regulations regarding standby, administrative uncontrollable overtime (AUO), and administratively uncontrollable travel; and incorporates provisions for Federal Wage System (FWS) compensatory time payment based on Public Law 104-201, National Defense Authorization Act for fiscal Year 1997. A ( | ) indicates a revision/clarification from the previous edition.

**1. GENERAL.** Tours of duty which require the payment of special pay rates are established only when required for efficient operations. For Hazard and Environmental Pay reference *OO-ALC- HAFBI 36-802, Environmental Differential and Hazard Pay*.

**2. REGULARLY SCHEDULED WORK DEFINITION:**

2.1. Regular Work. Any work, including overtime work that is scheduled as part of an employee's regularly scheduled administrative workweek.

2.2. Additional Work. Any work that should have been scheduled as part of an employee's regularly scheduled administrative workweek. The supervisor is responsible for scheduling the work as part of the employee's regularly scheduled tour of duty and such work is regularly scheduled work. However, if the supervisor does not know of the requirement for additional work until after commencement of the administrative workweek, there is no recourse but to order an employee to perform such work in addition to the regularly scheduled tour of duty. This additional work would be irregular or occasional overtime work. The same would apply if the need for additional overtime work is known

in advance of the administrative workweek, but the supervisor does not know which days or hours the work will be required or which employee will be required to perform the work. If an agency fails to schedule its employees in a manner that realistically reflects the agency's actual work requirements, the failure to schedule will constitute a violation of regulations warranting payment of premium pay for regularly scheduled work.

**3. PAYMENT FOR NIGHT WORK:** Requirements for night work involving standard shifts will be reviewed and approved in writing by OO-ALC subordinate Unit Commanders, Directors, Chiefs of Staff Offices, and Tenant Commanders at least every two years. Use *OO-ALC Form 173, Request for Uncommon Tour of Duty/Irregular or Night Shift*, for this purpose.

3.1. Employees Paid Under the General Schedule (GS). An employee is entitled to ten percent of the basic hourly rate for night work. Night work for GS employees is defined as a regularly scheduled tour of duty (see definition in paragraph 2) involving work between 1800 and 0600. For night work pay purposes, student aides appointed under intermittent or summer authority are considered the same as GS employees. The night differential is not considered a part of the basic pay on which holiday, overtime, and Sunday premium is computed, nor is it used in determining the amount of deductions for retirement or life insurance.

3.1.1. Absence on Holidays or in Travel Status. An employee is entitled to night pay differential for a period when excused from night work on a holiday or other non-workday and for night hours of the tour of duty while in an official travel status, whether performing actual duty or not.

3.1.2. Leave With Pay of Eight Hours or More. Night differential cannot be paid to an employee for any period of leave if the aggregate of paid leave during the same period is eight hours or more.

3.1.3. Temporary Assignment to a Different Daily Tour of Duty. An employee is entitled to a night pay differential when temporarily assigned during the administrative workweek to a daily tour of duty that includes night work.

3.1.4. Irregular or Occasional Overtime Work. The employee will not be paid the night differential rate for irregular or occasional overtime work.

3.1.5. Rearrangement of Workweek for Educational Purposes. An employee cannot be paid premium pay solely because the rescheduling of the tour of duty causes him to work on a day, or during the hours of a day, when premium pay would otherwise be required. This restriction does not prohibit the assignment of an employee to a regularly scheduled shift requiring premium pay since no additional costs are incurred.

3.2. Night Rates for Employees Paid under the FWS. FWS employees are entitled to night differential of seven and one-half percent of their scheduled rate of pay for regularly scheduled non-overtime work when the majority of their shift falls between 1500 hours and midnight; or ten percent of their scheduled rate when the majority of their shift falls between 2300 and 0800 hours. Majority of shift means the number of whole hours greater than one-half, e.g., five hours of a scheduled 8-hour shift. The resulting hourly rate is used for determining the amount of deductions for retirement and group life insurance.

3.2.1. Absence on Holidays or in Travel Status. A wage employee regularly assigned to a night shift for which the night shift differential is payable is entitled to the night shift differential for periods of excused absence on a holiday, while in official travel status during the hours of his or her regular night shift, or on court leave.

3.2.2. Temporary Assignment to a Different Tour of Duty. A wage employee regularly assigned to a night shift who is temporarily assigned to another night shift with a higher differential shall receive the higher differential when the majority of the employee's regularly scheduled non-overtime hours of work fall within the shift having the higher differential; a wage employee regularly assigned to a day shift is entitled to a night shift for any period during which they are temporarily assigned to work a regular shift for which a night shift differential is otherwise payable; a wage employee regularly assigned to a night shift will continue to receive their regular night shift differential during a temporary assignment to the day shift or to another night shift with a lower differential.

3.2.3. Absence on Leave With Pay. The night shift differential payable during periods of leave with pay depends upon the shift to which the employee is assigned at the time of going on leave and the duration of the assignment. An employee regularly assigned to a night shift on a full-time basis will receive the night shift differential; an employee assigned to a regular rotating schedule involving work on both day and night shifts will receive pay at rates payable on the day shift for the portion of the absence occurring during periods when the employee is scheduled to work the day shift and night shift differential will be payable for the portion of the absence occurring during periods when the employee is scheduled to work night shifts; if an employee is changed from the day shift to the night shift at irregular intervals and it cannot be administratively determined that the employee is assigned basically to either shift, payment during periods of absence with pay will be at the rate for the shift on which the employee was working at the time the absence began.

**4. PREMIUM PAY FOR SUNDAY WORK.** Employees whose regular work schedule includes an eight hour period of work on Sunday, any part of which falls between midnight Saturday and midnight Sunday, are entitled to additional pay at the rate of 25 percent of their basic pay for each hour of work performed for the entire shift. Sunday premium applies to both GS and FWS employees, but is computed differently for firefighters. Effective 10 Oct 97, Section 636 of the Treasury and General Government Appropriation Act, 1998 has placed a permanent restriction on the payment of Sunday premium pay for all appropriated funds employees. Under provisions of this section, employees are "not" entitled to Sunday premium pay for any portion of the Sunday tour they do not actually perform work, such as holidays and periods of paid leave, excused absence with pay, compensatory time off, credit hours or time off as an incentive or performance award.

#### **5. ADDITIONAL ANNUAL COMPENSATION FOR EMPLOYEES PAID UNDER THE GENERAL SCHEDULE:**

5.1. Regularly Scheduled Standby Duty. Employees may be paid annual premium pay in lieu of other premiums (not to exceed 25 percent of basic pay) when their positions require them to regularly remain at, or within the confines of their station, work longer than ordinary periods of duty, and *remain* in a standby status a substantial portion of the time (for example, firefighters and law enforcement). These employees are not paid premium pay for regularly scheduled overtime, night differential, Sundays, or holidays under other provisions of the law. Payment continues when an employee is: on leave with pay; temporarily assigned to other duties which do not warrant premium pay on annual basis for not more than ten consecutive workdays, and for a total of not more than 30 workdays in a calendar year; or attending formally approved training directly related to duties for an aggregate period of not more than 60 prescribed workdays in a calendar year. (See 5 U.S.C. 5545 (c)(2); 5 CFR 550.151-550.154.)

5.2. AUO. Annual premium pay may be paid to GS employees in positions where the hours of duty cannot be controlled by management, and which require large amounts of irregular or occasional overtime work. The employee is generally responsible, without supervision, for recognizing conditions which require him or her to remain on duty. (AFI 36-802 outlines requirements to request administratively uncontrollable overtime)

**6. OVERTIME PAY:** Procedures covering scheduling and reporting authorization, lunch periods during overtime and overtime work on religious days are outlined in AFI 36-807 and supplements thereto. Supervisor responsibilities for control and administration of overtime are contained in AFI 36-802. Only basic overtime policies pertinent to civilian employees' entitlements are described in the following paragraphs:

6.1. Hours of Work for Overtime Purposes for Title 5 Employees (“Exempt”—not entitled to overtime pay under Fair Labor Standards Act (FLSA)). Overtime is payable only for officially ordered or approved hours in excess of eight hours per day or 40 hours in an administrative workweek. Holidays and paid leave days are included in computing these amounts.

6.2. Hours of Work for Overtime Purposes for FLSA Employees (“Nonexempt”—entitled to overtime pay solely under FLSA). Overtime is payable for all work performed by an employee that has been officially ordered or approved in excess of eight hours per day or work that is suffered or permitted in excess of 40 hours per week. Holidays and paid leave days are included in computing these amounts.

6.3. Crediting Overtime Work. The minimum period for which irregular overtime work can be paid is one fourth hour unless the overtime is required on a regularly scheduled recurring basis, or unless the employee is on call-back overtime.

6.4. Call-back Overtime. An employee is paid a minimum of two hours of overtime pay when called back to perform unscheduled overtime work during hours outside the regular scheduled workweek. Scheduled or unscheduled overtime continuous with an employee's regularly scheduled tour of duty is not considered call-back overtime.

6.5. Night Shift Differential for Overtime Worked by FWS Employees. If overtime is performed on a workday and the employee is regularly assigned to a shift for which the night shift differential is payable then the overtime rate payable will be based on the night shift rate, even though the hours of overtime worked extend into or fall entirely within a day shift. If overtime is performed on a workday and the employee is regularly assigned to a day shift and overtime is performed either adjoining the eight hour day shift or on a call-back basis and extends into or falls entirely between the hours of 2300-0800 then the overtime rate payable will be based on the employee's basic day shift rate only. If overtime is performed on a non-workday and the employee is regularly assigned to any shift then the overtime rate payable will be based on the shift rate of the employee's last regularly scheduled shift.

**6.6. TDY Travel Requirement. When travel during non-duty hours is required, an *employee may only be compensated for time spent in travel away from the official duty station if it meets one or more of the conditions set forth in Title 5, USC or Section 7 of the FLSA. These conditions are clarified in paragraphs 6.7. and 6. 8. Use a copy of the completed travel voucher to determine time in travel status for overtime (or compensatory time) payments.***

Overtime for Time in Travel Status. Time spent by employees in travel status outside regular scheduled tour of duty is overtime under Title 5 USC when one of the following conditions apply:

6.6.1. Travel Which Involves the Performance of Work. Work which can only be performed while traveling such as escorting a prisoner. Carrying mail, information, or supplies is not considered overtime when these duties are merely incidental to the employee's travel and are not the primary function of the travel.

6.6.2. Travel Which is Incident to Travel That Involves the Performance of Work While Traveling. An employee will be in this situation when on a "deadhead" trip or having performed work while traveling is returning to the official duty station. (i.e., ambulance attendant, semi-truck driver)

6.6.3. Travel Under Arduous Conditions. Unusually adverse terrain during severe weather conditions or to remote, barely accessible facilities by foot or horseback. The length of travel or time of travel is not considered to be an arduous condition.

6.6.4. Travel Which Results From an Event Which Could Not Be Scheduled or Controlled Administratively. The control is assumed to be the agency's whether the agency has sole control or the event is controlled by any entity of the Executive Branch of the Government; and there must be an immediate official necessity. For example, travel will be considered hours of work when it results from unforeseen circumstances such as an aircraft accident or breakdown of equipment. On the other hand, training courses conducted throughout the country by an agency of the Executive Branch generally are scheduled to begin early Monday morning. Attendance at training centers located away from an employee's duty station would usually require the employee to travel outside his normal work hours. However, since the agency conducting the training course can schedule the hours of training, the training course is an event that can be scheduled or controlled administratively. Employees who attend the course will not be paid for time in travel status regardless of whether employed by the agency conducting the training course or another agency.

6.7. Overtime for Time in Travel Status for Employees Covered Under FLSA. The conditions warranting overtime pay while in travel status outside the regular scheduled tour of duty are as follows:

6.7.1. Workday Travel. The employee travels as a passenger to a TDY site and returns the same day.

6.7.2. Non-workday Travel. The employee travels as a passenger in a public or private conveyance or drives a vehicle on non-workdays during hours corresponding to regular working hours.

6.7.3. Travel During Work Hours. The time spent in a travel status is within the days and hours of the employee's regularly scheduled administrative workweek, including regularly scheduled overtime hours.

6.7.4. Nonexempt Employees. The same conditions apply to nonexempt employees as listed for exempt employees in paragraphs 6.6.1 through 6.6.4.

6.8. Rates for Overtime Compensation:

6.8.1. GS Exempt Employees. GS exempt employees (not entitled to FLSA overtime) whose salaries do not exceed the rate paid for GS-10, step 1, are paid overtime at one and one-half times their basic rate. For employees whose salaries exceed the rate for GS-10, step 1, overtime pay is limited to the overtime rate for GS-10, step 1. However, overtime is not payable for employees earning above the rate for GS-10, step 10, unless specifically approved by Commanders, Directors, Staff Directors, or Division Chiefs.

6.8.2. FWS Employees Overtime Pay. The overtime rate is one and one-half times the basic hourly rate regardless of grade level or salary.

6.9. Compensatory Time Off (GS and FWS): Compensatory time off from regularly scheduled work in lieu of overtime pay for irregular or occasional overtime work, call-back overtime (minimum of two hours), or overtime travel is allowable for all employees and is granted on the basis of one hour off duty for each hour of overtime worked or 15 minute increments.

6.9.1. Use of Compensatory Time Off. Compensatory time off must be used by the end of the 26th pay period after the pay period in which it was earned. Compensatory time not used during the established time period shall be paid at the overtime rate at which it was earned. Except when annual leave would otherwise be forfeited, supervisors should grant compensatory time before annual leave is approved.

6.9.2. Request Compensatory Time in Lieu of Overtime. All FWS (including WS) employees and GS employees (whose rates of pay do not exceed the maximum rate of a GS-10) may request compensatory time but cannot be forced to work it in lieu of overtime pay.

6.9.3. Holidays. Compensatory time off cannot be granted for work performed on a holiday, or on the day observed in lieu of the holiday, which is within the employee's regularly scheduled tour of duty.

6.10. Compensatory Time Off for Religious Observance (GS and WG Employees). Employees may take time off from work for religious reasons and make it up by working compensatory time instead of being required to use annual leave or leave without pay when personal religious beliefs require an absence from work. The compensatory time should be worked within 30 days of taking the time off.

**7. HOLIDAY PAY.** Holiday premium pay is a rate equal to the employee's basic compensation (does not include night differential for GS employees) for all time worked on the holiday or day observed in insurance deductions. Refer to *AFI 36-807* and supplements regarding designated legal holidays in lieu of the holiday which is within the employee's regularly scheduled tour of duty. Holiday premium pay is not considered basic compensation in determining amounts withheld for retirement or life insurance deduction. Refer to *AFI 36-807* and supplements regarding designated legal holidays and observance of days in lieu of a holiday which falls on an employee's day off.

**8. REMOTE WORKSITE ALLOWANCE.** The purpose of a remote worksite allowance is to provide some compensation to employees in recognition of the extraordinary expense, inconvenience, or hardship involved in commuting long distances to a duty post that is remote from the nearest established community or suitable place of residence. See Attachments 1 and 2 for schedule of allowances. Employees are entitled to an allowance from Chart A and Chart B. A combination of rates from both charts could result in a rate of more than ten dollars a day; however, the law limits the maximum allowance to ten dollars per day. (See CFR Part 591, Subpart C.)

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Attachment 1

REMOTE WORKSITE ALLOWANCE SCHEDULES

CHART A

Daily Transportation Allowance Schedules, Commuting Over Land by Private Motor Vehicle to Remote Duty Posts

	Degree A	Degree B	Degree c
Round trip distance in excess of 50 miles			
Up to 9 miles	<b>\$0.40</b>	\$0.42	\$0.44
10-19	1.40	1.47	1.54
20-29	2.40	2.52	2.64
30-39	3.40	3.57	3.74
40-49	4.40	4.62	4.84
50-59	5.40	5.67	5.94
60-69	6.40	6.72	7.04
70-79	7.40	7.77	8.14
80-89	8.40	8.82	9.24
90-99	9.40	9.87	10.00
100-109	10.00	10.00	10.00
110-119	10.00	10.00	10.00
120-129	10.00	10.00	10.00
130-139	10.00	10.00	10.00
140-149	10.00	10.00	10.00
150-159	10.00	10.00	10.00
160-169	10.00	10.00	10.00
170 and over	10.00	10.00	10.00

Degree A - Good paved roads; climatic conditions cause intermittent driving difficulty.

Degree B - Roads typically fair but may be good for part of distance or may be unpaved for short distance; climatic conditions during part of a season, in relation to terrain, contribute to additional cost.

Degree C - Fair to poor roads unpaved for part of distance, or travel over open range; hilly or mountainous terrain; climatic conditions during most of a season contribute to additional cost.

## Attachment 2

## REMOTE WORKSITE ALLOWANCE SCHEDULES

**CHART B**

Daily Inconvenience of Hardship Allowance Schedule Commuting Over Land by Motor Vehicle to Remote Duty Posts

	Degree A	Degree B	Degree <b>C</b>
Round trip time in excess of 2 hours			
Up to 15 minutes	\$0.50	\$0.63	\$0.75
16-30	1.00	1.25	1.50
31-45	1.50	1.88	2.25
46-60	2.00	2.50	3.00
61-75	2.50	3.13	3.75
76-90	3.00	3.75	4.50
91-105	3.50	4.38	5.25
106-120	4.00	5.00	6.00
121-135	4.50	5.63	6.75
136-150	5.00	6.25	7.50
151-165	5.50	6.88	8.25
166-180	6.00	8.13	9.00

Degree A - Good paved roads; climatic conditions, in relation to type and quality of vehicle, cause minimal discomfort during trip.

Degree B - Roads typically fair, but may be good for part of distance and possibly unpaved for short distance; climatic conditions during part of a season, in relation to type and quality of vehicle, result in moderate discomfort during trip.

Degree C - Fair to poor roads, unpaved for part of distance; climatic conditions during most of a season, in combination with such factors as type and quality of vehicle and terrain, result in unusual discomfort during trip.