Office of Personnel Management

(3) Adjustment of the General Schedule;
(4) Premium payment for overtime and holiday duty;
(5) Payment of night shift differential;
(6) Hazard pay differentials;
(7) Payment of rates above the minimum rate of the grade in recognition of specific qualifications, or in jobs in specific hard-to-fill occupations;
(8) Correction of an error in a previous demotion or reduction in pay;
(9) Temporary limited promotion followed by change to lower grade to the former or a different lower grade;
(10) A transfer or reassignment in the same grade and step to another local wage area with a higher wage schedule;
(11) Repromotion to a former or intervening grade of any employee whose earlier change to lower grade was not for cause and was not at the employee’s request; and
(12) An increase resulting from the grant of a quality step increase under the General Schedule.

§ 532.419 Grade and pay retention.

(a) In accordance with section 9(a)(1) of Public Law 92–392 (86 Stat. 564, 573), an employee’s initial rate of pay on conversion to a wage schedule established under the provisions of subchapter IV of chapter 53, title 5, United States Code, shall be determined under conversion rules prescribed by the Office of Personnel Management.

(b) Except as provided in paragraph (a) of this section, an employee’s eligibility for grade and/or pay retention shall be determined in accordance with the provisions of part 536 of this title.

Subpart E—Premium Pay and Differentials

§ 532.501 Definitions.

In this subpart:
Administrative workweek means a period of seven consecutive calendar days.
Basic workweek for full time employees means the days and hours within an administrative workweek which make up the employee’s regularly scheduled 40-hour workweek.

Environmental differential means a differential paid for a duty involving unusually severe hazards or working conditions.

Irregular or occasional overtime work means overtime work which is not part of the regularly scheduled administrative workweek.

Night shift differential means the differential paid the employee when the majority of regularly scheduled non-overtime hours worked fall between 3 p.m. and 8 a.m.

Overtime work means authorized and approved hours of work performed by an employee in excess of eight hours in a day or in excess of 40 hours in an administrative workweek, and includes irregular or occasional overtime work and regular overtime work.

Premium pay means additional compensation for overtime, or Sunday work, and standby duty.

Sunday work means work performed during a regularly scheduled tour of duty within a basic workweek when any part of that work which is not overtime work is performed on Sunday.

Regular overtime work means overtime work which is a part of the regularly scheduled administrative workweek.

Regularly scheduled administrative workweek means:
(1) For full-time employees, the period within an administrative workweek within which employees are scheduled to be on duty regularly.
(2) For part-time employees, it means the days and hours within an administrative workweek during which these employees are scheduled to be on duty regularly.

Tour of duty means the hours of a day, i.e., a daily tour of duty, and the days of an administrative workweek, i.e., a weekly tour of duty, that are scheduled in advance and during which an employee is required to perform on a regularly recurring basis.

§ 532.503 Overtime pay.

(a)(1) Employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act of 1938, as amended, shall be paid overtime pay in accordance with 5 U.S.C. 5544 and
§ 532.504

Compensatory time off.

(a) At the request of an employee, the head of an agency may grant compensatory time off from an employee's tour of duty instead of payment under §532.503 or the Fair Labor Standards Act of 1938, as amended, for an equal amount of irregular or occasional overtime work.

(b) At the request of an employee, the head of an agency may grant compensatory time off from an employee's basic work requirement under a flexible work schedule under 5 U.S.C. 6122 instead of payment under §532.503 or the Fair Labor Standards Act of 1938, as amended, for an equal amount of overtime work, whether or not irregular or occasional in nature.

(c) An agency may not require that an employee be compensated for overtime work with an equal amount of compensatory time off from the employee's tour of duty. An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with such employee's rights to request or not to request compensatory time off in lieu of payment for overtime hours.

(e)(1) An employee regularly assigned to a rotating schedule involving work on both day and night shifts who performs overtime work which extends or falls entirely within the succeeding shift shall be entitled to overtime pay computed on the rate of the employee's regularly scheduled shift in effect for that calendar day.

(2) When the overtime is performed on a nonworkday, the employee shall be entitled to overtime pay computed on the average rate of basic pay for all regularly scheduled shifts worked by the employee during the basic workweek.

(f) For an employee covered by 5 U.S.C. 5544, hours in a standby or on-call status or while sleeping or eating shall not be credited for the purpose of determining hours of work in excess of 8 hours in a day.


§ 532.504

Compensatory time off.

(a) At the request of an employee, the head of an agency may grant compensatory time off from an employee's tour of duty instead of payment under §532.503 or the Fair Labor Standards Act of 1938, as amended, for an equal amount of irregular or occasional overtime work.

(b) At the request of an employee, the head of an agency may grant compensatory time off from an employee's basic work requirement under a flexible work schedule under 5 U.S.C. 6122 instead of payment under §532.503 or the Fair Labor Standards Act of 1938, as amended, for an equal amount of overtime work, whether or not irregular or occasional in nature.

(c) An agency may not require that an employee be compensated for overtime work with an equal amount of compensatory time off from the employee's tour of duty. An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with such employee's rights to request or not to request compensatory time off in lieu of payment for overtime hours.

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