§ 550.186 Relationship to other payments.

(a) Standby duty pay under § 550.141 and administratively uncontrollable overtime pay under § 550.151 may not be paid to a criminal investigator receiving availability pay. Receipt of availability pay does not affect an investigator’s entitlement to other types of premium pay (including overtime pay under § 550.111) based on hours other than unscheduled duty hours. However, a criminal investigator receiving availability pay may not be paid any other premium pay based on unscheduled duty hours.

(b) Availability pay is treated as part of basic pay or basic salary only for the following purposes:

1. 5 U.S.C. 5524a, pertaining to advances in pay;
2. 5 U.S.C. 5595(c), pertaining to severance pay;
3. 5 U.S.C. 8114(e), pertaining to workers’ compensation;
4. 5 U.S.C. 8331(3) and 5 U.S.C. 8401(4), pertaining to retirement benefits;
5. Subchapter III of chapter 84 of title 5, United States Code, pertaining to the Thrift Savings Plan;
6. 5 U.S.C. 8704(c), pertaining to life insurance;
7. Sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980, as amended (Pub. L. 96–465), pertaining to Foreign Service retirement benefits; and
8. For any other purposes explicitly provided for by law or as the Office of Personnel Management or the Secretary of State (for matters exclusively within the jurisdiction of the Secretary) may prescribe by regulation.

(c) The minimum wage and the hours of work and overtime pay provisions of the Fair Labor Standards Act do not apply to criminal investigators receiving availability pay.