

106TH CONGRESS
1ST SESSION

S. 1885

To amend title 5, United States Code, to provide for more equitable policies relating to overtime pay for Federal employees, limitations on premium pay, and the accumulation and use of credit hours.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 9, 1999

Mr. ROBB (for himself, Mr. SARBANES, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend title 5, United States Code, to provide for more equitable policies relating to overtime pay for Federal employees, limitations on premium pay, and the accumulation and use of credit hours.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. OVERTIME PAY.**

4 (a) IN GENERAL.—Section 5542(a) of title 5, United
5 States Code, is amended—

6 (1) in paragraph (1), by striking “GS–10” and
7 inserting “GS–12”; and

1 (2) by amending paragraph (2) to read as fol-
2 lows:

3 “(2) For an employee whose basic pay is at a
4 rate which exceeds the minimum rate of basic pay
5 for GS–12 (including any applicable locality-based
6 comparability payment under section 5304 or similar
7 provision of law and any applicable special rate of
8 pay under section 5305 or similar provision of law),
9 the overtime hourly rate of pay is an amount equal
10 to the greater of—

11 “(A) one and one-half times the minimum
12 hourly rate of basic pay for GS–12 (including
13 any applicable locality-based comparability pay-
14 ment under section 5304 or similar provision of
15 law and any applicable special rate of pay under
16 section 5305 or similar provision of law); or

17 “(B) the hourly rate of basic pay of the
18 employee,

19 and all that amount is premium pay.”.

20 (b) CONFORMING AMENDMENT.—Paragraph (4) of
21 section 5542(a) of title 5, United States Code, is repealed.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on the first day of the first
24 pay period beginning on or after 180 days following the
25 date of enactment of this Act.

1 **SEC. 2. LIMITATION ON PREMIUM PAY.**

2 (a) IN GENERAL.—Section 5547 of title 5, United
3 States Code, is amended—

4 (1) by amending subsection (a) to read as fol-
5 lows:

6 “(a) An employee may be paid premium pay under
7 sections 5542, 5545 (a), (b), and (c), 5545a, and 5546
8 (a) and (b) only to the extent that the payment does not
9 cause the aggregate rate of pay for any pay period for
10 such employee to exceed the lesser of—

11 “(1) 150 percent of the minimum rate of basic
12 pay payable for GS–15 (including any applicable lo-
13 cality-based comparability payment under section
14 5304 or similar provision of law and any applicable
15 special rate of pay under section 5305 or similar
16 provision of law); or

17 “(2) the rate payable for level V of the Execu-
18 tive Schedule.”;

19 (2) by amending subsection (b)(2) to read as
20 follows:

21 “(2) Notwithstanding paragraph (1), no em-
22 ployee referred to in such paragraph may be paid
23 premium pay under the provisions of law cited in the
24 first sentence of subsection (a) if, or to the extent
25 that, the aggregate of the basic pay and premium

1 pay under those provisions for such employee would,
2 in any calendar year, exceed the lesser of—

3 “(A) 150 percent of the minimum rate of
4 basic pay payable for GS–15 in effect at the
5 end of such calendar year (including any appli-
6 cable locality-based comparability payment
7 under section 5304 or similar provision of law
8 and any applicable special rate of pay under
9 section 5305 or similar provision of law); or

10 “(B) the rate payable for level V of the
11 Executive Schedule in effect at the end of such
12 calendar year.”; and

13 (3) by amending subsection (c) to read as fol-
14 lows:

15 “(c) This section shall not apply to any employee of
16 the Federal Aviation Administration or the Department
17 of Defense who is paid premium pay under section 5546a
18 of this title.”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 subsection (a) shall take effect on the first day of the first
21 pay period beginning on or after 180 days following the
22 date of enactment of this Act.

1 **SEC. 3. ACCUMULATION AND USE OF CREDIT HOURS BY**
2 **MEMBERS OF THE SENIOR EXECUTIVE SERV-**
3 **ICE ON FLEXIBLE SCHEDULES.**

4 Section 6126 of title 5, United States Code, is
5 amended by adding at the end the following:

6 “(c) Any limitations (or other terms or conditions)
7 governing the accumulation or use of credit hours shall
8 apply equally to all career employees in the civil service
9 (or, if promulgated by an agency, within such agency), in-
10 cluding those in the Senior Executive Service or another
11 equivalent system.”.

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