

(4) INSUFFICIENT HOURS.—If a border patrol agent has a remaining hours obligation of scheduled overtime after applying paragraphs (2) and (3), any additional work in subsequent work periods that would otherwise be credited under section 5542(g) shall be applied towards the hours obligation until that obligation is satisfied.

(g) AUTHORITY TO REQUIRE OVERTIME WORK.—Nothing in this section shall be construed to limit the authority of U.S. Customs and Border Protection to require a border patrol agent to perform hours of overtime work in accordance with the needs of U.S. Customs and Border Protection, including if needed in the event of a local or national emergency.

(h) SPECIAL OVERTIME PAY FOR GS-12 BORDER PATROL AGENTS.—

(1) IN GENERAL.—Notwithstanding paragraphs (1)(F), (2)(C), and (3)(C) of subsection (b), a border patrol agent encumbering a position at grade GS-12 shall receive a special overtime payment under this subsection for hours of regularly scheduled work described in paragraph (2)(A)(ii) or (3)(A)(ii) of subsection (b), as applicable, that are credited to the agent through actual performance of work, crediting under rules for canine agents under subsection (b)(1)(F), or substitution of overtime hours in the same work period under subsection (f)(2)(A), except that no such payment may be made for periods of absence resulting in an hours obligation under paragraph (3) or (4) of subsection (f).

(2) COMPUTATION.—The special overtime payment authorized under paragraph (1) shall be computed by multiplying the credited hours by 50 percent of the border patrol agent's hourly rate of basic pay, rounded to the nearest cent.

(3) LIMITATIONS.—The special overtime payment authorized under paragraph (1)—

(A) is not considered basic pay for retirement under section 8331(3) or 8401(4) or for any other purpose;

(B) is not payable during periods of paid leave or other paid time off; and

(C) is not considered in computing an agent's lump-sum annual leave payment under sections 5551 and 5552.

(Pub. L. 113-277, §2(b), Dec. 18, 2014, 128 Stat. 2995; Pub. L. 118-31, div. E, title LII, §5201, Dec. 22, 2023, 137 Stat. 939.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (b)(1)(A), (C), is the date of enactment of Pub. L. 113-277, which was approved Dec. 18, 2014.

Section 2(e) of the Border Patrol Agent Pay Reform Act of 2014, referred to in subsec. (b)(1)(D)(iv), (E)(ii), is section 2(e) of Pub. L. 113-277, Dec. 18, 2014, 128 Stat. 3003, which related to comprehensive staffing analysis and is not classified to the Code.

The date of enactment of the Border Patrol Agent Pay Reform Act of 2014, referred to in subsec. (b)(1)(G)(i), is the date of enactment of Pub. L. 113-277, which was approved Dec. 18, 2014.

GS-12, referred to in subsec. (h), is contained in the General Schedule which is set out under section 5332 of this title.

PRIOR PROVISIONS

A prior section 5550, added Pub. L. 92-392, §10(a), Aug. 19, 1972, 86 Stat. 574, related to pay for Sunday and overtime work for employees of nonappropriated fund instrumentalities, prior to repeal by Pub. L. 102-378, §2(44)(A), Oct. 2, 1992, 106 Stat. 1352.

AMENDMENTS

2023—Subsec. (h). Pub. L. 118-31 added subsec. (h).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

EFFECTIVE DATE

Section effective on the first day of the first pay period beginning on or after Jan. 1, 2016, subject to certain exceptions, see section 2(i) of Pub. L. 113-277, set out as an Effective Date of 2014 Amendment note under section 5542 of this title.

MINIMIZATION OF OVERTIME

Pub. L. 113-277, §2(c)(2), Dec. 18, 2014, 128 Stat. 3003, provided that: “U.S. Customs and Border Protection shall, to the maximum extent practicable, avoid the use of scheduled overtime work by border patrol agents.”

[Section 2(c)(2) of Pub. L. 113-277, set out above, effective on the first day of the first pay period beginning on or after Jan. 1, 2016, with exception, see section 2(i) of Pub. L. 113-277, set out as an Effective Date of 2014 Amendment note under section 5542 of this title.]

§ 5550a. Compensatory time off for religious observances

(a) Not later than 30 days after the date of the enactment of this section, the Office of Personnel Management shall prescribe regulations providing for work schedules under which an employee whose personal religious beliefs require the abstention from work during certain periods of time, may elect to engage in overtime work for time lost for meeting those religious requirements. Any employee who so elects such overtime work shall be granted equal compensatory time off from his scheduled tour of duty (in lieu of overtime pay) for such religious reasons, notwithstanding any other provision of law.

(b) In the case of any agency described in subparagraphs (C) through (G) of section 5541(1) of this title, the head of such agency (in lieu of the Office) shall prescribe the regulations referred to in subsection (a) of this section.

(c) Regulations under this section may provide for such exceptions as may be necessary to efficiently carry out the mission of the agency or agencies involved.

(Added Pub. L. 95-390, title IV, §401(a), Sept. 29, 1978, 92 Stat. 762; amended Pub. L. 96-54, §2(a)(14), (15), Aug. 14, 1979, 93 Stat. 382.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 95-390, which was approved Sept. 29, 1978.

AMENDMENTS

1979—Subsecs. (a), (b). Pub. L. 96-54 substituted “Office of Personnel Management” for “Civil Service Commission” and “Office” for “Commission”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

§ 5550b. Compensatory time off for travel

(a) Notwithstanding any provision of section 5542(b)(2) or 5544(a), each hour spent by an employee in travel status away from the official duty station of the employee, that is not otherwise compensable, shall be treated as an hour of work or employment for purposes of calculating compensatory time off.

(b) An employee who has any hours treated as hours of work or employment for purposes of calculating compensatory time under subsection (a), shall not be entitled to payment for any such hours that are unused as compensatory time.

(Added Pub. L. 108-411, title II, § 203(a), Oct. 30, 2004, 118 Stat. 2313; amended Pub. L. 110-181, div. A, title XI, § 1111(a), Jan. 28, 2008, 122 Stat. 360.)

Editorial Notes

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181 substituted “any provision of section 5542(b)(2) or 5544(a),” for “section 5542(b)(2),”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-181 effective on the earlier of the effective date of any regulations prescribed to carry out amendments by section 1111 of Pub. L. 110-181 or the 90th day after Jan. 28, 2008, see section 1111(c) of Pub. L. 110-181, set out as a note under section 5541 of this title.

EFFECTIVE DATE

Pub. L. 108-411, title II, § 203(c), Oct. 30, 2004, 118 Stat. 2313, provided that: “The amendments made by this section [enacting this section] shall take effect on the earlier of—

“(1) the effective date of any regulations prescribed to carry out such amendments; or

“(2) the 90th day after the date of the enactment of this Act [Oct. 30, 2004].”

COMPENSATORY TIME OFF FOR TRAVEL FOR
DEPARTMENT OF JUSTICE ATTORNEYS

Pub. L. 109-425, § 1, Dec. 20, 2006, 120 Stat. 2910, provided that:

“(a) IN GENERAL.—Attorneys employed by the Department of Justice (including assistant United States attorneys) shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code, without regard to any provision of section 115 of the Departments of Commerce, Justice, and State, the

Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106-113 and reenacted by section 111 of the Department of Justice Appropriations Act, 2001 (as enacted into law by appendix B of Public Law 106-553) [set out as a note under section 5541 of this title]).

“(b) APPLICABILITY.—Subsection (a) shall apply with respect to time spent in travel status on or after the date of the enactment of this Act [Dec. 20, 2006].”

SUBCHAPTER VI—PAYMENT FOR
ACCUMULATED AND ACCRUED LEAVE**§ 5551. Lump-sum payment for accumulated and accrued leave on separation**

(a) An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, who is separated from the service, is transferred to a position described under section 6301(2)(B)(xiii) of this title, or elects to receive a lump-sum payment for leave under section 5552 of this title, is entitled to receive a lump-sum payment for accumulated and current accrued annual or vacation leave to which he is entitled by statute. The lump-sum payment shall equal the pay (excluding any differential under section 5925 and any allowance under section 5928) the employee or individual would have received had he remained in the service until expiration of the period of the annual or vacation leave. The lump-sum payment is considered pay for taxation purposes only. The period of leave used for calculating the lump-sum payment shall not be extended due to any holiday occurring after separation. For the purposes of this subsection, movement to employment described in section 2105(c) shall not be deemed separation from the service in the case of an employee whose annual leave is transferred under section 6308(b).

(b) The accumulated and current accrued annual leave to which an officer excepted from subchapter I of chapter 63 of this title by section 6301(2)(x)-(xiii) of this title, is entitled immediately before the date he is excepted under that section shall be liquidated by a lump-sum payment in accordance with subsection (a) of this section or subchapter VIII of this chapter, except that the payment is based on the rate of pay which he was receiving immediately before the date on which section 6301(2)(x)-(xiii) of this title became applicable to him.

(c)(1) Annual leave that is restored to an employee of the Department of Defense under section 6304(d) of this title by reason of the operation of paragraph (3) of such section and remains unused upon the transfer of the employee to a position described in paragraph (2) shall be liquidated by payment of a lump-sum for such leave to the employee upon the transfer.

(2) A position referred to in paragraph (1) is a position in a department or agency of the Federal Government outside the Department of Defense or a Department of Defense position that is not located at a Department of Defense installation being closed or realigned as described in section 6304(d)(3) of this title.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 488; Pub. L. 93-181, § 1, Dec. 14, 1973, 87 Stat. 705; Pub. L. 95-519, § 2, Oct. 25, 1978, 92 Stat. 1819; Pub. L. 96-499, title IV, § 402(a), Dec. 5, 1980, 94 Stat. 2605;