



TSA MD 1100.55-8 Handbook

Premium Pay

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Approval

Signed

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**Transportation
Security
Administration**

This Handbook and all related Attachments and/or Appendices implement the provisions of [TSA MD 1100.55-8, Premium Pay](#). Until such time as TSA MD 1100.55-8 is rescinded, the Management Directive, Handbook, and any Attachments or Appendices are considered TSA policy, and must be applied accordingly.

Summary of Changes:

- Section C.2. (b) Computation of OT Pay for an Exempt Employee; Section C.6. CT Off in Lieu of Overtime Pay (Exempt Employees); Section J. (1) and (12) Questions and Answers. These sections have been updated to reflect new pay limitations for 2017.

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A. DEFINITIONS:

1. Administrative Workweek: Any period of seven consecutive calendar days designated in advance of the start of the workweek by the Assistant Secretary, or an appropriate designee. Generally, the administrative workweek begins on Sunday and ends on Saturday.
2. Basic Compensation: In relation to payment of a danger pay allowance or foreign post differential, basic compensation is akin to rate of basic pay.
3. Basic Workweek: For a full-time (FT) employee, a 40-hour work schedule that does not extend over more than six of any seven consecutive days. For a part-time (PT) employee, a work schedule between 16 and 32 hours per week that does not extend beyond six consecutive days.
4. Basic Work Requirement: The number of hours an employee is required to work or to account for by charging leave, excused absence, holiday hours, compensatory time off, or time off as an award. The basic work requirement does not include overtime hours.
5. Bona Fide Meal Period: An uninterrupted period of time (e.g., 30 or 60 minutes) spent by an employee eating a meal. A meal period is uncompensated time and lengthens an employee's workday by a corresponding amount of time (i.e., 30 or 60 minutes).
6. Call-Back Overtime: Call-back overtime work is irregular or occasional overtime work performed by an employee on a day when no work is scheduled or at a time that requires the employee to return to the place of employment from an off-duty status. Call-back overtime work is deemed not less than two hours in duration for pay or compensatory time off (see Section C4 for further information).
7. Compensable Hours: A period of time that is creditable as hours of work for the purpose of determining a specific pay entitlement, even when that work time may not actually generate additional compensation because of applicable pay limitations.
8. Compensable Travel: Travel time compensable through pay, excluding compensatory time off for travel.
9. Compensatory Time (CT) Off for Travel: A form of compensatory time off that may be earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable.
10. Compensatory Time (CT) Off in Lieu of Overtime: Time off with pay on an hour-for-hour basis that is in lieu of overtime pay only for irregular or occasional overtime work.
11. Compressed Work Schedule (CWS): For a FT position, a work schedule consisting of less than 10 days and no more than 80 hours per pay period. For a PT position, a work schedule consisting of less than 10 days and no more than 64 hours per pay period.
12. Conventional Work Schedule (ConWS): For a FT position, a work schedule consisting of five days per week, eight hours per day, and 40 hours per week (80 hours per pay period). For a PT position, a work schedule consisting of five days per week, no more than 32 hours per week, and no more than 64 hours per pay period.

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13. Core Compensation System: TSA's compensation management program covering all non-Transportation Security Executive Service (TSES) employees, which outlines the policies, procedures, and guidelines that TSA will use to determine the compensation of employees in those positions. Positions in the Core Compensation System are in pay plan SV.
14. Danger Pay Allowance: An allowance paid to an employee serving at a designated foreign post where civil insurrection, civil war, terrorism, or wartime conditions threaten physical harm or imminent danger to the health or well-being of the employee. Danger pay is paid biweekly and is calculated as a percentage (up to 35 percent depending on location) of an employee's rate of basic pay when the foreign duty location is officially documented on an SF-50, Notification of Personnel Action. When a temporary assignment or detail (usually for a period of 6 months or less) to a foreign post is not officially documented on an SF-50, danger pay is calculated using an employee's adjusted rate of pay.
15. Exempt Employee: An employee, by virtue of the position he/she holds in TSA, who is not covered by minimum wage and overtime provisions. See Section B3 of this handbook for general information concerning the exemption of affected positions and employees assigned to those positions.
16. Extended Waiting Time: Applies to official travel and is considered to be more than the one or two hours travelers are generally required to arrive at the airport or other transportation terminal prior to departure and/or more than the one or two hours travelers may spend at an intervening airport or transportation terminal waiting for a connection. Extended waiting time may be for reasons including, but not limited to, air traffic delays, equipment malfunctions, and/or severe weather.
17. Fair Labor Standards Act (FLSA): The FLSA establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting FT and PT workers in the private sector and in Federal, State, and local governments.
18. Flexible Work Schedule (FWS): For an FT employee, FWS means an 80-hour biweekly basic work requirement (8 hours per day) that allows an employee to determine his/her work schedule (starting and stopping times) within established limits. For a PT employee, FWS means a biweekly basic work requirement of less than 80 hours in a biweekly pay period that allows an employee to determine his/her work schedule (starting and stopping times) within established limits.
19. Foreign Post: Any duty area situated outside the 50 States, the District of Columbia, and all territories, possessions, and commonwealths of the United States.
20. Foreign Post Differential: Additional pay (up to 35% of an employee's rate of basic pay) granted to an employee officially stationed in the United States who is on a permanent assignment or on an extended temporary assignment or detail at a designated foreign post that is officially documented on an SF-50, Notification of Personnel Action. When a temporary assignment or detail (usually for a period of 6 months or less) to a foreign post is not officially documented on an SF-50, post differential is calculated using an employee's adjusted rate of pay.

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21. Hazardous Duty Pay: A form of premium pay paid to an eligible employee for the performance of hazardous duty or duty involving physical hardship. Hazardous duty pay is calculated as a percentage (up to 25 percent depending on the type of hazard or physical hardship) of an employee's rate of adjusted pay.
22. Holiday Premium Pay: Payment to an employee who is approved to and performs non- overtime hours of work on a holiday. Holiday premium pay is often referred to as "double time."
23. Hours of Work: Hours worked by an employee both within the normal tour of duty and outside the normal tour. Those hours falling outside the normal tour may require overtime compensation. Meal breaks and the breaks between shifts that make up split-shift schedules are not hours of work.
24. International Organization: An organization that identifies itself as international or intergovernmental with membership from and representing interests of more than one country without regard to whether the headquarters of the organization and location of the activity are inside or outside of the United States.
25. International Travel: Travel outside the 50 United States, and all territories, possessions and commonwealths of the United States.
26. Irregular or Occasional Overtime: Overtime work that is not scheduled in advance of the employee's administrative workweek. All overtime must be officially ordered and approved in advance of the overtime being incurred and approved by a TSA manager/supervisor with delegated authority to approve overtime. An employee who reports to work before the start of his/her daily tour of duty and/or who continues to work beyond his/her daily tour of duty is not working irregular or occasional overtime unless such work has been officially ordered and approved in advance of the overtime being incurred.
27. Irregular or Occasional Work: Work that is not scheduled in advance of the employee's administrative workweek. An employee who reports to work before the start of his/her daily tour of duty and/or who continues to work beyond his/her daily tour of duty is not performing irregular or occasional work unless such work has been officially ordered and approved in advance of the work being performed.
28. Law Enforcement Availability Pay (LEAP): LEAP shall be 25 percent of a Criminal Investigator's (1811) or Federal Air Marshal's (1801) rate of adjusted pay, subject to the biweekly earnings limitation on pay. LEAP compensates an eligible employee for unscheduled duty in excess of his/her basic 40-hour basic workweek and ensures his/her availability to perform unscheduled duty that meets the needs of the agency. In order to receive LEAP, an eligible employee must work, or as determined by his/her Assistant Administrator, be available to work, a minimum annual average of two hours of unscheduled overtime per non-excludable regular workday. TSA LEAP is paid under the independent pay setting authority of TSA and is subject to all restrictions and earning limitations imposed under 5 U.S.C. §5545a and TSA MD 1100.53-4, Pay Limitations for TSA Employees Under the Core Compensation System (Non- TSES).
29. Local Hire: A new employee who resided outside of the United States and was recruited locally to a position with TSA in a foreign duty location. This includes an individual transferring to TSA from another Federal agency while on foreign duty assignment and an applicant recently

discharged from the active duty military who chose not to return to the United States prior to starting work with TSA in a foreign duty location.

30. Locality Pay: A locality-based comparability payment provided to an employee covered by the Core Compensation System.
31. Night Pay Differential: A form of premium pay paid to an eligible employee for the performance of work occurring between 6 p.m. and 6 a.m. Night pay differential is 10 percent of an employee's rate of adjusted pay and is paid biweekly.
32. Non-Exempt Employee: An employee in an identified position covered by minimum wage and overtime provisions. An employee's position is considered non-exempt if it does not meet the exemption criteria defined in Section B3 of this handbook.
33. Official Duty Station: The geographic area surrounding an employee's regular work site that encompasses the localities where people live and reasonably can be expected to travel back and forth daily to work.¹ The geographic limit of the duty station is considered to be 50 miles.
34. Overtime Work: Any work in excess of eight hours per day or 40 hours per week for employees assigned to ConWS. Any work in excess of 80 hours per pay period for an FT employee assigned to CWS. For a PT employee assigned to CWS, any work in excess of the CWS for a day (must be more than 8 hours) or for a week (must be more than 40 hours). All overtime must be officially ordered and approved, by a TSA manager/supervisor with delegated authority to approve overtime, in advance of being incurred.
35. Premium Pay: Includes various types of pay that may be added to an employee's rate of adjusted pay (e.g., overtime, CT off in lieu of overtime, hazardous duty pay, holiday premium pay, night pay differential, split-shift differential, Sunday pay, and LEAP). For purposes of this handbook and associated MD, a danger pay allowance and foreign post differential are forms of premium pay.
36. Rate of Adjusted Pay: The rate of basic pay and locality pay before any deductions.
37. Rate of Basic Pay: The rate of pay in the Core Compensation System or Transportation Security Executive Service (TSES) for the position to which the employee is or will be newly appointed. An employee's rate of basic pay includes a retained rate, but excludes additional pay of any kind (e.g., locality pay, premium pay, etc.). Basic pay is also commonly known as base salary.
38. Regular Rate of Pay: The hourly rate actually paid to an employee for the normal, non- overtime regularly scheduled administrative workweek for which he/she is employed, reflecting all payments, which the parties have agreed shall be received regularly during the administrative workweek, exclusive of overtime pay.
39. Regularly Scheduled Administrative Workweek: For an FT employee, the established period, within an administrative workweek, during which the employee is regularly scheduled to work.

¹ Official duty station for premium pay purposes may be defined differently from permanent duty station for travel policy purposes, which is set forth in TSA MD 1000.6, Temporary Duty Travel.

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For a PT employee, the officially prescribed days and hours within the administrative workweek during which the employee is regularly scheduled to work.

40. Regularly Scheduled Overtime: Overtime work that is scheduled in advance of the administrative workweek, and is part of the employee's scheduled tour of duty.
41. Regularly Scheduled Work: Work that is scheduled in advance of an administrative workweek, excluding any such work to which LEAP applies.
42. Regular Working Hours: The days and hours of an employee's regularly scheduled administrative workweek.
43. Scheduled Tour of Duty: The hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek.
44. Split Shift: Any two shifts, lasting at least two hours each, in one 24-hour period with a break of at least two hours between shifts. More than two shifts may be scheduled if needed to support morning, midday, and afternoon or evening operations (with a break of at least two hours between each shift). Except in exigent circumstances, the time between the beginning of the first split shift and the end of the last split shift in a 24-hour period will not exceed 12 hours. In an exigent circumstance (i.e., hurricane), the time between the beginning of the first split shift and the end of the last split shift in a 24-hour period will not exceed 18 hours.
45. Split-Shift Differential: Payment to an eligible employee for regularly scheduled split-shift work as well as regularly scheduled overtime and irregular and occasional split-shift work. The split-shift differential is 8 percent of an employee's rate of adjusted pay and is paid biweekly.
46. Sunday Pay: Payment to an eligible employee who is regularly scheduled for and performs work on Sunday. Sunday pay is 25 percent of an employee's rate of adjusted pay and is paid biweekly.
47. Travel: Officially authorized travel – i.e., official travel for work that is approved by an authorized TSA official.
48. Travel Status: Travel time as described in this handbook that is creditable in accruing CT off for travel, excluding travel time that is otherwise compensable as overtime.²
49. Variable Work Schedule (VWS): An established work schedule that allows managers to vary the number of hours in the workday and the number of days in the workweek based on the needs of the organization.
50. Workday: Hours of the day that constitute an employee's daily tour of duty. A workday includes a day on which an employee may be excused from duty by Federal statute, executive order, or administrative action.

² Travel status for purposes of this handbook may be defined differently from travel status for travel policy purposes, which is set forth in TSA MD 1000.6, Temporary Duty Travel.

B. GENERAL INFORMATION:

1. Coverage: Unless otherwise indicated, the provisions in this handbook are applicable to TSA employees whose positions are classified as either exempt or non-exempt.
2. Determining Whether a Position/Employee is FLSA Exempt or Non-Exempt: Several factors are used during the evaluation and establishment of a TSA position to determine whether the position is exempt or non-exempt. These factors include the occupational series, pay band, and duties and responsibilities assigned to the position, and information described in Sections B3 and B4 of this handbook. The determination of whether a position is exempt or non-exempt will affect each employee assigned to that position in regards to the types and amounts of premium pay an employee may earn. The exemption status of an employee may be identified in Block 35 of an employee's most recent SF-50, Notification of Personnel Action.
3. Exempt Position/Employee: The following is general information used to determine the exemption of an affected position and employee assigned to that position.
 - (a) Executive exemption criteria: An executive position/employee is a supervisor or manager who has the primary duty to manage a Federal agency or any subdivision thereof (including the lowest recognized organizational unit with a continuing function) and customarily and regularly directs the work of subordinate employees and meets both of the following criteria:
 - (1) The primary duty includes the authority to make personnel changes that include, but are not limited to, selecting, removing, advancing in pay, or promotion of subordinate employees, or has authority to suggest or recommend such actions with particular consideration given to these suggestions and recommendations; and
 - (2) The employee customarily and regularly exercises discretion and independent judgment in such activities as work planning and organization; work assignment, direction, review, and evaluation; and, other aspects of management of subordinates including personnel administration.
 - (3) An executive position/employee typically does not meet the exemption criteria:
 - i. At pay bands F and below; or
 - ii. At pay bands H and below for a law enforcement position/employee.
 - (b) Administrative exemption criteria: An administrative position/employee is an advisor or assistant to management, a representative of management, or a specialist who has a primary duty of performing office or non-manual work directly related to the management or general business function or supporting service and meets all of the following criteria:
 - (1) The primary duty consists of work that significantly affects the formulation or execution of management policies or programs; or involves general management of business functions, or supporting services of substantial importance to the organization serviced; or, involves substantial participation in the executive or administrative functions of a management official;

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- (2) The duties involve office or other predominantly non-manual work which is intellectual and varied in nature; or of a specialized or technical nature that requires considerable specialized training, experience, and knowledge; and,
 - (3) The employee must frequently exercise discretion and independent judgment, under only general supervision, in performing the normal day-to-day work.
- (c) Professional exemption criteria: A professional position/employee is one who meets the following criteria:
- (1) Work that requires knowledge in a field of science or learning customarily and characteristically acquired through education or training that meets the requirements for a bachelor's or higher degree, with major study in or pertinent to the specialized field as distinguished from general education; or is performing work, comparable to that performed by professional employees, on the basis of specialized education or training and experience which has provided both theoretical and practical knowledge of the specialty, including knowledge of related disciplines and of new developments in the field; or
 - (2) Work is in a recognized field of artistic endeavor that is original or creative in nature (as distinguished from work which can be produced by a person endowed with general manual or intellectual ability and training) and the result of which depends on the invention, imagination, or talent of the employee; or
 - (3) Work requires theoretical and practical application of highly specialized knowledge in computer systems analysis, programming, and software engineering or other similar work in the computer software field. The work must consist of one or more of the following:
 - i. The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications; or
 - ii. The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications; or
 - iii. The design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or
 - iv. A combination of the aforementioned duties, the performance of which requires the same level of skills.
 - (4) The work is predominantly intellectual and varied in nature, requiring creative, analytical, evaluative, or interpretative thought processes for satisfactory performance.
 - (5) The employee frequently exercises discretion and independent judgment, under only general supervision, in performing the normal day-to-day work.

(d) Foreign exemption criteria: This exemption applies if:

- (1) An employee is permanently stationed at a foreign post and spends all hours of work in a given administrative workweek in one or more foreign posts; or
 - (2) An employee is temporarily assigned to a foreign post and spends all hours of work in an administrative workweek at that post.
4. **Non-Exempt Position/Employee:** An employee's position is considered to be non-exempt if it does not meet the exemption criteria defined in Section B3 of this handbook.
 5. **Exemption Determination of Federal Air Marshal (FAM) Positions:** FAM positions classified to SV-1801-G/H/I are non-exempt. In addition, the following FAM positions have been determined to be exempt based on Executive exemption criteria identified in Section B3(A): FAM (ATSAC) in Pay band J, AFSD/LE, SV-1801 and SV-1811 in pay bands J and K.
 6. **Determining Hourly Rate of Pay:** An employee's hourly rate of pay is calculated by dividing the employee's annual rate of adjusted pay, also known as "annual adjusted salary," by 2,087 (rounded to the nearest cent (i.e., two decimal places)).³

Example: The employee's annual adjusted salary is \$38,487. The employee's hourly rate of pay is \$18.44 ($\$38,487 \div 2,087 = \18.44).
 7. **Rounding Premium Pay:** Premium pay is rounded up or down to the nearest full 15-minute increment for purposes of payment and use.
 8. **Earning Multiple Forms of Premium Pay:** Overtime (OT), compensatory time off in lieu of OT, and other forms of premium pay described in this handbook may be paid simultaneously, as appropriate, during the same workday, administrative workweek or pay period within the limits prescribed by MD 1100.53-4.

C. OVERTIME (OT) PAY AND COMPENSATORY TIME (CT) OFF IN LIEU OF OT PAY:

NOTE: An employee who is scheduled for OT, reports for duty, is notified upon arrival at work that his/her services are not needed, and is sent home, shall receive a minimum of two hours of OT pay.

1. **Approval of OT and CT Off in lieu of OT Pay:**
 - (a) OT pay and CT off in lieu of OT pay must be ordered and approved by a TSA manager/supervisor with delegated authority to approve OT and CT off in lieu of OT pay in advance of the time the work is to be performed. TSA Form 1107, OT/CT Approval, is used to order and approve overtime work and to grant CT off in lieu of OT pay for a single employee. For irregular and occasional OT, managers may continue to use TSA Form 1107, OT/CT Approval, for a single employee or may opt to use TSA Form 1107-1, Irregular and Occasional OT Approval. TSA Form 1107-1 may be used to authorize up to 5 employees to perform irregular and occasional overtime work. However, the use of TSA Form 1107-1 is

³ In accordance with section 15203(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272) the divisor used to calculate the hourly rate of pay changed from 2,080 to 2,087.

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only appropriate when the employees have the same position title, series, and pay band and are being authorized to perform irregular and occasional overtime work on the same date, for the same purpose, and for the same work hours.

- (b) Verbal approval of irregular or occasional OT is acceptable if a manager is not available at the duty location; however, management must follow-up with written approval, no later than three calendar days after verbal approval was given.
- (c) Blanket approval for the earning of OT pay and/or CT off in lieu of OT pay may not be granted to any employee or group of employees except that, approval of irregular or occasional OT may be granted to a group of employees by using TSA Form 1107-1, Irregular and Occasional OT Approval. This form may be used to authorize up to 5 employees with the same position title, series, and pay band to perform irregular and occasional overtime work on the same date, for the same purpose, and for the same work hours.
- (d) OT pay and CT off in lieu of OT pay must be approved at a level in the chain of command above the employee assigned to work OT or CT off in lieu of OT. For instance, a manager shall not approve OT for himself or herself.

2. OT Pay (Exempt Employees):

(a) General

- (1) Generally, an exempt employee is entitled to be compensated for hours worked. Hours worked within his/her non-overtime scheduled tour of duty are paid at the rate of basic pay plus any applicable locality pay (rate of adjusted pay).
- (2) For an employee working a ConWS (may also include an FWS or VWS), OT is paid for work in excess of eight hours per day or in excess of 40 hours per administrative workweek. OT must be officially ordered and approved, in writing on TSA Form 1107, OT/CT Approval, by the appropriate authorizing official in advance of the time the work is to be performed.
- (3) For an employee working a CWS (may also include a VWS), OT work means work that is officially ordered and approved in writing by the appropriate authorizing official on TSA Form 1107, OT/CT Approval. OT is in excess of 80 hours in a pay period for an FT employee working a CWS (or VWS). A part-time (PT) employee assigned to a CWS (working less than 10 days per pay period) (or a VWS) is eligible to earn OT for hours in excess of a daily tour of duty (must be more than 8 hours) or for hours in excess of a weekly tour of duty (must be more than 40 hours).

(b) Computation of OT Pay for an Exempt Employee

- (1) For an exempt employee with a 2017 rate of basic pay less than or equal to \$47,630, the OT hourly rate is one and one-half times the employee's hourly rate (plus applicable locality pay).

Example: The rate of basic pay for an exempt employee, G band, assigned to Los Angeles, is \$42,500. The locality rate is 29.65%. The employee's rate of adjusted pay is

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\$55,101 (locality pay $\$42,500 \times 29.65\% = \$12,601$; $\$42,500 + \$12,601 = \$55,101$). The hourly rate of pay is $\$26.40$ per hour ($\$55,101 \div 2087 = 26.402$). Since the employee's rate of adjusted pay ($\$55,101$) is less than $\$61,752$ ((locality pay $\$47,630 \times 29.65\% = \$14,122$; $\$47,630 + \$14,122 = \$61,752$)), the employee's OT hourly rate is one and one-half times $\$26.40$ or $\$39.60$.

- (2) For an exempt employee with a 2017 rate of basic pay greater than $\$47,630$ (plus applicable locality pay), the OT hourly rate is the greater of:
- i. one and one-half times the hourly rate for $\$47,630$ (plus applicable locality pay), or
 - ii. the employee's hourly rate of basic pay (plus applicable locality pay).

Example 1: The rate of basic pay for an exempt employee, G band, assigned to Seattle is $\$47,000$. The locality rate is 24.24%. The employee's rate of adjusted pay is $\$58,393$ (locality rate $\$47,000 \times 24.24\% = \$11,393$; $\$47,000 + 11,393 = \$58,393$). The hourly rate is $\$27.98$ per hour ($\$58,393 \div 2087 = 27.98$).

In Seattle, the rate of adjusted pay is $\$59,176$ when the rate of basic pay is $\$47,630$; (locality pay $\$47,630 \times 24.24\% = \$11,546$; $\$47,630 + \$11,546 = \$59,176$). The hourly rate of pay is $\$28.35$ per hour ($\$59,176 \div 2087 = \28.35). The overtime rate of pay is $\$42.53$ ($\$28.35 \times 1.5 = \42.53).

The overtime rate of pay of $\$42.53$ is greater than the employee's hourly rate of pay of $\$28.35$; therefore, the employee's overtime rate of pay is $\$42.53$ per hour.

Example 2: The rate of basic pay for an exempt employee, J band, assigned to Boston is $\$72,500$. The locality rate is 26.73%. The employee's rate of adjusted pay is $\$91,879$ (locality rate $\$72,500 \times 26.73\% = \$19,379$; $\$72,500 + 19,379 = \$91,879$). The hourly rate is $\$44.02$ per hour ($\$91,879 \div 2087 = 44.02$).

In Boston, the rate of adjusted pay is $\$60,361$ when the rate of basic pay is $\$47,630$ (locality pay $\$47,630 \times 26.73\% = \$12,731$; $\$47,630 + \$12,731 = \$60,361$). The hourly rate of pay is $\$28.92$ per hour ($\$60,361 \div 2087 = \28.92). The overtime rate of pay is $\$43.38$ ($\$28.92 \times 1.5 = \43.38).

The overtime rate of pay of $\$43.38$ is less than the employee's hourly rate of pay of $\$44.02$; therefore, the employee's overtime rate of pay is $\$44.02$ per hour.

3. Overtime (OT) Pay (Non-Exempt Employees):

(a) General

- (1) TSA shall pay OT to a non-exempt employee working a ConWS (may also include an FWS or VWS) for all work in excess of eight hours in a day or 40 hours in a workweek.
- (2) TSA shall pay OT to an FT non-exempt employee working a CWS (may also include a VWS) for all work in excess of 80 hours during a pay period. TSA shall pay OT to a PT

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non-exempt employee in excess of the CWS (or VWS) for a day (must be more than 8 hours) or for a week (must be more than 40 hours).

- (3) Regularly scheduled OT hours worked must be officially ordered and approved in advance of being worked by the appropriate authorizing official on TSA Form 1107, OT/CT Approval.
 - (4) OT pay and CT off in lieu of OT pay must be ordered and approved by a TSA manager/supervisor with delegated authority to approve OT and CT off in lieu of OT pay in advance of the time the work is to be performed. TSA Form 1107, OT/CT Approval, is used to order and approve overtime work and to grant CT off in lieu of OT pay for a single employee. For irregular and occasional OT, managers may continue to use TSA Form 1107, OT/CT Approval, for a single employee or may opt to use TSA Form 1107-1, Irregular and Occasional OT Approval. TSA Form 1107-1 may be used to authorize up to 5 employees to perform irregular and occasional overtime work. However, the use of TSA Form 1107-1, is only appropriate when the employees have the same position title, series, and pay band and are being authorized to perform irregular and occasional overtime work on the same date, for the same purpose, and for the same work hours. TSA Form 1107, OT/CT Approval, is used when a non-exempt employee requests to receive CT in lieu of OT pay for irregular or occasional OT work. See section 7(b).
 - (5) If an employee elects to receive CT in lieu of OT pay, TSA Form 1107, OT/CT Approval, must be used.
 - (6) TSA shall pay OT to a non-exempt FAM earning LEAP for all work in excess of 43 hours in an administrative workweek.
- (b) Computation of OT Pay for a Non-Exempt Employee: A non-exempt employee's OT rate of pay is equal to one and one-half times an employee's hourly regular rate of pay for all OT hours worked.
4. Call-Back Overtime (OT) Pay:
- (a) If an employee is required to return to duty during "non-work" hours, the employee is entitled to receive a minimum of two hours of OT pay; however, the employee must meet the hourly requirements in a pay status for payment of OT for the day, week or pay period, as appropriate.
 - (b) If a PT employee is required to return to duty during "non-work" hours and does not meet the hourly requirements for eligibility for payment of OT, the employee will receive 2 hours of pay calculated based on his/her non-OT adjusted rate of pay.
 - (c) If the call-back OT involves an employee for more than two hours, and the time is continuous, the employee is entitled to be compensated for actual time.
 - (d) Call-back OT must be documented in writing, on TSA Form 1107, OT/CT Approval, by the appropriate authorizing official as soon as possible after it occurs.

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NOTE: To be eligible for call back overtime, an employee is required to return to duty from his/her residence or other location outside the duty station premises.

Example 1: If an FT employee with a scheduled tour of duty from 8:00 a.m. to 4:30 p.m., Monday through Friday, is called into the office at 10:00 p.m. on Monday night and completes his or her assignment by 10:30 p.m., the employee will receive two hours of OT pay even though it took only 30 minutes to complete the assignment. If the same employee is called into the office at 9:00 a.m. on Saturday and completes his or her assignment by 10:00 a.m., the employee will receive two hours of OT pay even though it only took one hour to complete the assignment.

Example 2: If a PT employee with a scheduled tour of duty from 8:00 a.m. to 12:30 p.m., Monday through Friday, is called into the office at 10 p.m. on Monday night and completes his or her assignment by 10:30 p.m., the employee will receive 2 hours of pay calculated based on his/her non-OT adjusted rate of pay.

5. Annual Premium Pay for Administratively Uncontrollable Overtime (AUO): The payment of AUO is not authorized within TSA.
6. Compensatory Time (CT) Off in Lieu of Overtime (OT) Pay (Exempt Employees):
 - (a) An exempt employee may not receive CT for regularly scheduled OT work. The employee must receive OT pay.
 - (b) An exempt employee may be compensated for irregular or occasional OT work based on the following rules.
 - (1) An employee whose rate of basic pay for 2017 is at or below \$61,922, must receive OT pay for irregular or occasional OT worked, unless he or she elects, in writing - TSA Form 1107, OT/CT Approval, and is approved to receive CT instead. TSA Form 1107-1, Irregular or Occasional OT Approval, may not be used in this situation. Neither the employee's supervisor, nor any other management official, may attempt to influence or force an employee to accept CT rather than OT pay. Once the employee's decision is made and entered into the payroll system, the employee cannot change or revoke it at a later date (i.e., decide to receive OT pay rather than CT). Management has the authority to approve or disapprove any request to receive CT in lieu of OT pay.
 - (2) An employee whose rate of basic pay for 2017 is above \$61,922, will be given CT for all approved irregular or occasional OT hours, unless OT pay is specifically authorized in writing by the appropriate Assistant Administrator, or equivalent higher level TSA executive or designee. This authority may be delegated in writing to a position no lower than Federal Security Directors (FSD), Supervisory Air Marshals in Charge (SAC), or Business Management Division Directors. This authority may not be further delegated.
 - (c) CT shall NOT be granted for any OT worked when payment for such OT work would exceed the biweekly pay limitation. (See TSA MD 1100.53-4, Pay Limitations for Employees Under the Core Compensation System (Non-TSES), for additional details on pay limitations.)

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7. Compensatory Time (CT) Off in Lieu of Overtime (OT) Pay (Non-Exempt Employees):
 - (a) A non-exempt employee may not receive CT for regularly scheduled OT work. The employee must receive OT pay.
 - (b) At the written request of a non-exempt employee via TSA Form 1107, OT/CT Approval, management may, but is not required to, grant CT for an equal amount of irregular or occasional OT work. TSA Form 1107-1, Irregular or Occasional OT Approval, may not be used to order and approve irregular or occasional OT work in this situation. TSA Form 1107, OT/CT Approval, must be used.
8. Credit and Use of Compensatory Time (CT) Off in Lieu of Overtime (OT) Pay:
 - (a) When an employee earns CT, the amount of CT authorized is the same as the hours of OT worked, e.g., one hour of CT for one hour of OT work.
 - (b) Effective January 4, 2009, all CT off in lieu of OT pay earned or accrued must be used within one year (26 pay periods) of the date earned or accrued.
 - (c) An employee and his/her supervisor have a shared responsibility for requesting and scheduling CT off as soon as practicable after it is earned. CT should usually be used within six months of being earned, although this may vary with local circumstances and workload cycles.
 - (d) Employees may be granted up to 160 hours of CT off in lieu of OT pay in a leave year. Exceptions may be granted, in writing, by the appropriate Assistant Administrator or equivalent when necessary to meet mission requirements. This authority may not be delegated.
9. Payment for Compensatory Time (CT) – Excluding CT Off for Travel:
 - (a) An exempt employee will forfeit unused CT to his/her credit, at the end of the 26 pay period time limit or when the employee transfers or separates from TSA.
 - (b) A non-exempt employee will be paid for unused CT off in lieu of OT pay to his/her credit, at the end of the 26 pay period time limit or when the employee transfers or separates from TSA. Payments will be made at the OT rate in effect when the CT hours were earned.
 - (c) An employee placed in a leave without pay (LWOP-US) status when called to or volunteering for active military duty or separating from TSA when called to or volunteering for active military duty will receive a lump sum payment for unused CT. Payments will be made at the OT rate in effect when the CT was earned.
 - (d) An employee placed in a leave without pay (LWOP-OWCP) status or separating from Federal service because of an on-the-job injury with entitlement to injury compensation under Title 5, United States Code, Chapter 81 will receive a lump sum payment for unused CT. Payments will be made at the OT rate in effect when the CT was earned.

D. TRAVEL:

NOTE: For travel that spans multiple time zones, use the time zone of origin to determine the amount of time an employee spends in a travel status.

1. Travel (Exempt Employees), Time spent in a travel status away from the official duty station is considered hours of work only when:

(a) It is within the employee's regularly scheduled administrative workweek, including regularly scheduled OT work; or

(b) The travel:

(1) Involves the performance of actual work while traveling (driving a vehicle to an assignment outside the normal commuting area, flying a plane, etc.);

NOTE: For an activity to be considered performance of actual work while traveling, the activity needs to be ordered in advance and must produce a tangible outcome or product. An employee who reads a presentation, makes calls on a cell phone or other similar functions is not engaged in the performance of actual work.

(2) Is incident (dependent upon or related to) to travel that involves the performance of work while traveling (returning a vehicle to the point of origin following a delivery);

(3) Is carried out under such arduous and unusual conditions that the travel is inseparable from work (for example, travel in remote areas lacking paved roads); or

(4) Results from an event that could not be scheduled or controlled administratively, including travel by an employee to such an event and the return of the employee to his or her official-duty station (for example, a hostile act requiring immediate travel outside normal duty hours).

NOTE: A meeting, conference, or training scheduled on a Monday is considered to be an event that is administratively controllable. Except in rare circumstances, travel on Sunday to begin a work assignment at a temporary duty location, is considered to be an administratively controllable event. Therefore, travel on Sunday to attend a meeting, conference, or training is not considered to be hours of work and, therefore, OT would not be applicable for such travel.

NOTE: If ordered and approved in writing, travel, as described in Section D1(A) or D1(B) (1-4), that falls outside an employee's regularly scheduled workweek may be compensated through OT pay. Otherwise, if travel is other than described in Section D1(A) or D1(B)(1-4), compensatory time off for travel may be appropriate, as described in Section D7.

2. Travel (Non-Exempt Employees), Time spent in a travel status away from the official duty station is considered hours of work only when:

(a) An employee is required to travel during regular working hours;

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- (b) During non-work hours, an employee is required to drive a vehicle or perform other work that can only be performed while traveling;
- (c) During non-work hours, an employee is required to travel as a passenger, in any mode of transportation, on a 1-day assignment away from the official duty station; or
- (d) An employee is required to travel as a passenger on an overnight assignment away from the official duty station during hours on non-workdays that correspond to the employee's regular working hours.

NOTE: If ordered and approved in writing, travel, as described in Section D2 (A-D), that falls outside an employee's regularly scheduled workweek may be compensated through OT pay. Otherwise, if travel is other than described in Section D2 (A-D) compensatory time off for travel may be appropriate, as described in Section D7.

3. Offset for Alternate Mode of Transportation/Alternate Travel Times:

When an employee who is authorized one mode of transportation, and who is permitted to use an alternative mode of transportation, or an employee who travels at a time other than that selected by TSA, the creditable time in a travel status shall be the lesser of:

- (a) The actual travel time that is considered hours of work under this section; or
- (b) The estimated travel time, which would have been considered hours of work had the employee used the TSA authorized mode of transportation, or traveled at the time selected by TSA.

4. Travel Status:⁴

- (a) Time in a travel status includes the time an employee actually spends traveling between the official duty station, or authorized departure point, and a temporary duty station (or traveling between two temporary duty stations). Time in a travel status also includes the usual waiting time (usually one to two hours) that precedes or interrupts such travel, subject to the exclusions specified in Sections D4(B), D5 and D6. Time spent at a temporary duty station between arrival and departure is not time in a travel status.
- (b) The determination regarding what is creditable as "usual waiting time" is within the sole discretion of TSA.
- (c) Extended (i.e., greater than the usual one to two hour waiting time) waiting time, prior to and/or between actual periods of travel during which an employee is free to rest, sleep, or otherwise use the time for his or her own purposes, is not creditable as time in a travel status.

NOTE: Extended delays resulting from, but not limited to, weather conditions, mechanical problems, or airline staffing are not considered usual waiting time and must be deducted from

⁴ Travel status for purposes of this handbook may be defined differently from travel status for travel policy purposes, which is set forth in TSA MD 1000.6, Temporary Duty Travel.

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time in a travel status. Extended delays are not compensable in the form of OT pay, CT in lieu of OT pay or CT off for travel.

5. Travel Between Home and a Temporary Duty Station:

- (a) If an employee is required to travel directly between his or her home and a temporary duty station outside the limits of the employee's official duty station, the travel time is creditable as time in a travel status if otherwise qualifying under this directive.
 - (1) TSA shall deduct from such travel hours the time the employee would have spent in normal home-to-work/work-to-home commuting.
 - (2) In the case of an employee who is on a multiple-day travel assignment and who chooses not to use temporary lodgings at the temporary duty station, but to return home at night or on a weekend: Only travel from home to the temporary duty station on the first day and travel from the temporary duty station to home on the last day is qualifying as time in a travel status (subject to the deduction of normal commuting time). Travel to and from home on other days is not creditable travel time.
- (b) Time spent traveling to or from a transportation terminal as part of travel away from the official duty station.
 - (1) If an employee is required to travel between home and a transportation terminal (e.g., airport, bus station, train station, etc.), within the limits of his or her official duty station, the travel time outside regular working hours to or from the terminal is considered to be equivalent to normal commuting time and is not creditable time in a travel status.
 - (2) If the transportation terminal is outside the limits of the employee's official duty station, the travel time to or from the terminal outside regular working hours is creditable as time in a travel status, but is subject to an offset for the time the employee would have spent in normal home-to-work and work-to-home commuting.
 - (3) If the employee travels between a worksite and a transportation terminal, the travel time outside regular working hours is creditable as time in a travel status, and no commuting time offset applies.

6. 50-Mile Official Duty Station Limitation:

An employee must travel more than 50 miles from his or her official duty station to be outside the limits of his or her official duty station to be eligible to receive overtime (OT), CT off in lieu of OT, or CT off for travel.

7. International Dateline:

An employee's basic pay should not be increased or decreased as a result of crossing the International Dateline. If the employee travels in a duty status westward across the International Dateline, the employee should be paid for the "lost" day. When the employee travels eastward in a duty status across the International Dateline, the employee should not be excused from work or given additional pay for the day "gained" even though the employee must work on the extra day.

8. Credit and Use of Compensatory Time (CT) Off for Travel:

(a) As provided in this MD and handbook, an employee is entitled to credit for CT off for travel.

- (1) TSA shall credit an employee with CT off for travel when OT pay (or CT in lieu of OT pay) is not applicable. CT off for travel under this directive shall be credited and used in increments of one-quarter of an hour (15 minutes). CT off for travel shall be tracked separately from other forms of CT.

NOTE: When an employee who receives LEAP is required to travel on a non- workday or on a regular workday during hours beyond the employee's basic 8-hour workday and the travel does not meet the criteria as hours of work in Sections D1 or D2 of this handbook, the travel time is not compensable as OT hours of work. The employee would not receive OT pay or LEAP for these hours. Under these circumstances, the employee may earn CT off for travel.

- (2) Employees traveling internationally will be limited up to a maximum of 8 hours of CT off for travel from the employee's authorized departure point to destination. An employee may also earn up to an additional 8 hours of CT off for travel for the return trip for a maximum total of 16 hours per trip.

Example: An employee with a tour of duty of Monday through Friday, 8:30 am to 5:00 pm, departs from home on Saturday for a flight from Washington-Dulles International Airport to Lima, Peru. The employee's commute time from home to the airport is the same as his commute time from home to work. The employee spends 2 hours at the airport waiting for his flight to Miami, Florida and another 2 hours in Miami waiting for his flight to Lima. The flight from Dulles to Miami takes 2 ½ hours. The flight from Miami to Lima takes 5 ½ hours. The employee arrives at his hotel 1 hour after his flight lands. The employee's time is not otherwise compensable. Therefore, the time the employee travels from home to Lima, Peru, may be eligible for CT off for travel. The following time is noted:

Home to Dulles: No time is creditable

Wait time for flight to Miami: 2 hours

Flight time from Dulles to Miami: 2 ½ hours

Wait time for flight to Lima: 2 hours

Flight time from Miami to Lima: 5 ½ hours

Travel time from Lima airport to hotel: 1 hour

There are 12 ½ hours that may be eligible for CT off for travel. Since the employee is traveling internationally, the employee is limited to 8 hours for this part of the travel. The employee will also be limited to 8 hours of CT off for travel for the return travel.

- (3) To receive CT off for travel, an employee must submit a self-certified request for CT off for travel credit to his or her supervisor, which includes the following: employee name, date of travel, work schedule, date/times of CT off for travel requested, and his or her travel itinerary. The employee's request for CT off for travel should be submitted at the same time as the employee's request for reimbursement of travel expenses, but not later

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than at the end of the pay period in which the travel occurred, or ended if the travel occurs during more than one pay period. Once the supervisor has approved the employee's request in writing on TSA Form 1107, OT/CT Approval, the appropriate timekeeper will credit the employee with earned CT off for travel. CT off for travel may not be entered into the payroll system prior to the completion of the trip.

- (4) An employee must use CT off for travel within 26 pay periods following the end of the pay period in which it was earned, using the same procedures he or she would use to request leave or other forms of CT.
- (b) Forfeiture of unused CT off for travel:
- (1) After 26 pay periods:
- i. Except as provided in Section D8(b)(1)(ii), accrued CT off for travel remaining unused by the end of the 26th pay period after the pay period during which it was credited shall be forfeited by all employees.
 - ii. If an employee with unused CT off for travel separates from TSA or is placed in a leave without pay status in the following circumstances and later returns to service with TSA, the employee must use all of the CT off for travel by the end of the 26th pay period following the pay period in which the employee returns to duty, or such CT will be forfeited:
 - The employee separates or is placed in a leave without pay status to perform service in the uniformed services and later returns to service through the exercise of a reemployment right provided by law, Executive order, or regulation; or
 - The employee separates or is placed in a leave without pay status because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C. Chapter 81 and later recovers sufficiently to return to work.
 - iii. Forfeited CT off for travel may not be re-credited or restored.
- (2) Upon transfer to another agency: When an employee voluntarily transfers outside of TSA, he or she shall forfeit any unused CT off for travel earned under this section.
- (3) Upon separation:
- i. When an employee separates from TSA for any reason, any unused CT off for travel is forfeited, except as provided in Section D7(B)(3)(c).
 - ii. When an employee separates from TSA to accept a position with an international organization, any unused CT off for travel is forfeited.
 - iii. When an employee who separates from TSA and later returns to service with TSA under the circumstances described in Section D7(B)(3)(b), provided the employee has no intervening service with another Federal agency, unused CT off for travel will not be forfeited but will be held in abeyance.

- (c) Prohibition against payment for unused CT off for travel: An employee (exempt or non-exempt) may not receive payment, under any circumstances, for any unused CT off for travel. This prohibition against payment applies to surviving beneficiaries in the event of the employee's death.
- (d) Premium pay and aggregate pay caps: Accrued CT off for travel under this directive is not considered in applying the premium pay and aggregate pay limitations. (See TSA MD 1100.53-4, Pay Limitations for Employees Under the Core Compensation System (Non-TSES), for additional details on pay limitations.)

E. TRAINING:

NOTE: Exempt and non-exempt employees who are engaged in the delivery of training are performing work and may receive applicable premium pay including overtime. Compensation for time spent attending training follows:

1. Attending Training (Exempt Employees):

- (a) Time spent attending training (i.e., training sessions, lectures, meetings, or conferences) during regular working hours shall be considered hours of work.
- (b) Premium pay may not be paid to an exempt employee during periods of training, unless the employee would normally receive premium pay during his or her regularly scheduled administrative workweek.
- (c) If an employee is provided training at night because situations that he or she must learn to handle occur only at night, the employee shall receive night pay differential for hours of training occurring between 6:00 p.m. and 6:00 a.m.

NOTE: Social activities such as get-acquainted sessions held on an employee's regular day off or during nighttime hours are not hours of work for purposes of earning premium pay of any form.

2. Attending Training (Non-Exempt Employees):

- (a) Time spent attending training (i.e., training sessions, lectures, meetings, or conferences):
 - (1) Time spent in training during regular working hours shall be considered hours of work.
 - (2) Time spent in training outside regular working hours shall be considered hours of work if:
 - i. The employee is directed to participate in the training by his or her organization. An employee is "directed to participate" when the training is required by TSA and the employee's performance or continued retention in his or her current position will be adversely affected by non-enrollment in the training. Unless the employee is directed to participate, payment by TSA of all or part of the training expenses creates no entitlement to overtime;

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- ii. The purpose of the training is to improve the employee's performance of the duties and responsibilities of his or her current position. (This provision does not include upward mobility training or developmental training to provide an employee the knowledge or skills needed for a subsequent position in the same field.); and/or,
- iii. The employee performs work for the benefit of TSA while attending training.

(b) Time spent attending apprenticeship or other entry-level training:

- (1) Time spent attending apprenticeship or other entry-level training, or in an internship or other career related work study training, outside regular working hours shall not be considered hours of work, provided no productive work is performed during such periods, except when:
 - i. An employee is given training during a period of duty for which he or she is already receiving premium pay for night, holiday, split shift, or Sunday work;
 - ii. An employee is given training at night because situations that he or she must learn to handle occur only at night; and/or,
 - iii. An employee is given training on a holiday or on a Sunday because the costs of the training, premium pay included, are less than the costs of the same training confined to regular work hours.
- (2) Time spent by an employee performing work for the benefit of TSA during a period of apprenticeship or entry-level training shall be considered hours of work.

(c) Continuation of premium pay while attending training (including lectures, meetings, and conferences):

- (1) A non-exempt employee, including a Transportation Security Officer (TSO), shall be paid the applicable premium pay (see exception in Section E2(D)) for periods of training as described in Sections E2(A)(2), E2(B), E2(C)(2) and E2(C)(3) if conditions for payment are met.

NOTE: Social activities such as get-acquainted sessions held on an employee's regular day off or during nighttime hours are not hours of work for purposes of earning premium pay of any form.

- (2) However, hours beyond the normal tour, or on a regular day off, spent in initial classroom and on-the-job training by a non-exempt TSO (including a Lead, Master or Expert TSO), may only be compensated as CT off.
- (3) Hours beyond the normal tour or on a regular day off spent meeting ongoing training requirements by a non-exempt TSO, including a Lead, Master or Expert TSO) must be compensated with overtime pay.

(d) Premium pay is not applicable to an employee assigned to full-time training at an institution of higher learning.

F. OTHER FORMS OF PREMIUM PAY:

NOTE: In addition to Danger Pay Allowances and Foreign Post Differentials, TSA may offer other allowances and/or differentials related to certain foreign assignments. Employees accepting foreign assignments should consult with the hiring official to discuss his/her compensation package.

1. Danger Pay Allowances:

- (a) An employee, excluding a local hire, may receive a danger pay allowance when serving in foreign areas where civil insurrection, civil war, terrorism, or wartime conditions threaten physical harm or present imminent danger to the employee's health or well-being. To be eligible for danger pay, an employee must spend four cumulative hours at a danger pay location; once eligibility has been established, danger pay can be paid for the full day, assuming that the first day is one for which the employee receives basic compensation.
- (b) Danger pay allowances generally range from 15% to 35% (subject to change by the United States Department of State (DOS)) of the rate of basic pay for a permanent, extended temporary, or detail assignment that is officially documented on an SF-50, Notification of Personnel Action. When a temporary assignment or detail (usually for a period of 6 months or less) to a designated danger post is not officially documented, danger pay is calculated using an employee's adjusted rate of pay.
- (c) Danger pay allowances are established and administered by the DOS, Office of Allowances and Differentials (OAD). TSA will follow DOS guidance regarding payment of danger pay to our employees assigned to eligible foreign areas, except as stated in Section G1(D).
- (d) Danger pay allowances are subject to the aggregate limitation on pay. (See TSA MD 1100.53-4, Pay Limitations for Employees Under the Core Compensation System (Non-TSES), for additional details on pay limitations.)
- (e) Danger pay commences on the date designated by DOS for an employee present at the post on assignment or detail and on the date of arrival at the post for a subsequently assigned or detailed employee or for an employee returning to the post after a temporary absence.
- (f) Danger pay terminates at the close of business on the day the designation is removed by the DOS or on the day an employee departs the post for any reason (including leave) for a post or country not designated for danger pay allowances.
- (g) Approval of danger pay allowances within TSA lies with the Assistant Administrator for Human Capital/Chief Human Capital Officer (AA/OHC) or designee.
 - (1) Requests for payment of danger pay allowances should be submitted in writing to the AA/OHC (to the attention of the respective offices' OHC consultant in the Management Services and Consultation Division) for approval or disapproval.
 - (2) OHC may grant blanket authorizations for payment of danger pay allowances depending on specific requirements of deployments to foreign areas. Requests for blanket authorizations shall be submitted in writing to the AA/OHC (to the attention of the

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respective offices' OHC consultant in the Management Services and Consultation Division) for approval or disapproval.

2. Foreign Post Differentials:

- (a) An employee, excluding a local hire, serving in a foreign area may be eligible for a foreign post differential. The post differential provides additional compensation to an employee for service in foreign areas where environmental conditions differ substantially from conditions found in the continental United States.
- (b) Foreign post differentials begin immediately for an employee permanently assigned or on day 43 of duty for an employee on detail (i.e., temporary assignment or temporary duty) to an approved foreign post. For a post where wartime conditions are prevalent, differentials are applicable to days 1 through 42 of a detail once the 43-day requirement has been met. Foreign post differentials range from 5% to 35% (subject to change by DOS) of the rate of basic pay for a permanent, extended temporary, or detail assignment that is officially documented in an SF-50, Notification of Personnel Action. When a temporary assignment or detail (usually for a period of 6 months or less) to a designated foreign post is not officially documented, a differential is calculated using an employee's adjusted rate of pay.
- (c) Foreign post differentials are established and administered by the DOS, OAD. TSA will follow DOS guidance regarding payment of foreign post differentials to employees assigned to eligible foreign areas, except as stated in Section G2(D).
- (d) Foreign post differentials are subject to aggregate pay limitations. (See TSA MD 1100.53- 4, Pay Limitations for Employees Under the Core Compensation System (Non-TSES), for additional details on pay limitations.)
- (e) Foreign post differentials terminate at the close of business on the day the designation is removed by DOS or on the day when an employee departs the post for any reason (including leave) for a post or country not designated for a post differential.
- (f) Approval of foreign post differentials within TSA lies with the AA/OHC or designee. Requests for payment of foreign post differentials should be submitted in writing to the AA/OHC (to the attention of the respective offices' OHC consultant in the Management Services and Consultation Division). Blanket requests for payment of foreign post differentials may be approved or disapproved, based on the operational needs identified in the justification submitted to the AA/OHC.

3. Hazardous Duty Pay:

NOTE: Proprietary Explosive Detection Canine Handlers within the Office of Law Enforcement/Federal Air Marshals (OLE/FAMS) are not eligible for HDP as these individuals receive law enforcement availability pay (LEAP).

- (a) A TSA employee may receive additional pay for the performance of hazardous duty or duty involving physical hardship. Hazardous Duty Pay (HDP) is a pay differential authorized under TSA statutory authority for TSA personnel whose job functions involve a sustained

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exposure to or the use of hazardous materials. Positions identified in OD-400- 22-2 are eligible for HDP in accordance with the provisions outlined below.

- (b) To receive HDP for the exposure of handling explosives and incendiaries, a TSA employee must:
- (1) have completed annual explosives safety briefing approved by the Assistant Administrator for the respective office responsible for the proper safety, accountability, receipt, handling, storage, and transport of explosive training aids;
 - (2) Follow the guidance outlined in the applicable Standard Operating Practices and Procedures (SOPP) issued by the respective office which is necessary for proper safety, accountability, receipt, handling, storage, and transport of TSA provided explosives training aids; and
 - i. physically enter or open an explosive training aid storage magazine to remove and/or replace explosive aids used in the normal course of operational and training activity, or
 - ii. work in an explosives bunker creating explosives aids with the prior approval of the General Manager, OSO Compliance Program, or Chief, NEDCTP, or designee, as appropriate.
- (c) Normally only two handlers are permitted to receive HDP for removing or replacing explosive training aids per duty shift.
- (d) An individual's mere presence on a site containing ordnance or explosives does not necessarily qualify as HDP. No employee can claim HDP based on their personal assumption that related work might be defined as hazardous duty. HDP will not be claimed by handlers who set problems, conduct training, or any other activity, unless they physically enter or open an explosive training aid storage magazine to remove and/or replace explosive training aids used in the normal course of operational and training activity, as described above.
- (e) The HDP differential will be 25% of an eligible employee's base pay for the day in which the employee receives HDP.
- (1) Hazardous duty pay may be received for all hours worked (including overtime hours) on the day in which the hazardous duty is performed. However, overtime will not be assigned when proprietary explosive detection canine handlers are in HDP status unless specifically authorized by the appropriate General Manager, the OSO Compliance Program, or Chief, NEDCTP, or appropriate designee.
 - (2) Hazardous duty pay is applicable when an employee is on paid leave if hazardous duty is also performed during the daily tour of duty. However, an employee in a leave status for the entire daily tour of duty is not entitled to hazardous duty pay.

Example: An employee works one hour on a day that hazardous duty pay is authorized and takes seven hours of annual leave. The employee receives hazardous duty pay for the entire eight hours.

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- (3) Hazardous duty pay is subject to bi-weekly and aggregate pay limitations. (See TSA MD 1100.53-4, Pay Limitations for Employees Under the Core Compensation System (Non-TSES), for additional details on pay limitations.)
- (f) Management is responsible for ensuring that HDP is only authorized for employees who are exposed to explosives as described above for safety consistent with mission requirements. It is also management's responsibility to:
- (1) Ensure that HDP is only authorized for employees who are exposed to hazardous duty as described herein;
 - (2) Ensure that employees whose normal course of duties do not include exposure to situations described herein do not receive HDP;
 - (3) Authorize overtime in advance unless circumstances warrant such approval to be delayed; and
 - (4) Address questions relating to the receipt of HDP within the applicable program office. In the event that the program office cannot answer the question, the issue must be forwarded to the AA/OHC for final determination.
- (g) In the event an individual occupying a position not listed in OD-400-22-2 engages in work for which HDP might apply, the appropriate program office (OSO or OLE/FAMS) must certify that the individual has engaged in the defined activity and request approval for HDP from the AA/OHC. At no time should HDP be authorized outside the provisions noted in this section, without prior approval of the AA/OHC.

4. Holiday Premium Pay:

(a) General

- (1) An FT or a PT employee who performs approved non-overtime work on a holiday will receive pay at his or her rate of adjusted pay, plus holiday premium pay equal to his or her rate of adjusted pay. Therefore, an employee working a conventional 8-hour tour on a holiday will receive "double time" – eight hours of pay that all employees receive on the holiday, and another eight hours of pay for working on a holiday. An employee working a CWS is entitled to 8, 9, or 10 hours of holiday pay (depending on the length of his/her non-overtime workday) if he/she is required to work his or her basic work requirement. An employee does not have to work a full tour of duty on a holiday in order to receive pay for holiday work. If any portion of the employee's normal tour falls on the holiday, the employee is entitled to receive holiday pay for the entire tour.

Example: If an employee's tour of duty includes a shift from 6:00 p.m. on a Thursday to 2:30 a.m. on Friday, and Friday is a holiday, the employee will receive holiday pay for the entire shift.

- (2) When two basic (non-overtime) tours of duty include hours on a holiday, the holiday tour is the tour of duty that begins on the holiday.

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Example: If the employee in the previous example also has a shift starting Friday at 6:00 p.m., ending Saturday at 2:30 a.m., and Friday is a holiday, the employee will receive holiday pay for the shift starting Friday at 6:00 p.m., but not for the shift beginning Thursday at 6:00 p.m. and ending Friday at 2:30 a.m.

- (3) Holiday hours worked and/or holiday leave are used in computing the number of hours worked in the administrative workweek in determining whether an employee is entitled to receive overtime pay.

- (b) **Minimum Payment:** An employee who performs non-overtime work on a holiday is entitled to receive a minimum of two hours holiday premium pay.

Example: An employee reports for duty on a holiday; however, due to the cancellation of two flights, the employee is excused from duty 30 minutes after arrival at the airport. The employee is entitled to a minimum of two hours holiday premium pay even though he or she only worked 30 minutes. The remainder of the scheduled tour of duty for that day is compensated through holiday leave pay.

- (c) **Overtime on a Holiday:** If an employee works officially ordered and approved overtime on a holiday, the employee will receive overtime computed as described under the provisions on the computation of overtime provided in Section C.

- (d) **Travel on a Holiday:** If an employee who is normally required to perform non-overtime work on a holiday is required to travel on a holiday, he/she is entitled to Holiday Premium Pay for compensable time spent traveling during regularly scheduled work hours. (See Section D).

Example: A TSO normally works Sunday through Thursday. The holiday falls on Monday. If the TSO is required to travel on the Monday holiday, he/she would receive holiday premium pay for the time spent traveling during normal non-overtime work hours.

5. Night Pay Differential:

- (a) Night work includes regularly scheduled work, including regularly scheduled overtime, performed by an employee between the hours of 6:00 p.m. and 6:00 a.m.
- (b) Night pay differential is 10 percent of an employee's rate of adjusted pay.
- (c) An employee in the following positions: Transportation Security Officers (TSOs), Master TSOs, Expert TSOs, Lead TSOs, Supervisory TSOs, Transportation Security Managers (also referred to as Screening Managers and Security Managers) and Transportation Security Inspectors (TSIs) performing aviation, cargo, or other types of transportation security inspection work (including Lead TSIs and Supervisory TSIs) will receive night pay differential for all regularly scheduled and irregular nighttime hours that occur between 6:00 p.m. and 6:00 a.m.
- (d) An employee who works a CWS for his or her personal benefit or convenience is not eligible to receive night pay differential unless all of the employee's working hours fall between 6 p.m. and 6 a.m.

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- (e) Night pay differential may only be paid for the hours of work occurring between 6:00 p.m. and 6:00 a.m. Therefore, if an employee has a normal tour of duty that encompasses both daytime and nighttime hours, only those hours occurring between 6:00 p.m. and 6:00 a.m. will be computed with the differential.
- (f) An employee is entitled to receive night pay differential for a period when the employee is excused from night work on a holiday or other non-workday and for nighttime hours of his/her tour of duty while on official compensable travel, whether performing actual work or not.
- (g) An employee on leave during a regularly scheduled tour of duty, which includes hours between 6:00 p.m. and 6:00 a.m. will not receive night pay differential for the leave time during the pay period.
- (h) An employee is entitled to night pay differential when temporarily assigned during the administrative workweek to a daily tour of duty that includes night work.

Example: If an employee is told that his/her official hours are being temporarily changed from 8:00 a.m. to 4:30 p.m. to 11:00 a.m. to 7:30 p.m., the employee is entitled to night pay differential from 6:00 p.m. to 7:30 p.m.

- (i) An employee who normally works a tour of duty with hours between 6:00 p.m. and 6:00 a.m. and is otherwise eligible to receive night pay differential will receive night pay differential on day(s) when court leave is granted as if the employee had performed night work. Management should use reasonable judgment and adjust the employee's work schedule to match the court hours.
- (j) An employee who normally works a tour of duty with hours between 6:00 p.m. and 6:00 a.m. and is otherwise eligible to receive night pay differential, will receive night pay differential on day(s) when military leave (regular or emergency) is granted as if the employee had performed night work. An employee using another form of leave during a period of military service is not eligible to receive night differential.
- (k) An employee who normally works a tour of duty with hours between 6:00 p.m. and 6:00 a.m. and is otherwise eligible to receive night pay differential, will receive night pay differential on day(s) when continuation of pay (COP) is received as if the employee performed night work.

6. Split-Shift Differential:

NOTE: The split-shift differential is applicable to FT and PT TSOs, including Expert, Lead, Master, and Supervisory TSOs.

- (a) Split shifts (see TSA MD 1100.61-3, Split Shifts) may consist of combinations of hours including, but not limited to, those shown in Section G6(A)(1-4) below. Split shifts generally do not exceed 8 hours per day over the course of a 5-day administrative workweek for a TSO assigned to ConWS or 10 hours per day over the course of a 4-day administrative workweek for a TSO assigned to CWS. Split shifts must include a break of at least two hours between

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shifts. Split shifts may be used, as necessary, to meet operational needs, as long as the above requirements and the definition in Section A43 of this handbook are met⁵.

- (1) 4 hours in the a.m. and 4 hours in the p.m.;
- (2) 5 hours in the a.m. and 3 hours in the p.m.;
- (3) 3 hours in the a.m. and 2 hours in the p.m. (applicable to PT work schedules); or,
- (4) 5 hours in the a.m. and 5 hours in the p.m. (applicable to CWS).

(b) Split-shift differential is 8% of an employee's rate of adjusted pay.

Example: An FT D band TSO is making adjusted pay of \$31,883 (\$27,882 base pay plus 14.35% locality pay). The employee's hourly rate of adjusted pay = $\$31,883 \div 2087$ (annual hours) = \$15.28/hour. The split-shift differential would be calculated as $\$15.28 \times$ the number of split-shift hours worked per day \times 8% split-shift differential.

(c) The split-shift differential will be applicable to all TSOs who are regularly scheduled (i.e., in advance of the administrative workweek) for split-shift work. The differential will also be applicable to regularly scheduled overtime and irregular and occasional split-shift hours worked, including those hours worked that are contiguous to split shifts. "Contiguous" to split shifts means separated by no more than a 30 to 60 minute break.

Example 1: An FT TSO is regularly scheduled to work a split shift Sunday through Thursday from 5 a.m. to 10 a.m. and from 12:00 p.m. to 5:00 p.m. (this includes 2 hours of regularly scheduled overtime). The TSO will be paid 8 hours of non-overtime pay, 2 hours of overtime pay, and 10 hours of split-shift differential. The TSO will also be paid 1 hour of night pay differential.

Example 2: An FT TSO is regularly scheduled to work a split shift Sunday through Thursday from 5:00 a.m. to 10 a.m. and from 12:00 p.m. to 5:00 p.m. The TSO is dual function and also works from 3:30 a.m. to 5:00 a.m. in baggage on Monday. The TSO will be paid 11 ½ hours of non-overtime pay and 11 ½ hours of split-shift differential. The TSO will also be paid 2 ½ hours of night pay differential. Since the TSO is assigned to a CWS, overtime pay is not applicable unless the TSO works in excess of 80 hours for the pay period.

(d) The split-shift differential will be paid in addition to other forms of premium pay as shown in the example that follows:

Example: An FT TSO is scheduled to work a split shift from 8 a.m. to 1 p.m. and 3 p.m. to 6 p.m.; however, the TSO is also scheduled to work overtime from 6 p.m. to 8 p.m. (2 hours). The TSO will be paid 8 hours of non-overtime pay, 2 hours of overtime pay, 2 hours of night pay differential, and 10 hours of split-shift differential.

⁵ Part-time TSOs have the opportunity to seek to convert to full-time split-shift employment. TSA Form 1174, Split-Shift Election, should be used for those TSOs voluntarily electing to switch from his/her part-time work schedules to full-time split-shift employment.

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- (e) If a TSO is required, because of operational needs, to work the hours between shifts (i.e., the break between split shifts), the hours worked during the break are paid as non-overtime or overtime, as appropriate, and the split-shift differential is not applicable to those hours. (Work during the break is not considered “contiguous” to a split shift.) If the need to work the break between shifts occurs, the reason should be documented in writing and approved at a level no lower than Transportation Security Manager. If a TSO is regularly required to work during the break, his/her split-shift schedule must be discontinued and the employee placed on a more appropriate schedule reflective of the operational needs of the airport.

Example: A TSO works a split shift from 5:00 a.m. to 10:00 a.m. and from 12:00 p.m. to 5:00 p.m., Sunday, Monday, Friday, and Saturday. On Friday, the TSO is required to work one extra hour (11:00 a.m. to 12:00 p.m.). How will the split-shift differential apply to this situation? The split-shift differential will be applicable to hours worked from 5:00 a.m. to 10:00 a.m. and from 12:00 p.m. to 5:00 p.m. on Sunday, Monday, Friday, and Saturday. The extra hour worked on Friday between 11:00 a.m. to 12:00 p.m. will be compensated as non-overtime pay or overtime pay, as appropriate.

- (f) A TSO is entitled to receive a split-shift differential for a period when the employee is excused from split-shift work on a holiday or other non-workday and while in official compensable travel status, whether performing work or not. A TSO is also entitled to receive a split-shift differential for a period of required training when the TSO would otherwise be regularly scheduled for split-shift work.
- (g) A TSO on leave (excluding court or military leave) during a regularly scheduled tour of duty, which includes a split shift, will not receive the split-shift differential for the period of leave. A TSO who is absent without leave (AWOL) for all or part of a workday, which includes a split shift, will not receive the split-shift differential for the entire workday.

Example: A TSO is regularly scheduled for split-shift work Sunday through Wednesday from 5:00 a.m. to 10:00 a.m. and 2:00 p.m. to 5:00 p.m. The TSO requests and is approved for three hours of annual leave on Wednesday (covering the portion of the split shift from 2:00 p.m. to 5:00 p.m.). The TSO is not entitled to the split-shift differential for the three hours of annual leave on Wednesday. However, the TSO is entitled to the differential for split shift hours worked Sunday through Tuesday and for the portion of the split shift worked on Wednesday morning.

- (h) An employee who normally works a split shift and is otherwise eligible to receive split-shift differential will receive split-shift differential on day(s) when court leave is granted as if the employee had performed split-shift work. Management should use reasonable judgment and adjust the employee’s work schedule to match the court hours.
- (i) An employee who normally works a split shift and is otherwise eligible to receive split-shift differential, will receive split-shift differential on day(s) when military leave (regular or emergency) is granted as if the employee had performed split-shift work. An employee using another form of leave (for an entire day) during a period of military service is not eligible to receive split-shift differential.

- (j) An employee who normally works a split shift and is otherwise eligible to receive split-shift differential, will receive split-shift differential on day(s) when COP is received as if the employee performed split-shift work.

7. Sunday Pay:

- (a) An FT non-TSO employee, and an FT or a PT TSO (including Expert, Master, Lead, and Supervisory TSOs), will receive Sunday pay for each hour of regularly scheduled non-overtime work performed on a Sunday. An employee must perform work on Sunday in order to receive Sunday pay.
- (b) Sunday pay is 25% of an employee's rate of adjusted pay.
- (c) A PT non-TSO is eligible to receive premium pay for Sunday work.
- (d) An employee who is otherwise regularly scheduled to work on a Sunday may continue to receive Sunday pay during periods of official compensable travel.
- (e) An employee may not receive Sunday pay for periods of leave or periods of COP.

8. Law Enforcement Availability Pay (LEAP):

An eligible Criminal Investigator (1811), FAM (1801), or employee occupying a position approved for law enforcement coverage by TSA's Assistant Secretary shall receive LEAP. In order to receive LEAP, an eligible employee must work, or as determined by his/her Assistant Administrator, be available to work, a minimum annual average of two or more hours of unscheduled overtime per non-excludable regular workday. LEAP is a fixed rate of pay of 25% of an eligible employee's rate of adjusted pay as long as the combined basic and locality pay calculations do not exceed the bi-weekly limitation. (See TSA MD 1100.53-4, Pay Limitations for Employees Under the Core Compensation System (Non-TSES), for additional details on pay limitations.)

G. LIMITATIONS ON PAY:

(See TSA MD 1100.53-4, Pay Limitations for Employees Under the Core Compensation System (Non-TSES), for additional details on pay limitations.)

H. QUESTIONS CONCERNING PREMIUM PAY:

An employee should forward questions concerning the designation of his/her position as exempt or non-exempt or other questions concerning premium pay to his/her local Human Resources Specialist or other designated staff member. Inquiries that cannot be resolved at the local level should be referred to the appropriate advisor in the Office of Human Capital (OHC). Back pay claims resulting from a change to the designation of position (i.e., from exempt to non-exempt or the reverse) or resulting from other misapplications of TSA premium pay policy and procedures shall be directed in writing to the AA/OHC. Adjudication of premium pay claims will be based on applicable TSA back pay policy and procedures.

I. OVERSIGHT:

OHC's Payroll Office will conduct periodic review of methods used to compute premium pay for TSA employees to ensure compliance with the procedures identified in this handbook and with the policy and information contained in TSA MD 1100.55-8, Premium Pay.

J. QUESTIONS AND ANSWERS:

**PREMIUM PAY, ALLOWANCES AND DIFFERENTIALS
QUESTIONS AND ANSWERS**

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Overtime (OT) and Compensatory Time (CT) Off in lieu of OT Pay

- 1) What is the difference between regularly scheduled OT and irregular or occasional OT?

Regularly scheduled OT is scheduled in advance of the administrative workweek. [OT pay is required when an employee \(exempt or non-exempt\) works regularly scheduled OT.](#) CT off may not be granted to an employee or substituted for periods of [regularly scheduled OT](#) work except that a non-exempt Transportation Security Officer (TSO) may receive CT off in lieu of OT pay for periods of initial training that are outside of his/her regular working hours.

Irregular or occasional OT is not scheduled in advance of the administrative workweek and is used to meet unplanned staffing needs such as when emergency situations or special assignments arise. A non-exempt employee must receive OT pay for irregular or occasional OT work but may request CT off in lieu of OT in writing. An exempt employee whose rate of basic pay is at or below \$61,922 must be paid OT for irregular or occasional OT work, but the employee may request CT in lieu of OT in writing. Management has the authority to approve or deny the employee's request to receive CT off in lieu of OT pay. If the employee's request is denied, the employee will receive OT pay. An exempt employee whose rate of basic pay is above \$61,922 will receive CT in lieu of OT pay for irregular or occasional OT worked unless OT pay has been specifically approved by a TSA management official with authority to make such determinations.

- 2) Are all TSA employees eligible to earn OT after working 8 hours per day?

No. All OT must be ordered and approved by a TSA management official with authority to make such determinations.

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In addition, not all TSA employees are eligible to earn OT after working longer than 8 hours per day. An employee's eligibility to earn OT is dependent on his/her work schedule and whether or not the employee was approved and ordered to perform the work. For example, an employee assigned to a conventional work schedule (working 5 days per week and 10 days per pay period) is eligible to earn OT, if ordered and approved, after working in excess of 8 hours per day or 40 hours per week.

A full-time (FT) employee assigned to a compressed work schedule (working less than 10 days per pay period) is eligible to earn OT, if ordered and approved, after working in excess of 80 hours per pay period. A part-time (PT) employee assigned to a compressed work schedule (working less than 10 days per pay period) is eligible to earn OT for hours in excess of a daily tour of duty (must be more than 8 hours) or for hours in excess of a weekly tour of duty (must be more than 40 hours).

- 3) A PT and an FT employee, both non-exempt, are working the same shift during one of the days of the administrative workweek. Both employees are assigned to compressed work schedules with a shift that is 10 hours in duration. (The FT employee is scheduled for 4 days and the PT employee is scheduled for 2 days). Both employees are directed by management to extend his/ her workday by 2 hours to meet an operational requirement created by a delayed flight. Are both employees entitled to 2 hours of OT because the extended work time exceeded his/her assigned shift (10 hours) and exceeds the 8 hours/day criteria?

Both employees are working compressed work schedules. The FT employee is eligible for OT for approved time worked in excess of 80 hours in a pay period. The PT employee is eligible for 2 hours of OT based on his/her 10-hour daily shift.

- 4) A PT employee is scheduled to work 40 hours per pay period (20 hours per week). This employee is scheduled to work Friday and Saturday, 10 hours each day. This is the employee's regularly scheduled administrative workweek. If the employee works on either Friday or Saturday for 11 hours due to an unscheduled operational requirement, should this employee receive 1 hour of OT?

Yes. The PT employee is working a compressed work schedule, so OT is applicable for approved time worked in excess of his/her scheduled 10-hour day.

- 5) An FT employee has a regularly scheduled administrative workweek of 40 hours (Tuesday – Saturday, 8 hours each day). The employee is directed by management (prior to the start of the employee's administrative workweek) to 10 hours on Monday (an RDO). Is the employee eligible to receive 10 hours of OT or CT?

The employee is working a conventional schedule. As the OT is scheduled in advance of the administrative workweek, it is considered to be regularly scheduled. The employee (exempt or non-exempt) must be paid overtime. The employee cannot be granted CT in lieu of overtime pay because the work is considered regularly scheduled OT.

- 6) A PT employee is scheduled to work a regular schedule of 40 hours per pay period (20 hours per week), Tuesday – Saturday, 4 hours each day. The employee is directed by management to work 10 hours on Monday (an RDO). Is the employee eligible to receive OT?

This is considered a conventional schedule. The employee is eligible to receive 2 hours of OT. The employee's total hours worked for the week will be 30 (does not exceed the maximum 40 hours per

week). However, on Monday the employee's 10-hour work schedule exceeds the conventional schedule maximum of 8 hours per day by 2 hours. Therefore, 2 hours of OT is appropriate.

- 7) A PT employee is scheduled to work 40 hours per pay period (20 hours per week). This employee is scheduled to work on Sunday, Monday, Tuesday, Wednesday, and Thursday – 4 hours each day. This is the employee's regularly scheduled, administrative workweek. If the employee works an additional 6 hours on one of the regularly scheduled work days to meet an unscheduled operational requirement, is the employee eligible for 2 hours of OT?

Yes. The employee works a conventional schedule. The employee worked the regular shift of 4 hours + 6 additional hours = 10 total hours. That 10-hour workday exceeds the conventional schedule maximum of 8 hours per day by 2 hours. Therefore, 2 hours of OT is appropriate.

- 8) A PT employee is scheduled to work 64 hours per pay period (32 hours per week). This employee is scheduled to work four – 6.5 hour days and one 6 hour day – this is considered a conventional work schedule. If the employee is directed by management to remain on duty an additional 1.5 hours to meet an unscheduled operational requirement, is the employee eligible to receive OT?

No. The employee did not exceed the conventional schedule maximum of 8 hours per day.

Note: A meal period is not included in the scheduled work hours in this question.

- 9) A PT employee is scheduled to work 50 hours per pay period (25 hours per week). This employee is scheduled to work five – 5 hour days (a conventional work schedule). If the employee is directed by management to remain on duty an additional 4 hours one day during the week (9 hours total) to meet an unscheduled operational requirement, is the employee eligible to receive OT?

Yes. The employee would receive 1 hour of OT. The 8 hour maximum was exceeded by 1 hour.

Note: A meal period is not included in the scheduled work hours in this question.

- 10) A PT employee is scheduled to work 40 hours per pay period (20 hours per week). During week one of the pay period, the employee is scheduled to work a regular schedule on Saturday and Sunday (10 hours each day) - this is a compressed work schedule. The employee also volunteers to work two additional 10-hour shifts that week on RDOs (at management's request). During week two of the pay period, the employee works 20 hours. Is this employee eligible to receive OT?

The PT employee worked 20 regularly scheduled hours (week 1) + 20 additional hours (week 1) + 20 regularly scheduled hours (week 2) = 60 hours total for the pay period. Since the PT employee is assigned to a compressed work schedule, OT is not applicable until the employee has worked in excess of his/her compressed work schedule for the day (must be more than 8 hours) or for the week (must be more than 40 hours). The employee did not work in excess of his/her 10-hour daily schedule or beyond 40 hours in any workweek. Consequently, the employee is not eligible to receive OT pay.

- 11) A PT employee is scheduled to work 64 hours per pay period (32 hours per week). This employee is scheduled to work a regular schedule on Sunday, Monday, Tuesday, and Wednesday – 8 hours each day – this is a compressed work schedule. This employee volunteers to work on an RDO (at management's request) for a 12-hour shift to meet an operational requirement. The employee also took 8 hours of AL during the week. Is it correct that the employee would not receive 4 hours of OT because they only worked a total 32 hours (32 hours + 12 hours on the RDO – 8 hours AL)?

The PT employee was in a pay status for 32 hours (24 hours working + 8 hours AL) + 12 hours additional = 44 hours total. This is a compressed work schedule, so OT is not applicable until the employee has worked in excess of his/her daily schedule (must be more than 8 hours) or in excess of his/her weekly schedule (must be more than 40 hours). Since the PT employee worked 44 hours during the week, they are entitled to 4 hours of OT. Please note that approved paid leave (AL/SL/CT) counts toward the total number of hours worked in a pay status for determining eligibility for overtime pay in a day, week or pay period. It is management's discretion, however, to decide whether an employee should be scheduled for OT in the same week that leave was taken.

- 12) An employee is called in to work on a holiday on a day outside of his/her regularly scheduled administrative workweek. Is the employee entitled to OT or CT?

A non-exempt employee must be paid OT, but may request CT in lieu of OT pay, in writing, subject to management approval. An exempt employee may receive CT in lieu of OT pay depending on whether his/her pay is at or below, or above, \$61,922. The OT was not scheduled in advance of the administrative workweek and is considered irregular or occasional OT. The employee would not be eligible to receive holiday premium pay for the overtime work performed on the holiday.

- 13) A Lead TSO (non-exempt) is scheduled to work 8 hours on Saturday, a regular day off, to provide training to a group of TSOs. Is the Lead TSO entitled to OT, or CT in lieu of OT pay, because of the training?

Under these circumstances, when the Lead TSO is scheduled in advance of the administrative workweek to provide training to other employees on a regular day off, OT pay is appropriate.

- 14) A Lead TSO (non-exempt) is scheduled to attend a training course on Saturday, a regular day off, to develop additional on-the-job skills to benefit the employee. Is the Lead TSO entitled to OT, or CT in lieu of OT, because they are attending training?

The Lead TSO is entitled to OT because they are scheduled in advance of the administrative workweek to attend training that is designed to enhance his/her work performance.

- 15) Can an employee who receives LEAP earn OT or CT on a non-workday? If so, at what hour (over 40? or over 50?) would OT or CT start?

If scheduled in advance of the administrative workweek, OT could be granted for hours worked beyond the employees LEAP hours. An employee earning LEAP would not earn CT in lieu of OT pay, with the possible exception, if eligible, of CT for travel.

- 16) Can an employee who receives LEAP also earn OT on a workday? If so, at what hour (8 hours? Or 10 hours?) would OT start?

If scheduled in advance of the administrative workweek, OT could be granted for hours worked beyond the employee's LEAP hours (i.e., beyond 10 hours in an exempt Criminal Investigator's or an exempt FAM's regularly scheduled work day or regular day off (RDO) for non-exempt FAMs hours worked after 43 hours in a administrative workweek or for hours worked on the employee's RDO.).

Call-Back Overtime (OT)

- 17) Is it true that an employee receives a minimum of 2 hours of OT or CT if they are called back to work?

Yes, but depending on the circumstances. If an employee is required to return to work after his/her regularly scheduled workday has ended, or on a regular day off, they are eligible to receive a minimum of 2 hours of OT or CT off in lieu of OT pay. However, the employee must be eligible to receive OT or CT in lieu of OT pay. If a PT employee is required to report back to work after his/her regularly scheduled workday has ended, or on a regular day off, and is not eligible for OT (hourly requirements not met), a PT employee is eligible for 2 hours of non-overtime pay calculated based on his/her adjusted rate of pay. If an employee has not left the premises of the airport or other duty location, they are not eligible for call-back OT.

- 18) An employee works Monday – Friday 8:00 a.m. to 4:30 p.m. On Thursday evening the employee is called back to work and works from 8:30 p.m. to 11:15 p.m. Would the employee only receive two hours of call-back OT?

The employee would receive 2 hours and 45 minutes overtime for the work performed on Thursday.

- 19) A PT employee works a regular tour of duty on Tuesday from 5:00 a.m. to 10:00 a.m. and is asked to remain on duty for an additional 3 hours. In this situation the employee did not leave the worksite. Is this employee eligible for call-back overtime?

No. The employee would receive 3 additional hours of pay calculated based on his/her adjusted rate of pay.

Danger Pay Allowances

- 20) Are Danger Pay Allowances ever approved for locations in the United States?

Danger pay allowances (also referred to as danger pay) are only approved by the Department of State (DOS) for foreign posts where civil insurrection, civil war, terrorism, or wartime conditions threaten physical harm or imminent danger to the health or well-being of an employee. Danger pay is not applicable to posts within the United States or United States territories and possessions.

- 21) Can TSA establish or modify Danger Pay Allowances for certain foreign posts?

TSA decided to follow DOS regulations regarding payments of danger pay allowances and, at this time, will not establish new foreign locations or modify rates of danger pay allowances that differ from those approved by DOS.

- 22) Who is eligible to receive a Danger Pay Allowance?

Only United States citizens are eligible to receive danger pay. An eligible employee must also have a valid operational reason (approved by the Office of Human Capital and the employee's management) for being at the foreign post.

- 23) How long must an employee be at a danger pay location to become eligible for the Danger Pay Allowance?

An employee must spend at least four cumulative hours at a danger pay location to meet eligibility for danger pay. However, once the four hour minimum has been established, the employee may receive danger pay for the full day as long as it is a day on which the employee receives basic compensation.

Example 1: An employee arrives on Monday at 1 p.m. at a foreign post where danger pay is applicable. The employee works (i.e., is in a pay status) four hours at the post on Monday and, therefore, is eligible for danger pay for the entire day.

Example 2: An employee arrives on Sunday at 1 p.m. at a foreign post where danger pay is applicable. Since, the employee is not in a pay status on Sunday, danger pay is not applicable. However, the employee has fulfilled the requirement of four cumulative hours at the post and is eligible for danger pay on Monday, the first day the employee is in a pay status (i.e., receives basic compensation) at the post.

- 24) Is it possible to receive both a Danger Pay Allowance and Foreign Post Differential?

It is possible; however, an employee would likely only receive the allowance or differential that provides the greatest pay. The DOS (Office of Allowances and Differentials) website provides this information.

Foreign Post Differentials

- 25) Can TSA establish or modify Foreign Post Differentials?

TSA decided to follow DOS regulations regarding payments of foreign post differentials and, at this time, will not establish new foreign locations or modify post differentials that differ from those approved by DOS.

- 26) Is there a minimum amount of time an employee must spend at an approved foreign post to be eligible for any applicable post differential?

Generally a post differential will become effective on the 43rd consecutive day of a detail (i.e., a temporary assignment to the post).

- 27) Who is eligible to receive a Foreign Post Differential?

Like danger pay, only United States citizens are eligible for post differential. TSA employees must have an operational reason (approved by TSA management) for being at the post to claim the differential.

Hazardous Duty Pay

- 28) What is the difference between a Danger Pay Allowance and Hazardous Duty Pay?

Danger pay is applicable to foreign posts that have been approved by the DOS. Hazardous Duty Pay (also referred to as hazard pay) is paid to an eligible employee for performance of hazardous duty

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(such as work with live explosives where there are no precautions that reduce the risk of physical injury) or duty involving physical hardship.

29) How does TSA determine whether Hazardous Duty Pay is appropriate?

Section F3 forms the basis for payment of hazard pay within TSA. In addition to the information in Section F3, TSA will use guidance issued by the Office of Personnel Management to determine the conditions under which hazard pay should be approved and the amount to be paid.

30) Who within TSA approves Hazardous Duty Pay?

The Assistant Administrator for Human Capital/Chief Human Capital Officer, or a designee within the OHC, has final approval authority for hazard pay.

31) If I am on leave, does Hazardous Duty Pay continue?

Hazard pay is only applicable when hazardous work is performed. For instance, if an employee is on leave for an entire day, then the employee is not eligible to receive hazard pay. To the contrary, if an employee works one hour on a day that hazard pay is authorized and takes seven hours of annual leave, the employee receives hazard pay for the entire eight hours.

32) If an employee undertakes hazardous duty without authorization, may the employee receive Hazardous Duty Pay?

Hazardous duty pay must be approved by the OHC and an employee must have approval within his/her chain of command to perform hazardous duty. An employee who performs hazardous duty without required approval will not receive hazard pay.

33) If an employee is on official TSA business and drives through a blowing snow storm on an interstate highway to make a scheduled appointment, is hazardous duty pay warranted?

No. Even though the snow storm may have been severe and required motorists to drive using extreme caution, the interstate highway was paved and not impassable. These conditions do not merit payment of hazard pay. In addition, if the storm was of such magnitude to make driving too dangerous, the employee should have taken reasonable steps to reduce the risks associated with travel, including cancelling or delaying the appointment.

Holiday Premium Pay

34) An employee is scheduled to work on a holiday as part of his/her regularly scheduled administrative workweek. Can the employee request CT instead of being paid Holiday Premium Pay?

No, because the holiday is part of the employee's regularly scheduled administrative workweek.

35) How much holiday pay is due when an employee works 7 hours on a Federal holiday and requests 1 hour of leave without pay (LWOP)?

In this situation, pay would be as follows:

8 hours of holiday (leave) pay (rate of basic pay + locality pay)
7 hours of holiday (worked) premium pay

Employees may not be charged paid leave or LWOP when excused from duty on a holiday or in lieu of holiday.

- 36) An employee works a compressed work schedule, Tuesday through Friday (10 hours per day). a) Is the employee eligible for an “in lieu of holiday” for the Labor Day holiday that falls on a Monday? b) How is the employee compensated? c) What if the employee is required to work on the “in lieu of holiday”? d) What if the employee is required to work on Monday, the Labor Day holiday?

a) Normally the employee’s “in lieu of holiday” will be the Friday preceding the Labor Day holiday on Monday. However, an Assistant Administrator, Federal Security Director, Special Agent in Charge, higher level TSA Executive, or designee, may select a workday for the “in lieu of holiday” that is in the same biweekly pay period as the date of the observed holiday, or in the biweekly pay period immediately preceding or following that pay period.

b) If no work is performed on the “in lieu of holiday,” the employee will receive 10 hours of holiday leave pay.

c) If the employee is required to work on the “in lieu of holiday,” the employee is entitled to 10 hours of holiday premium pay and 10 hours of holiday leave (otherwise referred to as double time).

d) If the employee is required to work on Monday, the Labor Day holiday, the employee is entitled to overtime for the number of hours worked on Monday (the calendar date of the Labor Day holiday).

NOTE: An employee required to work on the holiday or “in lieu of holiday” does not receive an additional day off.

- 37) Is a PT employee eligible to receive Holiday Premium Pay?

Yes, as long as the PT employee is regularly scheduled to perform non-overtime holiday work.

- 38) A TSO is regularly scheduled to work a split shift on a Federal holiday. Is the TSO eligible to receive only holiday pay or only the split-shift differential or both forms of premium pay?

Yes, the employee would be eligible for both holiday premium pay (for non-overtime hours) and the split-shift differential.

- 39) An employee is charged as absent without leave (AWOL) on the day before a Federal holiday and the day after a Federal holiday. The employee worked 8 hours on the Federal holiday. How are they compensated?

If the employee performs 8 hours of non-overtime work on the holiday, the employee will receive 8 hours of holiday (leave) pay and 8 hours of holiday (worked) premium pay.

- 40) An employee is charged with AWOL the day after a Federal holiday but worked the day before the holiday and also performed 10 hours of regularly scheduled work on the holiday. How is the employee compensated on the holiday?

An employee who is charged with AWOL on the day before or the day after a Federal holiday is entitled to holiday premium pay for work performed on a Federal holiday. In this case, the employee is entitled to 10 hours of holiday (leave) pay and 10 hours of holiday (worked) premium pay.

- 41) What if an employee is charged with AWOL on the day before a Federal holiday and 4 hours of AWOL on the holiday; however, the employee worked 4 hours on the holiday and the entire regularly scheduled workday after the holiday. How would the employee be compensated on the holiday?

The employee would not be paid for the 4 hours of AWOL but is eligible for 4 hours of holiday (leave) pay and 4 hours of holiday (worked) premium pay.

Night Pay Differential

- 42) A TSO works a compressed schedule, Sunday - Wednesday, 10 hours per day, from 12 noon to 10:30 p.m. Is that TSO eligible to receive Night Pay Differential?

Yes, for all hours worked between 6:00 p.m. and 6:00 a.m. each day.

- 43) An employee voluntarily requests to work a compressed work schedule, 4 days per week, 10 hours per day, from 9:30 a.m. to 8 p.m. Is that employee eligible to receive Night Pay Differential?

No. The employee is not in a position identified in paragraph F5(c) and voluntarily requested the compressed work schedule and all hours do not fall between 6 p.m. and 6 a.m.; therefore, the employee is not eligible to receive night pay.

- 44) Can an employee whose regular tour of duty is between 6:00 a.m. and 6:00 p.m. earn night differential if they work after 6:00 p.m.?

Night pay differential may be earned for regularly scheduled hours, including regularly scheduled overtime. For an employee identified in paragraph F5(c), night pay differential may be earned for irregular and occasional work (including irregular or occasional overtime) that includes night hours.

An employee is also entitled to a night pay differential when the employee is temporarily assigned during the administrative workweek to a daily tour of duty that includes night work.

However, the work may not be part of the employee's LEAP hours as the employee is already receiving compensation for the LEAP hours.

In addition, an employee who voluntarily requested to work a compressed or alternative work schedule may not earn night pay differential unless all of his/her work hours fall between 6 p.m. and 6 a.m.

45) If an employee earns night differential, can they also earn other forms of premium pay?

Night pay differential is paid in addition to overtime, the split-shift differential, Sunday, or holiday premium pay.

Split-Shift Differential

46) Which employee/position is most likely to be assigned to work a split shift?

An employee assigned to a TSO, D or E band, as well as a Lead or Supervisory TSO would be most likely to be assigned to a split shift. However, an Expert or Master TSO, or other non- TSO employee, may also be assigned to a split shift based on operational requirements.

47) Is the Split-Shift Differential applicable to any employee who is scheduled for split-shift work?

No. Payment of the split-shift differential is only applicable to an FT or PT TSO, Expert TSO, Lead TSO, Master TSO, or Supervisory TSO. Even though a non-TSO may be scheduled for a split shift, if required for operational purposes, they are not eligible for the differential.

48) What is the amount of the Split-Shift Differential and for what hours of work is the Split-Shift Differential paid?

The split-shift differential is paid at the rate of 8% based on an employee's rate of adjusted pay. The 8% split-shift differential is paid similar to other forms of premium pay for regularly scheduled split-shift work (work scheduled in advance of the administrative workweek). It is also paid for split-shift work performed as part of regularly scheduled overtime and/or irregular or occasional split-shift work.

49) Am I eligible for the 8% Split-Shift Differential, even if I do not work a split shift every day?

A TSO is entitled to the split-shift differential for split-shift hours worked.

Example: A TSO is scheduled for split-shift work on Monday, Wednesday, and Friday from 5:00 a.m. to 9:30 a.m. and from 1:30 p.m. to 5 p.m. On Tuesday and Thursday, the TSO is scheduled to work a conventional shift from 5:00 a.m. to 1:30 p.m. The split-shift differential is applicable to the split-shift hours worked on Monday, Wednesday and Friday but not to the conventional schedule worked on Tuesday and Thursday.

50) A TSO's regularly scheduled administrative workweek is Sunday through Wednesday from 4:30 a.m. to 3 p.m. (including a 30 minute non-paid meal break). On Tuesday, the TSO is also required to work from 5:00 to 7:30 p.m. due to the absence of another employee. Is the employee eligible to receive the split-shift differential?

No. Even though there is a 2-hour break between the two periods of work, this is not a recurring split shift and is more appropriately compensated as irregular or occasional work at the employee's regular rate of pay (rate of adjusted pay). The TSO in this case is assigned to a compressed work schedule, so overtime is not applicable until the employee has worked more than 80 hours in a pay period.

51) May an eligible TSO receive the Split-Shift Differential in addition to other forms of premium pay?

Yes. The 8% split-shift differential may be paid in addition to other forms of premium pay including overtime (for split-shift work performed as part of regularly scheduled and irregular or occasional overtime), holiday, night, and Sunday pay. An example follows:

Example: A full-time TSO is regularly scheduled to work a split shift from 8 a.m. to 1 p.m. and 3 p.m. to 6 p.m.; however, the TSO is also scheduled to work overtime from 6 p.m. to 8 p.m. (2 hours). The employee would be paid 8 hours of regular time, 2 hours of overtime, 2 hours of night differential, and 10 hours of split-shift differential.

52) What is meant by “work that is ‘contiguous’ to a split shift”?

The split-shift differential is applicable to work that is contiguous to a split shift. That is, an employee works a recurring split shift and is also required to work regularly scheduled overtime or irregular or occasional work either before or after the split shift.

Contiguous means overtime or irregular or occasional work that is connected to the split shift by no more than a 30 to 60 minute break. However, time worked during the break between split shifts is not considered contiguous for purposes of payment of the split-shift differential.

53) A TSO works a split shift from 5 a.m. to 10 a.m. and from 12 p.m. to 3 p.m. The TSO is assigned to split shift passenger screening. The TSO is dual function and has approved overtime from 3:30 a.m. to 5 a.m. in baggage. Is the TSO entitled to the split-shift differential for the overtime to perform baggage screening?

Yes. This is an example of work that is contiguous to a split shift. The split-shift differential would be applicable to the overtime hours from 3:30 a.m. to 5 a.m. and for the split shift from 5 a.m. to 10 a.m. and 12 p.m. to 3 p.m.

54) A TSO’s (non-exempt) regularly scheduled administrative workweek is Sunday through Wednesday from 4:30 a.m. to 3 p.m. (including a 30 minute non-paid meal break). For operational reasons, the TSO is asked to work a recurring split shift on Saturday from 5 a.m. to 10 a.m. and 12:00 p.m. to 5 p.m. Is the TSO eligible for the split-shift differential?

In this case, the employee is working a recurring split shift. Even though Saturday is normally a regular day off for the TSO, the employee is entitled to receive 10 hours of split-shift differential in addition to either non-overtime pay and/or overtime for the irregular work (not scheduled in advance of the administrative workweek). Note: Since this is irregular or occasional overtime work, the non-exempt employee could request, in writing, compensatory time off in lieu of overtime, subject to management approval.

55) What if a TSO is scheduled to work a split shift and also works the hours (i.e., the break) between shifts for operational reasons?

Only in rare circumstances should a TSO work the break between split shifts. If the need to work the break between shifts occurs, the reason should be documented in writing and approved at a level no lower than Transportation Security Manager. Even if a TSO is required to work the break between split shifts due to an emergency or special situation, the employee would still be eligible for the split-

shift differential for split-shift hours worked. However, the split-shift differential would not be applicable to time worked between the shifts. If a TSO regularly works during the break, the split shift must be discontinued and the TSO placed on a more appropriate schedule reflective of the operational needs of the airport.

- 56) For an employee on a split shift, 8- or 10-hour day, with a break in the middle of the day, do we schedule a 30 minute meal break, or can the meal break be used in conjunction with the break between shifts?

An FSD may schedule an unpaid meal break for an employee who works a split shift, especially if the shift includes a number of hours. However, the break between shifts may also be used for such activities.

- 57) Is an employee eligible for the Split-Shift Differential if they are excused from duty due to a holiday, period of travel, or training session?

An employee whose regular schedule is a split shift is entitled to receive a split-shift differential for a period when the employee is excused from split-shift work on a holiday or other non-workday and while in official compensable travel status, whether performing work or not. Note: The split-shift differential may not be paid for periods of travel when the employee is eligible to receive compensatory time off for travel. An employee is also entitled to receive a split-shift differential for a period of required training when the employee would otherwise be regularly scheduled for split-shift work.

- 58) Will I receive the Split-Shift Differential while on approved annual or sick leave?

An employee on leave (excluding court or military leave) during a regularly scheduled tour of duty that includes a split shift will not receive the split-shift differential for the period of leave.

An employee must actually work the hours to be eligible for the split-shift differential, consistent with requirements for payment of other forms of premium pay such as night pay differential.

Example: A TSO is regularly scheduled for split-shift work Sunday through Wednesday from 5:00 a.m. to 10:00 a.m. and 12:00 p.m. to 5:00 p.m. The TSO requests and is approved for 5 hours of annual leave on Wednesday (covering the portion of the split shift from 12:00 p.m. to 5:00 p.m.). The TSO is not entitled to the split-shift differential for the 5 hours of annual leave on Wednesday but is eligible for the differential for split-shift hours worked Sunday through Tuesday and for the portion of the split shift worked on Wednesday morning.

Sunday Pay

- 59) Can a Criminal Investigator or FAM who receives LEAP earn Sunday premium pay?

Yes. An employee who receives LEAP may receive Sunday premium pay for non-overtime hours worked on Sunday. However, an employee is not eligible for Sunday premium pay for periods of leave. The employee must be scheduled to work on Sunday in advance of the administrative workweek to receive Sunday premium pay.

60) Is Sunday pay applicable when an employee is on travel?

As long as the employee is regularly scheduled for work on Sunday, Sunday pay is applicable during a period of compensable travel on a Sunday.

61) Is it permissible for an employee to work Sunday and then use Friday of the same administrative workweek as his/her RDO? Does this have to be documented on the employee's T&A?

This is a change to the employee's work schedule and must be documented prior to the start of the administrative workweek. It should be documented, and will result in the payment of Sunday Premium Pay for non-overtime hours.

CT and other Premium Pay for Travel

62) What is the difference between CT for travel and regular CT? Do we have a choice of which form of CT to use?

The two forms of CT off are not interchangeable. The employee may not choose one type of CT off over another. Whether or not the time in a travel status is considered to be hours of work and the scheduling of the travel determines if the employee is eligible to receive overtime (OT) pay, CT off in lieu of overtime pay or CT off for travel.

CT off in lieu of OT pay (regular comp) is a form of CT off that is earned by employees in lieu of receiving OT pay for irregular and occasional OT work. This is OT work not scheduled in advance of the administrative workweek.

Employees may be granted up to 160 hours of CT off in lieu of OT pay in a leave year. Effective January 4, 2009, all CT off in lieu of OT pay earned or accrued must be used within one year (26 pay periods) of the date earned or accrued. When a non-exempt employee separates from TSA, CT off in lieu of OT pay to an employee's credit is paid out at the OT rate at which it was earned; exempt employees forfeit CT off in lieu of OT pay when they separate from TSA. Pay limitations apply to exempt employees.

CT off for travel is a form of CT off that maybe earned by employees for time spent traveling when the time is not otherwise compensable. Employees may not receive CT off for travel while at the temporary duty location. CT off for travel must be used within 26 pay periods of the pay period in which it was credited to the employee. When an employee separates from TSA, any CT off for travel to the employee's credit is forfeited.

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63) A Lead TSO (non-exempt) travels from Miami, FL to Aspen, CO for business. The LTSO's regularly scheduled administrative workweek is Sunday through Thursday 5 a.m. to 1:30 p.m. The employee arrives at the airport at 4 a.m. on Sunday (Eastern Time –ET)) for a flight that is scheduled to depart from MIA on Sunday at 6 a.m. The flight arrives ORD at 8:30 a.m. with a 1:15 layover, departs ORD at 9:45 a.m. and arrives ASE on the same Sunday at 11:45 a.m. (Mountain Time - MT). The LTSO arrives at the place of lodging in Aspen, CO at 12:30 p.m. (MT). The LTSO will work Sunday – Friday, 5 a.m. to 1:30 p.m. while temporarily assigned to ASE. How is this LTSO compensated for the first week of work?

Note: To determine travel time, use the time zone of origin. The employee's commute from home to MIA was not outside the 50-mile commuting area, so there is no compensation (or deduction) for travel from home to MIA. Total travel time, including the normal wait time before the flight and wait time at ORD, is 8 hours and 30 minutes.

Type of Compensation (1st Week)	Time Applicable	Total Time
Sunday: CT for Travel	4 a.m. to 5 a.m. – MIA before flight (ET)	1 hour
Sunday: Regular Time	5 a.m. to 1:30 p.m. ET (11:30 a.m. MT)	8 hours (exclude 30 min for normal meal break)
Sunday: Night Pay Differential	5 a.m. to 6 a.m. (ET)	1 hour – regularly scheduled for night duty hours on Sunday-Thurs.
Sunday: Sunday Pay	5 a.m. to 1:30 p.m. (ET)	8 hours – regularly scheduled for work on Sunday
Sunday: CT For Travel	1:30 to 2:30 p.m. ET (11:30 to 11:45 a.m. MT)	1 hour (Total CT for Travel on Sunday = 2:00). Time through arrival at lodging in Aspen, CO is considered time in a travel status.
Monday-Thursday: Regular Time	5 a.m. to 1:30 p.m. MT	8 hours each day (exclude 30 min meal break)
Monday-Friday: Night Pay	5 a.m. to 6 a.m. MT	1 hour each day (Fri included because Reg. Scheduled OT)
Friday : Reg. Scheduled OT	5 a.m. to 1:30 p.m. MT	8 hours

64) Once an employee arrives at a temporary duty location, is the daily commute from temporary quarters to a temporary duty location compensable?

In general the commute from temporary quarters to a temporary duty location is not compensable as it is considered equivalent to a home to work/work to home commute. However, there may be times when an employee is required to travel from one temporary duty location to another temporary duty location and the employee may be eligible for compensation (i.e., non-overtime pay, overtime, or compensatory time off for travel, as appropriate).

Example 1: An employee travels from TSA Headquarters to Portland, Oregon as part of a temporary duty assignment. The employee's daily commute from his/her temporary quarters in Portland to the airport is five miles. There will be no compensation for the employee's daily commute from the temporary quarters to the airport as this is considered comparable to a home to work/work to home commute.

Example 2: The same employee in Example 1 is required to travel from Portland to Eugene, OR (approximately 105 miles one-way) as part of the temporary duty assignment. The employee's travel from Portland to Eugene will be compensable (i.e., non-overtime pay, overtime, or compensatory time off for travel) as appropriate based on applicable policies and procedures described in the MD and handbook referenced at the top of this document.

65) A TSO travels between two airports to screen passengers and baggage. Travel between the two airports occurs as part of regularly scheduled non-overtime work on Sunday. Would the TSO be eligible for Sunday pay during periods of travel between the airports?

Yes. As long as the TSO normally works on Sunday.

66) Can an employee who receives LEAP earn CT for travel?

Yes. When an employee who receives LEAP travels on a non-workday or on a regular workday during hours that exceed the employee's basic 8-hour workday, and the travel does not meet the criteria to be considered hours of work, the travel time is not compensable as overtime hours of work for regular overtime or LEAP. In this situation, the employee may earn compensatory time off for travel subject to the requirements in TSA MD 1100.55-8 and this handbook. Travel time is hours of work and compensable as OT hours of work if the travel is away from the employee's official duty station and:

- a. involves the performance of work while traveling (driving a vehicle to an assignment outside the normal commuting area, flying a plane, etc.);
- b. is incident (dependent upon or related to) to travel that involves the performance of work while traveling (returning a vehicle to the point of origin following a delivery);
- c. is carried out under such arduous and unusual conditions that the travel is inseparable from work (for example, travel in remote areas lacking paved roads); or
- d. results from an event which could not be scheduled or controlled administratively, including travel by an employee to such an event and the return of the employee to his or her official duty station (for example, a hostile act requiring immediate travel outside normal duty hours).

67) Can a manager grant CT off for travel if travel occurs on a Sunday and training (or a meeting) starts on Monday?

Yes, if the travel time is eligible. If the employee is able to travel on Monday during regular work hours and still make the training or meeting, the travel time on Sunday would not be eligible for CT off for travel.

68) Under what circumstances are travel conditions considered to be so arduous and unusual that the travel is inseparable from work and is, therefore, considered compensable?

What constitutes arduous and unusual travel conditions depends on the circumstances of each case. On a case-by-case basis, the employee's supervisor must determine whether the employee actually traveled under such arduous and unusual conditions, and how much time is compensable.

Arduous and unusual conditions are those that impose a substantial burden on the employee beyond that normally associated with travel. Arduous means more than the inconvenience associated with long travel delays, unbroken travel (traveling for long distances without breaks), unpleasant weather, or bad roads. In addition, the time of travel (whether performed during the day or night) or the distance traveled is not ordinarily considered in determining whether the travel is performed under arduous conditions. Hazardous road conditions, such as snow-covered roads, do not necessarily

constitute arduous conditions. In the absence of extremely unusual circumstances, travel by motor vehicle over hard-surfaced roads or by common carrier is not considered travel under arduous conditions.

Arduous and unusual conditions are those that may require the employee to drive over rough terrain such as unpaved, rutted, steep, winding roads, to climb rocky paths on foot to remote areas, or to utilize a horse or mule as a means of transportation because of the difficulty of the terrain to reach the travel destination. Prolonged travel in heavy, blowing snow, which makes driving difficult but stops short of endangering the employee, might be considered arduous.

Absent extremely unusual circumstances, travel between hub and spoke airports separated by long distances would not be considered arduous.

69) What is meant by “usual waiting time”?

Usual waiting time is the one or two hours a traveler is generally required to arrive at the airport or other transportation terminal prior to departure and/or the one or two hours a traveler may spend at an intervening airport or transportation terminal waiting for a connection. Such waiting time is considered usual waiting time and is creditable time in a travel status. Determination regarding what is creditable as usual waiting time is within the sole discretion of TSA.

70) What if an employee experiences an “extended” waiting time?

If an employee experiences an extended (i.e., not usual) waiting time between actual periods of travel during which the employee is free to rest, sleep, or otherwise use the time for his or her own purposes (e.g., reading a book or a magazine), the extended waiting time is not creditable as time in a travel status. An extended waiting period that occurs during an employee’s regular working hours is compensable as part of the employee’s regularly scheduled administrative workweek. Determination regarding what is creditable as extended waiting time is within the sole discretion of TSA.

Example: An employee is traveling from Washington, DC to Duluth, MN. The employee’s flight schedules include a stop in Minneapolis to change planes. Due to a snow storm, the Duluth airport is closed and the employee’s flight to Duluth is canceled. The employee is required to spend the night in Minneapolis and continue traveling to Duluth the next day. This extended waiting time (the overnight stay) is not creditable time in a travel status. The employee may not receive compensatory time off for travel for the overnight stay or for the time he/she was unable to travel.

71) Is it possible for an employee to earn overtime (OT) for time in a travel status?

See Section E of this handbook for complete information. In general, to earn OT while in a travel status, the travel must occur outside of an employee’s regularly scheduled administrative workweek. For example, an exempt employee may be driving a vehicle or performing work that was ordered and approved in advance and produces a tangible product. A non-exempt employee may earn OT, while in a travel status, for certain periods of travel on a regular day off while driving a vehicle or riding as a passenger in a vehicle. Each travel situation must be considered on a case-by-case basis.

72) If an employee is traveling, what is considered a tangible product?

This mainly applies to an exempt employee traveling outside of his/her regularly scheduled administrative workweek. For example, the employee is required to submit a report or present a briefing paper outlining the events/issues resolved during the trip immediately upon return to duty. The supervisor has assigned the task and is requiring completion of the assignment as soon as the employee returns to duty. The supervisor has also approved no more than 2 hours of overtime, as necessary, to complete the report/briefing paper. It is always necessary that an employee be ordered and approved by his/her supervisor to perform overtime work prior to the employee engaging in such work. Otherwise, the time may not be compensable. Answering a cell phone call or responding to an e-mail message is generally not sufficient basis to warrant overtime pay or compensatory time off in lieu of overtime pay.

73) Is there a deadline to use accrued CT off for travel?

Yes. An employee must use his/her accrued CT off for travel by the end of the 26th pay period after the pay period in which it was credited. If the CT off for travel is not used within this timeframe, it will be forfeited, except in certain circumstances, as described in the handbook referenced at the top of this document. Forfeited CT off for travel may not be recredited or restored.

74) Can an employee receive a lump-sum payment for accrued CT off for travel upon separation from TSA?

No. Payment for unused CT off for travel under any circumstances is prohibited.

75) Is CT off for travel considered in applying the biweekly premium pay and aggregate pay limitations (caps)?

No. CT off travel is not considered in applying the biweekly or annual premium pay limitations, or the aggregate pay limitations.

76) If an employee is required to travel on a Federal holiday (or an "in lieu of" holiday), is the employee entitled to receive CT off for travel?

No. An employee may not earn CT off for travel during basic (non-overtime) holiday hours because they are already entitled to compensation for those hours.

Training

77) I am a TSO (non-exempt employee), and I am scheduled to attend training that will take place on a holiday. How will I be paid?

The employee's schedule has been adjusted to match the training schedule (8:00 am to 5:00 pm with a 60 minute meal period). TSOs are required to work on holidays. As the TSO is normally required to work on a holiday, the TSO will receive holiday premium pay for the non- overtime hours spent in training on the holiday. The TSO will receive 8 hours of holiday premium pay and 8 hours of holiday leave pay. (Note: The coding for the T&A may not match this terminology.)

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- 78) I am an STSO (exempt employee), and I am scheduled to attend training that will take place on a holiday. How will I be paid?

The employee's schedule has been adjusted to match the training schedule (8:00 am to 5:00 pm with a 60 minute meal period). STSOs are required to work on holidays. As the STSO is normally required to work on a holiday, the STSO will receive holiday premium pay for the non-overtime hours spent in training on the holiday. The STSO will receive 8 hours of holiday premium pay and 8 hours of holiday leave pay. (Note: The coding for the T&A may not match this terminology.)

- 79) I am a Transportation Security Manager (TSM), an exempt employee, and I am scheduled to attend training that will take place on a holiday. How will I be paid?

The employee's schedule has been adjusted to match the training schedule (8:00 am to 5:00 pm with a 60-minute meal period). This TSM **is not** required to work on holidays. As the TSM **is not** normally required to work on a holiday, the TSM **will** receive 8 hours of holiday leave pay. The TSM **will not** receive holiday premium pay. (Note: this example is included as there are airports where the TSMs work M-F and are off on holidays.)

- 80) I am a TSM (exempt employee), and I am scheduled to attend training that will take place on a Sunday. How will I be paid?

The employee's schedule has been adjusted to match the training schedule (Monday – Friday, 8:00 am to 5:00 pm with a 60-minute meal period). However, a training session is also scheduled on Sunday. As the training on Sunday will take place outside of the exempt employee's tour of duty, the employee does not receive premium pay (overtime pay, compensatory time off in lieu of overtime pay or Sunday pay) for attending this training.

- 81) I am a TSO (non-exempt employee), and I am scheduled to attend training that will take place on a Sunday. How will I be paid?

The employee's schedule has been adjusted to match the training schedule (Monday – Friday, 8:00 am to 5:00 pm with a 60-minute meal period). The TSO has been directed to attend this training and it is required for continued retention and performance in his/her current position. This time spent in training is considered to be hours of work. As the training is taking place outside of the normal tour or on a day off, the TSO will receive overtime pay. The TSO is not eligible to receive Sunday pay.

- 82) I am a TSM (exempt employee), and I am scheduled to attend a dinner/training session that will take place in the evening (6:00 pm to 8:00 pm). How will I be paid?

The employee's schedule has been adjusted to match the training schedule (Monday – Friday, 8:00 am to 5:00 pm with a 60-minute meal period). As the dinner/training session will take place outside of the exempt employee's tour of duty, the employee does not receive premium pay (overtime pay or compensatory time off in lieu of overtime pay) for attending this session.

- 83) I am a TSO (non-exempt employee), and I am scheduled to attend a dinner/training session that will take place in the evening (6:00 pm to 8:00 pm). How will I be paid?

The employee's schedule has been adjusted to match the training schedule (Monday – Friday, 8:00 am to 5:00 pm with a 60-minute meal period). The TSO has been directed to attend this

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dinner/training session and it is required for continued retention and performance in his/her current position. The time spent at this dinner/training session is considered to be hours of work. Since the training is required by TSA for retention and performance in the TSO's current position and is taking place outside of the normal tour or on a day off, the TSO will receive overtime pay. The TSO will receive night differential. The TSO will receive 2 hours of overtime pay and night differential.

- 84) I am an exempt employee or I am a non-exempt employee, and I am scheduled to provide training that will take place on a holiday. How will I be paid?

The employee's schedule has been adjusted to match the training schedule (Monday – Friday, 8:00 am to 5:00 pm with a 60-minute meal period). Tuesday is a holiday, and a training session is scheduled on Tuesday. Since the employee is required to instruct a course on a holiday, holiday premium pay is applicable. The employee will receive 8 hours of holiday leave pay and 8 hours of holiday premium pay.

- 85) I am an exempt employee or I am a non-exempt employee, and I am scheduled to provide training that will take place on a Sunday. How will I be paid?

The employee's schedule has been adjusted to match the training schedule (Monday – Friday, 8:00 am to 5:00 pm with a 60-minute meal period). A training session has also been scheduled on Sunday. Since the employee is instructing a course on a Sunday, outside of the employee's regular tour of duty (Monday-Friday), the employee will receive 8 hours of regularly scheduled overtime (OT). The employee may not be granted CT in lieu of OT pay for regularly scheduled OT.

- 86) I am an exempt employee or I am a non-exempt employee, and I am scheduled to provide training that will take place from 6 – 8 p.m. on Wednesday. How will I be paid?

The employee's schedule has been adjusted to match the training schedule (Monday – Friday, 8:00 am to 5:00 pm with a 60-minute meal period). Since the employee is instructing a course at night, the employee will receive 2 hours of overtime and 2 hours of night pay for instructional work performed between 6 p.m. and 8 p.m.