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# ADS Chapter 472

## Premium Compensation

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ADS Chapter 472 – Premium Compensation**

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*\*An asterisk and yellow highlight indicate that the adjacent material is new for this chapter or substantively revised.*

## ADS Chapter 472 – Premium Compensation

**(THIS CHAPTER REPLACES HANDBOOK 26, CHAPTER 8 IN IT'S ENTIRETY)**

### 472.1 OVERVIEW

Effective Date: 02/13/2012

This chapter and accompanying 3 FAM 3130, Premium Compensation, uniform State/USAID/USIA/Agriculture/Commerce regulations provide the policies, authorities, regulations, and procedures for premium compensation, including premium pay and overtime compensation.

This chapter applies to most U.S. citizen, direct-hire Foreign Service (FS) and Civil Service (CS) employees, except as specified in 3 FAM 3132.2 (i.e., expert and consultants).

This chapter does not apply to commissioned Foreign Service Officers or members of the Senior Foreign Service with respect to premium compensation, but does apply to non-commissioned Foreign Service Officers.

See 3 FAM 3130 for provisions on limited premium compensation for FSOs and SFSs. (See Mandatory Reference, [3 FAM 3130](#). Also see [Mandatory Reference, Special Differential for Employees Serving Second Tours in Iraq, Afghanistan, and Pakistan](#))

### 472.2 PRIMARY RESPONSIBILITIES

Effective Date: 02/13/2012

- a. Supervisors are responsible for:
1. Making certain that work assignments are accomplished in a timely manner through the efficient management of assigned personnel without the use of premium compensation, unless absolutely essential.
  2. Approving a request for overtime in webTA, coordinating any budget concerns with the authorizing officer prior to ordering an employee to work overtime or allowing a nonexempt employee to work overtime. For information on the webTA timekeeping system, please see the Mandatory Reference [472mac, Implementation of the WebTA Electronic Time Keeping System](#).
  3. Making certain that nonexempt employees work only during their scheduled tour of duty if the supervisor does not intend for overtime work to be performed. **(See Mandatory Reference, [3 FAM 3130](#))**

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4. Issuing, revising, or terminating an overtime order without consulting the affected employee in advance, but must promptly notify the employee of any change.
- b.** Authorizing Officers are responsible for:
1. Determining whether requested overtime is fully justified, is in compliance with Agency policy, and whether overtime costs are within the requesting office's or post's budget.
  2. Determining whether basic and administrative workweeks that differ from those specified in the ADS Chapter 479 may be authorized when there is a continuing need for overtime. **(See [ADS 479](#))**
  3. Issuing, revising or terminating an overtime order without consulting the affected employee in advance, but must promptly notify the employee of any change.
  4. Establishing and enforcing procedures to authorize, record, monitor, and control the use of overtime.
  5. Alerting an employee's supervisor when advised by a nonexempt employee that overtime work was performed.
- c.** Timekeepers are responsible for:
1. Maintaining documentation that overtime work was ordered and approved, and obtaining instruction from the requesting supervisor for the preparation of time and attendance report of participating employees.
  2. Reviewing emergency overtime orders issued by the supervisor.
- d.** Employees are responsible for:
1. Recognizing the circumstances that require overtime work if a position for which additional hours of work cannot be administratively controlled.
  2. Recording regular duty and overtime in webTA each pay period, for submission to the supervisor for certification. For information on the WebTA timekeeping system, please see the Mandatory Reference **[Implementation of the WebTA Electronic Time Keeping System](#)**.
- e.** The Office of Human Resources (OHR) is responsible for advising the bureau and office administrative staffs of the status (exempt or nonexempt) of their employees.

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## **472.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES**

Effective Date: 04/23/2010

The statements contained within the .3 section of this ADS chapter are the official Agency policies and corresponding essential procedures.

For more information on the premium pay cap and working in Haiti, please see the Mandatory Reference [2010 Annual Premium Pay Cap In Effect for Employees Working On Disaster Response and Reconstruction Efforts In Haiti](#).

For information on the WebTA timekeeping system, please see the Mandatory Reference [Implementation of the WebTA Electronic Time Keeping System](#).

For more information on compensatory time off and travel, please see the Mandatory Reference [New Compensatory Time Off for Travel Provision and New Time Limit for Use of Compensatory Time Off](#).

For more information on leave, please see the Mandatory Reference [Recent Developments in Leave](#).

For information on the premium pay cap waiver for employees working in Iraq and Afghanistan, please see the Mandatory Reference [2006 Premium Pay Cap Waiver for Employees Working in Iraq and Afghanistan](#).

For information on annual pay limitations, please see the [Mandatory Reference Annual Pay Limitations](#).

### **472.3.1 Overtime Pay**

Effective Date: 02/13/2012

For more information on overtime pay, please see the Mandatory Reference [Recent Developments in Human Resources Policy: CS 10-Day Excused Absence, Emergency Visitation Travel \(EVT\), Assisting Members of Households \(MOHs\), Overtime Work, and Family and Medical Leave](#).

Irregular or occasional overtime work must be authorized only as an emergency measure to avoid unusual backlogging of regular work or to meet unforeseen circumstances. An employee may request compensatory time off in lieu of overtime pay.

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## THE FEDERAL LABOR STANDARD ACT (FLSA) EMPLOYEES

Exempt: These employees are not covered by FLSA and their overtime work will be computed under Title 5, USC. All direct hire employees can determine their position's exemption status by reviewing their SF-50. **(See Mandatory Reference, [USC Title 5](#))**

An employee whose rate of pay exceeds GS-10 shall be compensated for irregular or occasional overtime work with an equivalent amount of compensatory time off instead of overtime pay.

Non-Exempt: These employees are covered by FLSA and their overtime will be computed under the provision of the FLSA.

Overtime pay or compensatory time must be requested in webTA by the employee and approved by the supervisor prior to working overtime or allowing a nonexempt employee to work overtime. For information on the WebTA timekeeping system, please see the Mandatory Reference [Implementation of the WebTA Electronic Time Keeping System](#).

Overtime pay or compensatory time off is authorized for employees, as appropriate, for hours of work officially ordered or approved in excess of eight hours in a day or 40 hours in any regularly scheduled administrative workweek.

Overtime pay or compensatory time off may be authorized for an employee who has used paid time off during the week that was scheduled and approved when additional actual work exceeds eight hours in a day or 40 hours of actual work in the workweek. Paid time off includes holidays, annual or sick leave, compensatory time, or other excused absence with pay.

### **472.3.2 Other Premium Pay**

Effective Date: 04/23/2010

Pay for Holiday work: The Agency must adhere to the policies and procedures as stated in 3 FAM 3134. **(See Mandatory Reference, [3 FAM 3134](#))**

Night Differential: The Agency must adhere to the policies and procedures as stated in 3 FAM 3135. **(See Mandatory Reference, [3 FAM 3135](#))**

Sunday Premium Pay: The Agency must adhere to the policies and procedures as stated in 3 FAM 3136. **(See Mandatory Reference, [3 FAM 3136](#))**

**For more information on Sunday premium pay, please see the Mandatory Reference [Administrative Claims for Sunday Premium Pay as a Result of Decision in Fathauer V. United States](#).**

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On Call Status: The Agency must adhere to the policies and procedures as stated in 3 FAM 3137. **(See Mandatory Reference, [3 FAM 3137](#))**

Premium Pay on Annual Basis: The Agency must adhere to the policies and procedures as stated in 3 FAM 3138. **(See Mandatory Reference, [3 FAM 3138](#))**

**\*472.4. MANDATORY REFERENCES**

**472.4.1 External Mandatory References**

Effective Date: 09/15/1998

- a. [3 FAM 3130](#)
- b. [3 FAM 3134](#)
- c. [3 FAM 3135](#)
- d. [3 FAM 3136](#)
- e. [3 FAM 3137](#)
- f. [3 FAM 3138](#)
- g. [5 CFR 550.131 -550.132](#)
- h. [5 CFR Part 610, Subpart B](#)
- i. [5 USC 5546](#)
- j. [5 USC, Ch. 55, Subch. V, Premium Pay](#)
- k. [5 USC, Ch. 61, Subch. 1, General Provisions](#)
- l. 50 Comptroller General 519
- m. Comptroller General B-194035 (unpublished)
- n. Fair Labor Standards Act (FLSA) of 1938, as amended
- o. [Foreign Service Act of 1980, as amended](#)

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**\*472.4.2 Internal Mandatory References**

Effective Date: 05/04/2012

- a. [Administrative Claims for Sunday Premium Pay as a Result of Decision in Fathauer V. United States](#)
- b. [2010 Annual Premium Pay Cap In Effect for Employees Working On Disaster Response and Reconstruction Efforts In Haiti](#)
- c. [Implementation of the WebTA Electronic Time Keeping System](#)
- d. [New Compensatory Time Off for Travel Provision and New Time Limit for Use of Compensatory Time Off](#)
- e. [Recent Developments in Human Resources Policy: CS 10-Day Excused Absence, Emergency Visitation Travel \(EVT\), Assisting Members of Households \(MOHs\), Overtime Work, and Family and Medical Leave](#)
- f. [Recent Developments in Leave](#)
- g. [2006 Premium Pay Cap Waiver for Employees Working in Iraq and Afghanistan](#)
- h. [Annual Pay Limitations](#)
- \*i.** [Salary Allotments and Deductions](#)

**472.5 ADDITIONAL HELP**

Effective Date: 09/15/1998

There are no additional help documents for this chapter.

**472.6 DEFINITIONS**

Effective Date: 09/15/1998

AUTHORIZING OFFICER

FEDERAL LABOR STANDARD ACT EXEMPT EMPLOYEES

FEDERAL LABOR STANDARD ACT NON-EXEMPT EMPLOYEES

OVERTIME

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