

**Major Functional Series: 400 Personnel
ADS Chapter 472 - Premium Compensation**

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Major Functional Series: 400 Personnel
ADS Chapter 472 - Premium Compensation

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

472.1 Authority

1. [5 USC, Ch. 55, Subch. V, Premium Pay](#)
2. [5 USC, Ch. 61, Subch. 1, General Provisions](#)
3. [5 CFR, Part 550, Pay Administration](#)
4. [5 CFR, Part 610, Hours of Duty](#)
5. [Foreign Service Act of 1980, as amended, 408](#)
6. Fair Labor Standards Act (FLSA) of 1938, as amended
7. [3 FAM 3130](#)

472.2 Objective

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](#))**

472.3 Responsibility

1. Supervisors are responsible for:
 - a. 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.
 - b. Submitting a written request, including justification, for overtime (AID Form 430-3) to the authorizing officer prior to ordering an employee to work overtime or allowing a nonexempt employee to work overtime.

c. 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](#))**

d. Issuing, revising, or terminating an overtime order without consulting the affected employee in advance, but must promptly notify the employee of any change.

2. Authorizing Officers are responsible for:

a. 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.

b. Authorizing compensatory time off in lieu of overtime pay to the maximum extent feasible.

c. 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](#))**

d. Issuing, revising or terminating an overtime order without consulting the affected employee in advance, but must promptly notify the employee of any change.

e. Establishing and enforcing procedures to authorize, record, monitor, and control the use of overtime.

f. Providing the timekeeper with signed originals of approved overtime documents.

g. Alerting an employee's supervisor when advised by a nonexempt employee that overtime work was performed.

3. Timekeepers are responsible for:

a. 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.

b. Reviewing emergency overtime orders issued by the supervisor.

4. Employees are responsible for:
 - a. Recognizing the circumstances that require overtime work if a position for which additional hours of work cannot be administratively controlled.
 - b. Maintaining overtime records for each pay period, submitting to the supervisor for certification, and transmittal of these records to the timekeeper.
5. The Bureau for Management, Office of Human Resources (M/HR) is responsible for advising the bureau and office administrative staffs of the status (exempt or nonexempt) of their employees.

472.4 Definitions (See [ADS GLOSSARY](#))

AUTHORIZING OFFICER
FEDERAL LABOR STANDARD ACT EXEMPT EMPLOYEES
FEDERAL LABOR STANDARD ACT NON-EXEMPT EMPLOYEES
OVERTIME

472.5 POLICY

The statements contained within the .5 section of this ADS chapter are the official Agency policies and corresponding essential procedures.

472.5.1 OVERTIME PAY

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. Any employee may request compensatory time off in lieu of overtime pay.

THE FEDERAL LABOR STANDARD ACT (FLSA) EMPLOYEES

Exempt: These employees' 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](#))**

Non-Exempt: These employees' overtime will be computed under the provision of the FLSA.

E472.5.1 Overtime Pay

- a) 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.
- b) Overtime pay or compensatory time must be requested and justified (See Form AID 430-3, Overtime Authorization Request Form) by the supervisor and approved by the authorizing officer prior to ordering an employee to work overtime or allowing a non-exempt employee to work overtime.
- c) 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.
- d) 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. However, supervisors must not approve leave for an employee who is expected to be required to work overtime on the day or during the week for which the leave is requested.

472.5.2 OTHER PREMIUM PAY

- a) Pay for Holiday work: The Agency must adhere to the policies and essential procedures as stated in 3 FAM 3134. **(See Mandatory Reference, [3 FAM 3134](#))**
- b) Night Differential: The Agency must adhere to the policies and essential procedures as stated in 3 FAM 3135. **(See Mandatory Reference, [3 FAM 3135](#))**
- c) Sunday Premium Pay: The Agency must adhere to the policies and essential procedures as stated in 3 FAM 3136. **(See Mandatory Reference, [3 FAM 3136](#))**
- d) On Call Status: The Agency must adhere to the policies and essential procedures as stated in 3 FAM 3137. **(See Mandatory Reference, [3 FAM 3137](#))**
- e) Premium Pay on Annual Basis: The Agency must adhere to the policies and essential procedures as stated in 3 FAM 3138. **(See Mandatory Reference, [3 FAM 3138](#))**

- E472.5.2** **Other Premium Pay - N/A**
- 472.6** **Supplementary Reference - N/A**
- 472.7** **Mandatory Reference**

[5 USC 5546](#)

[5 CFR 550.131 -550.132](#)

[5 CFR Part 610, Subpart B](#)

50 Comptroller General 519

Comptroller General B-194035 (unpublished)

[3 FAM 3130](#)

[3 FAM 3134](#)

[3 FAM 3135](#)

[3 FAM 3136](#)

[3 FAM 3137](#)

[3 FAM 3138](#)

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