



*To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.*

*Note: Pursuant to Section 101 of the Aviation and Transportation Security Act (49 U.S.C. 114(n)), this directive establishes Transportation Security Administration (TSA) policy and supersedes Federal Aviation Administration (FAA) orders, policies, and guidance regarding premium pay for exempt employees issued under the FAA Personnel Management System. This directive is TSA policy and must be applied accordingly.*

**REVISION:** This revised directive supersedes TSA MD 1100.5-5, *Premium Pay for Exempt Employees*, dated December 27, 2005.

**SUMMARY OF CHANGES:** Section 7, Procedures, removes the provision that bona fide meal periods are not creditable as time in a travel status and the requirement that compensatory time off in lieu of overtime pay must be used before annual leave.

1. **PURPOSE:** This directive provides TSA policy on the payment of premium pay for exempt employees. It supersedes HRM Letter No. 550-4, Interim Policy on Premium Pay For Employees Exempt Under the Fair Labor Standards Act (FLSA), dated November 16, 2004. It also contains provisions related to compensatory time for travel outside of normal working hours.
2. **SCOPE:** This directive applies to all TSA exempt employees covered by the Core Compensation System. It does not apply to members of the Transportation Security Executive Service (TSES).
3. **AUTHORITIES:** Sections 101 and 111(d) of the Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA), November 19, 2001 (49 U.S.C. §§ 114(n), 40122, 44935, and 44935 note)
4. **DEFINITIONS:**
  - A. Administrative Workweek: Any period of seven consecutive days designated in advance by the Assistant Secretary, or an appropriate designee.
  - B. Basic Workweek: For full-time employees, means the established 40-hour workweek.
  - C. Bona Fide Meal Period: An uninterrupted period of time (e.g., 30 or 60 minutes) spent by an employee eating a meal.
  - D. Compensable Hours: Refers to periods of time that are 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.
  - E. Compensatory Time 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.

F. Compensatory Time Off in Lieu of Overtime: Time off with pay in lieu of overtime for irregular or occasional overtime work.

G. Exempt Employee: An affected individual is not covered by minimum wage and overtime provisions.

**Note:** FLSA does not apply to TSA; TSA has implemented policies that mirror provisions outlined in the FLSA. The following is general information concerning the exemption of affected employees:

(1) Executive exemption criteria: An executive 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:

(a) Primary duty test. The primary duty test is met if the employee:

- (i) Has authority to make personnel changes that include, but are not limited to, selecting, removing, advancing in pay, or promoting subordinate employees, or has authority to suggest or recommend such actions with particular consideration given to these suggestions and recommendations; and
- (ii) 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.

(b) 80-percent test. In addition to the primary duty test that applies to all employees, the following employees must spend 80 percent or more of the work time in a representative workweek on supervisory and closely related work to meet the 80-percent test:

- (i) Employees in positions at pay bands D, E, or F; or
- (ii) Law enforcement employees in positions F, G, or H.

(2) Administrative exemption criteria: An administrative 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 four of the following criteria:

(a) Primary duty test. The primary duty test is met if the employee's work:

- (i) Significantly affects the formulation or execution of management programs or policies; or

- (ii) Involves management or general business functions or supporting services of substantial importance to the organization serviced; or
    - (iii) Involves substantial participation in the executive or administrative functions of a management official.
  - (b) Non-manual work test. The employee performs office or other predominantly non-manual work which is:
    - (i) Intellectual and varied in nature; or
    - (ii) Of a specialized or technical nature that requires considerable special training, experience, and knowledge.
  - (c) Discretion and independent judgment test. The employee frequently exercises discretion and independent judgment, under only general supervision, in performing the normal day-to-day work.
  - (d) 80-percent test. In addition to the primary duty test that applies to all employees, those employees in positions at pay bands D, E, or F must spend 80 percent or more of the work time in a representative workweek on administrative functions and work that is an essential part of those functions to meet the 80-percent test.
- (3) Professional exemption criteria: A professional employee is an employee who meets all of the following criteria:
- (a) Primary duty test. The primary duty test is met if the employee's work consists of:
    - (i) 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
    - (ii) Work 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
    - (iii) Work that 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:

- The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications; or
- 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
- The design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or
- A combination of the duties described in paragraphs (3)(a)(i), (3)(a)(ii), and (3)(a)(iii) of this section, the performance of which requires the same level of skills.

(b) Intellectual and varied work test. The employee's work is predominantly intellectual and varied in nature, requiring creative, analytical, evaluative, or interpretative thought processes for satisfactory performance.

(c) Discretion and independent judgment test. The employee frequently exercises discretion and independent judgment, under only general supervision, in performing the normal day-to-day work.

(d) 80-percent test. In addition to the primary duty test that applies to all employees, those employees in positions at pay bands D, E, or F must spend 80 percent or more of the work time in a representative workweek on professional functions and work that is an essential part of those functions to meet the 80-percent test.

- H. Extended Waiting Time: 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.
- I. 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 payment of premium pay.*
- J. 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.
- K. Premium Pay: Includes various types of pay that may be added to an employee's rate of basic pay – holiday pay, night pay, Sunday pay, overtime, and law enforcement availability pay.
- L. Regularly Scheduled Administrative Workweek: For a full-time employee means the established period within an administrative workweek, within which the employee is regularly

scheduled to work. For a part-time employee, it means the officially prescribed days and hours within the administrative workweek during which the employee is regularly scheduled to work.

- M. Regularly Scheduled Overtime: Overtime that is scheduled in advance of the administrative workweek, and is part of the employee's regular tour of duty.
- N. Regularly Scheduled Work: Work that is scheduled in advance of an administrative workweek, excluding any such work to which availability pay applies.
- O. Regular Working Hours: The days and hours of an employee's regularly scheduled administrative workweek.
- P. 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.
- Q. Travel: Officially authorized travel – i.e., travel for work purposes that is approved by an authorized agency official.
- R. Travel Status: Travel time as described in 7A(3) that is creditable in accruing compensatory time off for travel, excluding travel time that is otherwise compensable under some other authority.

5. **RESPONSIBILITIES**: Managers are responsible for applying the provisions of this directive consistently for exempt employees.

6. **POLICY**: It is the policy of TSA to pay eligible employees premium pay to which they are entitled based on the provisions outlined in this directive. Any exceptions to these provisions must be coordinated with appropriate management officials prior to any related salary adjustments. The procedures to establish and justify applicable premium pay are outlined in Section 7 below.

## 7. PROCEDURES:

### A. Travel

- (1) Time in travel status away from the official duty-station is work hours, and is eligible for compensation, only when:
  - (a) It is within his/her regularly scheduled administrative workweek, including regularly scheduled overtime work; or
  - (b) The travel:
    - (i) 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 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.

- (ii) 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);
  - (iii) 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
  - (iv) 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).
- (2) Subject to the conditions specified in this directive, TSA shall credit an employee with compensatory time off for time in a travel status if the travel does not qualify for compensation under section 7A(1) above if:
- (a) The employee is required to travel away from the official duty station; and
  - (b) The travel time is not otherwise compensable hours of work.
- (3) Travel status.
- (a) Time in a travel status includes the time an employee actually spends traveling between the official duty station and a temporary duty station, or between two temporary duty stations, and the usual waiting time that precedes or interrupts such travel, subject to the exclusions specified in paragraphs (3)(b) and (3)(c) of this section and the requirements in paragraphs (4) and (5) of this section. Time spent at a temporary duty station between arrival and departure is not time in a travel status.
  - (b) 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, the extended waiting time is not creditable as time in a travel status. Determination regarding what is creditable as “usual waiting time” is within the sole discretion of the TSA.
- (4) 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.

However, TSA shall deduct from such travel hours the time the employee would have spent in normal home-to-work/work-to-home commuting.

- (b) In the case of an employee who is offered one mode of transportation and who is permitted to use an alternative mode of transportation, or who travels at a time or by a route other than that selected by TSA, TSA shall determine the estimated amount of time in a travel status the employee would have had if the employee had used the mode of transportation offered by TSA or traveled at the time and by the route selected by TSA. In determining time in a travel status under this directive, the agency shall credit the employee with the lesser of the estimated time in a travel status or the actual time in a travel status.
  - (c) In the case of an employee who is on a multiple-day travel assignment and who chooses, for personal reasons, 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 that is otherwise qualifying as time in a travel status under this directive is creditable (subject to the deduction of normal commuting time). Travel to and from home on other days is not creditable travel time.
- (5) Time spent traveling to or from a transportation terminal as part of travel away from the official duty station.
- (a) 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 as part of travel away from that 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.
  - (b) 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 or work-to-home commuting.
  - (c) 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) Crediting and use of compensatory time off for travel.
- (a) As provided in this Directive, an employee is entitled to credit for compensatory time off for travel. TSA shall credit an employee with compensatory time off for creditable time in a travel status. Compensatory time off for travel under this directive shall be credited in increments of one-quarter of an hour (15 minutes). Compensatory time off for travel shall be tracked separately from other forms of compensatory time off.

- (b) To receive compensatory time off for travel, an employee must submit a self certified request for compensatory time off credit, which includes the following: employee name, SSN, date of travel, work schedule, date/times of compensatory time off for travel requested, and his or her travel itinerary to his or her supervisor. The employee's request for compensatory time off for travel should be submitted at the same time as the employee's request for reimbursement of travel expenses, but not later 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 1107B, Non-Exempt Employee Overtime/Compensatory Time Authorization](#)*, the appropriate timekeeper will credit the employee with earned compensatory time off for travel.
- (c) An employee must use compensatory time 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 compensatory time off. This form of compensatory time should be used before any other compensatory time or annual leave.
- (d) Compensatory time off for travel earned under this directive must be used in increments of one-quarter hour (15 minutes).
- (7) Forfeiture of unused compensatory time off for travel.
- (a) After 26 pay periods.
- (i) Except as provided in paragraph (a)(ii) of this section, accrued compensatory time 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.
- (ii) If an employee with unused compensatory time off for travel separates from Federal service 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 compensatory time off for travel by the end of the 26th pay period following the pay period in which the employee returns to duty, or such compensatory time off 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.

- (b) Upon transfer to another agency. When an employee voluntarily transfers to another agency, he or she shall forfeit any unused compensatory time off for travel earned under this section.
- (c) Upon separation.
  - (i) When an employee separates from Federal service, any unused compensatory time off for travel is forfeited, except as provided in paragraph (ii) of this section.
  - (ii) Unused compensatory time off for travel will not be forfeited but will be held in abeyance in the case of an employee who separates from Federal service and later returns to service with TSA under the circumstances described in (a)(ii) of this section, provided the employee has no intervening service with another Federal agency.
- (8) Prohibition against payment for unused compensatory time off for travel. An employee may not receive payment under any circumstances for any unused compensatory time off. This prohibition against payment applies to surviving beneficiaries in the event of the employee's death.
- (9) Inapplicability of premium pay and aggregate pay caps. Accrued compensatory time off for travel under this directive is not considered in applying the premium pay and aggregate pay limitations established in Section 7H of this directive.

## B. Training

- (1) Generally premium pay may not be paid to exempt employees during periods of training, unless the employee would normally be receiving premium pay during his or her normal working shift.
- (2) However, if an employee is given 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.

## C. Overtime Pay

- (1) General
  - (a) Generally, employees are entitled to be compensated for hours worked. Hours worked within their normal tour of duty are paid for at a basic or straight rate of pay.
  - (b) For an employee working a regular bi-weekly tour of duty, overtime is paid for work in excess of eight hours in a day or in excess of 40 hours in an administrative workweek ***that is officially ordered or approved, in writing on TSA Form 1107A, by the appropriate authorizing official in advance of the time the work is to be performed.***

- (c) For an employee working an alternative work schedule, overtime work means work *that is officially ordered or approved in writing by the appropriate authorizing official on TSA Form 1107A*, in excess of 80 hours in a pay period.
- (d) For a law enforcement officer receiving law enforcement availability pay, overtime work means actual work *that is scheduled in writing by the appropriate authorizing official on TSA Form 1107A*, and scheduled in advance of the administrative workweek:
  - (i) In excess of 10 hours a day containing hours that are part of the law enforcement officer's basic 40-hour workweek; or
  - (ii) On a day not containing hours that are part of the officer's basic 40-hour workweek.
- (2) Computation of Overtime Pay. The hourly rate of overtime pay is the greater of (1) one and one-half times the minimum hourly rate of basic pay for GS-10 (including any applicable locality pay), or (2) the employee's own hourly rate of basic pay (including any applicable locality pay).
- (3) Call Back Overtime Pay. If an employee is called to return to duty during "non-work" hours, that employee is entitled to receive a minimum of two hours overtime pay. ***The call back overtime must be documented in writing on TSA Form 1107A, by the appropriate authorizing official as soon as possible after it occurs.***

***Example:*** *If an employee with a regular shift of 8:00 a.m. to 4:30 p.m., Monday through Friday, is called into the office at 10:00 p.m. on a Monday night and completes his or her assignment by 10:30 p.m., the employee will receive two hours of overtime pay even though it took only 30 minutes to complete the assignment. If the same employee is called in to 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 overtime pay even though it only took one hour to complete the assignment.*
- (4) Annual Premium Pay for Administratively Uncontrollable Overtime (AUO). **The payment of AUO is not authorized within the TSA.**
- (5) Compensatory Time Off in Lieu of Overtime Pay
  - (a) Except as provided in paragraph (d) below, employees may be compensated for irregular or occasional overtime work by overtime pay, or compensatory time off in place of overtime pay, based on the rules stated below.
  - (b) An employee whose rate of basic pay is at or below the maximum rate for GS-10 must be paid for overtime worked, unless he or she elects to receive compensatory time off instead. Neither the employee's supervisor, nor any other management official, may attempt to influence or force an employee to accept compensatory time

off rather than overtime pay. Once the employee's decision is made, the employee cannot change or revoke it at a later date – decide to receive overtime pay rather than compensatory time off.

- (c) An employee whose rate of basic pay is above the maximum rate for GS-10 will be given compensatory time off for all approved overtime hours, unless overtime pay is specifically authorized in writing by the appropriate Assistant Administrator/Office Director or designee.
- (d) Compensatory time off from duty shall NOT be granted:
  - (i) In place of overtime pay for regularly scheduled overtime hours. Overtime pay is required.
  - (ii) For any overtime worked when payment for such overtime work would exceed the biweekly rate for the higher of Level V of the Executive Schedule or GS-15, step 10, including the appropriate locality pay.

(6) Administration of Compensatory Time Off in Lieu of Overtime Pay

- (a) When an employee receives compensatory time, the amount of compensatory time authorized is the same as the hours of overtime worked, e.g., one hour for one hour of overtime work. The maximum amount of compensatory time an employee may have to his or her credit, for reasons other than travel, is 160 hours.
- (b) Employees and supervisors have a shared responsibility for requesting and scheduling compensatory time off as soon as practicable after it is earned. It should usually be worked off within six months, although this may vary with local circumstances and workload cycles. Supervisors are held accountable for scheduling time off. Employees are responsible for requesting the use of compensatory time as soon as possible after it is earned.

(7) Payment for Compensatory Time (Excluding Compensatory Time Off for Travel)

- (a) Employees who transfer or separate from TSA will be paid for unused compensatory time (excluding compensatory time off for travel) to their credit. Such overtime pay is based on the employee's basic rate applicable at the time the overtime work was performed.
- (b) Employees shall be paid for compensatory time (excluding compensatory time off for travel) exceeding 160 hours in a personal balance. Such overtime pay is based on the employee's basic rate applicable at the time the overtime work was performed. For example, if over a 3-year period, an employee accumulates 160 hours of compensatory time and then earns two additional hours of compensatory time, the employee will be paid two hours of overtime pay at the overtime rate in effect three years prior, when the first two hours of compensatory time were earned.

## D. Night Pay Differential

### (1) General

- (a) Night work is regularly scheduled work, including regularly scheduled overtime, performed by an employee between the hours of 6:00 p.m. and 6:00 a.m. An employee who performs night work is entitled to pay for that work at his or her rate of basic pay plus a night pay differential amounting to 10 percent of the rate of basic pay. 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 that encompasses both daytime and nighttime hours, only those occurring between 6:00 p.m. and 6:00 a.m. will be computed with the differential.
- (b) An employee working a compressed schedule will not receive night pay differential unless all of the hours in his or her regularly scheduled tour of duty fall between 6:00 pm and 6:00 am.

### (2) Computation of Night Pay Differential

- (a) 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 night hours of his or her tour of duty while in official travel status, whether performing actual work or not. Night pay differential is in addition to overtime, Sunday pay, or holiday pay, and is not included in the rate of basic pay used to compute overtime, Sunday, or holiday pay.
- (b) An employee on leave during a regularly scheduled tour of duty, which includes hours between 6:00 pm and 6:00 am will not receive night pay differential for the leave time during the pay period.
- (c) An employee is 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. This temporary change in a daily tour of duty within the employee's regularly scheduled administrative workweek is distinguished from a period of irregular or occasional overtime work in addition to the employee's regularly scheduled administrative workweek, that is; the nighttime hours must be a change in schedule, and not merely additional overtime hours in addition to the regularly scheduled tour.

## E. Pay for Holiday Work

### (1) General

- (a) An employee who performs work on a holiday will receive pay at his or her rate of basic pay, plus premium pay equal to his or her rate of basic pay. Therefore, an employee working a conventional 8-hour tour on a holiday will receive "double time" – eight hours of basic pay that all employees receive on the holiday, and another eight

hours of pay for working. An employee working under a compressed work schedule is entitled to 8, 9, or 10 hours of holiday pay (depending on the length of his or her schedule) if he or 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. For 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.

- (b) 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. For 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.
- (c) Holiday pay is in addition to overtime, Sunday pay, or night pay differential, and is not included in the rate of basic pay used to compute overtime, Sunday pay, or night pay differential. However, the hours worked on the holiday are used in computing the number of hours worked in the administrative workweek in determining whether an employee is entitled to receive overtime pay.

- (2) **Minimum Payment.** An employee assigned to work on a holiday is entitled to receive a minimum of two hours holiday premium pay.
- (3) **Overtime on a Holiday.** If an employee works officially ordered and approved overtime on a holiday – work in excess of eight hours -- the employee will receive overtime computed as described under the provisions on the computation of overtime provided in paragraph B (2) above.

#### F. Pay for Sunday Work

- (1) Full-time non-Transportation Security Officer (TSO) employees, and full-time and part-time supervisory TSOs, will receive pay at their rate of basic pay plus premium pay at a rate of 25 percent of their rate of basic 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 premium pay. Sunday Pay is in addition to overtime, night pay differential, or holiday pay, and is not included in the rate of basic pay used to compute overtime, night pay differential, or holiday pay.
- (2) Part-time non-TSOs are not eligible to receive premium pay for Sunday work.

- G. **Law Enforcement Availability Pay (LEAP).** An eligible Criminal Investigator occupying an approved position that meets the classification requirements of 1811 positions shall receive LEAP. The eligible criminal investigator must be scheduled to perform duties at a minimum of 10 extra hours per week in excess of the 40-hour workweek. LEAP is a fixed rate of pay up to

25 percent of a criminal investigator's basic rate of pay as long as the combined basic and locality pay calculation does not exceed the bi-weekly earnings limitation addressed in paragraph H below.

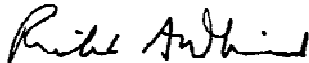
**Note:** This information regarding LEAP and the calculation thereof, also applies to Federal Air Marshals (FAMs). FAMs are eligible to receive LEAP payments under the provisions of 5 U.S.C. § 8331(3)(E)(ii).

H. Limitation on Premium Pay

- (1) The maximum amount of basic/locality and premium pay that can be earned during any biweekly pay period is the greater of the biweekly rate for GS-15, step 10 (including locality pay), or Level V of the Executive Schedule. If an employee's basic and locality rate exceeds the greater of these two rates, the employee is not eligible to receive premium pay, including LEAP.
- (2) This limitation usually changes each year at the time of the General Schedule pay increase and a Management Directive is issued providing the new limitations.
- (3) In certain situations involving the performance of work in connection with an emergency or that is critical to the mission of TSA, the Assistant Secretary may waive the biweekly limitation on premium pay. In those instances, employees may receive premium pay *only* to the extent the aggregate of adjusted pay (basic and locality) and premium pay for the *calendar year* does not exceed the greater of the annual GS-15/10 rate payable in the applicable locality area or the annual rate payable to Level V of the Executive Schedule.

**8. EFFECTIVE DATE AND IMPLEMENTATION:** This directive is effective immediately upon signature.

**APPROVAL**



11-13-07

Richard A. Whitford  
Assistant Administrator for Human Capital

Date

Filing Instructions:	File 200.1.1
Effective Date:	Date of Signature
Review Date:	Two years from Effective Date
Distribution:	Assistant Secretary, Deputy Administrator, Associate Administrator, Assistant Administrators, Area Directors, Federal Security Directors, and all TSA Affiliated HR Offices
Point-Of-Contact:	Office of Human Capital