



CALIFORNIA MILITARY DEPARTMENT INSTRUCTION

NGCA-JSD-MP
DISTRIBUTION: TA

CMDI 1417.00
10 April 2017

SUNDAY AND HOLIDAY PREMIUM PAY PROCEDURES

References: See Enclosure B.

1. Purpose. This California Military Department Instruction (CMDI) provides guidance to supervisors on Sunday and Holiday Premium Pay.
2. Superseded/Canceled. None.
3. Applicability. This notice applies to all California National Guard (CNG) federal civilian employees.
4. Policy. It is California Military Department (CMD) policy to ensure employees receive pay commensurate with hours and days worked.
5. Definitions.
 - a. Administrative workweek means a period of seven consecutive calendar days.
 - b. Basic workweek for full-time employees means the days and hours within an administrative workweek which make up the employee's regularly scheduled 40-hour workweek.
 - c. Compressed schedule means in the case of a full-time employee, an 80-hour biweekly basic work requirement which is scheduled for less than 10 workdays.
 - d. Holiday work means non-overtime work performed by an employee during a regularly scheduled daily tour of duty on a holiday designated in accordance with (IAW) reference f.
 - e. In-lieu-of (ILO) holidays are the observance of a holiday on a workday, when the official holiday falls on a non-workday. This entitlement applies to full-time employees. The ILO holiday is the basic workday preceding the non-workday. An exception occurs when the non-workday is Sunday then the next basic workday is the ILO holiday. Work performed by an employee on an ILO holiday entitles the employee to holiday premium pay.

f. Overtime work means authorized and approved hours of work performed by an employee in excess of the employee's regular tour of duty including irregular or occasional overtime work and regular overtime work.

g. Premium pay means additional compensation for overtime, or Sunday work, and standby duty.

h. Sunday work means work performed during a regularly scheduled tour of duty within a basic workweek when any part of that work which is not overtime work is performed on Sunday.

i. Tour of duty means the hours of a day (a daily tour of duty), and the days of an administrative workweek, (a weekly tour of duty), that are scheduled in advance and during which an employee is required to perform on a regularly recurring basis.

6. Summary of Changes. This CMDI provides supervisors additional information and guidance regarding Sunday and Holiday Premium Pay. This CMDI supplements guidance contained in reference h.

a. Sunday Premium Pay is authorized when an employee's regular work schedule includes Sunday due to mission requirements.

(1) The supervisor must complete a work schedule change (NGB Form at Enclosure A) form for each effected employee and submit the form to the timekeeper at least one full pay period PRIOR to the effective date.

(2) Practical example #1: SSgt Smith is scheduled for 2000 hours on Sunday, which ends at 0430 hours on Monday (8-hour shift). SSgt Smith takes annual leave from 2000-2400 hours but works from 0001-0430 hours, no work was performed on Sunday, so SSgt Smith is not entitled to Sunday Premium Pay.

(3) Practical example #2: SSG Jones took leave from 2000-2300 hours Sunday, and then worked from 2300-0430 hours on Monday. SSG Jones is entitled to five (5) hours of Sunday Premium Pay. This is because there are two shifts that either started or ended during the same Sunday. Both shifts are considered to be Sunday work hours and the employee would be entitled to Sunday Premium Pay for both shifts. Any work performed on a Sunday outside of a employee's regularly scheduled basic tour of duty, will be considered compensatory time.

b. Holiday Premium Pay is authorized when an employee's position is considered emergency essential, the employee is assigned to a 24-hour

operation, and/or mission requirements dictate the employee works on a holiday. The supervisor will document the need for holiday premium pay and submit the memorandum with the employee's time and attendance records to the timekeeper.

(1) Practical example #3: SSgt Smith is scheduled to work beginning 2000 hours on a holiday. Her shift ends at 0430 hours on the next workday (8-hour shift). Work was performed from 2000-2400 hours during the holiday, which entitles her to four (4) hours of holiday premium pay.

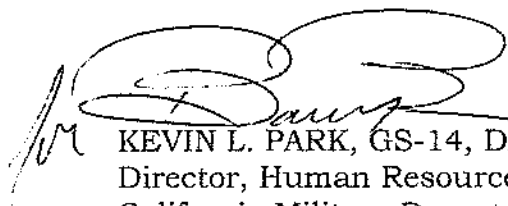
(2) Compensatory time is appropriate for work performed on a holiday outside of an employee's regularly scheduled basic tour of duty.

c. Traveling on Sundays or holidays. Under 5 U.S.C. 5542(b)(2)(A), time spent traveling away from the official duty station is also hours of employment if the time spent is within the days and hours of an employee's regularly scheduled administrative workweek. However, this does not apply to travel time on a Sunday or a holiday for premium pay purposes because an employee's regularly scheduled administrative workweek includes only periods of time in which an employee is regularly scheduled to work. The Comptroller General has ruled that travel time during holiday hours (whether driving or riding) is not work time and, therefore, does not fall within an employee's regularly scheduled administrative workweek (refer to references f and i).

d. Training on Sundays or holidays: Except for limited situations, 5 U.S.C. 4109 (a)(1) generally prohibits payment of any form of premium pay (holiday pay/night/Sunday differential, standby, authorized unscheduled overtime, availability pay, compensatory, and overtime) for time spent in training.

7. Releasability. This issuance is approved for public release; distribution is unlimited.

8. Effective Date. This instruction is effective upon receipt.


KEVIN L. PARK, GS-14, DAF
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California Military Department

Enclosures:

A – Work Schedule Change Form (NGB Form)

B - References

GL - Glossary

ENCLOSURE A

WORK SCHEDULE CHANGE FORM

NGB WORK SCHEDULE CHANGE FORM						
NAME:		UIC:		ORG CODE:		TAG:
WORK SCHEDULE CODE:				T&A STATUS CODE:		
0 = 5/8 5 = Open 80 6 = 5-4/9 8 = 4-10				TIMECARD DESTINATION:		
EFFECTIVE DATE - DCP5 FORMAT (MMDDYY):						
WEEK 1						
	SUN	MON	TUE	WED	THUR	FRI
TOTAL HOURS						
SHIFT (1,2,3)						
NIGHT DIFF						
START TIME						
END TIME						
WEEK 2						
	SUN	MON	TUE	WED	THUR	FRI
TOTAL HOURS						
SHIFT (1,2,3)						
NIGHT DIFF						
START TIME						
END TIME						
SUNDAY PREMIUM PAY (Y/N):						
EMPLOYEE ACKNOWLEDGEMENT:						
I UNDERSTAND THAT WORKING AN ALTERNATYE WORK SCHEDULE (AWS) IS A PRIVILEGE AND NOT A RIGHT. I VOLUNTEERED TO PARTICIPATE IN THIS PROGRAM. I READ AND UNDERSTAND THE NATIONAL GUARD BUREAU (NGB) POLICY AND WILL COMPLY WITH THE PROVISIONS.						
EMPLOYEE NAME:		SIGNATURE:			DATE:	
SUPERVISOR APPROVAL:						
THE ABOVE REQUEST WAS DISCUSSED AND APPROVED.						
SUPERVISOR NAME:		SIGNATURE:			DATE:	
COMMENTS:						

ENCLOSURE B

REFERENCES

- a. Title 5 United States Code (USC), Section 6124, "Flexible Schedules; Holidays"
- b. 5 USC §6121(3), "Basic Work Requirement"
- c. Title 5 Code of Federal Regulation (CFR), Section 532.509, "Pay for Sunday Work"
- d. 5 CFR §550.171, "Authorization of Pay for Sunday Work"
- e. 5 CFR §550.172, "Relation to Overtime, Night, and Holiday Pay"
- f. 5 CFR §610.407, "Premium Pay for Holiday Work for Employees On Compressed Work Schedules"
- g. Office of Personnel Management (OPM), "Fact Sheet: Federal Holidays - Work Schedules and Pay", <https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/holidays-work-schedules-and-pay>
- h. California National Guard (CNG) Fulltime Personnel Regulation (FPR) 532, 1 November 2006, "Premium Pay and Differentials"
- i. Comptroller General opinion B-160094, October 12, 1966, and the definition of "regularly scheduled administrative workweek" in 5 CFR 610.102.).

GLOSSARY

ABBREVIATIONS AND ACRONYMS

CFR	Code of Federal Regulation
CMD	California Military Department
CMDI	California Military Department Instruction
CNG	California National Guard
ELR	Employee/Labor Relations
FPR	Full-time Personnel Regulation
HRO	Human Resources Office
IAW	In Accordance With
ILO	In-Lieu-of
OPM	Office of Personnel Management
RD	Remote Designee
USC	United States Code