

United States Department of Agriculture
Animal and Plant Health Inspection Service

Wildlife Services Directive

WS 4.101
5/19/2021

TOURS OF DUTY

1. PURPOSE

In accordance with the Marketing and Regulatory Programs (MRP) policy on Tours of Duty, this Directive sets requirements for establishing work schedules and assigning tours of duty to Wildlife Services (WS) personnel.

2. REPLACEMENT HIGHLIGHTS

This Directive replaces WS Directive 4.101, dated May 11, 2011.

3. AUTHORITY

7 U.S.C. 8351 to 8353 and 16 U.S.C. 667 authorize officers, agents, and employees of the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) to conduct a program of wildlife services and to enter into agreements with states, local jurisdictions, individuals, and public and private agencies, organizations, and institutions for the purpose of conducting such services.

4. POLICY

- a. Set tours of duty in accordance with Federal, Departmental, and Agency regulations, including the MRP Human Resources Desk Guide, in a manner that promotes the efficiency of the Program, does not negatively impact customer service, and is fair and equitable to personnel.
- b. Utilize the Maxiflex tour of duty for Federal WS personnel to allow maximum flexibility to perform duties and to satisfy legal requirements; intermittent personnel are excluded.
- c. Ensure that the following allowances, rules, and coverages apply to all full-time and part-time WS personnel who are in either the General Schedule (GS) or Administratively Determined (AD) pay plans: Night differential, Sunday Pay, Holiday Pay, Overtime, Compensatory Time Off in Lieu of Overtime Pay, Religious Compensatory Time, Credit Time, and Compensatory Time Off for Travel (CTOT) as specified in the MRP Human Resources Desk Guide.
- d. Delegate the authority to approve premium pay (i.e., Compensatory Time Off in lieu of Overtime Pay, Religious Compensatory Time, Holiday Pay) to the first level supervisor.

5. OPERATING RULES

a. Administrative Work Week

(1.) WS Field Personnel:

Supervisors are delegated the authority to establish a Maxiflex tour of duty that is 24 hours per day, 7 days per week with established core and flexible hours. The 7-day Maxiflex tour includes Sunday and requires Sunday Pay. A full-time or part-time field employee who performs regularly scheduled and approved non-overtime work on a Sunday is entitled to Sunday Pay. Work performed beyond 8 hours on a Sunday is paid as Compensatory Time off or Overtime Pay and must be ordered and pre-approved by the supervisor. Supervisors are expected to approve Sunday work as necessary in accordance with local requirements. Such a tour must be established in writing and clearly outline supervisory expectations and requirements.

(2.) WS Office Personnel:

Administrative personnel will operate under a 12 hours per day, 6 days per week Maxiflex tour of duty within the hours of 6:00 am to 6:00 pm, Monday through Saturday. With supervisory approval (completed MRP Form 346 or memorandum), work may be performed at any time during this Flexible Time Band in order to meet the requirement of 80 hours per pay period. Personnel may be allowed to work on Saturdays and Sundays with prior supervisory approval. However, because the 6-day Maxiflex tour does not include Sundays, any work ordered or pre-approved by the supervisor in writing for Sunday work must be compensated as Overtime or Compensatory Time.

b. WS-established Core Hours and Time Bands

(1.) Core Hours (Core Time Bands) for WS Field Personnel will be from 9:00 am to 10:00 am, on both Wednesdays of the pay period.

(2.) Core Hours (Core Time Bands) for WS Office Personnel will be 9:00 am to 3:00 pm, Tuesday through Thursday.

(3.) Supervisors may designate additional Core Hours for field or office personnel to fit Program needs, but cannot make the number of Core Hours less restrictive (e.g., Core Hours for office personnel could not be from 10:00 am to 2:00 pm, but could be from 8:00 am to 4:00 pm). Supervisors must communicate changes to required Core Hours to their staff in writing.

c. Premium Pay for WS Personnel

(1.) Earning Compensatory Time

WS delegates the authority to approve Compensatory Time Off in lieu of Overtime Pay to the first level supervisor. Therefore, supervisors may grant up to 56 hours of Compensatory Time for field personnel and 16 hours of Compensatory Time for office personnel as needed (Compensatory Time for Travel is not included within the maximum amount of Compensatory Time which may be accrued). Supervisors may limit the payment of Overtime or accrual of Compensatory Time to less than 56 hours for field employees and 16 hours for office personnel to fit individual program needs. These hours are in addition to the 24 Credit Hours allowed under the Maxiflex tour of duty. Additional Compensatory Time may be granted with approval from the appropriate WS Management Team member.

To receive Compensatory Time Off in lieu of Overtime Pay, personnel must provide the supervisor with a written statement to this effect on an annual basis. The request must be made in writing to their supervisor annually. Personnel whose pay is at or below grade 10, step 10 (including those covered by the Fair Labor Standards Act [FLSA]) may not be ordered or required to earn Compensatory Time Off in lieu of Overtime Pay for irregular or occasional Overtime work. Therefore, if an employee requests Overtime Pay instead of Compensatory Time, supervisors have the option to either pay the employee Overtime or restrict the employee from working Overtime.

(2.) Earning Credit Hours

Credit Hours are earned under Maxiflex schedules and are distinguished from Overtime Pay and Compensatory Time in that they are worked at the employee's option. Credit Hours may be earned for hours worked during the Flexible Time Band only after the employee has completed the basic work requirement of 80 hours (for full-time personnel) for the pay period. All full-time personnel may accrue a maximum of 24 Credit Hours. Part-time personnel are limited to earning Credit Hours at one-fourth of the total scheduled work hours per pay period. The maximum amount of Credit Hours allowed to be carried over from one pay period to the next is 24. Personnel may earn up to 24 credit hours without prior supervisory approval when a supervisor has not established written guidelines for earning/using credit hours.

(3.) Earning Religious Compensatory Time

If an employee requests work for religious requirements and this does not interfere with the efficient accomplishment of the WS mission, the supervisor must in each instance afford the employee the opportunity to earn Religious Compensatory Time and must in each instance grant Religious Compensatory Time off. The request must be made to the supervisor in written or electronic format prior to the religious observance. Please see Earning and Using Religious Comp Time for more information.

(4.) Earning Night Differential

Night Differential (an additional 10 percent of the normal hourly rate) is paid for regularly scheduled Overtime and non-overtime work performed between the hours of 6:00 pm – 6:00 am that cannot be performed during daytime hours (6:00 am – 6:00 pm) and with pre-approval in writing from the supervisor. When the tour of duty includes 8 or more hours available for work during daytime hours (6:00 am – 6:00 pm), an employee is not entitled to night differential when he/she voluntarily elects to vary his/her arrival or departure time during hours for which night differential normally is paid.

d. Time and Attendance

All WS personnel on the Maxiflex tour of duty are responsible for providing a record of time and attendance, using the appropriate National Finance Center system (i.e., WebTA), indicating the actual clock hours and the total number of hours worked each pay period. The MRP Form 345-R (Time and Attendance Log) or WS Form 29, Time and Attendance Report, may be used to assist in tracking and recording hours worked prior to being entered into the online Time and Attendance system. Time and Attendance validation by the employee and certification by the supervisor serves as an official electronic signature.

6. DEFINITIONS

- a. Collaborator: WS Federal Collaborators are State government employees, with specialized skills in the field of wildlife damage management, designated under a Federal personnel action that authorizes them to complete APHIS program activities and training, or perform APHIS-sanctioned duties under a Statement of Work established by APHIS. Federal Collaborators do not directly receive salary from APHIS.
- b. Compensatory Time: Full-time and part-time employees (intermittent employees excluded) may receive Compensatory Time Off in lieu of Overtime Pay for regular, irregular or occasional Overtime work in excess of 8 hours in a day or 40 hours in a week that is ordered and approved by management in advance of the work being performed. When Compensatory Time is granted under a Maxiflex tour, it is substituted on an hour for hour basis for the amount of regular, irregular, or occasional Overtime hours worked. Compensatory Time must be used within 26 pay periods (1 year) after the pay period it was earned. If it is not used within this time frame, it must be paid out at the Overtime rate in effect when you earned the Compensatory Time.
- c. Compensatory Time Off for Travel (CTOT): Full-time and part-time employees (intermittent employees excluded) may receive CTOT; a form of Compensatory Time, that grants time off for travel time that is not otherwise compensable. CTOT must be used within 26 pay periods (1 year) after the pay period it was earned, otherwise it will be forfeited (CTOT is never paid out). Please see the CTOT Section of the Human Resources Desk Guide for more information.

- d. Core Hours: Also referred to as “Core Time Bands,” is the time period during the workday, work week, or pay period that is within the tour of duty during which an employee covered by a flexible work schedule (i.e., Maxiflex) is required by the Agency to be present for work unless the employee’s supervisor has granted prior approval to use leave, other earned time off, or to engage in a Core Time Deviation.
- e. Core Time Deviation: An absence during Core Hours that is approved by the supervisor in writing and then made up within the same pay period in lieu of a charge to leave or by working an equal number of hours within the Flexible Time Band period.
- f. Credit Hours: Full-time and part-time employees (intermittent employees excluded) may earn Credit Hours which include any hours worked that are in excess of the employee’s regularly scheduled tour of duty and that the employee elects to work during the Flexible Time Band so as to vary the length of the work week (i.e., 80 hours of work in a pay period for full-time employees and 32-64 hours of work for part-time employees).
- g. Field Personnel: A GS or AD employee who often works somewhere other than a headquarters or primary office location. WS operational personnel including District Supervisors, Assistant District Supervisors, biologists, and technicians are considered field employees.
- h. Flexible Hours: Also referred to as “Flexible Time Bands,” is the period during which a full-time employee on a flexible work schedule (e.g., Maxiflex) may adjust working hours to meet the requirement of 80 hours worked during a pay period.
- i. Full-time Employee: An employee who works a 40-hour minimum work week. The work is scheduled and assigned before the beginning of the administrative work week.
- j. Holiday Pay: Full-time and part-time employees (intermittent employees excluded) who perform non-overtime work on a holiday (or a day designated as the “in lieu of” holiday), during hours that correspond to the regularly scheduled tour of duty, are entitled to basic pay plus premium pay equal to basic pay for holiday work. Holiday Pay is paid at twice the hourly rate of pay for up to 8 hours of work.
- k. Intermittent Work Schedule: A work schedule that has no regularly defined tour of duty or guaranteed number of hours of work in an administrative work week. The work schedule is assigned after the beginning of the administrative work week.
- l. Maxiflex Tour of Duty: A flexible work schedule that allows the employee to vary the length of the workday or work week, as long as the basic requirements of 80 hours per pay period are met for full-time employees and the negotiated scheduled basic work requirement (16-32 hours) is met for part-time employees. Credit hours may be earned once the basic pay period requirement of work is met, if approved by the supervisor in writing in advance of the work being performed.

- m. Night Differential: Full-time and part-time employees (intermittent employees excluded) are entitled to night pay (an additional 10 percent of the normal hourly rate) for regularly scheduled Overtime and non-overtime work performed between the hours of 6:00 pm – 6:00 am. Please see the Night Differential Section of the Human Resources Desk Guide for more information.
- n. Office Personnel: Employees reporting to an office location (i.e., Headquarters, Regional, NWRC, and Program/State Offices) on a daily basis, including State Directors, Assistant State Directors, and all other administrative and clerical personnel, who primarily conduct administrative duties.
- o. Overtime Hours: The hours worked that are in excess of 8 hours in a day or 40 hours in a week that are officially ordered and approved by management in advance of the work being performed, but do not include credit hours. Work performed at the option of the employee in excess of 8 hours in a day or 40 hours in a week that is not in excess of the 80-hour biweekly work requirement is not Overtime work and is instead considered “gliding.”
- p. Part-time Employee: An employee who works 16-32 hours per week/32-64 hours per pay period. The work is scheduled and assigned before the beginning of the administrative work week.
- q. Premium Pay: Pay that is compensation in addition to basic pay for Overtime, night work, Sunday work, or Holiday work.
- r. Religious Compensatory Time: Full-time and part-time employees (intermittent employees excluded) may earn and use Religious Compensatory Time to take time off without charge to leave when personal religious beliefs (which need not be officially mandated by a religious organization to which the employee belongs) require their absence from work. Religious Compensatory Time may be used for a religious observance before it is actually earned.
- s. Sunday Pay: Full-time or part-time field employees (intermittent employees excluded) who are on a 24/7 Maxiflex tour and who perform regularly scheduled non-overtime work or who elect to work during the hours of 6:00 am – 6:00 pm on Sunday are entitled to Sunday Pay of an additional 25 percent of their normal hourly rate, not to exceed 8 hours. (*Note: On a 24/7 Maxiflex tour, if an employee “glides” and works on a Sunday without prior discussion with the supervisor, WS is still obligated to pay the Sunday differential.*) Full-time or part-time employees who perform regularly scheduled work before 6:00 am and/or after 6:00 pm on Sunday are entitled to both Sunday Pay and Night Differential pay.
- t. Time Bands: The Maxiflex tour of duty consists of core time bands and flexible time bands. The core time band is that portion of the workday when all employees must be present on the job unless they are granted prior approval from their supervisor to use leave, other earned time off, or are on an approved Core Time Deviation. See

definitions of Core Hours and Flexible Hours above.

- u. Tour of Duty/Regularly Scheduled Hours of Work: The hours of a day (daily tour of duty) and the days of an administrative work week (weekly tour of duty) that constitute a regularly scheduled administrative work week. The employee is responsible for designating his or her tour and obtaining supervisory approval. This may be identified either using MRP Form 346 (Designation of Tour of Duty) or memorandum.

7. SCOPE

This Directive is applicable to all WS GS and AD personnel.

Collaborators, personnel who are managed under non-Federal personnel systems at the WS State Program level, are subject to tour of duty requirements as established by those systems and are outside the scope of this Directive.

8. REFERENCES

- a. AD Form 581, Lump-Sum Leave or Compensatory Time Payments
- b. MRP Directive 4550.2, Premium Pay
- c. MRP Directive 4610.1, Tours of Duty
- d. MRP Directive 4630.1, Absence and Leave
- e. MRP Form 345-R, Time and Attendance Log
- f. MRP Form 346, Designation of Tour of Duty
- g. MRP Human Resources Desk Guide, Subchapter 4550, Premium Pay
- h. MRP Human Resources Desk Guide, Subchapter 4610, Tours of Duty
- i. MRP Human Resources Desk Guide, Subchapter 4630, Absence and Leave

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