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HRDG 4500a - APHIS Imports and Exports Overtime Interpretation - Section A

Last Modified:

Supplement 4500A
APHIS Imports & Exports Overtime Interpretation
Section A - Call Out Assignments

Inside Metropolitan Area - Non-workday

- Multiple Assignments

Inside Metropolitan Area - Workday

- Single Assignments
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- Continuous Service with Call Out

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CALL OUT ASSIGNMENTS
Inside Metropolitan Area - Non-workday
Multiple Assignments

Example 1:

Officer works the following on a Saturday (non-workday).

Airplane	ETA	ATA	END	No CTT	½ CTT	Full CTT	Reg OT Hours	Sun OT Hours
Airplane 1	1100	1100	1300			X	2	
Airplane 2	1230	1230	1300					
Airplane 3	1415	1415	1530			X	2	

Rationale:

Multiple call out rule applies. A/C 1 and A/C 2 are prorated together as continuous time 1100-1300 (2 hours) and stated in **APHIS Directive 402.3** (46.44 KB), Attachment 3, paragraph G.1. A/C 3 is then paid under **APHIS Directive 402.3** (46.44 KB), Attachment 3, paragraph G.2.b., as a full call out because it arrived 3 hours or more after the beginning of the first job. The April 7, 1986 memorandum from A. Smith also supports this position.

Example 2:

Officer works the following on a Saturday (non-workday).

Airplane	ETA	ATA	END	No CTT	½ CTT	Full CTT	Reg OT Hours	Sun OT Hours
Airplane 1	1800	1800	1850			X	1	
Airplane 2	1903	1903	2040				1 3/4	
Airplane 3	2105	2105	2200			X	2	

Rationale:

Multiple call out rule applies. A/C 1 and A/C 2 are defined under **APHIS Directive 402.3** (46.44 KB), Attachment 3, paragraph G.1., and prorated as one assignment because their ETA's are within the first 2-hour minimum. A/C 3 is defined and paid in accordance with **APHIS Directive 402.3** (46.44 KB), Attachment 3, paragraph G.2.b., because it has arrived 3 hours after the beginning of the first job.

Example 3:

On a Saturday (non-workday) officer works the following aircraft inside the metropolitan area.

Airplane	ETA	ATA	END	No CTT	½ CTT	Full CTT	OT Hours
Airplane 1	1300	1300	1500			X	2
Airplane 2	1600	1515	1600		X		2

Rationale:

Multiple call out rule applies between A/C 1 and A/C 2 See **APHIS Directive 402.3** (46.44 KB) , Attachment 3, paragraph G.2.a. There is a break in service between A/C 1 and A/C 2. In this case, the ATA of A/C 2 is the limiting factor. Because the ATA is less than 3 hours from the beginning of the first job, only ½ CTT is paid for A/C 2.

Example 4:

On a Saturday (non-workday), officer works the following aircraft inside the metropolitan area. For aircraft 2, if officer arrived at 1530, how is start time reported on overtime documents?

Airplane	ETA	ATA	Officer Arrives @	Recorded Start Time
Airplane 1	1300	1300	1300	1300
Airplane 2	1600	1515	1530	1530

Rationale:

The start time of 1530 is recorded on overtime documents for A/C 2 because this is when work was started.

Example 5:

On a Saturday (non-workday), officer works the following aircraft inside the metropolitan area. Aircraft 2, original ETA was 1530 and at 1515 officer gets new ETA of 1630.

Airplane	ETA	New ETA	ATA	End	No CTT	½ CTT	Full CTT	OT Hours
Airplane 1	1300		1300	1500			X	2
Airplane 2	1530	1630	1630	1730			X	2

Rationale:

The multiple call out rule applies between A/C 1 and A/C 2 as stated in **APHIS Directive 402.3** (46.44 KB) , Attachment 3, paragraph G.2.b. By establishing a new ETA for A/C 2, the official ETA and/or starting time for A/C 2 is now 3 hours or more from the start of A/C 1. Therefore, as stated in the **APHIS Directive 402.3** (46.44 KB) cited above, entitlements for A/C 2 will include another full CTT and 2-hour minimum.

Example 6:

On a Saturday (non-workday), an officer is assigned to inspect 5 produce trucks on the Mexican border. The assignment starts at 1000.

Truck	ETA	ATA	End	No CTT	½ CTT	Full CTT	Reg OT Hours
Truck 1	1000	1001	1015				
Truck 2		1020	1036				
Truck 3		1050	1110				
Truck 4		1135	1155				
Truck 5		1210	1230			X	2 ½

Rationale:

Assuming that the ETA for all the trucks was 1000, and all trucks had arrived within the 2-hour minimum and were being presented for inspection, all the trucks would

be inspected as one continuous job according to **APHIS Directive 402.3** (46.44 KB) , section V, paragraph C.1., and section V, paragraph G. The 1210 ATA for truck 5 would not be considered a break in service in this situation because the truck was available for inspection and in the process of being presented.

** If the 5th truck had not arrived within the 2-hour minimum and the ETA was changed to 1210, the entitlement for inspection of truck 5 would be an additional 2-hour minimum and ½ CTT based on the multiple call out rule. See **APHIS Directive 402.3** (46.44 KB), Attachment 3, paragraph G.2.a.

Example 7:

On a Saturday (non-workday), an officer is assigned to inspect 5 produce trucks on the Mexican border. The assignment starts at 1000. The broker tells the officer at 1015 of a sixth truck with an ETA of 1111. The ATA for the sixth truck is 1111 and work on this truck is completed at 1134.

Truck	ETA	ATA	End	No CTT	½ CTT	Full CTT	Reg OT Hours
Truck 1	1000	1001	1015				
Truck 2		1020	1036				
Truck 3		1050	1110				
Truck 4		1135	1155				
Truck 5		1210	1230				
Truck 6		1111	1134			X	2 ½

Rationale:

Assuming that the ETA for all the trucks was 1000, and all trucks had arrived within the 2-hour minimum and were being presented for inspection, all the trucks would be inspected as one continuous job according to **APHIS Directive 402.3** (46.44 KB) , section V, paragraph C.1., and section V, paragraph G. The 1210 ATA for truck 5 would not be considered a break in service in this situation because the truck was available for inspection and in the process if being presented. Since the additional truck arrived while the inspections were in progress, no additional time was incurred.

Example 8:

On a Saturday (non-workday), an officer is assigned to inspect 5 produce trucks on the Mexican border. The assignment starts at 1000. The broker tells the officer at 1015 of a sixth truck with an ETA of 1235. This truck is inspected and released at 1250.

Truck	ETA	ATA	End	No CTT	½ CTT	Full CTT	Reg OT Hours
Truck 1	1000	1001	1015				
Truck 2		1020	1036				
Truck 3		1050	1110				
Truck 4		1135	1155				
Truck 5		1210	1230			X	2 ½
Truck 6		1235	1250		X		2

Rationale:

Assuming that the ETA for all the trucks was 1000, and all trucks had arrived within the 2-hour minimum and were being presented for inspection, all the trucks would be inspected as one continuous job according to **APHIS Directive 402.3** (46.44 KB) , section V, paragraph C.1., section V, paragraph G. Since truck 6 arrived after the original inspections were completed, an additional callout is justified. **APHIS Directive 402.3** (46.44 KB), Attachment 3, paragraph G.2.

Example 9:

On a non-workday an officer is assigned a cargo clearance for 0800. The cargo is not made available until 1000 and the inspection is completed at 1030.

Cargo	ETA	ATA	End	No CTT	½ CTT	Full CTT	Reg OT Hours
Cargo	0800	1000	1030			X	2 ½

Rationale:

Officer is entitled to full CTT and 2 ½ hours overtime from 0800-1030, according to **APHIS Directive 402.3** (46.44 KB), Attachment 2, paragraph C., Footnote [c]; and Attachment 3, paragraph G.1. This is considered as continuous OT. **NOTE**: Cargo Inspections--Once the 2-hour minimum has been met, if the cargo has not been presented for inspection and a new ETA has not been provided, the officer is not expected to remain at the job site.

Example 10:

On a non-workday an officer is assigned a cargo clearance for 0800. The cargo is not available, and a new ETA of 1000 is given at 0950. Inspection is completed at 1030.

Cargo	ETA	ATA	End	No CTT	½ CTT	Full CTT	Reg OT Hours
Cargo 1	0800		0950			X	2
Cargo 2	1000		1030	X			2

Rationale:

The multiple call out rule applies. Officer is entitled to full CTT and a 2-hour minimum from 0800-1000. According to **APHIS Directive 402.3** (46.44 KB), Attachment 3, paragraph G.2.a., the officer is entitled to an additional 2-hour minimum and ½ CTT for the work performed between 1000-1030.

CALL OUT ASSIGNMENTS
Inside Metropolitan Area - Workday
Single Assignments

Example 11:

On a workday an officer is assigned to inspect a vessel at 1700. Officer leaves the port and arrives at the vessel site at 1645. The agent meets the officer at the dock at 1645 and cancels the job.

Vessel	ETA	ATA	End	No CTT	½ CTT	Full CTT	Reg OT Hours
Vessel 1	1700	None	None	X			2

Rationale:

Officer reported to worksite and agent canceled on arrival at 1645. No CTT is authorized since job was canceled at 1645 by agent on site. **APHIS Directive 402.3** (46.44 KB), section V, paragraph C.1., section V, paragraph G.1., and Attachment 2, paragraph A.2.

Example 12:

On a workday an officer is assigned to inspect a vessel at 1700. The officer remains at the PPQ office and the agent calls and cancels at 1645.

Vessel	ETA	ATA	End	No CTT	½ CTT	Full CTT	Reg OT Hours
Vessel	1700	None	None	x			0

Rationale:

No entitlement since the officer did not report to worksite prior to the job being canceled. **APHIS Directive 402.3** (46.44 KB), section V, which refers to provisions of Title 5, U.S. Code. Further information is contained in 5 Code of Federal Regulations (CFR) Sections 550.111 (a) (2) and 550.112 (h).

Example 13:

On a workday an officer is assigned to inspect a vessel at 1700. The officer goes home and the supervisor calls him/her at home at 1645 to inform him/her that the assignment was canceled.

Vessel	ETA	ATA	End	No CTT	½ CTT	Full CTT	Reg OT Hours
Vessel	1700	None	None	X			0

Rationale:

No entitlement since the officer did not report to worksite prior to the job being canceled. **APHIS Directive 402.3** (46.44 KB), section V, which refers to provisions of Title 5 U.S. Code. Further information is contained in 5 CFR sections 550.111 (a) (2) and 550.112 (h).

CALL OUT ASSIGNMENTS
Inside Metropolitan Area - Workday
Multiple Assignments

Example 14:

On a workday, an officer reports to clear a vessel at 1730 as ordered. The vessel has not arrived and a new ETA of 1915 is given by agent. The officer has a second assignment at 2100 at another dock several miles away, also within the metropolitan area. Vessel 1 arrives and is boarded at 2022 and finished at 2100. At 2202, the officer boards vessel 2 (which had arrived at 2030) and finishes at 2300.

Overtime Work	ETA	New ETA	ATA	End	No CTT	½ CTT	Full CTT	OT Hours
Vessel 1	1730	1915	2022	2100		X		3 ½
Vessel 2	2100	n.a.	2030 (Work Begins at 2202)	2300			X	2

Rationale:

Multiple call out rule applies. Entitlements regarding vessel 1 are stated under **APHIS Directive 402.3** (46.44 KB), Attachment 2, paragraph A.2. The 2-hour minimum starts when the officer reports for vessel 1 at 1730. Only ½ CTT is applicable to the officer since the ETA is within 61 minutes of the end of the TOD. Since vessel 2 was boarded at 2202, full CTT and an additional 2-hour minimum is applicable according to **APHIS Directive 402.3** (46.44 KB), Attachment 3, paragraph G.2.b.

CALL OUT ASSIGNMENTS
Inside Metropolitan Area - Workday
Continuous Servicewith Call Out

Example 15:

Officer works continuous overtime from 1630 - 1800. Second assignment is a vessel at 1820, ending at 1920.

Overtime Work	Begin	End	No CTT	½ CTT	Full CTT	OT Hours
Continuous	1630	1800	X			1 ½
Vessel 2	ETA/ ATA 1820	1920	X			2

Rationale:

The nature of the continuous service extends the TOD until 1800, entitling the officer to 1 ½ hours of overtime pay for that period and no CTT. See J. Frey/A. Finamore April 23, 1984 memorandum for clarification of this issue. Under this premise, even though there is a break in service after the continuous assignment, a 2-hour minimum and no CTT is applicable for vessel 2 since the ETA/ATA is less than 30 minutes after the end of the shift. See **APHIS Directive 402.3** (46.44 KB), section V, paragraph G.1.; Attachment 2, paragraph A.2.; and C. Havens/G. Burgess October

12, 1989 memorandum.

Example 16:

Officer works continuous overtime from 1630 - 1800. The second assignment is a vessel with the ETA/ATA of 1830, ending at 1930.

Overtime Work	Begin	End	No CTT	½ CTT	Full CTT	OT Hours
Continuous	1630	1800	X			1 ½
Vessel 2	ETA/ ATA 1830	1930		X		2

Rationale:

The nature of the continuous service extends the TOD until 1800 entitling the officer to 1 ½ hours of overtime pay for that period and no CTT. See J. Frey/A. Finamore April 23, 1984 memorandum for clarification of this issue. Under this premise, vessel 2 has now arrived 30 minutes after the end of the TOD and is provided service at this time. In accordance with **APHIS Directive 402.3** (46.44 KB), section V, paragraph G.1.c., and Attachment 2, paragraph A.2., the officer is entitled to ½ CTT and a 2-hour minimum.

Example 17:

On a workday, officer continues to work until 1700.

Overtime Work	End	No CTT	½ CTT	Full CTT	OT Hours
Continuous	1700	X			½

Same officer begins next assignment the next workday at 0700 and finishes assignment at 0815.

Overtime Work	Work Begins	Work Ends	No CTT	½ CTT	Full CTT	OT Hours
Assignment 2	0700	0815		X		2

Rationale:

Multiple call out rule does not apply because the job the previous night was continuous service. To be eligible for the full CTT entitlement, the 2-hour minimum must be applicable as stated in **APHIS Directive 402.3** (46.44 KB), Attachment 2, paragraph A.1., and the Note under Attachment 3, paragraph G., which states,

"...commuted traveltime allowances are never payable if the 2-hour minimum guarantee is not applicable."

Example 18:

On a workday, officer works continuously until 1637. Next assignment ETA and ATA are at 1700 and assignment ends at 1800.

Overtime Work	ETA	ATA	End	No CTT	½ CTT	Full CTT	OT Hours
Continuous			1637				

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