

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND QUALITY SERVICE
WASHINGTON, DC

FSQS DIRECTIVE

4610.1

6/3/81

TOURS OF DUTY

I. PURPOSE

This Directive sets forth the guidelines and procedures for establishing and assigning employees to tours of duty. NOTE: Public Law 95-390 supersedes certain provisions of Title 5, U.S. Code, for employees participating in alternative work schedule experiments. Therefore, some parts of this Directive do not apply to employees on flexible or compressed work schedules. (FSQS Directive 4610.2, Flextime, and FSQS Directive 4610.5, Compressed Work Schedules, provide detailed guidelines on alternative work schedules. Questions concerning tours of duty should be directed to the Classification and Organization Branch, Personnel Division (PD) through appropriate supervisory channels.) In addition, wherever the parts of this Directive are in conflict with the provisions of a collective bargaining agreement, the agreement shall be controlling.

II. CANCELLATION

- A. Discontinue for FSQS use: APHIS Directive 402.1 and AMS Instruction 306.1.
- B. Cancel FSQS Directive 4735.2, Performance of Work at Home.

III. (RESERVED)

IV. DEFINITIONS

- A. Administrative Workweek. The calendar week, Sunday through Saturday.
- B. Basic Workweek. A total of 40 hours which generally are completed in five 8-hour days, but which must be completed in six days of the administrative workweek.
- C. Regularly Scheduled Tour of Duty. The officially prescribed days and hours within the administrative workweek that are scheduled in advance and during which an employee is required to be on duty.

D. Regular Workday. A day (midnight to midnight) on which basic hours are scheduled. The use of a midnight to midnight day in accordance with Comptroller General decisions on recording hours worked does not establish a split shift for tours of duty which span two calendar days. (See FSQS Directive 4610.4, Time and Attendance Reporting for Shifts Which Span Two Calendar Days.)

V. STANDARD TOURS OF DUTY FOR FULL-TIME EMPLOYEES

A. Except as provided in paragraph VI., full-time employees will be assigned tours of duty which conform to the following requirements:

1. Assignments to tours of duty must be scheduled in advance, covering periods of not less than 1 week.
2. A basic workweek of 40 hours must consist of 5 days, Monday through Friday, when possible. The 2 days outside the basic workweek must be consecutive.
3. Clock hours of the working days must be the same for each day of the basic workweek.
4. Basic nonovertime workday may not exceed 8 hours.
5. The basic workweek may not be altered because of the occurrence of a holiday.
6. Off-duty breaks of more than 1 hour may not be scheduled in any basic workday. (This requirement provides for scheduling a lunch period of not less than 30 minutes or more than 60 minutes for each basic workday.)

B. Meal periods of from 30 to 60 minutes will be scheduled for all full-time employees. Meal periods also will be scheduled for part-time and intermittent employees when their work hours overlap normal meal times to the extent that not having a scheduled break would create a hardship.

1. Scheduling Meal Periods. Meal periods will normally be scheduled no sooner than 2 hours after reporting for duty and no later than 6 hours after reporting for duty.

2. Work During Meal Periods.

a. Employees Exempt From Fair Labor Standards Act. When unusual work situations do not allow at least a 30-minute meal period, the employee, upon approval by his/her supervisor, is entitled to be paid for the meal period. This is true even though the employee eats his/her meal while on duty.

b. Employees Covered by Fair Labor Standards Act. An employee is entitled to be paid for work he/she performs during a meal period if he/she is covered by the Fair Labor Standards Act and if his/her supervisor could reasonably be considered to have been aware that such work was being performed, whether or not such work was ordered or approved by his/her supervisor.

V. NONSTANDARD HOURS OF DUTY FOR FULL-TIME EMPLOYEES

A. General. A nonstandard tour of duty is any tour that does not conform to all conditions and requirements for standard tours of duty. Nonstandard tours of duty may be established for full-time employees under conditions shown below.

B. Establishment.

1. Use of Quarter Hours. Nonstandard tours of duty will be established in multiples of 1 hour.

2. Authority to Approve. Deputy administrators or their designees must approve nonstandard tours of duty unless otherwise indicated.

3. Reporting Requirements. Officials designated to approve nonstandard tours must maintain records of approval for use as requested as source data in preparing reports by PD, the USDA Office of Personnel, or another outside agency.

C. Service Required During Hours Over Which FSQS Has No Control. Employees engaged in activities which require service during hours over which FSQS has no control may be assigned to nonstandard tours consisting of not more than 6 of any 7 consecutive days in accordance with the particular situation. However, the basic workweek should consist of 5 consecutive days, whenever possible. The basic non-overtime workday will not exceed 8 hours. Supervisors should contact the Servicing Personnel Office (SPO) for advice in use of non-standard tours of duty.

1. The first 40-hour tour consists of the first 40 hours in a pay status in the administrative workweek (which is Sunday through Saturday), including, as appropriate, hours worked, creditable holiday absence, compensatory time, and leave.

2. The first 8-hour indefinite tour may be established when it is known in advance which days of the administrative workweek (Sunday through Saturday) will be worked to complete the 40-hour basic workweek but where the clock hours of each workday cannot be so determined.

3. An indefinite weekly 40-hour tour may be established where the clock hours of each workday can be determined, but where the basic workdays within the administrative workweek (Sunday through Saturday) cannot normally be determined in advance.

D. Emergency Situations. Employees may be assigned to nonstandard tours of duty in cases of urgent need in natural disasters such as fire or flood, which may have disastrous effects. The terms "emergency situations" and "urgent need" do not cover snow removal, equipment repairs, and other infrequent but not unanticipated conditions and circumstances. Nonstandard tours may not be established for periods of less than 1 week, or for the sole purpose of avoiding or creating the need for the payment of overtime, night differential or holiday pay.

E For Educational Purposes.

1. Nonstandard tours of duty of 40 hours may be approved to permit nontemporary full-time employees (including TAPER employees) to take one or more courses in college, university or other educational institution provided:

a. Rearrangement of the employee's tour of duty will not interfere with the accomplishment of the work of the unit or the field station.

b. Additional costs for personal services will not be incurred, and

c. Completion of the courses will equip the employee for more effective work in FSQS.

2. These nonstandard tours for educational purposes must cover no more than 6 of any 7 consecutive days. The employee's adjusted work schedule must not begin before 0700 or last beyond 1800. No more than 8 hours per day or 40 hours per week may be worked by an employee because no additional costs for personal services can be incurred. However, an employee may be assigned to a regularly scheduled shift requiring premium pay because no additional cost would result in that the expense of premium pay would be incurred regardless of who works the shift. This provision of the establishment of a nonstandard tour of duty for educational purposes has no application where an employee uses approved annual leave to attend school. As soon as the need for the special tour has ended, the employee shall revert to the usual weekly tour of five 8-hour days. Time spent in training under the Government Employee Training Act is considered part of the employee's hours of duty. Any necessary rescheduling of an employee's hours of duty to permit participation in training under the Training Act is done under authority of that Act.

F. Nonstandard Tour of Duty for Employees Assigned to Part-Time Teaching Activities. Nonstandard tours of duty may be approved to permit part-time teaching activities. (See FSQS Directive 4735.3, Employee Responsibilities and Conduct, for information regarding outside employment.) NOTE: If government information obtained principally from the individual's employment is to be used:

1. The information must have previously been made available to the public on request, or
2. The agency head must give written authorization that the use of non-public information is in the public interest.

VII. SPLIT SHIFTS

Since split shifts are to be used only under unusual circumstances, work that is spread out over many hours of the day should be assigned to employees working different shifts rather than to a single employee on a split shift basis. Deputy Administrators or their designees may authorize split shifts only when the following conditions exist:

- A. It is not feasible to establish a continuous tour, except for a lunch period of not more than 1 hour, for the particular activity or operation involved.
- B. It is essential that the work be performed by a single employee.
- C. The interval between each of the work periods on any scheduled workday:
 1. Does not exceed 1 hour; or
 2. Is long enough to enable the employee to use it advantageously for personal purposes.

VIII. STARTING TIME FOR WAGE GRADE EMPLOYEES

Because of the varied circumstances under which Wage Grade employees work, it is sometimes necessary to make an administrative determination as to when work begins or ends. Normally, an employee may be considered to be at work at any time when FSQS is exercising substantial control over the employee's time and activities in the interest of the Agency. This includes time spent in preparation for actual work, such as obtaining tools, or oiling and testing machinery. It may also include time spent in travel to the extent the travel can be considered work.

IX. TOURS OF DUTY FOR PART-TIME OR INTERMITTENT EMPLOYEES

A. Part-time employees are those who regularly work on a prearranged schedule of 16 to 32 hours per week. Schedules for part-time employees are fixed administratively as necessary subject to the submission of an SF-52, Request for Personnel Action. Part-time employees having tours of duty in excess of 5 hours within a workday should be granted a lunch period of not less than 30 minutes or more than 1 hour.

B. Intermittent employees are those who are employed on an irregular or occasional basis as needed. They are compensated only for time actually employed or service actually rendered. They have no prearranged schedule.

X. TOURS OF DUTY OVER 40 HOURS

Tours of duty which will exceed 40 hours per week as a result of regularly scheduled overtime require prior approval of the SPO. This paragraph does not include situations involving irregular or unscheduled overtime. Offices requesting such approval must:

- A. Prepare a memorandum in triplicate and include:
1. Number, pay system, and grade of employees involved.
 2. Proposed working schedule by hours of the day and days of the week.
 3. Designation of which hours constitute the basic 40-hour workweek.
 4. Justification for exceeding the usual workweek (giving reasons why it would not be practicable to hire additional personnel).
 5. Probable duration of the overtime work.
 6. Statement of availability of funds.
- B. Forward the memorandum to the SPO.

C. The SPO will approve or disapprove and notify the requestor in writing.
NOTE: Generally, overtime which will continue for less than 90 calendar days should be handled as unscheduled overtime. (See FSQS Directive 4550.4, Premium Pay Under Title 5, U.S. Code.)

XI. EFFECTS OF HOLIDAYS ON TOURS OF DUTY

A. Identification of Holidays. Attachment 1 provides a tabular format for determining holidays for pay and leave purposes. The following are holidays:

1. New Year's Day, January 1.
2. Washington's Birthday, the third Monday in February.
3. Memorial Day, the last Monday in May.
4. Independence Day, July 4.
5. Labor Day, the first Monday in September.
6. Columbus Day, the second Monday on October.
7. Veterans Day, November 11.
8. Thanksgiving Day, the fourth Thursday in November.
9. Christmas Day, December 25.
10. Any other day designated as a holiday by Federal Statute or Executive Order.
11. For Washington, D.C., Metropolitan Area only, Inauguration Day.

B. Tours of Duty Which Span Two Calendar Days. The use of midnight to midnight days for scheduling an employee's day may affect holiday entitlements and T&A coding where a tour of duty spans two calendar days. (See FSQS Directive 4610.4, Time and Attendance Reporting for Shifts Which Span Two Calendar Days.)

C. Basic Workweek of First 40 Hours of Work.

1. Sunday Holiday. When a holiday falls on Sunday and the employee's basic workweek includes Sunday, Sunday is designated as his/her holiday. If the basic workweek does not include Sunday, Monday is designated as his/her holiday. If the office or station is closed the following Monday because of the occurrence of a Sunday holiday, and the employee is therefore unable to work, Monday will be deemed the holiday and included in his/her basic 40 hour tour of duty.

2. Saturday Holiday. If the employee's basic workweek includes Saturday, Saturday is designated as his/her holiday. If his/her basic workweek does not include Saturday, Friday is designated as his/her holiday. If because of the occurrence of a Saturday holiday, the office or station is closed on the preceding Friday, Friday will be deemed the holiday and be included in his/her basic 40 hour tour of duty.

3. Other Holidays. If a holiday occurs on any other day of the week, that day shall be designated as the employee's holiday and is included in his/her basic 40 hour tour of duty.

D. Effect of Holidays on Part-Time Tours of Duty. A part-time employee (except a wage grade employee whose appointment is limited to 90 days or less, or who has not been currently employed for a continuous period of more than 90 days under one or more appointments without a break in service) is entitled to holiday benefits for any holiday which falls on a day included in the regularly scheduled tour of duty. Such a part-time employee whose tour of duty includes Saturday or Sunday is not entitled to holiday benefits for a holiday which falls on one of the nonworkdays, since the concept of an "in lieu of day" for Saturday or Sunday which is included in the tour of duty is applicable only to full-time employees (including those employees on a first 40-hour tour of duty).

EXAMPLE 1. A part-time employee's regular tour of duty is as follows:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
4	4			4	4	4

If a holiday occurs on Tuesday, this part-time employee is not entitled to be excused from duty on Thursday, the next regular workday. If a holiday occurs on Wednesday, he/she is not entitled to be excused on Monday, the last regular workday preceding Wednesday. However, if a holiday occurs on Sunday, Monday, Thursday, Friday, or Saturday, this part-time employee would be excused from duty on that holiday without charge to leave, or if required to work, would be entitled to holiday pay.

EXAMPLE 2: A part-time employee's regular tour of duty is as follows:

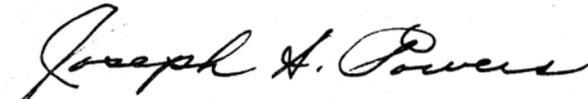
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	4	4	4	4	4	

A holiday occurs on Sunday, and Monday becomes a holiday for full-time employees because their tour of duty does not include Sunday. If for this reason the part-time employee is prevented from working on Monday, the part-time employee should be excused from duty on Monday without charge to leave. If a holiday occurs on Saturday, Friday becomes a holiday for full-time employees whose tour of duty does not include Saturday. If for this reason the part-time employees above is prevented from working on Friday, the part-time employee should be excused from duty on Friday without charge to leave.

XII. AUTHORIZING PERFORMANCE OF OFFICIAL WORK AT HOME

FSQS discourages the performance of official work at home. For this reason, only the Administrator may approve performance of official work at home, and only under very unusual circumstances will approval be given. In making such authorization, the Administrator will be guided by:

- A. Type of work to be performed at home.
- B. Advantage to FSQS.
- C. Reasons why the work cannot be performed at the duty station.
- D. The Secretary's statement that employee conduct is subject to constant observation and comment by the public, and that no cause should be given by any official or employee for censure of the Department's management of the public business.



Deputy Administrator
Administrative Management

<i>TOUR OF DUTY</i>	<i>REGULAR WEEKLY NONWORKDAY IN LIEU OF SUNDAY</i>	<i>NONWORKDAY OTHER THAN IN LIEU OF SUNDAY</i>	<i>WHEN THE HOLIDAY FALLS ON</i>	<i>THE DESIGNATED HOLIDAY IS</i>
Monday through Friday	Not applicable (NA)	NA	Sunday Monday, Tuesday, Wednesday, Thursday, Friday ... Saturday	Monday following The day on which holiday falls Friday preceding
Sunday, Monday, Tuesday, Wednesday, Thursday	Friday	Saturday	Sunday Monday Tuesday, Wednesday, Thursday Friday Saturday	Monday following Monday The day on which holiday falls Sunday following Thursday preceding
Sunday, Monday, Thursday, Friday, Saturday	Tuesday	Wednesday	Sunday Monday Tuesday Wednesday Thursday Friday Saturday	Monday following Monday Thursday following Sunday following Thursday Friday Saturday 1/
Tuesday, Wednesday, Thursday, Friday, Saturday	Sunday	Monday	Sunday Monday Tuesday, Wednesday, Thursday, Friday Saturday	Tuesday following Saturday preceding The day on which holiday falls Saturday 1/

1/ In the case of any employees, other than 1st 40 hour, whose basic work-week includes both Friday and Saturday, Saturday rather than Friday shall be treated as the holiday when the holiday falls on Saturday. If because of the Saturday holiday, the office or station is closed on the preceding Friday, and the employee is prevented from working on that day, the employee will also be excused on Friday without charge to leave. Note: Employees participating in alternative work schedule experiments are not covered by this Attachment. (See FSQS Directive 4610.5, Compressed Work Schedules, for detailed information on the treatment of holiday.)