VA HANDBOOK 5011/19 Transmittal Sheet January 31, 2012

HOURS OF DUTY AND LEAVE

- **1. REASON FOR ISSUE:** To modify the term "tour" differential to "night" differential under 38 U.S.C. 7453 for registered nurses (RNs), physician assistants (PAs) and expanded function dental auxiliaries (EFDAs).
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES: This handbook contains mandatory VA procedures on hours of duty and leave. The pages in this issuance replace the corresponding page numbers in VA Handbook 5011. Revised text is contained in [brackets]. This revision changes the term "tour" differential to "night" differential for RNs, PAs, and EFDAs that receive premium pay under 38 U.S.C. 7453 and eliminates the requirement that such service be performed on a tour of duty in order to receive the differential. This change will be incorporated into the electronic version of VA Handbook 5011 that is maintained on the Office of Human Resources Management Web site.
- **3. RESPONSIBLE OFFICE:** Worklife and Benefits Service (058), Office of the Deputy Assistant Secretary for Human Resources Management.
- **4. RELATED DIRECTIVE:** VA Directive 5011, Hours of Duty and Leave.

5. RESCISSIONS: None.

CERTIFIED BY:

BY DIRECTION OF THE SECRETARY OF VETERANS AFFAIRS:

/s/

Roger W. Baker Assistant Secretary for Information and Technology /s/

John U. Sepúlveda Assistant Secretary for Human Resources and Administration

ELECTRONIC DISTRIBUTION ONLY

(a) **Overtime Hours.** Paragraph 5c of this chapter contains a definition of overtime hours for employees on flexible schedules. Such employees, however, are also eligible for callback overtime if they meet the conditions outlined in VA Handbook 5007.

(b) Additional Pay for Night Work

- <u>1</u>. **Full-Time Employees.** If the core time band is during daytime hours (i.e., 6 a.m. to 6 p.m.) and the core time plus the flexible time are less than 8 daytime hours, the employee is entitled to [night] differential for the difference between 8 hours and the available number of daytime hours in the [period of service]. The employee, however, is entitled to the appropriate [night] differential for the entire [period of service] if at least 4 or more hours [] fall between 6 p.m. and 6 a.m.
- <u>2</u>. **Part-Time Employees.** A part-time employee is entitled only to [night] differential for nightwork performed during his or her basic work requirement.

(c) Additional Pay for Holiday Work

- <u>1</u>. A full-time employee on a flexible schedule, who performs non-overtime work on a day designated as his or her holiday, is entitled to his or her rate of basic pay, plus the applicable amount of additional pay for holiday work authorized under VA Handbook 5007, Pay Administration, for each hour of non-overtime holiday worked.
- <u>2</u>. A part-time employee on a flexible schedule is entitled to the applicable amount of additional pay for holiday work, authorized under VA Handbook 5007 and chapter 2 of this part, for the number of hours he or she was scheduled to work that day, up to a maximum of 8 hours. Part-time employees are not entitled to a day off in lieu of the holiday. (See subparagraph (6) below.)
- (d) **Additional Pay for Saturday or Sunday Work.** An employee on a flexible schedule, who performs work on a Saturday or Sunday, shall be entitled to additional pay for such work under the provisions of VA Handbook 5007.

(5) Absence and Leave

- (a) For employees on flexible schedules, time off during the flexible and core time bands must be charged to the appropriate leave category, compensatory time off or excused absence, if appropriate.
- (b) The maximum amount of sick or annual leave an employee may apply to his or her basic work requirement for any given day is the number of hours the employee is scheduled to work that day.

VA HANDBOOK 5011/19 PART II CHAPTER 3

- c. For which the employee is qualified: and
- d. Which is acceptable to the employee.
- <u>3</u>. Determinations under this subparagraph shall be made no later than 10 days after the written request is received by the appropriate deciding official.
- (1) The approving official may exclude from compressed workweeks any employee or group of employees whose inclusion would create an adverse impact (see chapter 2, paragraph 11g(5).

(2) Computation of Additional Pay

(a) **Overtime Hours.** For full-time employees, the term "overtime hours" refers to hours of work officially ordered or approved and performed in excess of the basic work requirement. For part-time employees, overtime hours are those hours of work performed in excess of the basic work requirement for the day (but must be in excess of 8 hours) or the week (but must be in excess of 40 hours). In order to qualify for callback overtime on a compressed tour, the period of callback must be outside of and unconnected with the employee's basic work requirement and must qualify as overtime as stated above.

(b) [Night] Differential

- <u>1</u>. Employees are entitled to the [night] differential for the entire tour if at least 4 hours of such tour fall between 6 p.m. and 6 a.m.
- <u>2</u>. If less than 4 hours of such tour fall between 6 p.m. and 6 a.m., the employee will be entitled to [night] differential for each hour of service performed between those hours.
- (c) **Additional Pay for Holiday Work.** Employees on compressed work schedules who perform non-overtime work on the day designated as their holiday are entitled to their basic rate of pay, plus premium pay equal to basic pay for that holiday work.
- (d) **Saturday Pay.** Employee on compressed schedules are entitled to additional pay for Saturday work if they perform work for which such additional pay is authorized (see part V, chapter 6 of VA Handbook 5007).
- (e) **Sunday Pay.** Employees on compressed schedules who perform work during a period of service, a part of which is performed on Sunday, are entitled to Sunday premium pay for the entire period of service (see part V, chapter 6 of VA Handbook 5007).

- (2) **9-Month Work Schedule.** Registered nurse is entitled to overtime pay for performing officially ordered or approved overtime service as follows, regardless of whether it is performed during the 9-month duty period or the 3-month off duty period:
 - (a) Service in excess of 40 hours in an administrative workweek.
- (b) Service in excess of 8 hours in a day. For nurses on Alternate Work Schedules, overtime pay is payable for service performed in excess of the employee's daily workweek.
- (3) **Baylor Plan.** A nurse on the Baylor Plan is entitled to overtime pay under 38 U.S.C. 7453(e) or (i) for performing officially ordered and approved overtime service as follows:
 - (a) Service in excess of 24 hours on the weekend.
 - (b) Service in excess of 8 hours on a day other than Saturday or Sunday.
- (c) All or part of actual service performed in excess of 40 hours in an administrative workweek, provided such payments were officially authorized. **NOTE:** Hours of duty during the basic workweek shall be credited on an hour-for-hour basis when computing the amount of service performed during the administrative workweek.
- o. **Additional Pay.** Policies concerning pay administration for registered nurses on Alternate Work Schedules such as a 36/40, 9-Month and the Baylor Plan are contained in VA Handbook 5007, Pay Administration. This includes [night] differential, weekend pay, holiday, and on-call pay.

p. Absence and Leave

- (1) **36/40 Work Schedule**. For nurses on a 36/40 Work Schedule, time off on approved sick leave or annual leave during a regularly scheduled 12-hour tour of duty should be charged for such leave at a rate of ten hours of leave for every nine hours of absence (charged 1.111 for each hour).
- (2) **9-Month Work Schedule**. For nurses on a 9-Month Work Schedule, time off on approved sick leave or annual leave during a regularly scheduled tour of duty should be charged one hour for each hour of sick or annual leave taken.
- (3) **Baylor Plan**. Nurses on the Baylor Plan shall be charged 1.667 hours of approved sick leave or annual leave for each hour of sick or annual leave taken. Leave shall be charged only for absences from the basic workweek.
- q. **Holidays.** (See part III, chapter 3, paragraph 8(a)(b)). *An in-lieu non-workday shall not be authorized for a nurse, nurse anesthetist, PA or EFDA who works on a holiday or the day designated as a holiday.*
- r. **Excused and Unexcused Absences.** On a 36/40 and the Baylor Plan Alternate Work Schedule, the hours unavailable during the expected tour of duty shall be used to determine the amount of excused or unexcused absence to be granted and/or charged (1.111 leave per hour for 36/40-hour work schedule and