



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Albuquerque Area Indian Health Service
5300 Homestead Road, N.E.
Albuquerque, New Mexico 87110
DHR-AN-04-03

DATE: April 1, 2004

TO: Division Directors, AAIHS, NAIHS
Chief Executive Officer, AAIHS, NAIHS
Administrative Liaison, National Programs

FROM: Acting Director, Division of Human Resources
Albuquerque Area Indian Health Service

SUBJECT: Daylight Saving Time

The purpose of this memorandum is to remind you of the policy on daylight saving time. The daylight saving time change is effective on April 4, 2004 at 2:00 a.m.

In the fall when the clock is set back one hour to convert from daylight savings to standard time, employees on an 8-hour night shift, which includes the time of conversion, must work one extra hour in order to cover the scheduled hours of duty for that day. For example, if the scheduled tour is midnight to 8:00 a.m. on Sunday, the employee works 2 hours up to the conversion time at 2:00 a.m. daylight saving time, and 7 hours from 1:00 a.m. to 8:00 a.m. standard time.

The extra hour is compensable as overtime under Title 5 U.S.C. since it is in excess of 8 hours in a day; it is considered to be an hour of work for purposes of the overtime provision of the Fair Labor Standards Act. For a General Schedule (GS) employee, the night differential provisions of Section 5545 apply to the extra hour since it involves work between 6:00 p.m. and 6:00 a.m. For a Federal Wage System (FWS) employee, the night differential received for the shift is included as a part of basic pay in computing Sunday premium pay for the shift and the overtime pay for the extra hour. However, Sunday premium pay is not applicable to the extra hour in either case, since the premium is limited to work not in excess of 8 hours.

For Alternate Work Schedule (AWS), the same rules apply for the one hour of overtime in excess of the scheduled hour of duty.

In the spring when the clock advances one hour to convert from standard to daylight savings time, the employee completes the scheduled 8-hour shift after working only 7 hours. As a result, the employee's time in a pay status is reduced by one hour and, unless some other action is taken, the employee will not be entitled to full basic compensation for the pay period. If it is not practicable to have the employee work one additional hour, overlapping the next shift, one hour of annual leave may be charged. This will retain the employee in a pay status for the entire 80 hours pay period. A brief notation may be made under "REMARKS" on the timecard to show that the leave charged is a result of the change from standard time to daylight savings time. It is not necessary to show the exact hour of absence on leave.

Section 5545 of Title 5 U.S.C. provides that a night differential is payable for a period of paid leave during regular night work hours as long as total paid leave within the pay period is less than 8 hours. The night differential provisions for FWS employees cover the hour of annual leave charged as a result of the time conversion. However, the hour of annual leave is not covered by Sunday premium pay in either case, since there is no provision in Title 5 for payment of Sunday premium pay for a leave status during any part of a regularly scheduled tour of duty on Sunday.

For AWS the same rule apply for the one hour of leave charged due to the loss of one hour from the scheduled hours of duty.

The attached chart depicts the compensation effects discussed in this memorandum. Please refer any questions on this subject to Mary Yepa, Payroll Liaison, at (505) 248-4510.


Martha M. Aragon

Attachment

cc: Administrative Officers
Principal Timekeepers

Compensation Effect of Changes Between Daylight Savings and Standard Time

	FALL (Conversion to Standard Time)	SPRING (Conversion to daylight savings time)
How is "odd hour" handled?	Compensable as overtime (is hour of work for F.L.S.A. purposes)	Charge as annual leave * (or number of hours in pay status is reduced)
Night differential for the hour?	GS Yes	Yes (if total paid leave in pay period is less than 8 hours)
	FWS shift differential is included in basic pay when computing overtime pay for the hour	Yes
Sunday premium pay for the hour?	No (premium applies only to work not in excess of 8 hours)	No (no provision for premium pay for leave status during Sunday tour)

* If not practicable to have employee work one additional hour