



Approved for Release

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7-13-10

Date

**DEPARTMENT OF COMMERCE
OFFICE OF HUMAN RESOURCES MANAGEMENT**

HUMAN RESOURCES (HR) BULLETIN #122, FY10

SUBJECT: Administrative Claims for Sunday Premium Pay

EFFECTIVE DATE: Upon release of this HR Bulletin

EXPIRATION DATE: Effective until canceled or superseded.

SUPERSEDES: HR Bulletin #115, FY10 "Administrative Claims for Sunday Premium Pay," dated December 24, 2009.

REVISIONS: Processing instructions

PURPOSE: The purpose of this Bulletin is to notify operating units that the National Finance Center (NFC) and webTA have been modified to allow payments to current, retired, or separated full-time and part-time employees who are eligible and entitled to receive Sunday premium pay. Operating units will no longer need to enter Sunday premium pay requests manually via the Special Payroll Processing System (SPPS).

COVERAGE: All current full-time and part-time employees who perform Sunday work are eligible to make a claim. In addition, employees who have retired or separated may file a claim with their former employing operating unit and must receive a lump-sum payment for any Sunday premium pay found to be unpaid as a result of that claim. Claims may also be accepted from representatives for current, deceased, and incompetent employees.

DOCUMENTATION: Operating units should go back six years from the date the claim was filed and pay claims for any unpaid Sunday premium pay owed part-time employees for Sundays worked during that period.¹ For all pay claims, the burden of proof is on the employee. Specifically, an employee needs to establish that he or she:

- Worked part-time;
- Worked on a Sunday during the claims period; and
- Did not receive an appropriate amount of premium pay.

¹ Under the Barring Act of 1940, a pay claim against the Government must be received by the agency that conducts the activity from which the claim arises within six years after the claim accrues. See Title 31, U.S.C. § 3702(b).

Employees should provide documentation showing when the Sunday work was performed, which includes but is not limited to:

- Employee's orders;
- Certification of attendance;
- Time and attendance records;
- Employee affidavits;
- Supervisory records; and
- Other documentation.

Part-time employees should specify the dates they performed Sunday work without receiving Sunday premium pay, and should provide evidence that in fact they were not paid Sunday premium pay for those Sundays.

All claims should be made in writing and SHROs should evaluate any relevant evidence provided by the claimant or in their possession to see if it supports the claim. SHROs may have relevant information in their own records that would negate the need for the employees to submit documents in support of his or her claim.

PROCEDURES: SHROs may submit corrected time and attendance (T&A) for the last 26 pay periods to allow the automated system to pay the Sunday premium pay to eligible part-time employees. If interest is due for the time period covered by the corrected T&A², a separate request must be entered via the web-based SPPS. If a determination is made that retroactive adjustments beyond the last 26 pay periods is required, please follow the instructions in NFC's Bulletin, "Title I, 10-5, Sunday Premium Pay for Part-Time Employees," which is attached.

REFERENCES: 5 U.S.C. § 5546(a); 5 U.S.C. § 5544(a); 5 U.S.C. § 5596(b)(2); 5 U.S.C. §3702(b); 5 CFR § 532.509; *Fathauer v. United States*, 566 F.3d 1352 (Fed. Cir. 2009)

OFFICE OF POLICY AND BENEFITS: OPBservices@doc.gov

Attachment follows.

² Appropriate interest on back pay under Title 5, U.S.C. § 5596(b)(2) may be calculated using the tools found at <http://www.opm.gov/oca/pay/backpay/backpay.asp>.



Title: I, Payroll/Personnel Manual

Chapter:

Bulletin: Title I, 10-5, Sunday Premium Pay for Part-Time Employees

Date: March 26, 2010

To: Holders of the Payroll/Personnel Manual

This bulletin is being issued to announce that effective Pay Period 04, 2010, the National Finance Center (NFC) implemented the change to accept the use of Transaction Code (TC) 04, Sunday Differential, and TC 05, Sunday Differential with Night Differential, for part-time employees who work on Sundays as part of their regular scheduled tour of duty under 5 U.S.C. 5546(a). This bulletin provides information on the legislation, employee eligibility, and processing instructions associated with this change.

Legislative Information

As a result of the decision in *Fathauer v. United States*, dated May 26, 2009, the U.S. Court of Appeals for the Federal Circuit ruled that part-time employees are entitled to Sunday premium pay for work performed on Sundays under 5 U.S.C. 5546(a). The Office of Personnel Management (OPM) issued guidance to agencies in a memorandum dated December 8, 2009, available at <http://www.chcoc.gov/Transmittals/TransmittalDetails.aspx?TransmittalID=2623>. In addition to General Schedule and certain other white-collar civilian Federal employees covered by this change, it also included part-time prevailing rate system employees when such employees meet the requirements outlined in the OPM memorandum. Agencies were advised to pay Sunday premium pay to all eligible part-time employees as of May 26, 2009. The OPM memorandum also addresses any retroactive provision both current and separated employees could file with the agency. Conditions for earning Sunday premium pay were recently posted on the OPM Web site at <http://www.opm.gov/oca/WORKSCH/HTML/sunday.htm>.

Employee Eligibility and Processing Instructions

NFC has modified the Web-based System for Time and Attendance Reporting (STAR Web) and Time and Attendance Validation System (TIME) in accordance with this change. Agencies using front-end T&A systems not supported by NFC must determine if modifications are necessary to accommodate this change.

The agency must determine employee eligibility based upon OPM guidelines referenced in CPM 2009-21 (link provided above). Agencies may submit corrected T&As for the last 26

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pay periods to allow the automated system to pay the Sunday premium pay to eligible part-time employees. If interest is due for the time period covered by the corrected T&A, a separate request must be entered in the Web-based Special Payroll Processing System (SPPS) in order for NFC to pay the applicable interest. If a determination is made that retroactive adjustments beyond the last 26 pay periods is required, agencies must process the Differential transaction from the Settlement/Back drop-down in SPPS Web. Instructions are provided in the attachment to this bulletin.

Additional Information

The STAR Web procedure, which is available online at the NFC Web site, is being updated to include the information in this bulletin. To view and/or print this procedure, go to NFC's Home Page (www.nfc.usda.gov) and click the **Publications** link at the top of the page. At the Publications page right-hand Quick Picks menu, click **Procedures by Acronym** or **Procedures by Title/Chapter** then search for STAR Web on the list provided.

For questions about policy/regulations, contact your AGPUG or CAPPs representative. Please refer questions about Sunday differential to the Payroll/Personnel Call Center at **504-255-4630** or the EmpowHR Help Desk at **1-888-367-6955**



JOHN S. WHITE, Acting Director
Government Employees Services Division

Attachment

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Sunday Differential for Part-Time Employees

1. Connect to the National Finance Center (NFC) home page at *www.nfc.usda.gov*.
2. On the Application Launchpad, click the SPPS Web link to connect to the Web-based Special Payroll Processing System (SPPS Web)
3. On the SPPS Web menu, click **Adjustments**. The Adjustments window is displayed.
4. In the SSN field, type the applicable social security number (SSN).
5. In the User ID field, remove the User ID.
6. Click **Search**. If there is an existing record for the typed SSN, the record is displayed.
7. Select the applicable record.
8. Click **Remarks/Note**.
9. Review the record to avoid duplicate payments.
10. Click **Add** to add a new record. The Add Adjustments window is displayed.
11. In the PP field, type the applicable pay period.
12. On the NFC Process check box, do not check the box. Leave this field blank.
13. On the Type of Adjustment drop-down, click the down arrow to select **Settlement**.
14. In the Agency Remarks field, type the applicable remarks.
15. Click **Save**. The Settlement window is displayed.
16. On the Settlement Type drop-down, click the down arrow to select either **Sunday Diff** or **Sunday Diff w/ Interest**.
17. In the Settlement Amt field, type the gross amount.

Note: If processing a transaction for multiple pay periods, the gross amount and the interest must be calculated in advance. OPM's Back Pay with Interest Calculator can be used to determine the interest amount.
18. In the Tax Deductions field, select either **Tax Calc** or **Flat Rate**. **Tax Calc** computes the taxes based upon the exemptions on the database. **Flat Rate** computes 25% Federal tax, 2% state tax, 2% city tax, and 2% county tax, as applicable.
19. In the Interest field, type either a previously calculated interest amount or allow SSPPS Web to compute the interest by clicking the Compute Interest check box.
20. In the Start Date field, type the applicable starting date for the period of interest.
21. In the End Date field, type the applicable ending date for the period of interest.
22. Click **Save**.
23. Click **Accounting**. The Agency Accounting window is displayed.
24. On the Accounting List box, select the first line of accounting.
25. Click **Edit**.

26. In the Accounting field on the first line, type the appropriate accounting for the gross amount of payment.
27. Click **Update**. The accounting is saved.
28. If there is a second line of accounting for interest, on the Accounting List box, select the second line of accounting.
29. In the Accounting field on the second line, type the appropriate accounting for the gross amount of payment.
30. Click **Update**. The second line of accounting is saved.
31. Click **Calculate**. The Balance Indicated is now checked.
32. Click **Close**. The Settlement Backpay window is displayed.
33. Click **Address**. The Check Mailing Address window is displayed.
34. On the Check Mailing Address window, review and/or revise the information displayed.
35. Click **Save**. The Settlement Backpay window is displayed.
36. Click **Computation**. The Computation List window is displayed.
37. On the Computation List window, review the information.
38. Click **Close**. The Settlement Backpay window is displayed.
39. Click **Certify**. The Certify Adjustment window is displayed.
40. On the Certify Adjustment window, review the information.
41. Click **Certify**. A Certification pop-up appears.
42. On the Certification pop-up, click **OK**. The Settlement Backpay window is displayed.
43. Click **Approval**. Payment is now ready to be disbursed the next Manual Pay Schedule that runs Monday-Friday at 11:00 a.m. CST.
44. Click **Close**.