



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

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IN REPLY REFER TO:

Human Resources Management

OIEP HUMAN RESOURCE BULLETIN: 00-01 (550)

To: Director, Office of Indian Education Programs  
Deputy Director, Office of Indian Education Programs  
Special Assistant to the Director  
Education Line Officers  
President, Haskell Indian Nations University  
President, Southwestern Indian Polytechnic Institute

Subject: Premium Pay for Administratively Uncontrollable Work

This Human Resources policy bulletin supplements Title 5 Code of Federal Regulations (CFR) Part 550.151, which governs the authorization and requirements for administration of premium pay for administratively uncontrollable work for GS employees. Office of Indian Education Programs' (OIEP) employees employed under Education Contract Personnel system are subject to the same premium pay provisions of Title 5 pursuant to 62 BIAM 11.53. The approval authority is with the Director, OIEP, and who redelegated to the Chief, Office of School Operations, and the OIEP Personnel Officer.

Annual premium pay for administratively uncontrollable overtime work (AUO) is an optional form of premium pay designed to compensate employees who perform overtime work that can not be administratively controlled and is inherent in the nature of the work. An employee receiving AUO is responsible for recognizing when he or she must remain on duty to perform the overtime duty. The requirement that the employee is responsible for recognizing circumstances does not include clear-cut cases, e.g., when an employee must continue working because a relief fails to report as scheduled.

AUO pay is determined as a percentage, not less than 10% nor more than 25% of an employee's rate of basic pay. The rate of AUO pay authorized for a position is based on the average number of hours of irregular or occasional overtime work performed per week. For example, a 25% rate is authorized for a position that requires an average of 9 hours per week of irregular or occasional overtime work. The following documentation must be submitted to Human Resources Services, or through your appropriate Education Line Officer to Human Resources Services for review and approval of AUO pay for employees within OIEP.

1. Data on the frequency and amount of overtime usage covering at least 6 months of actual work in the employee's position (or an identical position). The data must reflect work performed within the past 6 months. The data must come from official time and attendance records or from formal, documented overtime reports. Undocumented estimates of projections of overtime usage cannot be used.
2. The covered position description, clearly reflecting that the employee is generally "responsible for recognizing, without supervision, circumstances which require him to remain on duty" beyond regular work hours.
3. A request for review and approval of AUO pay from the employee's immediate supervisor with an established follow-up review six months from the date of the request for AUO pay. In accordance with 5 CFR 550, reviews of the percentage of AUO pay shall be conducted every 6 months. If the results of the review indicate a need for a change in percentage or discontinuance of AUO pay, the change will be effected at the time of review.

Amount of AUO pay may be made as a percentage of the employee's rate of basic pay (including locality pay), depending on the amount of irregular or occasional overtime work. A position that averages at least three (3), but not more than five (5) hours, may receive AUO in the amount of 10%. A position that averages over five (5), but not more than seven (7) hours, may receive AUO in the amount of 15%. A position that averages over seven (7), but not more than nine (9) hours may receive AUO in the amount of 20%. A position that averages over nine (9) a week may receive AUO in the amount of 25%. All overtime work must be clearly documented on official time and attendance records to facilitate any audits.

If an employer opts not to pay AUO pay, it must pay for each hour of overtime work performed. AUO pay is paid in lieu of payment for each hour of irregular or occasional overtime work, and hazardous duty differential. AUO pay is paid in addition to other form of premium pay such as payment for each hour of regularly scheduled overtime work, night differential, Sunday pay, holiday pay, and FLSA overtime pay (nonexempt employees only). AUO pay is not considered part of an employee's rate of basic pay with some exceptions for law enforcement officers.

  
Joann F. Deere  
Personnel Officer

REFERENCES: Statute - 5 U.S.C. 5545(c)(2)  
Regulation - 5 CFR Part 550, Subpart A

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