

systems for accredited facilities are also described in detail in Reference Manual A, which is incorporated by reference at §300.3 of this chapter. The personnel who perform the testing and inspection services must comply with the quality manual, and management must enforce this compliance. The facility must maintain documented procedures for identification, collection, indexing, access, filing, storage, maintenance, and disposition of quality system records. The facility must maintain quality system records to demonstrate conformance to the quality manual and the effective operation of the quality system.

(4) *Personnel.* There must be a selection procedure and a training system to ensure technical competence of all staff members. The education, technical knowledge, and experience required to perform assigned test and inspection functions must be documented and clearly defined. In addition:

(i) Evaluation of plant or tissue samples must be undertaken by a plant pathologist or by laboratory technicians under the supervision of a plant pathologist, who may provide such supervision either on-site, or from a remote location. Where personnel are required to be trained at a facility to evaluate the particular types of plants or tissue samples handled by the facility, the training program must be evaluated by APHIS and determined to be effective.

(ii) All staff must have access to and be familiar with the reference materials, guides, and manuals required for the routine performance of the tests and inspections they conduct.

(Approved by the Office of Management and Budget under control number 0579-0130)

[66 FR 37400, July 18, 2001, as amended at 67 FR 8466, Feb. 25, 2002]

**PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS; AND USER FEES**

Sec.

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AUTHORITY: 7 U.S.C. 2260; 21 U.S.C. 136 and 136a; 49 U.S.C. 80503; 7 CFR 2.22, 2.80, and 371.3.

**§354.1 Overtime work at border ports, sea ports, and airports.**

(a)(1) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, animals, animal byproducts, or other commodities or articles subject to inspection, laboratory testing, certification, or quarantine under this chapter and subchapter D of chapter I, title 9 CFR, who requires the services of an employee of the Animal and Plant Health Inspection Service on a Sunday or holiday, or at any other time outside the regular tour of duty of that employee, shall sufficiently in advance of the period of Sunday, holiday, or overtime service request the Animal and Plant Health Inspection Service inspector in charge to furnish the service during the overtime or Sunday or holiday period, and shall pay the Government at the rate listed in the following table, except as provided in paragraphs (a)(1)(i), (ii), and (iii) of this section:

OVERTIME FOR INSPECTION, LABORATORY TESTING, CERTIFICATION, OR QUARANTINE OF PLANTS, PLANT PRODUCTS, ANIMALS, ANIMAL PRODUCTS OR OTHER REGULATED COMMODITIES

Outside the employee's normal tour of duty	Overtime rates (per hour)				Beginning Oct. 1, 2005
	Aug. 11, 2002–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	
Monday through Saturday and holidays ...	\$45.00	\$46.00	\$48.00	\$49.00	\$51.00
Sundays .....	59.00	61.00	63.00	65.00	67.00

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(i) For any services performed on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrivals in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed \$25 for all inspection services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture;

(ii) Owners and operators of aircraft will be provided service without reimbursement during regularly established hours of service on a Sunday or holiday; and

(iii) The overtime rate to be charged owners or operators of aircraft at airports of entry or other places of inspection as a consequence of the operation of the aircraft, for work performed outside of the regularly established hours of service is listed in the following table:

**OVERTIME FOR COMMERCIAL AIRLINE INSPECTION SERVICES <sup>1</sup>**

Outside the employee's normal tour of duty	Overtime rates (per hour)				
	Aug. 11, 2002–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Monday through Saturday and holidays ...	\$36.00	\$37.00	\$39.00	\$40.00	\$41.00
Sundays .....	48.00	49.00	51.00	53.00	55.00

<sup>1</sup> These charges exclude administrative overhead costs.

(2) A minimum charge of 2 hours shall be made for any Sunday or holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or her, or which is performed by an employee on his or her regular workday beginning either at least 1 hour before his or her scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of Sunday or holiday or unscheduled overtime work to which the 2-hour minimum charge provision applies may include a commuted traveltime period (CTT) the amount of which shall be prescribed in administrative instructions to be issued by the Administrator, Animal and Plant Health Inspection Service for the areas in which the Sunday or holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such Sunday or holiday or overtime duty. With respect to places of duty within the metropolitan area of the employee's headquarters, such CTT period shall not exceed 3 hours. It shall be administratively determined from time to time which days constitute holidays. The circumstances under which

such CTT periods shall be charged and the percentage applicable in each circumstance are as reflected in the following table:

	Actual time <sup>1</sup> charge—no minimum	2-hour guarantee charge	Commuted <sup>2</sup> traveltime (CTT) charge
<b>CHARGES FOR INSPECTION WITHIN METROPOLITAN AREA OF EMPLOYEE'S HEADQUARTERS</b>			
Work beginning before daily tour begins: 8 to 59 minutes	Yes .....	No .....	None.
60 to 119 minutes.	.....	Yes .....	½ CTT.
120 minutes or more.	.....	Yes .....	Full CTT.
Work beginning after daily tour ends: Direct continuation.	Yes .....	No .....	None.
Break-in-service of: 2–29 minutes	.....	Yes .....	None.
30–60 minutes.	.....	Yes .....	½ CTT.
61 minutes or more.	.....	Yes .....	Full CTT.
<b>CHARGES FOR INSPECTION SERVICES PERFORMED OUTSIDE METROPOLITAN AREA OF EMPLOYEE'S HEADQUARTERS</b>			
Work beginning before daily tour begins: 8 to 59 minutes	Yes .....	No .....	½ CTT.
60 minutes or more.	.....	Yes .....	Full CTT.

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	Actual time <sup>1</sup> charge—no minimum	2-hour guarantee charge	Commuted <sup>2</sup> travelltime (CTT) charge
Work beginning after daily tour ends: Direct continuations.	Yes .....	No .....	½ CTT.
2-59 minutes ...	No .....	Yes .....	½ CTT.
60 minutes or more.	No .....	Yes .....	Full CTT.

CHARGES FOR CALL OUT INSPECTION SERVICE ON HOLIDAY OR NONWORKDAY

Work beginning at any time.	No .....	Yes .....	Full CTT.
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<sup>1</sup>Actual time charged when work is contiguous with the daily tour will be in quarter hour multiples, with service time of 8 minutes or more rounded up to the next quarter hour and any time of less than 8 minutes will be disregarded.

<sup>2</sup>The full CTT allowance will be the amount of commuted travelltime prescribed for the place at which the inspections are performed. See §354.2. One-half CTT is ½ of the full CTT period.

(b) The Animal and Plant Health Inspection Service inspector in charge of honoring a request to furnish inspection, laboratory testing, quarantine or certification service, shall assign employees to such Sunday or holiday or overtime duty with due regard to the work program and availability of employees for duty.

(c) As used in this section—

(1) The term *private aircraft* means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term *private vessel* means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(d)(1) Any principal, or any person, firm, partnership, corporation, or other legal entity acting as an agent or broker by requesting Sunday, holiday, or overtime services of an Animal and Plant Health Inspection Service inspector on behalf of any other person, firm, partnership, corporation, or other legal entity (principal), and who has not previously requested such service from an Animal and Plant Health Inspection Service inspector, must pay the inspector before service is provided.

(2) Since the payment must be collected before service can be provided, the Animal and Plant Health Inspection Service inspector will estimate

the amount to be paid. Any difference between the inspector's estimate and the actual amount owed to the Animal and Plant Health Inspection Service will be resolved as soon as reasonably possible following the delivery of service, with the Animal and Plant Health Inspection Service either returning the difference to the agent, broker, or principal, or billing the agent, broker, or principal for the difference.

(3) The prepayment must be in some guaranteed form, such as money order, certified check, or cash. Prepayment in guaranteed form will continue until the Animal and Plant Health Inspection Service determines that the agent, broker, or principal has established an acceptable credit history.

(4) For security reasons, cash payments will be accepted only from 7 a.m. to 5 p.m., and only at a location designated by the Animal and Plant Health Inspection Service inspector.

(e)(1) Any principal, or any person, firm, partnership, corporation, or other legal entity requesting Sunday, holiday, or overtime services of an Animal and Plant Health Inspection Service inspector, and who has a debt to the Animal and Plant Health Inspection Service more than 60 days delinquent, must pay the inspector before service is provided.

(2) Since the payment must be collected before service can be provided, the Animal and Plant Health Inspection Service inspector will estimate the amount to be paid. Any difference between the inspector's estimate and the actual amount owed to the Animal and Plant Health Inspection Service will be resolved as soon as reasonably possible following the delivery of service, with the Animal and Plant Health Inspection Service either returning the difference to the agent, broker, or principal, or billing the agent, broker, or principal for the difference.

(3) The prepayment must be in some guaranteed form, such as money order, certified check, or cash. Prepayment in guaranteed form will continue until the debtor pays the delinquent debt.

(4) For security reasons, cash payments will be accepted only from 7 a.m. to 5 p.m., and only at a location designated by the Animal and Plant Health Inspection Service inspector.

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(f) Reimbursable Sunday, holiday, or overtime services will be denied to any principal, or any person, firm, partnership, corporation, or other legal entity who has a debt to the Animal and Plant Health Inspection Service more than 90 days delinquent. Services will be denied until the delinquent debt is paid.

[49 FR 1173, Jan. 10, 1984, as amended at 49 FR 12186, Mar. 29, 1984; 49 FR 19441, May 8, 1984; 52 FR 16822, May 6, 1987; 53 FR 52975, Dec. 30, 1988; 54 FR 13506, Apr. 4, 1989; 55 FR 3198, Jan. 31, 1990; 55 FR 41059, Oct. 9, 1990; 56 FR 1082, Jan. 11, 1991; 58 FR 32434, June 10, 1993; 67 FR 48523, July 25, 2002]

**§ 354.2 Administrative instructions prescribing commuted traveltime.**

Each period of overtime and holiday duty, as defined in §354.1 shall, in addition, include a commuted traveltime period for the respective ports, stations, and areas in which employees are located. The prescribed commuted traveltime periods are set forth below:

**COMMUTED TRAVELTIME ALLOWANCES**  
[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
<b>Alabama:</b>			
Birmingham (including Birmingham Municipal Airport) .....	Alabaster .....	.....	2
Birmingham (including Birmingham Municipal Airport) .....	Pelham .....	.....	2
Chickasaw .....	Mobile .....	.....	2
Huntsville .....	.....	1	.....
Mobile .....	.....	2	.....
Montgomery .....	.....	1	.....
Undesignated ports .....	.....	.....	3
<b>Alaska:</b>			
Anchorage .....	.....	1	.....
Seward .....	Anchorage .....	.....	6
Undesignated ports .....	.....	.....	3
<b>Arizona:</b>			
Davis-Monthan AFB, Tucson .....	Nogales .....	.....	4
Douglas .....	.....	1	.....
Douglas .....	Nogales .....	.....	6
Fort Huachuca Army Base, Sierra Vista .....	Douglas or Nogales .....	.....	3
Fort Huachuca Army Base, Sierra Vista .....	Tucson .....	.....	4
Nogales .....	.....	2	.....
Phoenix .....	.....	2	.....
Phoenix .....	Nogales .....	.....	6
Phoenix .....	Tucson .....	.....	5
San Luis .....	.....	2	.....
Sasabe .....	Nogales .....	.....	4
Tucson .....	.....	1	.....
Tucson .....	Nogales .....	.....	3
Yuma International airport .....	.....	1	.....
Undesignated ports .....	.....	.....	3
<b>Arkansas:</b>			
Dardanelle .....	Conway .....	.....	3
Dardanelle .....	Little Rock .....	.....	3
Eaker AFB .....	Blytheville .....	.....	1
Fort Smith .....	Conway .....	.....	5
Fort Smith .....	Little Rock .....	.....	6
Helena .....	Blytheville .....	.....	5
Helena .....	Little Rock .....	.....	5
Little Rock .....	.....	1	.....
Little Rock .....	Conway .....	.....	2
Little Rock AFB .....	.....	2	.....
Little Rock AFB .....	Conway .....	.....	2
Osceola .....	Blytheville .....	.....	2
Pine Bluff .....	Conway .....	.....	4
Pine Bluff .....	Little Rock .....	2	.....
Undesignated ports .....	.....	.....	3
West Memphis .....	Blytheville .....	.....	3
<b>Bahamas:</b>			
Nassau .....	.....	1	.....
Freeport .....	.....	1	.....