

**§ 97.1**

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**§ 97.1 Overtime work at laboratories, border ports, ocean ports, and airports.<sup>1</sup>**

(a) Any person, firm, or corporation having ownership, custody, or control of animals, animal byproducts, or other commodities or articles subject to inspection, laboratory testing, certification, or quarantine under this subchapter and subchapter G of this chapter, and 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 the employee, shall sufficiently in advance of the period of Sunday or holiday or overtime service request the Animal and Plant Health Inspection Service inspector in charge to furnish the service and shall pay the Government at the rate listed in the following table, except as provided in paragraphs (a)(1), (a)(2), and (a)(3) of this section:

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

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

(1) 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 arrival in or departure from the United States of a private aircraft or private 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;

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

(3) 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)		
	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Monday through Saturday and holidays .....	\$39.00	\$40.00	\$41.00
Sundays .....	51.00	53.00	55.00

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

(b) 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 applies may include a commuted traveling time period (CTT) the amount of

<sup>1</sup> For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR §§ 93.102, 93.203, 93.303,

93.403, 93.503, 93.703, and 93.805 and for designated ports of entry for certain purebred animals see 9 CFR §§ 151.1 through 151.3.

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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, 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	Com-muted <sup>2</sup> travelltime (CTT) charge
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 part 97.2. One-half CTT is 1/2 of the full CTT period.

(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,

	Actual time <sup>1</sup> charge—no minimum	2-hour guarantee charge	Com-muted <sup>2</sup> travelltime (CTT) charge
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**Charges for Inspection Within Metropolitan Area of Employee's Headquarters**

Work beginning before daily tour begins:			
8 to 59 minutes.	Yes .....	No .....	None.
60 to 119 minutes.	.....	Yes .....	1/2 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 .....	1/2 CTT.
61 minutes or more.	.....	Yes .....	Full CTT.

**Charges for Inspection Services Performed Outside Metropolitan Area of Employee's Headquarters**

Work beginning before daily tour begins:			
8 to 59 minutes.	Yes .....	No .....	1/2 CTT.
60 minutes or more.	.....	Yes .....	Full CTT.
Work beginning after daily tour ends:			
Direct continuations.	Yes .....	No .....	1/2 CTT.
2-59 minutes	No .....	Yes .....	1/2 CTT.

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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.

(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.

[38 FR 28814, Oct. 17, 1973, as amended at 42 FR 1455, Jan. 7, 1977; 49 FR 1176, Jan. 10, 1984; 49 FR 12191, Mar. 29, 1984; 50 FR 723, Jan. 7, 1985; 52 FR 16823, May 6, 1987; 53 FR 52992, Dec. 30, 1988; 54 FR 13516, 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; 62 FR 56025, Oct. 28, 1997; 67 FR 48523, July 25, 2002; 68 FR 51882, Aug. 29, 2003]

§97.2 Administrative instructions prescribing commuted traveltime.

Each period of overtime and holiday duty as prescribed in §97.1 shall in addition include a commuted traveltime period for the respective ports, stations, and areas in which employees are located. The prescribed computed traveltime periods are as follows:

COMMUTED TRAVELTIME ALLOWANCES  
[In hours]

Location covered	Served from	Metropolitan Area	
		Within	Outside
Alaska:			
Anchorage .....	.....	1	.....
Do .....	Palmer .....	.....	3
Arizona:			
Douglas .....	.....	1	.....
Do .....	Nogales .....	.....	6
Do .....	Phoenix .....	.....	6
Do .....	Sierra Vista .....	.....	3
Naco .....	Douglas .....	.....	2
Do .....	Nogales .....	.....	4
Do .....	Phoenix .....	.....	6
Do .....	Sierra Vista .....	.....	2
Nogales .....	.....	1	.....
Do .....	Douglas .....	.....	6
Do .....	Phoenix .....	.....	6
Do .....	Sierra Vista .....	.....	3
San Luis .....	Phoenix .....	.....	6
Do .....	Yuma .....	.....	2
Sasabe .....	Douglas .....	.....	6
Do .....	Nogales .....	.....	4
Do .....	Phoenix .....	.....	6
Do .....	Sierra Vista .....	.....	6
Do .....	Tuscon .....	.....	3
California:			
Calexico .....	San Ysidro .....	.....	6
Edwards Air Force Base .....	Los Angeles .....	.....	4
Los Angeles and Los Angeles International Airport .....	San Bernardino .....	.....	5
Do .....	Los Angeles .....	2	.....
Los Angeles Harbor, San Pedro, including Long Beach, Wilmington, and Terminal Island .....	Los Angeles .....	.....	2
March Field .....	.....do .....	.....	5