

Night Pay & Night Shift Differential Entitlement

REFERENCES:

- DoD Financial Management Regulation, Volume 8, Chapter 3, Pay Administration, Changes Dated June 2016
 - http://comptroller.defense.gov/Portals/45/documents/fmr/Volume_08.pdf
- Office of Personnel Management (OPM)
 - <https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/night-pay-for-general-schedule-employees/>
 - <https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/night-shift-differential-for-federal-wage-system-employees/>

As Cited:

DoD Financial Management Regulation

030303. Night Pay Differential (GS) and Night Shift Differential (FWS)

A. GS Employees. Under **5 U.S.C. 5545(a)**, night pay differential, at the rate of 10 percent of the hourly basic rate, is payable to employees for *regularly scheduled work performed between 6 p.m. and 6 a.m.* Accordingly, the hourly basic rate is multiplied by 10 percent, with the result adjusted to the nearest cent, counting one-half cent and over as a whole cent. Night pay differential is not included in the rate of basic pay used to calculate overtime, Sunday, or holiday pay. Night pay differential is in addition to overtime, Sunday, or holiday pay. The head of a department may designate another time between 6 p.m. and 6 a.m., as the beginning and end of the night work for activities outside of the United States. See **5 C.F.R 550.122(b)**. Employees are not entitled to night pay differential while engaged in training, except where the situation they are learning to handle occurs only at night. An employee is entitled to night pay differential under the following circumstances:

1. For the hours actually worked between 6 p.m. and 6 a.m. when such hours are part of the employee's regularly scheduled work.
2. For overtime work performed between the hours of 6 p.m. and 6 a.m. if the overtime is regularly scheduled in advance of the administrative workweek.
3. For a period of paid leave during night work hours, only when the total amount of leave in a pay period, including both night and day hours, is less than 8 hours. Exceptions to this rule are employees on court leave; military leave, including leave for

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law enforcement and encampment purposes; time off with pay for a holiday; official travel status; administrative leave; compensatory time used; credit hours used; Continuation of Pay (COP); and time-off-awards.

4. When excused from night work during a tour of duty while on official travel status, whether performing actual duty or not. See **5 C.F.R. 550.122(a)**.

5. When temporarily assigned during the administrative workweek to a daily tour of duty that includes night work. See **5 C.F.R. 550.122(d)**.

6. When excused from night work on a holiday or other non-workday. See **5 C.F.R. 550.122(a)**.

B. Part-Time Employees. Part-time GS employees are eligible for night pay differential for work performed between 6 p.m. and 6 a.m. as part of their regularly scheduled administrative workweek.

C. Intermittent Employees. Intermittent GS employees who have no regularly scheduled tour of duty are not eligible for night pay differential. These employees are eligible for night pay differential during temporary assignment to a regular tour of duty with night work.

D. FWS Employees. Under **5 U.S.C. 5343(f)**, FWS employees receive night shift differential at one of the two following rates:

- 1) The rate of 7.5 percent of their hourly rate for non-overtime work when a majority of their scheduled hours occur between 3 p.m. and midnight; or
- 2) 10 percent of their hourly rate for non-overtime work when the majority of scheduled hours occur between 11 p.m. and 8 a.m.

For additional information, see **5 C.F.R. 532**. Night shift differential is considered as part of basic pay in the calculation of overtime pay, Sunday pay, holiday pay, and deductions for retirement and FEGLI. An employee regularly assigned to a night shift is entitled to night shift differential under the following circumstances:

1. For all non-overtime hours worked during an entire shift when the majority of hours fall within the specified periods.

2. On paid leave, such as court leave, holiday leave, compensatory time used, and administrative leave. See **5 C.F.R 532.505(e)**.

3. During a tour of duty while on official travel status, whether performing actual duty or not. See **5 C.F.R 532.505(c)**.

4. When temporarily assigned to a different tour of duty. See **5 C.F.R 532.505(d)**.

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5. When excused from night work on a holiday or other non-workday. See **5 C.F.R. 532.505(b)**.

NOTE: There are specific differences between Night Pay Differential (GS employees) and Night Shift Differential (WG employees). The most notable differences are identified below.

Description:

GS Employees - Night pay is a 10 percent differential paid to an employee for regularly scheduled work performed at night. It is computed as a percentage of the employee's rate of basic pay (including any applicable locality payment or special rate supplement).

WG Employees – Night shift differential means the differential paid for work performed when the majority of a prevailing rate employee's regularly scheduled non-overtime hours fall between 3 p.m. and 8 a.m. It is computed as a percentage of the employee's rate of basic pay.

Regularly Scheduled Work:

GS Employees - Night pay is paid for regularly scheduled work performed at night. This generally means work scheduled before the beginning of the administrative workweek. However, night pay is also paid for night work on a temporary assignment to a different daily tour of duty **during** the administrative workweek.

WG Employees – Night shift differential is paid for regularly scheduled work performed at night. This generally means work scheduled before the beginning of the administrative workweek. Overtime hours do not count toward an employee's entitlement to receive a night shift differential.

Night Work Hours:

GS Employees – Generally, night work must be performed between the hours of 6 p.m. and 6 a.m., including night work under a compressed work schedule. For posts located outside the United States, the head of an agency may designate a time after 6 p.m. and before 6 a.m. as the beginning and end, respectively, of night work to accommodate the customary hours of business in the locality. (See also "Flexible Work Schedules," below.)

WG Employees – A prevailing rate employee is entitled to a night shift differential when the majority of hours worked during a regularly scheduled non-overtime shift occur in either of these two shifts:

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Shift Hours

3 p.m. to midnight

11 p.m. to 8 a.m.

Night Shift Differential

7 ½ percent differential

10 percent differential

“Majority of hours” means a number of whole hours greater than one-half (including meal breaks), e.g., 5 hours of a scheduled 8 hour shift.

The night shift differential is paid for the entire shift when the majority of hours fall within the specified periods.

Relationship to Basic Pay:

GS Employees – Night pay is **not** basic pay for any purpose.

WG Employees – Night shift differential is a part of basic pay.

Relationship to Other Premium Pay:

GS Employees – Night pay is paid in addition to overtime, Sunday, or holiday premium pay.

WG Employees – Night shift differential is included in the rates of basic pay for prevailing rate employees and is used as a basis for computing overtime pay, Sunday pay, holiday pay, and amounts of deductions for retirement and group life insurance.

Relationship to Leave:

GS Employees – An employee is entitled to night pay for paid leave only when the total amount of paid leave during a biweekly pay period is less than 8 hours.

WG Employees – A prevailing rate employee regularly assigned to a night shift will receive a night shift differential during periods of leave with pay.

A prevailing rate employee regularly assigned to a day shift who is temporarily assigned to a night shift will be paid a night shift differential for any leave with pay taken when scheduled to work night shifts.

A prevailing rate employee assigned to a regular rotating schedule involving work on both day and night shifts will be paid a night shift differential for any leave with pay taken when scheduled to work night shifts.

A prevailing rate employee who is not regularly assigned to a day shift or a night shift but whose shift is changed at irregular intervals will be paid a night shift differential during leave with pay if the employee received a night shift differential for the last shift worked preceding the leave with pay.