

# Sunday Premium Pay

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## REFERENCES:

- DoD Financial Management Regulation, Volume 8, Chapter 3, Changes Dated June 2016
  - [http://comptroller.defense.gov/Portals/45/documents/fmr/Volume\\_08.pdf](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/sunday-premium>

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## AS CITED from FMR:

### 030304. Sunday Premium Pay

Additional pay at a rate of 25 percent of the hourly basic rate is payable to full and part-time employees whose regularly scheduled workweek, which does not include overtime hours, includes Sunday. Part-time employees are eligible for Sunday premium pay. Sunday premium pay is payable for the entire period of non-overtime work during an employee's regularly scheduled daily tour of duty, not to exceed 8 hours, that begins or ends on a Sunday. Employees who do not actually perform work on Sunday do not earn Sunday premium pay. See **5 U.S.C. 5546**. Therefore, employees who are regularly scheduled to work on Sunday and who are on paid leave, excused absence, taking compensatory time off, using credit hours, or not working because Sunday is a holiday, are not entitled to Sunday premium pay. Intermittent employees are not entitled to Sunday premium pay. See **5 U.S.C. 5544 and 5546**. FWS employees are entitled to Sunday premium pay under **5 U.S.C. 5544(a)**.

A. Flexible Work Schedule. A full-time or part-time employee on a flexible work schedule who performs regularly scheduled non-overtime work during a period of duty, a part of which is performed on Sunday, is entitled to Sunday pay for the entire period of duty, not to exceed 8 hours.

B. Compressed Work Schedule. A full-time or part-time employee on a compressed work schedule who performs non-overtime work during a period of duty, a part of which is on Sunday, is entitled to Sunday pay for the entire period of duty on that day, even if the hours worked exceeded 8 hours. See **5 U.S.C. 6128**.

C. First 40-Hour Tour of Duty. A first 40-hour tour of duty is regularly scheduled work. An employee under a first 40-hour scheduled is entitled to up to 8 hours of Sunday premium pay when performing non-overtime work on a Sunday. See 5 C.F.R. 610.111

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and OPM, Pay and Leave, Work Schedules. Any additional hours over 8 hours in a day are paid as overtime unless the employee is: 1) engaged in professional or technical engineering or scientific activities for whom the first 40 hours of duty in an administrative workweek is the basic workweek; or 2) the employee's basic pay exceeds the minimum rate for GS-10, step 1 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law) for whom the first 40 hours of duty in an administrative workweek is the basic workweek. An employee on a first-40 tour who does not fall under one of these two exceptions is entitled to overtime pay for hours worked in excess of 8 hours in a day or 40 hours in an administrative workweek. See 5 U.S.C. 5542; 5 C.F.R. 550.111(d)(2).

D. Maximum hours. The maximum number of hours of Sunday premium pay that an employee is paid for one Sunday is 16 hours. The 16 hours would include two 8-hour tours: one starting on Saturday night and ending on Sunday morning; and the next tour starting Sunday night and ending on Monday morning.

E. Rate of Payment. The hourly basic rate is multiplied by 25 percent with the result adjusted to the nearest cent, counting one-half cent and over as a whole cent.

## **AS CITED from OPM:**

### **Entitlement**

An employee is entitled to Sunday premium pay equal to 25 percent of his or her rate of basic pay for each hour of Sunday work. For this purpose, Sunday work consists of non-overtime work during an employee's regularly scheduled basic tour of duty (not to exceed 8 hours) that begins or ends on a Sunday. Notwithstanding the normal 8-hour limit, for an employee on a compressed work schedule, all non-overtime hours in the employee's regularly scheduled daily tour of duty beginning or ending on a Sunday constitutes Sunday work.

### **Relationship to Overtime Pay**

An employee under a standard work schedule is entitled to overtime pay for hours of work on Sunday that are in excess of 8 hours in a day or 40 hours in a week. Sunday premium pay is not paid for overtime hours of work.

### **Flexible Work Schedule**

An employee whose flexible work schedule includes work on Sunday is entitled to overtime pay for hours of work in excess of 8 hours in a day or 40 hours in a week and which are officially ordered in advance. This does not include any flexible hours of work applicable to the employee's basic work requirement.

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## Compressed Work Schedule

An employee whose compressed work schedule includes work on Sunday is entitled to overtime pay for hours of work in excess of the employee's compressed work schedule on that day.

## Relationship to GS Night Pay

When an employee has a regularly scheduled basic tour of duty that begins or ends on Sunday and includes night work (between 6 p.m. and 6 a.m. for GS employees), the employee is entitled to night pay in addition to Sunday premium pay for work during night hours of the Sunday tour of duty. This applies to standard, flexible, and compressed work schedules. (See exception below.)

- **Exception - Flexible Work Schedule:**

If a flexible tour of duty includes 8 or more hours available for work during daytime hours (i.e., between 6 a.m. and 6 p.m.), an employee is not entitled to night pay even though he or she voluntarily elects to work flexible hours at night.

## Relationship to Holiday Premium Pay

When an employee has a regularly scheduled basic tour of duty that begins on Sunday and Sunday is a holiday, the employee is entitled to holiday premium pay and Sunday premium pay for up to 8 hours of work during that basic tour of duty. This applies to standard and flexible work schedules.

## Compressed Work Schedule

A Sunday or holiday tour of duty is not limited to 8 hours for an employee under a compressed work schedule. (See 5 U.S.C. 6128(c) and 5 CFR 610.407.)

## Paid Leave, Excused Absence, and Holidays on Sunday

Employees who are regularly scheduled to work non-overtime hours on Sunday, but do not work during their Sunday tour of duty because they are on paid leave or excused absence, because they are using compensatory time off or credit hours, or because Sunday is a holiday, are **not** entitled to Sunday premium pay. Sunday premium pay may be paid only for periods when an employee **performs** work on Sunday.

## Payment for Actual Work

Sunday premium pay is paid for any actual work performed during an employee's Sunday tour of duty. Example: an employee's Sunday tour of duty is 8 p.m. on Sunday until 4 a.m. on Monday. The employee is granted annual leave from 8 p.m. until 11 p.m.; the employee is entitled to Sunday premium pay for 5 hours for working between 11 p.m. and 4 a.m.