



CAPITOL POLICE BOARD

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CAPITOL POLICE BOARD REGULATIONS IMPLEMENTING SUNDAY PREMIUM PAY, HOLIDAY PAY AND NIGHT DIFFERENTIAL PAY FOR EMPLOYEES OF THE UNITED STATES CAPITOL POLICE

In accordance with the authorities established under 2 U.S. Code Sections 1921a and 1923, the Capitol Police Board hereby adopts the following regulations with regard to Sunday Premium Pay, Holiday Pay, and Night Differential Pay:

SECTION (a). SUNDAY PREMIUM PAY, HOLIDAY PAY, and NIGHT DIFFERENTIAL PAY

Employees of the United States Capitol Police may be eligible for additional pay for Sunday Premium Pay, Holiday Pay, and Night Differential Pay as follows:

- (1) **SUNDAY PREMIUM PAY.** For the purposes of eligibility for Sunday Premium Pay, Sunday work is non-overtime work performed during a regularly scheduled workday when at least four hours of that workday is on a Sunday. An employee is eligible for pay at his or her rate of basic pay plus Sunday Premium Pay at a rate equal to 25 percent of his/her rate of basic pay for each hour of Sunday work performed that is not in excess of 8 hours. Sunday Premium Pay is in addition to Holiday Pay or Night Differential Pay payable under this section and is not included in the rate of basic pay used to compute the pay for Holiday Pay or Night Differential Pay. An employee must be in a working status in order to be eligible for Sunday Premium Pay.
- (2) **HOLIDAY PAY.** For the purposes of eligibility for Holiday Pay, holiday work is non-overtime work performed during a regularly scheduled workday on a U.S. federal holiday. An employee who performs holiday work is eligible for pay at his/her rate of basic pay plus Holiday Pay at a rate equal to his/her rate of basic pay for that holiday work that is not in excess of 8 hours. Holiday Pay is in addition to pay for Sunday Premium Pay or Night Differential Pay payable under this section and is not included in the rate of basic pay used to compute the pay for Sunday Premium Pay or Night Differential Pay. For the purpose of Holiday Pay under this provision, members may elect, in accordance with procedures as determined by the Chief of Police or designee, to receive, in lieu of such pay, an equal amount of compensatory time off. An employee must be in a working status in order to be eligible for Holiday Pay. An employee who is required to report (and reports) for work on a holiday is eligible for Holiday Pay for at least 2 hours, regardless of whether any work is actually performed.

- (A) For an employee whose regularly scheduled workdays are Monday through Friday, when a holiday falls on one of that employee's regularly scheduled workdays, that workday is his or her holiday. When a holiday falls on a Saturday, the Friday immediately before is his or her holiday. When the holiday falls on a Sunday, the Monday immediately after is his or her holiday.
 - (B) For an employee whose regularly scheduled workdays include Saturday or Sunday, when the holiday falls on a Saturday or Sunday, the Saturday or Sunday is his or her holiday.
 - (C) For an employee whose regularly scheduled workdays include Saturday or Sunday, when the holiday falls on a non-work day in a workweek, the Chief of Police or designee will designate another of the employee's workdays as the employee's "alternative" holiday.
 - (D) An employee may be excused from duty on any holiday or alternative holiday without charge to leave, subject to the needs of the Department. An employee is eligible for pay for a holiday if he or she is in a pay status either the day before or the day after the holiday.
- (3) **NIGHT DIFFERENTIAL PAY.** For the purposes of eligibility for Night Differential Pay, and except as provided in this subsection, night work is any regularly scheduled non-overtime work performed by an employee between the hours of 6 p.m. and 6 a.m. An employee who performs night work is eligible for pay for that work at his/her rate of basic pay plus Night Differential Pay amounting to 10 percent of his/her rate of basic pay. Night Differential Pay is in addition to pay for Sunday Premium Pay or Holiday Pay payable under this section and is not included in the rate of basic pay used to compute the pay for Sunday Premium Pay or Holiday Pay. An employee must be in a working status in order to be eligible for Night Differential Pay.
- (A) An employee who is temporarily assigned to a workday that includes night work that is not overtime work is eligible for Night Differential Pay.
 - (B) An employee who is temporarily assigned from a workday that includes night work to a workday that does not include night work is not eligible for Night Differential Pay.

SECTION (b). LIMITATIONS

- (1) An employee (sworn and civilian) may be paid under section (a) only to the extent that the payment does not cause the total of his or her basic pay, overtime and additional compensation under the Fair Labor Standards Act as applied by the CAA, and pay under section (a) for any pay period to exceed the annual pay limitation as indicated on the 'Schedule of Rates of Basic Pay for Members of the U.S. Capitol Police' and the 'Schedule of Rates of Basic Pay for Civilian Employees of the U.S. Capitol Police,' as approved, from time to time, pursuant to Pub. L. 105-55, by the Committee on Rules and Administration of the Senate and the Committee on House Administration

of the House of Representatives.

- (2) Pay under these regulations not eligible for disbursement in any pay period due to the pay period limitations set forth in subsection (b)(1) above, shall be accumulated throughout the calendar year on a pay period basis. All accumulated amounts shall be deemed eligible for disbursement in the first full pay period in the following calendar year subject to the availability of funds and only to the extent that such payment does not exceed the annual pay limitation applicable to the calendar year in which the amounts were accumulated.
- (3) Pay under these regulations shall not be included as basic pay for the purposes of Chapter 83 and 84 of Title 5, United States Code.
- (4) Notwithstanding any pay period limitation in subsection (b), above, any limits on the amount of premium pay which may be earned by employees of the U. S. Capitol Police during emergencies, as determined by the Capitol Police Board, shall be applied by the Chief of the U. S. Capitol Police on an annual basis and not on a pay period basis. Any determination under this subsection shall not be reviewable or appealable in any manner.
- (5) Notwithstanding any pay period limitation in subsection (1), above, non-exempt employees shall be compensated, unless an applicable compensatory time off election is made, for all earned FLSA eligible overtime (time and one-half).

SECTION (c). DEFINITIONS

For the purposes of these regulations:

- (1) "employee" means a sworn officer or civilian employee of the Capitol Police.
- (2) "regularly scheduled workday" means 8.5 consecutive hours of duty as determined by the Chief of Police or designee, which includes a thirty minute non-compensable meal period, and is non-overtime or additional duty work.
- (3) "non-overtime work" means work performed during a regularly scheduled workday that does not include overtime or additional duty work.
- (4) "basic pay" means the rate of pay established by the "Schedule of Rates of Basic Pay for Members of the Capitol Police" and the "Schedule of Rates of Basic Pay for Civilian Employees of the Capitol Police."
- (5) "U.S. federal holiday" means a legal public holiday for the purposes of pay and leave.

The Congressionally approved holidays are:

- New Year's Day - January 1
- Birthday of Martin Luther King's, Jr. - 3rd Monday in January
- Washington's Birthday - 3rd Monday in February
- Memorial Day - Last Monday in May
- Independence Day - July 4
- Labor Day - 1st Monday in September
- Columbus Day - 2nd Monday in October

- Veterans Day - November 11
- Thanksgiving Day - 4th Thursday in November
- Christmas Day - December 25
- Inauguration Day - January 20th every fourth year as approved by appropriate Congressional authority
- Any other day designated as a holiday by appropriate Congressional authority.

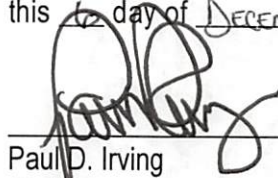
SECTION (d). SCOPE AND EFFECTIVE DATE


The authority to determine the hours of work, or other scheduling related matters, of employees to accomplish the mission of the Department shall be within the sole discretion of the Chief of Police or designee.


Under Pub. L. 105-55, 111 Stat. 1177 (January 15, 1998), the Capitol Police Board is statutorily mandated to establish and maintain unified schedules of rates of basic pay for members and civilian employees of the Capitol Police, subject to the approval of both the Committee on Rules and Administration of the United States Senate and the Committee on House Administration of the United States House of Representatives and appropriated funding. In addition, the Capitol Police Board regulations regarding premium pay are similarly subject to approval by the above referenced authorizing committees.

The determination of a rate or amount authorized under these regulations is not subject to review or appeal in any manner. These regulations shall be effective on and after the first day of the first pay period, except for subsections b(2) and b(4) which shall apply as if adopted on January 1, 2018, after the approval of both the Committee on House Administration and the Senate Committee on Rules and Administration and, upon such approval, shall supersede and rescind all prior regulations regarding Sunday Premium Pay, Holiday Pay, and Night Differential Pay, and shall have the force and effect of law.

By unanimous concurrence of the Capitol Police Board these regulations are hereby adopted this 6 day of DECEMBER 2018.


Paul D. Irving
Chairman
Capitol Police Board


Michael C. Stenger
Member
Capitol Police Board


Christine A. Merdon, P.E., CCM
Member
Capitol Police Board

Approved:


The Honorable Gregg Harper
Chairman
Committee on House Administration

Date: December 4, 2018


The Honorable Roy Blunt
Chairman
Senate Committee on Rules and Administration

Date: 12/6/18