

ORDER

**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

EA 2730.13

EASTERN REGION
JAMAICA, N. Y., 11430

9/8/80

**SUBJ: CONTINUATION OF NIGHT DIFFERENTIAL FOR WAGE GRADE EMPLOYEES
ATTENDING DAY SHIFT TRAINING SESSIONS.**

1. PURPOSE. This order establishes procedures for recording time and attendance for Wage Grade (WG) employees regularly assigned to the night shift and who are temporarily assigned to training during the day shift. It also provides claim procedures to be used by WG employees who feel they have back pay entitlements in this area. Information in this order does not pertain to General Schedule employees.
2. DISTRIBUTION. This order is distributed to the division level in the Regional Office and to all Airway Facilities Field Offices.
3. BACKGROUND. In response to a question posed by the agency, the Office of Personnel Management (OPM) has stated that prevailing rate employees (WG) who are regularly assigned to the night shift are entitled to continue receiving night differential when they are temporarily assigned to training during the day shift. The General Accounting Office (GAO) has determined that back pay claims based on the OPM decision may be settled by the agency.
4. ACTION. Supervisors of prevailing rate (WG) employees who are regularly assigned to the night shift shall ensure that T&A reports are prepared as described in paragraph 5. The night differential to be paid during the temporary training assignment to the day shift is whatever differential(s) the employee would be entitled to had he/she remained in his/her normal shift rotation pattern during that time period.
5. PROCEDURES. The following procedures shall be followed in the processing of T&A reports for WG employees:
 - a. In the "assigned shift" column, indicate the hours the employee would have worked had he/she followed the normal shift rotation on the days the training occurred.
 - b. In the "remarks" section, indicate that the employee was in training for a specified period and the assigned shift during the training period.
6. RETROACTIVE ENTITLEMENT. Any WG employee who believes he/she has an entitlement to back pay on the basis of the OPM decision may file a claim with the Accounting Division, AEA-20.

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a. The employee's claim for back pay must indicate the period of training and the shift(s) to which he/she would have been assigned had he/she continued the normal shift rotation during that period.

b. The claim must be forwarded to AEA-20 through the immediate supervisor for certification of accuracy and attachment of any additional pertinent data; e.g., watch schedules .

7. STATUTE OF LIMITATIONS. The statute of limitations on claims of this nature is six years from the date of the occurrence generating the claim. Any claims that are approaching the six year limitation shall be submitted directly to the GAO to be recorded as received prior to expiration of the six year limitation. Claims will be returned to the FAA from GAO for review of payment appropriateness. The address for these claims is: United States General Accounting Office, Claims Division, 441 G Street N.W., Washington, D.C. 20548. Claims for periods not approaching the six year limitation shall be forwarded to AEA-20.

8. REQUESTS FOR ASSISTANCE. Questions concerning this subject should be directed to AEA-29, (FTS 665-8501).

Murray E. Smith
MURRAY E. SMITH
Director