CHANGE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

3550.13 CHG 2

June 17, 1988

SUBJ: AIR TRAFFIC CONTROL REVITALIZATION PREMIUM PAY

1. PURPOSE. This change updates Federal Aviation Administration (FAA) Order 3550.13.

2. DISTRIBUTION. This change is distributed to branch level in Washington, regions, and centers. Standard distribution is made to all field offices and facilities.

3. BACKGROUND. Public Law (P.L.) 97-276 gave the FAA Administrator the authority to prescribe standards for determining which employees are to receive benefits under this law. P.L. 97-276 has been modified by P.L. 97-377, P.L. 98-78, and now by the appropriations act signed by the President on December 22, 1987.

4. EXPLANATION OF CHANGES.

a. Employees at the National Terminal Field Support Maintenance Branch (ATR-240) and the National En Route Field Support Maintenance Branch (ATR-250) who are required to spend time in travel status providing onsite operational assistance at air traffic facilities will receive the operational responsibility differential for each day they are in official travel status.

b. Employees at the National Airway Engineering Field Support Sector located at the FAA Aeronautical Center and the National Automation Engineering Field Support Sector located at the FAA Technical Center who are required to spend time in travel status providing onsite operational assistance at air traffic facilities will receive the operational responsibility differential for each day they are in official travel status.

c. Authority to NOT reduce the retired or retainer pay of certain former members of a uniformed service has been extended to December 31, 1988. These persons must be on temporary appointments performing covered duties at an air traffic control center or terminal or training other individuals to perform such duties.

d. Authority to NOT offset the annuity of certain reemployed annuitant air traffic control specialists (ATCS) has been extended to December 31, 1988. These persons must have applied for retirement or retired on or before December 31, 1986, and be performing covered duties at an air traffic control center or terminal or training other individuals to perform such duties.

e. In accordance with United States Claims Court Decision Number 327-84C dated April 16,1986, criteria have been added for determining whether reemployed annuitants working in air traffic control facilities who are not ATCS's are eligible to not have their annuities offset.

PAGE CONTROL CHART

REMOVE PAGES	DATED	INSERT PAGES	DATED
1 and 2	10/25/83	1	10/25/83
3	8/1/84	2	
4 thru 12	10/25/83	3	
		4 thru 12	

FOR E. V. Curran
Director of Personnel and
Technical Training

ORDER

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

3550.13

10/25/83

SUBJ: AIR TRAFFIC CONTROL REVITALIZATION PREMIUM PAY

1. PURPOSE. This order contains the agency's basic regulations and procedures necessary to implement the air traffic control revitalization premium pay provisions of Public Laws 97-276, 97-377, and 98-78. It consolidates what has already been issued in notice and memorandum format. Appendix 1 consolidates previously issued questions and answers.

2. DISTRIBUTION. This order is distributed to the division level in Washington, regions, and centers; branch level in the Office of Personnel and Training and in the Personnel Management Divisions in the regions and the Aeronautical Center; branch level in the Administrative Systems Division at the Federal Aviation Administration (FAA) Technical Center; and a limited distribution to all field offices and facilities.

3. BACKGROUND. Public Law 97-276 gave the Federal Aviation Administrator the authority to prescribe standards for determining which air traffic controllers and other employees of the FAA are to be paid premium pay under this law, and to prescribe such rules as he determines are necessary to carry out the provisions of this law. Public Laws 97-377 and 98-78 extended certain provisions of Public Law 97-276 to eligible employees of the FAA Academy.

4. COVERAGE.

a. Air Traffic Coverage.

(1) 5 Percent Operational Responsibility Differential.

(a) ALL supervisory and nonsupervisory employees occupying positions classified as GS-2152 Air Traffic Control Specialists at grades GS-10 or above assigned to an operational air traffic facility (e.g., center, terminal, or flight service station).

(b) GS-9 employees occupying positions classified as GS-2152 Air Traffic Control Specialists who are certified as operational air traffic control specialists at terminals, centers, and flight service stations. An operational air traffic control specialist, GS-9, must be certified to work independently on at least TWO positions of operation. In air traffic control centers and terminals, these operational positions must involve the separation and control of live traffic.

Distribution: A-W(minus PT)-2;A-W(PT)-3;A-XY(minus PM)-2
A-XY(PM)-3;A-Z(minus AD)-2;A-Z(AD)-3;A-FOF-0(LTD)

Initiated By: APT-210

* (c) National Terminal Field Support/Maintenance Branch (ATR-240) and National En Route Field Support Maintenance Branch (ATR-250).

1. Supervisory and nonsupervisory employees occupying positions classified as GS-2152 Air Traffic Control Specialists at grades GS-10 or above in ATR-240 and ATR-250 assigned to the FAA Technical Center.

2. GS-2152 Air Traffic Control Specialists in these organizations have, as a primary part of their duties, the operational responsibility to work onsite at air traffic control facilities to resolve problems encountered with new and modified operational software programs essential to air traffic control system operations.

3. Employees in these organizations who are required to spend time in travel status providing onsite operational assistance at air traffic facilities will receive the operational responsibility differential for each day they are in official travel status. *

(d) Central Flow Control.

1. ALL supervisory and nonsupervisory employees occupying positions classified as GS-2152 Air Traffic Control Specialists at grades GS-10 or above assigned to Central Flow Control facility, ATO-120, located in Washington, D.C.

2. The primary duties of these employees are directly involved in and critical to the operation of the air traffic control system on a national basis.

(e) This premium pay is 5 percent of the applicable rate of basic pay.

(f) The effective date for the operational responsibility differential is retroactive to August 3, 1981.

(g) Employees determined eligible for the operational responsibility differential shall be paid all premium pay in excess of the premium pay limitation for any pay period during which the operational responsibility differential is payable.

(2) 1.6 Percent Currency Differential.

(a) Staff air traffic control specialists and supervisors or managers above first-line supervisors in air traffic control centers and terminals are eligible for the 1.6 percent currency differential. This

differential will be paid provided they maintain a current medical certification and control live traffic in accordance with proficiency standards established by the Office of the Associate Administrator for Air Traffic (see Order 3120.4G, Air Traffic Training).

(b) This differential does not apply to GS-2152 Air Traffic Control Specialists in air traffic control centers or terminals officially assigned to positions requiring operational or full-performance control duties or first-level supervisory duties. These employees are required, as a condition of employment, to be certified as proficient and medically qualified to perform duties including the separation and control of live traffic.

(c) This premium pay is 1.6 percent of the applicable rate of basic pay.

(d) This premium pay is effective October 3, 1982.

(3) 10 Percent On-The-Job Training (OJT) Premium Pay.

(a) All nonsupervisory GS-2152 Air Traffic Control Specialists in air traffic control centers and terminals who are assigned to give OJT to any air traffic control specialist whose OJT directly involves the separation and control of live traffic are eligible for OJT premium pay.

* (b) Withdrawn--CHG. *

(c) This premium pay is 10 percent of the applicable hourly rate of basic pay for the number of hours and/or minutes during which the OJT is conducted.

(d) This premium pay is effective October 3, 1982.

(4) Premium Pay for Working Without A Meal Period Break.

(a) Premium pay will be paid to any supervisory or nonsupervisory air traffic control specialist assigned to an air traffic control center, terminal, or flight service station who, while working a regularly scheduled 8-hour period of service, is required by his/her supervisor to work during the 4th through the 6th hour of such period without an uninterrupted break of 30 minutes for a meal. If, however, an employee elects and is released to take the 30 minute uninterrupted meal break either earlier or later than the 4th through the 6th hour, this break constitutes the employee's meal break for the 8-hour shift and he/she will not be eligible for the meal period premium pay. To be eligible for this premium pay, an employee must be in a duty status for the 8-hour period.

(b) This premium pay will be 50 percent of one-half of the applicable hourly rate of basic pay.

(c) This premium pay is effective October 3, 1982.

(5) Pay for Training in Excess of 40 Hours.

(a) An individual training to be an air traffic controller will, during the period of such training, be paid at the applicable rate of basic pay for the hours of training ordered or approved in excess of 40 hours in an administrative workweek.

* (b) This provision is effective October 3, 1982. (See paragraph 4e(7) for further guidance on this provision.) *

(6) Retired Military Personnel.

(a) The retired or retainer pay of a former member of a uniformed service who is on a temporary appointment performing duties in the operation of the air traffic control system at an air traffic control center or terminal or training others to perform such duties shall not be reduced for the duration of such temporary employment with the FAA. *

(b) This provision is retroactive to August 3, 1981, and ends December 31, 1988.

(c) To be eligible for no reduction in retired or retainer pay, a former member of a uniformed service must be performing covered duties at an air traffic control center or terminal or training other individuals to perform such duties. Eligibility ceases if the former member of a uniformed service is assigned to perform noncovered duties. Similarly, an otherwise eligible former member of a uniformed service becomes eligible for no reduction in retired or retainer pay when assigned covered duties.

(d) Military retirees occupying GS-2152 air traffic control positions are eligible for the operational responsibility differential, currency differential, OJT premium pay, and premium pay for working without a meal break in accordance with the same criteria applicable to other GS-2152 employees.

(7) Reemployed Annuitants.

(a) A GS-2152 employee serving as a reemployed annuitant, who
* applied for retirement or retired on or before December 31, 1986, and *
performs duties in the operation of the air traffic control system at an air traffic control center or terminal, or trains other individuals to perform such duties, shall not have his/her salary reduced by the amount of his/her annuity.

(b) An employee serving as a reemployed annuitant shall not have his/her salary reduced by the amount of his/her annuity if he/she
* applied for retirement or retired on or before December 31, 1986, and
performs duties vital to the successful operation and maintenance of the air traffic system and thus the duties are an integral part of that system. This includes duties such as:

*

* 1. Processing flight progress strips;

2. Making entries into the air traffic control computer system;

3. Receiving and distributing weather information;

4. Receiving and transferring flight data from and to other air traffic control facilities;

5. Updating and sequencing flight progress strips; and

6. Occasionally providing instruction concerning the duties listed above.

(c) This provision is retroactive to August 3, 1981. However, effective August 15, 1985, the basic salary (excluding premium pay) plus the annuity received in any pay period is limited to the rate payable for Level V of the Executive Schedule. This limitation is calculated on hourly rates. *

(d) To be eligible for no annuity offset, the reemployed annuitant must be performing covered duties at an air traffic control center or terminal or training other individuals to perform such duties. Eligibility ceases if the reemployed annuitant is assigned to perform noncovered duties. Similarly, an otherwise eligible reemployed annuitant becomes eligible for no annuity offset when assigned covered duties.

(e) The no annuity offset provision expires December 31, 1988.

(f) All reemployed annuitants occupying GS-2152 Air Traffic Control Specialist positions (regardless of whether they retired or applied * for retirement on or before December 31, 1986) are eligible for the * operational differential, currency differential, OJT premium pay, and premium pay for working without a meal break in accordance with the same criteria applicable to nonannuitants.

(8) Individuals Under Contract. Individuals under contract with the FAA are not covered by any provisions of this law.

b. Airway Facilities Coverage.

(1) 5 Percent Operational Responsibility Differential.

(a) Airway facilities employees, GS-10 and above, and WG-10 and * above, located at Airway Facilities Sectors and assigned system or subsystem maintenance, operations, training, or supervisory/managerial responsibility in the air traffic control system are eligible for the 5 percent operational responsibility differential. *

(b) Airway facilities employees at GS-9 located at airway facilities sectors who, as a normal part of their duties and on a regular and recurring basis, INDEPENDENTLY test, evaluate, analyze, troubleshoot, operate or maintain national airspace system (NAS) systems, subsystems, or equipment and/or NAS support systems, subsystems, or equipment. Initial eligibility determinations based on the above coverage criteria for employees at the GS-9 level will be made by the sector manager and must be approved by the regional director, who may redelegate that authority no lower than the airway facilities division manager.

* (c) Procedures for determining which supervisory and nonsupervisory employees, GS-10 and above, assigned to the National Airway Engineering Field Support Sector located at the Aeronautical Center and the National Automation Engineering Field Support Sector located at the FAA Technical Center are eligible for the 5 percent operational responsibility differential.

1. Certain employees assigned to these two national sectors have, as a primary part of their duties, the operational responsibility to work onsite in airway facilities sectors to resolve problems encountered with new or modified operational equipment and maintenance of computer software programs essential to air traffic control system operations.

2. Employees in these two organizations who are required to spend time in travel status providing onsite operational assistance at airway facilities sectors will receive the operational responsibility differential for each day they are in official travel status. *

(d) Occupational groups within the coverage criteria identified in paragraph 4b(1)(a), (b), and (c) may include: electronics technicians; engineers and engineering technicians; computer systems analysts; computer operators; and a variety of Wage Grade employees and their supervisors.

(e) Airway facilities sector employees whose primary duties do not directly involve the operation or maintenance of NAS systems, subsystems, or equipment and/or NAS support systems, subsystems, or equipment are not covered by the operational responsibility differential. The noncovered employees include facilities and equipment and field maintenance party/special maintenance project personnel responsible for construction and installation, maintenance of buildings, grounds and structures, and other employees engaged in various nonoperational support functions such as supply, administrative support, etc.

(f) To ensure agencywide consistency of coverage determinations, regions and centers will be required to identify all airway facilities employees to be covered except those who clearly meet the criteria in paragraph 4b(1). These determinations will be reviewed for consistency by the Director, Systems Maintenance Service (ASM-1).

* (g) Withdrawn--CHG. *

(h) Employees determined eligible for the operational responsibility differential shall be paid all premium pay in excess of the premium pay limitation for any pay period during which the operational responsibility differential is payable.

c. Aviation/Flight Standards Coverage.

(1) 5 Percent Operational Responsibility Differential.

(a) Permanently assigned flight inspection crewmembers occupying positions classified at GS-11 and above at a flight inspection field office are eligible for this differential. This includes only the following designated crewmembers:

1. Flight Inspection Pilots.
2. Co-Pilots.
3. Airborne Technicians.
4. Flight Engineers.

(b) Coverage determinations of flight inspection crewmembers must be approved by the Director, Aviation Standards National Field Office (AVN-1).

* (c) Procedures for determining which flight test pilots are eligible for the operational responsibility differential. *

1. Flight Test Pilots, GS-2181, both supervisory and nonsupervisory, occupying positions classified at GS-12 or above and located in the regions, the Aeronautical Center, or the Technical Center. Coverage determinations for flight test pilots must be approved by the Associate Administrator for Aviation Standards (AVS-1).

2. Employees to be covered are those occupying positions with duties which are unusually taxing and critical to the advancement of aviation safety, and which involve flight tests necessary in the course of aircraft certification to evaluate and establish the design limits of the vehicle.

(d) The effective date for the operational responsibility differential is August 3, 1981.

e) Employees determined eligible for the operational responsibility differential shall be paid all premium pay in excess of the premium pay limitation for any pay period during which the operational responsibility differential is payable.

d. FAA Academy Coverage.

(1) Coverage Determination and Eligibility Criteria. In * accordance with section 156 of Public Law 97-377, employees of the Academy may be eligible for the operational responsibility differential if they * occupy positions which require them to be actively engaged in, or directly responsible for, training employees to perform the duties of a covered position as described in paragraph 4a, b, or c. Coverage applies to individual instructors actively engaged in training controllers for work at an air traffic control center, tower, or flight service station; or training airway facilities employees for work at a sector; or training flight inspection crewmembers for work at a flight inspection field office. Coverage also extends to Academy managers and supervisors who have direct responsibility for the types of training identified above. Employees directly responsible for the development and revision of course materials for these types of training are also covered. In order to be eligible, these employees must have occupied a covered field position, as described in paragraph 4a, b, or c, immediately prior to assuming a covered position at the Academy.

(2) Employees Covered. Employees occupying the following positions at the Academy should be covered if they otherwise meet the criteria defined in paragraph 4d(1).

(a) GS-2152 positions in the Air Traffic Branch through the branch manager level. This includes supervisors and managers in the branch who have direct responsibility for covered work but may currently be classified in positions outside the GS-2152 series.

(b) GS-1710 and GS-1712 positions in instructor or development/revision functions in the Air Traffic and Airway Facilities Branches.

(c) GS-802, GS-850, GS-855, and GS-856 positions in the Airway Facilities Branch through the branch manager level. This includes supervisors and managers who have direct responsibility for covered work but may currently be classified outside the above series.

(d) GS-2181 and GS-856 positions in the Airspace Systems Section, Flight Inspection Unit, Flight Standards Branch.

(3) Employees Not Covered. Employees occupying the following positions are excluded from coverage:

(a) Managerial positions above the branch level.

(b) Special assistant and staff positions which are not actively engaged in, nor directly responsible for, covered work.

(c) Administrative and technical support positions; e.g., GS-301, GS-303, GS-312, GS-318, GS-322, and GS-1702 positions.

(d) All positions in the following organizational units: International Liaison and Student Services Staff, Training Methods and Operations Branch, Airport and Logistics Branch, and Superintendent's Staff.

(4) Guidance.

(a) If an employee in a covered position at the Academy has a permanent change in assignment to a noncovered position (e.g., return rights assignment, international assignment), he/she is no longer eligible and, if the employee should later return to the Academy, he/she would not become eligible. In effect, eligibility has been lost by that permanent change in assignment.

(b) The provisions on details are the same as those applicable to other employees covered by this order. If an employee is detailed to a noncovered position, the employee retains his/her eligibility for the 90-day grace period. If at any time that eligibility is lost due to a detail to a noncovered position exceeding 90 days, the employee, upon return to a covered position at the Academy, regains his/her eligibility.

(c) An employee who is reassigned or promoted at the Academy from a covered position to another covered position continues eligibility for coverage. An employee who is reassigned or promoted to a noncovered position loses eligibility and, even if subsequently reassigned or promoted at the Academy to a covered position, he/she is no longer eligible for coverage.

(5) Effective Date. The effective date for FAA Academy coverage is retroactive to August 3, 1981.

e. Other Coverage Conditions.

(1) General. The following regulations apply to "covered" positions or duties (i.e., eligible for the 5 percent operational responsibility differential and other provisions of the law, as appropriate) and "noncovered" positions or duties (i.e., not eligible for the 5 percent operational responsibility differential, or other provisions of the law, as appropriate).

(2) Reassignments, Downgrades, or Promotions.

(a) Employees being reassigned, downgraded, or promoted from one covered position to another covered position will be covered by all provisions of the law for which the new position makes them eligible.

(b) Employees being reassigned, downgraded, or promoted from a covered to a noncovered position will lose their coverage on the effective date of the personnel action.

(c) Employees being reassigned, downgraded, or promoted from a noncovered to a covered position will be covered by all the provisions of the law for which the new position makes them eligible on the effective date of the personnel action.

(d) Operational air traffic control specialists (i.e., certified on at least two positions of operation) who are reassigned or demoted to GS-2152 positions under the agency's "Up or Out" policy (Order 3330.30B, Employment Policy for Developmental Air Traffic Control Specialists) will continue to receive the operational responsibility differential unless such reassignment or demotion places the employee in a noncovered position.

(e) Air traffic control specialists who have not achieved operational status and are reassigned or demoted to another air traffic control facility as a result of failure to achieve operational status under the agency's "Up or Out" policy will not be entitled to an operational responsibility differential until they have attained operational status or been certified at no lower then GS-9 in a flight service station.

(3) Details and Temporary Assignments.

(a) Employees detailed or temporarily assigned from a covered to a noncovered position will continue to receive the provisions of the law for which eligible for a period not to exceed 90 calendar days.

(b) Employees detailed from a noncovered to a covered position will receive the operational responsibility differential and other provisions of the law for which they are eligible while performing duties of the covered position, beginning on the effective date of the personnel action and terminating with the effective date of the personnel action returning them to their position of record, provided that the detail is for at least 30 days.

(c) These rules will also apply to employees who worked temporarily in covered positions on or after August 3, 1981, and who have returned to their positions of record.

(4) Periods Away From Official Duties.

(a) Employees in covered positions who are assigned to attend technical or management training specifically intended to improve performance of their duties will continue to be covered by the provisions of the law for which they are eligible for the duration of such training.

(b) Employees assigned to training of a more general nature, such as long-term, full-time academic education, will not be covered by the provisions of the law for the duration of the training.

(c) Employees on leave without pay (LWOP) or absence without leave (AWOL) are not covered by the provisions of the law for the duration of the LWOP or AWOL.

(5) Effect of Extended Absence.

(a) This states the effect of extended absence upon an employee's continuing eligibility to receive the 5 percent operational responsibility differential. It also establishes the requirement that regional and center human resource management officers take the necessary steps to identify employees whose 5 percent differential should be terminated in accordance with the criteria herein contained.

(b) Commencing August 3, 1981, if an employee eligible to receive the 5 percent operational responsibility differential has been, or will be, on extended absence (paid or unpaid) for 90 or more consecutive calendar days, his/her eligibility to continue receiving the 5 percent differential will cease at the end of the workweek during which the 90th day occurs.

(c) If an otherwise eligible employee had been on extended absence from or before May 5, 1981, through August 3, 1981, the employee would NOT be eligible to receive the 5 percent differential on August 3, 1981.

(d) Human resource management officers are responsible for identifying any employees who should have their eligibility for the 5 percent operational responsibility differential discontinued in conformance with the above criteria. Personnel officers are also responsible for identifying any employees whose eligibility should have terminated while they were in facilities within their region and who have since left their region.

(e) Once affected employees have been identified, regional personnel management information system (PMIS) managers should coordinate with appropriate managers in their respective human resource management divisions to assure that the updated eligibility dates for these affected employees are reflected in the PMIS and passed to the Uniform Payroll System (UPS).

(f) An employee's eligibility for the 5 percent operational responsibility differential will be reestablished as of the beginning of the workweek following his/her return to a covered position (if the return to duty in the covered position is other than a Sunday) and the meeting of any applicable criteria for eligibility. *

* (6) Withdrawn--CHG.

(7) Pay for Air Traffic Controller Training in Excess of 40 Hours Per Week.

(a) The authority provided by this provision does not apply to the training of flight service station specialists.

(b) The provision is applicable to training both at the FAA Academy and at an employee's facility.

(c) The first 40 hours in the administrative workweek need not have been spent in training; the test is whether training is conducted beyond the first 40 hours of the administrative workweek.

(d) If overtime under the Fair Labor Standards Act (FLSA) is otherwise available to an individual, then the special authority of this provision should not be used since the "straight time" rate payable to an individual is less than the employee would be entitled to under the overtime rates provided by FLSA.

5. PROCESSING ELIGIBILITY/INELIGIBILITY DETERMINATIONS.

a. Request for Personnel Action, SF-52. There are a number of instances where eligibility for a differential under Public Law 97-276 may change. A Request for Personnel Action, SF-52, and the resulting Notice of Personnel Action, SF-50, should be prepared when eligibility changes. The SF-52 should be authorized, reviewed, and transmitted to the servicing human resource management division in accordance with established procedures. Changes in eligibility will include, but will not be limited to, the following circumstances. Standard remarks are to be included on the SF-52 in these instances. In addition, other personnel actions such as promotions, reassignments, demotions, details, etc., may be included. The remarks regarding eligibility for a differential should be applied to:

(1) Air traffic control specialists, GS-9 and above.

(2) Airway facilities employees, GS-9 and above and WG-10 and above.

(3) Aviation standards flight inspection crewmembers, GS-11 and above, and Flight Test Pilots, GS-2181-12 and above.

(a) Remarks.

1 Differential Based on Position.

a Remark for Eligibility: "Individual occupies covered position and is eligible for the 5-percent operational responsibility differential."