

U. S. ARMY ENGINEER DISTRICT, OMAHA  
CORPS OF ENGINEERS  
6012 U. S. Post Office and Court House  
Omaha 2, Nebraska

Regulation  
No. 600-1-704

23 May 1963

CIVILIAN PERSONNEL

Night Differentials and Night Rates

1. Purpose. This Regulation implements Department of Army policy and regulations on the above subject.

2. References.

CPR P1.4.  
EM 690-1-703.

3. Night Differential-

\* a. All Classification Act employees engaged in regularly scheduled night work are eligible for night differential with the following exceptions:

(1) Experts and Consultants.

(2) Standby employees.

(3) Employees whose hours of duty cannot be controlled administratively.

(4) Employees whose basic rate of compensation exceeds the \* maximum scheduled rate for grade GS-15 (Currently \$17,925 per annum).

b. The night differential for employees occupying Classification Act positions is a flat 10 percent of the basic straight-time compensation rates established by law and will be paid only for regularly scheduled work (including regularly scheduled overtime) of 15 minutes or more which is actually performed between 6 p.m. and 6 a.m. Regularly scheduled work means work which is scheduled in advance by proper administrative authority, which is scheduled \* to recur on successive days or after specified intervals, subject to the pro- \* hibition on payment during periods of training or incidental travel time. Classification Act employees may receive night differential pay only in such \* amounts as will not cause gross salary to exceed \$689.60 per pay period.

c. An employee regularly assigned to perform duty during the hours for which night differential is payable, is entitled to night differential

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This regulation replaces DR 690-1-704 (District Memorandum No. 61-19) dated 30 January 1961

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payments for travel time, to the extent that such travel occurs during his regularly scheduled tour of duty.

d. Night differential is authorized for regular night-work hours when an employee does not work because of a holiday and for periods of leave with pay during any pay period in which the total of such leave, inclusive of both night and day hours, does not exceed 7 hours.

e. Night differential pay is not authorized for leave with pay during any pay period in which such leave aggregates 8 hours or more nor for any period covered by lump-sum leave payment. Neither is it authorized for any irregular or occasional overtime work (as distinguished from regularly scheduled overtime work) falling within the hours 6:00 PM to 6:00 AM, except when such overtime work is required to provide substitute services for an employee who is absent during regularly scheduled night-work hours.

f. Night differential for eligible Classification Act employees is never considered a part of base pay for purposes of computing holiday premium pay, overtime pay, retirement and Group Life Insurance deductions, maximum rental rate for quarters, or any other purpose.

#### 4. Night Rates-Wage Board Employees

a. Shift differentials apply only to employees whose pay rates are established by the Army-Air Force Wage Board.

b. Night rates for Wage Board employees constitute a separate base pay for all pay purposes and will be used as a basis for computing overtime \* compensation, holiday pay, retirement and Group Life Insurance deductions and maximum rental rates for quarters.

c. Where payment of a night rate is authorized by the Army-Air Force Wage Board, the rate will be paid for the entire shift when half or more of the regularly scheduled hours fall between 6:00 PM and 6:00 AM. Night rates will not be paid when less than half of the regularly scheduled hours fall between 6:00 PM and 6:00 AM. When second and third shifts are established, a regularly scheduled tour of duty will be considered the second shift when half or more of the duty hours occur between 6:00 PM and midnight. A third shift will have half or more of its hours scheduled between midnight and 6:00 AM. In the event a shift is evenly divided by midnight, that shift will be considered a third shift.

d. A Wage Board employee regularly assigned to a day shift will receive the night rate for any period during which he is temporarily assigned to work a regular shift for which a night rate is otherwise payable, except where such work is performed as irregular overtime. Example - An employee who has completed 32 hours of his regular tour of duty on the day shift and is temporarily assigned to work 8 hours on the night shift to complete his 40 hour work week would receive the night rate for 8 hours. However, any overtime work on the night shift after completion of the basic 40 hour work week would be paid at the day rate as indicated in "e" below.

e. A Wage Board employee regularly assigned to a day shift will receive overtime compensation computed at the day rate even though the hours of overtime worked partially include or fall entirely within a night shift.

f. A Wage Board employee regularly working a night shift will receive overtime compensation computed on the night rate even though the hours of overtime worked may extend into or fall entirely within a day shift.

g. Overtime compensation for a Wage Board employee having a regular tour of duty which includes all three shifts during the work week will be computed at the rate applicable to the shift during which the overtime work is performed.

h. A Wage Board employee regularly or alternately assigned to a night shift will continue to be paid the rate(s) of his regular tour during:

(1) Temporary assignment to a day shift not in excess of 7 calendar days at the home station, or 30 calendar days at temporary duty stations. Thereafter, day rates will be paid for the remainder of such temporary assignment to duty.

(2) Travel time occurring on nonwork days during the hours prescribed for working on a regularly scheduled workday at the home station. Overtime rates will be paid for all such hours in excess of 40 within the unit week.

i. Whether a night rate is payable during periods of leave with pay depends upon the administrative determination as to the shift to which the employee was assigned at the time of going on leave and the duration of such assignment.

(1) Employees regularly assigned to a night shift on a full-time basis will receive compensation at the night rate during periods of absence with pay.

(2) Employees assigned to a regular rotating schedule involving work on both day and night shifts will receive compensation as follows during periods of absence with pay:

(a) Compensation at day rates will be paid for that portion of the absence occurring during periods when the employee is scheduled to work the day shift.

(b) Night rates will be payable for the portion of the absence occurring during periods when the employee would have worked on shifts for which a night rate is payable.

(3) When employees who are regularly scheduled to work day shifts are absent with pay during temporary assignment to shifts for which a night rate is payable, compensation will be paid as follows:

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(a) If the assignment to the night shift is of indefinite duration and no expiration date is specified for the assignment, an employee going on leave with pay while so assigned will receive the night rate during such part of the period of absence as he would have been required to work on a shift for which a night rate is payable.

(b) If the assignment to the night shift is of specified duration, an employee going on leave while so assigned will receive the night rate only for that portion of the absence which falls within the specified period of assignment to the night shift. After the expiration of the specified period, his compensation will revert to the day rate.

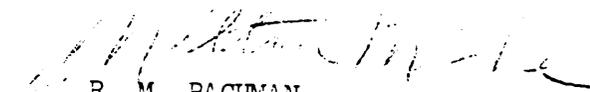
(c) If an employee is changed from the day to the night shift at irregular intervals and it cannot be administratively determined that he is assigned basically to either shift, payment during periods of absence with pay will be at the rate for the shift on which he was working at the time the absence began.

j. Lump-sum leave payment will be made at applicable second and/or third shift night rates for all regularly scheduled periods of night shift duty covered by the unused annual leave credited to an employee on the effective date of separation. Where a night shift has been formally cancelled or an employee has been regularly scheduled for continuous day shift work on or prior to the date of separation, the lump-sum leave payment will be computed on the day rate.

k. Where night rates are payable, time and attendance reports will include shift identification. The time reports will constitute sufficient basis for payment of the appropriate authorized rate.

5. There are many dissimilarities between administration of night pay for Classification Act and Wage Board employees. Major differences which necessitate constant awareness of the variations are shown in the attached table.

FOR THE DISTRICT ENGINEER:

  
R. M. BACHMAN  
Lt Col, Corps of Engineers  
Deputy District Engineer

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App I

DISTRIBUTION

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TABLE OF SIGNIFICANT VARIATIONS

Conditions	Wage Board positions	Classification Act positions
Rates for nightwork .....	Separate rates for various localities specifically established by Army-Air Force Wage Board.	Standard 10 percent differential fixed by law for all positions.
Payable duty hours .....	For <i>entire</i> shift when half or more of the shift occurs between 1800 and 0600.	Only for those hours of regularly scheduled duty falling within the 1800 to 0600 time limitation period.
Applicability of night rates or night differential when on leave.	Payable for all types of leave with pay during periods of scheduled night duty.	Not payable except when periods of leave with pay during any one pay period total less than 8 hours.
Retirement deductions (when applicable).	Regularly made on all night rate payments.	Not subject to retirement deductions.
Concurrent eligibility for night rates or night differential, and overtime pay.	Overtime on a scheduled night shift paid at a rate of 1½ times regular compensation, including night rates.	Overtime rates are computed on regular compensation, excluding night differential. Night differential computed separately and added to overtime payment.
Applicability of night rates or night differential to periods of "irregular" overtime.	Night rates not payable to day shift employees for "irregular" overtime work performed during night shift hours.	Night differential authorized for "irregular" overtime work <i>only</i> when such work required to provide substitute services for employee absent during regularly scheduled night-work hours.
Applicability of night rates to lump-sum leave payments.	Payable for scheduled night shift duty within period covered by lump-sum leave payments.	Not payable.

- (2) The time period for which test flight differential is payable will be the nearest multiple of 15 minutes of reported flight time as recorded in the Army Aviator's Flight Record (DA Form 2408-12). A minimum of 1 hour will be used to compute flight pay for any day during which an employee participates in one or more flights.
- (3) The employee's base rate for the flight time will be computed by doubling the hourly base rate which he normally receives for regular work, whether day or night.

*High Work Differential*

- a. (1) A high work differential of 100 percent of the employee's basic hourly rate has been authorized by the Army-Air Force Wage Board for payment to wage board employees under conditions prescribed in CPR P40.8.
- (2) The time period for which high work differential is payable will be the nearest multiple of 15 minutes during which employees are ascending to, working at, and descending from a height of 100 feet under conditions prescribed in CPR P40.8. A minimum of 1 hour will be used to compute hazardous heights pay for any day in which the hazardous work is performed, regardless of whether such work is performed for a full hour.
- (3) The employee's base rate for high work will be computed by doubling the hourly base rate which he normally receives for regular work, either day or night.

**SPECIAL RATES—DIVERS AND  
DIVER-TENDERS**

4-6. Special rates have been authorized by the Army-Air Force Wage Board for application to divers and diver-tenders who engage in diving activities on an occasional and irregular basis. See CPR P40.7.

*Hours for Which Payable*

a. Authorized rates are to be applied only to time spent in actual descent and in related preliminary or post-diving operations.

- (1) When the diving assignment requires less than 4 hours in 1 day, a minimum of 4 hours will be paid at the diving rate. When the assignment requires more than 4 hours but less than 8 hours in any 1 day, a minimum of 8 hours will be paid at the diving rate. Time in excess of 8 hours in any 1 day will be compensated on an hour-for-hour basis.
- (2) Time spent in travel to and from the site at which a descent is made will be compensated for not to exceed 8 hours each way at the special diving rate, provided a descent is made as soon after arrival as is practicable and the employee is released for return to regular duty as soon as practicable after the descent is completed. If no descent is made, travel time will be compensated in the regular manner.

*Holiday Rates*

b. If a descent is made on a holiday within the employee's regular tour of duty, double the special rate will be paid for up to 8 hours of diving activity. If no descent is made, the actual time required for the diving activity during regular shift hours will be paid at the regular holiday rate for the employee's position.

*Overtime Rates*

c. For diving activities in excess of 8 hours per day or 40 hours per week, an overtime rate of one and one-half times the special diving rate will be applied. When an employee's combined total of diving activities and regular duty exceeds 8 hours in 1 day or 40 hours in 1 week, the overtime rate will be governed by the work performed during the time beginning with the 9th or 41st hour, respectively.