

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE	12,600.2 Revision 1	4/6/12
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**REIMBURSABLE OVERTIME INSPECTION SERVICES
AT MEAT AND POULTRY ESTABLISHMENTS**

I. PURPOSE

This directive provides instructions to Food Safety and Inspection Service (FSIS) personnel on how to determine whether overtime inspection services need to be provided and the manner in which inspection program personnel (IPP) are to provide inspection services during reimbursable overtime periods.

KEY POINTS

- *Description of activities conducted at official establishments that require inspection coverage, including during overtime periods;*
- *How to uniformly and equitably provide overtime services to meat and poultry establishments; and*
- *How to combine establishments from various regular inspection assignments during overtime periods to form temporary overtime assignments.*

NOTE: Read this directive in conjunction with FSIS Directive 12,600.1 “Voluntary Reimbursable Inspection Services,” and its attachments.

II. CANCELLATIONS

FSIS Directive 12,600.2, Reimbursable Overtime Inspection Services at Meat and Poultry Establishments, dated 7/2/07

III. REASON FOR REISSUANCE

FSIS is reissuing this notice to clarify that FSIS charges establishments for reimbursable overtime service or holiday inspection service, regardless of whether the IPP providing the services are employed on an intermittent (when actually employed (WAE)), regular part-time, or full-time basis.

IV. REFERENCES

9 CFR Parts 307.4 through 307.6 and 417

9 CFR 381.37 through 381.39

FSIS Directive 12,600.1, "Voluntary Reimbursable Inspection Services"

V. BACKGROUND

A. As set out in 9 CFR 307.4 and 381.37, "no operations requiring inspection shall be conducted except under the supervision of a program employee." FSIS provides inspection service to official establishments without charge, up to eight (8) consecutive hours per shift during the basic workweek. The regulations further provide that each official establishment is to submit a work schedule to the District Manager for approval.

B. As set out in 9 CFR 307.5 and 381.38, establishments, importers, and exporters are required to reimburse the Agency for the cost of inspection services furnished on Federal holidays or for more than eight (8) hours in a day, or 40 hours in an administrative workweek. The Agency, in 9 CFR 307.6 and 381.39, also sets out the basis of billing for overtime services.

C. In general, FSIS charges establishments for overtime inspection services when two conditions are met: (1) The establishment decides to work outside of its approved operating schedule, and (2) FSIS IPP (including Commissioned Corp employees) need to work outside of their regular tour of duty, either eight (8) hours in a day, or 40 hours in a week, and are entitled to premium pay to provide overtime inspection services to the establishment. When the FSIS employee providing the overtime service is an intermittent employee (WAE) or a part-time employee, then the Agency will charge the establishment for the service beyond 8 hours in its shift or on weekends, even though the employee has not already worked 40 hours in the week. FSIS is to provide overtime inspection coverage to an establishment during the entire time that the establishment conducts activities that require inspection coverage (as set out in VI. below) outside of its approved operating schedule.

VI. OPERATIONS OR ACTIVITIES THAT REQUIRE INSPECTION COVERAGE, INCLUDING DURING OVERTIME PERIODS

If an establishment requests overtime inspection services in accordance with 9 CFR 307.4(d)(3) or 381.37(d)(3), IPP are to provide inspection coverage during overtime periods when an establishment:

1. Will be preparing meat or poultry for packaging or for further processing into meat or poultry food products. Examples of activities include slaughtering, boning, cutting, slicing, grinding, injecting, pumping, adding ingredients through other mechanical means, formulating, assembling, packaging or labeling meat or poultry components of meat or poultry food products;
2. Conducts the verification activity of direct observations of its monitoring activities at critical control points (CCP) as required by 9 CFR 417.4(a)(2)(ii) and as set out in its Hazard Analysis and Critical Control Point (HACCP) plan as required by

9 CFR 417.2(c)(7); or

3. Requests that the mark of inspection be applied to any product during the overtime period.

NOTE: FSIS charges establishments for overtime or holiday inspection service at the rate set out in the regulations (9 CFR 391.3) whether the Agency employs the IPP delivering the service on an intermittent WAE, regular part-time, or full-time basis.

VII. OPERATIONS OR ACTIVITIES THAT DO NOT REQUIRE INSPECTION COVERAGE, INCLUDING DURING OVERTIME PERIODS

A. IPP are not to provide overtime inspection services at establishments when the following are the only types of activities that the establishment performs during the period of operation:

1. Receiving meat or poultry, spices, or other ingredients from other establishments or facilities;
2. Receiving and sorting returned products that it had produced;
3. Shipping inspected and passed, properly labeled products;
4. Moving product within the establishment in order to physically position it for further processing or storage;
5. Performing sanitation procedures in accordance with its Sanitation Standard Operating Procedures (Sanitation SOPs);
6. Performing its monitoring procedures in accordance with its Sanitation SOPs;
7. Performing a monitoring function that it has established in its HACCP plan as required by 9 CFR 417.2(c)(4) (for example, monitoring the chilling of slaughtered carcasses, or monitoring the cooking temperatures of products);
8. Performing a verification activity associated with 9 CFR 417.4(a)(2)(i), the calibration of process monitoring equipment, or 9 CFR 417.4(a)(2)(iii), the review of records generated and maintained in accordance with 9 CFR 417.5(a)(3);
9. Performing its pre-shipment records review as set out in its HACCP plan;
10. Performing corrective actions in accordance with its HACCP plan or Sanitation SOPs that do not include any of the activities noted in VI., A. above;
11. Cooking, drying, or smoking products when the establishment does not verify a CCP during the period. For example, if an establishment cooks products overnight by placing product in a smokehouse equipped with a continuous monitoring device, and the establishment verifies its lethality CCP as set out in 9 CFR 417.4(a)(2)(iii) the next morning after the start of its approved operating hours, an inspector would not need to be on duty during the cooking/smoking

cycle if the establishment is not conducting any of the activities listed in VI. above during the same period;

12. Chilling livestock carcasses when the establishment does not verify a CCP during the period. For example, if an establishment chills livestock carcasses that it has slaughtered, and an employee monitors the cooling temperatures with a hand-held thermometer, and then the establishment verifies the chilling CCP the next morning during its approved operating hours, an inspector would not need to be on duty for the entire time that the carcasses chills if the establishment is not conducting any of the activities listed in VI. above during the same period; and

13. Collecting or testing samples of its products.

NOTE: The above is a comprehensive, but not all inclusive, list of activities that establishments conduct. If IPP have questions regarding whether a particular activity not on the above list requires inspection, they should contact the Policy Development Division at 1-800-233-3935.

B. Occasionally, FSIS Front-line Supervisors (FLS) will direct IPP to verify, through observation, an establishment's monitoring of a CCP that occurs during periods outside of an establishment's approved operating schedule. If the activity occurs outside of the inspector's tour of duty as well, FSIS will charge the establishment for the cost of the overtime service. If the activity occurs at a time that is not contiguous with the inspector's tour of duty, FSIS may charge the establishment for a call-back service as set out in 9 CFR 307.6(b).

VIII. PROVIDING INSPECTION COVERAGE FOR ESTABLISHMENTS WORKING DURING REIMBURSABLE OVERTIME PERIODS

A. The regulations at 9 CFR 307.4 and 9 CFR 381.37 provide that DMs, or their designees, will take into account the efficient and effective use of IPP when approving establishments' operating schedules. DMs, or their designees, are also to consider the efficient and effective use of inspection resources when assigning IPP to perform reimbursable overtime service. IPP assigned more than one establishment operating in an overtime status will provide inspection coverage to the establishments on a patrol basis. IPP assigned only one establishment operating in an overtime status will provide inspection coverage to that establishment for the full overtime period.

B. As stated in 9 CFR 307.4(d)(3), establishments must request same-day overtime inspection services as early in the workday as possible, or before the end of the workday if the establishment is requesting overtime services to be performed on the next day, because they will be conducting activities that require inspection coverage as set out in VI. above.

C. DMs, or their designees, are to make reasonable efforts to combine establishments from regular inspection assignments during overtime periods to form temporary overtime assignments in an effort to equitably distribute the amount of reimbursable charges among establishments, while assigning overtime to IPP in a manner that provides for the efficient and effective use of IPP.

D. DMs, or their designees, should consider the following factors when forming assignments for inspection coverage during periods of reimbursable overtime on holidays, weekends, or weekdays:

1. *The expected inspection workload during the reimbursable overtime period* – DMs, or their designees, are to make a concerted effort to form temporary overtime inspection assignments that approximate as closely as possible a full workload for the assigned employee. For establishments normally covered on a patrol basis, (i.e., more than one establishment on the inspection assignment), DMs, or their designees, are to attempt to form overtime patrol assignments from the establishments that are working overtime. For example, if a Consumer Safety Inspector (CSI) is regularly assigned to three establishments and two of those establishments work on a holiday conducting activities that require inspection coverage, then the DM or designee is to assign a CSI to cover the holiday work at the two establishments, and the CSI is to prorate the charges between the establishments that work. On the other hand, if only one establishment from each of a number of assignments is to work overtime, DMs, or their designees, should group the establishments that will work into a temporary overtime assignment that approximates a full workload for a CSI and assign a CSI to work the overtime. The CSI will then prorate the overtime charges among the establishments that are on the temporary overtime assignment on an equitable basis according to the guidance provided in FSIS Directive 12,600.1, “Voluntary Reimbursable Inspection Services.”
2. *The proximity of the establishments that will operate during overtime periods* – DMs, or their designees, are to group establishments from different assignments that are within a reasonable commuting distance into one overtime assignment to promote efficient use of IPP and travel resources.
3. *The Labor–Management Agreement (LMA) between FSIS and the National Joint Council of Food Inspection Locals* – DMs, or their designees, are to make temporary overtime assignments in a manner that is consistent with the requirements of the LMA.

NOTE: In some circumstances, DMs or FLSs may delegate the implementation and day-to-day management of overtime roster systems or the creation of temporary overtime assignments to local IPP. However, DMs and FLSs retain the authority to direct and modify the decisions of IPP.

E. IPP working overtime are to calculate the time charged, including time to travel between establishments, in accordance with the instructions provided in Attachment 1 of FSIS Directive 12,600.1, on an equitable basis among the individual establishments that FSIS charges.

Refer questions regarding this directive to the Policy Development Division through askFSIS at <http://askfsis.custhelp.com> or by telephone at 1-800-233-3935.

A handwritten signature in black ink, appearing to read "David Joseph". The signature is written in a cursive style with a prominent loop at the end.

Assistant Administrator
Office of Policy and Program Development