FSIS Directive 12,600.2 Reimbursable Overtime Inspection Services at Meat and Poultry Establishments

OPPD/PDD District Correlation

Purpose of this correlation: reiterate National policy and address OFO questions/concerns related to the implementation of the instructions.

This directive provides instructions to IPP on how to determine whether overtime inspection services need to be provided and the manner in which IPP are to provide inspection services during reimbursable overtime periods.

Directive provides instructions on:

- operations and activities conducted at official establishments that require inspection coverage, including during overtime periods;
- on how to uniformly and equitably provide overtime services to meat and poultry establishments; and

Directive provides instructions (continued):

• on how to combine establishments from various regular inspection assignments during overtime periods to form temporary overtime assignments.

NOTE: This directive is read in conjunction with FSIS Directive 12, 600.1, "Voluntary Reimbursable Inspection Services", and its attachments.

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.

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.

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 inspection program personnel 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.

FSIS is to provide overtime inspection coverage to an establishment during the entire time that the establishment conducts activities that require inspection coverage outside of its approved operating schedule.

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

Overtime is charge whenever an establishment will be preparing meat or poultry for packaging or for further processing into meat or poultry food products outside their approved hours of operation.

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.

Overtime is charge whenever an establishment 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

Overtime is charge whenever an establishment requests that the mark of inspection be applied to any product during the overtime period.

NOTE: Including putting product into any container that is pre-printed with a mark of inspection. The privileged afforded to an official establishment to pre-print the mark of inspection on containers (immediate or shipping containers) does not negate the fact that they are "applying" the mark to the product during packaging.

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;

IPP are NOT to provide overtime inspection services when the establishment is only:

- 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;

IPP are NOT to provide overtime inspection services when the establishment is only:

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);

IPP are NOT to provide overtime inspection services when the establishment is only:

- 8. performing a verification activity associated with 9 CFR 417.4(a)(2)(i), the calibration of process monitoring equipment, or 417.4(a)(2)(iii), the review of records generated and maintained in accordance with 417.5(a)(3);
- 9. performing its pre-shipment records review as set out in its HACCP plan;

IPP are NOT to provide overtime inspection services when the establishment is only:

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;

IPP are NOT to provide overtime inspection services when the establishment is only:

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 above that require IPP provide coverage during the same period.

IPP are NOT to provide overtime inspection services when the establishment is only:

12. chilling livestock carcasses when the est. 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 above that require IPP provide coverage during the same period.

IPP are NOT to provide overtime inspection services when the establishment is only:

13. collecting or testing samples of its products.

NOTE: The above is a comprehensive, but NOT all inclusive, list of activities that establishments conduct.

Occasionally, the FLS will direct in-plant 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).

If OFO IPP have questions regarding whether a particular activity not on the above list requires inspection they will need to either submit their question(s) through http://askFSIS.custhelp.com or call OPPD/PDD at 1-800-233-3935.