

**Sunday Premium Payments to Air Force (AF)
Nonappropriated Fund (NAF) Employees
Questions and Answers**

GENERAL:

1. What is Sunday Premium Pay?

- Sunday Premium Pay is additional compensation for a regularly scheduled workweek which includes a period of service of 8-hours or less that is not overtime work, and a part of which is on Sunday

2. Which AF NAF employees are eligible for Sunday Premium Pay?

- All prevailing rate (crafts and trades) employees
- Pay Band (NF and CY) employees are eligible if the local installation had a policy in place to pay NF and CY employees Sunday Premium pay
- Employees assigned an intermittent Sunday work schedule are not eligible

3. What is a prevailing rate employee?

- A prevailing rate employee is an employee of a nonappropriated fund instrumentality described by section 2105(c) of title 5, United States Code, who is employed in a recognized trade or craft, or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation, and any other individual, including a foreman and a supervisor in a position having trade, craft, or laboring experience and knowledge as the paramount requirement, other than such an employee stationed in the former Panama Canal Zone

CLAIMS FOR SUNDAY PREMIUM EARNED FROM 26 MAY 2003 THROUGH 25 MAY 2009:

4. Who may file a claim for Sunday Premium under the procedures to remedy pay errors?

- Current and former eligible NAF employees who did not receive Sunday Premium Pay in accordance with the decision in *Fathauer v. United States* may file a claim for Sunday Premium earned from 26 May 2003 to 25 May 2009

5. Why are claims only being accepted for the period from 26 May 2003 through 25 May 2009?

- The 26 May 2003 date is consistent with the 6-year statute of limitations for claims against the United States Government. 26 May 2003 is 6 years back from the date that OPM administratively determined that agencies are required to pay part-time employees Sunday Premium Pay when such employees meet the requirements for entitlement to such payments pursuant to 5 U.S.C. 5546(a) and 5 CFR 532.509. NAF employees who worked less than 40 hours a week were not paid Sunday Premium, for which they are

now eligible, in accordance with the controlling OPM regulations in effect at the time of their employment

- As of 26 May 2009, all eligible AF NAF employees are receiving Sunday Premium in accordance with applicable OPM policy. Therefore, 25 May 2009, is the last date that a claim covered by the pay remedy process could have accrued

6. How do current and former AF NAF employees file claims?

- Current employees filing a claim for a period of employment at their current base submit their claim to their local AF NAF Human Resources Office. Example: An employee currently working at Lackland AFB and filing a claim for work performed at Lackland AFB
- Current employees who have a claim for work performed at their current base and also have a claim for work performed at a prior base must submit separate claims for each period of service. Example: An employee currently working at Lackland AFB who used to work at Randolph AFB must file two separate claims. For the period of service at Lackland AFB, a claim is filed with the local NAF Human Resources Office. For the period of service at Randolph AFB, a separate claim is filed with the Randolph AFB Human Resources Office

7. How should claims be filed if an individual has prior service with two or more DoD employers?

- Individuals with claims for work performed with more than one DoD employer must file a separate claim with each DoD employer. Example: An individual who worked for the Army and the Air Force must file two separate claims. One for the period of Army NAF service is filed with the Army using the Army claim forms. A separate claim is filed with the Air Force for the period of AF NAF service using the Air Force claim forms

8. What documentation is required to file a claim for Sunday Premium?

- Claimants must establish their eligibility for Sunday Premium for the claimed period of employment. Claimant must provide documentation that demonstrates that during the time of claimed employment, the individual was an employee assigned to an AF NAF position with a regular work schedule that included Sunday work
- The documentation to support evidence of eligibility may include, but is not limited to are copies of your AF Forms 2545, *NAFI Notification of Personnel Action*, bi-weekly work schedules, time and attendance records, and other documentation such as employee affidavits or supervisory records that establish the employee performed eligible Sunday work during the period claimed

9. Will interest be paid on the Sunday Premium claims?

- The Back Pay Act does not extend to NAF employees. DoD shall not pay interest on claims from NAF employees for Sunday Premium pay

10. Will a current or former employee be able to file an appeal if a Sunday Premium claim is denied or the employee disputes the amount of the payment?

- Current AF NAF employees who dispute a denied claim for Sunday premium may file an appeal with their local Human Resources Office for claims filed at their installation using the AF NAF appeals process outlined in AFMAN 34-310, *Nonappropriated Fund Personnel Program Management and Administration Procedures*, Chapter 9
- All other appeals for denied claims are filed with HQ AFSVA/SVXH using the appeals process posted on at www.afsv.af.mil

11. Where does a former employee obtain copies of the required AF Forms 2545, *NAFI Notification of Personnel Action*, to include with their claim?

- Copies of AF Forms 2545 may be requested from the National Personnel Records Center at the following address:

National Archives and Records Administration
National Personnel Records Center
(NAF Civilian Personnel Records)
111 Winnebago Street
St. Louis, MO 63118

12. Must the employee provide documentation to support the claim?

- Installations may have relevant records, i.e., Time & Attendance cards, that negate the need for the employee to submit documentation in support of their claim; however, submission of a claim form is required from separated NAF employees and all current NAF employees for periods prior to 26 May 2009

13. May we accept claims from other than the employee?

- Claims may be accepted from representatives of current employees and of deceased or incompetent employees

14. What is the deadline for filing Sunday Premium claims back to 26 May 03?

- Claims back to 26 May 2003, will be accepted within 6 years after the claim accrues. Claims "accrued" on 26 May 2009, the date of the administrative determination. Based on this accrual date, claims for Sunday work performed between 26 May 2003 and 26 May 2009 must be received not later than 26 May 2015