



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Thursday, April 7, 2011
CPM 2011-05

MEMORANDUM FOR: Chief Human Capital Officers

FROM: John Berry
Director

Subject: 2011 Spring Flooding

As winter turns to spring, warmer weather has begun to return across much of the United States. However, the warmer temperatures will bring an increased risk of flooding in many States which could negatively impact our Federal workforce and their families. The U.S. Office of Personnel Management (OPM) is concerned about the health and safety of individuals whose lives may be affected.

With that in mind, OPM would like to remind agencies of the various Human Resources (HR) flexibilities currently available to assist Federal employees affected by severe weather conditions and their aftermath or other emergency situations. This memorandum includes the most recent information to assist Federal employees who might be impacted by potential flooding.

Pay and Leave Benefits

OPM's *Handbook on Pay and Leave Benefits for Federal Employees Affected by Severe Weather Conditions or Other Emergency Situations* provides a general summary of the pay and leave benefits available to Federal employees prevented from working, or required to work, in an area affected by emergency situations. The *Handbook* is available at <https://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/handbooks/humanresourcesflexibilitiesauthorities.pdf>.

Employee and Family Support Benefits

Benefits for Federal employees and eligible family members remain unchanged during emergency situations. Information about employee and family support benefits and policies is available at www.opm.gov/pandemic/employees/benefits/index.aspx.

Telework

One of the major benefits of telework is its ability to help maintain the continuity of Government operations during emergency situations, while ensuring the safety of our employees. Assuming it is covered in the employees' telework agreements with the agency, an agency may require teleworkers to continue working at their alternative worksites, if they are able to do so, on their telework day or on any of their regularly scheduled workdays during emergency situations when the agency is closed. Agencies do not have to designate teleworkers as emergency employees in order to require them to work during closure; however, OPM recommends that each agency anticipate this possibility in its emergency preparedness planning and discuss this with each telework employee in advance. All expectations should be included in the employee's telework agreement. For additional information on telework, please see A Guide to Telework in the Federal Government at www.telework.gov.

Emergency Critical Hiring

Under 5 CFR § 213.3102(i)(2), an agency may make 30-day appointments in the excepted service to fill a critical hiring need. An agency may extend these appointments for an additional 30 days. This authority may be used to fill Senior Level positions, as well as positions at lower grades; the agency determines what qualifications are required. Career Transition Assistance Plan (CTAP), Reemployment Priority List (RPL), and Interagency CTAP (ICTAP) requirements under 5 CFR part 330 do not apply to these appointments.

Direct-Hire Authority

Agencies are reminded of current OPM-authorized Governmentwide direct hire authorities. These authorities allow agencies to appoint candidates directly for:

- **GS-0602 Medical Officers, GS-0610 and GS-0620 Nurses, GS-0647 Diagnostic Radiologic Technicians, and GS-0660 Pharmacists** at all grade levels and all locations.
- **Information Technology Management (Information Security)**, GS-2210, GS-9 and above at all locations
- **Veterinary Medical Officer positions** at the GS-11 through GS-15 grade levels (or equivalent) nationwide to include overseas territories and commonwealths including Puerto Rico, Guam, and Virgin Islands, may be used indefinitely or until OPM terminates this authority

Agencies may give individuals in the categories, occupations and specialties, and grades listed above competitive service career, career-conditional, term, or temporary appointments, as appropriate. In all cases, an agency must adhere to the public notice requirements in 5 U.S.C. §§ 3327 and 3330 and all ICTAP requirements. Additional information on these authorities is available at <https://www.opm.gov/policy-data-oversight/hiring-information/direct-hire-authority/>.

An agency should contact its OPM Human Capital Officer if it believes it has one or more occupations for which an agency-specific direct-hire authority may be appropriate in support of relief and recovery efforts.

Other Hiring Flexibilities

Reemploying annuitants – Agencies may bring back retirees without applying the dual compensation salary off-set and *without OPM approval* under the National Defense Authorization Act for Fiscal Year 2010 (NDAA), which requires that:

Appointments are limited to one-year or less;

Hours worked by any annuitant reemployed under these provisions are limited to 520 during the first 6 months of retirement, 1,040 during any 12-month period, and 3,120 for total hours worked during any period; and

Reemployment may not exceed 2.5 percent of the full-time workforce at any time, and if 1 percent is exceeded agencies are required to provide an explanation and justification to the Congress and OPM.

Agencies should contact OPM for reemployment which may be needed for longer time periods than allowable under the NDAA.

Agencies must contact OPM before reemploying retirees who left the Federal government with a buyout. Depending upon the specific statute under which they received the buyout, you may request a buyout repayment waiver from OPM.

SES Limited Appointments - Agencies have the authority to make SES Limited Term or Limited Emergency appointments for career employees, provided the appointment is within the space allocations limit previously authorized by OPM. Agencies may seek a temporary allocation from OPM if space is not currently available. Agencies may also seek authority from OPM to make Limited Term or Limited Emergency appointments of non-career employees using an automated form generated through the Executive and Schedule C System.

Use of Private Sector Temporary employment firms - An agency may contract with private-sector temporary employment firms for services to meet emergency staffing needs. These contracts may be for 120 days and may be extended for an additional 120 days, subject to displaced employee procedures.

Temporary appointments less than 120 days - An agency may make competitive service appointments for 120 days or less without clearing CTAP or ICTAP. However, these programs may help identify one or more well-qualified displaced Federal employees who are available for immediate employment.

Reemployment Priority Lists - Current and former employees on agency RPLs are another immediate source of qualified individuals available for temporary, term, or permanent competitive service appointments. Conversely, in some cases, an agency may apply an exception under 5 CFR 330.211 of the RPL provisions to appoint someone else.

Special Solicitations for Charitable Contributions during Emergency Situations

The Director of OPM may grant permission for special solicitations of Federal employees, outside of the Combined Federal Campaign (CFC), in support of victims in emergency situations. The request must be in writing and include information on where the special solicitations will be conducted (i.e., agency name(s) and location(s); date(s) on which the special solicitation will be conducted; and information on the charitable organization(s) that will be the recipient of special solicitation funds). For information on the CFC, please visit www.opm.gov/cfc.

Additional Information

For additional information on OPM's HR policies, agency Chief Human Capital Officers and/or HR Directors should contact their assigned OPM Human Capital Officer. Employees should contact their agency HR offices for assistance.

cc: HR Directors