



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Monday, May 5, 2003
CPM 2003-6

MEMORANDUM FOR: Heads Of Executive Departments And Agencies

FROM: Kay Coles James, Director

Subject: Tornadoes in the Midwest

I am deeply concerned about the losses suffered by many as a result of the destruction caused by the tornadoes and their aftermath to areas of Missouri, Kansas, and neighboring states. Many parts of the Federal Government have been mobilized to respond to this disaster. The following information is intended to bring you up to date on actions being taken in response to the destruction caused by the tornadoes.

Excused Absence

I am asking heads of departments and agencies to excuse from duty without charge to leave or loss of pay employees who are affected by the tornadoes (and their aftermath) and who can be spared from their usual responsibilities. Specifically, I am requesting that excused absence be granted to (1) employees who have been requested to assist in authorized emergency law enforcement, relief, or clean-up efforts by Federal, State, or other officials having jurisdiction and whose participation in such activities has been approved by their employing agency and (2) employees who are prevented from reporting for work or faced with a personal emergency because of the tornadoes and their aftermath. This policy does not apply to Federal employee members of the National Guard or Reserves who are called up to assist, since they are entitled to military leave under 5 U.S.C. 6323(b).

Limitation on Premium Pay for Employees Performing Emergency Overtime Work

Agencies are reminded of their authority under the law (5 U.S.C. 5547(b)) and the Office of Personnel Management's (OPM's) regulations (5 CFR 550.106) to make exceptions to the biweekly premium pay limitations. When the head of an agency or his or her designee determines that an emergency posing a direct threat to life or property exists, an employee who is receiving premium pay for performing overtime work in connection with the emergency will be subject to an annual pay limitation rather than the biweekly pay limitation (with the exception of certain fixed premium payments, such as availability pay, as specified in 5 CFR 550.107). Employees paid under an annual limitation receive premium pay only to the extent that the aggregate of basic pay and premium pay for the calendar year does not exceed the **greater** of the **annual** rate for (1) GS-15, step 10 (including any applicable special salary rate or locality rate of pay), or (2) level V of the Executive Schedule. A fact sheet on the 2003 biweekly pay caps on premium pay is available on OPM's Web site at opm.gov/oca/pay/HTML/03GSCap.asp. For

information on administering the annual premium pay limitation, see OPM's interim regulations on premium pay limitations at 67 FR 19319, April 19, 2002, or opm.gov/fedregis/2002/66-0019319-a.htm.

I encourage you to exercise this authority in the case of any employee who performs emergency overtime work in connection with the tornadoes and their aftermath. You must make the determination as soon as practicable and make entitlement to premium pay under the annual limitation effective as of the first day of the pay period in which the emergency began.

Emergency Leave Transfer Program

In the event of major disasters or emergencies declared by the President, such as floods, earthquakes, and tornadoes, that result in severe adverse effects for a substantial number of employees, the President may direct OPM to establish an emergency leave transfer program. Under such a program, an employee in any Executive agency may donate annual leave for transfer to employees who are adversely affected by the disaster or emergency. If you believe there is a need to establish an emergency leave transfer program in your agency to assist employees affected by the tornadoes, please contact OPM's Pay and Leave Administration Group on (202) 606-2858 or by email at pay-performance-policy@opm.gov.

Inquiries

Agency human resources offices may contact OPM for more information on these programs on (202) 606-2858 or by email at payleave@opm.gov. Employees should contact their agency human resources offices to obtain information on their agencies' policies on excused absence and overtime pay.