



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Thursday, September 13, 2001
CPM 2001-08

MEMORANDUM FOR: Heads Of Executive Departments And Agencies

FROM: Kay Coles James, Director

Subject: Excused Absence and Assistance to Federal Employees Affected by the Attacks at the World Trade Center and the Pentagon

I join the President in expressing sympathy to our fellow Federal employees and their families who have been affected by the attacks at the World Trade Center and the Pentagon. I am saddened and outraged by the loss of life and suffering caused by these senseless acts of violence.

The following information is intended to bring you up to date on recent actions taken in response to this terrible tragedy.

Excused Absence

President Bush signed a memorandum for heads of executive departments and agencies requesting that employees who are prevented from reporting to work or faced with a personal emergency because of the terrorist attacks and who can be spared from their usual responsibilities be excused from duty without charge to leave or loss of pay. This request also applies to employees who are needed for emergency law enforcement, relief, or recovery efforts authorized by Federal, State, or local officials having jurisdiction. This does not apply to Federal employee members of the National Guard or Reserves who are called up to assist. Military leave under 5 U.S.C. 6323(b) is appropriate for those employees.

A copy of the President's memorandum is attached. Questions may be referred to the Office of Personnel Management's (OPM's) Compensation Administration Division on (202) 606-2858 or by email at payleave@opm.gov.

Workers' Compensation Benefits

Workers' compensation benefits are available in the case of Federal employees who were injured or killed in these attacks. The Department of Labor has established special procedures to provide direct assistance to affected employees and their families.

Federal Retirement, Health Benefits, and Life Insurance Benefits

§ The Department of Labor will ensure that on-the-job injury and death claims are properly paid under the Federal Employees Compensation Act.

§ OPM will set up special expedited processing arrangements for payments under the Federal Employees Group Life Insurance Program, which is run out of MetLife in New Jersey.

Questions on Federal benefits may be directed to OPM's Retirement and Insurance Service at (202) 606-0788.

Emergency Leave Transfer Program

The President has directed OPM to establish an emergency leave transfer program to assist employees affected by this major disaster. The emergency leave transfer program will permit employees in an executive agency to donate unused annual leave for transfer to employees of the same or other agencies who have been adversely affected by the attacks and who need additional time off from work without having to use their own paid leave.

The emergency leave transfer program is authorized under 5 U.S.C. 6391 and is separate from the Federal leave sharing program established under 5 U.S.C. 6332 and 6362. Under the emergency leave transfer program, the use of donated leave is not restricted to medical emergencies, and approved leave recipients are not required to exhaust their own accrued and accumulated annual and sick leave before using donated annual leave. Employees may use leave donated under the emergency leave transfer program for personal needs or to care for a family member (as that term is defined in 5 CFR 630.902) who was affected by these attacks. In addition, donated leave may be substituted retroactively (beginning no earlier than the date of the emergency) for any period of leave without pay used as a result of the emergency or to liquidate an indebtedness incurred by an employee for advanced annual or sick leave used as a result of the emergency.

We believe the agencies with employees affected by the attacks are in the best position to determine whether, and how much, donated annual leave is needed by their employees and to quickly facilitate the transfer of donated annual leave within their agencies. Therefore, in response to the President's directive, we are authorizing the affected agencies to do the following:

- (1) Determine whether, and how much, donated annual leave is needed by affected employees;
- (2) As appropriate, approve leave donors and/or leave recipients in their agencies;
- (3) Facilitate the distribution of donated annual leave from approved leave donors to approved leave recipients within their agencies.

Since most affected employees will be granted excused absence for the immediate emergency, the emergency leave transfer program will be in place to assist approved leave recipients as the need for donated leave becomes known. When a Federal agency notifies OPM that the amount of annual leave donated by its employees is not sufficient to meet the needs of its approved leave recipients, OPM will coordinate a Governmentwide transfer of donated annual leave from leave donors to leave recipients. We will provide agencies with additional guidance to facilitate the transfer of donated leave to the appropriate Federal agencies for transfer to approved leave recipients.

Forms for donating and receiving leave under the emergency leave transfer program can be obtained from OPM's web site at opm.gov/oca/leave/html/formindx.htm.

Premium Pay for Employees Performing Emergency Work

Agencies are reminded of their authority under the law (5 U.S.C. 5547(b)) and OPM regulations (5 CFR 550.106) to make exceptions to the biweekly premium pay limitation. 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 performing work in connection with the emergency must be paid premium pay under the annual limitation of GS-15, step 10, rather than the GS-15, step 10, biweekly limitation. We encourage agencies to exercise this authority in the case of any employee who performs emergency work in connection with these attacks and their aftermath. Agency heads are required to make the determination as soon as practicable and to make entitlement to premium pay under the annual limitation effective as of the first day of the pay period in which the emergency began. (Law enforcement officers continue to be covered by a separate biweekly limitation at 5 CFR 550.107.)

Questions may be referred to OPM's Office of Compensation Administration on (202) 606-2858 or by email at payleave@opm.gov.