



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Tuesday, May 16, 2000
CPM 2000-6

MEMORANDUM FOR: Heads Of Executive Departments And Agencies

FROM: JANICE R. LACHANCE DIRECTOR

Subject: Fires in the Los Alamos, New Mexico, Area

The following information is intended to bring you up to date on recent actions taken in response to the destruction caused by the fires in the Los Alamos, New Mexico, area.

Excused Absence

President Clinton has signed a memorandum requesting that employees who are affected by the fires in the Los Alamos area and their aftermath, and who can be spared from their usual responsibilities, be excused from duty without charge to leave or loss of pay. Specifically, the President requested that excused absence be granted to (1) employees who are needed for emergency law enforcement, relief, or clean-up efforts authorized by Federal, State, or other officials having jurisdiction, and (2) employees who are prevented from reporting for work or faced with a personal emergency because of the fires 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). A copy of the President's memorandum is provided at [attachment 1](#).

Emergency Leave Transfer Program

In addition, the President has authorized OPM to establish, if needed, an emergency leave transfer program to assist employees affected by this major disaster. An emergency leave transfer program would permit employees in an executive agency to donate unused annual leave for transfer to employees of the same or other agencies who are adversely affected by the fires and who need additional time off from work without having to use their own paid leave.

We believe the agencies with employees affected by the fires in the Los Alamos area 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.

OPM's regulations on the administration of the emergency leave transfer program are available on OPM's website at opm.gov/fedregis/html/dec_99.htm. OPM's final regulations were published on December 27, 1999.

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.

Total Premium Pay for Employees Performing Emergency Overtime Work

In any one biweekly pay period, employees' total basic pay and premium pay under title 5, United States Code (i.e., overtime, night, Sunday, and holiday pay and certain other forms of premium pay), may not exceed the rate of basic pay for GS-15, step 10 (including any applicable locality payment or special salary rate). However, the head of an agency has 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 overtime work in connection with the emergency is not limited to the GS-15, step 10, biweekly premium pay limitation. Instead, he or she may continue to receive total basic pay and premium pay up to the annual limitation of GS-15, step 10 (including any applicable locality payment or special salary rate).

We encourage you to exercise this authority in the case of any employee who performs emergency overtime work in connection with the fires 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. (Law enforcement officers continue to be covered by a separate biweekly limitation at 5 CFR 550.107.)

Questions may be referred to OPM's Pay and Leave Administration Division on (202) 606-2858 or by email to payleave@opm.gov.

Attachment 1: MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release May 16 , 2000

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: *Assistance for Federal Employees Affected by the Fires in the Los Alamos Area*

I am deeply concerned about the devastating losses suffered by many as a result of the fires in the Los Alamos, New Mexico, area. Many parts of the Federal Government have been mobilized to respond to this disaster.

As part of this effort, I ask the heads of executive departments and agencies to excuse from duty without charge to leave or loss of pay those Federal civilian employees who are affected by the fires in the Los Alamos area and their aftermath and who can be spared from their usual responsibilities. Specifically, I request that excused absence be granted to employees who are needed for emergency law enforcement, relief, or clean-up efforts authorized by Federal, State, or other officials having jurisdiction and employees who are prevented from reporting for work or faced with a personal emergency because of the fires and their aftermath.

I am also authorizing the Office of Personnel Management (OPM) to determine whether there is a need to establish an emergency leave transfer program to assist employees affected by this major disaster. An emergency leave transfer program would permit employees in an executive agency to donate their unused annual leave for transfer to employees of the same or other agencies who were adversely affected by the fires in the Los Alamos area and who need additional time off for recovery. If the need for donated annual leave becomes evident, I direct OPM to establish the emergency leave transfer program and provide additional information to agencies on the program's administration.

[Signed]

WILLIAM J. CLINTON