



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Tuesday, July 1, 2014

CPM 2014-07

MEMORANDUM FOR: Chief Human Capital Officers

FROM: Katherine Archuleta Director

Subject: Human Resources Flexibilities for Severe Weather, Natural Disaster, and other Emergency Situations

The National Oceanic and Atmospheric Administration (NOAA) predicts a near-normal or below-normal season (i.e., June 1 through November 30) across the Atlantic basin. NOAA forecasted that “The main driver of this year’s outlook is the anticipated development of El Niño this summer. El Niño causes stronger wind shear, which reduces the number and intensity of tropical storms and hurricanes.” For more information see http://www.noaanews.noaa.gov/stories2014/20140522_hurricaneoutlook_atlantic.html.

Despite NOAA’s prediction of a potentially less-active hurricane season, it remains critical that agencies be familiar with the wide range of human resources (HR) policies and flexibilities currently available to assist Federal employees affected by these severe weather, natural disaster, and other emergency situations.

Human Resources Flexibilities

The U.S. Office of Personnel Management (OPM) released an updated version of the *Human Resources Flexibilities and Authorities Handbook* in August, 2013. The *Handbook* provides detailed summaries and references for the many HR flexibilities and authorities which OPM administers. The *Handbook* is available at <http://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/handbooks/humanresourcesflexibilitiesauthorities.pdf>.

Pay and Leave Benefits

OPM issued a *Handbook on Pay and Leave Benefits for Federal Employees Affected by Severe Weather Conditions or Other Emergency Situations* that 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 <http://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/handbooks/emergencybenefits.pdf>.

Employee Benefits and Policies

Benefits and policies for Federal employees and eligible family members remain unchanged during emergency situations. See <http://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/hurricane-guidance/#url=Benefits-Policies>.

Telework

One of the major benefits of telework is its ability to help maintain the continuity of Government operations during emergency situations, while ensuring employee safety. If covered in its employees' telework agreements, an agency may require teleworkers to continue working at alternative worksites, if they are able to do so, on their telework days or on any of their regularly scheduled workdays during emergency situations. Agencies do not have to designate teleworkers as emergency employees to require them to work during a closure; however, OPM recommends that each agency anticipate this possibility in its emergency preparedness planning and discuss this with telework employees in advance. All expectations should be included in employee telework agreements. See *A Guide to Telework in the Federal Government* at www.telework.gov/guidance_and_legislation/telework_guide/.

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:

- **Medical Officers** (General Schedule (GS)-0602), **Nurses** (GS-0610 and GS-0620), **Diagnostic Radiologic Technicians** (GS-0647), and **Pharmacists** (GS-0660) 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 (e.g., Puerto Rico, Guam, and the U.S. Virgin Islands) may be used indefinitely or until OPM terminates this authority.
- **Positions involved in Iraqi Reconstruction efforts** that require fluency in Arabic or other related Middle Eastern languages at all Wage Grade (WG) levels, single-grade interval occupations in the GS, and two-grade interval GS occupations at GS-9 and above. Agencies may appoint U.S. citizens to positions at all locations.
- **Federal Acquisition positions** covered under title 41, U.S.C. 433(g)(1)(A) according to GW-004 (effective September 30, 2012), which has been extended by Sec. 1103 of P.L. 112-239, National Defense Authorization Act FY 2013. This authority is based on a

severe shortage of candidates. Prior to using this authority, the department and agency heads (other than the Secretary of Defense) must determine whether a shortage of highly qualified individuals exists. When determining the existence of a shortage of highly qualified individuals, agencies are required to use the supporting evidence prescribed in 5 CFR 337.204(b). In accordance with 5 CFR 337.206(c), OPM may request information from agencies on their use and implementation of this direct-hire authority. **This authority expires on September 30, 2017.** The legal authority code for SF-50 item 5-E is “BAE.”

Agencies may give individuals in the occupational series 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 <http://www.opm.gov/policy-data-oversight/hiring-authorities/direct-hire-authority/>.

An agency should contact OPM 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.

Reemploying Annuitants

Under specified circumstances (which include responding to an emergency), agencies may bring back retirees without applying the dual compensation salary offset and **without OPM approval** as provided at 5 U.S.C. 8344(l) and 8468(i), which require that:

- Appointments are limited to 1 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, the agency must provide an explanation and justification to the Congress and OPM.

Agencies should contact OPM for reemployment that may be needed for longer time periods than allowable under this authority.

Agencies must contact OPM before reemploying a retiree who left the Federal Government with a buyout. Depending upon the specific statute under which the buyout was received, the agency may request a buyout repayment waiver from OPM.

Other Hiring Flexibilities

Senior Executive Service (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, visit <http://www.opm.gov/combined-federal-campaign/>.

What Employees Can Do to Be Prepared

The Federal Emergency Management Agency (FEMA) urges residents to be prepared for their personal safety and survival in case of a hurricane, natural disaster, or other severe weather emergency. FEMA, along with NOAA, is helping to raise awareness of steps that can be taken to help protect citizens, their communities, and property. For additional information, see FEMA's hurricane preparedness page at <http://www.fema.gov/hurricanes>. For additional information about other severe weather emergencies, see <http://www.ready.gov/natural-disasters>.

Visit FEMA's Emergency Preparedness website (www.ready.gov) to learn additional information about the potential emergencies that can happen where you live and the appropriate ways to respond to them.

Additional Information

Agency headquarters-level human resources offices may contact Pay and Leave at OPM at pay-leave-policy@opm.gov. Employees should contact their agency human resources or payroll office for further information on this memo.

cc: HR Directors