



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

The Director

Friday, November 3, 2017  
CPM 2017-17

**MEMORANDUM FOR: HEADS OF AGENCIES AND EXECUTIVE DEPARTMENTS**

FROM: KATHLEEN M. McGETTIGAN, ACTING DIRECTOR

Subject: Pay and Leave Guidance for Hurricane Recovery Volunteers

Hurricanes Harvey, Irma, and Maria left historic devastation and infrastructure rebuilding challenges in their wakes. The Federal Emergency Management Agency (FEMA) and U.S. Small Business Administration (SBA) have solicited Federal employees to volunteer to provide direct support for disaster relief efforts. As a result, the U.S. Office of Personnel Management (OPM) has received a number of questions from agencies and employees on applying premium pay caps, determining an employee's Fair Labor Standards Act (FLSA) exemption status, and annual leave restoration procedures. While these matters are addressed in OPM regulations and online guidance, we are providing the attached guidance to assist agencies.

**Waiver of Biweekly Premium Pay Cap**

In an emergency that involves a direct threat to life or property, Federal employees may be covered by an annual premium pay cap in lieu of the normally applicable biweekly cap when performing work in connection with such an emergency or its aftermath. OPM regulations require (1) a determination that such an emergency exists and (2) a determination that an employee is performing work in connection with such a qualifying emergency or its aftermath (5 CFR 550.106(a)(1)). Under OPM regulations, these determinations are generally made by the agency head or his/her designee. However, OPM may, on its own motion, make a determination that a qualifying emergency exists.

While we believe that many agencies have already made such a determination with respect to the recent hurricanes, this is an unusual set of circumstances that requires use of volunteers from outside of the agency responsible for the emergency work. Therefore, I am taking this opportunity to invoke my authority as Acting OPM Director to designate Hurricanes Harvey, Irma, and Maria as qualifying emergencies for purposes of applying the annual premium pay cap. This determination applies to all Federal employees covered by the title 5 premium pay provisions, including those participating as FEMA Surge Capacity Force volunteers and SBA Disaster Assistance Program detailees. We expect that all work performed during these volunteer assignments will be treated as connected to a qualifying emergency or its aftermath.

## **Additional Information**

OPM has created a web page to further assist agencies and employees at [www.opm.gov/hurricane](http://www.opm.gov/hurricane). OPM will update this webpage with the latest information and guidance concerning Hurricanes Harvey, Irma, and Maria, along with future storms. This site also provides guidance to employees and agencies on the various available human resources benefits and flexibilities.

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

I want to express my personal appreciation to Federal employees for their contributions to the hurricane relief and recovery efforts—whether by performing the duties of their regular jobs, serving as hurricane recovery volunteers, donating annual leave, making monetary donations, or other means. I also want to thank agencies for allowing certain Federal employees to be away from their normal duties for this important cause. We are inspired by the sacrifices that are being made for our fellow Americans in need.

Attachment (see 508-compliant PDF below)

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, and Human Resources Directors