



The Director

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

MAY - 7 2010

MEMORANDUM FOR CHIEF HUMAN CAPITAL OFFICERS

FROM:

**JOHN BERRY
DIRECTOR**

A handwritten signature in blue ink that reads "John Berry".

Subject:

**Emergency Work Performed as a Result of the Oil Spill in
the Gulf of Mexico**

As a result of the emergency cleanup efforts in the Gulf of Mexico, the U.S. Office of Personnel Management (OPM) reminds agencies of their authority under the law and OPM regulations to make exceptions to the biweekly limitation on premium pay. 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, including work performed in its aftermath, must be paid premium pay under an annual limitation (e.g., GS-15, step 10), rather than the normal biweekly limitation, as provided in 5 U.S.C. 5547(b)(1). "Emergency" means a temporary condition posing a direct threat to human life or property (see 5 CFR 550.103).

We encourage agencies to exercise this authority in the case of any employee who performs emergency work in connection with the oil spill and its aftermath. In accordance with 5 CFR 550.106(a)(2), 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. (Certain types of premium payments remain under a biweekly limitation even if an annual limitation is invoked. See 5 CFR 550.107.)

For further guidance, please see OPM's Maximum General Schedule Pay Limitations fact sheet at <http://www.opm.gov/oca/pay/HTML/02maxgs2.asp>.

Additional Information

For additional information, agency Chief Human Capital Officers and/or Human Resources Directors should contact their assigned OPM Human Capital Officer. Employees should contact their agency human resources offices for assistance.

cc: Human Resources Directors