



OFFICE OF THE DIRECTOR

UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, DC 20415-1000

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MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: DAN G. BLAIR *Dan G. Blair*
Acting Director

SUBJECT: HR Flexibilities Available to Assist Federal Employees
Affected by Severe Weather Emergencies and Natural Disasters

Many parts of the United States must occasionally cope with severe weather emergencies and natural disasters, frequently with little warning. Such emergencies are often dangerous and extremely disruptive for those who live in the affected communities. As "hurricane season" is upon us, this memorandum advises you of the various human resources (HR) flexibilities currently available that will allow you to assist Federal employees affected by severe weather emergencies and natural disasters and their aftermath.

Relief and Recovery Efforts

I applaud the boundless generosity and responsiveness of Federal employees to assist in relief and recovery efforts during emergency situations. To assist those parts of the Federal Government that are mobilized to respond to disasters, and to assist in any relief and recovery efforts, I encourage managers to grant excused absence to employees who are requested to assist in emergency law enforcement, relief, or clean-up efforts in affected communities, as authorized by Federal, State, or other officials having jurisdiction, and whose participation in such activities has been approved by their employing agency. (This policy does not apply to Federal employee members of the National Guard or Reserves who are called up to assist in disaster relief and recovery efforts, since they are entitled to military leave under 5 U.S.C. 6323(b).) In addition, I request that excused absence be granted to employees who are prevented from reporting for work or faced with a personal emergency because of a weather emergency and its aftermath and who can be spared from their usual responsibilities.

Premium Pay for Employees Performing Emergency Overtime 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 receiving premium pay for performing overtime work in connection with the emergency will be subject to an annual pay limitation rather than the

biweekly pay limitation (with the exception of certain fixed premium payments, such as availability pay, as specified in 5 CFR 550.107). Employees paid under an annual limitation receive premium pay only to the extent that the aggregate of basic pay and premium pay for the calendar year does not exceed the **greater** of the **annual** rate for—

- (1) GS-15, step 10 (including any applicable special rate or locality rate), or
- (2) Level V of the Executive Schedule.

For additional information on administering the annual premium pay limitation, see OPM's final regulations on premium pay limitations at 69 FR 55941, September 17, 2004. These regulations may be viewed on the *Federal Register* Web site at <http://www.gpoaccess.gov/fr/index.html>.)

Additional guidance on premium pay is available at <http://www.opm.gov/oca/pay/HTML/FACTOT.asp> and <http://www.opm.gov/oca/pay/HTML/05GSCap.asp>.

I encourage agencies to exercise this authority in the case of any employee who performs emergency overtime work in connection with a weather-related emergency and its 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.

Special Solicitations for Charitable Contributions During Emergencies and Disasters

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 cases of emergencies and disasters. All requests must be made in writing. The request should include the following: information on the agency(ies) and location(s) where the special solicitation will be conducted; dates on which the special solicitation will be conducted; and information on the charitable organization(s) that will be the recipient of special solicitation funds. Because a special solicitation is not a part of the CFC, employees may give only through cash or check and may not use payroll deduction. Federal employees also may contribute to local relief efforts through their participation in the CFC. Employees may designate their payroll deduction or make a cash/check contribution to the organization of their choice. For access to frequently asked questions and answers on special solicitations, please visit <http://www.opm.gov/cfc>.

Emergency Leave Transfer Program

The President may direct OPM to establish an emergency leave transfer program to assist employees affected by an emergency or major disaster. The emergency leave transfer program permits 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 emergency or major disaster and who need additional time off from work without having to use their own paid leave. If you believe there is a need to establish an emergency leave transfer program to assist employees affected by an emergency or disaster and its aftermath, please contact your OPM Human Capital Officer. Additional information on the emergency leave transfer program is available at <http://www.opm.gov/oca/leave/HTML/emerg.htm>.

Emergency Critical Hiring

Under 5 CFR 213.3102(i)(2), you may make 30-day appointments in the excepted service to fill a critical hiring need. You may extend these appointments for an additional 30 days. You may use this authority to fill Senior Level positions, as well as positions at lower grades; you also may determine 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, which allow you to appoint candidates directly, include GS-0602 Medical Officers, GS-0610 and GS-0620 Nurses, GS-0647 Diagnostic Radiologic Technicians, and GS-0660 Pharmacists at all grade levels and all locations. You may give individuals in the categories, occupations and specialties, and grades listed above competitive service career, career-conditional, term, or temporary appointments, as appropriate. In all cases, you 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/employ/html/sroa2.asp#directhire>.

If you feel you have one or more occupations for which an agency-specific direct-hire authority may be appropriate in support of relief and recovery efforts, please contact your OPM Human Capital Officer.

Other Flexibilities

You may contract with private sector temporary employment firms for services to meet your emergency staffing needs. These contracts may be for 120 days and may be extended for an additional 120 days, subject to displaced employee procedures.

You may make competitive service appointments for 120 days or less without clearing CTAP or ICTAP. However, these programs may help you identify one or more well-qualified displaced Federal employees who are available for immediate employment.

Current and former employees on your agency RPL are another immediate source of qualified individuals available for temporary, term, or permanent competitive service appointments. Conversely, in some cases, you may wish to make an exception to the RPL provisions to appoint someone else under 5 CFR 330.207(d).

Should additional personnel be required for relief efforts, OPM may authorize other options upon agency request. These include temporary emergency need appointments (up to 1 year); SES limited emergency appointments; reemployed annuitants; and rehiring retirees or others who left the Federal Government with buyouts.

For additional information on any of these flexibilities, agency Chief Human Capital Officers and/or Human Resources (HR) Directors may contact their assigned OPM Human Capital Officer. Employees should contact their agency human resources offices for assistance.

cc: Chief Human Capital Officers
Human Resources Directors
Federal Executive Boards