



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Friday, August 15, 2003
CPM 2003-9

MEMORANDUM FOR: Heads Of Executive Departments And Agencies

FROM: Kay Coles James

Subject: Widespread Power Outage

As you are well aware, the current widespread power outages have had an immediate impact on millions of people throughout the northeastern and midwestern United States and portions of Canada. Clearly this situation may prevent significant numbers of Federal employees in the affected areas from reporting for work and may require Federal agencies to close all or part of their activities. The Office of Personnel Management urges departments and agencies, Federal Executive Boards, and Federal Executive Associations to work with State and local jurisdictions in establishing dismissal or closure procedures, as warranted. The following information is intended to bring you up to date on actions being taken in response to the widespread power outages. The flexibilities that are available to you with respect to these power outages are consistent with our guidance in the past on dismissal or closure procedures.

Excused Absence

I am asking heads of departments and agencies to excuse from duty without charge to leave or loss of pay employees who are affected by the power outage and who can be spared from their usual responsibilities. Specifically, I am requesting that excused absence be granted to Federal employees who (1) are prevented from reporting to work in situations where local authorities have directed citizens to avoid designated areas, (2) have been requested to assist in authorized emergency law enforcement by Federal, State, or other officials having jurisdiction and whose participation in such activities has been approved by their employing agency, and (3) are prevented from reporting for work or faced with a personal emergency because of the power outages. 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).

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 limitations. 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 salary rate or locality rate of pay), or (2) level V of the Executive Schedule. (Section 1114 of Public Law 107-107, December 28, 2001, modified the biweekly and annual limitations on premium pay under 5 U.S.C. 5547. For additional information on administering the annual premium pay limitation, see OPM's interim regulations on premium pay limitations at 67 FR 19319, April 19, 2002, or opm.gov/fedregis/2002/66-0019319-a.htm.)

I encourage you to exercise this authority in the case of any Federal employee who performs emergency overtime work in connection with the power outage. 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 power outage began.

Telework

OPM fully supports telework policies and programs for both emergency and non-emergency situations -- telework provides a useful strategy to keep the business of Government going. With supervisory approval under an oral or written telework agreement, Federal employees may work at home or at a telecenter during the power outages if power is available at home or at the telecenter.

Volunteerism

Federal employees have a proud record of volunteerism and have generously given their time and talent to make positive contributions to their communities. Federal employees who are unable to report to work are encouraged to volunteer services to assist the community in this time of need. By their direct involvement in community activities, Federal employees have become an invaluable resource to our citizens. I encourage you to do everything in your power to ensure that this tradition of service continues.

Emergency Guides

Finally, I want to remind agencies of the Emergency Guides for Federal managers, employees and their families that are available on our web site at opm.gov/emergency/. These additional tools may be useful to those affected by the current power outage.

Please know that we once again stand ready to assist your organizations in any way possible with your human resource management needs. Our key staff may be reached 24 hours a day/7 days a week by contacting our Situation Room on 202-418-0111. During normal business hours, please do not hesitate to contact my office on 202-606-1000. Our Director of Federal Executive Board Operations, Paula Bridgham, is coordinating with the Federal Executive Boards in the affected areas. Ms. Bridgham may be reached on 202-606-1251; cellular phone: 202-437-8686, or by email at plbridgh@opm.gov.

cc: Chief Human Capital Officers