



Department of Energy

Washington, DC 20585

September 3, 2013

MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS OTHER THAN THE NATIONAL NUCLEAR SECURITY ADMINISTRATION

FROM:

ROBERT C. GIBBS

CHIEF HUMAN CAPITAL OFFICER

SUBJECT:

WAIVER OF THE BI-WEEKLY PAY LIMITATION FOR
EMERGENCY RESPONSE ACTIVITIES

This memorandum replaces:

- 1) the January 31, 2002, memorandum from Timothy M. Dirks, (former) Director of Human Resources Management, subject: Waiver of Bi-Weekly Premium Pay Limitation, pertaining to “emergency work in connection with the continuing and immediate threat of further attacks on the United States;”
- 2) the April 25, 2003, memorandum from Claudia A. Cross, (former) Acting Director of Human Resources Management and Michael C. Kane, (former) Deputy Associate Administrator for Management & Administration, NNSA , subject: Waiver of Bi-Weekly Earnings Limitation, pertaining to “emergency activities critical to support the Department’s mission ... as determined by each Departmental Element;” and
- 3) the July 26, 2006, memorandum from Claudia Cross and Michael Kane, subject: Waiver of Bi-Weekly Pay Limitation for Disaster Relief Assistance, pertaining to “work in connection with disaster relief assistance and ... any future work in support of FEMA for work that is not energy-related.”

As authorized by Title 5, Code of Federal Regulations (CFR), Sections 550.106, the bi-weekly pay limitation for employees who are engaged in any type of emergency response activity including, but not limited to, disaster relief assistance, radiological assistance, and terrorist attacks domestically and internationally, is hereby waived, except for employees who receive standby duty pay, administratively uncontrollable overtime pay, or availability pay (LEAP), per 5 CFR 550.107(a). Those employees will be subject only to the annual premium pay limitation, which is the higher of the following two rates:

- 1) the rate of basic pay for GS-15, step 10 (including any applicable locality payment, special rate, or similar adjustment); or



- 2) the rate payable for level V of the Executive Schedule that is in effect on the last day of the calendar year.

With the concurrence of the servicing Human Resources staff, the Head of a Departmental element, or his/her designee, is authorized to waive the bi-weekly pay limitation for employees engaged in emergency response activities. This authority is effective immediately through December 31, 2015.

Departmental elements must submit a list of the affected employees along with a completed Manual Pay Adjustment Form (see <http://chris.doe.gov/payroll/ManualPayAdjust.PDF>) for each affected employee through their servicing Human Resources staff to the servicing payroll staff as soon as practical before or following the activity for each pay period in which those activities occurred to ensure that employees are properly compensated on a timely basis.

For questions about this authority, contact Bruce Murray, Office of the Chief Human Capital Officer, at bruce.murray@hq.doe.gov or by telephone at 202-586-3372 or the Payroll Help desk at PayrollCSRHelpDesk@hq.doe.gov or by telephone at 301-903-2500, Option #4, and Option #4 again.

cc: Human Resources Directors
Headquarters Resource Directors
Headquarters Administrative Officers
Team Lead, DOE Payroll Team