

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

/ Action Date:

/ For Information Only:

DEPARTMENTAL PERSONNEL MANUAL

DPM BULLETIN NO. 550-37

APR 25 1995

SUBJECT: Excused Absence, Exception to the GS-15,
Step 10 Biweekly Earnings Limitation, and Fair
Labor Standards Act Exemption Status Changes
for Employees Performing Work in Connection with
the Bombing of the Federal Building in Oklahoma
City, Oklahoma

On April 20, 1995, President Clinton signed a memorandum to heads of executive departments and agencies (copy attached) requesting that employees who are faced with a personal emergency because of the damage caused by the bombing of the Alfred P. Murrah Federal Building and who can be spared from their usual responsibilities be excused from duty without charge to leave or loss of pay. This request also applies to employees who are needed for emergency law enforcement, relief, or clean-up efforts authorized by Federal, state, or local officials having jurisdiction. It does not apply to Federal employee members of the National Guard or Reserves who are called up to assist. Military leave is appropriate for those employees.

The Office of Personnel Management (OPM) also issued a memorandum to heads of executive departments and agencies (copy attached), to remind us that under Section 550.106(a) of Title 5, Code of Federal Regulations, the Secretary or his designee may authorize an exception to the GS-15, step 10 biweekly earnings limitation for work performed in connection with an emergency situation. Employees excepted from the biweekly limitation are still subject to an annual limitation equal to the rate of pay for GS-15, step 10.

A determination has been made that the bombing in Oklahoma City, Oklahoma, has created an emergency situation for which an exception to the biweekly earning limitation is appropriate. Operating Administrations (OAs) are therefore authorized, beginning on April 16, 1995, to apply the annual GS-15, step 10 limitation to the payment of premium pay for employees performing duties related to the bombing through May 13, 1995. Those OAs which require additional time must submit requests for extensions to the Departmental Director of Personnel, M-10.

Filing Instructions: File after FPM Chapter 550 Bulletins

Bulletin Expires: Upon Notification

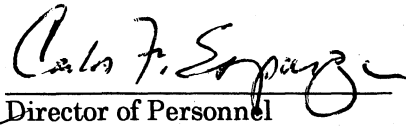
Distribution: Personnel Council, M-15, AMZ-500, AAA-100, M-80

OPI: M-16/JKARICHER/X69450

Under Section 551.208(f) of Title 5, Code of Federal Regulations, when an agency has no recourse other than to assign exempt employees to perform duties relating to an emergency situation which threatens the life or safety of people, serious damage to property, or serious disruption to operations, the agency may have to change the employees Fair Labor Standards Act exemption criteria. Therefore, if an exempt employee spends more than 20 percent of his/her time during the workweek performing emergency nonexempt duties related to the bombing, his/her exempt status must be changed to nonexempt for that week. This determination must be made on a workweek basis for the duration of the emergency.

The attached OPM memorandum also contains useful information regarding workers' compensation, retirement benefits, life insurance, and contributions to relief organizations.

If you have any questions, please call Jan Karicher of my staff on (202) 366-9450.


Director of Personnel

Attachments

THE WHITE HOUSE

WASHINGTON

April 20, 1995

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Excused Absence for Employees Affected by the
Bombing of the Federal Building in Oklahoma City

I am deeply saddened by the loss of life and suffering caused by the bombing of the Alfred P. Murrah Federal Building in Oklahoma City. I convey my deepest sympathy and heartfelt sorrow to our fellow Americans and their families who have been affected by this senseless act of violence. Many parts of the Federal Government have been mobilized to respond to this tragedy.

As part of this effort, I ask the heads of executive departments and agencies having Federal civilian employees in the Oklahoma City area to excuse from duty, without charge to leave or loss of pay, any such employee who is prevented from reporting to work or faced with a personal emergency because of the bombing and who can be spared from his or her usual responsibilities. This policy should also be applied to any employee who is needed for emergency law enforcement, relief, or recovery efforts authorized by Federal, State, or local officials having jurisdiction.

Workers' compensation benefits are available in the case of Federal employees who were injured or killed in the bombing. The Department of Labor has sent a team of workers' compensation specialists to Oklahoma City to provide direct assistance to affected employees and their families.

William S. Clinton



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT

WASHINGTON, D.C. 20415

OFFICE OF THE DIRECTOR

APR 20 1995

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: JAMES B. KING
DIRECTOR

SUBJECT: Bombing of Federal Building in Oklahoma City

I wish to convey my sympathy to my fellow Federal employees and their families who have been affected by the bombing of the Alfred P. Murrah Federal Building in Oklahoma City. I am saddened by the loss of life and suffering caused by this senseless act of violence.

The following information is intended to bring you up to date on recent actions taken in response to this tragedy.

Excused Absence

President Clinton signed a memorandum for heads of executive departments and agencies requesting that employees who are prevented from reporting to work or faced with a personal emergency because of the bombing and who can be spared from their usual responsibilities be excused from duty without charge to leave or loss of pay. This request also applies to employees who are needed for emergency law enforcement, relief, or recovery efforts authorized by Federal, State, or local officials having jurisdiction. This does not apply to Federal employee members of the National Guard or Reserves who are called up to assist. Military leave under 5 U.S.C. 6323(b) is appropriate for those employees.

A copy of the President's memorandum is attached. Questions may be referred to Jo Ann Perrini of OPM's Compensation Administration Division on (202) 606-2858.

Workers' Compensation Benefits

Workers' compensation benefits are available in the case of Federal employees who were injured or killed in the bombing. The Office of Workers' Compensation Programs in the Department of Labor has sent a team of workers' compensation specialists and nurses to Oklahoma City to provide direct assistance to affected employees and their families. Affected agencies or employees may obtain additional information on workers' compensation benefits by calling Nancy Ricker on (214) 767-4713.

Retirement Benefits

Retirement benefits are also available to covered Federal employees or their survivors if the employees were disabled or lost their lives in the disaster. In most cases, the primary benefits will be paid by the Department of Labor. Therefore, we are coordinating our efforts with their representatives in Oklahoma City. In addition, we will have a representative onsite to respond to any special circumstances or concerns that may come up. We have also established a team to provide expedited processing of retirement and survivor benefits or any special assistance that may be needed. The OPM team can be reached by calling (412) 794-2005.

Insurance Benefits

Insurance benefits may be available to Federal employees or their survivors if the employees were injured or killed in Oklahoma City. Injured employees will generally receive medical benefits through the Office of Workers' Compensation. Dependents enrolled under a Federal Health Benefits plan will be covered by that insurance plan. Life insurance coverage and coverage for other losses are also available to employees and their survivors. In addition to its onsite representative, OPM will coordinate assistance through its Retirement Operations Center, which can be reached at (412) 794-2005.

Premium Pay for Employees Performing Emergency Work

Agencies are reminded of their authority under the law (5 U.S.C. 5547(b)) and Office of Personnel Management regulations (5 CFR 550.106) to make exceptions to the biweekly maximum earnings 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 performing work in connection with the emergency must be paid premium pay under the annual limitation of GS-15, step 10, rather than the GS-15, step 10, biweekly limitation.

We encourage agencies to exercise their authority in the case of any employee who performs emergency work in connection with this tragedy or its aftermath. 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. Questions may be referred to James Weddel of OPM's Compensation Administration Division on (202) 606-2858.

Contributions to Relief Organizations

Federal employees who wish to make charitable contributions in support of relief efforts connected with the Oklahoma City bombing may contact any of the disaster relief organizations approved by the Combined Federal Campaign. A list of these organizations is attached.

In addition, in accordance with Section 7 of Executive Order 12353, Federal employees are authorized, without the approval of OPM, to solicit funds within their agency on behalf of employees of the agency.

Attachments

ORGANIZATIONS PARTICIPATING IN RELIEF EFFORTS

American Red Cross
P.O. Box 37243
Washington, DC 20013
1-800-HELP-NOW

Children Charities of America
1111 Oak Street
San Francisco, CA 94117
1-800-374-1578

America's Charities
12701 Fair Lakes Circle, Suite 370
Fairfax, VA 22033
1-800-458-9505

Christian Service Organizations of America
1111 Oak Street
San Francisco, CA 94117
1-800-626-6349

Independent Charities of America
1111 Oak Street
San Francisco, CA 94117
1-800-477-0733

National Black United Federation of Charities, Inc.
1313 N. Capital Street, NE., Suite 102
Washington, DC 20002
202-797-0407

National Voluntary Health Agencies
1660 L Street, NW., Suite 601
Washington, DC 20036
1-800-654-0845

United Way of America
701 North Fairfax Street
Alexandria, VA 22314
703-836-7100

Oklahoma Combined Federal Campaign Contact

Central Oklahoma Combined Federal Campaign
c/o Metro Oklahoma City United Way
P.O. Box 837
Oklahoma City, OK 73101-0837
ATTN: Chris Marshall
405-236-8441