

DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY

Action Date:

For Information Only:

DEPARTMENTAL PERSONNEL MANUAL

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DPM BULLETIN NO. 551-4


DATE: August 9, 1994

**SUBJECT:** Excused Absence and Fair Labor Standards  
Act Exemption Status Changes for Employees  
Performing Work in Connection with Flooding  
Resulting From Tropical Storm Alberto

On July 15, 1994, 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 flooding 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.

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. The Office of Personnel Management advises us that this provision applies to the flooding due to Tropical Storm Alberto. Therefore, if an exempt employee spends more than 20 percent of his/her time during the workweek performing emergency nonexempt duties related to the flooding, 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.

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

  
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Director of Personnel

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**Filing Instructions:** File after FPM Chapter 550 Bulletins

**Bulletin Expires:** Upon Notification

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

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