

UNITED STATES DEPARTMENT OF THE INTERIOR

**BUREAU OF LAND MANAGEMENT
Office of Fire and Aviation
3833 South Development Ave.
Boise, Idaho 83705-5354**

August 30, 2000

**In Reply Refer to:
1400-630 (FC-202) P**

EMS Transmission 08/30/2000
Instruction Memorandum No. OF&A 2000-022
Expires: 09/30/01

To: State and Center Directors
Attn: Servicing Personnel Offices

From: Director, Office of Fire and Aviation

Subject: Policy on Waiver of Dual Compensation Limits and Repayment of Voluntary Separation Incentive Payments (VSIP)

Program Area: Personnel Management

Purpose: This Instruction Memorandum (IM) establishes the policy and a consistent procedure for requests for waiving the salary reduction for reemployed annuitants, and repayment of certain VSIPs.

Policy/Action: On August 21, 2000, the Department of the Interior, Office of the Secretary, delegated authority to the Director, Office of Fire and Aviation, to waive:

- (1) the salary reduction, known as dual compensation limits, for reemployed annuitants, and;
- (2) repayment of certain Voluntary Separation Incentive Payments (VSIP or "buyout.")

These waiver authorities will allow former employees to retain their annuity and receive regular pay, and will allow some former employees who received VSIP to accept employment without being required to repay the VSIP.

Individuals who are reemployed must be reemployed to fight fires that pose an immediate and real threat to life and property and to support directly those fire fighting operations. In order to facilitate and expedite this, all requests to hire either (1) a reemployed annuitant, with no reduction of salary, or (2) anyone who took a buyout, should follow the following procedures:

Servicing Personnel Office (SPO) Responsibilities

- Establish a point of contact to receive the requests from retirees interested in employment.
- Provide counseling to the retiree on the advantages/disadvantages of being hired as an AD-Casual or reemployed annuitant.
- Obtain a copy of the retiree's retirement and VSIP SF-50(s), Notification of Personnel Action, if applicable.
- Complete the appropriate waiver form.
- Fax the waiver form(s) and a copy of the separation/VSIP SF-50 to the Human Resources Management Office (HRM) in Boise (208) 387-5723. If unable to obtain the SF-50, provide the annuitant's social security number and we will contact OPM and attempt to obtain verification of the buyout authority.
- Provide your fax number to the HRM in Boise for receipt of signed approval.
- Maintain copies of all forms and approvals with the employees' personnel records for review and reporting purposes.
- Process personnel action.

The following policies have been set to maintain consistency in the process and will be completed by the SPO:

DRUG TESTING: In view of the emergency nature of the current fire situation, individuals may be reemployed without prior drug testing if prior testing would unreasonably delay the appointment, but drug testing should be completed as soon as possible. The Drug Program Coordinator may be called at (202) 208-5638 to receive expedited forms by FEDEX.

PHYSICALS: If the individual's skills and abilities are urgently needed, the individual may be immediately brought into the workplace in a less than arduous capacity until such time as the physical assessment process is completed. Selection for an arduous position will require completion of the PAR/Q Questionnaire. If an individual answers "yes" to one of the health questions on the PAR/Q, a determination of that individual's health problem must be made by a physician. A stress test is required if the applicant is over age 40 and has not had a stress test in the last three years.

PAY ISSUES: A reemployed annuitant will be paid at the same grade and step they held before retirement.

POSITION DESCRIPTIONS: Rehires will be placed under the same position description they held before retirement. SPO's may need to establish additional/identical positions for this purpose.

DUTY STATION: The duty station will be where the rehire lives at the time of reemployment.

DIRECT DEPOSIT: Reemployed annuitants will be required to complete necessary forms for direct deposit of salary/travel payments.

LENGTH OF EMPLOYMENT: This authority will be used only for those positions which are likely to be filled for at least two (2) pay periods. This authority ends on December 31, 2000, OR the date the emergency no longer involves a direct threat to life and property, whichever comes first.

TERMINATION OF EMPLOYMENT: Termination of the rehired annuitant will be a joint decision between the State/Center Director and the Director, Office of Fire and Aviation, either when the fire fighting emergency has subsided nationally or the need for the critical skill is no longer needed.

Timeframe: The effective date of this policy is the date on this Instruction Memorandum.

Budget Impact: The budget impact will be negligible as the funds will be charged to the Wildland Fire Operations Account.

Background: The Office of Personnel Management has granted the Department of the Interior waivers to rehire employees and waive (1) the dual payment penalties and (2) the Voluntary Separation Incentive Payment penalty. This action was taken to assist the Department in this heavy fire season. The authority to grant these waivers for the Department was redelegated to the Director, Office of Fire and Aviation.

Manual/Handbook Sections Affected: No manuals or handbooks are affected.

Coordination: The NIFC Human Resources Management Office will coordinate this effort.

Contact: If you have any questions, contact Jim Knox at (208) 387-5514.

Signed by:
Larry E. Hamilton
Director, Office of Fire and Aviation

Authenticated by:
Pat Lewis
Supervisory Mgmt. Asst.

3 Attachments

Waiver Form for Reemployed Annuitant (1 p)

Waiver Form for Repayment of VSIP (1 p)

Table - Public Laws and Buy-Out Repayment Waiver Provisions (2 pp)

Distribution

Jay Thietten, Room 5627, MIB

Cindy Hogg, NARTC



United States Department of the Interior

Waiver Form for Reemployed Annuitant

On August 11, 2000, the Office of Personnel Management (OPM) approved delegation of authority to the Department to waive the salary reduction, known as dual compensation limits, required when reemploying Federal civilian annuitants (5 USC 8344 and 8468 and 5 CFR part 553). This authority only extends to temporary, mission critical employment in direct support of current emergency fire efforts in the western United States, and for no longer than necessary to meet those needs up to December 31, 2000. The Bureau will maintain this form for 3 years from the undersigned date to be made available to OPM upon request.

Please Complete and Maintain With the Annuitants Personnel Records:

Last Name First Name Middle Initial

Position Title/Series/Grade From Which Retired Date Retired

Civil Service Retirement Number

Summary of Fire Experience Being Called Into Play in this Temporary Reemployment:

Summary of how current duties directly support the critical fire fighting operations:

Start of Temporary Reemployment Projected End of Temporary Reemployment

Reemployment Duty Location Title/Series/Grade of Reemployment Position

The undersigned annuitant is temporally reemployed to support the fire fighting effort with the understanding that an offer to be reemployed without the waiver was first made and that the non-acceptance of that offer is herewith acknowledged.

Annuitant's Signature/Date

Certification: This position is critical to the mission of fire containment, no other qualified individual is available to fill this position, the annuitant has declined an offer to take the position without a waiver.

Approving Authority Signature/Date

PUBLIC LAWS AND BUY-OUT REPAYMENT WAIVER PROVISIONS

AGENCY	PUBLIC LAW	REPAYMENT WAIVER
All Executive Branch Agencies w/o current authority FY 1997	PL 104-208, for period Oct 1, 96 through Dec 31, 97	Non-waivable
All Executive Branch Agencies Except DOD, CIA, GAO and some Judicial Branch Agencies	PL 103-226, Mar 30, 94 for period Mar 30, 94 through Mar 31, 95. Allowed for separation delays up to Mar 31, 97	Waivable
DOI, Parker Center, Denver, Presidio, and Golden Gate	PL 105-277, Oct 21, 98 covering period Oct 21, 98 through Dec 31, 98	Secretary of the Interior may waive
DOD	PL 102-484 (5 USC 5597), Oct 92 as amended by PL 106-65, Oct 5, 99	Waivable
NASA	PL 104-204, Title IV, Sec 432, Sep 26, 96 through Sep 30, 00	Waivable
Dept. Agriculture and County Committees	PL 104-180, Title VII, Sec 735, Aug 6, 96	Non-Waivable
Dept. of Energy	PL 105-261, Oct 17, 98, as amended by PL106-65, Oct 5, 99	Non-Waivable
Nuclear Regulatory Commission	PL 105-245, Oct 7, 98	Non-Waivable
Dept. of Treasury, Financial Mgmt Service, Chicago	PL 106-58, Sep 29, 99, covering Oct 1, 99 through Jan 31, 2000	Waivable
Architect of the Capitol	PL 105-55, Oct 7, 97, amended by PL 105-275, Oct 21, 98	Waivable if Retired from the Executive Branch
The Smithsonian Institution	PL 104-134, Apr 26, 96, covering Apr 26, 96 through Oct 1, 96	Secretary of the Smithsonian may waive
Dept. of Health and Human Services, Gillis W. Long Hansen's Disease Center	PL 105-78, Nov 13, 97 covering Nov 13, 97 through Dec 31, 98	Non-waivable
GAO, Gov. Printing Office, Library of Congress	PL 103-69, Aug 11, 93, covering period Aug 11, 93 through Jan 1, 94	Non-waivable
Government Printing Office	PL 105-275, Oct 21, 98	Waivable
Bonneville Power Administration	PL 104-46, Nov 13, 95	Non-waivable
Dept. of the Treasury, IRS	PL 105-206, Jul 22, 98	Non-waivable
Dept. of the Treasury, Inspector General for Tax Administration	PL 106-58, Sep 29, 99	Non-waivable
General Services Administration - Federal Supply Service Distribution Ctrs, Forward Supply Pts, and other Activities	PL 106-58, Sep 29, 99	Waivable
Department of Veterans Affairs	PL 106-117, Nov 30, 99	Waivable
CIA	50 USC 403-4 as revised by PL 103-86, Jun 8, 93, and PL 106-120, Dec 3, 99	Waivable

U.S. Agency for International Development	PL 106-113, Nov 29, 99	Waivable
U.S. Agency for International Development	PL 104-190, Aug 20, 96, covering period Aug 20, 96 through Feb 1, 97	Non-waivable
Railroad Retirement Board	PL 104-208, Sep 30, 96 covering period Oct 1, 96 through Sep 30, 97	Non-waivable