United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

MAR 30 2001

Memorandum

To: Bureau and Office Personnel Officers

From: Carolyn Cohen Carolyn Cohen
Director, Office of Personnel Policy

Subject: Delegated Authority to Waive Dual Compensation Reduction in Support of Wildland Firefighting Operations

In anticipation of another severe fire season resulting in an urgent need for additional qualified people for fire suppression work, the Secretary of the Department of the Interior (DOI) has been delegated authority to waive the dual compensation reduction for reemployed annuitants to support this fire suppression work. The waiver delegation is at Attachment 1.

This waiver authority will allow annuitants to retain their annuity and receive regular pay. It applies throughout the Department in the following situations:

- Where individuals are reemployed to fight fires or immediately support fire-fighting operations during a period of Preparedness Level 4 or 5 (Fire Emergency). If needed, up to 80 hours of training time is allowed prior to Preparedness Level 4 or 5.

- Where individuals are reemployed to lead special crews that include members of the armed forces or National Guard during periods of Preparedness Level 5 (Fire Emergency).

- Where individuals are reemployed at any time to train other employees in these fire-fighting efforts. A waiver for training purposes is limited to 500 hours per year.

- Where individuals in any occupation are reemployed to fill in for a current employee in a mission critical position who is pulled for more than two weeks during a period of Preparedness Level 4 or 5 (Fire Emergency). If this type of situation is foreseen, the annuitant may be offered a waiver in order to return to receive up to 80 hours of refresher training.

This authority may not be used for administrative support or other positions that do not directly and immediately support mission critical wildland fire suppression activities, such as work involving land rehabilitation.

Attachment 2

To expedite the employment process, the Secretary has redelegated this waiver authority to the Director, Office of Fire and Aviation Policy (hereafter Director) of the Bureau of Land Management, National Interagency Fire Center in Boise, Idaho. The Director in turn has developed procedures to ensure all Interior Bureaus are able to utilize this waiver authority as expeditiously as possible.

The Office of Personnel Management (OPM) delegation requires that certain records and certifications are made and retained each time a waiver is granted. Attachment 2 serves to assist with obtaining this documentation. Any DOI personnel office wishing to exercise this waiver authority must obtain prior written approval from the Director of Fire and Aviation Policy, using the form and procedures outlined below.

- Prior to final processing of personnel actions for reemployment of individuals under this authority, the attached form is to be completed and submitted to the National Interagency Fire Center (NIFC), Boise, Idaho for a determination as to whether the OPM waiver of the salary reduction (dual compensation limits) apply. Requests and Director approval/ disapproval may be provided by email or fax:

  National Interagency Fire Center (NIFC)
  Attention: Jim Knox (FA-2c2)
  3833 S. Development Avenue
  Boise ID 83705
  Telephone Number: (208) 387-5514
  Fax Number: (208) 387-5723
  Email Address: jim_knox@nifc.blm.gov

- Servicing Personnel Offices must ensure copies of all forms and approvals are accurately and thoroughly completed, with copies maintained with the employees' personnel records for subsequent review and reporting purposes

- Until Preparedness Level 4 or 5, (Fire Emergency) individuals may not be reemployed without prior drug testing. The Drug Program Coordinator may be reached at (202) 208-5638 to receive expedited forms by FEDEX.

- Physicals are required where arduous physical work will be performed.

Waiver requests for positions that are not covered by this delegated authority may be directed to the DOI Office of Personnel Policy. With regard to individual requests that meet the criteria in 5 CFR 553.201(c), (d), and/or (e), OPM is prepared to expedite the requests.

For further information or questions, our point of contact is John Combs, Office of Personnel Policy, (202) 208-6754, or email John_Combs@ios.doi.gov.

2 Attachments

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

ORDER NO. 3227

Subject: Delegation of Authority to Waive Dual Compensation Limits

Sec. 1 **Purpose.** This Order delegates authority to waive salary reduction requirements ("dual compensation limits") under conditions specified by the Office of Personnel Management (OPM).

Sec. 2 **Authority.** The authority being delegated is provided in a letter dated March 22, 2001, from the Director, OPM to the Acting Assistant Secretary - Policy, Management and Budget, hereinafter the OPM letter (see Attachment). This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

Sec. 3 **Delegation of Authority to Waive Dual Compensation Limits.** This Order delegates authority to the Director of the Office of Fire and Aviation at the National Interagency Fire Center to waive salary reduction requirements ("dual compensation limits") for temporary rehires of federal employees to fight fires and to support those firefighting operations only under the conditions specified by the OPM letter.

Sec. 4 **Limitations.** This authority is subject to the limitations contained in the OPM letter. It may not be redelegated.

Sec. 5 **Reporting Responsibility.** Each year by January 15 the Director, Office of Fire and Aviation must submit a report to the Director, Office of Personnel Policy. The report must contain the information in paragraph 4 of the enclosure to the OPM letter.

Sec. 6 **Expiration Date.** This Order is effective immediately. Its provisions shall remain in effect until December 31, 2004, or until superseded.

Secretary of the Interior

Date: MAR 28 2001

Attachment

Attachment 1

United States
Office of
Personnel Management
Washington, DC 20415-0001

In Reply Refer To: Your Reference:

Mr. Robert Lamb
Acting Assistant Secretary,
Policy, Management, and Budget
Department of the Interior
1849 C Street, NW.
Washington, DC 20240

MAR 22 2001

Dear Mr. Lamb:

The Acting Director has approved in part your request, on behalf of the Secretary, Department of the Interior (DOI), for delegated authority to waive the dual compensation reduction (salary offset) and waive repayment of a Voluntary Separation Incentive Payment (VSIP). The enclosed delegated authority will enable the National Interagency Fire Center (NIFC) to waive the salary offset to hire Federal civilian annuitants to fight wildland fires or to support directly fire-fighting operations **when no other reasonable staffing option exists**. The terms of our legal authority do **not** allow us at this time to delegate waivers for repayment of a Voluntary Separation Incentive Payment (VSIP). However, if emergency circumstances (like last year's) occur, the Office of Personnel Management (OPM) will provide expeditious service.

Waiver of Dual Compensation Reduction (Salary Offset)

OPM can delegate authority to waive the salary offset "for an employee serving on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life and property or other unusual circumstances" (5 U.S.C. 8344 and 8468). Your request anticipates a combination of unusual circumstances that will create emergency staffing needs that could threaten your ability to deliver the significant increase in wildland fire management capabilities requested and funded by Congress. Your request meets the criteria for approval in 5 CFR 553 if, in spite of continuing extraordinary recruitment efforts and use of other available staffing flexibilities, you encounter emergency hiring needs for positions that directly and immediately support wildland fire suppression, for which **no other reasonable staffing option exists**. Accordingly, the enclosed delegation is subject to the conditions and limitations described therein.

We are unable to delegate waiver authority for administrative support or other positions that do not directly and immediately support mission critical wildland fire suppression activities. However, if you need to reemploy an annuitant because no other reasonable staffing option exists, we will expedite requests based on criteria in 5 CFR 553.201(c), (d) and/or (e).

Waiver of Repayment of Voluntary Separation Incentive Payments

The law and regulation dealing with Voluntary Separation Incentive Payments (VSIPs) are more restrictive than those for dual compensation. We cannot delegate VSIP waiver authority in advance of the Preparedness Level 5 (Fire Emergency) that you anticipate. If that emergency actually develops, we will respond quickly to a delegation request. In the meantime, we can also provide prompt responses to requests for individual waivers.

The enclosed delegated authority is effective on the date of this letter and expires on December 31, 2004. Please contact Larry Lorenz at (202) 606-0830 with questions regarding salary offset waivers and Charles Gray at (202) 606-0960 with questions regarding VSIP waivers. The limitations described in 5 CFR 553.203(a) apply when you waive the salary offset.

Sincerely,

Richard A. Whitford
Acting Associate Director
for Employment

Enclosure

Delegation for Waiver of Dual Compensation Reductions

The Acting Director, Office of Personnel Management (OPM) delegates to the Secretary, Department of the Interior (DOI), authority to waive the dual compensation reduction (salary offset) required by 5 U.S.C. 8344 and 8468, "for an employee serving on a temporary basis, but only if, and for so long as, ... necessary due to an emergency involving a direct threat to life or property or other unusual circumstances." This delegation expires on December 31, 2004, and is subject to the following limitations.

1. The Secretary may redelegate this authority to the Deputy Assistant Secretary for Human Resources, the Director, Office of Personnel Policy, and/or the Director, Office of Fire and Aviation in the National Interagency Fire Center (NIFC); hereafter you.

2. You must have made every reasonable effort to vigorously recruit qualified applicants not requiring a waiver prior to considering a waiver request. Also, when you expect recruiting shortages that may lead to waiver requests, you will use other appropriate staffing flexibilities, including overtime and recruitment bonuses and/or retention allowances when appropriate under 5 CFR 575. In addition, you first must hire all fully qualified applicants available to work without a waiver. Further, you must establish procedures to replace an annuitant working with a waiver as soon as a fully qualified individual becomes available.

3. You may approve waivers on a case-by-case basis **only when no other reasonable staffing option exists** to fill a vacant position of type A or B below on a temporary basis with an annuitant.

   A. Positions that directly fight wildland fires or immediately support fire-fighting operations when:

      1) Work is limited to periods of Preparedness Level 4 or 5 (Fire Emergency). Work may include up to 80 hours per year for training and administrative requirements.
      2) Work leading special crews that include members of the armed forces or National Guard is limited to periods of Preparedness Level 5 (Fire Emergency). Work may include up to 100 hours per year for training and administrative requirements.

   B. Any position when:

      1) Work is limited to developing training materials and/or directly training personnel to fight wildland fires or to immediately support fire-fighting operations. Work may not exceed 500 hours per year, nor include more than 40 hours for training and administrative requirements.
      2) Work to back fill an incumbent in mission-critical position who is pulled for more the 2 weeks during a fire season to fight wildland fires or immediately support fire-fighting operations during a Preparedness Level 4 or 5 (Fire Emergency). Work may include up to 80 hours per year for training and administrative requirements.

4. You may approve written waiver requests (emails acceptable) when they include the following:

   A. The position title, series, grade, NTE date, and location (office, city and state);
   B. The annuitant's full name, civil service retirement number and their statement declining employment without a waiver (quoting the annuitant's words is acceptable);
   C. The position type, for example A-1, and the Preparedness Level trigger; when needed; and
   D. A brief description of the staffing emergency, including the exhaustive recruiting efforts, all reasonable staffing options tried and the staffing flexibilities offered or publicized.

5. You must maintain a record of each request and the action you take for 3 years. You will report to OPM each January the information in 4 above.