



Room 1456-SB

United States
Department of
Agriculture

Office of the
Assistant Secretary
for Administration

Office of Homeland
Security and
Emergency
Coordination

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TO: Karen A. Messmore
Director
Human Resources Management

FROM: Todd H. Repass, Jr.
Director
Office of Homeland Security
and Emergency Coordination

Todd H. Repass MAY 20 2010

SUBJECT: USDA-Wide Bi-weekly Pay Cap Waiver

We are requesting a waiver to exceed the bi-weekly pay cap for employees called into service in response to the Deepwater Horizon in the Gulf of Mexico, and under the provisions of the Pollution Removal Funding Authority (PRFA). Since April 20, 2010, Employees throughout the Department of Agriculture (USDA) have responded to the priority of ensuring all capabilities (government, private, and commercial) and resources are being leveraged to protect the environment and facilitate a rapid, robust cleanup effort. To accomplish the work employees may be asked to restrict the use of leave, and work expanded hours. To accomplish the task before us the authorized use of overtime and compensatory time is necessary. Because of the additional hours, however, there are employees who have exceeded or are about to exceed the biweekly pay cap imposed by 5 USC§5547 (a) and 5 CFR§550.105(a).

To ensure that we can appropriately compensate employees for overtime worked, we seek approval under 5 CFR§550.106 (b) (1) *For any pay period in which the head of an agency (or designee), in his or her sole discretion, determines that an employee is needed to perform work that is critical to the mission of the agency, the agency may pay premium pay under the limitations described in paragraph (c) of this section...instead of under the biweekly limitation describe in 5 CFR § 550.105(a).*

The waiver request is made retroactively to April 20, 2010, through the end of pay period 17, which ends on August 28, 2010. This is a critical time for the environment and habitat on and off shore of the Gulf of Mexico, and as always, the fine employees within the USDA are stepping up to assist. Each agency head will approve personnel approved to work on these critical tasks in consultation with the Office of Homeland Security and Emergency Coordination after having PRFAs approved by the Office of the Secretary and U.S. Coast Guard.

[Signature]

Approved

5-24-10

Date

Disapproved

Date

Discuss with me

Date