



United States
Department of
Agriculture

Forest
Service

Albuquerque Service Center
Human Resources Management

3900 Masthead NE
Albuquerque, NM 87109

File Code: 6150-3-1

Date: July 26, 2010

Route To:

Subject: Waiver of the Biweekly Maximum Earning Limitation in Response to the Deepwater Horizon in the Gulf of Mexico

To: Tom Harbour, Director, Fire and Aviation Management

Enclosed is the USDA, Office of Human Resources Management's approval memorandum, "USDA-Wide Bi-weekly Pay Cap Waiver", to waive the biweekly maximum earnings limitation for the period of April 20, 2010 through August 28, 2010 (Pay Periods 8- 17), in which Forest Service employees are required to work considerable amounts of overtime in response to the Deepwater Horizon oil spill in the Gulf of Mexico. The catastrophic explosion which caused an oil spill from an offshore drilling rig in the Gulf of Mexico began on April 20, 2010.

Those employees who are exempt from the biweekly maximum and from the Fair Labor Standards Act (FLSA) must be reminded that they are subject to the annual maximum earnings limitation and it is up to each employee to assure that they do not earn more premium pay than the law allows per year.

The employee's annual maximum earnings limitation for calendar year 2010 is the greater of the salary for Level V of the Executive Schedule (or \$145,700.00) or the GS-15, Step 10, rate of pay, including any applicable locality payment or special rate supplement they receive.

For your convenience, we have enclosed the 2010 annual caps on premium pay for each of the locality areas. As the attached enclosure reflects, the annual caps listed for each locality area are higher in every case than the salary for Executive Schedule Level V.

If you have any questions, please contact Lisa Swenka, HR Specialist, Pay Policy, ASC-HRM at (505) 563-9296 or email her at lswenka@fs.fed.us.

/s/ Janet Ford (for)

ROBIN D. BAILEY JR.

Director, Human Resources Management

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