



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

April 11, 2023

Memorandum

To: Heads of Bureaus and Offices

From: Jennifer A. Ackerman
Director, Office of Human Capital
Deputy Chief Human Capital Officer

Subject: Waiver of Bi-Weekly Limitations on Premium Pay – Law Enforcement Support to DHS

The Department of the Interior (Interior) received a request from the Department of Homeland Security (DHS) for law enforcement officers (LEOs/SEC1) to support southwest border operations at ports of entry and soft-sided processing centers. The reason for the request is that U.S. Customs and Border Protection (CBP) has experienced continued unprecedented encounters along the southern border, which has stressed their resources and created a need for additional support. Also, with the anticipated cessation of Public Health Order Title 42, DHS is expecting a large surge of non-citizen border crossings at the southern border.

Under the authority granted to the Office of Law Enforcement and Security (OLES) in Department Manual 112 DM 17, the law enforcement critical incident support request from DHS is designated as a Critical Incident. This designation became effective as of March 31, 2023, upon the signing of a Memorandum of Agreement between OLES and CBP.

Effective March 31, 2023, as part of the pay period beginning March 26, 2023, Interior employees are authorized a waiver of the bi-weekly limitations on premium pay as authorized by the provisions of 5 CFR 550.106 and the Fair Labor Standards Act (FLSA) overtime requirement under 5 CFR 551.211(f), and authorized an increase to the calendar year (CY) 2023 pay limitations, as defined by the provisions of 5 USC § 5547, for LEOs/SEC1 performing work in direct support to this incident and continuing until the Memorandum of Agreement between Interior and DHS is terminated. The annual pay limitation, as established in 5 CFR 550.106 and 5 CFR 550.107 remains in effect.

Employees granted waivers during calendar year may receive premium pay only to the extent that the payment does not cause the total of the employee's basic pay and premium pay for calendar year 2023 to exceed the greater of the annualized rate payable for GS-15, step 10 or level V of the Executive Schedule.

The headquarters human resource office for each bureau will keep a record of the number employees affected and types of premium pay involved for waivers granted under the provisions of this memorandum. These records will be made available upon request from the Department or the U.S. Office of Personnel Management.

Questions should be addressed to your respective Bureau Human Resources Servicing and/or payroll provider. The DOI Office of Human Capital point of contact is Landon Mock at Landon_Mock@ios.doi.gov.

Attachment: DHS CBP DOI Southwest Border MOA

cc:

Bureau Human Capital Officers
Bureau Human Resource Directors
Director, Office of Law Enforcement and Security