

THE SECRETARY OF THE INTERIOR
Washington

ORDER NO. 3262

SIGNATURE DATE: August 22, 2005

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 April 25, 2005, from the Acting Director, OPM, to the 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 calendar year by January 15 the Director, Office of Fire and Aviation must submit a report to the Deputy Assistant Secretary - Business Management and Wildland Fire and a copy to the Deputy Assistant Secretary - Performance, Accountability, and Human Resources. The report must contain the information requested in paragraph 6 of the enclosure to the OPM Letter, including the number of times the waiver authority was used and the total costs incurred during the past 12 months.

Sec. 6 **Expiration Date.** This Order is effective immediately. Its provisions shall remain in effect until December 31, 2006, or until superseded.

/s/ Gale A. Norton
Secretary of the Interior

Attachment

UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, DC 20415-0001

APR 25 2005

Ms. P. Lynn Scarlett
Assistant Secretary
Policy, Management and Budget
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Ms. Scarlett,

I am pleased to approve your December 30, 2004, request for delegated authority for the Department of the Interior (DOI) to waive the dual compensation offset for firefighters and ancillary personnel in support of the wildland fire-fighting operations. This new waiver authority is effective through December 31, 2006, and will allow DOI to coordinate training and mentoring efforts with the Interagency Fire Program Management project. The previous waiver authority expired December 31, 2004.

The job of protecting our nation's wildlands against fires is inherently dangerous. These positions are critical in protecting both life and property during times of fire. They are the first and last line of defense. Because the National Preparedness Levels are established throughout the calendar year, preparedness levels are dictated by the burning conditions, fire activity and resources availability. While all areas are important, resources are of the most concern. Where DOI pulls individuals from identified mission critical positions to fight fires for more than two weeks during a period of Preparedness Level 4 or 5 (fire emergency), you may re-employ individuals to fill those mission critical positions during the period of the fire emergency. During a period of Preparedness Level 4 or 5, you may also re-employ individuals in positions that directly support fire fighting operations or in firefighter positions. If needed, up to 80 hours of prior training time is allowed.

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 or property or other unusual circumstances" (5 U.S.C. 8344, 8468, and 5 CFR 553.202). The information and justification provided meet the criteria to extend the waiver authority.

The conditions for exercising the authority are identical to those required under the recently expired delegation. As requested, the Secretary may re-delegate this authority to the Director,

Office of Fire and Aviation Policy of the Bureau of Land Management, National Interagency Fire Center, Boise, Idaho. This authority may not be re-delegated further.

If you have any questions on this matter, please contact Marlene Lightburn, Center for Natural Resources, at (214) 880-4980 or by email at marlene.lightburn@opm.gov.

Sincerely,

/s/ Dan G. Blair

Dan G. Blair
Acting Director

Enclosure

DELEGATED AUTHORITY TO DEPARTMENT OF THE INTERIOR FOR WILDLAND FIREFIGHTING DURING EMERGENCIES

The Director, Office of Personnel Management (OPM), hereby delegates to the Secretary, Department of the Interior (or designee), authority to waive the dual compensation reduction (salary offset) required of reemployed annuitants by sections 8344 and 8468 of title 5 United States Code. This delegation will enable you to waive the salary offset when necessary to reemploy a Civil Service Retirement System or Federal Employees Retirement System annuitant on a temporary basis, but only if, and for so long as, the authority is necessary due to emergencies posing immediate and direct threat to life or property or emergencies resulting from other unusual circumstances. This delegation begins on the date the Assistant Secretary signs this delegation below, ends when no longer necessitated by the qualifying circumstances or on December 31, 2006, whichever ever occurs first, and is subject to the following limitations and requirements:

1. The Secretary may re-delegate this authority to the Director, Office of Fire and Aviation Policy, Bureau of Land Management, National Interagency Fire Center, Boise, Idaho.
2. The Secretary, or designee (hereafter you) may waive the salary offset on a case-by-case basis to employ an annuitant with optional retirement under a temporary appointment to directly support critical wildland firefighting operations during Preparedness Level 4 or 5 fire emergencies in a mission critical position listed below when prior vigorous recruiting, hiring and training efforts leave no other reasonable staffing option. Annuitants with early voluntary retirements and buyouts may be employed only when cleared by an OPM Associate Director for a key position.

DUAL COMPENSATION WAIVER LIST

POSITION	SERIES	GRADES
Safety Officer, Safety Specialist	GS-0018	9/11/12/13
Supervisory Park Ranger, Park Ranger	GS-0025	9/11/12/13/14
Fire Management Specialist, Fire Management Officer, Aviation Management Specialist, Geographic Information Specialist	GS-0301	9/11/12/13/14
Program Manager	GS-0340	12/13/14
Telecommunications Specialist	GS-0391	9/11/12/13/14
Supervisory Fire Management Officer, Fire Management Officer, Resource Management Specialist, Fuels Management Specialist, State Fire Management Officer, Supervisory Fire and Aviation Officer, Fire Management Specialist, Natural Resources Specialist	GS-0401	9/11/12/13/14
Fire Ecologist, Ecologist	GS-0454	11/12/13
Range Management Specialist, Range Conservationist	GS-0454	9/11/12/13/14/15
Range Technician, Supervisory Range Technician	GS-0455	6/7/8/9/10/11/12/13
Forester	GS-0460	9/11/12/13/14/15
Forestry Technician, Supervisory Forestry Technician	GS-0462	6/7/8/9/10/11/12/13
Budget Analyst	GS-0560	9/11/12/13
Budget Assistant	GS-0561	7/8/9/10/11
Electronics Technician	GS-0856	9/10/11/12
Public Affairs Specialist	GS-1035	11/12/13/14
Equipment Specialist, Fire Equipment Specialist	GS-1670	9/11/12
Training Specialist, Supervisory Training Specialist	GS-1712	9/11/12
Supply Management Officer, Supply Management Specialist	GS-2003	9/11/12/13/14
Aviation Management Specialist, Aviation Management Officer	GS-2101	11/12/13/14
Aviation Operations Specialist	GS-2150	11/12/13/14
Information Technology Specialist	GS-2210	11/12/13

Notes:

- a. Agencies may hire annuitants using an appropriate appointing authority with a not-to-exceed (NTE) date of 12 months or less.
- b. Reemployed annuitants serve at the will of the appointing official, section 3323 of title 5, United States Code, and agencies may terminate their employment or adjust their work schedule without advanced notice or procedures.
- c. Annuitants with a salary offset waiver may not make retirement contributions or participate in the Thrift Savings Plan, section 553.203 of title 5, Code of Federal Regulations.
- d. This delegation enables you to pay annuitants with an intermittent work schedule, who work only in the event of an emergency declared by the President or agency head under law or Executive order, up to 80 work hours per service year for administrative, orientation or training purposes.

- e. Annuitants with waivers under this delegation may work to the end of their appointment's NTE date even when the NTE date is after the expiration date of this authority.

3. You may approve requests to temporarily "backfill" behind an employee in a mission-critical position listed above who is pulled for more than 2 weeks during a period of Preparedness Level 4 or 5 fire emergency when no other reasonable staffing option exists. Other reasonable staffing options include the following:

- Hiring well-qualified applicants who are available to work;
- Hiring well-qualified annuitants who are available to work with a salary offset;
- Offering details, reassignments, voluntary overtime or compensatory leave to interested employees whom management determines to be well-qualified and who either can be replaced or are not essential to the continued performance of a critical operation or mission; and
- Recruiting vigorously to replace annuitants working with a salary offset waiver as soon as possible.

4. Waiver requests must be in writing (email is acceptable) and include the following:

- A. The position's title, series, pay plan, grade, work schedule (full time, part-time or intermittent), work location (component, city, and state), and the proposed appointing authority, not-to-exceed date, and work-hour limit, if any;
- B. The annuitant's full name, civil service retirement number and statement declining employment without a waiver (quoting annuitant's words is acceptable);
- C. A brief statement describing: why the position and work are of a temporary nature or require unique or hard to find knowledge, skills, or abilities; why the position must be filled immediately or without further delay; or how the function or organization is being/will be structured; and
- D. A brief description of efforts to use other reasonable staffing options and staffing flexibilities, including: any vacancy announcements that have been/will be issued; any special recruitment efforts that have been/will be undertaken; and recruiting or retention incentives, such as those under 5 CFR parts 572 and 575, that have been or will be offered.

5. You must maintain a record of each request and your action and make these records available to the OPM upon request for three years following the action date.

6. You must provide information to OPM annually on the use of this authority. This information should include the occupation, grade, component, office location, appointment date, work schedule, and estimated total work hours of the reemployed annuitant.

/s/ Dan G. Blair
Dan G. Blair
Acting Director

/s/ P. Lynn Scarlett
P. Lynn Scarlett
Assistant Secretary

Office of Personnel Management

Policy, Management and Budget
U.S. Department of the Interior

APR 25 2005

AUG 26 2005

Date

Date

SO#3262 8/22/05

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