

THE SECRETARY OF THE INTERIOR  
Washington

ORDER NO. 3273

SIGNATURE DATE: July 25, 2007

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 July 11, 2007, from the Director, OPM to the Associate Deputy Secretary; 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 Policy, Bureau of Land Management, 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.** By January 15, 2008, the Director of the Office of Fire and Aviation Policy must submit a report to the Director, Office of Human Resources, Office of 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.

Sec. 6 **Expiration Date.** This Order is effective immediately. Its provisions shall remain in effect until December 31, 2007, or until superseded.

/s/ DIRK KEMPTHORNE  
Secretary of the Interior

Attachment

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UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

July 11, 2007

The Honorable James Cason  
Associate Deputy Secretary  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Mr. Cason:

The Office of Personnel Management (OPM) has approved your March 26, 2007, request for delegated authority for the Department of the Interior (DOI) to waive the dual compensation reduction (salary offset) for firefighters and ancillary personnel in support of the wildland firefighting operations. This new waiver authority is effective the date the Delegation Agreement is signed through December 31, 2007, and will allow DOI to coordinate training and mentoring efforts with the Interagency Fire Program Management project. The previous waiver authority expired December 31, 2006.

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, they are dictated by the burning conditions, fire activity and resources availability. While all areas are important, resources are of the most concern. When 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 firefighting operations or in firefighter positions. If needed, up to 80 hours of prior training time is allowed. In preparation for fire seasons beyond 2007, OPM has determined that DOI should post a vacancy announcement to fill its seasonal staff needs. The vacancy announcement should be posted to hire temporary seasonal employees to address needs as they arise through the annual fire seasons. If, after recruitment efforts, DOI can demonstrate a critical shortage of qualified applicants, OPM may consider renewing this delegation.

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.

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. DOI must report to OPM regarding its use of this delegation no later than March 1, 2008. Such reports should include the number of hires made, the positions to which annuitants were appointed, and the duration of such appointments, as set forth in the Delegation Agreement.

Your staff should not hesitate to address questions concerning this authority to Dede Dessommes, your OPM Human Capital Officer. She can be reached at 202-606-4794 or by email at [dede.dessommes@opm.gov](mailto:dede.dessommes@opm.gov).

Sincerely,

/s/ Linda M. Springer  
Linda M. Springer  
Director

Enclosure

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### **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 Director signs this delegation below, ends when no longer necessitated by the qualifying circumstances or on December 31, 2007, whichever 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.

<b>DUAL COMPENSATION WAIVER LIST</b>		
<b>POSITION</b>	<b>SERIES</b>	<b>GRADES</b>
Park Ranger	GS-0025	9/14
District Manager	GS-0340	13
Resource Mgmt Specialist, Supervisory Fire and Aviation Management Specialist, Supervisory Fire Management Specialist, Fire Management Specialist, Assistant Director of Fire Operations, Lead Biologist, General Biologist, Fire and Aviation Management Officer, Fire Management Officer, Supervisory Forester	GS-0401	11/12/13/14/15
Forester	GS-0460	12
Public Affairs Specialist	GS-1035	12
Equipment Specialist	GS-1670	11
Supervisory Training Specialist	GS-1712	12

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 structure; 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 report to OPM regarding the use of this delegation no later than March 1, 2008. This information should include the occupation, grade, component, office location, appointment date, work schedule, and estimated total work hours of the reemployed annuitant.

/s/ Linda M. Springer

Linda M. Springer  
Director  
Office of Personnel Management

July 11, 2007

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Date

SO#3273 7/25/07

/s/ James E. Cason

James Cason  
Associate Deputy Secretary  
Department of the Interior

July 25, 2007

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Date