

THE SECRETARY OF THE INTERIOR
Washington

ORDER NO. 3276

SIGNATURE DATE: July 11, 2008

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 2, 2008, 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 Deputy Assistant Director, Fire and Aviation, Bureau of Land Management, 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 and requirements contained in the OPM Letter. It may not be redelegated.

Sec. 5 **Reporting Responsibility.** Each quarter the Deputy Assistant Director, Fire and Aviation Directorate must submit a report to the Director, Office of Human Resources, Office of the Deputy Assistant Secretary - Human Capital, Performance, and Partnerships. The report must contain the information requested in paragraph (e) (3) of the attachment to the OPM Letter.

Sec. 6 **Expiration Date.** This Order is effective immediately. Its provisions shall remain in effect until December 31, 2010, or until superseded.

/s/ DIRK KEMPTHORNE
Secretary of the Interior

Attachments

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

July 2, 2008

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

Dear Mr. Carson:

The U. S. Office of Personnel Management (OPM) has approved, in part, the resubmission of your April 9, 2008, request for delegated authority agreement for the U. S. Department of the Interior (DOI) to waive the dual compensation reduction (salary offset) to support critical wildland firefighting operations. This new waiver authority is effective from the date the Delegation Agreement is signed through December 31, 2010, and will allow DOI to control and coordinate training and fire suppression emergency efforts across the United States.

The job of protecting our Nation's wildlands against wildfires is inherently dangerous. A number of recurring factors have been converging at an alarming rate in recent years, resulting in increasingly severe wildfires across the Nation and often requiring the assistance and expertise of Federal annuitants. These factors range from changing vegetative growth and drought and the rapid increase in the number of people living in fireprone areas, to an aging workforce facing mandatory retirements. When combined, the cumulative effect is a trend toward larger, more complex and dangerous fires, and a yearly need to rehire annuitants for the additional help and professional expertise they provide in times of emergency. Annual funding does not allow the Department to hire experienced individuals in permanent positions to cover short, highly intense periods of fire activity.

DOI posts vacancy announcements and hires for seasonal temporary employees to address needs as they arise through the annual fire seasons. A shortfall of firefighters is principally for experienced, highly qualified fire supervisors and managers. These jobs require 15 to 20 years experience in the management of today's large, complex fires. In addition to reemploying these fire management specialists and officers, the Department may need to reemploy other occupations that directly support firefighting operations. Attachment 1 identifies positions approved under this delegated authority.

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 delegated authority to reemploy annuitants under emergency conditions when the Secretary or his designee deems it appropriate requires DOI to notify OPM of the intent to exercise said

delegated authority and receives OPM approval for such immediate action by confirmation email. If approved, the delegation of authority will apply throughout the Department in the following situations:

- When individuals are reemployed to fight fires or immediately support fire-fighting operations during a period of Preparedness Level 4 or 5, if needed, up to 80 hours of refresher training time is allowed prior to Preparedness Level 4 or 5.
- When individuals are reemployed to lead special crews that include members of the armed forces or National Guard Units during periods of Preparedness Level 5.
- When individuals are reemployed at any time to train other employees in these fire-fighting efforts, a waiver for training purposes will be limited to 500 hours annually per annuitant.
- When individuals in any occupation are reemployed to fill in for a current employee in a mission critical fire position who is activated to firefighting during a period of Preparedness Level 4 or 5; if this type of situation is forecasted, the annuitant may be offered a waiver in order to return to receive up to 80 hours of refresher training.

OPM grants the delegation of authority for a period of two (2) years to December 31, 2010, or until there is no longer a need, whichever comes first. DOI must report to OPM on an annual basis regarding this delegation. 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.

As requested, the Secretary may re-delegate this authority to the Deputy Assistant Director, Fire and Aviation Directorate, Bureau of Land Management, and National Interagency Fire Center in Boise, Idaho. The authority may not be re-delegated further.

Your staff should not hesitate to address questions concerning this authority to Judith Rutkin, your OPM Human Capital Officer. Ms. Rutkin can be reached at 202-606-1474 or by email at judith.rutkin@opm.gov.

Sincerely,

/s/

Linda M. Springer
Director

Attachment

DELEGATED AUTHORITY TO U.S. DEPARTMENT OF THE INTERIOR FOR WILDLIFE FIREFIGHTING DURING EMERGENCIES

The Director, U.S. Office of Personnel Management (OPM) hereby delegates to the Secretary, U.S. 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, 2010, which 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. Individuals are reemployed to fight fires or immediately support firefighting operations during a period of Preparedness Level 4 or 5.
3. If needed, up to 80 hours of refresher training time is allowed prior to Preparedness Level 4 or 5.
4. Individuals are reemployed during periods of Preparedness Level 5 to lead special crews that include members of the armed forces or National Guard units.
5. Individuals who are reemployed at any time to train other employees in these firefighting efforts will have a waiver for training purposes limited to 500 hours annually per annuitant.
6. If a situation is forecasted during a period of Preparedness Level 4 or 5 in which individuals in any occupation are reemployed to fill in for a current employee in a mission critical fire position that is activated for firefighting, the annuitant may be offered a waiver in order to return to receive up to 80 hours of refresher training.
7. 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
District Ranger	GS-0340	12/13/14
Supervisor/State/Fire Management Officer; Fire/Resource/Fuels Management Specialist; Natural Resources Specialist	GS-0401	9/11/12/13/14/15
Forester	GS-0460	9/11/12/13/14/15
Supervisory Forestry Technician	GS-0462	6/7/8/9/10/11/12/13
Fire Equipment Specialist	GS-1670	9/11/12
Aviation Management Specialist	GS-2101	11/12/13/14
Pilot	GS-2181	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 under 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, under 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.
 1. You may approve requests to temporarily "backfill" behind an employee in a mission-critical position listed above who is pulled for more than two 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.
 2. Waiver requests must be in writing (email is acceptable) and include the following:
 - 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;

- The annuitant's full name, civil service retirement number and statement declining employment without a waiver (quoting annuitant's words is acceptable);
 - 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 restructured; and
 - 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.
3. You must maintain a record of each request and your action, and report to OPM quarterly regarding the use of this delegation. 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
U.S. Office of Personnel Management

July 2, 2008

Date

SO#3276 7/11/08

/s/ James E. Cason
James Cason
Associate Deputy Secretary
U.S. Department of the Interior

July 11, 2008

Date