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**Approved for Release**  
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**Date**

**DEPARTMENT OF COMMERCE**  
**OFFICE OF HUMAN RESOURCES MANAGEMENT**

**HUMAN RESOURCES (HR) BULLETIN # 011, FY05, 5 USC 5547, "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13"**

**SUBJECT:** Annual Pay Limitation for Overseas Emergency Work

**EFFECTIVE DATE:** Upon release of this HR Bulletin and retroactive to May 11, 2005

**EXPIRATION DATE:** December 31, 2005

**SUPERCEDES:** Title 5, United States Code (USC), Section 5547

**BACKGROUND:** Employees performing emergency work in overseas locations in connection with a military operation or an operation in response to a declared emergency are allowed to exceed the biweekly maximum earnings limitation<sup>1</sup>. Employees have not been allowed to exceed the annual limitation on total basic pay and premium pay.

**PURPOSE:** The purpose of this HR Bulletin is to authorize agencies to waive the annual limitation on total basic pay and premium pay and apply an alternative limit of up to \$200,000.00.

**CHANGES:** In accordance with Section 1109 of Public Law 103-13 ("Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005," effective May 11, 2005), employees performing emergency work in connection with a military operation or an operation in response to a declared emergency in an overseas location may have an alternative annual earnings limitation applied in lieu of the annual earnings limitation.

**APPLICABILITY:** This HR Bulletin applies to employees performing emergency work in connection with a military operation or an operation in response to a declared emergency in overseas locations under the area of responsibility of the Commander of the U.S. Central Command. The following 27 countries in the area of responsibility are:

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<sup>1</sup> On November 18, 2004, a Department-wide exception to the biweekly salary cap was authorized for employees performing work in connection with an emergency, its aftermath, or for mission-critical activities.

Egypt, Iran, Iraq, Jordan, Lebanon, Syria, Yemen, Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates, Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, Seychelles, Pakistan, Afghanistan, Kyrgyzstan, Kazakhstan, Turkmenistan, Uzbekistan, and Tajikistan. Employees performing emergency work resulting from the terrorist attacks on the World Trade Center and the Pentagon (i.e., the “National Emergency by Reason of Certain Terrorist Attacks”) and employees detailed to the Coalition Provisional Authority in Iraq to assist in the rebuilding efforts are covered by this Bulletin.

**PROCEDURES:** Before applying the annual salary cap, time and attendance (T&As) reports must first be coded to allow employees to exceed the biweekly salary cap. To effect this change, the T&A report must be coded with a “4” in the RSO/Salary Cap field on the Employee Data Screen of the DOS T&A software or in the T&A Profile of webTA. Note that the following types of premium pay remain subject to the biweekly salary cap when other premium pay entitlements are subject to the annual salary cap: standby duty under 5 USC 5545(c)(1); administratively uncontrollable overtime under 5 USC 5545(c)(2); availability pay for criminal investigators under 5 USC 5545a; and firefighter overtime pay for hours in the regular tour of duty under 5 USC 5545b. Since the National Finance Center does not track the annual salary cap, agencies will have to track premium pay earned to ensure employees do not exceed the new annual cap.

Waivers resulting in receipt of additional premium pay that is normally creditable as basic pay for retirement (or any other purpose) is not to be considered basic pay and may not be used in computing a lump-sum payment for accumulated and accrued annual leave under 5 USC 5551.

**REFERENCES:** (5 USC 5545, 5547, and 5551; 5 CFR §550.105, §550.106, and §550.107)

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