

**PREMIUM PAY FOR FEDERAL CIVILIAN EMPLOYEES WHO PERFORM
EMERGENCY WORK IN SUPPORT OF THE NATIONAL EMERGENCY
DECLARED BY PRESIDENTIAL PROCLAMATION OF SEPTEMBER 14, 2001**

The purpose of this attachment is to provide information about premium pay for civilian employees who perform emergency work in support of the National Emergency declared by Presidential Proclamation of September 14, 2001.

Agencies are reminded of their authority under the law (5 U.S.C. 5547(b)) and OPM regulations (5 CFR 550.106) to make exceptions to the biweekly premium pay limitation. (Please note that overtime pay under the Fair Labor Standards Act of 1938, as amended, does not count toward this limitation.) When the head of an agency or his or her designee determines that an emergency posing a direct threat to life or property exists, an employee who is performing work in connection with the emergency must be paid premium pay under the annual limitation of GS-15, step 10, rather than the GS-15, step 10, biweekly limitation. However, employees who meet the definition of ~~A~~law enforcement officer~~@~~in 5 U.S.C. 5541(3) are covered by the higher biweekly limitation in 5 U.S.C. 5547(c) and are not covered by the authority to apply the annual limitation during emergencies.

OPM encourages agencies to exercise their authority in the case of employees (other than LEOs) who perform emergency work in connection with this National Emergency. Agency heads are required to make a determination as soon as practicable and to make entitlement to premium pay under the annual limitation effective as of the first day of the pay period in which the emergency began. Questions may be referred to OPM's Pay and Leave Administration Division on (202) 606-2858 or email payleave@opm.gov.