

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Office of Fire and Aviation  
3833 S. Development Avenue  
Boise, Idaho 83705-5354

October 21, 2004

In Reply Refer To:  
1340 (FA-100) I

EMS Transmission 10/21/04  
Instruction Memorandum FA IM 2005-002  
Expires: 9/30/05

To: State Directors

From: Director, Office of Fire and Aviation

Subject: Non-Fire Emergency Situation Determination; Waiver of Bi-Weekly Maximum Earnings Limitation; and Fair Labor Standards Act (FLSA) Exemption Status

**Program Area:** Pay Administration

**Purpose:** This Instruction Memorandum (IM) is to notify employees that Hurricanes Charley, Frances, Ivan and Jeanne have been determined to be non-fire emergency situations for the purpose of waiving the bi-weekly maximum earnings limitation or FLSA weekly exemption status.

**Policy/Action:** Employees who exceed the bi-weekly earnings limitation while performing work in conjunction with these Hurricanes and their aftermath are to code overtime to the appropriate "non-fire emergency" overtime hours codes. Timekeepers must check the appropriate block or blocks on the Paycheck Special Pay Option Screen (Lift Bi-Weekly Maximum; Treat as Nonexempt for Week 1; Treat as Nonexempt for Week 2) depending on the employee's exemption status.

**Employees are not to use Hours Code 113 for overtime related to these non-fire emergency situations.**

Corrected timesheets must be processed for instances of this nature occurring prior to the issuance of this IM. Corrected timesheets must include a notation at the bottom stating the appropriate special pay option or options as described above. Timekeepers must mail a hardcopy of the corrected timesheet(s) to the Payroll Operations Division in Denver.

Each employee's total earnings must continue to be carefully monitored to ensure they do not exceed the annual limitation during this entitlement period. There is no provision in the law to waive any salary payment received by an employee that exceeds the annual maximum earning limit.

**Timeframe:** Effective immediately.

**Budget Impact:** The total budget impact is unknown due to the nature of emergencies.

**Background:** The Department of the Interior granted authority to determine an emergency situation for the purpose of waiving the bi-weekly overtime limitation (5 CFR 550.106) or FLSA exemption status (5 CFR 551.208d) for non-fire emergency situations.

This year a series of hurricanes has devastated parts of Florida and the East Coast. The federal government mobilized incident teams in response to these disasters to assist in relief and recovery efforts. Agency officials were asked to make employees available to support these efforts.

A determination was made that Hurricanes Charley, Frances, Ivan and Jeanne are non-fire emergency situations for the purpose of waiving the bi-weekly maximum overtime limitation or FLSA weekly exemption status.

**Directives Affected:** None

**Coordination:** Coordination took place with Fire Directors from the Bureau of Indian Affairs, U.S. Fish and Wildlife Service, National Park Service and U.S. Forest Service.

**Union:** Offices with a union are required to make notification of this IM to their union representatives.

**Contact:** Questions may be referred to Sandy Tripp, 208-387-5627.

Signed by:  
Timothy M. Murphy  
Acting Director

Authenticated by:  
Pat Lewis  
Supervisory Mgmt. Asst.

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