

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

September 2, 2004

In Reply Refer To:
1340 (FA-107) I

EMS Transmission 09/02/04
Instruction Memorandum No. OF&A 2004-027
Expiration Date: 09/30/05

To: All Field Offices
From: Director, Office of Fire and Aviation
Subject: Hurricane Frances

Program Area: Non-Fire Emergency

Purpose: The purpose of this Instruction Memorandum (IM) is to provide administrative direction (Base 8, Overtime, Accountable Property, and Charge Card Purchases) to Bureau of Land Management (BLM) employees assigned to or in support of the Hurricane Frances incident.

Background: The BLM has been asked to provide support to the Hurricane Frances Incident. Offices should make individuals available to support this emergency effort.

Policy/Action: **This is not a fire suppression activity; thus, the overtime provisions of P.L. 106-558 (Wildland Fire Overtime) do not apply. Do not use Time and Attendance (T&A) Hours Code 113 for the Hurricane Frances Incident.** Use regular overtime codes (110, 121, 120, etc.) when recording overtime.

However, exempt employees assigned to the Hurricane Frances Incident and assigned to a nonexempt position for more than 20 percent of their work hours in any weekly tour of duty are entitled to be paid under the Fair Labor Standards Act, 5 CFR 551.208 (d). Incident position titles shall be indicated on the Emergency Firefighter Time report, OF-288, to assist home units in documenting nonexempt status for pay purposes (reference the Interagency Incident Business Management Handbook (IIBMH), Chapter 10, Section 12.11a, and OF&A IM No. 2004-022, Emergency Incident Related Payroll Operations). Nonexempt individuals retain their nonexempt status regardless of the emergency work performed.

Refer to the Code of Federal Regulations (CFR), Title 5, Chapter 1, Part 550, to determine if

hazard pay is applicable for general schedule employees. Refer to CFR, Title 5, Chapter 1, Part 532, for information on environmental differential for wage grade employees.

The reason for hazard pay/environmental differential should be indicated on the Emergency Firefighter Time report, OF-288, to assist home units in applying pay regulations.

All employees working on or in support of all non-wildland fire incidents or activities are subject to the biweekly maximum earnings limitation. In certain circumstances the DOI may waive the limitation upon request from the Bureau. The Director, Office of Fire and Aviation, has been authorized to: determine emergency situations for the purpose of lifting the biweekly maximum earnings limitation; determine emergency situations for FLSA purposes; and coordinate the application of these new authorities with the Bureau of Indian Affairs, U.S. Fish & Wildlife Service, the National Park Service and the U.S. Forest Service. When the biweekly limitation is waived, written direction will be issued from the Director, Office of Fire and Aviation. In such situations, the annual maximum earnings limitation remains in place.

The annual maximum earnings limitation rule limits an employee's basic and premium pay to the annual salary of the greater of the maximum step of a GS-15 grade level, including locality and/or special salary rate pay or level V of the Executive Schedule (5 CFR 550.106(c)(1)).

The BLM is authorized to utilize, hire and pay emergency workers (casuals/AD's) in accordance with the Pay Plan for Emergency Workers (AD Pay Plan) to assist with this effort.

BLM personnel assigned to the Hurricane Frances Incident will follow direction in the OF&A Instruction Memorandum No. 2004-009, Work/Rest and Length of Assignment Requirements.

The Federal Emergency Management Agency (FEMA) policy is that they do not reimburse agencies for base hours for employees who are normally working at this time; this includes all Permanent Full Time (PFT) employees and may include some career seasonal and temporary employees (depending on their normal period of funding).

- a. BLM employees who are normally working at this time who are assigned to or in support of the Hurricane Frances Incident will code base hours to their home office and program.**
- b. BLM career seasonal who are not normally funded at this time of year will code base hours to the appropriate reimbursable code. Field Offices are responsible to provide names of these employees and the normal period of funding to Shari Stewart (FA-107) and Cindy Callaham (FA-107) for documentation purposes.**
- c. All employees will code overtime, premium pay and travel expenses to the appropriate reimbursable code identified on the resource order (i.e., FA-340-2830-NY-xxxx).**

All accountable/durable property, such as tents, sleeping bags, cots, chaps, nomex, flight suits/

helmets, lighting kits, ridge poles, chainsaws, radios, radio kits, generators, pumps, etc., must be returned through the normal return process to the servicing incident support cache.

FEMA will not reimburse BLM for accountable property, therefore, normal program dollars will be charged for items not returned. As an example, BLM was held responsible for payment of \$500,000 of accountable/durable goods that were not returned on the Columbia Space Shuttle Incident.

FEMA will consider charge card reimbursement only if we provide the necessary documentation. All charges must be supported by an incident order and request number (resource order number). It will be the responsibility of the Field Offices to ensure individuals who have made charges on their government charge card in support of Hurricane Frances forward copies of their approved charge card statements with copies of supporting receipts/documentation to Cindy Callaham (FA107) within 5 days of receipt. Statements should reflect the appropriate charge code, BOC and a description of charges. Charge card adjustments for Hurricane Frances charges will be made at the National Office; other charges will be adjusted by the home unit.

Time Frame: This IM is effective immediately.

Budget Impact: The total budget impact is unknown, due to ongoing discussions with the Federal Emergency Management Agency (FEMA) regarding reimbursement of costs.

Manual/Handbook Section Affected: There is no manual or handbook affected by this IM.

Coordination: This instruction is the result of coordination between the Forest Service, FEMA and other Department of the Interior agencies.

Policy questions should be referred to Hallie Locklear at (208) 387-5166, Shari Stewart (208) 387-5357 or Cindy Callaham (208) 387-5355.

Signed by:
Timothy M. Murphy
Acting Director
Office of Fire and Aviation

Authenticated by:
Pat Lewis
Supervisory Mgmt. Asst.
Office Services

Distribution:
Rob Collins, FA-101, WO
BLM AD's
OF&A Management Team
Center Managers
SFMO's
BC Library