

INFORMATION PAPER

12 April 1999

SUBJECT: Waiver of Biweekly Pay Cap

1. Purpose. To provide information on special overtime pay rules for civilian employees working in support of Operation Allied Force.

2. Facts.

a. As a general rule, a civilian employee's pay cannot exceed the maximum rate for a GS-15 in any pay period. This biweekly pay cap covers basic pay, overtime pay, and other premium pay. 5 U.S.C. 5547(a).

b. The biweekly pay cap does not apply to an employee who is paid overtime or other premium pay because of work connected with an emergency which involves a direct threat to life or property. Instead, the employee is subject to an annual pay cap. The employee's pay cannot exceed the maximum rate for a GS-15 in the calendar year. 5 U.S.C. 5547(b).

c. The Acting Assistant Secretary of Defense for Force Management Policy has determined that the situation in Kosovo meets the emergency criteria of 5 USC 5547(b).

d. Effective 24 March 1999, employees performing work directly related to the emergency situation are paid under the annual pay cap.

e. The determination of whether a particular employee's duties are directly related to the emergency situation in Kosovo is a fact-based local determination. The special pay rules apply to employees overseas and in CONUS. An employee in CONUS involved in contingency planning or manning an operation center in connection with Operation Allied Force is performing work directly related to the emergency situation.

f. Activities must provide their servicing Civilian Personnel Advisory Center (CPAC) with the names of employees subject to the biweekly pay cap waiver. CPACs will notify servicing payroll offices.