

United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Office of Fire and Aviation  
3833 South Development Ave.  
Boise, Idaho 83705-5354

August 1, 2006

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EMS Transmission 08/01/06  
Instruction Memorandum No. OF&A 2006-034  
Expires: 12/31/2006

To: State and Center Directors

From: Director, Office of Fire and Aviation

Subject: Policy on Waiver of Dual Compensation Limits for Fire Emergency Employment of Annuitants

**Program Area:** Employment

**Purpose:** This Instruction Memorandum (IM) introduces additional guidance and clarification on the appropriate use of the waiver of dual compensation authority when reemploying annuitants in direct support of a fire emergency. This IM also introduces additional responsibilities of the Field Manager/District Manager, Fire Management Officer (FMO), and Human Resources which must be followed prior to submitting a request for approval of a waiver.

**Policy/Action:** On August 26, 2005, the Department of the Interior, Office of the Secretary, delegated authority to me to waive the salary reduction (known as dual compensation limits) for reemployed annuitants employed for fire emergencies by BLM, NPS, BIA, and FWS. This Order is effective immediately. Its provisions shall remain in effect until December 31, 2006, or until superseded. Management, at their discretion, may submit requests for approval of a dual compensation waiver to the OF&A Director when all reasonable efforts to fill a position which directly fights wildland fires or immediately supports firefighting operations have been exhausted. The waiver authority does not include waivers for repayment of a Voluntary Separation Incentive Payment (VSIP), otherwise known as a Buy Out payment. This IM supersedes IM OF&A 2003-035.

This waiver authority will allow annuitants reemployed in direct support of a fire emergency situation to retain their annuity and receive full pay. It applies throughout the Department in the following situations:

- Where annuitants are reemployed to fight fires or immediately support firefighting operations during a period of National Preparedness Level 4 or 5 (fire emergency).
- Where annuitants are reemployed to lead special crews that include members of the armed forces or National Guard during periods of National Preparedness Level 5 (fire emergency).
- Where annuitants are reemployed at any time to train other employees in these firefighting efforts. A waiver requested for training purposes is limited to 500 hours per year.
- Where annuitants in any occupation are reemployed to fill in for a current employee in a mission critical position who is pulled for more than two weeks during a period of National Preparedness Level 4 or 5 (fire emergency).

Before submitting a request for approval of a waiver, field offices must exhaust all reasonable efforts to fill a firefighting or fire support position through the resource ordering system, the use of Administratively Determined (AD) Emergency workers, or temporary employment as a reemployed annuitant without a waiver.

This authority may not be used for administrative support or other positions that do not directly and immediately support mission critical wildland fire suppression activities, such as work involving land rehabilitation. Waiver requests for positions that are not covered by this delegated authority may be directed through channels to the DOI Office of Personnel Policy for submission to the Office of Personnel Management (OPM). OPM is prepared to expedite individual requests that meet the criteria in 5 CFR 553.201(c), (d) and/or (e).

All requests to reemploy an annuitant under this authority must comply with the following procedures:

#### **FIELD MANAGER/DISTRICT MANAGER RESPONSIBILITIES**

- Determine if all other resources for firefighting or fire support have been exhausted prior to considering a request for a waiver in consulting with local FMO, state FMO, and the servicing Human Resources Office,
- Contact annuitant to determine currency of fire qualifications, availability and interest.
- Offer temporary employment as a reemployed annuitant without a waiver or an AD position and document declination.
- When refresher and/or other training courses are available locally, determine if the annuitant could attend training at their own expense prior to being reemployed with a waiver of dual compensation.
- Obtain a copy of the annuitant's retirement SF-50, Notification of Personnel Action.
- Complete the Dual Compensation Reduction Waiver form.
- Sign and date waiver form as recommending approval.
- Obtain annuitant's signature on waiver form.

- Forward completed waiver form and annuitant's retirement SF-50 to State FMO for review and approval.
- Notify the servicing Human Resources Office that a waiver request was forwarded to the State FMO.

#### **STATE FIRE MANAGEMENT OFFICER RESPONSIBILITIES**

- Review waiver form to determine if all other resources for firefighting or fire support have been exhausted and that the position is required to meet current emergency(s).
- Sign and date waiver form as recommending approval.
- Fax the completed waiver form and the copy of the annuitant's retirement SF-50 to the OF&A Human Resources Office, Boise, Idaho.
- Notify the servicing Human Resources Office that a waiver request was forwarded to OF&A Human Resources.

#### **SERVICING HUMAN RESOURCES OFFICE RESPONSIBILITIES**

- Provide counseling to the annuitant on BLM's policy on the appropriate use of the waiver of dual compensation authority.
- Process personnel action(s).
- Maintain copies of all waiver forms and approvals with the annuitant's personnel records for review and reporting purposes.
- Each year by December 1, submit a report to the OF&A Chief, Human Resources, containing each reemployed annuitant's name, date of appointment and date of termination.

#### **FIELD OFFICE TIMEKEEPER**

- Process time and attendance for reemployed annuitant.

#### **FOR FURTHER CONSISTENCY, THE FOLLOWING GUIDANCE MUST BE FOLLOWED:**

- **Effective Date of Temporary Appointment:** The effective date of reemployment (with a waiver of dual compensation) cannot be sooner than the date the OF&A Director approves the waiver.
- **Drug Testing:** In the event of a Preparedness Level 4 or 5, annuitants may be reemployed without prior drug testing if prior testing would unreasonably delay the appointment. However, drug testing must be completed no later than 30 days from the reemployed annuitant's effective date.
- **Medical Standards & Work Capacity Tests (WCTs) and Medical Examinations:** When the annuitant's skills and abilities are urgently needed, they may be reemployed in a non-arduous capacity. When the annuitant is reemployed in a wildland or prescribed fire position requiring a fitness level of arduous, moderate, or light, the annuitant must meet the requirements described in the *Interagency Standards for Fire and Fire Aviation Operations 2005, Chapter 13, Training & Qualifications*, upon reemployment.
- **Pay Issues:** Reemployed annuitants are to be employed at the same grade and step they held at retirement.

- **Position Descriptions:** Reemployed annuitants are to be employed under the same position description they held at retirement. Servicing Human Resources Offices may need to establish additional/identical positions for this purpose.
- **Duty Station:** The duty station will be determined by the Field Manager/District Manager at the time they offer reemployment.
- **Travel and Per Diem:** Travel and per diem costs, if applicable, are the responsibility of the field office where the annuitant is reemployed.
- **Work Schedule:** Reemployed annuitants are to be hired on a full-time work schedule.
- **Direct Deposit:** Reemployed annuitants will be required to complete forms for direct deposit of salary/travel payments.
- **Conditions Supporting Use of Waivers:** This authority will be requested only in situations where mission critical wildland fire suppression activities/incidents (supporting preparedness level 4 or higher) are expected to continue for at least 30 days.
- **Termination of Employment:** Termination of the reemployed annuitant will be either when the fire fighting emergency has subsided nationally (National Preparedness Level 3 or lower) or the need for the critical skill is no longer needed while in Preparedness Level 4 or 5. When the National Preparedness Level decreases and the annuitant is still assigned to a fire incident, the annuitant may remain reemployed with a waiver until they are released from the fire incident and return to their official duty station. The Field Manager/District Manager, Fire Management Officer, servicing Human Resources Office contact, and annuitant will receive written direction from OF&A Human Resources on the termination of annuitants reemployed with a waiver when the National Preparedness Level changes to level 3 or below.

**Time Frame:** Effective immediately through December 31, 2006.

**Background:** The waiver of dual compensation reduction authority was utilized during the 2001, 2002 and 2003 fire seasons. However, feedback from the field indicates there is a need for additional clarification for consistent application of the authority. In addition, Field Managers/District Managers indicated their desire to be more involved in the review and recommendation of each waiver request prior to submission to OF&A for approval. This IM implements the feedback and recommendations received from the field.

**Manual/Handbook Sections Affected:** None

**Coordination:** Field Managers/District Managers, Human Resources Officers, and the Office of Fire and Aviation Management.

**Contact:** Questions from annuitants should be directed to the Field Manager/District Manager or Servicing Human Resources Office. Questions from Field Managers/District Managers, State Fire Management Officers, or Servicing Human Resources Offices regarding the procedures described in this IM should be directed to Karin Nichols at 208-387-5320 or Jim Knox at 208-387-5514.

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

Signed by:  
Timothy M. Murphy  
Acting Director

Authenticated by:  
Pat Lewis  
Supervisory Mgmt. Asst.

2 Attachments:

- 1 - Waiver Form for Reemployed Annuitant, (3 pp)
- 2 - Memorandum from the Assistant Secretary for Policy, Management and Budget, Revised Delegated Authority to Waive Dual Compensation Reduction in Support of Wildland Firefighter Operations, September 26, 2005, (11 pp)

Distribution

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