



# United States Department of the Interior

OFFICE OF THE ASSISTANT SECRETARY  
POLICY, MANAGEMENT AND BUDGET  
Washington, DC 20240



SEP 26 2005

## Memorandum

To: Director, Office of Fire and Aviation  
Director, Bureau of Land Management  
Director, National Park Service  
Director, Bureau of Indian Affairs  
Director, Fish and Wildlife Service

From: P. Lynn Scarlett *P. Lynn Scarlett*  
Assistant Secretary for Policy, Management and Budget

Subject: Revised Delegated Authority to Waive Dual Compensation Reduction in Support of Wildland Firefighting Operations

In anticipation of another severe fire season the Secretary of the Interior has been delegated authority by the U. S. Office of Personnel Management (OPM) to waive the dual compensation reduction for reemployed annuitants in order to support wildland firefighting operations. This waiver authority will allow annuitants to retain their annuity and receive regular pay for temporary Federal employment which is directly related to the prevention and suppression of wildland fire. The approval authority for the waiver is re-delegated by the Secretary to the Director, Office of Fire and Aviation, Bureau of Land Management at the National Interagency Fire Center (NIFC) in Boise, Idaho. The Director is prohibited from re-delegating this authority to any other level of the organization.

This waiver applies throughout the four bureaus and executive offices listed above in the following situations:

- The Director may waive the salary offset on a case-by-case basis to employ an annuitant with optional retirement under a temporary appointment in the bureaus listed above to directly support critical wildland firefighting operations during Preparedness Level 4 or 5 (Fire Emergency) in a mission critical position listed in the implementation plan (attachment 2 to this memorandum).
- Annuitants who accepted an annuity under a Voluntary Early Retirement Authority (VERA) and/or a Voluntary Separation Incentive Payment (VSIP) may be reemployed only when approved by OPM.

When annuitants are reemployed in one of the mission critical positions for more than two weeks during a period of Preparedness Level 4 or 5 (Fire Emergency) the annuitant may also be offered a waiver in order to receive up to 80 hours of refresher training prior to deployment during a wildland fire.

There are four attachments to this memorandum which describe in detail how to implement this waiver authority. The first is the re-delegation authority signed by Secretary Gale A. Norton. The second attachment is the implementation plan which will be followed by each of the bureaus and the Office of Fire and Aviation when recruiting and placing re-employed annuitants into fire suppression positions. The third attachment is the actual delegation of the authority from OPM. Finally, the Office of Fire and Aviation has developed and attached a form which will be completed by each appointing official in order to request the waiver from the Director. This form must be completed for each appointee with a copy retained by the Office of Fire and Aviation and the bureaus' records for a minimum of five years following the appointment.

The Office of Fire and Aviation will be required to report back to the Department on an annual basis on the use of this waiver authority. Specific reporting requirements are noted in the implementation plan.

If you have any questions regarding the waiver or the attachments to this memorandum please contact Michael Ballew on (202) 208-7765 or by email at [michael\\_ballew@ios.doi.gov](mailto:michael_ballew@ios.doi.gov).

Attachments



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3262

Subject: Delegation of Authority to Waive Dual Compensation Limits

**Sec. 1 Purpose.** This Order delegates authority to waive salary reduction requirements ("dual compensation limits") under conditions specified by the Office of Personnel Management (OPM).

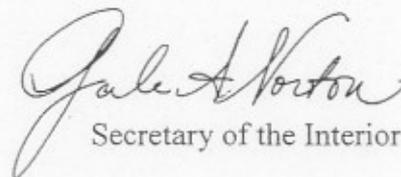
**Sec. 2 Authority.** The authority being delegated is provided in a letter dated April 25, 2005, from the Acting Director, OPM, to the Assistant Secretary - Policy, Management and Budget, hereinafter the OPM Letter (see attachment). This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

**Sec. 3 Delegation of Authority to Waive Dual Compensation Limits.** This Order delegates authority to the Director of the Office of Fire and Aviation at the National Interagency Fire Center to waive salary reduction requirements ("dual compensation limits") for temporary rehires of Federal employees to fight fires and to support those firefighting operations only under the conditions specified by the OPM Letter.

**Sec. 4 Limitations.** This authority is subject to the limitations contained in the OPM Letter. It may not be redelegated.

**Sec. 5 Reporting Responsibility.** Each calendar year by January 15 the Director, Office of Fire and Aviation must submit a report to the Deputy Assistant Secretary - Business Management and Wildland Fire and a copy to the Deputy Assistant Secretary - Performance, Accountability, and Human Resources. The report must contain the information requested in paragraph 6 of the enclosure to the OPM Letter, including the number of times the waiver authority was used and the total costs incurred during the past 12 months.

**Sec. 6 Expiration Date.** This Order is effective immediately. Its provisions shall remain in effect until December 31, 2006, or until superseded.

  
Secretary of the Interior

Date: AUG 22 2005

Attachment

**Implementation Plan for the Delegated Authority to Waive Dual Compensation  
Reduction in Support of Wildland Firefighting Operations**

The U. S. Office of Personnel Management (OPM) has delegated to the Secretary, Department of the Interior, authority to waive the dual compensation restrictions on hiring re-employed annuitants into positions directly related to wildland firefighting operations. To expedite the employment process, the Secretary has re-delegated this waiver to the Director, Office of Fire and Aviation Policy, Bureau of Land Management, National Interagency Fire Center (NIFC), Boise, Idaho. 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.

This waiver is directly related to the dual compensation reduction (salary offset) required of reemployed annuitants by sections 8344 and 8468 of title 5 United States Code. This delegation will enable Department of the Interior to waive the salary offset when necessary to re-employ a Civil Service Retirement System or Federal Employees Retirement System annuitant on a temporary basis, but only if, and for so long as, the authority is necessary due to emergencies posing immediate and direct threat to life or property or emergencies resulting from other unusual circumstances. This delegation begins on the date the Secretary of the Interior signs the delegation and ends when no longer necessitated by the qualifying circumstances or on December 31, 2006, which ever occurs first.

The delegation will be primarily used by the four bureaus which are directly involved in fire suppression activities, i.e., Bureau of Land Management, Bureau of Indian Affairs, National Park Service and the Fish and Wildlife Service. The Director, Office of Fire and Aviation, Bureau of Land Management will be the controlling agent for the Department and will handle all approvals and denials on behalf of the Secretary. The OPM delegation requires that certain records and certifications are made and retained each time a waiver is granted. Any Department of the Interior personnel office wishing to exercise this authority must obtain prior written approval from the Director, Office of Fire and Aviation. Prior to final processing of the personnel action for the reemployment of the annuitant attachment number four (4) must be completed and submitted to the NIFC address listed below.

- National Interagency Fire Center  
Attention: Jim Knox (FA-202)  
3833 S. Development Avenue  
Boise, ID 83705  
Telephone Number: 208-387-5514  
Fax Number: 208-387-5723  
Email: jim\_knox@nifc.blm.gov

Servicing personnel offices must ensure copies of all forms and approvals are accurately and thoroughly completed, with copies maintained with the employees' personnel records

for subsequent review and reporting purposes. Physicals are required where arduous physical work will be performed. Until Preparedness Level 4 or 5 (Fire Emergency) individuals may not be reemployed without prior drug testing.

You may approve a request when the annuitant will perform fire support duties or fire training duties in a position and grade listed below. The Department of the Interior will undertake a redesign of the work process and/or recruit extensively and post vacancy announcements on USAJOBS and will use all reasonable recruiting incentives and staffing flexibilities to fill the jobs as soon as possible. You may approve a request only if, and for as long as, no other reasonable staffing option exists. Other reasonable staffing options include the following:

- Hiring well-qualified applicants who are available to work;
- Hiring well-qualified annuitants who are available to work with a salary offset;
- Offering details, reassignments, voluntary overtime or compensatory leave to interested employees that management determines are well-qualified and who either can be replaced or are not essential to the continued performance of a critical operation or mission; and
- Recruiting vigorously to replace annuitants working with a salary offset waiver as soon as possible.

The U. S. Office of Personnel Management has limited the number of position for which re-employed annuitants can be hired and have the dual compensation restrictions waived. The following positions have been identified by OPM and are covered by this waiver:

Safety Officer, GS-0018-9/11/12/13  
Safety Specialist, GS-0018-9/11/12/13  
Supervisory Park Ranger, GS-0025-9/11/12/13/14  
Park Ranger, GS-0025-9/11/12/13/14  
Fire Management Specialist, GS-0301-9/11/12/13/14  
Fire Management Officer, GS-0301-9/11/12/13/14  
Aviation Management Specialist, GS-0301-9/11/12/13/14  
Geographic Information Specialist, GS-0301-9/11/12/13/14  
Program Manager, GS-0340-12/13/14  
Telecommunications Specialist, GS-0391-9/11/12/13  
Supervisory Fire Management Officer, GS-0401-9/11/12/13/14/15  
Fire Management Officer, GS-0401-9/11/12/13/14/15  
Resource Management Specialist, GS-0401-9/11/12/13/14/15  
Fuels Management Specialist, GS-0401-9/11/12/13/14/15  
State Fire Management Officer, GS-0401-9/11/12/13/14/15  
Supervisory Fire and Aviation Officer, GS-0401-9/11/12/13/14/15  
Fire Management Specialist, GS-0401-9/11/12/13/14/15  
Natural Resources Specialist, GS-0401-9/11/12/13/14/15  
Fire Ecologist, GS-0408-11/12/13  
Ecologist, GS-0408-11/12/13

Range Management Specialist, GS-0454-9/11/12/13/14/15  
Range Conservationist, GS-0454-9/11/12/13/14/15  
Range Technician, GS-0455-6/7/8/9/10/11/12/13  
Supervisory Range Technician, GS-0455-6/7/8/9/10/11/12/13  
Forester, GS-0460-9/11/12/13/14/15  
Forestry Technician, GS-0462-6/7/8/9/10/11/12/13  
Supervisory Forestry Technician, GS-0462-6/7/8/9/10/11/12/13  
Budget Analyst, GS-0560-9/11/12/13  
Budget Assistant, GS-0561-7/8/9/10/11  
Electronics Technician, GS-9/10/11/12  
Public Affairs Specialist, GS-1035-11/12/13/14  
Equipment Specialist, GS-1670-9/11/12  
Fire Equipment Specialist, GS-1670-9/11/12  
Training Specialist, GS-1712-9/11/12  
Supervisory Training Specialist, GS-1712-9/11/12  
Supply Management Officer, GS-2003-9/11/12  
Supply Management Specialist, GS-2003-9/11/12  
Aviation Management Specialist, GS-2101-11/12/13/14  
Aviation Management Officer, GS-2101-11/12/13/14  
IT Specialist, GS-2210-11/12/13  
Aviation Operations Specialist, GS-2150-11/12/13/14  
Electronics Mechanic, WG-2604-9/10/11

Additional waiver requests for positions not listed above must be directed to the Deputy Assistant Secretary - Performance, Accountability, and Human Resources, Office of Human Resources for approval.

Until Preparedness Level 4 or 5, (Fire Emergency) individuals may not be re-employed without prior drug testing. The Drug Program Coordinator may be reached at 202-208-5638 to receive expedited forms. Physicals are required where arduous physical work will be performed.

Each calendar year by January 15 the Director, Office of Fire and Aviation must submit a report to the Deputy Assistant Secretary - Business Management and Wildland Fire and a copy to the Deputy Assistant Secretary - Performance, Accountability, and Human Resources. The report must contain the information requested in paragraph 6 of the enclosure to the OPM Letter, including the number of times the waiver authority was used and the total costs incurred during the past 12 months.



OFFICE OF THE DIRECTOR

UNITED STATES  
OFFICE OF PERSONNEL MANAGEMENT  
WASHINGTON, DC 20415-0001

APR 25 2005

Ms. P. Lynn Scarlett  
Assistant Secretary  
Policy, Management and Budget  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Ms. Scarlett,

I am pleased to approve your December 30, 2004, request for delegated authority for the Department of the Interior (DOI) to waive the dual compensation offset for firefighters and ancillary personnel in support of the wildland fire-fighting operations. This new waiver authority is effective through December 31, 2006, and will allow DOI to coordinate training and mentoring efforts with the Interagency Fire Program Management project. The previous waiver authority expired December 31, 2004.

The job of protecting our nation's wildlands against fires is inherently dangerous. These positions are critical in protecting both life and property during times of fire. They are the first and last line of defense. Because the National Preparedness Levels are established throughout the calendar year, preparedness levels are dictated by the burning conditions, fire activity and resources availability. While all areas are important, resources are of the most concern. Where DOI pulls individuals from identified mission critical positions to fight fires for more than two weeks during a period of Preparedness Level 4 or 5 (fire emergency), you may re-employ individuals to fill those mission critical positions during the period of the fire emergency. During a period of Preparedness Level 4 or 5, you may also re-employ individuals in positions that directly support fire fighting operations or in firefighter positions. If needed, up to 80 hours of prior training time is allowed.

OPM can delegate authority to waive the salary offset "for an employee serving on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances" (5 U.S.C. 8344, 8468, and 5 CFR 553.202). The information and justification provided meet the criteria to extend the waiver authority.

The conditions for exercising the authority are identical to those required under the recently expired delegation. As requested, the Secretary may re-delegate this authority to the Director, Office of Fire and Aviation Policy of the Bureau of Land Management, National Interagency Fire Center, Boise, Idaho. This authority may not be re-delegated further.

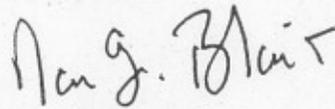
Ms. P. Lynn Scarlett

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Management, National Interagency Fire Center, Boise, Idaho. This authority may not be re-delegated further.

If you have any questions on this matter, please contact Marlene Lightburn, Center for Natural Resources, at (214) 880-4980 or by email at [marlene.lightburn@opm.gov](mailto:marlene.lightburn@opm.gov).

Sincerely,

A handwritten signature in black ink that reads "Dan G. Blair". The signature is written in a cursive style with a large, stylized "D" and "B".

Dan G. Blair  
Acting Director

Enclosure

**DELEGATED AUTHORITY TO DEPARTMENT OF THE INTERIOR FOR  
WILDLAND FIREFIGHTING DURING EMERGENCIES**

The Director, Office of Personnel Management (OPM), hereby delegates to the Secretary, Department of the Interior (or designee), authority to waive the dual compensation reduction (salary offset) required of reemployed annuitants by sections 8344 and 8468 of title 5 United States Code. This delegation will enable you to waive the salary offset when necessary to reemploy a Civil Service Retirement System or Federal Employees Retirement System annuitant on a temporary basis, but only if, and for so long as, the authority is necessary due to emergencies posing immediate and direct threat to life or property or emergencies resulting from other unusual circumstances. This delegation begins on the date the Assistant Secretary signs this delegation below, ends when no longer necessitated by the qualifying circumstances or on December 31, 2006, which ever occurs first, and is subject to the following limitations and requirements:

1. The Secretary may re-delegate this authority to the Director, Office of Fire and Aviation Policy, Bureau of Land Management, National Interagency Fire Center, Boise, Idaho.
  
2. The Secretary, or designee (hereafter you) may waive the salary offset on a case-by-case basis to employ an annuitant with optional retirement under a temporary appointment to directly support critical wildland firefighting operations during Preparedness Level 4 or 5 fire emergencies in a mission critical position listed below when prior vigorous recruiting, hiring and training efforts leave no other reasonable staffing option. Annuitants with early voluntary retirements and buyouts may be employed only when cleared by an OPM Associate Director for a key position.

<b>DUAL COMPENSATION WAIVER LIST</b>		
<b>POSITION</b>	<b>SERIES</b>	<b>GRADES</b>
Safety Officer, Safety Specialist	GS-0018	9/11/12/13
Supervisory Park Ranger, Park Ranger	GS-0025	9/11/12/13/14
Fire Management Specialist, Fire Management Officer, Aviation Management Specialist, Geographic Information Specialist	GS-0301	9/11/12/13/14
Program Manager	GS-0340	12/13/14
Telecommunications Specialist	GS-0391	9/11/12/13/14
Supervisory Fire Management Officer, Fire Management Officer, Resource Management Specialist, Fuels Management Specialist, State Fire Management Officer, Supervisory Fire and Aviation Officer, Fire Management Specialist, Natural Resources Specialist	GS-0401	9/11/12/13/14
Fire Ecologist, Ecologist	GS-0454	11/12/13
Range Management Specialist, Range Conservationist	GS-0454	9/11/12/13/14/15
Range Technician, Supervisory Range Technician	GS-0455	6/7/8/9/10/11/12/13
Forester	GS-0460	9/11/12/13/14/15

Forestry Technician, Supervisory Forestry Technician	GS-0462	6/7/8/9/10/11/12/13
Budget Analyst	GS-0560	9/11/12/13
Budget Assistant	GS-0561	7/8/9/10/11
Electronics Technician	GS-0856	9/10/11/12
Public Affairs Specialist	GS-1035	11/12/13/14
Equipment Specialist, Fire Equipment Specialist	GS-1670	9/11/12
Training Specialist, Supervisory Training Specialist	GS-1712	9/11/12
Supply Management Officer, Supply Management Specialist	GS-2003	9/11/12/13/14
Aviation Management Specialist, Aviation Management Officer	GS-2101	11/12/13/14
Aviation Operations Specialist	GS-2150	11/12/13/14
Information Technology Specialist	GS-2210	11/12/13

Notes:

- a. Agencies may hire annuitants using an appropriate appointing authority with a not-to-exceed (NTE) date of 12 months or less.
- b. Reemployed annuitants serve at the will of the appointing official, section 3323 of title 5, United States Code, and agencies may terminate their employment or adjust their work schedule without advanced notice or procedures.
- c. Annuitants with a salary offset waiver may not make retirement contributions or participate in the Thrift Savings Plan, section 553.203 of title 5, Code of Federal Regulations.
- d. This delegation enables you to pay annuitants with an intermittent work schedule, who work only in the event of an emergency declared by the President or agency head under law or Executive order, up to 80 work hours per service year for administrative, orientation or training purposes.
- e. Annuitants with waivers under this delegation may work to the end of their appointment's NTE date even when the NTE date is after the expiration date of this authority.

3. You may approve requests to temporarily "backfill" behind an employee in a mission-critical position listed above who is pulled for more than 2 weeks during a period of Preparedness Level 4 or 5 fire emergency when no other reasonable staffing option exists.

Other reasonable staffing options include the following:

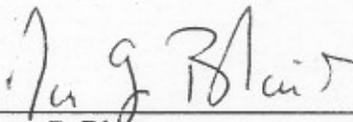
- Hiring well-qualified applicants who are available to work;
- Hiring well-qualified annuitants who are available to work with a salary offset;
- Offering details, reassignments, voluntary overtime or compensatory leave to interested employees whom management determines to be well-qualified and who either can be replaced or are not essential to the continued performance of a critical operation or mission; and
- Recruiting vigorously to replace annuitants working with a salary offset waiver as soon as possible.

4. Waiver requests must be in writing (email is acceptable) and include the following:

- A. The position's title, series, pay plan, grade, work schedule (full time, part-time or intermittent), work location (component, city, and state), and the proposed appointing authority, not-to-exceed date, and work-hour limit, if any;
- B. The annuitant's full name, civil service retirement number and statement declining employment without a waiver (quoting annuitant's words is acceptable);
- C. A brief statement describing: why the position and work are of a temporary nature or require unique or hard to find knowledge, skills, or abilities; why the position must be filled immediately or without further delay; or how the function or organization is being/will be restructured; and
- D. A brief description of efforts to use other reasonable staffing options and staffing flexibilities, including: any vacancy announcements that have been/will be issued; any special recruitment efforts that have been/will be undertaken; and recruiting or retention incentives, such as those under 5 CFR parts 572 and 575, that have been or will be offered.

5. You must maintain a record of each request and your action and make these records available to the OPM upon request for three years following the action date.

6. You must provide information to OPM annually on the use of this authority. This information should include the occupation, grade, component, office location, appointment date, work schedule, and estimated total work hours of the reemployed annuitant.



Dan G. Blair  
Acting Director  
Office of Personnel Management

APR 25 2005

Date



P. Lynn Scarlett  
Assistant Secretary  
Policy, Management and Budget  
U.S Department of the Interior

8/26/05

Date