



PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

SEP 13 2005

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Waiver of the Biweekly Limitation on Premium Pay

Section 5547(b) of title 5, United States Code, as regulated by title 5, Code of Federal Regulations 550.105 through 550.107, requires agencies to pay premium pay to covered employees who perform work in connection with an emergency or its aftermath under an annual limitation rather than a biweekly limitation on premium pay. For the Department of Defense (DoD), the authority to determine that an emergency exists has been delegated to officials who exercise personnel appointing authority (normally the head of an installation or activity). DoD policy for this authority is found at <http://www.cpms.osd.mil/cpm/docs/M1400550.pdf>.

Once an emergency is declared, the biweekly maximum earnings limitation on premium pay is waived until the emergency is terminated. However, the waiver does not increase the amount employees can receive for the calendar year. Employees paid under an annual limitation receive premium pay only to the extent that the total amount of basic pay and premium pay payable for the calendar year does not exceed the maximum rate that can be paid for GS-15 (including applicable locality pay) or level V of the Executive Schedule, whichever is greater.

My point of contact concerning this matter is Ms. Mary Olson. Ms. Olson can be reached at (703) 696-1721.

A handwritten signature in cursive script, appearing to read "Marilee Fitzgerald".

Marilee Fitzgerald
Acting Deputy Under Secretary
Civilian Personnel Policy

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