

DoD HR 2002



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Recent Changes to Pay and Leave

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Overview



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- Military Leave for Funeral Honors Duty
- Hostile Fire Pay
- Monroney Amendment
- Premium Pay Limitation
- Promotional Travel Materials
- Post Differential
- Danger Pay
- Title 38 Authorities



Military Leave for Funeral Honors Duty

- Legal provisions define this duty as “Inactive Duty” by amending 5 USC 6323(a)
- Coverage was effective 12/28/01



Hostile Fire Pay for Civilian Employees

- New section included in title 5, United States Code (5 USC 5949)
- New section language mirrors 37 USC 310
- Effective date was September 11, 2001
- Policy implemented April 15, 2002, for DoD civilian employees affected by terrorist attacks

Public Law 107-107 (NDAA FY02)



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Monroney Amendment

- What is the Monroney Amendment?
- Legislative provisions revising pay survey method for Federal Wage System (prevailing rate) employees
 - Uses rates from outside the wage area to determine pay rates when a “dominant” Federal industry is not matched by private sector employment
 - Normally based on DoD employment, but DoD employees were specifically excluded from the resulting wage schedules



Monroney Amendment [2]

- When not applied to DoD, resulted in two schedules for many wage areas, one for DoD and a separate schedule for all other agencies
- DoD employees no longer excluded
- Adjusted wage schedules effective on issuance of new wage schedules
- Will not reduce pay for any employee

Public Law 107-107 (NDAA FY02)



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Limitation on Premium Pay (5 USC 5547)

- Changes biweekly maximum from the maximum rate for GS-15, to the greater of the maximum rate for GS-15 or the rate for Executive Schedule level V (EX V).
- Applies to Law Enforcement Officers as well as other General Schedule employees
- Waived biweekly limitation results in the annual limitation being the greater of the Maximum for GS-15, or EX V

Public Law 107-107 (NDAA FY02)



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Limitation on Premium Pay [2]

- “Work critical to the mission of the agency” added as a basis for waiving the biweekly limitation
- Interim regulations published April 19, 2002
- Change was effective May 5, 2002, in DoD
- DFAS system change scheduled for September 8, 2002, with automatic correction from May 5, 2002

Public Law 107-107 (NDAA FY02)



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Limitation on Premium Pay [3]

- Regulations require that a biweekly limitation continue to apply to certain annual premium pays, even when an annual limit applies to others:
 - Standby Premium Pay
 - Administratively Uncontrollable Overtime
 - Law Enforcement Availability Pay
 - Overtime pay for hours in Firefighters' regular tours of duty



Limitation on Premium Pay [4]

- Regulations require that these premium pays be paid first, before any other premium pay to which the employee may be entitled
- These premium pays must also be included in any estimate of annual earnings subject to limitation
- Special treatment is required because these premium pays are base pay for retirement, and other purposes.

Public Law 107-107 (NDAA FY02)



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Promotional Travel Material

- Revision effective 12/31/2001
- Travelers on official travel may KEEP promotional material
 - Frequent flyer miles and upgrades
 - Access to Carrier Clubs, etc.
- Promotional material from voluntary (but NOT involuntary) seat relinquishing is included
- A traveler involuntarily denied a seat remains in official status - ***Any monetary compensation (including meal and/or lodging vouchers) for the denied seat belongs to the Government (59 Comp. Gen. 203 (1980))***
- New provisions apply to materials acquired before, on, or after the effective date

Changes to Overseas Allowances



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Change in Post Differential Eligibility

- Change effective December 16, 2001
- "An employee who serves for a period of 42 consecutive calendar days or more on detail (Section 511d) in Afghanistan may be granted the post differential at the prescribed rate for the number of days served, with the first day of detail."
- Normally, an employee on detail is paid a post differential starting from the 43rd day, after serving 42 days at one or more differential locations, with no post differential payment allowed for the first 42 days.

Danger Pay for Civilian Employees Accompanying Military Members



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- Effective January 27, 2002, in:
 - Indonesia; Malaysia; Philippines;
 - Kyrgyzstan; Oman; United Arab Emirates;
 - Uzbekistan; the Red Sea; Gulf of Aden;
 - Gulf of Oman; and the Arabian Sea (portion north of 10 degrees north latitude and west of 68 degrees east longitude).
- Effective April 7, 2002, in Israel – “other”

Other Danger Pay Changes



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Effective:

- March 10, 2002 Yemen – 15 percent
- March 24, 2002 Pakistan – 20 percent
- April 7, 2002 Pakistan – 25 percent
- April 21, 2002 Jerusalem – 15 percent
(other than West Bank)

Title 38 Authorities



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Delegation of title 38 authorities

- A number of “flexibilities” available to the Secretary of the Department of Veterans Affairs are available to the Secretary of Defense through an agreement with the Office of Personnel Management (OPM).
- The “flexibilities,” which may be used to recruit and retain medical personnel, are currently moving through the delegation process.
- A new delegation agreement with OPM is in process.

Title 38 Authorities



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Delegation of title 38 authorities [2]

- Delegation to Secretaries of Military Departments and Heads of other DoD Components in process:
- Premium pay provisions, including
 - On Call Pay
 - Tour differential
 - Weekend differential
- Hours of Work provisions / “Baylor Plan”

Title 38 Authorities



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Delegation of title 38 authorities [3]

- Delegation to Assistant Secretary of Defense (Health Affairs) in process:
 - Authority to implement special pay for physicians and dentists.
 - Ability to establish higher annual salary rates