



**225 FW 12**  
***Hiring and Pay***  
***Flexibilities***

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**12.1 What is the purpose of this chapter?** This chapter establishes policy and procedures for a variety of hiring and pay flexibilities that are available to managers to recruit and retain a qualified workforce. These flexibilities include:

- A. Special salary rates,
- B. Appointments above minimum rates,
- C. Setting salary using highest previous rate,
- D. Payment of travel expenses for preemployment interviews,
- E. Reemployment of civilian retirees to meet exceptional employment needs,
- F. Advances in pay, and
- G. Pay and leave benefits for Federal employees affected by severe weather conditions or other emergency situations.

**12.2 What is the scope of this chapter?**

**A.** This chapter applies to all employees, including newly appointed employees, who meet the specific eligibility requirements for these incentives.

**B.** See [225 FW 9](#) for information about recruitment, relocation, and retention incentives and supervisory differentials.

**12.3 What is the policy for using these hiring flexibilities?** It is the Service's policy to:

**A.** Involve servicing Human Resources (HR) offices early in the planning process when considering the use of a hiring and pay flexibility,

**B.** Comply with the procedures in this chapter to ensure that managers use these hiring and pay flexibilities selectively and judiciously, and

**C.** Apply each authority consistently and make payments in accordance with Service, Department, and regulatory requirements.

**12.4 What are the authorities for the hiring and pay flexibilities in this chapter?**

**A.** Pay Authority for Critical Positions ([5 U.S.C. 5377](#)).

**B.** Annuities and Pay on Reemployment ([5 U.S.C. 8344](#)).

**C.** Annuities and Pay on Reemployment ([5 U.S.C. 8468](#)).

**D.** Pay Rates and Systems (General), Special Rate Schedules for Recruitment and Retention ([5 CFR Part 530 Subpart C](#)).

**E.** Pay Under the General Schedule, Superior Qualifications and Special Needs Pay-Setting Authority ([5 CFR 531.212](#)).

**F.** Using Highest Previous Rate Under the Maximum Payable Rate ([5 CFR Part 531.221](#)).

**G.** Pay Administration ([5 CFR Parts 550](#)).

**H.** Reemployment of Civilian Retirees to Meet Exceptional Employment Needs ([5 CFR 553](#)).

**12.5 Who has overall responsibility for the use of hiring and pay flexibilities?** This section describes the overall responsibilities for Service officials overseeing the hiring program. We describe who can approve the use of each hiring and pay flexibility within those specific sections.

**A. The Director:**

**(1)** Has overall responsibility for administering the recruitment and placement program, and

**(2)** Ensures that policy and procedures are in place for using hiring and pay flexibilities.

**B. The Assistant Director - Budget, Planning and Human Capital:**

**(1)** Serves as technical advisor to the Director for program administration, and

**(2)** Oversees the development of Servicewide policy for the program.

**C. Regional and Assistant Directors** and the **Chief, Office of Law Enforcement** oversee the use of hiring and pay flexibilities within their areas of responsibility.

**D. The Headquarters Division of Human Capital (HC)** serves as the technical authority and primary point of contact for providing information and responding to inquiries from servicing HR offices related to the Servicewide administration and use of hiring and pay flexibilities.

**E. Servicing HR offices** are responsible for:

- (1) Ensuring that managers in their areas of responsibility use hiring and pay flexibilities in accordance with Service, Department, and regulatory requirements,
- (2) Ensuring that offices prepare and maintain any required documentation in conformance with the policy and procedures in this chapter, and
- (3) Preparing and sending to the Headquarters Division of HC information required for the reports the Service must send to the Department, the Office of Management and Budget (OMB), and other governing agencies.

## Special Salary Rates

**12.6 What do I need to know about special salary rates?** At the Service's request and on a case-by-case basis, the Office of Personnel Management (OPM) may increase the minimum rates under the pay schedules to address significant recruitment or retention problems. These provisions apply only to General Schedule (GS) employees.

### A. Reviews and Approvals.

(1) Servicing HR offices:

- (a) Review requests for special salary rates for completeness and to ensure requests comply with policy and regulatory requirements (see section 12.6B for information about the requests);
- (b) Send requests to their Regional Director/Assistant Director for review and approval; and
- (c) Maintain records (see [section 12.13](#) for more information).

(2) Regional and Assistant Directors and the Chief, Office of Law Enforcement:

- (a) Surname requests to use special salary rates,
- (b) Certify the availability of funds to cover such payments for their employees, and
- (c) Send the signed request to the Headquarters Division of HC for review. In some cases, OPM may establish a lead agency to help coordinate data. If a lead agency contacts a Regional Office for data concerning a local authorization, the Regional HR office must also provide to the Headquarters Division of HC a copy of any information the Region sends in response to the request.

(3) The Headquarters Division of HC:

- (a) Reviews requests for special salary rates for completeness, and
- (b) Sends requests to the Department for submission to OPM.

(4) OPM:

- (a) Reviews requests for special salary rates annually and approves or disapproves the requests.
- (b) May designate lead agencies for assistance in coordinating the collection of data for the review.

**B. Requirements and Preparing Requests for a Special Salary Rate.**

- (1) A manager may request a special salary rate if he/she determines that such an incentive is necessary to address significant recruitment or retention problems.
- (2) Table 12-1 lists the information that must be in each request.

<b>Table 12 1: Information You Must Include in the Request for a Special Salary Rate</b>	
<p>(a) The number of existing vacant positions and the length of time they have been vacant, including evidence to support the likelihood that a recruiting problem will develop if one does not already exist;</p> <p>(b) The number of employees who have resigned (i.e., voluntarily left Federal service), including, when available, the number of employees who have resigned to take a comparable position offering higher pay;</p> <p>(c) Evidence showing that recruitment or retention problems are likely to develop or worsen if problems already exist;</p> <p>(d) The number of vacancies management tried to fill, compared to the number of hires and offers made;</p> <p>(e) The nature of the existing labor market;</p>	<p>(f) The degree to which other available hiring and pay flexibilities were considered and applied to alleviate staffing problems, including the superior qualifications and special needs pay-setting authority and recruitment, relocation, and retention incentives (see 225 FW 9);</p> <p>(g) The degree to which relevant nonpay solutions to the staffing problems were considered and applied, such as conducting an aggressive recruiting program, using appropriate appointment authorities, redesigning jobs, establishing training programs, and improving working conditions;</p> <p>(h) The effect of the staffing problem on the mission of the Service;</p> <p>(i) The level of non-Federal rates paid for comparable positions. Data on non-Federal salary rates can be supplemented, if appropriate, by data on Federal salary rates for comparable positions under a non-GS pay system; and</p> <p>(j) Complete and attach OPM Form 1397, Worksheet for Special Salary Rate Request.</p>

- (3) Proposals to establish or adjust special salary rates may not exceed 30 percent more than the maximum rate of a grade or level, and the adjusted salary rate may not exceed the rate of basic pay payable for level IV of the Executive Schedule.
- (4) The appropriate designated official must sign [OPM Form 1397](#).

**C. Revising or Discontinuing Schedules.**

- (1) Supervisors must initiate action to request that OPM discontinue special salary rate schedules

whenever they are no longer needed or revise all or some of the existing grade levels to ensure satisfactory recruitment and retention. The Regional or Assistant Director or the Chief, Office of Law Enforcement must sign such requests and send them through the servicing HR office to the Headquarters Division of HC.

(2) Employees whose special salary rate schedules are reduced or discontinued are, in most cases, entitled to pay retention under [5 CFR 536, Subpart C](#). Servicing HR offices must set their pay as provided in [5 CFR 530.321 through 323](#).

## Superior Qualifications and Special Needs Pay-Setting Authority

**12.7 What do I need to know about making appointments above the minimum rate based on the superior qualifications of an employee or special needs of the Service?** Managers can propose to make appointments above the minimum rate of pay based on superior qualifications and special needs.

**A. Reviews and Approvals.** Regional and Assistant Directors and the Chief, Office of Law Enforcement, may approve appointments above the minimum rate. They may not delegate this authority. Prior to approval, the Servicing HR Office reviews requests to ensure regulatory requirements are met.

### **B. Requirements for Preparing Requests for an Appointment above the Minimum Rates.**

(1) A manager may use this authority for:

(a) A first appointment (regardless of tenure) as a civilian employee of the Federal Government,

(b) A reappointment that is considered a new appointment under [5 U.S.C. 5333](#) and when the employee has had a break in service of at least 90 days from the last period of civilian employment with the Federal Government, and

(c) A reappointment that is a new appointment under [5 U.S.C. 5333](#) and when the employee does not have a break in service of at least 90 days. The employment during the 90-day period immediately preceding this appointment must have been under:

(i) A time limited or non-permanent appointment in the competitive or excepted service,

(ii) An appointment as an expert or consultant under [5 U.S.C. 3109](#), or

(iii) A provisional appointment designated under [5 CFR 316.403](#).

(2) In determining whether to use the superior qualifications and special needs pay-setting authority and the level at which the employee's rate of basic pay should be set, an official must consider the possibility of authorizing a recruitment incentive under [5 CFR part 575, subpart A](#) (see [225 FW 9](#) for information on recruitment incentives).

(a) Managers must document the decision to offer or not offer a recruitment incentive, in lieu of an appointment above the minimum, in writing and send the documentation to the servicing HR office to maintain in the recruitment case file. Offers of recruitment incentives must be in writing and the employee's declination of the position (with the recruitment incentive) must also be in writing before a manager can make a request for an appointment above the minimum. The manager must include the documentation of the offer and refusal in the request for appointment above the minimum.

(b) If a manager offers a recruitment incentive in conjunction with an appointment above the minimum, the manager must justify the requirement for both incentives in the request for

appointment above the minimum.

**(3)** Managers must document each superior qualifications appointment. Table 12-2 lists the minimum requirements of the documentation.

**Table 12 2: Requirements for Requests for Appointments above Minimum Rates**

- (a)** A detailed justification of the superior qualifications of the candidate or the special need of the agency for these skills and competencies;
- (b)** Explanation of the factors and supporting documentation to justify the rate requested to set the candidate's pay; and
- (c)** Reasons for authorizing a higher minimum rate instead of or in addition to a recruitment incentive.

**(4)** The factors managers may consider to determine the step at which to set an employee's payable rate of basic pay include:

- (a)** The level, type, or quality of the candidate's skills or competencies;
  - (b)** The candidate's existing salary, recent salary history, or salary documented in a competing job offer (taking into account the location where the salary was or would be earned and comparing the salary to payable rates of basic pay in the same location);
  - (c)** Significant disparities between Federal and non-Federal salaries for the skills and competencies required in the position to be filled;
  - (d)** Existing labor market conditions and employment trends, including the availability and quality of candidates for the same or similar positions;
  - (e)** The success of recent efforts to recruit candidates for the same or similar positions;
  - (f)** Recent turnover in the same or similar positions;
  - (g)** The importance/criticality of the position and the effect on the agency if it is not filled or if there is a delay in filling it;
  - (h)** The desirability of the geographic location, duties, and work environment associated with the position;
  - (i)** Agency workforce needs, as documented in the agency's strategic human capital plan; or
  - (j)** Other relevant factors.
- (5)** If you decide to use the superior qualifications and special needs pay setting authority, you must:
- (a)** Obtain the concurrence of the servicing HR office,
  - (b)** Receive approval before the candidate enters on duty, and
  - (c)** Provide the servicing HR office the documentation (see [section 12.13](#) for more information on recordkeeping).

## Setting Salary Using the Highest Previous Rate

**12.8 What do I need to know about setting an employee's salary using the highest previous rate?** The highest previous rate is the maximum payable rate of basic pay that a servicing HR office may use to set an employee's salary. We may use this option to set the rate of pay of a current or former Federal employee to better match the salary that they earned in their previous higher-graded Federal position.

**A. Reviews and Approvals.** The selecting official, in consultation with the servicing HR office, determines the appropriate step of the grade. We do not require additional approvals.

### **B. Requirements for Setting Pay Using Highest Previous Rate:**

- (1) Using the highest previous rate is discretionary and done on a case-by-case basis.
- (2) Selecting officials should:
  - (a) Ensure consistency and equity of use, and
  - (b) Assess the overall situation to help determine at what step to request the salary, including the qualifications of the employee and the extent of recruitment needed to fill the position.
- (3) We base the highest previous rate on a rate of basic pay earned while an individual is employed in a civilian position in the Federal Government with a regular tour of duty (including employees of the government of the District of Columbia who were first employed by the District before October 1, 1987).
- (4) The highest previous rate may:
  - (a) Be in the General Schedule, Federal Wage System, or other Federal civilian pay systems as long as the appointment is not limited to 90 days or less, or for a continuous period of more than 90 days under one or more appointments without a break in service.
  - (b) Include special salary rates if:
    - (i) The special salary rate is in effect immediately before reassignment to the new position,
    - (ii) The reassignment is within the Department and at the same grade level, and
    - (iii) An authorized agency official determines that the employee's services and contribution to the program will be greater in the new position than their current position.
- (5) The highest previous rate does not include incentives, allowances, awards, or compensation other than the rate of basic pay.
- (6) We must keep records of all determinations according to [section 12.13](#).
- (7) Table 12-3 provides additional guidance for selecting officials and HR offices about using the highest previous rate.

**Table 12 3: Guidance for Using the Highest Previous Rate**

**In these situations, you may want to set the rate lower than the maximum....**

**(a)** The employee earned the highest previous rate in an occupation different from the position to which you are selecting him/her. In this situation, the experience and

	<p>qualifications are not necessarily related to the ones required for the position (e.g., from an Information Technology Specialist to a Human Resources Specialist).</p> <p><b>(b)</b> Using the maximum payable rate would result in poor pay alignment:</p> <ul style="list-style-type: none"> <li>• Within the program office with other employees assigned to similar or identical work at the same duty station, or</li> <li>• With supervisory and managerial positions within the program office.</li> </ul>
<p><b>We cannot base the highest previous rate on a rate the employee received . . .</b></p>	<p><b>(a)</b> As an expert or consultant;</p> <p><b>(b)</b> Under a temporary promotion for less than 1 year, except when the individual is permanently placed in a position at the same or higher grade;</p> <p><b>(c)</b> In a position from which he/she was reassigned or reduced in grade for failure to successfully complete a supervisory or managerial probationary period;</p> <p><b>(d)</b> As an employee of the government of the District of Columbia who was first employed by the government of the District of Columbia after October 1, 1987;</p> <p><b>(e)</b> While employed by a nonappropriated fund instrumentality of the Department of Defense or Coast Guard;</p> <p><b>(f)</b> Under an illegal appointment or a rate that is otherwise contrary to applicable law or regulation.</p>
<p><b>We should not use the highest previous rate when an employee...</b></p>	<p><b>(a)</b> Voluntarily accepts a position at a lower grade with the prospect of repromotion back to the former grade under merit promotion rules. In these cases, you should select a rate at the lower grade, that after repromotion the employee will be back at the rate in the higher grade that he/she would have attained in the previous position.</p> <p><b>(b)</b> Was removed from the previous position for inefficiency or disciplinary reasons by reassignment, reduction in grade, or separation.</p>

## Paying Travel Expenses for Preemployment Interviews

### 12.9 What do I need to know about paying travel expenses for preemployment interviews?

#### A. Reviews and Approvals.

**(1)** Regional Directors, Assistant Directors, and the Chief, Office of Law Enforcement may approve a request to pay travel expenses for preemployment interviews. They may only approve payment if the duties, responsibilities, or performance requirements of a position require an interview to make a final determination of the candidate's qualifications (also see [265 FW 8](#)).

**(2)** To determine if the unique duties or requirements of a position justify paying travel costs for an interview, managers must consider:

**(a)** The nature of the position and the environment in which it operates. For example, a supervisor may consider a duty to be so specialized or technical that a personal interview is necessary to determine if the candidate can perform the duty in a certain manner. In the case of a position that is highly visible or when some of the duties involve controversial or sensitive matters, managers may require the candidate to demonstrate his/her meet-and-deal abilities.

**(b)** The cost effectiveness of this authority. Managers must consider the actual costs involved, the occupation and level of the position, and whether the costs will have an impact on the subsequent selection and job offer. Managers may consider other factors they believe are pertinent to the selection.

### **B. Requirements and Preparing Requests for Approval:**

**(1)** The manager who wants to pay the candidate for travel must prepare and send to the approving official documentation that supports his/her decision. The documentation must explain:

**(a)** Why specifically identified duties, responsibilities, or performance requirements of the position are so unique that they justify the need for a preemployment interview, and

**(b)** Why the manager is seriously considering the candidate for employment.

**(2)** The candidate may receive payment of travel expenses for the minimum time necessary to complete the interview process. The candidate may not receive travel expenses for anyone accompanying him/her to the interview location.

**(3)** Managers must equitably apply any decision to pay travel expenses of a candidate for a specific vacancy to all candidates under serious consideration. Approving officials must exercise judgment in determining whether an applicant is under "serious consideration."

**(4)** A decision to pay travel expenses for preemployment interviews for one vacancy does not automatically require managers to pay for preemployment interviews later for the same position or similar positions.

**(5)** Managers must:

**(a)** Ensure that expenses are paid in accordance with [Section 301-75 of the Federal Travel Regulations](#) and [265 FW 8](#), Non-Employee Travel.

**(b)** Give interviewees written instructions that explain Government travel rules and the administrative procedures for controlling and accounting for passenger transportation documents and the manner in which the Government calculates travel reimbursements.

**(c)** Review the travel vouchers of interviewees under the same procedures provided for Government employees traveling on official business.

**(d)** Maintain a complete record of each proposed and approved request for payment of travel expenses. See [section 12.13](#) for more information about recordkeeping.

**(6)** Interviewees should:

- (a) Be familiar with Government travel rules and procedures and the method for calculating travel reimbursements;
- (b) Incur travel expenses with the same care as if they were traveling on personal business;
- (c) Be accountable for all transportation tickets issued to travel to the preemployment interview;
- (d) Keep a record of expenditures properly chargeable to the Government and retain receipts until reimbursement claims are settled; and
- (e) Ask for staff assistance from the sponsoring program area to prepare and submit an accurate travel voucher.

## Reemploying Civilian Retirees to Meet Exceptional Needs

### **12.10 What do I need to know about reemploying civilian retirees to meet exceptional needs?**

In exceptional circumstances when the Service is having difficulty hiring or retaining specific positions, we can request approval from OPM to allow the reemployment of civilian annuitants without a salary offset reduction.

#### **A. Reviews and Approvals.**

(1) Regional and Assistant Directors and the Chief, Office of Law Enforcement, are responsible for:

- (a) Certifying the propriety of reemployment requests; and
- (b) Ensuring that requests are properly documented and reasonably justified before sending them to the servicing HR office for review. The servicing HR office sends them to the Headquarters Division of HC.

(2) The Headquarters Division of HC:

- (a) Reviews requests for technical adequacy, and
  - (b) Prepares a transmittal memorandum to send the requests through the Assistant Secretary for Fish and Wildlife and Parks to the Departmental Director of Human Resources. The Department reviews the requests and determines if they are justifiable.
- (3) The Secretary of the Interior requests approval from OPM to allow an exception to salary offset reductions on a case-by-case basis.
- (4) OPM approves requests on a case-by-case basis. OPM's determination on one position does not require them to make the same determination with another position.

**B. Requirements for Making Requests.** The subsections below explain what we require to make all requests, followed by the requirements under specific circumstances.

#### **(1) Requirements for All Requests:**

- (a) Identify the individual for whom you are requesting the exception, the appointing authority, and the position to which the employee will be appointed.
- (b) Include all the necessary information for the specific circumstance (see the criteria in the sections below).

(c) Unless the request meets the criteria in section 12.10B(4) below, the individual must be off the Service's rolls before you send in the request.

**(2) Requests based on an Emergency Hiring Need.** Requests for reemployment without penalty are permitted when the Service needs temporary services in response to an emergency involving a direct threat to life or property. Requests should address the following:

(a) *Nature of emergency.* Describe the military threat, natural disaster, or other unforeseen occurrence, the date it occurred, and the expected duration of the emergency response effort.

(b) *Need for the individual's services.* Describe what the proposed appointee will do in the immediate effort to respond to the emergency and clearly indicate how the individual is uniquely qualified for the emergency response work. Clearly show the number of positions you plan to fill and why the urgency of response justifies making the particular appointment without further delay. OPM will not approve requests made solely to meet normal seasonal workload fluctuations.

**(3) Requests based on Severe Recruiting Difficulty.** Include the following in requests for an exception based on exceptional difficulty in recruiting a qualified candidate for a particular position:

(a) A description of the length, breadth, and results of the Service's recruiting efforts for the position;

(b) Other factors demonstrating that you cannot meet a legitimate recruiting need without the waiver;

(c) The number of vacancies in the series, grade, and location;

(d) The length of time the position has been vacant;

(e) The average length of time to fill vacancies in such positions;

(f) The average annual turnover in the series, grade, and location; and

(g) Any unusual qualification requirements or working conditions, possibility of job reengineering or contracting, or a need to fill the position without further delay.

**(4) Requests based on Need to Retain a Particular Individual.** In rare cases, an exception may be appropriate when a need arises to retain the services of a particular individual who is uniquely qualified for an ongoing project. These requests should address:

(a) A description of the importance of the project to the Service mission, the potential costs of project failure or delay, legislative or Presidential deadlines, if any, and any other factors demonstrating that the project is unusually critical. OPM will not approve exceptions under this provision merely to avoid delay in scheduled completion of ongoing work.

(b) The person's knowledge, skills, and abilities that are essential for successful completion of the project and could not be acquired by another appointee within a reasonable time.

(c) Explain why the work could not be assigned to other employees currently involved with the project.

(d) Show good cause to believe that the employee will retire (or, in the case of an individual currently reemployed without an exception, will resign from that position) and that the Service will lose his or her services if OPM does not grant the exception.

(e) A discussion of the possibility of using a retention incentive to retain the employee through completion of the project.

**(5) Requests and Delegated Authority for Wildland Firefighting Operations.** Generally, OPM annually delegates authority to the Secretary of the Interior to approve reemployment of annuitants under a temporary appointment to directly support critical wildland firefighting operations during Preparedness Level 4 or 5 (Fire Emergency) in a mission critical position. When OPM makes this delegation, Regional Directors, Assistant Directors, and the Chief, Office of Law Enforcement, may approve the Request for Personnel Action and then send the request directly to the Departmental approving official for waiver of salary offset. These requests do not require approval by the Director.

**(6) Requests based on Other Unusual Circumstances.** With proper justification, OPM may approve requests for reemployment without penalty for an individual whose services are needed on a temporary basis due to other unusual circumstances.

### **C. Status of Reemployed Individuals:**

**(1) Application and Length of Exceptions.** Approvals only apply to that specified person while he/she serves in the same or a successor position. Approvals generally specify a time limit. If you must continue the exception beyond the time limit, you must send a request for renewal through the same officials as the original request and clearly demonstrate that the original need continues.

**(2) Status of Employees Serving Without Penalty.** Annuitants whom we reemploy with full salary and annuity under this authority are not covered by [5 U.S.C. Chapter 83](#) and [5 U.S.C. Chapter 84](#). This means they **may not**:

(a) Elect to have retirement contributions withheld from their pay,

(b) Use any reemployment time as a basis for a supplemental or re-computed annuity, and

(c) Participate in the Thrift Savings Plan.

## **Pay Advances**

**12.11 What do I need to know about pay advances?** A newly appointed employee may request an advance payment covering not more than two pay periods prior to, or in addition to, his/her first regular paycheck to help pay expenses he/she incurs to start a new job or relocate to a new geographic area. The newly appointed employee may receive such payments in one or more installments and must repay the Service unless we waive repayment.

### **A. Reviews and Approvals.**

(1) Servicing HR Officers may approve pay advances for eligible full-time or part-time employees with a scheduled tour of duty. Intermittent employees are not eligible for pay advances.

(2) The servicing HR office:

(a) Provides information and advice on pay advances to management and employees; and

(b) Reviews requests from new employees for advance salary payments.

(3) When deciding whether to approve or deny requests for pay advances, the servicing HR Officer considers if the employee:

- (a) Incurred excessive nonreimbursable relocation expenses;
- (b) Relocated to an area having a high cost of living for which a locality-based comparability payment is payable;
- (c) Has unique or unusual economic needs or financial circumstances; or
- (d) Has nonreimbursable expenses associated with a change in residence, including advance payment of rent, rental deposits, security deposits, and other expenses related to his/her residence.

## **B. Requirements for Receiving Pay Advances.**

(1) The servicing HR office:

(a) Ensures that the employee completes an agreement to repay the Service. You may use the Loan Repayment Agreement in the National Business Center's Client Interface Manual.

(b) Determines the repayment schedule for payroll deductions for each advance payment by coordinating with the Division of Financial Management or the Regional Finance Officer and with mutual agreement by the employee;

(c) Provides the following information to the employee in writing:

(i) How the Service will recover the pay advance, either in installments under Departmental procedures for payroll deductions or by salary offset procedures;

(ii) The total amount of the pay advance, the total number of pay periods for repayment of the pay advance, and the amount that the Service will deduct from the pay of the employee by payroll deductions or salary offset for each pay period.

1) The maximum period of time for recovery of an advance payment is 14 pay periods beginning on the date the advance is made to the employee.

2) We may extend the maximum recovery period if it is necessary to prevent the employee from exceeding the 15 percent of disposal pay limitation (see 5 CFR 550.1104).

3) We may grant a recovery period of less than 14 pay periods at the employee's written request.

(iii) A statement indicating that the employee may prepay all or part of the balance of the advance payment(s) at any time before the money is due. The employee should receive instructions about how to do this;

(iv) How to repay the advance or part of the advance or how we will recover it by salary offset ([5 CFR 550 Subpart K](#)) if the employee transfers to another agency or we terminate employment for any reason; and

(v) A statement advising the employee of the tax liability if repayment is not made within the same tax year as the advance is received.

(d) Authorizes advance pay and requests that the payroll office issue a supplemental check for the pay advance;

- (e) Sends a copy of the loan repayment agreement to the Debt Management Branch; and
  - (f) Maintains records for each pay advance, as required (see [section 12.13](#) for more information on recordkeeping).
- (2) The accounting office:
- (a) Makes payments directly to employees for pay advances;
  - (b) Establishes a receivable once the pay advance is made; and
  - (c) Liquidates the receivable as the Service receives repayment.
- (3) The maximum amount of pay that an employee may receive as an advance is based on the rate of basic pay to which the employee is entitled on the date of his/her new appointment, reduced by the amount of any applicable allotments or deductions that would normally be deducted from the employee's first regular paycheck.
- (4) An employee may not receive a pay advance before the date of the employee's appointment or 60 days or more after the date of the appointment.
- (5) An employee who anticipates an advance of up to 3 months pay based on an assignment to a post in a foreign country may not receive a pay advance under this chapter.
- (6) Pay advances cannot be made to the Director or to a nominated Director.

**C. Tax Implications.** An advance payment is a loan that the employee must repay in full. The repayment balance for loans of this nature is not subject to tax withholding at the time the loan is made or at the end of the calendar year. Such loans **are** taxable if we waive repayment of the loan or the loan was written off as an uncollectible debt (see section D below).

#### **D. Waivers of Repayment.**

- (1) The Department's Office of Hearings and Appeals and the National Business Center may grant waivers of repayment under provisions of [5 U.S.C. 5524a](#) and [5 CFR 550, subpart B](#), if they determine that recovery would be against equity and good conscience or against the public interest. If they deny a requested waiver, the employee must pay interest on the debt.
- (2) The Department's Office of Hearings and Appeals may waive the right of recovery of a loan obligation resulting from an advance in pay if an employee defaults during the repayment process for total payments of \$1,500 or more. Employees should send such requests directly to the following address:

Director, Office of Hearings and Appeals  
U. S. Department of the Interior, Room 111  
4015 Wilson Boulevard  
Arlington, Virginia 22203.

- (3) Employees should direct requests for waivers of less than \$1,500 to:

The DOI National Business Center  
Payroll Operations Division - D-2640  
Denver, CO 80227

**E. Additional Information.** You may find additional information regarding procedures in the National Business Center's Client Interface Manual on the [NBC Web site](#).

## **Pay and Leave Benefits for Employees Affected by Severe Weather Conditions or Other Emergency Situations**

**12.12 What do I need to know about pay and leave benefits for Federal employees affected by severe weather conditions or other emergency situations?** We may authorize pay advances, evacuation payments, and payments for travel and subsistence expenses for employees who are ordered to evacuate from an area because of imminent danger to their lives as a result of a severe weather condition or other emergency situation.

### **A. Review and Approvals.**

(1) Regional and Assistant Directors and the Chief, Office of Law Enforcement, may approve pay advances and evacuation payments for their employees for situations covered in this section.

(2) The Director may approve requests for waivers for repayment of pay advances for employees officially ordered to evacuate.

### **B. Pay Advances:**

(1) May not exceed 30 days of pay;

(2) May be paid to full-time, part-time, or intermittent employees. Estimate advance pay for intermittent employees on projected days and hours of work based on a 6 week average; and

(3) Are a debt to the Federal Government. Employees must repay the debt beginning 1 year after the issuance of a pay advance following the same procedures described in [section 12.11](#), or in a lump sum upon separation from the Service.

### **C. Evacuation Payments:**

(1) May be paid to an affected employee who is prevented from performing the regular duties of his/her position;

(2) Are not treated as a debt owed to the Federal Government and are not repaid by the employee;

(3) Must cover the period of time during which an applicable evacuation order remains in effect, unless terminated earlier. Evacuation payments may not continue for more than 180 calendar days after the effective date of the evacuation order; and

(4) May be terminated by the Service due to reassignment to another location, separation or retirement from Federal service, or when we determine that the payment is no longer warranted.

(5) We may not grant an excused absence to employees receiving evacuation payments.

### **D. Travel and Subsistence Payments:**

(1) We may pay travel and subsistence expenses to offset any direct added expenses that employees may incur as a result of their evacuation or that of their eligible family members.

(2) We may pay travel expense and per diem for the employee and his/her dependents from the date of departure from the evacuated area through the date of arrival at the safe haven.

(3) We determine the amount of subsistence payments using the per diem rates for the safe haven or for a station other than the safe haven if the appropriate Regional or Assistant Director approves it.

(a) Subsistence payments begin after arrival at the safe haven.

(b) We pay the maximum applicable per diem rate for the first 30 days. If the evacuation continues after 30 days, we pay 60 percent of the maximum applicable per diem rate not to exceed 180 days after the effective date of the order to evacuate.

## Recordkeeping for all Flexibilities

**12.13 What are the recordkeeping requirements for the servicing HR office for these flexibilities?** Table 12-4 describes the servicing HR office's recordkeeping responsibilities for each of the flexibilities in this chapter.

Table 12 4: Hiring and Pay Flexibilities Recordkeeping	
Flexibility	Recordkeeping Requirements
<b>A. Appointments above minimum rates based on superior qualifications or special needs</b>	<p>The servicing HR office must keep the following records:</p> <ul style="list-style-type: none"> <li>(1) The superior qualifications of the candidate or the Service's special need for the candidate's services;</li> <li>(2) An explanation of the factor(s) and supporting documentation under paragraph <a href="#">5 CFR 531.212(c)</a> that the manager used to justify the rate at which the employee's pay is set. The written documentation must explain how the factors directly relate to the rate approved; and</li> <li>(3) The reasons for authorizing a higher minimum rate instead of or in addition to a recruitment incentive (<a href="#">see 5 CFR 575</a>).</li> </ul> <p>Keep the original approval letter in the employee's Official Personnel File (OPF) on the right side and the full justification package in the recruitment case file.</p>
<b>B. Setting Pay Using Highest Previous Rate</b>	<p>The servicing HR office must maintain the justification for approving or denying the use of a special salary rate as the highest previous rate for at least 2 years from the effective date of the reassignment.</p>
<b>C. Paying for Travel for Preemployment Interviews</b>	<p>The approving office must keep the following records for at least 2 years:</p> <ul style="list-style-type: none"> <li>(1) The title, series, grade, and appointing authority for the position (e.g., transfer, certificate of eligibles);</li> <li>(2) Documentation that justifies the decision to pay the expenses;</li> <li>(3) The number of candidates for whom travel expenses were paid;</li> <li>(4) The result of each interview (e.g., selection or non-selection);</li> <li>(5) Significant problems encountered in the use of this authority, if any; and</li> </ul>

	(6) Benefits derived from the use of this authority.
<b>D. Reemploying Civilian Retirees to Meet Exceptional Needs</b>	The servicing HR office must maintain the original approval letter in the employee's OPF on the right side.
<b>E. Paying Advances</b>	The servicing HR office must maintain all records related to pay advances for at least 2 years from the date the request is approved or denied or until the debt is repaid in full, whichever is longer.
<b>F. Pay and Leave Benefits for Employees Affected by Severe Weather Conditions or Other Emergency Situations</b>	The servicing HR office must maintain all records related to pay and leave benefits for emergency situations for at least 2 years from the date of the last payment made to the employee.

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*For information on the content of this chapter, contact the Division of Human Capital. For more information about this Web site, contact [Krista Holloway](#) in the Division of Policy and Directives Management.*

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