D-2660

May 7, 2021

Memorandum

To: Federal Personnel and Payroll System User Group Representatives

From: Christine Zertuche-Rocha, Chief //signed for by Lisa J. Puente//

Payroll Operations Division

Subject: Time and Attendance (T&A) Coding for Federal Employees Performing Work in Support of the Unaccompanied Children Program

To support the Administration’s urgent efforts to care for and place unaccompanied children who have entered the United States via the southern border, the Department of Health and Human Services (HHS) has solicited Federal employees to serve in volunteer deployment details as part of the HHS, Administration for Children and Families, Office of Refugee Resettlement, Unaccompanied Children (UC) Program.

The U.S. Office of Personnel Management (OPM) has received questions from agencies regarding the application of title 5 premium pay caps and determining an employee’s Fair Labor Standards Act (FLSA) exemption status, for employees working in support of the HHS UC Program.  To assist agencies on this matter, the OPM has provided regulations and online guidance, as well as some of the additional information provided below. The information provided can also be accessed using the Chief Human Capital Officers Council link: [https://www.chcoc.gov/content/premium-pay-guidance-federal-employees-performing-work-support-unaccompanied-children](https://www.chcoc.gov/content/premium-pay-guidance-federal-employees-performing-work-support-unaccompanied-children %20%20)

**Waiver of Biweekly Premium Cap**

This waiver of the biweekly premium pay limitation—and application of an annual limitation— will apply to employees performing work in support of the UC Program until their voluntary assignment or detail ends and they return to their home agencies or resume their normal duties. Application of the annual limitation to such employees is effective on the first day of the pay period in which such work began, including such work performed before the date of this memorandum.

**Emergency Work and the FLSA**

During an emergency, employees may be temporarily required to perform duties different from their regular duties, as documented within their permanent position description. A special FLSA regulation addresses the FLSA exemption status of employees during an emergency situation that “directly threatens human life or safety, serious damage to property, or serious disruption to the operations of an activity, and there is no recourse other than to assign qualified employees to temporarily perform work or duties in connection with the emergency” (5 CFR 551.211(f)).

Employees normally designated as FLSA-Exempt may maintain this exemption during an emergency if they are continuing to perform exempt work. However, employees who are normally FLSA-Exempt, but who engage in primary duties that are Non-Exempt during the emergency, become temporarily FLSA Non-Exempt, measured on a workweek basis.

**Time and Attendance Coding**

Please share this information with your Human Resources offices, timekeepers, administrators, and all other appropriate staff.

***Agency Actions*:**

The Interior Business Center’s client agencies use several different T&A systems. Each system may be unique in its processing of the Lift Biweekly maximum (LB) code and/or Exempt working as Non-Exempt. The waiver of the biweekly limit and the temporary change in FLSA status from Exempt to Non-Exempt can be accomplished through T&A coding.

To allow premium payments to be excluded from the biweekly limits and to temporarily change FLSA status from Exempt to Non-Exempt, your applicable T&A system will need to code LB to lift the biweekly maximum and specifically mark the indicator to change the employee from Exempt to Non-Exempt status with the below payroll message:

* Unaccompanied Children Program or “UCP”

**If employees have questions,** they should contact the Customer Support Center (CSC) at the interim contact number: 720-673-9958 or via email at [Payroll\_Helpdesk@ios.doi.gov](mailto:Payroll_Helpdesk@ios.doi.gov).

**If User Group Representatives have questions**, they may contact any of the Payroll Operations Branch contacts listed below:

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