

CEHR-H Regulation No. 690-1-321	Department of the Army U.S. Army Corps of Engineers Washington, DC 20314-1000	ER 690-1-321 30 Nov 93
	Civilian Personnel STAFFING FOR CIVILIAN SUPPORT TO EMERGENCY OPERATIONS	
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DEPARTMENT OF THE ARMY
Office of the Chief of Engineers
Washington, D. C. 20314

ER 690-1-321

Regulation
No. 690-1-321

25 November 1974

Civilian Personnel
STAFFING FOR CIVILIAN SUPPORT TO EMERGENCY OPERATIONS

1. Purpose. This regulation provides guidance on human resources civilian staffing and pay matters during emergency operations.

2. Applicability. This regulation applies to HQUSACE/OCE, major subordinate commands (MSC), districts, laboratories, and field operating activities (FOA).

3. References.

- a. P.L. 84-99
- b. P.L. 93-288, as amended
- c. P.L. 101-509 (Federal Pay Comparability Act of 1990)
- d. 5 CFR 550.105
- e. 5 CFR 550.106
- f. FPM Supplement 298-2, Subchapter S2
- g. FPM Supplement 990-2, Book 550
- h. FPM Letter 553-3
- i. ER 500-1-1
- j. ER 690-1-600
- k. ER 690-1-910

4. Emergency Operations.

a. From a human resources standpoint, emergency operations fall into three broad categories - flood related activities that

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are pursuant to the PL 84-99 Corps function, Presidential disaster declarations pursuant to the Disaster Relief Act of 1974 (PL 93-288), in which the Corps has been requested to assist in response and recovery operations, and support to mobilization contingencies as outlined in ER 690-1-910.

b. Instructions on staffing, travel, entitlements and tours of duty are outlined herein for application during emergencies.

5. Responsibilities.

a. The MSC and district commanders responsible for the emergency operations are to:

(1) Determine whether district or MSC-wide resources are capable of accomplishing the work to be performed. If district resources can fulfill needs, no other provisions of this regulation need be applied unless temporary emergency appointments are necessary.

(2) If assistance from outside the MSC is determined to be necessary, estimate the number and categories of personnel needed.

(3) Request assistance from support MSC as specified in Appendix D, ER 500-1-1.

(4) Notify HQUSACE (CEHR-H) Washington, D.C. 20314-1000 if additional categories of personnel are needed, so that a Corps-wide canvass can be made of cross-leveling actions initiated when resources are constrained. Observe all provisions of FPM Letter 443-3, May 20, 1991, if you intend to request approval to reemploy retirees, without a reduction in their retirement benefits.

(5) Determine and advise the office from which assistance is being provided whether reporting to the duty site is of such urgency that travel outside duty hours is necessary. A determination that emergency operations require travel outside the tour of duty constitutes approval of payment of overtime for the required travel time under Title 5.

(6) Determine whether a regular tour of night work is necessary and, if so, advise the employing office of the tour and hours worked so that tours may be properly recorded and timekeepers may properly complete the Time and Attendance Report.

(7) Report time worked, including overtime, to the releasing office.

(8) Negotiate with the releasing office when the extension of a detail is considered necessary and the individual is willing to stay.

(9) Approve on-the-spot, special act or service awards for individuals on TDY, as appropriate.

(10) Request reimbursements where appropriate.

(11) Employ additional temporary personnel as necessary.

b. Other field operating agencies will:

(1) To the extent possible, provide personnel for assistance as required. Volunteers will be solicited. When needs are not met by volunteers, individuals with required capabilities will be directed to deploy at least for up to a 30-day initial period, unless, in the opinion of the commander, extenuating circumstances warrant exceptions.

(2) Prepare travel orders authorizing maximum per diem (funds subject to reimbursement, unless citation for direct charge furnished), and approve advance of funds as requested and appropriate. Commanders will request reimbursement from lead MSC or district. Normally, TDY orders for major disaster operations will provide for a minimum of 30 days. For those who are needed and remain at the TDY site more than 60 days, orders will be prepared for return to home station for rest and recuperation (annual leave if requested, or return to regular job) every 60 days, if the individual so requests. The nature of the particular emergency may indicate a need for fewer than or more than 60 days at the TDY site before returning to home stations for rest and recuperation. A request to use a different number of day, with reason for the recommended number, will be sent by the most expeditious means to HQUSACE (CEHR), 20 Massachusetts Avenue, N.W., Washington, D.C. 20314-1000.

(3) Submit T&A reports to the Central Payroll Office for individuals on TDY, based on information furnished by the office responsible for the emergency operations.

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6. Employment Provisions.

a. Emergency Operations Other Than Under the Disaster Relief Act of 1974 (PL 93-288), Such As PL 84-99:

(1) General. Any of the normal appointment and pay provisions may be used. In addition, skilled or unskilled workers may be hired informally "on the spot" without formal appointment procedures for short intervals of time to cope with fire, flood, or other extreme emergencies (FPM Supplement 298-2, Subchapter S2). Appointments are effected as described below. Such service is creditable Federal civilian service, which is verifiable through payroll records maintained at the Central Payroll Office.

(2) Use of ENG Form 4342-R, temporary Employment Applicator and Appointment Document. (See Appendix A)

(a) ENG Form 4342-R is used for emergency appointments of one month or less of skilled or unskilled workers, under the above described authority for formal "on the spot" hires for fire, flood, and/or other extreme emergencies. This form, when used, is in lieu of SFS 171, 52, and 50. ENG Form 4342-R is available through local reproduction.

(b) The form will be completed in one copy to include items specified thereon. The completed form will be transmitted to the Central Payroll Office for retention in the payroll files.

(c) The one copy of ENG Form 4342-R in the Central Payroll Office serves as the sole personnel record, since an official personnel folder and other personnel records prescribed by OPM and Department of the Army regulations are not required to be established in these cases.

(d) Separation of employees appointed on ENG Form 4342-R must be reported on the T&A Report. This is essential, as the individual's personnel/payroll record will remain active until the Payroll Office is notified.

(e) Persons appointed on ENG Form 4342-R are not subject to FICA or withholding for State and Federal income tax. A Statement or Earnings will be furnished each such individual by the Central Payroll Office. Subsequent appointment or conversion to appointment by SF-50 will result in normal tax withholdings.

(f) HR staff members should be present at the emergency sites for proper completion and disposition of ENG Form 4342-R.

b. Emergency Operations Under the Disaster Relief Act of 1974 (PL 93-288).

(1) General. Any of the normal appointment and pay provisions may be used, as well as the authority to hire "on the spot" to cope with fire, flood, or other extreme emergencies as described in 6a above. The designation of the Chief of Engineers to assist in response and recovery operations under the Act, any Federal Agency is authorized to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to provisions governing appointments in the competitive service.

(2) Authority for Use of Special Employment Provisions.

(a) Authority to use the special employment provisions of the Disaster Relief Act is delegated to MSC commanders and may be redelegated to district commanders. Use of this authority has the potential of creating unrest within the regular work force by raising merit and pay questions, because of the nonstandard selection methods and pay provisions. Accordingly, it should be invoked only after receipt of a disaster declaration and mission assignment under the Act to assist in emergency operations, and then only if existing authorities are not adequate to cope with the emergency. A decision to use the special provisions should be reported immediately by the MSC commander to HQUSACE (CEHR-H), Washington, D.C. 20314-1000 by message or phone, (202) 272-0345.

(b) When it appears that the nature of the emergency may require the services of an individual appointed under PL 93-288 for a period of more than six months, immediate action should be taken to reappoint, convert or replace the individual under regular appointment and pay procedures.

(3) Special Employment Provisions.

(a) Appointment Authority. Section 309(b), PL 93-288.

(b) Nature of Action. NOA Code 171, Excepted Appointment, not to exceed (dates) (intermittent, if applicable; covering a temporary period of not more than one year, depending upon the expected need for the appointees).

(c) Title of Position. Most descriptive - e.g., clerk, laborer, etc.

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(d) Pay Plan. WG or GS depending on whether the nature of the work is blue collar (WG) or white collar (GS) in nature.

(e) Occupational Code. Use code for similar occupation in OPM Handbook of Blue Collar Occupational Families and Series, or the OPM Handbook of Groups and Services of Classes.

(f) Pay Rates. Use either construction category or purchase hire rates for Wage Grade personnel; determine an appropriate hourly rate, based on the GS pay scale for similar work for GS-type personnel.

(g) Manpower Authorization. These appointments are subject to manpower ceilings. Specific guidance on authorized strength will be furnished at the time of the emergency.

(h) Annual and Sick Leave. Accruals will be in accordance with existing regulations governing regular personnel. Intermittent personnel are ineligible for leave benefits.

(i) Health Benefits and Life Insurance. Not eligible.

(j) FICA and Federal & State Income taxes. Subject to tax and FICA withholdings.

(k) Source of Appointees. As a matter of policy, personnel should first be recruited from the immediate locality, to the extent available, on order that the resulting salary payments will ease the economic impact of the disaster.

7. Leave Subject to Forfeiture. Upon termination of emergency operation assignments, a determination will be made concerning the scheduled but unused leave of emergency workers. Every consideration will be given to rescheduling leave, if possible, or validating eligibility for the crediting of leave to a special account in accordance with governing regulations for such events.

8. Entitlement.

a. Overtime Pay. The overtime rate of pay is determined as follows:

(1) For an individual whose basic pay rate does not exceed the minimum rate for grade GS-10 and for all non-exempt individuals under the Fair Labor Standards Act (FSLA), the overtime rate is one and one-half the individual's basic pay rate.

(2) For an individual exempt from the Fair Labor Standards Act (FLSA), whose basic pay rate exceeds GS-10 step 1 pay, overtime is limited to one and one-half times the GS-10 step 1 rate.

(3) Overtime hours may be posted only for work in excess of eight hours in a day for 40 hours in a workweek. All individuals must be assigned to a basic 40-hour per week schedule. All time and Attendance Reports that contain overtime outside the regularly scheduled administrative workweek must be accompanied by an Overtime Request Authorization Form, DA 5172-R or ENG Form 1613.

b. Call-Back Overtime. In the event an individual is required to return to the duty site from home after departing for the day, including being called back from mobilization matters, the return is deemed a minimum of two hours induration for purposes of premium pay, either in compensatory time off or pay.

c. Pay Limit on Overtime Entitlement. Title 5 of the U.S. Code (5 CFR 550.105) sets a ceiling on the amount of pay that a Federal worker, who is exempt from the FLSA, can receive in a pay period. HQDA must approve a waiver for emergency work before premium pay can be paid to an individual whose aggregate biweekly pay exceeds the rate for GS-15 step 10. DA waiver does not alter a separate annual ceiling of GS-15 step 10, which remains in effect. Compensatory time is considered premium pay and is also subject to this cap.

d. Night Pay. Night differential is paid for regularly scheduled work performed between 1800 (6:00 p.m.) And 0600 (6:00 a.m.). Although this includes those periods of scheduled work when entitlement to overtime also accrues, nigh differentials not payable for periods of overtime worked outside the scheduled individual rates of basic pay plus premium pay amounting to 10 percent of the basic rate. Hours will be reported in quarter hour increments.

e. Sunday and Holiday Premium Pay. Employees are entitled to Sunday premium pay within their scheduled tour of duty if any part of the tour falls in Sunday. These individuals are entitled to pay at their existing rates of basic pay plus premium pay at the rate equal to 25 percent of that basic pay. The maximum number of Sunday premium pay hours an individual may be paid is sixteen (two 8-hour tours: one beginning on Saturday and ending on Sunday, the other beginning on Sunday and ending on Monday). Sunday premium pay is not paid for overtime hours.

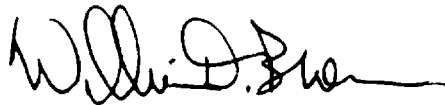
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9. Tours of Duty.

a. Tours of duty will be established or changed at least two weeks in advance, will continue for at period of at least two pay periods, and will be announced in writing. An exception is authorized since this activation is often an unplanned event. As soon as possible after an emergency situation develops that will require extended or different tours of duty, the administrative workweek, the regularly scheduled administrative workweek, and the basic workweek for personnel working on the emergency will be documented and approved by the commander or the commander's designee. The establishment and change of tours of duty will be reviewed by the servicing Human Resources Office for regulatory compliance.

b. The written tour of duty must be furnished to the employee, his/her supervisor, and the employee's home station. USACE managers and supervisors are responsible for ensuring proper documentation of tours of duty and hours worked.

FOR THE COMMANDER:



WILLIAM D. BROWN
Colonel, Corps of Engineers
Chief of Staff

1 Appendix
APPA - ENG Form 4342-R

APPENDIX A

TEMPORARY EMPLOYMENT APPLICATION AND APPOINTMENT DOCUMENT (ER 690-1-321)		
<p>The Privacy Act of 1974 (5 U.S.C. 552a) requires each individual asked or required to furnish personal information to be advised of the following:</p> <p>Authority: 5 U.S.C. 3101</p> <p>Principal Purpose(s): This application and appointment document is to be used only for informal "on-the-spot" appointments of one month or less to cope with fire, flood, or other extreme emergency, (Appendix B, FPM 291, and CS Regulation 316.402(a)).</p> <p>Routine Uses: This form is used in lieu of the normal civil service application (SF 171) and appointment document (SF 50) and serves as the official pay document and personnel file.</p> <p>The personal identifying information is used to protect the employee's rights as a Federal employee for injury and other compensation benefits; to report earnings for such things as tax and unemployment benefits; to mail checks; and to prepare statistical reports (without personal identification of individuals). The form is filed in the Corps of Engineer Central Payroll Office, Omaha, Nebraska 68102. The form is maintained permanently to support payroll actions.</p> <p>Mandatory or Voluntary Disclosure and Effect on Individual Not Providing Information: VOLUNTARY. Failure to provide the requested information will preclude employment.</p>		
1. NAME OF APPOINTEE (PRINT OR TYPE FULL NAME)	2. DATE OF BIRTH	3. SOCIAL SECURITY NO.
4. HOME ADDRESS		5. TELEPHONE NO.
6. IN CASE OF EMERGENCY, NOTIFY:	7. ADDRESS (NUMBER AND STREET, CITY AND STATE)	8. TELEPHONE NO.
<p>9. HAVE YOU EVER BEEN EMPLOYED BY THE FEDERAL GOVERNMENT? <input type="checkbox"/> YES <input type="checkbox"/> NO IF "YES", GIVE THE DEPARTMENT, LOCATION, AND THE FROM AND TO DATES OF YOUR CURRENT OR LAST EMPLOYMENT.</p> <p>DEPARTMENT: _____ LOCATION: _____</p> <p>FROM _____ TO _____</p>		
<p>10. DO YOU RECEIVE AN ANNUITY FROM THE U.S. CIVIL SERVICE COMMISSION? <input type="checkbox"/> YES <input type="checkbox"/> NO IF "YES", GIVE AMOUNT OF RETIREMENT PAY AND WHETHER RETIREMENT WAS BY REASON OF AGE, OPTIONAL, DISABILITY OR BY REASON OF VOLUNTARY SEPARATION AFTER 5 YEARS OF SERVICE.</p> <p>\$ _____ ; _____</p> <p style="text-align: center;">(SIGNATURE OF APPOINTEE)</p>		
THIS SPACE FOR USE BY APPOINTING OFFICER		
11. TITLE OF POSITION	12. GRADE AND/OR RATE OF PAY	13. EFFECTIVE DATE
14. NAME AND ADDRESS OF EMPLOYING OFFICE		15. AGENCY CODE
16. DUTY STATION	17. LOCATION CODE	18. APPROPRIATION
<p>FOR ILLUSTRATION PURPOSES ONLY (Local reproduction authorized - blank masters available from local FMO)</p>		
PERSON AUTHORIZED TO SIGN FOR THE APPOINTING OFFICER		DATE